

**Village of Chester  
Board of Trustees Meeting Minutes  
December 3, 2018**

The Board of Trustees of the Village of Chester held its monthly meeting in the Village Hall meeting room on Monday, December 3, 2018.

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

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

Mayor John Thomas Bell opened the meeting at 7:07 PM with the Pledge of Allegiance.

After the Pledge Mayor John Thomas Bell asked the audience to remain standing for a moment of silence for former President George H.W. Bush.

Mayor John Thomas Bell welcomed everyone to the December 3, 2018 Village monthly meeting.

**AUDIT OF BILLS:** Mayor John Tom Bell noted that the audit of the December 2018, Village’s monthly bills for approval was complete.

A motion to pay the audited bills was made by Trustee Elizabeth A. Reilly and seconded by Trustee Alan Battiato. Motion unanimously passed.

**APPROVAL OF MINUTES:** Monthly Meeting Minutes of November 14, 2018.

A motion to approve the Monthly meeting minutes of November 14, 2018 was made by Trustee, Brian J. Boone, second by Deputy Mayor, Christopher Battiato. Motion unanimously passed.

**TREASURERS REPORT:**

**CASH BALANCES ENDING NOVEMBER 30, 2018**

<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)	--	--	627.22	2,914,185.83
Checking (Orange County Trust)	381,693.96	350,606.61	7.11	241,520.70
<u>Savings (Orange County Trust)</u>	--	150,000.00	304.14	3,173,474.24
<b><u>Water Fund</u></b>				
Capital Checking	--	--	8.46	98,293.21
Checking	70,909.93	32,218.09	17.76	366,794.30
<b><u>Sewer Fund</u></b>				
Checking	27,433.46	89684.87	37.32	711,543.93

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

General Fund	\$	4690.74
Water Fund	\$	134.07
Sewer Fund	\$	124.77

**Treasurer’s Discussion:** Treasurer, Angela O’Neill read her report as follows:

- 1. STATEMENT OF REVENUE & EXPENDITURES:** Year to Date Report is attached.

2. **2018-2019 COLLECTION:** Collection of Village Sewer continues. Sewer Installment #3 is due by 12/31/18.
3. **UNPAID TAX:** An unpaid tax file was submitted to Orange County Commissioner of Finance Office for the purpose of re-levying unpaid Village property taxes on to the January 1, 2019 Town/County Property Tax Bill.

A motion to accept the Treasurer's report, read by Mayor John Thomas Bell was made by Trustee Elizabeth A. Reilly and seconded by Deputy Mayor Christopher Battiato. 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.

32 Leone Ln-

- 1- Roof work has started.

123 Main Street

- 1- No work has started.

Whispering Hills

- 1- Issued permit for reconstruction of 11 decks.

2 Valley Court

- 1- Framing, insulation, and electrical work underway.

87 Brookside Avenue

- 1- Issued demo permit for former Lobster Pier restaurant.

3106 Whispering Hills

- 1- Issued permit for support wall under stairs that were removed without permit.

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

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

**1. Personnel:**

- No issues.

**2. Citizen Issues:**

Holiday Parade: Scheduled for Saturday 8 December at 6pm. The public is reminded to expect traffic delays and road closures on Main Street from the train station to Cumberland Farms and into Hudson Street to Maple and ending on Walnut Street.

**Public Safety Issues:**

- Traffic Details: Continuing
- Prescription Drug Collection: On 1 November 18, County Police Departments met at the Police Academy for Prescription Drug Collection Disposal. Drugs were collected to be transported to the licensed medical waste incinerator. Approximately 1900 lbs. were collected. Approximately 175 lbs. represented the drugs collected by the Village of Chester PD.

**4. Facilities:**

- No issues.

**5. Equipment:**

- No issues.

**6. Vehicles:**

- No issues.

**7. Other:**

Towing - On the question as to whether a tow company can charge for clean-up, there seems to be no prohibition to charge. Enclosed for the Trustees is some research that Mr. Christensen did on the subject.

**8. Department Activity YTD:**

Call Type	2018
Calls for Service	2410
Criminal Cases	406
Arrests	225
Traffic Accidents	180

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

**STREET REPORT:** Street Superintendent, Charles Bono, read his report as follows:

As of December 1<sup>ST</sup>, our season for the bulk pick up of leaves, along with our Green Waste Removal Program has come to an end. We would like to thank Village residents for their cooperation in putting out their leaves as early as possible. Our Green Waste Removal Program will resume on April 1<sup>st</sup>, 2019.

On November 15, we had our first snowstorm of the year which sent us into a little bit of a scramble between trying to get as many leaves pick up as possible and get our sanders and snow plows ready for the storm. We received 8" of wet heavy snow. I would like to thank my crew for all their hard work from picking leaves during the day to plowing snow all through the night into the next morning, along with Joe Rosploch from the Water Dept. who came in and helped set up the snow blower the day of the storm which made it easier for us to complete both task.

With the winter months approaching we would like to remind Village residents of a few simple guidelines to help aid the Street Dept. with the removal of snow:

1. Please do not place garbage receptacles out in the street or onto sidewalks. Garbage receptacles should be placed behind the curb. With the current garbage company, the garbage trucks have arms on them to reach out way past the curb in order to pick up your receptacles.
2. Bulk collection for garbage pickup occurs only during the months of April to November.
3. Although the Village Street Dept. provides a courtesy by clearing the sidewalks. It is still the property owner's responsibility to maintain the sidewalks and keep them clear of snow and ice.
4. Please do not relocate snow from driveways and sidewalks into the street. This is a violation of the New York State Highway Law (Article 8, Section 214) and will cause a hazardous condition on the street.
5. Please remember the Village snow ordinance that is in effect from November 1st to April 15, between the hours of 3:00am to 6:00am.

The holiday decorations have been put up on Main Street and Academy Ave.

The Street Dept. will be collecting Christmas trees the week after Christmas. Please make sure that all ornaments, lights, stands and plastic bags that are wrapped around the tree are removed and that the tree is placed curbside. The last day for collecting Christmas trees will be January 31, 2019.

Spoke to Steve Bolan at Carbone Cars. Our new truck has been made and is in transit to Henderson Equipment. It was supposed to be delivered today.

We have blacktopped the ditch line on 5 Highland Ave., where we replaced an old drainage pipe.

We had a problem with our new gas dispenser on Thanksgiving Day where the dispenser would not scan the RFD Tags. Northeast Petroleum came down and installed a new board in the dispenser.

A motion to accept the Street Department report, as read, was made by Trustee Elizabeth A. Reilly and seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**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) Final mowing and leaf cleanup of facilities
- 4) Drained and inspected Whispering Hills Tank.
- 5) Rebuilt altitude valve at Whispering Hills Tank.
- 6) Flushing of water mains was completed
- 7) Blew out sprinkler lines at Community Park, also known as Carpenter Field for the Parks Department
- 8) Clean in place procedure was completed on the membranes.
- 9) Meter changing continues.
- 10) Monthly samples were taken to lab for testing
- 11) Marking out of water lines for Dig safe N.Y.
- 12) Hydrant markers installed.
- 13) Joseph Rosploch did snow removal of the sidewalks.
- 14) Trouble shooting Tank overflowing at Princeton Street.

Water Commissioner, Gary A. Green Jr. stated that the Princeton Street Tank altitude valve needs a rebuild kit. The rebuild kit cost \$993.21 and it's not in the budget. We are currently shutting on and off until we can figure out what's wrong. A new unit could cost up to \$3,000.

Water Commissioner asked the Board for permission to purchase the rebuild kit. Mayor John Thomas Bell responded, the Board will discuss and will get back to him.

A motion to accept the Water Department report, as read, was made by Trustee Elizabeth A. Reilly and seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed.

**PARK & RECREATION:** Park and Receptions Director Lori Streichert wasn't present. Village Clerk, Rebecca Rivera read her report as follows:

Basketball is underway. Coaches have been notified and clinics began December 1, 2018. Please contact Kristen at 845-469-7000 ext. 336 for more information.

November 15, 2018, we showed movie Jumanji and had a nice group of seniors that braved the weather forecast and enjoyed the show.

Everyone made it safe and sound before mother nature dumped nearly a foot of snow on us.

The next movie matinee will be on December 20<sup>th</sup> and the fire house.

November 15<sup>th</sup> met with Tracey Schuh and Sonia of NY-NJ Trail Conference to discuss the possibility of connecting Chester Commons Park with Goose Pond Mountain State Park. We recently started a walking path and we hope to connect the two, so we can have the new option of easy walk or more rigorous hike from the Commons location.

The Children Holiday Party on Friday, November 30, 2018 at the Sugar Loaf Engine Company was a great success. Santa and his helpers did a fantastic job. A big thank you to Michelle, Kristen, all the volunteers, and the member of the Sugar Loaf Engine Company for all their help.

December 6, 2018 at 11:30am we have the Hudson Valley Community Services in to discuss SNAP and HEAP. SNAP is a program that helps with your month food budget. HEAP is assistance with heating.

December 15, 2018, Movie night at Walton Engine Fire House, showing Polar Express.

The Scheduled Bus Trips for 2019 are available.

**OLD BUSINESS:**

**18-43 RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW #5 OF 2018 RESTATING CHAPTER 71 OF THE CODE OF THE VILLAGE OF CHESTER ENTITLED “PEDDLING AND SOLICITING”, SAID CHAPTER TO BE RENAMED “PEDDLING, SOLICITING AND DO NOT KNOCK REGISTRY.”**

**WHEREAS**, Introductory Local Law No. 5 of 2018, was presented at the October 1, 2018, meeting of the Mayor and Trustees, proposing a restatement of CHAPTER 71 of the Code of the Village of Chester entitled “PEDDLING AND SOLICITING”, said Chapter to be renamed “PEDDLING, SOLICITING AND DO NOT KNOCK REGISTRY, and

**WHEREAS**, at the October 1, 2018, meeting of the Mayor and Trustees, a public hearing was set for November 13, 2018, to hear any and all comments from the public concerning such proposed legislation, and

**WHEREAS**, notice of such public hearing was duly published and posted, and such public hearing was duly convened on November 13, 2018, and all persons interested were afforded the opportunity to be heard as to the proposed legislation, and

Due consideration having been given to the proposed legislation, now, therefore

Be it enacted by the Mayor and Trustees of the Village of Chester, as follows:

**SECTION 1. Title**

This Local Law shall be referred to as "A Local Law Amending and Replacing Chapter 71, entitled “Peddling and Soliciting,” of the Village Code of Chester.

**SECTION 2: Purpose and Intent**

It is the purpose of this Local Law to amend and replace Chapter 71, entitled “Peddling and Soliciting,” of the Village Code of the Village of Chester, as it relates to peddling and solicitation, and to add regulations which create a “Do Not Knock” registry in an effort to further protect the inalienable right of the residents of the Village of Chester to personal safety, tranquility and privacy.

**SECTION 3: Peddling, Solicitation and Do Not Knock Registry**

Chapter 71 of the Code of the Village of Chester is hereby amended to read as follows:

**Chapter 71. Peddling, Soliciting and Do Not Knock Registry**

**§71-1. Title.**

This Chapter shall be known and may be cited as the “Peddling, Solicitation and Do Not Knock Registry Law of the Village of Chester”. This Chapter amends, replaces and supersedes the former Chapter 71, entitled “Peddling and Soliciting”.

**§71-2. Purpose.**

The Village Board of the Village of Chester determines that it is in the best interest of the public to afford a just protection from peddlers and solicitors by regulating door-to-door solicitation by licensed sales agents; establishing a Do Not Knock Registry; and promulgating reasonable time and manner restrictions on door-to-door solicitation, including enforcement of the Do Not Knock Registry, and to preserve the private property, good order, peace, health, safety, welfare and comfort of the citizens of the Village of Chester.

**§71-3. Definitions**

As used in this Chapter, the following terms shall have the meanings indicated:

#### APPEALS OFFICER

The Village Board of the Village of Chester, or its designee, responsible for receiving the information from the Village and applicant or licensed solicitor with respect to any denial, suspension or revocation of a license and issuing a decision as required by this Chapter.

#### CHARITABLE SOLICITOR

A person, corporation or institution engaged in the sale of any merchandise, the proceeds of which sale shall be given in whole or in part to a charitable and/or tax-exempt institution, which solicitation shall include solicitation for funds without the sale of any merchandise.

#### DO NOT KNOCK REGISTRY

A list of residential addresses in the Village of Chester, organized alphabetically by street name, indicating those residential properties where the owner or occupant has indicated that he or she does not want to be solicited and does not want sales agents to enter onto his or her property.

#### LICENSING OFFICER

The Village Clerk of the Village of Chester, or other designee of the Village Board of the Village of Chester, responsible for receiving from an applicant or licensed solicitor the completed application and either denying, granting, suspending or revoking the application or license.

#### PEDDLER

A person commonly referred to as a “peddler” or a “hawker,” who goes from place to place by travelling on streets and/or from house to house and carries with him or her goods, wares or merchandise for the purposes of selling and/or delivering the same to purchasers.

#### PEDDLING

The vending or hawking, or offering for sale, including the itinerant transporting and/or the exposing or the offering for sale and for concurrent delivery, in any public street or place, or the vending or the hawking by sales calls from residence to residence in the Village of Chester, of any goods, wares, merchandise, provisions, groceries, meats, fish, fruits, vegetables, trees, shrubbery, potted plants and flowers.

#### SOLICITING

The soliciting upon the residential property in the Village of Chester for the purposes of vending, peddling or soliciting purchase orders for any merchandise, device, book, periodical or printed matter whatsoever; or for services to be performed in the future; or for purposes of seeking to make or facilitate a home solicitation sale; or for purposes of conducting any consumer or other surveys; or for soliciting alms; or for a subscription or contribution to any church, charitable or public institution; or for the purpose of distributing any handbill, pamphlet, tract, notice or advertising matter; or for the purpose of selling or distributing any ticket of chance.

#### SOLICITOR

One who, either individually, as a principal and on his or her own behalf, or in association with one or more other persons in a partnership or other unincorporated business relation; a corporation; and a person who, as an agent, officer, or employee of some other person or persons, engaged in the act of soliciting.

#### VILLAGE

The Village of Chester.

#### VILLAGE BOARD

The Mayor and Trustees of the Village of Chester.

#### VILLAGE CLERK

The Village Clerk of the Village of Chester.

## TRANSIENT MERCHANT

A person commonly referred to as an “itinerant vendor,” who engages or proposes to engage temporarily in merchandising personal property within the Village of Chester and who occupies a room, building, tent, lot or stand for the purposes of selling goods, wares or merchandise.

### §71-4. Exemptions.

A. The following are exempt from the license requirements of this Chapter:

- 1) Persons specifically invited to a residence by a competent individual prior to the time of the person’s arrival at the residence;
- 2) Persons soliciting in good faith for the benefit of any bona fide fraternal, educational, religious, or charitable organization such as Girl or Boy Scout programs, Little League, Rotary Club, Lions Club or like-minded civic groups soliciting for the benefit of organizations that shall have otherwise been certified or duly qualified as required by law or by any competent governmental body or organization;
- 3) An honorably discharged veteran who:
  - i. Is physically disabled as a result of injuries received while in the service as set forth in New York General Business Law §35; and
  - ii. Holds a license granted pursuant to New York General Business Law §32.
- 4) Persons delivering goods to a residence pursuant to a previously made order, or persons providing services at a residence pursuant to a previously made request by a competent individual;
- 5) Students soliciting contributions to finance extracurricular social, athletic, artistic, scientific or cultural programs; provided, however, that the solicitation has been approved in writing by the school administration and filed with the Village, and that such student solicitors carry current picture student identification from the educational institution for which they are soliciting;
- 6) A child regularly attending any public or private school within Orange County;
- 7) Sales conducted pursuant to statute or Court order; and
- 8) Persons engaged in the sale of cosmetics or household goods within a residence; provided, however, that such sales occur solely and exclusively within a residence by the permission of the owner thereof.

B. All persons and organizations who are exempted from the license requirements under this Chapter shall maintain and keep records identifying all persons soliciting funds within the Village, and such records shall contain at least the name and address of the person soliciting, the areas solicited and the date or dates of solicitation. Said records shall be made available for inspection by a law enforcement authority or other enforcement official investigating any solicitor or peddler.

### §71-5. Solicitation Prohibited.

A. Unless otherwise authorized, permitted or exempted pursuant to the terms and provisions of this Chapter, the practice of being in and upon a private residence, or property upon which a private residence is located, within the Village by solicitors, for the purpose of home solicitation sales or to provide goods or services is prohibited and punishable as set forth in this Chapter.

B. It shall be unlawful for any person to solicit within the Village without first having registered with the Village Clerk and having received, and having in force and effect, a license for the same, as provided for in Section §71-6 hereof, if such is required by the Village Clerk.

C. No person shall engage in the following acts within the Village:

- 1) Promote, influence or attempt to promote or influence a property owner, occupant, or tenant to list for sale, sell, or remove from a lease of real property by referring to race, color, sexual orientation, ethnicity, or religious affiliation of neighbors, prospective buyers or other occupants or prospective buyers of real property;
- 2) Induce directly or indirectly, or attempt to induce directly or indirectly, the sale or listing for sale of real property by representing that the presence or anticipated presence of persons of any particular race, religion or national origin in the area has resulted in or may result in:
  - i. The lowering of property values;
  - ii. A change in the racial, religious or ethnic composition of the block, neighborhood, or area in which the property is located;
  - iii. An increase in the criminal or antisocial behavior in the area; or
  - iv. A decline in the quality of the schools serving the area.

- 3) Make any representation or misrepresentation concerning the listing for sale or the anticipated listing for sale or the sale of any real property in any residentially zoned areas for the purpose of inducing or attempting to induce the sale or listing for sale of other real property in such area.
- 4) Make any representation to any prospective purchaser that any block, neighborhood or area has, will or might undergo an adverse change with respect to the religious, racial or ethnic composition of the block, neighborhood or area for the purpose of discouraging the purchase of property in a particular area.
- 5) Place, canvas or distribute any letter, sign, note, pamphlet, advertisement, flyer, leaflet, placard or other written material to or upon a private residence purporting an offer for sale or purchase for any property that is not in fact offered for sale by the owner of said property.
- 6) Advertise for sale or rental property which is non-existent or which is not actually for sale or rental.
- 7) Engage in or hire or conspire with others to commit acts or activities of any nature, the purpose of which is to coerce, create or play upon unjustified fear with the purpose of inducing or attempting to induce the sale or listing for sale of real property.
- 8) Solicit or canvas any person whose name and property address is included on the list maintained by the Village Clerk of persons requesting that they not be canvassed or solicited, or to solicit or canvas any occupant of a residence displaying a "No Solicitation" notice or sticker.
- 9) Engage in any economic reprisal or any other form of intimidation against any person because that person has filed a complaint, testified, assisted or participated in any manner in any investigation, proceeding or conference under the terms of this Article.
- 10) Aid, abet, incite, compel or coerce any person to engage in any of the practices forbidden by this Article or to obstruct or prevent any person from complying with the provisions of this Article.
- 11) Refer, directly or indirectly or by implication, to race, color, creed, ethnicity or sexual orientation in any advertisement or other solicitation offering real property for sale or rental.
- 12) Solicit or attempt to solicit the sale or rental or the listing for sale or rental of real property without furnishing in written form to the owner or occupant of such real property the name of the person or organization soliciting such sale, rental or listing.
- 13) Solicit on sidewalks.
- 14) Maintain any booth or stand, or place any barrels, boxes, crates or other obstruction upon any street, sidewalk or public place for the purpose of conducting business without the express advanced approval of the Code Enforcement Officer or the Village Board.
- 15) Willfully misstate any fact about any article offered for sale.
- 16) Willfully offer for sale any article of an unwholesome or defective nature.
- 17) Call attention to goods by blowing a horn, ringing a bell, other than a house doorbell, by shouting or crying or by any loud or unusual noise, except that peddlers of ice cream and ice cream products for immediate consumption are exempted from the foregoing prohibition of the use of a bell.
- 18) Frequent any street, sidewalk or public place so as to cause a private or public nuisance.
- 19) Fail to keep any vehicle or receptacle used by him in his licensed business in a sound, clean and/or sanitary condition.
- 20) Fail to keep any edible articles offered for sale well-protected from dirt, dust and insects.
- 21) Fail to deliver to every person to whom a sale is made or from whom an order is taken a legibly written receipt, signed and dated by the licensee, setting out the total price, a description of the goods or services sold or rendered and a statement of any payment received by the licensee.
- 22) Fail to leave the premises promptly upon request of any occupant of such premises.
- 23) Solicit or selling during hours other than between the hours of 9:00 a.m. and 7:00 p.m.
- 24) Conduct business in a Village right-of-way or on Village property.
- 25) Conduct activities in such a manner as to interfere with the pedestrian or vehicular use of the public streets and places.
- 26) Cause or permit the public streets and places to be littered with papers, wrappings or other debris or refuse.
- 27) Conduct business within one hundred (100) feet of a street intersection.

D. All solicitors shall immediately move from a location if so ordered by any police officer or Village officer on grounds that the location is unsafe. Refusal to obey such order shall be grounds for suspension or revocation of the license. Such order may be appealed to the Village Board in the manner set forth herein.

#### §71-6. Deceptive Solicitation Practices Prohibited.

A. No solicitor shall intentionally make any materially false, fraudulent or otherwise misleading statement in the course of soliciting.

B. A solicitor shall immediately disclose to the consumer during face-to-face solicitation the following information:

- 1) The name of the solicitor;
- 2) The name and address of the entity with whom the solicitor is associated; and
- 3) The purpose of the solicitor's contact with the resident or occupant.

C. The requirements of subsection (B) of this section may be satisfied through the use of a badge and informational flyer.

D. No solicitor shall use a fictitious name, an alias or any name other than his or her true and correct name.

E. No solicitor shall represent directly or by implication that the granting of a license implies any endorsement by the Village of the solicitor's goods or services or of the individual solicitor.

F. The provisions of this section shall also apply to solicitors who are exempt from licensing requirements pursuant to the provisions of this Chapter.

#### §71-7. Do Not Knock Registry.

A. A Do Not Knock Registry shall be established and maintained by the Village Clerk's office. Residents may submit their property addresses for inclusion on this list by submitting a form, the contents of which shall be approved by the Village Board. This form shall be made available to the public at the Village Clerk's office. The Do Not Knock Registry shall be updated quarterly and the updated registry shall be provided to the Village of Chester Police Department on a quarterly basis.

B. Any resident who has requested to register their property address on the Do Not Knock Registry shall be able to purchase from the Village Clerk's office, for a nominal fee, a sticker for display at the premises, indicating enlistment on the Do Not Knock Registry. Display of this sticker shall be on or near the main entrance door of the residence. The display of such sticker shall constitute notice to any solicitor that the inhabitant of the residence does not desire to receive and/or does not invite solicitors.

C. Upon approval and issuance of a license for solicitation as provided for in this Chapter, each licensed solicitor shall be provided with a copy of the Do Not Knock Registry. The licensee shall not solicit at any premises identified in the most current registry.

#### §71-8. Registration of Solicitors and Application for License.

Unless otherwise exempt under this Chapter, all persons, corporations or institutions desiring to engage in door-to-door solicitations within the Village, prior to doing so, shall file with the Village Clerk an application, in a form to be determined by the Village Board, upon which the applicant shall give such information under oath as the application may require. Licenses shall be issued in a form prescribed by the Village Board and a record thereof shall be kept by the Village Clerk. Any false statement made on any application shall be grounds for denial or revocation of the license.

#### §71-9. License Fees.

A. A license fee for peddlers shall be \$2 per day or \$10 per week or \$15 per month.

B. The license fee for transient merchants shall be the sum of \$45 for the period of three months or any portion thereof.

C. No license shall be required for a charitable solicitor's license. Upon an application duly made in accordance with the provisions of this Chapter for the same, the Village Clerk shall issue an annual license to any charitable solicitor seeking the same, provided that the charitable solicitor has an office or a residential address within the Village, including the incorporated area of the Village. Such annual license shall be issued on a calendar-year basis and will be subject to all of the provisions contained in this Chapter.

#### §71-10. Denial, Suspension or Revocation of License.

A. A license may be denied, suspended or revoked by the Village Board upon the following conditions:

- 1) Any violation of the terms of such license;
- 2) Information submitted by the applicant is found to be incomplete or incorrect;

- 3) Since submission of the application, the applicant is subject to a previously undisclosed or unknown disqualifying status;
- 4) Failure to remit the requisite payment of fees;
- 5) Since the submission of the application, the Village has received a substantiated report regarding past or present conduct of the applicant;
- 6) Since the submission of the application, the Village or other governmental entity has either criminally convicted or obtained a civil injunction against the applicant for violating this Chapter or similar federal, state or municipal laws in a manner rising to the level of disqualifying status; or
- 7) Since the submission of the application, a final civil judgment has been entered against the applicant indicating that the applicant had either engaged in fraud or intentional misrepresentation or that a debt of the applicant was non-dischargeable in bankruptcy pursuant to 11 U.S.C. §§523(a)(2), (a)(4), (a)(6) or (a)(19).

B. The action of the Village Board shall be made at a regular or special meeting of the Village Board upon notice to the applicant or holder of the license.

C. The Village shall cause written notice to be mailed to the applicant or holder of such license, at the address as set forth in the application, at least three (3) days prior to the regular or special meeting at which such denial, suspension or revocation of license is to be so considered. In the event that the Village deems it necessary to shorten the three (3) day period, personal service upon the applicant or holder or the license of a written notice of the Village Board meeting to be held less than three days from the date of the notice shall be deemed sufficient.

D. The applicant or holder of the license shall have the right to be heard at the Village Board meeting at which such denial, suspension or revocation is to be considered.

#### §71-11. Appeals.

A. An applicant or licensed solicitor whose license has been denied, suspended or revoked shall have the right to appeal to the Village Board or its designee. Any appeal must be submitted by either the applicant, the responsible person or entity, or legal counsel for either who: (i) documents the relationship with the applicant or responsible person or entity or is licensed, or (ii) is authorized by the State of New York to do so and makes the assertion of an agency relationship.

B. Any appeal must be submitted in writing to the Village Clerk, with a copy of to any Licensing Officer, within ten (10) business days of the decision from which the appeal is taken. Such appeal shall describe in detail the nature of the appeal, the action complained of and the grounds for appeal.

C. Upon the request of the applicant or licensed solicitor, within one (1) business day, the Village will make available any information upon which it relied in making the determination to either deny, suspend or revoke the license.

D. The Appeals Officer of the Village shall review, de novo, all written information submitted by the applicant or licensed solicitor to the licensing officer, any additional information relied upon by the licensing officer as the basis for denial, suspension or revocation, and any additional information supplied by the Village, applicant or licensed solicitor. Any additional information submitted by any party to the appeal shall be simultaneously submitted to the opposing party. If desired, any party shall have three (3) business days to submit rebuttal documentation to the appeals officer regarding the additional information submitted by the opposing party.

E. The Appeals Officer of the Village will render a decision no later than fifteen (15) calendar days from the date the appeal was taken, unless an extension of time is agreed upon by the parties. In the event that any party to the appeal submits a rebuttal as allowed in subsection (D) of this section, fifteen (15) calendar days shall be extended to include the additional three (3) days for rebuttal.

F. The denial, suspension or revocation shall be reversed upon appeal if the Appeals Officer of the Village finds that the Licensing Officer made a material mistake of law or fact in denying the application or suspending or revoking the application or license.

G. If the written appeal and information submitted indicates that the Licensing Officer properly denied the application or suspended or revoked the license, the denial, suspension or revocation shall be affirmed and will constitute a final denial, suspension or revocation.

H. After the ruling of the Appeals Officer, the applicant or licensed solicitor shall be deemed to have exhausted all administrative remedies within the Village.

I. Nothing herein shall impede or interfere with the applicant or solicitor's, or Village's right to seek relief in a court of competent jurisdiction.

#### §71-12. Penalties for Offenses.

Any person, corporation or institution violating any of the provisions of this Chapter shall be punished by a minimum fine of \$2,500.00 to a maximum fine of \$5,000.00 in the first offense; a minimum fine of \$5,000.00 to a maximum fine of \$7,500.00 for a second offense within two years of a prior conviction; and a minimum fine of \$7,500.00 to a maximum fine of \$10,000.00 for a conviction of a third offense within two years of a prior conviction, and/or a jail sentence not to exceed 15 days. These penalties and fines may be amended from time to time by resolution of the Village Board at the annual reorganizational meeting. In addition, the Village Board shall have the right to apply for and secure injunctive relief against any person, corporation or institution found to have violated the provisions of this Chapter.

§71-13. Enforcement.

The police department of the Village of Chester and/or the Village Code Enforcement Officer or other enforcement official as may be designated by the Village Board, is charged with enforcing the provisions of this Chapter and shall have the power, right and authority to issue an appearance ticket for the violation of any of the provisions of this Chapter.

SECTION 4: Severability

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjusted by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 5: Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.

SECTION 6. State Environmental Quality Review Act

Pursuant to 6 NYCRR §617.5(30), this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Motion By: Trustee Brian J. Boone

Seconded By: Trustee Alan Battiato

On a vote of 5 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]	[ ]	[ ]

**18-44 RESOLUTION ADOPTING INTRODUCTORY LOCAL LAW NO. 8 OF 2018 - Towing charges**

**WHEREAS**, Introductory Local Law No. 8 of 2018, was presented at the October 1, 2018, meeting of the Mayor and Trustees, proposing amendment of Subsection E. Of §90.11 pertaining to Towing rates, fees and charges, and

**WHEREAS**, at the October 1, 2018, meeting of the Mayor and Trustees, a public hearing was set for November 13, 2018, to hear any and all comments from the public concerning such proposed legislation, and

**WHEREAS**, notice of such public hearing was duly published and posted, and such public hearing was duly convened on November 13, 2018, and all persons interested were afforded the opportunity to be heard as to the proposed legislation, and

Due consideration having been given to the proposed legislation, now, therefore

**Be it enacted by the Mayor and Trustees of the Village of Chester as follows:**

Section 1. Subsection E. of § 90-11. "Towing rates, fees and charges." of Chapter 90 of the Village Code, entitled "Towing," is hereby amended to read as follows:

**§ 90-11. Towing rates, fees and charges.**

E. Towing/impounding rates applying to all tow call list services shall be adopted and may be revised from time to time by the Village Board of Trustees, acting by resolution at a regular meeting of the Village Board of Trustees. A copy of the current rate list shall be available from the Village Clerk during regular business hours.

NOTE: No storage fees will be charged for vehicles released within the first 24 hours from time of tow. This shall not preclude the licensee from collecting a storage fee for the first 24 hours when a vehicle is released subsequent to that initial period.

Section 2. This Local Law shall take effect immediately upon filing with the Secretary of State.

**Section 3. State Environmental Quality Review Act**

Pursuant to 6 NYCRR §617.5(30), this Local Law is classified as Type II action which requires no further review under the State Environmental Quality Review Act.

Motion By: Trustee, Alan Battiato

Seconded By: Deputy Mayor, Christopher Battiato

On a vote of 5 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]	[ ]	[ ]

**18-45 Resolution setting Rates and Charges upon Local Law taking effect.**

From and after the effective date of the new Local Law regarding the setting of towing charges and until the Village Board makes changes thereto, the existing schedule of rates and charges as published in the Code will continue to be applicable.

Motion By: Trustee Elizabeth A. Reilly

Seconded By: Deputy Mayor Christopher Battiato

On a vote of 5 to 0, the resolution was adopted

### **New Business:**

- Village Board of Trustees to approve a promotion for Joseph Rosploch of the Village Water Department. Current Title is Water Treatment Maintenance Worker to Water Treatment Plant Operator.

A motion to approve the promotion of Joseph Rosploch to Water Treatment Plant Operator for the Village of Chester Water department made by Trustee Brian J Boone and seconded by Deputy Mayor Christopher Battiato. Motion unanimously passed and then amended on reconsideration as follows:

A motion to approve the promotion of Joseph Rosploch to Water Treatment Plant Operator for a probationary period of not less than one month and no more than a year was made by Deputy Mayor Christopher Battiato and seconded by Trustee Alan Battiato and unanimously adopted.

### **Calendar:**

- Comprehensive Committee Meeting on Tuesday, **December 4, 2018**.
- Proposed Comprehensive plan meeting will be held on (to be determined). Location: 45 Main St., 2nd Floor above Police Station in the Village hall conference room.
- Chester's 3rd Annual Holiday Lights Parade, Saturday, **December 8th, 2018**. Parade begins at 6pm. Main St to Hudson St to Maple Ave. Village of Chester Community Association and The Village of Chester.
- Chester's 26th Annual Holiday Tree Lighting, Caroling & Open House. - Sunday, **December 9, 2018**.
- Village of Chester holiday hours: Monday, **December 24, 2018** open from 9am to 1pm, December 31, 2018, open from 9am to 1pm. Tuesday, **December 25, 2018** and Tuesday, **January 1, 2019**, CLOSED.
- See our calendar for more upcoming meetings and events: <https://www.Villageofchesterny.com/calendar>

### **Public Comments:**

**Mr. Rocco Picone** was in attendance to inquire on how to move forward as far as zoning change for 6 Kings Highway. He is currently in contract to purchase the property but only on the condition that he will be able to change the zone from M2(Manufacturing) to B2 (General Business). Mr. Picone informed the Village Board that he hired Lanc & Tully Engineering and Surveying, P.C. for assistance with regards to the zoning change on the 6 Kings Highway property. Kristen from Lanc & Tully Engineering and Surveying, P.C advised that it's not worth going for a zone change in light of the fact that the Village of Chester is working on the Comprehensive Plan.

**Mr. Picone** reached out the Village Code Enforcement Officer, John Orr, to inquire about the comprehensive plan and if he should wait until the comprehensive plan is completed in order to see if 6 Kings Highway would be addressed. Mr. Orr respond, that in his opinion it could take more than a year to complete the comprehensive plan.

**Mayor Bell** asked Village Attorney, Henry N. Christensen if he would give a brief elaboration on the process of zone change.

**Mr. Christensen** started out by saying, any zone change has to approved, if at all, by the Village Board. Before the Village Board can make such a change, the proposal has to be referred to the Planning Board for comment. After the Planning board has produced their comments then, if the board is interested in pursuing it, there has to be a public hearing.

With that particular location, the proposal would also have to go to the Orange County Planning Board for comment, because a State highway is next to the location, and because the location is on or near the Village and Town border.

That part of the Village has always had challenges for development on account of the traffic issues, and particularly, how cars can or can't safely make a left turn into or out of a place of business. That's probably the primary thing you would have to figure out before you make your request for someone to consider something because that's going to be the number one question.

**Mr. Picone** made mention that he had spoken to Leslie Wenger, who owns a parcel next to 6 Kings Highway regarding joining the two properties in an effort to have a loop turnaround from the back.

**Mr. Christensen** stated that could be a better way to present as issue, than coming in and trying to solve the problem on an individual parcel.

**Village Code Enforcement Officer John Orr** stated his understanding that the properties had originally been zoned M2 because of the railroad. It looks like they did that corridor there and down Lehigh Ave along the railroad all M2. It is something we spoke about briefly. Mr. Picone is just looking to know if he should make an application or wait out the process of the Comprehensive Plan.

**Mr. Christensen** said one can't predict whether it's even going to get addressed in the Comprehensive Plan.

**Leslie Smith** of the Comprehensive Plan committee mentioned to Mr. Picone that, for 2019, the Comprehensive Plan committee will be having regular meetings which he should consider attending. In addition, she mentioned that there will be a Comprehensive Plan committee meeting tomorrow night, December 4, 2018 in the Village's conference room at 7pm.

**Mr. Picone** asked Mayor Bell if he should wait on submitting an application.

**Mr. Christensen** stated if you think you have a solution to the traffic issues, make a proposal and state the process. In addition, counsel made mention that others have tried to develop down there and have stumbled over the traffic issue.

- **ADJOURNMENT:**

A motion to close the meeting at 7:50 pm and go into Executive Session and not to conduct any further business, was made by Deputy Mayor Christopher Battiato, seconded by Trustee Brian J. Boone and unanimously passed.

Respectfully submitted,

Rebecca Rivera  
Village Clerk