

**Village of Chester
Board of Trustees Meeting
March 8, 2010**

The Board of Trustees of the Village of Chester held their monthly business meeting in the Village Hall meeting room on Monday, March 8, 2010. Members present: Mayor Philip Valastro, Deputy Mayor John Collins, Trustee John Deshler, Trustee Eugene Collins and Trustee John J. Reilly, III. Also, present Village Attorney Ian Schlanger, Police Chief Peter Graziano, Water Commissioner Thomas Becker, Village Treasurer/Deputy Clerk Cathy Richards, Code Enforcement Officer John Orr and Village Assessor Andrea Nilon. Highway Superintendent J. Thomas Bell was absent. In the audience: Gordon Shehab, Nikki Mayer, Howard Spears, Tom Kelly, Philip Roggia, Carole Duffy, Amie Miller and Barry Adelman.

Mayor Valastro opened the meeting at 7:30 PM with the Pledge of Allegiance.

AUDIT OF BILLS: Mayor Valastro noted audit of monthly bills for approval was complete.

APPROVAL OF MINUTES: A motion to accept a Village monthly business minutes of February 8, 2010 was made by Deputy Mayor John J. Collins, second by Trustee John Deshler. Motion unanimously passed. A motion to accept Tax Grievance minutes of February 16, 2010 was made by Deputy Mayor John J. Collins, second by Trustee John Deshler. Motion unanimously passed.

TREASURER'S REPORT: Treasurer Cathy Richards read report as follows:

CASH BALANCES ENDING FEBRUARY 28, 2010

<u>Fund/Bank Account</u>	<u>Deposits</u>	<u>(Disbursements)</u>	<u>Interest</u>	<u>Ending Balance</u>
<u>General Fund</u>				
Key Checking	278,107.66	(257,182.87)	10.80	148,745.23
Key Savings MM	--	(150,000.00)	186.47	2,668,726.81
<u>Water Fund</u>				
Provident Checking	42,608.62	(29,426.37)	84.73	262,174.40
Provident Capital MM	--	(50,000.00)	61.32	193,794.55
Provident Capital Checking	50,000.00	(63,576.64)	9.94	52,896.11
<u>Sewer Fund</u>				
Key Checking	2,884.37	(24.00)	10.35	135,704.81
Provident Checking	--	--	4.80	27,860.25
<u>Capital Projects Fund</u>				
Key MM Savings	--		27.85	181,574.33
<u>Unemployment Reserve Fund</u>				
Key MM Savings	--		8.78	47,117.24

Cumulative Fiscal Year Interest Earned by Fund 6/1 – 02/28/2010

General Fund	10,569.53
Water Fund	3,791.79
Sewer Fund	520.29

General Fund Interest Comparison	<u>2/28/2009</u>	<u>2/29/2008</u>
	35,193.26	70,838.74

BUDGET

- **2009-2010 Budget:** Attached for your review please find expense and revenue control reports for YTD 6/1/09 through current.
 - **Budget Modification for Board Approval:** Please see attached for Board approval to transfer available budget balances for the indicated accounts.

Tentative Budget for 2010-2011: I am in the process of collecting budget estimates from department heads. The data will then be compiled into one document for Mayor and Board of Trustees. Meetings will be established with department heads to go over their requests shortly. The Board will be establishing the tentative budget public hearing later in this meeting.

A motion to accept the Budget Modification Transfers was made by Deputy Mayor John J. Collins, second by Trustee Eugene Collins. Motion unanimously passed. A motion to accept the Treasurers report was made by Trustee John Deshler, second by Trustee John J. Reilly III. Motion unanimously passed.

4. 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- No change from last month.

Nexans:

- 1-Met with Nexans to review status of project. Last items to be finished in the spring.

Zangrillo 4 Nicotra Lane

- 1- No work has started.

Palumbo 2 School Street

- 1-No work at this time.

Flynn 8 Kerner Dr

- 1-General site work continues.

Depaulis

- 1-Operation halted for winter.

Chester Meat Market

- 1-Repair work almost done.

Sutherland

- 1-Issued Demolition permit for 8 School St.

Village Hall

1-In January had an electrician in to repair the electrical service & install a surge protection on the main service panel for the building. Project cost \$770.13 one hundred less then the proposal.

On Monday March 1st I inspected numerous buildings and stores for signs of stress from the snow load. Found no problems.

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

1. Department Items:

- Manpower: No issue
- Vehicles: Request Permission to send a Letter of Intent to purchase a replacement vehicle against the 2010-2011 budget. Build out date is 2 April.

2. Citizen Issues:

- No issues.

3. Public Safety Issues:

- Traffic Details: Continuing.

4. Facilities:

- No issues.

5. Equipment:

- No issues.

6. Department Activity:

YTD

Blotters = 544

Cases = 096

Arrest = 044

Accidents = 025

A motion to allow Chief Graziano to send a Letter of Intent to purchase a replacement vehicle was made by Trustee John Deshler, second by Deputy Mayor John J. Collins. Motion unanimously passed.

7. HIGHWAY REPORT: Highway Superintendent J. Thomas Bell was not present, no report submitted.

Mayor Valastro mentioned that as of February 24, 2010 to March 1, 2010 the village got 3 ½ inches of snow and it cost the village \$25,000 for snow removal. This includes man power and the purchase of salt. The amount of diesel used is not included in the dollar amount given above.

8. WATER REPORT: Water Commissioner Thomas Becker was present and read his report as follows:

- 1- Daily routine of water testing at Well #12.
- 2- Weekly bacteria samples have taken at the Filtration plant clear well weekly.
- 3- We have been at the Filter Plant setting up equipment and working with the Pall rep. to begin startup at the plant.
- 4- On February, 8 we repaired the service line to the former Boodles Opera house on Main St.
- 5- Joe has spent many hours on side walk cleaning and I would like to thank him for his hard work and dedication to finish the job.

Mayor Valastro commended the village water department for an a job well done on a water main break during the last major snow storm.

9. PARK & RECREATION: No report submitted.

10. OTHER BUSINESS:

Tax Hearings Assessment – Village assessor Andrea Nilon was present to go over her notes and recommendations regarding the requests for changes in property assessments with the Board of Trustees. Village assessor mentioned that there were one appearance and six submissions. Village Assessor stated with the boards direction she sent a letter of the demand to the six submissions to request additional information to support their claim and to appear at the village of Chester monthly meeting being held on March 8, 2010 for questioning if necessary.

- Knollcrest Apartments Associates - Assessor Andrea Nilon mentioned that she received Knollcrest Apartments Associates submitted information and will not be appearing. Assessor review the information submitted by Knollcrest Apartments Associates and did not find anything changes or anything that supports a change in current assessment.
- Iron Mountain Properties – Assessor's finding with regards to Iron Mountain Properties which is owner occupied. Assessor stated that only a letter stating that they are owner occuppies was received but no submittal of an appraisal or anything that disputes what the assessment is currently.
- Cumberland Farms - Assessor's finding with regards to Cumberland Farms which is owner occupied. Cumberland Farms' submitted their business earnings which do not help with their dispute on their assessment. The assessor stated that the information that is needed to consider their claim is in the rental information which was not provided.
- Chester Mall Associates - Assessor mentioned that Chester Mall Associates submitted information during this evening meeting.
- HHLP Chester LLC - Catherine Shield of HHLP was present and stated that she mortgage, assessment information and copy of a lease agreement. She asked if the Village Board had any questions. The Village Board did not have any questions.

- Pep Boys – Assessor stated to the board that Pep Boys is owner occupied and a letter of demand was sent to the business and she did not receive a response.

Village Assessor Andrea Nilon asked the Village Board and Village and Attorney Ian Schlanger if they had any question. The Village Attorney recommended that Mayor Valastro make a resolution to motion to dismiss Pep Boys complaint.

Resolution Dismissing Pep Boys Grievance Complaint:

WHEREAS Cumberland Farms (the "Grievant"), filed a timely complaint regarding the tentative 2010 tax assessment for the property located at 29 Elizabeth Dr, Chester, New York, 10918., and referenced on the tax map of the Village of Chester as S/B/L: 119-1-1.12; and

WHEREAS a Demand, Pursuant to Real Property Tax Law Article 5, was mailed to the Grievant, certified mail return receipt requested on 2/22/2010, demanding that the Grievant, or its agent/representative, appear before the Board of Assessment Review of the Village of Chester (the "BAR") on March 8, 2010, and, on that date, produce certain documents and other information required by the BAR to review the Grievant's complaint; and

WHEREAS the Demand, among other things, notified the Grievant that the failure to comply with the Demand could result in a finding by the BAR that its failure or refusal to comply was willful and designed to frustrate the administrative review of the complaint, and, accordingly, could result in the dismissal of the complaint pursuant to Real Property Tax Law 9 525 9(2); and

WHEREAS the Grievant, or its agent/representative, failed to respond, appear, or provide the information required by the BAR to review the claims raised in the complaint challenging the validity of the tentative assessment,

NOW, THEREFORE, be it hereby

RESOLVED that the BAR hereby finds and determines that the Grievant's failure and/or refusal to appear and be examined before the BAR on March 8, 2010, and/or otherwise provide the information and materials requested in the Demand served upon the Grievant relevant to the complaint, was willful and designed to frustrate the administrative review of the Grievant's complaint and did, in fact, frustrate and prevent a proper administrative review; and be it further

RESOLVED that the BAR hereby dismisses the complaint filed by the Grievant with respect to the tentative assessment of S/B/L: 119-1-1.12 for the year 2010 pursuant to Real Property Tax Law 9 525 2(a) for the reasons herein stated; and be it further

RESOLVED that a copy of this resolution together with all other necessary paperwork be served on the Grievant and that the Mayor and Village Clerk are hereby authorized to take all actions necessary to effectuate this Resolution.

Introduced By: Trustee John Deshler

Seconded By: Trustee Eugene Collins

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

Resolution Authorizing Chester Little League Parade:

WHEREAS the Chester Little League (the "Applicant") has requested the use of Winkler Place, Main St, and Vadala Rd for the Chester Little League Parade on April 10, 2010(the "Event") from to 9:00am to 9:45am and

WHEREAS the Applicant has promised to provide the Village with a certificate of liability insurance naming the Village of Chester as an additional named insured (the "Insurance Certificate"),

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, subject to the Applicant providing the Village with the Insurance Certificate.

Introduced By: Trustee John Deshler

Seconded By: Trustee John J. Reilly III

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

Resolution Establishing Date of Village Board Reorganization Meeting

WHEREAS, on March 16, 2010, the Village is scheduled to hold its General Village Election; and

WHEREAS, thereafter, the newly Board of Trustees must hold a reorganization meeting.

NOW, THEREFORE, be it hereby

RESOLVED that the Board of Trustees of the Village of Chester, New York will hold the 2010 Village Reorganization Meeting on April 12, 2010, at 7:00 p.m. at the Village Hall; and be it further

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

Introduced By: Trustee John Deshler

Seconded By: Trustee John J. Reilly III

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

Resolution Directing Public Hearing on Proposed Village Budget

WHEREAS a budget for the Village has been prepared for the 2010/2011 fiscal year; and

WHEREAS a public hearing is required to be held thereon.

NOW, THEREFORE, be it hereby

RESOLVED that the Village Board will hold a Public Hearing at 7:15 P.M., on the 12th day of April, 2010, at the Village Hall, on the proposed Village Budget for the 2010/2011 fiscal year; and be it further

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 Deshler

Seconded By: Trustee John J. Reilly III

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

Dental Insurance

A motion to change dental insurance from current insurance carrier to MetLife Dental insurance was made by Trustee John Deshler, second by Trustee John J. Reilly III. Motion unanimously passed.

Tom Kelly was presented and gave an update on Park and Recreational Schedule but first he thanked Tom Becker water commissioner, Chief Graziano, John J. Reilly III, and Highway Department for all there help. Tom Kelly gave the Park and Recreation schedule as follows:

- 5k Race will take place on May 29, 2010
- Chester Fireworks will take place on July 10, 2010
- Registration will be held at the Town Hall in Chester Academy on March 12, 13 & 15, 2010
- Senior movie night takes place every third Thursday of the month at the Town of Chester Senior center beginning at 12.
- Summer Recreation Program begins June 28, 2010
- Town of Chester 2nd movie night will take place on August 6, 2010
- Town of Chester movie night will take place on July 16, 2010

Tom Kelly asked if the Village has Park & Land fund and Mr. Kelly stated if the village board could get back to him with the information.

Tom Kelly thanked Trustee John Deshler for all the support he's given to the Town Park and Recreation program and for his services on the committee. Trustee John Deshler stated that it was a pleasure to work with the Park and Recreation committee.

Chester Clean up

Tom Flynn the head of the Annual Chester Clean up was present and stated that this will be the 4th Annual Clean up in Chester and that it will be taking place in April and that he would get back to the village board with an accurate date. Tom Flynn stated that he was informed by the Town of Chester that he must report to the DEC as to what is being done with garbage that is being collected. He also mentioned that if anyone is interested in volunteering for the clean up they can contact his office.

Resolution Calling for a Records Retention and Disposition Day:

WHEREAS Article 57 A of the Arts and Cultural Affairs Law, and the regulations promulgated there under, set forth the legal minimum retention periods for municipal records, and further describe which municipal records may be destroyed upon the expiration of said minimum retention periods; and

WHEREAS the Mayor and Trustees of the Village of Chester recognize the need for the Village's Administrative Offices to be closed to the public, on certain specified days ("Record Retention Days"), in order for the Village's administrative employees to implement a record retention and disposition program in accordance with the Laws of the State of New York; and

WHEREAS, on such Record Retention Days, the Village's Administrative Offices shall be closed to the public for the purpose of filing and disposing of records pursuant to the record retention and disposition schedules found in Article 57 A of the Arts and Cultural Affairs Law, and the regulations promulgated thereunder; and

WHEREAS the Village Board has determined that the following dates are appropriate to become Record Retention Days:

April 16, 2010;
May 21, 2010,
June 18, 2010, and
July 16, 2010

NOW, THEREFORE, be it

RESOLVED that the Village Board of the Village of Chester hereby declares the following days and dates to be Record Retention Days:

April 16, 2010;
May 21, 2010,
June 18, 2010, and
July 16, 2010

and be it further

RESOLVED that, on such Record Retention Days, the Village's Administrative Offices shall be closed to the public so that the Village's administrative employees may, without interruption, carry out a record retention and disposition program in accordance with the Laws of the State of New York; and be it further

RESOLVED that the Village Clerk shall publicize notice of this resolution and post the same in the Village Hall.

Introduced By: Trustee John Deshler

Seconded By: Trustee Eugene Collins

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

432
Trustee John Deshler will not be running in March 16, 2010 elections and he gave a statement as follows:

It's been a pleasure to serve the resident of the village Chester I found it to be an eye opening experience. I wanted to give something back to the community that has been very good to me and my family. Sometimes I felt I was giving enough. To the people that work in this community and employees I can not say enough. I think this last storm exemplified two things our highway department and our water department. They really worked through tough times. They pulled together to keep our roads open to the best of their ability. It's not just this time it's all the time. People have commented on how neat our streets are in our village. It's done by four people in our highway department, three people in our water department, our village offices and Police department and I want to say thank you to all.

Mayor Valastro thanked Trustee John Deshler for his years of service in village office, post office and the fire department.

11. CALENDAR:

- **Village Elections** - March 16, 2010 - 9am to 9pm
- **Village Office Closed** - April 2, 2010 - Holiday
- **Village Office Closed** - March 19, 2010 - Records Retention Day

12. **ADJOURN:** A motion to adjourn the regular business was made by Deputy Mayor John J. Collins, second by Trustee John Deshler. Motion unanimously passed.

Respectfully submitted,



Rebecca Rivera
Village Clerk