

Draft

SPECIAL TOWN BOARD MEETING

November 14, 2023

6:30 PM

Supervisor Valentine called the meeting to order at 6:30pm followed by a salute to the flag. Members present: Supervisor Valentine, Councilman Courtenay, Councilman Holdridge, Councilwoman Smith, ABSENT: Councilman Ardisana

PUBLIC COMMENTS

Larry Dysinger, 46 Odyssey Drive asked that the Board keep him and Tom Becker apprised of the developments with the Teamsters union.

E.J. Szulwach, 9 Elm Street, asked how much money was considered for the Climate Change Committee and where it is in the budget. Supervisor Valentine replied there is no specific line item but the expenditure could come out of Town Board or Town Supervisor's funds as discretionary spending, or may also be eligible for ARPA funding.

Tom Becker, 163 Lehigh Ave., asked whether there was funding for the sewer slip lining infrastructure project in Surrey Meadows. He said there was the ability to link onto another community's bid for \$30,000 to get the work complete. Supervisor Valentine replied there was nothing in the budget other than the Moodna Commission's budget.

**LOCAL LAW NO. 7 OF 2023 – A LOCAL LAW TO OVERRIDE THE TAX LEVY LIMIT ESTABLISHED IN
GENERAL MUNICIPAL LAW SECTION 3-C**

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge,

Be it enacted by the Town of Chester in the County of Orange, as follows:

Section 1. Legislative Intent

It is the intent of this Local Law to override the limit on the amount of real property taxes that may be levied by the Town of Chester, County of Orange, State of New York (hereinafter "Chester") pursuant to General Municipal Law §3-c, and to allow Chester to adopt a town budget for (a) town purposes and (b) any other special or improvement district governed by the Town Board for the fiscal year 2024 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes the Town Board to override the tax levy limit by the adoption of a local law approved by vote of sixty percent (60%) of the Town Board.

Section 3. Tax Levy Limit Override

The Town Board of the Town of Chester is hereby authorized to adopt a budget for the fiscal year 2024 that requires a real property tax levy in excess of the limit specified in General Municipal Law §3-c.

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.

VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana **ADOPTED**

2024 BUDGET ADOPTION

Supervisor Valentine explained there were line items missing for some of the water districts, and so he provided an amendment to those sections. The cover sheet changed because some of the numbers changed, but the budget remained the same. He removed the garbage district from the tax cap, which became problematic because the tax cap was reduced since he had to refile and remove it from last year's budget as well. He continued to explain that the 2023 budget of \$15,546,159 used \$600,000 in fund balance to balance the budget but the bookkeeper inadvertently deducted \$600,000 twice from the amount to be raised by taxes on the summary sheet, which is used by the County to calculate the tax collected. This year we are really over the cap by \$300,000 but it has had a snowball effect. He said he had to resubmit the garbage and reserve funds error to correct and will make sure it doesn't happen again this year. Councilman Holdridge asked about the changes in the water districts' budgets. Supervisor Valentine replied that 8330.2 purification was added to Sugar Loaf, Surrey Meadows and Lake Hill Farms. Councilman Holdridge questioned the \$1,027,279 of unexpended fund balance used. The Supervisor directed him to the bottom of each fund for the amount of fund balance used. He said he used some drainage districts funds as a credit back. Councilman Holdridge asked if the Edmunds service was used to create the budget. Supervisor Valentine answered that the bookkeeper would have entered the information into Edmunds but it was not possible with the current situation in the staffing. He concluded it is a good solid budget with the underestimates of sales and mortgage tax and reduced court fines and the Town won't run out of funds next year. Councilman Holdridge said he would have liked to have more time to double check the budget before the vote.

ON A MOTION OFFERED BY Councilman Courtenay and second by Supervisor Valentine to adopt the 2024 Town of Chester Budget.

VOTE AYES (2): Valentine, Courtenay, NAYS (1) Holdridge, ABSTAINED (1) Smith, ABSENT (1) Ardisana **NOT ADOPTED**

Councilwoman Smith said she didn't feel comfortable to vote to approve the budget. Councilman Holdridge said in the best interest of the residents, if Councilwoman Smith would not change her vote he would approve with major reservations. The motion was then put up for a vote.

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge to adopt the 2024 Town of Chester Budget.

VOTE AYES (3): Valentine, Courtenay, Holdridge, ABSTAINED (1) Smith, ABSENT (1) Ardisana **ADOPTED**

AMENDMENT TO BUDGET MODIFICATIONS

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge to Approve the amendment of the budget modification of November 8, 2023 as follows,

DESCRIPTION	AMOUNT	FROM FUND	TO FUND
PAYROLL-TOWN CLERK'S OFFICE	\$13,500.00	A-1410-100	A-1460-100
PAYROLL-TOWN CLERK'S OFFICE	\$13,500.00	A-7145.1	A-1460-100

VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana **ADOPTED**

AUDIT OF CLAIMS

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge to approve payment of the bills from the following accounts.

GENERAL FUND	96,121.98
GENERAL - PART TOWN	10,323.57
HIGHWAY – TOWN WIDE	2,884.53
HIGHWAY – OUTSIDE	21,914.23
FIELDCREST WATER	34.06
LAKE HILL FARMS WATER	1,964.24
SUGAR LOAF HILLS WATER	804.39
SURREY MEADOWS WATER	768.55
WALTON LAKE WATER	355.90
TRUST AND AGENCY	3,131.05
GARBAGE	<u>46,246.12</u>

Grand Total	\$184,548.62
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VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana

ADOPTED

APPROVE ANNUAL PAYROLL

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge to approve the payment of the annual payroll.

VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana

ADOPTED

APPROVE EMPLOYEE COMP TIME

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge to approve the extension of up to two weeks comp time or pay for unused vacation time to Julie Tiller.

Discussion: Supervisor Valentine explained that Julie Tiller has not been able to utilize her available vacation time due to the additional workload. It was the consensus that she be given the choice of extending her comp time to 2024 or pay out for her unused vacation time.

VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana

ADOPTED

TOWN HALL EMPLOYEE UNION

RESOLUTION

A meeting of the Town of Chester Town Board was convened on **November 14, 2023 at 6:30 p.m.**

The following Resolution was duly offered and seconded to wit:

RESOLUTION AUTHORIZING RECOGNITION OF TOWN WHITE COLLAR BARGAINING UNIT

WHEREAS, on June 9, 2022, Teamsters Local 445 (“Local 445”) file a petition for recognition for certain Town employees, including the titles of full and part-time account clerks, administrative clerk, benefit and bookkeeping administrators, clerks, court clerks/ clerks to the Town Justice, deputy court clerks, deputy town clerks, senior clerks, senior-clerks highway, senior secretary, supervisor’s secretary, account clerk-typists, planning and zoning clerks, assessor’s clerks, recreation aides and typists; and

WHEREAS, proceedings before the New York State Public Employment Relations Board (“PERB”) were held concerning recognition of such until; and

WHEREAS, the proposed titles of the Confidential Secretary to the Supervisor (also referred to as “Supervisor’s Secretary”) and Senior Secretary were withdrawn from the proposed unit by Local 445 as managerial/confidential; and

WHEREAS, certain titles petitioned for were incorrectly described in the petition and were not titles existing in the Town; and

WHEREAS, the matter otherwise remains pending before PERB following a hearing; and

WHEREAS, the Town Board desires to withdraw opposition to the pending petition for recognition for the remaining titles that are the subject of the PERB proceeding and exist in the Town.

NOW THEREFORE BE IT RESOLVED that:

Section 1. The above “WHEREAS” clauses are incorporated herein as if set forth in full.

Section 2. The Town Board hereby authorizes the recognition of the Town White Collar Bargaining Unit (“Unit”) and Local 445 as representatives of the employee titles petitioned for (or substantially similar civil service titles) with the exception of the Confidential Secretary to the Supervisor and Senior Secretary which titles will remain outside the bargaining unit.

Section 3. The titles recognized by the Town for inclusion in the unit are:

Assessor's clerk
Account Clerk
Account Clerk Typist
Benefits & Bookkeeping Administrator
Clerk
Clerk To Town Justice
Deputy Court Clerk
Deputy Town Clerk
Recreation Aide
Secretary to the Planning Board
Senior Clerk
Typist

Section 4. The Town Board hereby authorizes the Town Supervisor to take any and all actions necessary to formalize the recognition of the Unit, including but not limited to any required publication pursuant to the PERB Rules.

Section 5. The Town Board hereby authorizes the Town Supervisor and Deputy Supervisor Cindy Smith to negotiate an initial Collective Bargaining Agreement with the Unit and to finalize the agreed upon

list of titles to be recognized if any discrepancies arise. The proposed Collective Bargaining Agreement shall be subject to final review and approval by the Town Board and the Town's legal counsel.

Section 6. The Town Supervisor and any Town official, employee or consultant, as directed by the Town Supervisor, is hereby authorized and directed to take any necessary and appropriate actions to carry out the provisions of this Resolution.

Section 7. This Resolution shall be effective immediately.

Discussion: Councilman Courtenay asked about the Comptroller's position. Supervisor Valentine explained that the position of Comptroller would not be included in the union as it is an appointment and department head position. He added that the objection was the PERB filing being inaccurate and not filed very well, but contract is subject to Town Board approval. Councilman Holdridge asked if the negotiations would begin this year. The Supervisor replied he doesn't know how long it will take but will start with the union making a proposal and then it would go back and forth.

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

	<u>Yea</u>	<u>Nay</u>	<u>Abstain</u>	<u>Absent</u>
Town Supervisor Robert Valentine	[x]	[]	[]	[]
Deputy Supervisor Cindy Smith	[x]	[]	[]	[]
Councilman Robert Courtenay	[x]	[]	[]	[]
Councilman Antonio Ardisana	[]	[]	[]	[x]
Councilman Brandon Holdridge	[x]	[]	[]	[]

The Resolution was thereupon duly adopted.

TREE REMOVAL RESOLUTION

A RESOLUTION TO INQUIRE OF THE ORANGE & ROCKLAND UTILITIES, INC. TO REMOVE A HAZARDOUS TREE ON RESTDALE ROAD

NOVEMBER 14, 2023

TITLE: A resolution to inquire of the Orange & Rockland Utilities, Inc. to remove a hazardous tree on Restdale Road.

At a meeting of the Town Board of the Town of Chester, Orange County, New York, held at the Town Hall, 1786 Kings Highway, Chester, New York, on the 14th of November, 2023, at 6:30 P.M. prevailing time:

The meeting was called to order by Supervisor Valentine and upon roll being called the following were:

PRESENT: Robert Valentine, Supervisor
Cynthia Smith, Deputy Supervisor Robert
Courtenay, Councilman
Brandon Holdridge, Councilman

ABSENT: Antonio Ardisana, Councilman

The following resolution was offered by Councilman Courtney, who moved its adoption, seconded by Councilman Holdridge, to wit:

WHEREAS, the Town Board of the Town of Chester has received complaints with respect to a hazardous tree on Restdale Road; and

WHEREAS, based upon the accounts of both the residents at 91 Restdale Rd and 96 Restdale Rd, the tree should be removed to prevent any unnecessary damage to private/public property or accidental injury; and

WHEREAS, based upon the accounts of both the residents at 91 Restdale Rd and 96 Restdale Rd, the tree should be removed to prevent any unnecessary damage nearby power lines; and

NOW, THEREFORE, BE IT RESOLVED, that the Town of Board of the Town of Chester, submit a request to the Orange & Rockland Utilities, Inc. to remove a hazardous tree on Restdale Road in the Town of Chester for the safety of the residents of Chester; and

BE IT FURTHER RESOLVED, that the Town Clerk cause a copy of this Resolution to be forwarded to the Chester Superintendent of Highways for his review.

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

Robert Valentine, Supervisor	Yay
Cynthia Smith, Deputy Supervisor	Yay
Robert Courtenay, Councilman	Yay
Antonio Ardisana, Councilman	Absent
Brandon Holdridge, Councilman	Yay

Dated: November 14, 2023

CANCEL MEETING

ON A MOTION OFFERED BY Councilman Courtenay and second by Councilman Holdridge to cancel the scheduled Town Board meeting of November 22, 2023.

VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana

ADOPTED

ANNOUNCEMENTS

Chester Kiwanis Toy Drive – New unwrapped toys through December 3, 2023 at Town Hall and other locations.

Walton Engine & Hose – November 25th – Christmas Parade – Village of Chester

December 16th – Candy Cane Run – throughout Village of Chester

December 17th – Breakfast with Santa – Main St. Firehouse

Chester Historical Society Christmas Tree Lighting – December 3, 2023, 4:30pm – Santa and treats

Sugar Loaf Engine Co. - Santa Claus is Coming to Town – December 9th, 11am-2:30pm – various stops through Town for Operation Toy Train unwrapped toy collection
Trout Brook Engine & Hose Breakfast with Santa – December 10th, 3am-12noon – raffle, Toys for Tots collection
Orange County Office for the Aging – Adopt-A-Senior Program – 2023 goal: Adopt 100 seniors

More information on chester-ny.gov

REPORTS

Parks Department - November 2023

-Park facilities will be closed for the winter next week 11/13/23. Water will be shut off and bathrooms locked until next spring.

- Please recognize Kris Grohl for an exceptional job prepping Carpenter field for the Harvest Cup ...Chesters 50/70 baseball team was victorious over Washingtonville ..Congratulations to all!

-Attended several meetings with the community ... 1. For Playgrounds at Carpenter and the Commons to make them more ADA accessible
2. summer camp
3. will be meeting with coaches next week for basketball. More program information to follow

-Attended bus trips to AC and Pennsylvania.

-The weather caused a last-minute location & date change for the Annual Trunk or treat....Thank you to all who supported this event from trunks to treaters it was a huge success!

-Attended several shows, events, and a wedding at the SLPAC.

-working with Michele and DGM on an exciting Holiday event ... Saturday 12/23/23 at the SLPAC some activities will include time with Santa, some snacks & crafts, followed by a ticketed holiday show for the whole family. More info to follow. Like us at Chester Rec on face book to see what's next.

-Basketball registration closes THIS FRIDAY 11/10/23!! Forms and directions went home with all Chester Elementary students grades 1-5 and was shared on multiple social media pages. A reminder email & text will go out tomorrow. Please call Kristin at 845-469-7000 Ext 102 with any questions.

ADJOURNMENT

ON A MOTION OFFERED BY Councilman Holdridge and second by Councilman Courtenay to adjourn the meeting at 7:15pm, there being no further business brought before the Board.

VOTE AYES (4): Valentine, Courtenay, Holdridge, Smith ABSENT (1): Ardisana

ADOPTED

Respectfully submitted,

Linda A. Zappala
Town Clerk
2023-11-14