

**Village of Chester  
Board of Trustees Meeting Minutes  
February 11, 2019**

The Board of Trustees of the Village of Chester held its monthly meeting in the Village Hall meeting room on Monday, February 11, 2019.

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

Also, present: Village Clerk Rebecca Rivera, Attorney for the Village Henry Christensen Jr., Village Treasurer Angela O'Neill, Village Police Chief Peter Graziano, Village Water Commissioner Gary Green, and Village Code Enforcement Officer John Orr. Village Street Superintendent Charles Bono was absent.

Mayor John Thomas Bell opened the meeting at 7:00 PM with the Pledge of Allegiance.

Mayor John Thomas Bell welcomed everyone to the February 11, 2019 Village monthly meeting.

**AUDIT OF BILLS:** Mayor John Thomas Bell noted that the audit of the January 2019, Village's monthly bills for approval was complete.

A motion to pay the audited bills was made by Trustee Elizabeth A. Reilly second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**APPROVAL OF MINUTES:** Monthly Meeting Minutes January 14, 2019.

A motion to approve the Monthly Meeting Minutes for January 14, 2019 was made by Trustee Elizabeth A. Reilly, second by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**TREASURERS REPORT:** Treasurer Angela O'Neill read her report as follows:

**CASH BALANCES ENDING January 31, 2019**

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>Disbursements</u>	<u>Interest</u>	<u>Ending Balance</u>
<b><u>General Fund</u></b>				
Savings (Sterling National; Bank)	--	--	687.69	3,195,148.04
Checking (Orange County Trust)	543,043.63	511,597.20	6.27	154,173.09
<u>Savings (Orange County Trust)</u>	4286.88	500,000.00	172.65	1,528,249.31
<b><u>Water Fund</u></b>				
Capital Checking	--	--	8.47	98,318.33
Checking	53,306.09	38687.89	23.89	473,201.05
<b><u>Sewer Fund</u></b>				
Checking	25,745.07	--	25.22	502,832.70

**Cumulative Fiscal Year Interest Earned by Fund 06/1/18 – 05/31/2019**

General Fund	\$	6,452.00
Water Fund	\$	199.18
Sewer Fund	\$	172.30

**Treasurer's Discussion:**

1. **STATEMENT OF REVENUE & EXPENDITURES:** Year to Date Report is attached.
2. **SEWER COLLECTION:** Sewer collection continues. 4th installment is due by 4/01/19.

3. **2019-2020 BUDGET:** Budget Preparation is currently underway. A Tentative Budget will be filed at the Village Clerk's Office on, or about 3/6/19.
4. **2019-2020 UTILITIES:** The Village of Chester has locked in gas and electric supply rates for the period beginning September 2019-September 2021. The Mayor has signed contracts for electric supply with Constellation Energy and gas supply with M&R Energy.

A motion to accept the Treasurer's report, was made by Deputy Mayor Christopher Battiato, seconded by Trustee Brian J. Boone. Motion unanimously passed.

**BUILDING REPORT:** Building Inspector/Code Enforcement Officer John Orr read his report as follows:

BYK – 48 Leone Lane

1- Work almost complete.

2 Valley Court

1- Basement conversion now complete.

137 Main Street

1- Issued permit for general store preparation for real-estate office.

2- Real-estate office now open.

7 Kerner Drive

1- Issued permit for roof mounted solar system.

14 June Road

1- Issued permit for roof mounted solar system.

Building Inspector/Code Enforcement Officer John Orr requested permission for Village Planning Board Secretary, Sandra VanRiper, and himself to attend New York Planning Federation 2019 Annual Conference April 28th – April 30th, 2019 in Sagamore Resort, Bolton Landing, New York. The cost for the conference is \$215 per person and room cost of \$148 per night.

Building Inspector/Code Enforcement Officer John Orr requested permission Request to attend the Northern Adirondack Code Enforcement Conference in Lake Placid March 3-7, 2019. The cost for conference and hotel will be paid by Tri-County NYSBOC of which Building Inspector/Code Enforcement Officer John Orr is president.

Mayor John Thomas Bell asked Building Inspector/Code Enforcement Officer John Orr whether there is enough money in the budget for training. Mr. Orr stated that the training budget is intact due to by Tri-County NYSBOC picking up the training cost.

Trustee Elizabeth A. Reilly asked Building Inspector/Code Enforcement Officer John Orr what workshop Sandra VanRiper was attending.

Building Inspector/Code Enforcement Officer John Orr stated that he would like Sandra VanRiper to attend New York Planning Federation Conference as it will have sessions for planning / ZBA members as well as our professional planners, land use attorneys, and code enforcement officers.

A motion to authorize Building Inspector/Code Enforcement Officer John Orr and Village Planning Board Secretary Sandra VanRiper to attend New York Planning Federation 2019 Annual Conference April 28th – April 30th, 2019 in Sagamore Resort, Bolton Landing, New York, Building Inspector/Code Enforcement Officer John Orr to attend conference in Lake Placid, New York, was made by Trustee Brian J. Boone and seconded by Trustee Elizabeth A. Reilly. Motion unanimously passed.

A motion to accept the report of the Building Inspector/Code Enforcement Officer, as read, was made by Trustee Elizabeth A. Reilly and seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**POLICE REPORT:** Police Chief Peter Graziano, read his report as follows:

**1. Personnel:**

- Canvass letters that were sent to candidates for the 2 open full-time positions were due back at 4pm today. We are also looking for a candidate to fill the open part time position.

**2. Citizen Issues:**

- No issues.

**3. Public Safety Issues:**

- Traffic Details: Continuing.

**4. Facilities:**

- No issues.

**5. Equipment:**

- I am expecting a call from the county any time regarding the acquisition of replacement AED's.

**6. Vehicles:**

- No issues.

**7. Other:**

- Training – There is a meeting with our insurance company on the 26<sup>th</sup> to discuss possibility of moving some of our non-task-based training to an online format to save on overtime.

**8. Department Activity YTD:**

Call Type	2019	
Calls for Service	278	
Criminal Cases	034	
Arrests	025	
Traffic Accidents	N/A	

A motion to accept the Police Department report, as read, was made by Deputy Mayor Christopher Battiato and seconded by Trustee Brian J. Boone. Motion unanimously passed.

**STREET REPORT:** Street Superintendent Charles Bono was absent. No report submitted.

**WATER REPORT:** Water Commissioner Gary Green, Jr., read his report as follows:

- 1) Daily filter plant & well operations
- 2) Twice per week filter cleaning
- 3) Monthly samples taken to the lab.
- 4) Mark outs for dig safe NY.
- 5) Cleaned and rebuilt altitude valve at Princeton street tank.
- 6) Backflow preventer testing has started system wide.
- 7) Clean in place procedure was completed on the membranes.
- 8) Water meter replacement continues.
- 9) Changed brake lines on the 2006 GMC 2500 red truck.
- 10) Assisted highway department with snow removal from sidewalks.

Trustee Brian J. Boone thanked Water Commissioner Gary Green, Jr., for showing him all the water facilities. Trustee Boone stated that it's pretty eye opening to view all the water department's work facility.

Water Commissioner Gary Green, Jr., stated if anyone is interested in a tour to let him know.

A motion to accept the report of the Water Commissioners as read, was made by, Trustee Brian J. Boone, second by Trustee Elizabeth A. Reilly. Motion unanimously passed.

**PARK & RECREATION:** Park and Recreations Director Lori Streichert was absent. Mayor John Thomas Bell read Park and Rec email as submitted:

What a gorgeous day it is today!! I hope you all were able to enjoy this day before it quickly changes. Word is we have some snow on the horizon. And of course, if the center has any delays, early dismissals or closings we will let you know via email, text, or on Facebook.

REMEMBER the Senior/Rec Center follows the schedule of the Chester School District regarding dismissals, delays and closings.

\*\* Please take note the center will be closed on Tuesday, February 12th, 2019 for observance of Lincoln's birthday. \*\*

For our Sands Casino trip on February 28<sup>th</sup>, we still have a few seats left. If you are interested, email me at [mdeshler@thetownofchester.org](mailto:mdeshler@thetownofchester.org) or call 469-7000 ext. 332.

We have 2 great trips on the calendar:

March 4th, 2019 we will be attending the Philadelphia Flower Show

April 25th, 2019 we will be going to Sands Casino

June 3-4th, 2019 we will be going to Lancaster PA-if you are interested please email or call me at the above address and number. I need to get a fix on the number of people interested, so please don't delay.

(See flyers below)

This week we have the following events going on:

Saturday 2/9/19:

Sunday 2/10/19:

Chester Democrats and Orange County Democratic Women will hold a panel discussion at the Senior/Rec Center on increasing acts of Anti-Semitism and racism in Orange County.

The discussion and question/answer session will take place from 2-530pm.

Monday 2/11/19:

Chair Yoga 9-10am

Golden Age Club 1030-3pm

Yoga 6-7pm

Embroidery Guild 715-10pm

Tuesday 2/12/19:

CLOSED-OBSERVANCE LINCOLN'S BIRTHDAY

Wednesday 2/13/19:

Golden Age Club 10-3pm

Yoga 6-7pm

Chess Club 730-10pm

Thursday 2/14/19:

Osteo Exercise 1030-1130am

Line Dancing 1230-130pm

Friday: Quilting Club 830-1130am

Yoga 12-1pm

A list of classes can be found at [www.chesterrecreation.com](http://www.chesterrecreation.com) as well as Facebook. In addition, we encourage all residents to create an account which will allow us to send out up to date information.

**OLD BUSINESS:** No old business to address.

**NEW BUSINESS:**

Mayor read resolution 19-7 before going into executive session.

Mayor asked Special Counsel for the Mary Marzolla of Feerick, Nugent & MacCartney if she would like to give a statement.

Special Counsel Mary Marzolla of Feerick, Nugent & MacCartney suggest that they advise the board in executive session and, following the executive session, they will be happy to give a statement to the public if the board wishes.

A motion to go into executive session at 7:18 pm to discuss litigation was made by Trustee Elizabeth A. Reilly and seconded by Trustee Brian J. Boone. Motion unanimously passed.

A motion to come out of executive session at 7:26 pm was made by Trustee Elizabeth A. Reilly and seconded by Trustee Brian J. Boone. Motion unanimously passed.

### **19-7 Resolution to Authorizing Special Counsel to Represent the Village Regarding Litigation**

At the Meeting of the Village Board of the Village of Chester was convened on February 11, 2019 at 7:00 p.m.

**The following Resolution was duly offered and seconded to wit:**

**WHEREAS**, the Village previously retained Special Counsel Feerick Nugent Maccartney PLLC ("Special Counsel") to represent the Village in certain legal matters; and

**WHEREAS**, the Village of Chester ("Village") was named as a party in a lawsuit entitled *U.S. Specialty Insurance Company v. Village of Chester and Village of Chester Board of Trustees*, under Southern District of New York Case No. 7: 19-cv-000467 (the "Litigation"); and

**WHEREAS**, the Village requires Special Counsel to undertake representation and a defense of the Village in the aforesaid litigation; and

**NOW, THEREFORE**, it is resolved as follows:

Section 1. All "**WHEREAS**" paragraphs are incorporated herein by reference as though set forth in full herein.

Section 2. **Feerick Nugent Maccartney PLLC ("FNM")**, is authorized to appear and defend the Village and shall be compensated for all services performed for the Village regarding the litigation entitled *U.S. Specialty Insurance Company v. Village of Chester and Village of Chester Board of Trustees*, under Southern District of New York Case No. 7:19-cv-000467 at the hourly rate of \$250 (plus all disbursements reasonably incurred). Those services shall be paid by the Village separate and in addition to any services Special Counsel has previously been retained to handle for the Village.

Section 3. This Resolution shall be effective immediately.

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 Elizabeth A. Reilly.

Second By: Deputy Mayor Christopher Battiato.

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

#### **By Roll Call**

	<b><u>For</u></b>	<b><u>Against</u></b>	<b><u>Abstain/Absent</u></b>
Mayor John Thomas Bell	[ x ]	[ ]	[ ]
Deputy Mayor Christopher Battiato	[ x ]	[ ]	[ ]
Trustee Alan Battiato	[ ]	[ ]	[ x ]
Trustee Elizabeth A. Reilly	[ x ]	[ ]	[ ]
Trustee Brian J. Boone	[ x ]	[ ]	[ ]

The Resolution was thereupon duly adopted.

Mayor John Thomas Bell asked Special Counsel Mary Marzolla if she would give a brief statement to the public regarding the resolution that was just passed by the Village Board of Trustees.

Special Counsel Mary Marzolla introduced herself and Don Feerick of Feerick, Nugent & MacCartney, also Special Counsel for the Village of Chester. They have been working and proud to work with the village and the board members on your behalf. The board members have been looking out for the Village’s interest since the beginning of BT (not audible). The insurance company raised an issue about who is going to pay what moving forward and the board members want to make sure that it’s the insurance company. The Mayor and the Village Board have asked Feerick, Nugent & MacCartney to help them with that. Feerick, Nugent & MacCartney looks forward to working through that issue and seeing it through successfully.

**19-8 Resolution Authorizing the Contract with Orange County Tourism with Respect to a grant in connection with holiday lights.**

**WHEREAS**, by resolution adopted at the June 2018 meeting of the Village Board, the Mayor, with the assistance of other Village officials and employees, was authorized to submit, and subsequently did submit a grant application to the Orange County Executive Arts, Heritage & Tourism Grant Program; and

**WHEREAS** the Village's application was approved, and the Village has been awarded funding by the said Grant Program and is now required, as a condition of receiving such funding, to enter into a contract with Orange County Tourism in the form attached,

**NOW, THEREFORE**, be it hereby

**RESOLVED** that the Village Board approves the contract with Orange County Tourism in the form presented to this meeting, and the Mayor and the Clerk are authorized and directed to execute, deliver and file the said contract and each officer of the Village is authorized and directed to take any and all such other actions as may be necessary or convenient in order to obtain the grant funds which have been approved and to carry out the intent of the contract hereby approved.

Introduced By: Deputy Mayor Christopher Battiato.

Second By: Trustee Brian J. Boone.

On a vote of \_4\_ to \_0\_, the resolution was adopted.

**By Roll Call**

	<u>For</u>	<u>Against</u>	<u>Abstain/Absent</u>
Mayor John Thomas Bell	[ x ]	[ ]	[ ]
Deputy Mayor Christopher Battiato	[ x ]	[ ]	[ ]
Trustee Alan Battiato	[ ]	[ ]	[ x ]
Trustee Elizabeth A. Reilly	[ x ]	[ ]	[ ]
Trustee Brian J. Boone	[ x ]	[ ]	[ ]

- Trustee Elizabeth A. Reilly thanked everyone who worked on the holiday lights grant.
- Mayor asked Michele Deshler for a brief description of what the grant entailed.

Michele Deshler mentioned that they named the project “light up Chester”. She said she had personally said that if she were to win lotto, she would buy new lights for the village. So that’s something in our group have cohesively working on through fund raising. Jacklyn Gleeson brought the opportunity to apply for the grant to us. We worked it all out and we met with the Orange County Tourism grants department and we were told that we were not eligible to go for it because we are under the umbrella of the Community Association of Orange and Sullivan Counties. So, with that, we came to the Village and we were very well received, so that we were able to get a \$2,500 grant. From the grant we were able to buy three Christmas lights. Our association is also buying three through fund raising in one year. In one year, that’s huge and they are also buying six banners. So, the hope is to alternate Christmas light, banner, Christmas light, banner. So, we will have some cohesiveness going. They are simple snowflakes, so maybe they can be left up a little longer. That’s our goal to do that and through that grant we will be able, we have some grant left so hopefully, through that, we will be able to have donated some paints or do something to the windows. We actually have to have a kick off for announcing this with what we get, so that will have to be done by October 1, 2019. Maybe in September we can all get together when we get the lights and the banners and maybe put out a news blurb and state what we will be doing with the additional funds. Michele Deshler thanked all for embracing this project.

The Village Board thanked Michele Deshler for a great job.

**19-9 Resolution Adopting Anti-Harassment and Sexual Harassment Policy**

**WHEREAS** it is the policy of the Village of Chester to maintain a workplace free from sexual harassment, and

**WHEREAS** all employers in New York State are required to adopt a written sexual harassment prevention policy,

**NOW, THEREFORE,** be it

**RESOLVED** by the Mayor and Trustees of the Village of Chester that the policy in the written form submitted to this meeting is hereby adopted as the policy of the Village of Chester, and be it further

**RESOLVED** that each officer and employee of the Village of Chester is directed to comply in all respects with the provisions of such policy.

Introduced By: Trustee Elizabeth A. Reilly.

Second By: Deputy Mayor Christopher Battiato

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

**By Roll Call**

	<u>For</u>	<u>Against</u>	<u>Abstain/Absent</u>
Mayor John Thomas Bell	[ x ]	[ ]	[ ]
Deputy Mayor Christopher Battiato	[ x ]	[ ]	[ ]
Trustee Alan Battiato	[ ]	[ ]	[ x ]
Trustee Elizabeth A. Reilly	[ x ]	[ ]	[ ]
Trustee Brian J. Boone	[ x ]	[ ]	[ ]

**CALENDAR:**

- Village offices will be **CLOSED** on Tuesday, **February 12, 2019** and **February 18, 2019** due to the Holidays (Lincoln's Birthday) & (Washington's Birthday)
- Proposed Comprehensive plan meeting will be held on **February 21, 2019**. Location: **45 Main St., 2nd Floor** above Police Station in the Village hall conference room. Agenda: 02/21/19: Historic Preservation, Community Character, Aesthetics, Design Guidelines
- Comprehensive Committee Meeting on March 5, 2019 - Agenda: 03/05/19: Historic Preservation, Community Character, Aesthetics, Design Guidelines.

See our calendar for more upcoming meetings and events: <https://www.villageofchesterny.org>

**PUBLIC COMMENTS:**

- Michele Deshler from the Village of Chester Community Association

First, I would like to again thank Village Board for your continued support for the Holiday parade. You've made it easy to put these things together. I would also like to thank Street Superintendent Charles Bono and his department, they were a huge help. Detective Mark Vukusanovich and Building Inspector/Code Enforcement Officer, John Orr for a tremendous help. Detective Mark Vukusanovich walked down with me the morning of the parade and get together a line up, which was awesome. Building Inspector/Code Enforcement Officer, John Orr offered his help with the line up as well and the stepping off the parade and I think it all smoothly, so I think they deserve some kudos. The Walton Engine and Hose fire house was very welcoming to the participants after the parade with hot chocolate and cookies. The New York Dance School dancers did a presentation from the. They did a presentation at the end of the parade, so we are hoping to expand that media a little bit next year.

We are looking around dates for the holiday parade next year. We are throwing around possibly the Saturday of Thanksgiving weekend because Thanksgiving is so late this year, and it only gives us two weekends between Thanksgiving and Christmas. Washingtonville historically has its parade the first Saturday and the second Saturday is usually when the Fire Department does its candy cane run through the Village, which doesn't end until about 4:30pm and then they prepare for breakfast for the next day. So, try to take all these factors into consideration that was the date that we were throwing around.

Mayor asked what date they were looking to conduct the parade.

Michele Deshler response – Saturday, November 30<sup>th</sup>. We really don't have much time between Thanksgiving and Christmas this year. We would like to run the same route if that's possible. There was continuity. Keeping that I think is huge so that more people know where it is. It worked really well especially at the end there was a safe place for everybody to go after the parade.

This year in one short year, through our fund raising, a lot of people doubted us and said you're not going to do anything. Well we did, and we are able to buy three holiday lights for the village. So, we got a lot going on this year. We would like to see if we can have the Village wide yard sale on Saturday, June 8, 2019 with a rain date of June 9, 2019. We would like to get that up and going now to give people plenty of time to get their stuff together and one fund raising thing, Goodson who is our Marine veteran brought us, was Memorial Day banners recognizing our veterans. This is something that we think would be a huge statement in the Village. The program would be for one year. At the end of the year we would take them down and give them to the families that paid for them. So, this was Gayle's vision and I'm real supportive because we just think that it's an honor.

Trustee Elizabeth A. Reilly asked what the cost is. Gayle Goodson stated that they have not decided. Gayle Goodson stated that before we get into this project we want to make sure that it's ok with the Village to do it. West Point, town of Clarks town have them out. All those places went to the same company that we chose to go through. This is a stock photo. Gayle Goodson displayed the banner to the Village Board and the Public. It was also mentioned that they would like to put them up for Memorial Day 2020. Due to it being a huge undertaking there won't be enough time to get it done for Memorial Day 2019.

The Mayor stated that permission would be needed from Orange and Rockland and that you would have to buy the brackets.

Gayle Goodson mentioned that the company will have everything to include the brackets that are needed to fasten them to the utility poles.

Village counsel Henry Christensen Jr. suggested to Gayle Goodson that she might check with the other communities and find out what arrangements they had made with the utility company.

Gayle Goodson stated that she is in the process of checking into that right now. Before they sink time into it they wanted to know if they had Board backing on it. All Village Board members present were in favor of the project.

We would like to go from the fire house to Cumberland farms and to Academy Ave also. So, we are hoping to do so with these banners. Should we fall short we like to put flags on the other poles. That are hopefully through donations, but this is going to be our first concentration before we go and look for the flags.

Gayle Goodson, we want to kick it off with information on it and we want to do that Memorial Day this year.

Trustee Elizabeth A. Reilly mentioned putting them up for Veteran's Day. Gayle Goodson said the problem then is that they will only be up for a week or two because then the new Christmas lights will have to go up.

Leslie Smith asked whether the person who buys the banner is the family of the veteran, and Gayle Goodson said the person who buys the banner is whoever wants to.

Michele Deshler also mentioned that, at the end, the banners would go to the family.

Building Inspector/Code Enforcement Officer John Orr asked if that will sustain itself year after year. Gayle Goodson stated that the company that sells them guarantees them for one year from the first day you put them up. To remake the same banner would less than the original cost.

A motion to authorize the Village Wide Yard Sale on Saturday, June 8, 2019 with a rain date of June 9, 2019 was made by Trustee Elizabeth A. Reilly and seconded by Deputy Mayor Christopher Battiato.

- Thomas Becker of 11 Sanford Ave stated that he will be running for Town of Chester council person this November 2019.
- Michele Deshler stated that she has seen the Village Police cracking down a lot more with the 30 mile an hour speed limit through Chester and that she would like to see it a little bit more at night. The other night, while walking the dog, a driver came really close to the side walk. She would really like it if it continues maybe a little more at night. On the weekend it's really strong. This is something that she's going to be strong about, because someone is going to get killed on that road one of these days with the way people go. She said, personally, it doesn't matter to her if it's a state highway or not, because that



same state highway runs through Washingtonville. You know that in Washingtonville you going to get pulled over if you don't obey the speed limit.

Mayor John Thomas Bell took a moment to welcome and introduced Bob Valentine, the newly appointed Town of Chester Supervisor who said he was happy to be at the meeting, also mentioned that if he can foster a little communication with the Village by coming out. He said if any Village Trustees or Village residents have any questions for him to feel free to ask, as "we are all in this together."

The Mayor stated that it's a good idea and mentioned that this has not happen in the past and would like to see continue.

**ADJOURNMENT:**

As there was no further business the Mayor asked for a motion to close the meeting and go into executive session.

A motion to close the meeting at 7:45 pm and go into Executive Session for the purpose legal counsel, Village Board of Trustees will not conduct any further business, was made by Trustee Elizabeth A. Reilly and seconded by Trustee Brian J. Boone. Motion unanimously passed.

Respectfully submitted,

Rebecca Rivera  
Village Clerk