Board of Trustees Monthly Meeting Minutes November 14, 2022

The Board of Trustees of the Village of Chester held its monthly meeting at the Chester Senior Center 81 Laroe Road, Chester, NY conference room at 7:00 pm, on Monday, November 14, 2022.

Members present: Mayor Christopher Battiato, Deputy Mayor Elizabeth A. Reilly, Trustee Brian J. Boone, and Trustee Anthony Laspina. Trustee Alan Battiato was absent.

Also present: Clerk/Treasurer Angela O'Neill, Water Commissioner Gary A. Green Jr., Village Street Superintendent Charles Bono, Chief Timothy McGuire, Village Code Enforcement Officer John Orr, Planning Board Secretary, Sandra Van Riper and Village Attorney, Brian Nugent. Deputy Clerk, Jennifer Cruz was absent.

Mayor Christopher Battiato opened the meeting at 7:04pm lead with the Pledge of Allegiance.

PUBLIC HEARING: Proposed Village Zoning Map changes 31 Parcels Public Hearing was opened to the public for comment at 7:05PM.

A motion to open the Public Hearing was made by Deputy Mayor Elizabeth A. Reilly, seconded by Trustee Anthony Laspina.

The mayor opened the meeting by surveying the room to determine if there were new persons in the public that might not have attended the October 2022 Village Board Meeting that might want to hear a repeat presentation of Code Enforcement Officer, John Orr. The mayor asked that any public comment be limited to 2 minutes per individual and direct questions to the Village Board. The mayor asked if anyone has questions/comments.

Anthony Quinn of Main Street stated that B2 Zoning permitted use allows B2 businesses in B1 district subject to B2 Zoning. He questions if an apartment complex could be considered a business if it allows RM use in B1 Business zoning. Mr. Quinn stated that he feels there are enough apartment complexes in the Village of Chester. As he reads zoning definitions, he feels this may be a grey area. Mr. Quinn questioned if Meadow Hill Apartments could be considered a business. Not being a code expert, he questioned if the zone change might allow for senior housing to be constructed and allowed and if then unable to fill with seniors because no senior would want to live in a building between two highways, then the senior housing would be turned to more apartment complexes. Mr. Quinn stated that he personally does not have a problem with rezoning those properties from M2 to B2 if the existing businesses would be able to continue their use as non-conforming and is unsure how that would work but leaves that concern to the Village Board and counsel. Mr. Quinn stated he is not in favor of a zone change that would promote more apartment buildings construction on Brookside Avenue and Lehigh Avenue.

The mayor stated that it is not the Village Board's intent to add apartment housings. The idea behind the rezoning on Brookside is to remove manufacturing and industrial practices/business from Brookside Avenue and instead have store fronts.

David Stevenson of 16 Elm Street stated that regarding the October Public Hearing attended by some representatives from PDJ objecting to their loss of industrial use, ultimately it was discussed that their current use would be grandfathered in but he believes if the zone changes they would not be allowed to expand. Mr. Stevenson stated PDJ came before the planning board because they had poured a concrete slab without a permit and the code enforcement officer put a halt to the work as they did not follow through via the proper channels. Mr. Stevenson asked Code Enforcement Officer, John Orr if there was additional construction on the foundation poured. Code Enforcement Officer, John Orr replied no. Mr. Stevenson asked because it sounds like they want to expand but since the foundation was poured 2-3 years ago and nothing else has been done, he is unsure how serious they are about their expansion. Mr. Stevenson went on to state that he PDJ is good for the community and a good neighbor despite the comments made at the prior meeting about dust and debris affecting that area on Brookside.

Tracy Schuh questioned certain sections of the Comprehensive Plan and the strikeouts in the zoning sections. The mayor stated that these are the first steps that are being taken to adjust zoning because that was a big part of the comprehensive plan. Brookside seems like the first place to start. These are the beginning stages of making the zone changes.

Cliff Patrick of 117 Brookside Avenue stated that like David Stevenson, he agrees PDJ and Palmer should have some accommodation made during rezoning if needed so that they may have the ability to expand. The proposed use could use some refinement to help the current businesses. The mayor stated that this is what the public hearing is about, to consider adjustments that need to be made and do the right thing for businesses that have been here since the turn of the century.

Dominique Albano, attorney representing PDJ Components of 35 Brookside Avenue and owners of 31 and 33 Brookside Avenue submitted (exhibit A attached to the minutes) and stated the rezoning would result in a detriment to her client. PDJ would like to expand their operations as intended when they purchased the properties in 2018. PDJ has been in operation since 1969 and prior to that was a lumber yard since the 1800's. As of now in 2019 her client was told the property is zoned B2 District but there is no evidence in the current law that this property is zoned B2. Code Enforcement Officer, John Orr communicated to her client that the 2010 rezone was legally defensible as advised by Village Counsel. According to NY Law the Doctrine of the Legislative Equivalency applies to all municipalities and the law states that the existing legislature must be amended or appealed with the same procedure as when the Local Law is adopted. Since the zoning code was adopted by Local Law, rezoning must be adopted by Local Law and cannot be adopted by resolution and required to undergo procedures of SEQRA. Additionally, there is no evidence of a new map to show the rezoning to B2. The comprehensive plan published in January 2022 does not address the changes that were made in 2010 to rezone Brookside, so any argument made by the CEO that the property was rezoned is incorrect. Contrary to the comprehensive plan the rezoning would not support industrial or manufacturing North of 17M where her client's property lies. Procedural missteps have economically harmed her client and can only be rectified by keeping the current zone. Ms. Albano's firm has also filed FOIL and appeals with the Town and to date they have not been granted access to public records, therefore it would be unfair to close the public hearing at this time.

The Public hearing ended at 7:17PM and remained open via a motion introduced by Deputy Mayor, Elizabeth A. Reilly and seconded by Trustee, Anthony Laspina to continue the public hearing on December 5, 2022, at 7:00PM.

CALL THE MEETING TO ORDER:

Mayor Christopher Battiato called the meeting to order.

AUDIT OF BILLS: Mayor Christopher Battiato noted that the audit of October 2022, Village's monthly bills for approval was complete.

A motion to pay the audited bills of October 2022, was made by Trustee, Anthony Laspina, seconded by deputy mayor, Elizabeth A. Reilly. The motion unanimously passed.

APPROVAL OF MINUTES: Approval of Monthly Meeting Minutes of October 5, 2022, meeting.

A motion to accept the approval of the monthly meeting minutes for October 5, 2022, was made by Trustee, Brian Boone, seconded by Trustee Anthony Laspina. The motion unanimously passed.

POLICE REPORT: Chief Timothy McGuire read police report as follows:

1. Personnel:

• Nothing to report.

2. Citizen Issues:

 In reference to the radar sign on Meadow Ave. I spoke with DPW Supervisor Charlie Bono as far as setting posts for the sign. Two locations will be determined for the sign and DPW will set them up.

3. Public Safety Issues:

• Officers have been out enforcing the NYS Vehicle and traffic laws, 528 tickets were issued for the month. 4,177 tickets have been issued for the year.

4. Facilities:

• Generator installation has been completed for the Police Department.

5. Equipment:

• Nothing to report.

6. Vehicles:

• Nothing to report.

7. Other:

• Nothing to report

8. Department Activity:

Call Type	October	2022/Year to October	
Calls for Service	236	1824	entamento associata
Criminal Cases	43	345	
Arrests	30	195	
Traffic Accidents	11	109	

A motion to accept the Police report as read submitted by Chief Timothy McGuire was made by Deputy Mayor, Elizabeth A. Reilly, seconded by Trustee Anthony Laspina. The motion unanimously passed.

Submitted By: Chief Timothy McGuire

CASH BALANCES ENDING OCTOBER 31, 2022:

FUND/BANK ACCOUNT	DEPOSITS	(<u>DISBURSEMENTS</u>)	INTEREST
ENDING BAL			
General Fund			
Savings (Sterling National Bank) 2,834,520.55			3,802.59
Checking (Orange Bank & Trust) 1,811,943.93	450,577.14	624,786.83	80.26
Savings (Orange Bank & Trust) 2,962,310.38			1,031.17
Savings (NY CLASS) 504,273.30			1,232.06
Water Fund			
Checking (Orange Bank & Trust) 415,092.16	71,432.57	49,336.52	17.26

Sewer Fund

Checking (Orange Bank & Trust) 549,360.83	286,747.44	22.30	22.30
Capital Projects Funds			
H01: Water (Sterling Natl Bank) 78,748.62			101.59
H02: General (Orange Bank & Trus 525,368.88	t)	13,788.00	22.50
H03: Sewer (Orange Bank & Trust) 701.71			

Cumulative 6/30/21	Fiscal Year Interest E	arned by F	und 06/1/2022 - 6/30/2022	FYE 5/31/22 as of
	General Fund	\$	19,736.72	\$ 510.00
	Water Fund	\$	32.69	14.19
	Sewer Fund	\$	31.23	2.46
	Capital Projects	\$	162.07	N/A

Treasurer's Discussion:

- 1. STATEMENT OF REVENUE & EXPENDITURES: Attached.
- 2. UNPAID TAX 2022-2023 VILLAGE PROPERTY TAX: An unpaid tax file will be submitted on Thursday, 11/10/2022, to Orange County Commissioner of Finance for the purpose of re-levying village property taxes on the January 1, 2023, Town/County Property Tax Bill.
- **3. 2022-2023 SEWER:** Sewer Bill Collection is underway. Installment #3 is due by 12/31/2022.
- **4. GRANTS:** CDBG Grant Payment #1 has been received in the amount of \$337,500. CDBG Grant Proceeds were transferred to the Sewer Capital Project Fund.

Respectfully submitted,

Angela O'Neill Village Treasurer

A motion to accept Clerk/Treasurer's report as read by Clerk/Treasurer Angela O'Neill was made by Trustee, Anthony Laspina and seconded by Deputy Mayor Elizabeth A. Reilly. The motion unanimously passed.

BUILDING REPORT: Village Code Enforcement Officer John Orr read his report as follows:

Steris - Nucifora Blvd.

1- Site work continues.

92 Main Street

1- Work continues.

12- Meadow Ave

1- Interior work underway.

78 Brookside Ave Access Physical therapy.

1- Project now complete.

78 Brookside Ave Century 21

1- Project now complete.

97 Brookside Advanced Auto

1- Systems work underway.

12 Greycourt Ave Chester Ag

1- Issued permit for new wash plant.

2- Footings are in.

2 School Street

1- Issued Permit for addition.

2- Framing Work started.

Request to attend Tri-County NYSBOC conference and training November 15-18th in Kingston. A motion to allow John Orr to attend conference was introduced by deputy mayor, Elizabeth A. Reilly and seconded by Trustee, Brian Boone.

A motion to accept Village Code Enforcement Officer John Orr's report as read by Village Code Enforcement Officer John Orr was made by Deputy Mayor Elizabeth A. Reilly seconded by Trustee, Brian Boone. Motion unanimously passed.

STREET REPORT: Village Street Superintendent, Charles Bono read the Street Department report as follows:

As of November 1^{st,} the snow ordinance is in effect in which there is no parking on any village street between the hours of 3:00am to 6:00am.

We spent a good amount of the month picking up leaves. As of to date we have 198-man hours.

We spent a couple days blacktopping the ditch line on School Street where the water dept. repaired a service line.

We spent a couple of days helping Tony Quinn with installing pavers at the Amphitheater.

We would like to remind the village residents that all weekly pick up, including leaf pick up will end on December 1st, so we urge everyone to put out their leaves at their earliest convenience

Work continues on the 2006 International with the installation of our new body.

We continue with the normal weekly sweeping, mowing, and picking up of bags and brush.

A motion to accept the Street Department's Report as read by Street Superintendent Charles Bono was made by Trustee Brian J. Boone, seconded by Trustee, Anthony Laspina. Motion unanimously passed.

WATER REPORT: Water Commissioner, Gary A. Green, Jr read the Water Department report as follows:

- 1. Daily filter plant & well operations.
- 2. Twice per week filter cleaning.
- 3. Monthly samples were taken to the lab.
- 4. Mark outs for dig safe NY.
- 5. Quarterly water samples were taken to the lab.
- 6. Meter replacement continues.
- 7. Quarterly meters were read.
- 8. All non-cell read accounts were estimated due to meter read equipment failure.
- 9. We blew out the lawn irrigation at Carpenter Field.
- 10. We replaced 2 curb boxes at 191 Lehigh.
- 11. We attended a lab course for our water license.
- 12. We spent multiple days investigating low pressure at Quickway Plaza, found a leak and we are working with the landlord's contractor to fix the problem. The leak was repaired, and we are running new service lines to tie into a newer line behind the building.
- 13. We worked with a contractor to fix the curb box behind the bowling alley.
- 14. Walton Lake is 23 inches below pin level. Water level is low compared to other years after the Fall rains. In June 2021 the lake was 4" above pin lever and in November 2021, we were 4.5" above pin level.

A motion to accept the water commissioner's report as read by Water Commissioner Gary A. Green Jr was made by Deputy Mayor Elizabeth A. Reilly and seconded by Trustee, Brian Boone. The motion unanimously passed.

PARK & RECREATION REPORT:

- a. 12/15/2022 Dyker Heights Holiday Lights Trip. Call or text 845-325-7227
- b. 11/26/2022 Holiday Parade scheduled for 4:30PM @ the train station line up.

22-39 RESOLUTION ACKNOWLEDGING VILLAGE JUDGE ANNUAL COURT RECORDS AUDIT FOR THE FYE 5/31/2022

WHEREAS, pursuant to Section 2019-a of the Uniform Justice Court Act, the Board of Trustees of the Village is required to confirm that the records and dockets of the Village Justice Court be audited, and that the fact of that auditing be reflected in the minutes of the proceedings of this Board; and

WHEREAS, the Village's auditors, RBT CPA, LLC, have performed said audit of Village Judge L. Fred VanDerMeulen and Village Judge Stephen R. Hunter's records from June 1, 2021 – May 31, 2022, and forwarded findings for review to the Village Board; accordingly, and

WHEREAS, the Village Board is required, in compliance with the Uniform Justice Court Act §2019-a, to reflect in the minutes of its proceedings that such audit has occurred and that the fines therein collected have been turned over to the proper officials of the Village as required by law; and

THEREFORE, BE IT RESOLVED, the Board of Trustees of the Village of Chester does hereby acknowledge that the audit of the records of the Village Justice Court required under Uniform Justice Court Act § 2019-a has been conducted, and that the Justice Court Audit Report has been received by the Board and the fines therein collected have been turned over to the proper officials of the Village as required by law; and

BE IT FURTHER RESOLVED, the Village Clerk forward to the New York State Office of Court Administration a copy of said Justice Court Audit Report and a copy of this Resolution.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Introduced By: Deputy Mayor, Elizabeth A. Reilly

Seconded By: Trustee, Anthony Laspina

On a vote of 4 to 0, the resolution was adopted

Roll Call	<u>For</u>	Against	Abstain/Absent
Mayor Christopher Battiato	[X]	[]	[]

Deputy Elizabeth A.Reilly	[X]	[]	[]
Trustee Alan Battiato	[]	[]	[X]
Trustee Brian J. Boone	[X]	[]	[]
Trustee Anthony Laspina	[X]	[]	[]

The Resolution was thereupon duly adopted.

22-40 Resolution Authorizing the Mayor to Enter into an Inter-Municipal Agreement with Orange County Regarding Reimbursement for Overtime for Patrols Related to DWI Offenses:

WHEREAS, Orange County (the "County"), to promote safer roadways, created and maintains a program, the Stop-DWI High Visibility Engagement Campaign, that, in part, reimburses local police departments for overtime spent on patrols to detect and deter intoxicated drivers and tasks related thereto; and

WHEREAS, the County, from time to time, proffers an Inter-Municipal Agreement (the "Agreement") to the Village Police Department to reimburse the Village for overtime and other expenses related to the department's efforts to prevent and prosecute DWI offenses; and

WHEREAS, the Chief of Police of the Village of Chester Police Department, has reviewed the Agreement and approves of the same; and

WHEREAS, the Attorney for the Village has reviewed and approved the basic terms of the Agreement,

NOW, THEREFORE, be it

RESOLVED, that the Mayor and Board of Trustees of the Village of Chester, having reviewed the proposed Inter-Municipal Agreement with the County, hereby authorize the mayor and/or Chief of Police to enter into an agreement substantially in accordance with the terms presented tonight to the Mayor and Board of Trustees, provided the same is approved by the attorney for the Village, and to execute any further extensions thereof.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

Introduced by: Trustee, Brian Boone Seconded by: Trustee, Anthony Laspina

On a vote of 4 to 0, the resolution was adopted

Roll Call

Roll Call	<u>For</u>	Against	Abstain/Absent
Mayor Christopher Battiato	[X]	[]	[]

Deputy Mayor Elizabeth A.Reilly	[X]	[]	[]
Trustee Alan Battiato	[]	[]	[X]
Trustee Brian J. Boone	[X]	[]	[]
Trustee Anthony Laspina	[X]	[]	[]

The Resolution was thereupon duly adopted.

22-41 RESOLUTION OF THE VILLAGE BOARD TO TRANSFER FUNDS FROM THE SEWER FUND CHECKING ACCOUNT TO THE SEWER CAPITAL FUND

WHEREAS the Village Board ("Village Board") for the Village of Chester ("Village") in the management of Village finances, may take all measures and do all acts deemed expedient or desirable for the good government of the Village, its management and business, the protection of its finances; and

WHEREAS, based on information and professional advice received by the Village, and after consulting with the Village's Certified Professional Accountant, the Village Board by separate resolution has established a Sewer Capital Fund for long range financial and strategic planning and all public purposes including, but not limited to, operating, investigation, capital replacement, emergency capital, capacity, and stabilization; and

WHEREAS, based on information and professional advice received by the Village, and after consulting with the Village's Certified Professional Accountant, the Village Board desires to loan Five Hundred Thousand Dollars (\$500,000.00) from the Village's General Fund Checking Account to the Village's Sewer Capital Fund; and

WHEREAS the Village Board hereby authorizes the mayor to execute all documents necessary to transfer the sum from the Village's General Fund Checking Account to the Village's Sewer Capital Fund.

NOW, THEREFORE, BE IT RESOLVED: that:

Section 1. All "Whereas" clauses are hereby incorporated by reference as though set forth in full herein.

Section 2. The mayor is authorized to execute all documents necessary to effect a loan of the sum of Five Hundred Thousand Dollars (\$500,000.00) from the Village's General Fund Checking Account to the Village's Sewer Capital Fund.

Section 3. The mayor or any other officer, employee or consultant as directed by the mayor are hereby authorized to take all necessary actions to carry out the provisions of this Resolution.

Section 4. This Resolution shall be effective immediately.

Introduced by: Trustee, Brian Boone Seconded by: Trustee, Anthony Laspina On a vote of 4 to 0, the resolution was adopted

	Yea	Nay	Abstain	Absent
Mayor Christopher Battiato	[X]	[]	[]	[]
Deputy Mayor Elizabeth Reilly	[X]	[]	[]	[]
Trustee Alan Battiato	[]	[]	[]	[X]
Trustee Brian Boone	[X]	[]	[]	[]
Trustee Anthony LaSpina	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

22-42 RESOLUTION: PROPERTY TAX EXEMPTION – 2024 PROPERTY TAX EXEMPTIONS ON PROPERTIES OWNED BY THE VILLAGE OF CHESTER LOCATED IN TOWN OF MONROE SURROUNDING WALTON LAKE

WHEREAS the Village of Chester is the owner of real property in the Town of Monroe, County of Orange identified on the tax map as follows:

Section	Block	Lot
18	5	4
18	5	11
13	1	28
19	1	3.2
10	3	9
8	1	78
8	1	35
8	1	77
8	1	24
8	1	23
8	1	22
8	1	21
8	1	16
8	1	14
8	1	13
8	1	12
8	1	11
8	1	10
8	1	9
8	1	8
8	1	39
8	1	40
8	1	54

8	1	53
8	1	42
8	1	44
8	1	45
8	1	46

WHEREAS the above real property is devoted solely to public use and is part of the Village owned water system as the site for the Village's Water Filtration Plant, necessary connections, and appurtenances; and

WHEREAS the Real Property Tax Law, Section 406(3), provides the authority for each taxing district in which municipally owned property used in such manner is located to grant a whole exemption from real property taxes levied by that taxing district; and

WHEREAS such exemption for the Village of Chester Water supply site real property would provide a direct and immediate benefit for the taxpayers and water users of the Village of Chester, which would enhance real property ownership, encourage industrial and commercial development, and exemplify a spirit of inter-municipal cooperation between the County of Orange and the Village,

NOW, THEREFORE, be it

RESOLVED that the Village Board of the Village of Chester, on behalf of the Village of Chester, its taxpayers, water users and citizens hereby petitions the County of Orange to grant a whole exemption from Orange County real property taxes commencing for the calendar year 2024 for the parcel of real property identified as follows in the Town of Monroe:

Section	Block	Lot
18	5	4
18	5	11
13	1	28
19	1	3.2
10	3	9
8	1	78
8	1	35
8	1	77
8	1	24
8	1	23
8	1	22
8	1	21
8	1	16
8	1	14
8	1	13
8	1	12
8	1	11
8	1	10

8	1	9
8	1	8
8	1	54
8	1	53
8	1	42
8	1	44
8	1	45
8	1	46

and be it further

RESOLVED that a copy of this resolution be forwarded to the appropriate Orange County Government officials.

Introduced By: Deputy Mayor, Elizabeth A. Reilly

Seconded By: Trustee, Brian Boone

On a vote of 4 to 0 the resolution was adopted.

Roll Call

	For	Against	Abstain/Absent
Mayor Christopher Battiato Deputy Elizabeth A.Reilly	[X] [X]	[]	[]
Trustee Alan Battiato	[]	į į	[X]
Trustee Brian J. Boone	[X]	[]	[]
Trustee Anthony Laspina	[X]	[]	[]

The Resolution was thereupon duly adopted.

PUBLIC COMMENTS:

Tracy Schuh advised the Town of Chester Planning Board is conducting SEQRA Training and it might be a good opportunity for the Village of Chester Planning Board members to attend. It is scheduled for 11/16/2022 @ 7:00PM. As an FYI The Town of Chester is hashing out an application for Agricultural Community Development Project, it might be good to follow along as the Village is also interested in housing for farming communities. There is an upcoming meeting on 11/30/2022 via zoom on Conservation of the Environment advisory counsel and figured it might be a good opportunity to become involved with the Town as they are involved in larger projects. It is simple to join a committee to become involved. There are currently 10 municipalities that have CAC's in order to become involved and have a sense of environmental awareness. They become involved in dealing with erosion problems, plant trees, solution for flooding issues, etc.

David Stevenson of 16 Elm Street spoke about current grants being offered by Senator Skoufis' office for downtown revitalization and it reminded him that the Village of Chester received such grant approximately 1-2 years ago and wants to know if there is an update on the grant. The Clerk/Treasurer explained the grants have not yet been received. The original vision to replace

the holiday lights, banner along Main Street and erect fencing behind Village Hall at the amphitheater site was rejected by DASNY and a new vision, budget and scope of project is being worked on with a concept of public bathrooms and concession stand at the amphitheater site. Mr. Stevenson asked if this grant is the type that the Village has to spend the monies first then are reimbursed. The clerk/treasurer responded yes. After the monies are spent a packet with invoices, quotes, vouchers, canceled checks are compiled and sent to Albany and monies are reimbursed in 3-7 months after the packet is processed.

Nancy George stated the speed radar unit the Village of Chester uses is wonderful considering the safety of pedestrians around Meadow Ave. She stated that when drivers make a turn from Meadow Avenue to Garden Street, they gun it to make it up the hill and literally go 40 MPH up the hill and it is concerning for herself and her elderly neighbors pulling out of the driveway. Nancy George asked if at some point the radar could be placed near Garden Street to record speed in that area. The trucks also go up that hill even though they are not supposed to go up. Chief McGuire stated that he would follow up on that to detect the time of day it happens, type of vehicle speeding, etc.

The mayor ended the meeting at 8:03PM and stated the Board would go into executive session, no additional village business would be conducted after executive session.

A motion to enter executive session to discuss personnel issues was made by Deputy Mayor, Elizabeth A. Reilly and seconded by Trustee Anthony Laspina.

A motion was made to close the meeting at 9:20PM by Deputy Mayor, Elizabeth A. Reilly and seconded by Trustee, Brian Boone

Respectfully,

Angela O'Neill

Clerk/Treasurer