

**Village of Chester
Board of Trustees Meeting
August 9, 2010**

The Board of Trustees of the Village of Chester held their monthly business meeting in the Village Hall meeting room on Monday, August 9, 2010. Members present: Deputy Mayor Philip Roggia, Trustee John Collins, Trustee John J. Reilly III and Trustee Carole Duffy. Mayor Philip Valastro was absent. Also present: Village Attorney Ian Schlanger, Police Chief Peter Graziano, Water Commissioner Thomas Becker and Code Enforcement Officer John Orr. Highway Superintendent J. Thomas Bell was absent. In audience: Gordon Shehab, Nikki Mayer, and Howard Spear.

Mayor Valastro opened the meeting at 7:00 PM with the Pledge of Allegiance.

- I. **AUDIT OF BILLS:** Mayor Valastro noted audit of monthly bills for approval was complete.
- II. **APPROVAL OF MINUTES:** A motion to accept the Village monthly business minutes of July 12, 2010 was made by Trustee John J. Collins, second by Trustee Carole Duffy. Motion unanimously passed.
- III. **TREASURER'S REPORT:** Treasurer's report not submitted for August 2010.
- IV. **BUILDING REPORT:** Building Inspector/Code Enforcement Officer John Orr was present and read his report as follows:

Current projects that were inspected during the last month:

Lowe's

- 1- Awaiting information letter from Lowe's before issuing final CO.

Nexans

- 1- No Change from last month.

Palumbo 2 School Street

- 1- No Change from last month.

DePaulis

- 1- Applicant was granted conditional Site Plan approval for the site to do blasting to remove hill.

Sutherland 8 School St

- 1- House is now in place
- 2- Interior & utility work under way.

C&S Truckers Lounge

- 1- C Banana Ripening room being installed.

Christopher's Bistro 69 Brookside Ave. Q-Plaza

- 1- Work under way.

Since the July's meeting I have issued 6 building permits for decks, fences, pools, re-roofs and signs. Building department income from permits for the month totaled \$2286.

Code Enforcement John Orr mentioned that Tom Atkins will be doing masonry work on the village hall.

Resolution Releasing Maintenance Bond No.: SU1102399 - H.T. Sweeney & Sons, Inc, Principal, and Arch Insurance Company, Surety.

WHEREAS, pursuant to section 98-13.1 of the Code of the Village of Chester, H.T. Sweeney & Sons, Inc. (the "Applicant"), issued a performance bond, Bond No. SU 11 02399, in the amount of \$25,000 to guarantee its work with regard to the removal of construction debris and or soil from its property identified on the Tax Map of the Village of Chester as S/B/L: 116-1-1.2; and

WHEREAS the Applicant has requested the release of the aforesaid Performance Bond; and

WHEREAS the Village's Engineers, Highway Supervisor and Building Inspector, after inspection, recommended release of the Performance Bond,

NOW, THEREFORE, be it

RESOLVED, by the Board of Trustees of the Village of Chester, that the performance bond, Bond No. SU 11 02399, in the amount of \$25,000.00 be released to the Applicant; and be it further

RESOLVED, that the Mayor is authorized to execute and deliver any and all documents necessary to effectuate the above

Introduced By: Trustee John J. Reilly III

Seconded By: Trustee John J. Collins

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

V. POLICE REPORT: Police Chief Peter Graziano was present and read his report as follows:

1. Department Items:

- Manpower: Introduction of P/T Officer Anthony Vicaretti, former Village of Chester Officer and current T/Deerpark Officer.
- Vehicles: No issue

2. Citizen Issues:

- Received a thank you note from the Allen family for assistance rendered during the dedication ceremony at the 1st LT. Louis Allen Post Office.
- Received a thank you letter from the Chester Kiwanis for assistance rendered during their annual 5K Race.

3. Public Safety Issues:

- Traffic Details: Continuing.
- Fireworks Event: The event was a success with no major issues to report.
- Drug Arrests: The department made 2 significant drug arrests. The first on July 2 @ 70 Main St. where officers executed a search warrant recovered 32 Oxycotin Pills, 19 Valium and a quantity of PCP (phencyclidine) and other drug paraphernalia after a 4 month investigation into the illegal sale of narcotics at that location. Estimated street value, over \$3,000.

The second on July 4 on Vista Dr after officers responded to a domestic dispute. Officers in attempting to interview a 17yr old male who became combative and upon searching the male incident to arrest, 34 Ecstasy pills were found. Estimated street value \$850.00

4. Facilities:

- No issues.

5. Equipment:

- No issues.

6. Department Activity:

YTD Blotters = 2019

Cases = 427

Arrest = 211

Accidents = 091

VI. **HIGHWAY REPORT:** Highway Superintendent J. Thomas Bell was not present, no report submitted. Deputy Mayor Roggia informed the Village board and audience that the village highway department has completed the slurry project.

VII. **WATER REPORT:**

1= Daily Filtration plant and Well #12 routine each day.

2= Mowing at the water facilities have been done as needed.

3= Monthly TOC testing at the filtration plant were taken to the lab.

4= at the filtration plant the lawn was graded, raked, topsoil was used to fill low areas and seed & hay were put down. A new wider gate was installed at the front entrance. The old blacktop driveway was removed and we are getting ready for repaving. New siding has been ordered. Cappola has finished most of the deficiency list and created new items in the process. The Pall filter comp. has still not fixed all the problems with our Monthly Reports.

5= All unpaid water bills have been collected.

6= For a lap top computer I have a price quote for a HP Pavilion Laptop of \$14,00.00 and about \$60.00 a month for wireless access through Verizon.

7= I made several calls today in regards to the new dam safety regulations. One to Ron Meyer at the OCDPW who is working on other county dams and may be working on this project, but has not done anything yet. The second call was to the NYSDEC to find out more information about what needs to be done. As per this call I have gone online and have a template of an inspection and maintenance plan that I can fill out myself. We can tentatively approve the proposal by CHA until I work out a proposal with the County to create an Emergency Action Plan.

Resolution hiring CHA to review information with regard to Walton Lake Dam; perform safety inspection; and prepare inspection and maintenance plans in accordance with NYS DEC regulations for Walton Lake Dam.

A motion to authorize a special meeting on August 18, 2010 at 6pm and authorize the Village Clerk to publish notice in the paper to further discuss CHA to review information with regard to Walton Lake Dam; perform safety inspection was made by Trustee Carole Duffy, second by Trustee John J. Reilly III. Motion unanimously passed.

A motion authorizing Water Commissioner Tom Becker to purchase a laptop computer for the Water Filtration Plant in the of \$1400.00 and a wireless connection plan in the amount of \$60.00 monthly for laptop through Verizon wireless was made by Trustee John J. Reilly III, second by Trustee Carole Duffy. Motion unanimously passed

VIII. **PARK & RECREATION:** No report submitted.

IX. **OTHER BUSINESS:**

Resolution Authorizing Mayor to Hire Norton & Christensen to Defend & Prosecute Village's Rights in Woodbury Litigation:

RESOLVED that the Mayor of the Village of Chester be, and he hereby is, authorized and directed to retain the law firm of Norton & Christensen, as attorneys for the Village of Chester in an action pending in the Supreme Court of the State of New York, County of Orange, captioned Town of Woodbury et al. v. County of Orange et al, Supreme Court Index Number 6034-10, and any and all related cases (collectively the "Woodbury Lawsuit") , upon such terms as he deems proper and advisable, and he shall authorize such counsel, on behalf of the Village of Chester, to take such action as may be deemed advisable to protect the Village of Chester's rights, and the rights of its citizens, in the Woodbury Lawsuit.

Introduced By: Trustee John J. Reilly III

Seconded By: Trustee John J. Collins

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

Resolution Of The Village Board Of The Village Of Chester To: Authorize The Execution Of An Memorandum Of Agreement To Become A Member Of The Moodna Creek Watershed Intermunicipal Council

WHEREAS, the Moodna Creek Watershed (hereinafter "Watershed") is contained entirely in Orange County and covers approximately 180 square miles, including all or part of the following twenty-two municipalities: Towns of Blooming Grove, Chester, Cornwall, Goshen, Hamptonburgh, Highlands, Monroe, Montgomery, New Windsor, Newburgh, Tuxedo, Warwick, Woodbury; and the Villages of Chester, Cornwall-on-Hudson, Goshen, Maybrook, Monroe, Montgomery, South Blooming Grove, Washingtonville, and Woodbury; and

WHEREAS, in 2010, the Moodna Creek Watershed Conservation and Management Plan (hereinafter "Plan") was completed by the Orange County Water Authority (hereinafter "OCWA"), with partial funding from the NYS Department of Environmental Conservation Hudson River Estuary Program, and such Plan identifies threats to the Watershed as well as recommendations to protect and restore the water and habitat quality of the Watershed; and

WHEREAS, the primary recommendation of the Plan is to form an intermunicipal watershed group to develop a long-term mechanism for intermunicipal coordination on priority watershed goals; and

WHEREAS, the OCWA has been working with municipalities, community groups, environmental organizations, educational institutions, interested individuals and other stakeholders since 2009 to develop a structure for the Moodna Creek Watershed Intermunicipal Council; and

WHEREAS, the Village of Chester wishes to enter into a written agreement with other municipalities located in the Moodna Creek Watershed and OCWA to join the Moodna Creek Watershed Intermunicipal Council and to formally affirm their continuing partnership in the protection, conservation and enhancement of the water resources of the Moodna Creek and its Watershed; and

WHEREAS, the Village Board of the Village of Chester has reviewed and agrees with the terms of the Memorandum of Agreement establishing the Moodna Creek Watershed Intermunicipal Council; and

WHEREAS, the Village of Chester declares the Moodna Creek Watershed Memorandum of Agreement as an unlisted action under SEQRA; and

WHEREAS, the Village of Chester has declared itself the lead agency, and based on a short Environmental Impact Form (EAF), prepared by the Orange County Department of Planning, has determined that the proposed actions described below will not have a significant environmental impact,

NOW, THEREFORE, be it

RESOLVED, that the Memorandum of Agreement, in the same form and substance as annexed hereto be, and the same hereby is authorized and approved; and be it further

RESOLVED, that the Mayor of the Village of Chester is hereby authorized to enter into and execute the Memorandum of Agreement with other participating municipalities in the Moodna Creek Watershed and the Orange County Water Authority; and be it further

RESOLVED, that this Resolution shall take effect immediately.

Introduced By: Trustee John J. Reilly III

Seconded By: Trustee John J. Collins

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

Resolution Authorizing Tour de Goshen:

WHEREAS the Tour de Goshen (the "Applicant") has requested the use of (Chester Property) for the Tour de Goshen on (the "Event") from 9 a.m. to 1 p.m.; and

WHEREAS the Applicant has provided the Village with a certificate of liability insurance naming the Village of Chester as an additional named insured,

NOW, THEREFORE, be it hereby

RESOLVED that the Applicant's request for use of the identified Village of Chester Property for the Event is hereby granted.

Introduced By: Trustee Carole Duffy

Seconded By: Trustee John J. Collins

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

Resolution Authorizing KIWANIS to Use Community Park:

WHEREAS the Chester Kiwanis Club (the "Applicant") has requested the use of Chester Community Park for Kiwanis Kids' Day on September 12, 2010 (the "Event") from 11:00 a.m. to 4:00 p.m.; and

WHEREAS the Applicant has provided the Village with a certificate of liability insurance naming the Village of Chester as an additional named insured,

NOW, THEREFORE, be it hereby

RESOLVED that the Applicant's request for use of the identified Village of Chester Property for the Event is hereby granted.

Introduced By: Trustee John J. Collins

Seconded By: Trustee Carole Duffy

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

Resolution Directing a Public Hearing the Application and Petition of Green Bull North LLC for a Zoning Change:

WHEREAS the Mayor and the Trustees of the Village of Chester (the "Village Board") received an application and petition from Green Bull North LLC (the "Petitioner"), pursuant to Article 7 of the Village Law of the State of New York and Chapter 98, Article X, of the Code of the Village of Chester, to amend the Village Zoning Law to change the zoning district of property identified on the Tax Map of the Village of Chester as SIBIL: 114-1-10.1, 10.2, and 17, consisting of approximately 8.3 acres of land, from the M-2 Zoning District, Manufacturing, to the B-2 Zoning District, General Business (the "Proposed Action"); and

WHEREAS pursuant to section 98-39 of the Village Code, the Village Board referred the Petition to the Planning Board of the Village of Chester (the "Planning Board") for a report on the proposed amendment; and

WHEREAS the Planning Board approve its final report on the proposed zoning amendment at its board meeting on July 27, 2010, and submitted the same to the Village Board; and

WHEREAS, pursuant to sections 98-39 and 98-42 of the Village Code, the Village Board is required to hold a public hearing on the Proposed Action,

NOW, THEREFORE, be it

RESOLVED, that the Village Board will hold a Public Hearing at 6:45 P.M., on the 13th day of September, 2010, at the Village Hall, on the Proposed Action; and be it further

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RESOLVED, that the Village Clerk give due notice of this public hearing in accordance with the Village Code and the Laws of the State of New York.

Introduced By: Trustee John J. Reilly

Seconded By: Trustee John J. Collins

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

* Deputy Mayor Roggia made mention that Susan Marino resigned from planning/ zoning board secretary to fill full time vacant position as Deputy Clerk.

*A motion to waive 30 day waiver for renewal of Liquor License for Lobster Pier located on 87 RT/17M Brookside Ave, Chester, NY was made by Trustee John J. Reilly III, second Trustee Carole Duffy. Motion unanimously passed.

X. CALENDAR:

23 Annual - Tour De Goshen August 15, 2010 – proceeds will benefit Winslow Therapeutic Center.

Kiwanis - Kids Day – September 12, 2010 to be held at Community Park

Historical Society will hold a workshop in historic preservation–next work shop to be held on Sunday, July 25,

Senior Movie Day at the Senior Center – August 19, 2010

Halloween Parade – October 17, 2010 (no rain date) same route as the prior year.

XI. ADJOURN: A motion to adjourn the regular was made by Trustee John J. Collins, second by Trustee Carole Duffy. Motion unanimously passed.

Respectfully submitted,



Rebecca Rivera
Village Clerk