

VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
 Meeting, Monday, November 5, 2012
Special Meeting: 6:45P.M.
Regular Meeting: 7:00P.M.
VILLAGE JUSTICE COURT ROOM
 350 North Main Street
 Port Chester, New York
AGENDA

TIME: 6:45 P.M.

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Resident complaint against a Village official that involves the employment history of a particular person or matters leading to the discipline, suspension, dismissal or removal of a particular person or corporation.	

TIME: 7:00 P.M.

I	PUBLIC HEARING	ACTION
1	Adjourned Public Hearing to consider the advisability of adopting a local law that would amend Chapter 345 "Zoning" of the Village Code with regard to site plan review procedures and standards. ▪ Vote on the Motion to:	
II	PRESENTATION	ACTION
1	Election 2013 Update from the Village Clerk and introduction of the Voter Education Coordinator.	
2	▪ Report from Village Manager on Hurricane Sandy response and damage assessment update. ▪ Recognition to Village Staff for their hard work during Hurricane Sandy.	
3	Ribbon campaign with National Alliance on Mental Illness (NAMI) walk.	
4	Presentation by Complus to the Board of Trustees regarding parking ticket management services.	
5	JCJ Architecture.	

III	PUBLIC COMMENTS	ACTION
IV	RESOLUTIONS	ACTION
1	Authorize the Village Manager to submit an application to the Westchester County Health Department for permit renewal for food service establishment regarding the Port Chester Nutrition Program.	
2	Authorize the Village Manager to enter into an agreement with the New York State Department of Transportation for the extension of the Snow and Ice Agreement for the 2012/2013 Snow Season.	
3	Authorize the Village Manager to enter into an intermunicipal agreement with the County of Westchester for the use of its firing range on a fee-recoverable basis with a term of five years subject to termination by either party on notice.	
4	Authorizes the Village Manager to enter into an agreement with FairVote, for continued assistance to the Village of Port Chester in the implementation of the consent decree in the Voting Rights litigation for the 2013 Village Election for Trustee.	
5	Budget amendment and authorization using DEA funds to purchase computer and console to house electronic equipment in Police vehicles.	
6	Awarding bid for roof and chimney work with regard to Bush Homestead restoration.	
7	Removal of parking spaces -Tarry Lodge	
8	Mayoral election to be included with Early Voting 2013 Village Election	

V	DISCUSSIONS	ACTION
1	Bulkhead Repair bid response.	
2	No Knock Law.	
3	Acceptance of zoning map amendment petition and designation of Lead Agency under SEQRA for 2 Osborn Place	
4	Accepting Petition of Starwood for zoning amendment and Noticing Intention to Declare Lead Agency with regard to former United Hospital site. <ul style="list-style-type: none"> ▪ Vote on action/resolution to: 	
VI	CORRESPONDENCE	ACTION
1	From John B Colangelo, Attorney for Torosan Realty LLC, with regard to Minetta Place.	
2	Request from American Legion Post 93 for appropriation for the 2012 year.	
3	From Sandra Blanco in reference to Madison Ave. traffic and speeding cars.	
4	From John Touri, Assistant Director, of the Port Chester Auxiliary Police requesting placement of a sign in Messina Park announcing their Toy Drive.	
VII	REPORTS	ACTION
1	Interdepartmental transfer of funds	
VIII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, WITH REGARD TO SITE PLAN REVIEW PROCEDURE AND STANDARDS

SECTION 1: The Code of the Village of Port Chester, Chapter 345, "Zoning", Section 345-23, is hereby amended as follows:

...

C. Submission Procedures

...

(2)

- (a) Within six months following the presubmission conference, [12]15 copies of the site plan and all supporting documentation, including a single CD containing same in PDF (Portable Document) format or similar media, shall be submitted to the Planning Commission Recording Secretary, accompanied by the appropriate submission fee. The CD must be labeled with the name of the applicant, project address, submission date and Planning Commission case number if assigned. At the discretion of the Director of the Office of Planning and Development, the applicant may be advised to also provide a digital 3D Model Submission based on the complexity, scale, or potential visual impacts of the application; such determination shall be made at the time of the pre-submission conference. This submission shall be made at least 20 days prior to the scheduled Planning Commission meeting.

SECTION 2: If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

SECTION 3: This local law shall be effective immediately upon filing with the Secretary of State and due publication.

Public Hearing
Local Law
9/18/2022

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT
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NAMI of Westchester County

100 Clearbrook Road,
Elmsford, NY 10523
Main: (914) 592-5458
Fax: (914) 592-2652

www.namiwestchester.org

VILLAGE OF PORT CHESTER

OCT 25 2012

 RECEIVED

Dear Mayor Pilla and Board of Trustees,

Thank you again for your receptivity and willingness to consider participating in NAMI Westchester's ribbon campaign initiative. Please feel free to contact me or the NAMI Westchester office at any time if you need additional information.

Thank you,

Sheryl Brauman

12 Magnolia Drive
Rye Brook, NY
(914) 450-9126
shbrau@gmail.com

“Simply put, treatment works, if you can get it. But in America today, it is clear that many people living with mental illness are not provided with the essential treatment they need.”

—Michael J. Fitzpatrick, executive director of NAMI National, National Alliance on Mental Illness, *Grading the States 2006*, Arlington, Va.

- One in four adults—approximately 57.7 million Americans—experience a mental health disorder in a given year. One in 17 lives with a serious mental illness such as schizophrenia, major depression or bipolar disorder¹ and about one in 10 children live with a serious mental or emotional disorder.²
- About 2.4 million Americans, or 1.1 percent of the adult population, lives with schizophrenia.¹
- Bipolar disorder affects 5.7 million American adults, approximately 2.6 percent of the adult population per year.¹
- Major depressive disorder affects 6.7 percent of adults, or about 14.8 million American adults.¹ According to the 2004 *World Health Report*, this is the leading cause of disability in the United States and Canada in ages between 15-44.³
- Anxiety disorders, including panic disorder, obsessive-compulsive disorder (OCD), posttraumatic stress disorder (PTSD), generalized anxiety disorder and phobias, affect about 18.7 percent of adults, an estimated 40 million individuals. Anxiety disorders frequently co-occur with depression or addiction disorders.¹
- An estimated 5.2 million adults have co-occurring mental health and addiction disorders.⁴ Of adults using homeless services, 31 percent reported having combination of these conditions.⁵
- One-half of all lifetime cases of mental illness begin by age 14, three-quarters by age 24.⁶ Despite effective treatments, there are long delays—sometimes decades—between the first onset of symptoms and when people seek and receive treatment.⁷
- Fewer than one-third of adults and one-half of children with a diagnosable mental disorder receive mental health services in a given year.²
- Racial and ethnic minorities are less likely to have access to mental health services and often receive a poorer quality of care.⁸
- In the United States, the annual economic, indirect cost of mental illness is estimated to be \$79 billion. Most of that amount—approximately \$63 billion—reflects the loss of productivity as a result of illnesses.²
- Individuals living with serious mental illness face an increased risk of having chronic medical conditions.⁹ Adults living with serious mental illness die 25 years earlier than other Americans, largely due to treatable medical conditions.¹⁰
- Suicide is the eleventh-leading cause of death in the United States and the third-leading cause of death for people ages 10-24 years. More than 90 percent of those who die by suicide have a diagnosable mental disorder.¹¹
- In July 2007, a nationwide report indicated that male veterans are twice as likely to die by suicide as compared with their civilian peers in the general United States population.¹²
- Twenty-four percent of state prisoners and 21 percent of local jail prisoners have a recent history of a mental health disorder.¹³ Seventy percent of youth in juvenile justice systems have at least one mental disorder with at least 20 percent experiencing significant functional impairment from a serious mental illness.¹⁴
- Over 50 percent of students with a mental disorder age 14 and older drop out of high school—the highest dropout rate of any disability group.¹⁵

REFERENCES

- ¹ “NIMH: The numbers count—Mental disorders in America.” National Institute of Health. Available at www.nimh.nih.gov/publicat/numbers.cfm.
- ² U.S. Department of Health and Human Services. *Mental Health: A Report of the Surgeon General*. Rockville, Md., U.S. Department of Health and Human Services, Substance Abuse and Mental Health Services Administration, Center for Mental Health Services, 1999, pp. 408-409, 411.
- ³ “NIMH: The numbers count—Mental disorders in America.” National Institute of Health. Available at www.nimh.nih.gov/publicat/numbers.cfm. (Citing 2004 World Health Report Annex Table 3 Burden of disease in DALYs by cause, sex and mortality stratum in WHO regions, estimates for 2002. Geneva: World Health Organization).
- ⁴ Substance Abuse and Mental Health Services Administration. (2007, February). *National Outcome Measures (NOMs) for Co-occurring Disorders*. (Citing 2005 data from the National Survey on Drug Use and Health (NSDUH)).
- ⁵ Burt, M. (2001). “What will it take to end homelessness?” Urban Institute: Washington, D.C., p. 3. Available at www.urban.org/UploadedPDF/end_homelessness.pdf.
- ⁶ Kessler, R., Berglund, P., Demler, O., Jin, R., Merikangas, & Walters, E., Lifetime prevalence and age-of-onset distributions of DSM-IV disorders in the National Co-morbidity Survey Replication (NCS-R). *General Psychiatry*, 62, June 2005, 593-602.
- ⁷ Wang, P., Berglund, P., et al. Failure and delay in initial treatment contact after first onset of mental disorders in the National Co-morbidity Survey Replication (NCS-R). *General Psychiatry*, 62, June 2005, 603-613.
- ⁸ New Freedom Commission on Mental Health, *Achieving the Promise: Transforming Mental Health Care in America*. Final Report. United States Department of Health and Human Services: Rockville, MD, 2003, pp. 49-50.
- ⁹ Colton, C.W. & Manderscheid, R.W., (2006, April). Congruencies in increased mortality rates, years of potential life lost, and causes of death among public mental health clients in eight States. *Preventing Chronic Disease: Public Health Research, Practice and Policy*, 3(2), 1-14. Available at www.pubmedcentral.nih.gov/articlerender.fcgi?tool=pubmed&pubmedid=16539783.
- ¹⁰ Manderscheid, R., Druss, B., & Freeman, E. (2007, August 15). Data to manage the mortality crisis: Recommendations to the Substance Abuse and Mental Health Services Administration. Washington, D.C.
- ¹¹ National Institute of Mental Health. *Suicide in the U.S.: Statistics and prevention*. Available at www.nimh.nih.gov/publicat/harmsway.cfm.
- ¹² Kaplan, M.S., Huguet, N., McFarland, B., & Newsom, J.T. (2007). Suicide among male veterans: A perspective population-based study. *Journal of Epidemiol Community Health*, 61(7), 619-624.
- ¹³ Glaze, L.E. & James, D.J. (2006, September). *Mental Health Problems of Prison and Jail Inmates*. US Department of Justice, Office of Justice Programs, Bureau of Justice Statistics: Washington, D.C.
- ¹⁴ Skowryra, K.R. & Cocozza, J.J. (2007) *Blueprint for change*. National Center for Mental Health and Juvenile Justice; Policy Research Associates, Inc. The Office of Juvenile Justice and Delinquency Prevention. Available at <http://www.ncmhjj.com/Blueprint/default.shtml>.
- ¹⁵ U.S. Department of Education. *Twenty-third annual report to Congress on the implementation of the Individuals with Disabilities Act*. Washington, D.C., 2006.



Parents and Teachers as Allies is a program that focuses on helping school professionals and families within the school community better understand the early warning signs of mental illnesses in children and adolescents and how best to intervene so that youth with mental health treatment needs are linked with services.

To set up an opportunity to have this program in your school district, please contact the NAMI Westchester offices at 914-592-5458.



nami

National Alliance on Mental Illness

**Family
Support Group**

Support groups for

- Family & Friends
- Spouses
- Adults with a Parent with Mental Illness
- Adult Siblings



nami Connection

National Alliance on Mental Illness **RECOVERY SUPPORT GROUP**

Support group for consumers

For additional information contact:



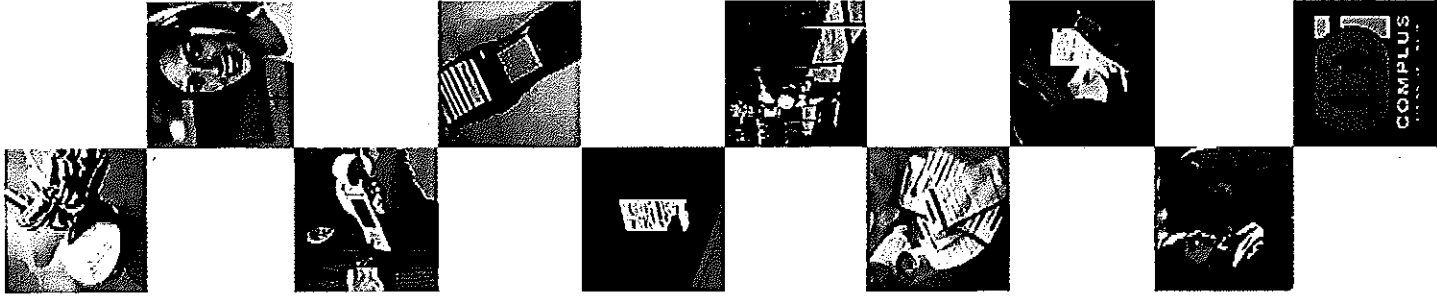
National Alliance on Mental Illness

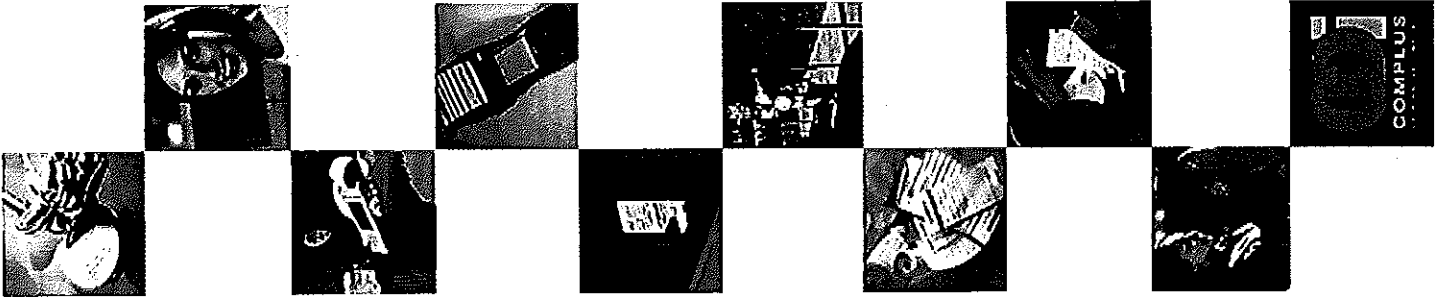
nami | Westchester

914-592-5458

Complus Data - Who We Are

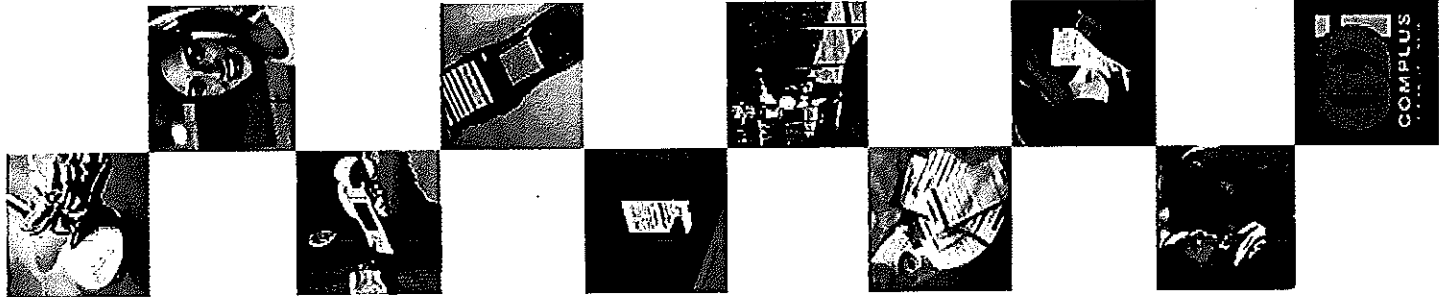
- Over 26 years of experience in the Parking Industry.
- Largest Parking Ticket Management company on the East Coast and one of the largest in the USA.
- Revenue generating specialists, providing the highest average collection rates in the industry.
- Parking Ticket Management vendor for the Village of Port Chester since August of 1999.



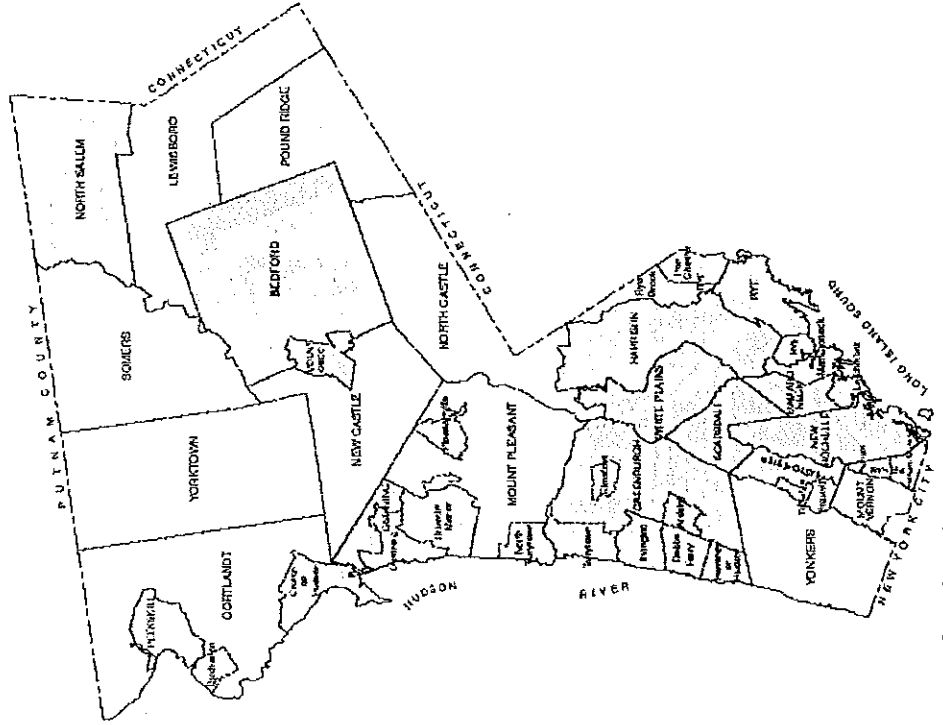


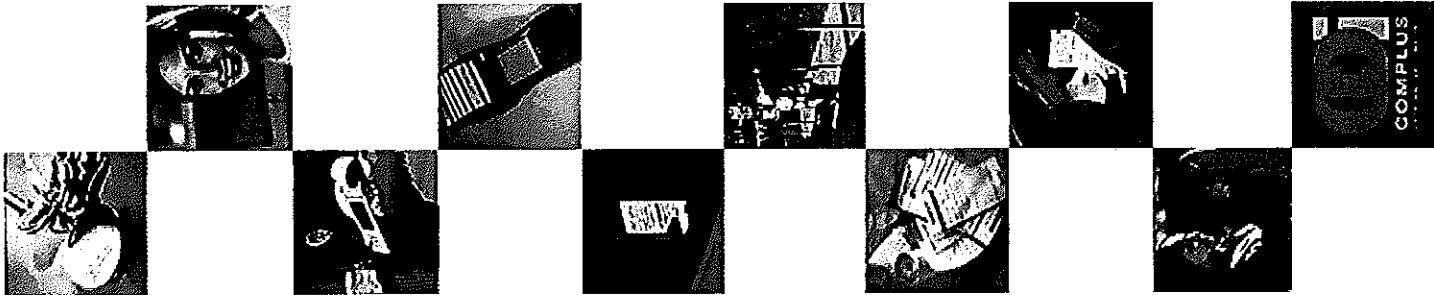
Complus Data - Who We Serve

- Complus services over 200 clients Nationwide (including 29 municipalities in Westchester County alone).
- Our client list includes:
 - Village of Port Chester, NY
 - Town of Greenwich, CT
 - Town/Village of Harrison, NY
 - City of New Rochelle, NY
 - City & Town of Rye, NY
 - Village of Scarsdale, NY
 - Town & Village of Mamaroneck
 - City of White Plains, NY



Complus Westchester Experience





Port Chester Statistics

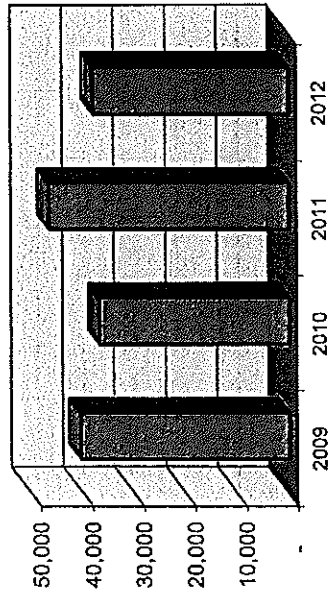
Over the years, Complus has helped to make the parking program in Port Chester a success!

Village of Port Chester, NY

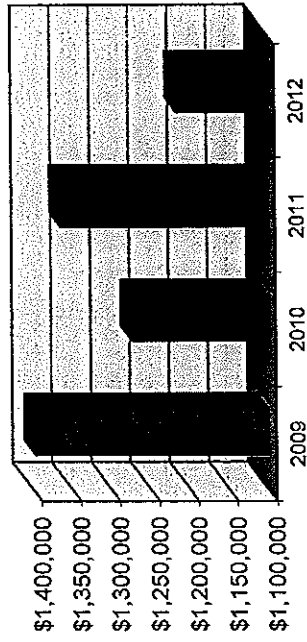
Year	Tickets Issued	Revenue	Collection Rate
2009	40,473	\$ 1,395,811	93.77%
2010	36,895	\$ 1,272,395	93.67%
2011	46,541	\$ 1,362,908	93.63%
2012	37,995	\$ 1,214,471	TBD

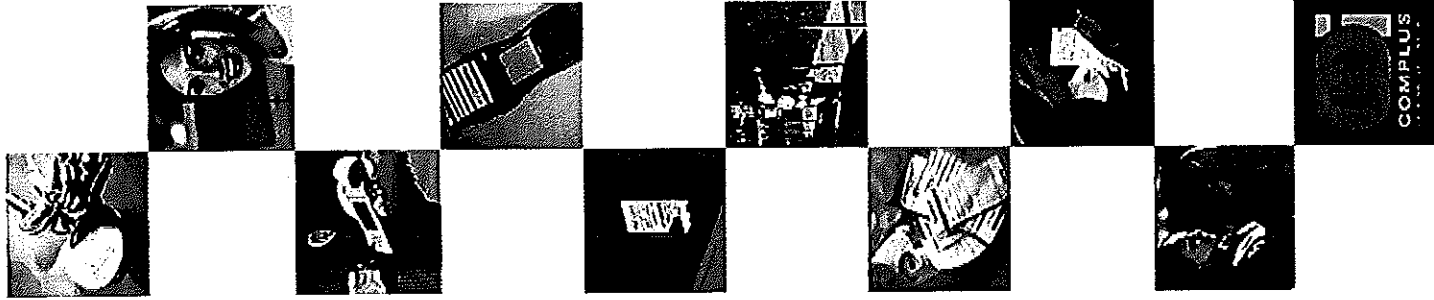
January through October

Tickets Issued



Revenue





Current CDI Services

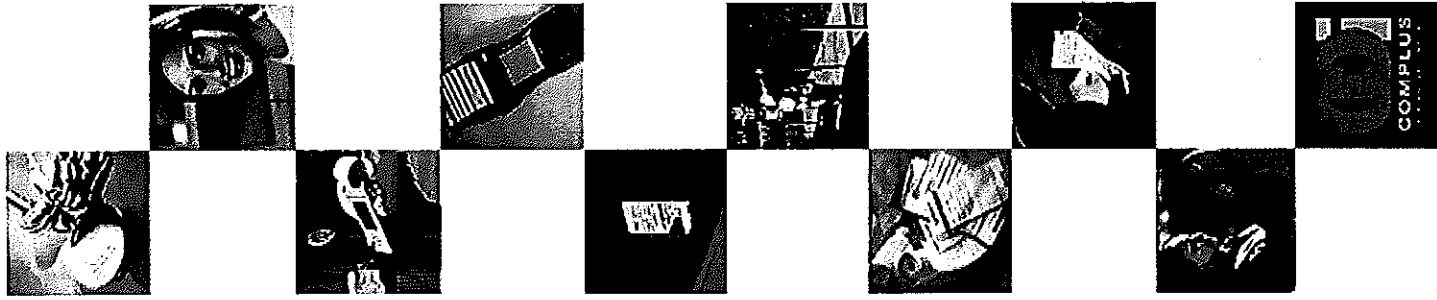
Since August of 1999, Complus has provided the following services to Port Chester:

- Single-piece Handheld Ticket Writers with Customized Programming.
- **FastTrack™** Parking Ticket Software.
- Nationwide, Direct DMV Lookup Service.
- NYS DMV Registration Hold Program.
- Customized Delinquent Noticing (Including NCOA Service).
- Real-time Web-based & Phone-based Payments.
- Data Entry & Digital Imaging of Handwritten Parking Tickets.
- Unlimited & Ongoing Maintenance, Training and Support for the Entire Solution at No Additional Cost.
- Unlimited & Ongoing Management Reports at No Additional Cost.

Additional Complus Services

As part of a new contract, Complus will provide the following additional services to the Village of Port Chester

- Ad hoc, real-time report writing capabilities.
- Ability for public to file appeals online through our parking ticket payment website.
- New handheld ticket writers with enhanced capabilities including color image capture with flash.
- Ability to print handheld images on tickets.
- Going forward, Complus will assume costs of all handheld & handwritten parking ticket stock.
- Spanish-speaking pay-by-phone application.
- Enhanced permitting system and online web-based permit sales.



Preliminary Parking Garage Feasibility Analysis

Port Chester, NY
November 5, 2012

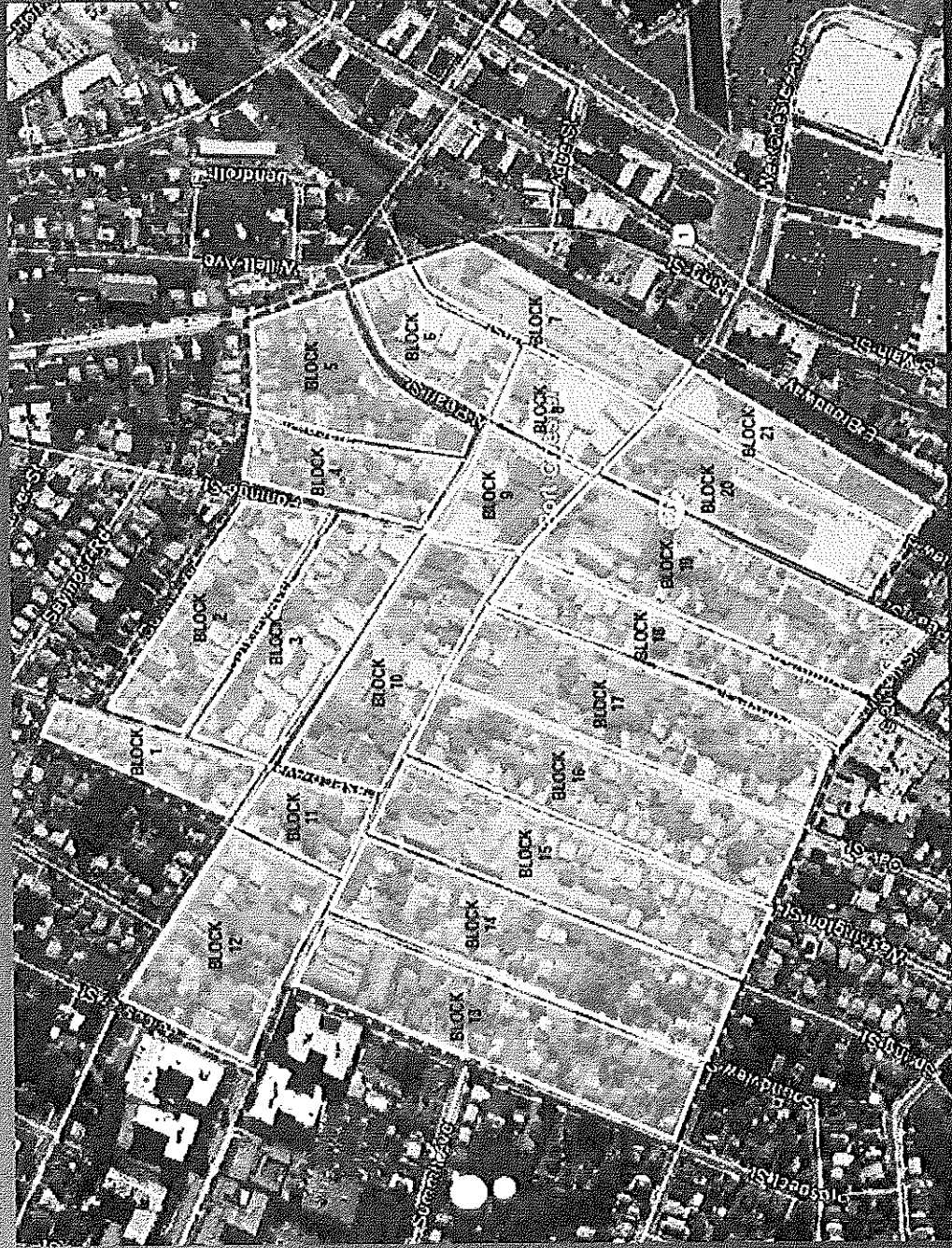
Objectives

1. Review work to date
2. Present preliminary findings and analysis
3. Outline action steps and/or options for feasibility as a public venture
4. Outline action steps and/or options for feasibility as a private venture
5. Determine next steps

Study Engagement

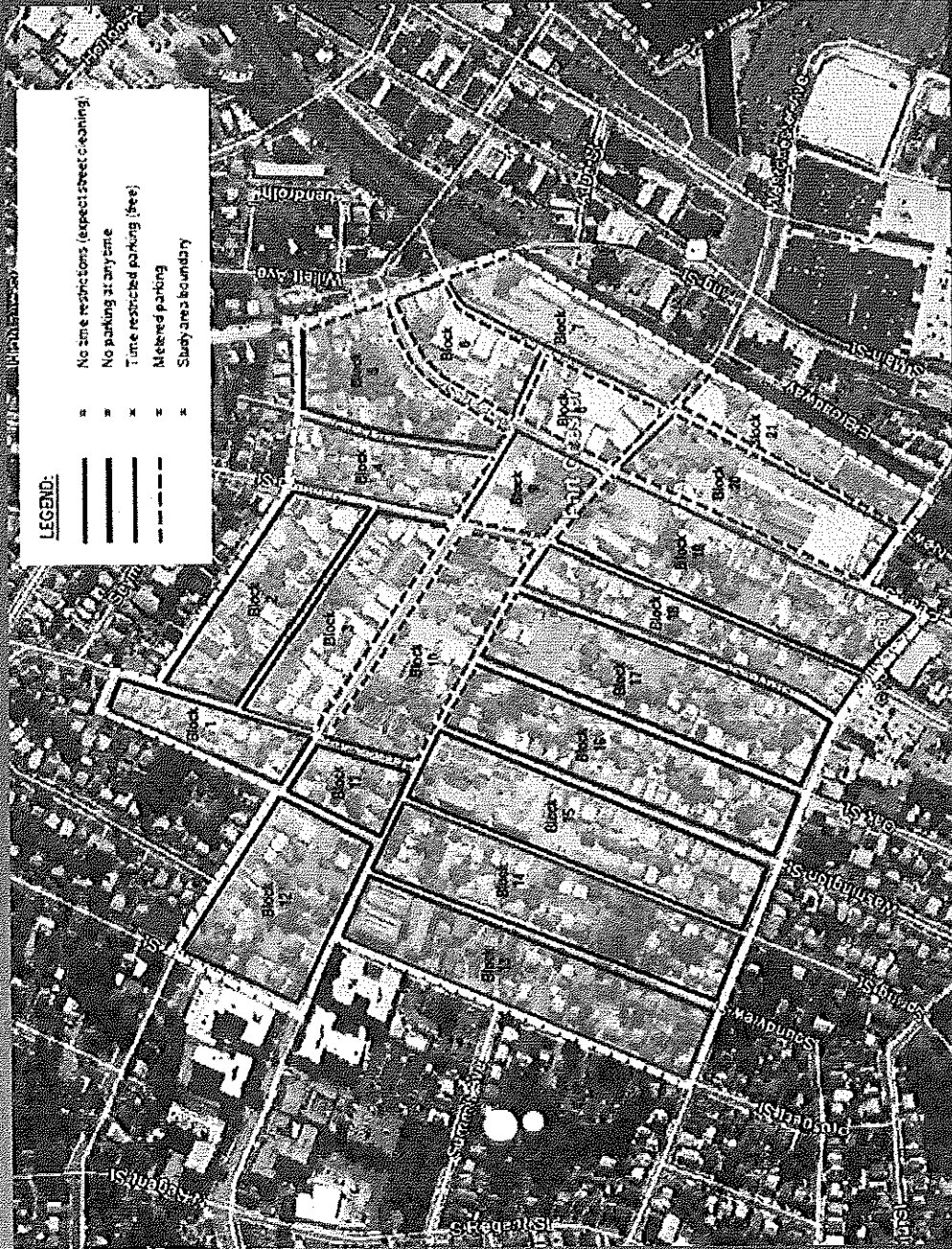
1. Define existing area dynamics
2. Identify potential demand generators
3. Quantify appropriate capacity given work to date
4. Estimate total project cost
5. Project demand capture and gross revenues
6. Recommend operating program and estimate overhead
7. Calculate debt service coverage

Methodology



DESMAN
ASSOCIATES
ARCHITECTS & ENGINEERS

On-Street Parking



Off-Street Parking



Practical Capacity

Block #	ON-STREET			OFF-STREET PUBLIC			OFF-STREET PRIVATE			GRAND TOTAL		
	Unrestricted	Time Restricted	Metered	Garage	Lot	Other	TOTAL	Garage	Lot		Driveways	TOTAL
1	31	0	0	0	0	0	0	0	0	30	30	61
2	45	0	0	0	0	0	0	0	0	84	0	129
3	34	0	16	0	0	0	0	0	0	70	10	130
4	0	17	4	0	0	0	0	0	0	20	43	84
5	28	0	17	0	0	0	0	0	0	51	8	104
6	0	0	16	0	0	0	0	0	0	24	0	40
7	0	0	26	0	239	0	0	0	0	8	0	273
8	0	0	27	0	0	0	0	0	0	13	0	40
9	0	0	11	4	0	0	0	0	0	11	0	26
10	7	9	14	3	86	0	0	0	0	18	0	137
11	29	0	0	0	0	0	0	0	0	11	12	52
12	41	0	0	0	0	0	0	0	0	61	20	122
13	39	0	0	0	0	0	0	0	0	0	40	119
14	43	0	0	0	0	0	0	0	0	0	60	103
15	71	0	0	0	0	0	0	0	0	45	40	156
16	77	9	0	0	0	0	0	0	0	15	86	187
17	61	0	0	0	81	0	0	0	0	17	71	230
18	0	0	0	0	0	0	0	0	0	15	39	54
19	35	0	5	0	0	0	0	0	0	124	0	164
20	5	0	25	0	95	0	0	0	0	58	6	189
21	0	0	20	0	41	0	0	0	0	21	0	82
TOTAL	546	35	181	7	542	0	769	0	666	465	1,171	2,482

Weekday Utilization

Block #	Capacity	8:00 AM		9:00 AM		10:00 AM		11:00 AM		12:00 PM		1:00 PM		2:00 PM		3:00 PM		4:00 PM		5:00 PM	
		Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization
1	61	30	49%	28	46%	27	44%	27	44%	28	46%	28	46%	30	49%	30	49%	30	49%	32	52%
2	128	29	22%	17	13%	26	20%	41	32%	48	37%	48	37%	50	39%	50	39%	51	40%	53	41%
3	130	47	36%	41	32%	55	42%	67	52%	80	62%	77	59%	57	44%	45	35%	55	42%	62	48%
4	84	78	93%	71	85%	66	79%	61	73%	53	63%	55	65%	56	67%	56	67%	58	69%	62	74%
5	104	36	35%	33	32%	38	37%	39	38%	41	39%	41	39%	41	39%	41	39%	40	38%	38	37%
6	40	35	88%	35	90%	36	90%	36	90%	36	90%	35	88%	35	88%	36	90%	36	90%	36	90%
7	273	224	82%	258	95%	260	95%	248	91%	242	89%	237	87%	233	85%	229	84%	218	80%	207	76%
8	40	18	45%	24	60%	28	70%	29	73%	28	70%	33	83%	28	70%	28	70%	24	60%	25	63%
9	26	19	73%	28	108%	29	112%	32	123%	33	127%	33	127%	32	123%	32	123%	32	123%	30	115%
10	137	48	35%	61	45%	68	49%	63	46%	62	45%	65	47%	66	48%	70	51%	68	50%	64	47%
11	52	25	48%	21	40%	27	52%	34	65%	38	73%	35	67%	34	65%	33	63%	35	67%	29	56%
12	122	47	39%	40	33%	41	34%	41	34%	45	37%	41	34%	40	33%	40	33%	38	32%	44	36%
13	118	77	65%	63	53%	64	54%	64	54%	64	54%	63	53%	66	57%	68	57%	71	60%	72	61%
14	103	63	61%	57	55%	58	56%	59	57%	59	57%	59	57%	62	60%	65	63%	66	64%	69	67%
15	156	125	80%	113	72%	114	73%	118	76%	123	79%	124	79%	121	78%	120	77%	121	78%	117	75%
16	187	111	59%	89	48%	88	47%	93	50%	98	52%	99	53%	103	55%	104	56%	107	57%	108	58%
17	230	150	65%	142	62%	140	61%	140	61%	140	61%	138	60%	141	61%	146	63%	151	66%	155	67%
18	54	45	83%	39	72%	39	72%	42	78%	44	81%	45	83%	43	80%	40	74%	41	76%	40	74%
19	164	122	74%	130	78%	133	81%	128	78%	123	75%	119	73%	116	71%	112	68%	98	60%	91	55%
20	189	141	75%	156	83%	159	84%	157	83%	152	80%	155	82%	157	83%	155	82%	141	75%	135	71%
21	82	55	67%	57	70%	58	71%	50	61%	61	74%	60	73%	60	73%	59	72%	54	66%	48	60%
TOTAL	2,402	1,526	61%	1,505	61%	1,550	62%	1,580	64%	1,599	64%	1,590	64%	1,572	63%	1,560	63%	1,538	62%	1,518	61%

Weekday Evening Utilization

Block #	Practical Capacity	6:00 PM		7:00 PM		8:00 PM		9:00 PM		10:00 PM	
		Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization
1	61	36	59%	39	64%	41	67%	42	69%	44	72%
2	129	55	43%	56	43%	57	44%	59	46%	60	47%
3	130	66	51%	71	55%	74	57%	79	61%	83	64%
4	84	65	77%	68	81%	71	85%	72	86%	75	89%
5	104	41	39%	45	43%	46	44%	46	44%	46	44%
6	40	33	83%	30	75%	26	65%	25	63%	23	58%
7	273	181	66%	146	53%	91	33%	84	31%	71	26%
8	40	27	68%	27	68%	28	70%	25	63%	18	45%
9	26	25	96%	22	85%	24	92%	21	81%	18	69%
10	137	56	41%	44	32%	34	25%	33	24%	31	23%
11	52	30	58%	30	58%	32	62%	32	62%	33	63%
12	122	45	37%	47	39%	51	42%	50	41%	53	43%
13	119	77	65%	81	68%	88	74%	86	72%	89	75%
14	103	73	71%	78	76%	81	79%	82	80%	82	80%
15	156	111	71%	111	71%	112	72%	108	69%	91	58%
16	187	108	58%	108	58%	108	58%	111	59%	111	59%
17	230	155	67%	156	68%	146	63%	141	61%	140	61%
18	54	37	69%	38	70%	39	72%	40	74%	43	80%
19	164	87	53%	84	51%	82	50%	82	50%	83	51%
20	189	126	67%	113	60%	91	48%	73	39%	61	32%
21	82	36	44%	29	35%	18	22%	18	22%	18	22%
TOTAL	2,482	1,470	59%	1,423	57%	1,340	54%	1,309	53%	1,273	51%

DESMAN
ASSOCIATES
ARCHITECTS & ENGINEERS

Weekend Utilization

Block #	Practical Capacity	8:00 AM		9:00 AM		10:00 AM		11:00 AM		12:00 PM		1:00 PM		2:00 PM		3:00 PM		4:00 PM		5:00 PM	
		Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization
1	61	44	72%	42	69%	41	67%	42	69%	44	72%	43	70%	42	69%	44	72%	45	74%	48	79%
2	128	35	27%	31	24%	31	24%	31	24%	32	25%	32	25%	33	26%	35	27%	38	29%	41	32%
3	130	91	70%	86	66%	83	64%	80	62%	74	57%	75	58%	73	56%	77	59%	81	62%	88	68%
4	84	51	61%	49	58%	44	52%	41	49%	38	45%	36	43%	35	42%	33	39%	31	37%	41	49%
5	104	29	28%	26	25%	25	24%	23	22%	18	17%	18	17%	17	16%	19	18%	21	20%	22	21%
6	40	25	63%	25	63%	23	58%	19	48%	16	40%	17	43%	17	43%	21	53%	19	48%	21	53%
7	273	55	20%	66	24%	79	29%	91	33%	113	41%	121	44%	116	42%	104	38%	87	32%	99	36%
8	40	2	5%	3	8%	6	15%	5	13%	5	13%	7	18%	6	15%	8	20%	15	38%	19	48%
9	26	15	58%	18	69%	18	69%	19	73%	19	73%	19	73%	17	65%	14	54%	16	62%	18	69%
10	137	49	36%	57	42%	62	45%	66	48%	70	51%	72	53%	75	55%	67	49%	54	39%	49	36%
11	52	36	69%	35	67%	33	63%	32	62%	30	58%	31	60%	34	65%	36	69%	37	71%	40	77%
12	122	55	45%	50	41%	46	38%	41	34%	35	29%	36	30%	33	27%	38	31%	41	34%	44	36%
13	119	84	71%	77	65%	69	58%	56	47%	48	40%	51	43%	49	41%	47	39%	55	46%	62	52%
14	103	68	66%	66	64%	63	61%	62	60%	58	56%	59	57%	57	55%	65	64%	65	63%	68	66%
15	156	67	43%	62	40%	66	42%	67	43%	68	44%	65	42%	68	44%	66	42%	69	44%	73	47%
16	187	111	59%	105	56%	101	54%	98	52%	97	52%	95	51%	99	53%	102	55%	107	57%	109	58%
17	230	151	66%	145	63%	137	60%	131	57%	133	58%	134	58%	138	60%	132	57%	144	63%	161	70%
18	54	35	65%	36	67%	34	63%	32	59%	33	61%	35	65%	34	63%	37	69%	38	70%	36	67%
19	164	88	54%	86	52%	85	52%	87	53%	89	54%	83	51%	79	48%	77	47%	87	53%	95	58%
20	189	47	25%	44	23%	48	25%	48	25%	48	25%	48	25%	47	25%	48	25%	48	25%	55	29%
21	82	30	37%	30	37%	31	38%	32	39%	32	39%	32	39%	32	39%	32	39%	33	40%	35	44%
TOTAL	2,482	1,168	47%	1,139	46%	1,125	45%	1,103	44%	1,100	44%	1,109	45%	1,101	44%	1,103	44%	1,141	46%	1,225	49%

Weekend Evening Utilization

Block #	Practical Capacity	6:00 PM		7:00 PM		8:00 PM		9:00 PM		10:00 PM	
		Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization	Occupancy	Utilization
1	61	49	80%	49	80%	49	80%	51	84%	51	84%
2	129	45	35%	46	36%	47	36%	49	38%	50	39%
3	130	88	68%	91	70%	94	72%	99	76%	103	79%
4	84	45	54%	48	57%	51	61%	52	62%	55	65%
5	104	21	20%	25	24%	26	25%	26	25%	26	25%
6	40	23	58%	25	63%	26	65%	27	68%	29	73%
7	273	111	41%	126	46%	141	52%	144	53%	151	55%
8	40	17	43%	17	43%	18	45%	15	38%	18	45%
9	26	15	58%	12	46%	14	54%	11	42%	8	31%
10	137	46	34%	44	32%	44	32%	43	31%	41	30%
11	52	40	77%	40	77%	42	81%	42	81%	42	81%
12	122	45	37%	47	39%	51	42%	50	41%	53	43%
13	119	72	61%	81	68%	83	70%	85	71%	88	74%
14	103	73	71%	78	76%	81	79%	82	80%	82	80%
15	156	81	52%	81	52%	92	59%	98	63%	101	65%
16	187	108	58%	108	58%	108	58%	111	59%	111	59%
17	230	155	67%	156	68%	159	69%	161	70%	170	74%
18	54	37	69%	39	72%	41	76%	41	76%	41	76%
19	164	91	55%	94	57%	102	62%	102	62%	103	63%
20	189	66	35%	83	44%	101	53%	103	54%	91	48%
21	82	36	44%	39	48%	40	49%	40	49%	40	49%
TOTAL	2,482	1,264	51%	1,329	54%	1,410	57%	1,432	58%	1,454	59%

DESMAN
ASSOCIATES
ARCHITECTS & ENGINEERS

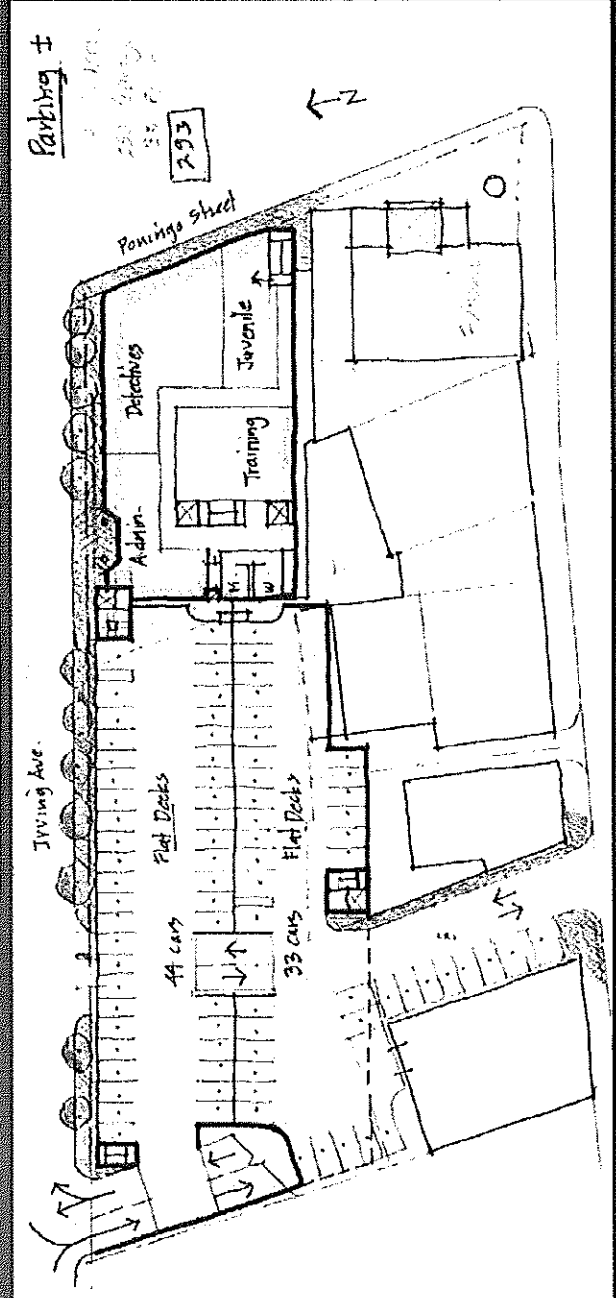
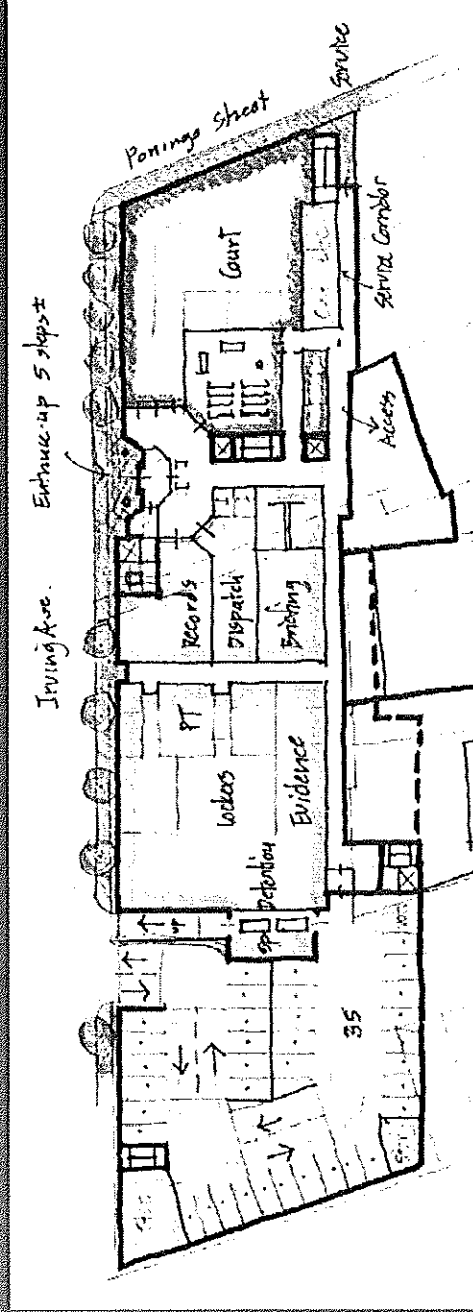
Rates

- Municipal
 - \$0.25 / 20 minutes up to a \$5.00 maximum
 - \$425.00/year for annual permit (\$35.42/ month)
- MTA
 - \$4.50 for 16 hours, \$7.00 for 24 hours at meters
 - \$601.30/ year for 12-month permit (\$50.11/month)
 - \$351.12 for a 6-month permit (\$58.52/month)
 - \$190.05 for a 3-month permit (\$63.35/month)
- Capitol Theater
 - \$10.00/ car for events (two lots, attended)

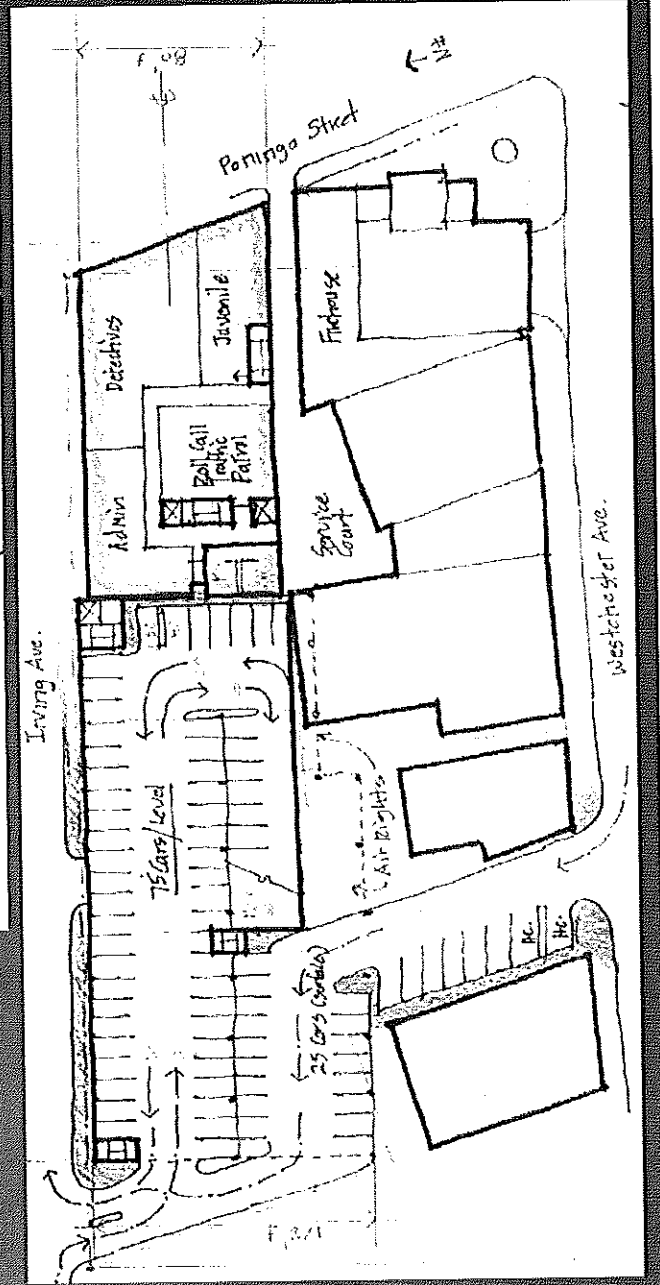
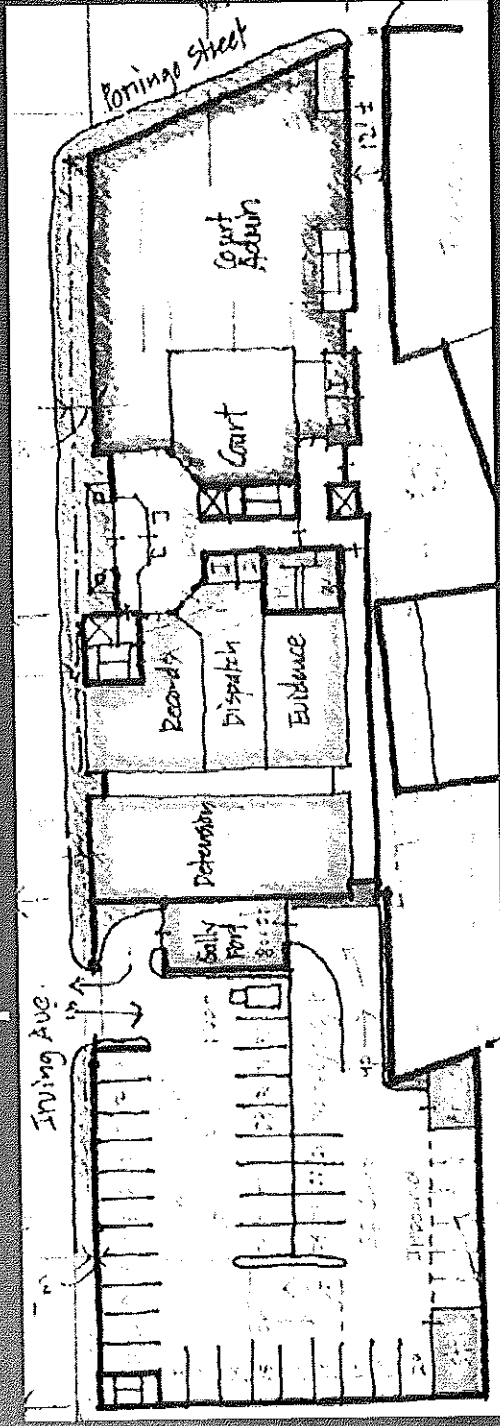
Proposed Project

- Displace the 49-space Irving Street Lot
- Introduce a ~44,681 square foot courts and police complex
- Include ~ 13,000 – 16,000 square feet for town Administrative offices
- Supported by a 200+ space parking structure

Option 4.1



Option 4.2



Primary External Demand Generators

- **Capitol Theater**
 - 1,835 seats with 130-140 shows/year; proposed expansion to 2,205 seats
 - Uses the St. Peter's Church Lot and Broad & Westchester Lot for event parking (87 spaces total)
- **Simons Building**
 - 5 restaurants @ ~ 12,500 square feet
 - Soft goods retail stores @ ~ 7,500 square feet
 - Artist's lofts @ ~ 50,000 square feet
 - Office space @ ~ 122,000 square feet
 - Roughly 8,000 square feet of vacant office and retail space
 - "Parking for up to 100 cars" (33 spaces in two lots)
- **155 Irving Avenue**
 - 14,000 square foot vacant commercial building
 - 15 parking spaces in two adjacent lots (one paved, one unimproved)

Secondary External Demand Generators

- **38 Buckley Avenue**
 - Warehouse & Dialysis Center
 - 29,717 square feet of building area
 - 16 parking spaces
 - Building for sale
- **28 Buckley Avenue**
 - 4,750 square foot vacant commercial/industrial property
 - 18 space parking lot
- **33 New Broad Street**
 - 48,000 square foot vacant industrial property
 - 42 space parking lot

Demand & Capture Methodology

- Applied ULI and ITE standards to land use data
- Assumed 50% modal split per U.S. Census data
- Calculated capture after demand lost to competing facilities available on:
 - Weekdays
 - Weekends
 - Evenings

Capitol Theatre (Example)

		January	February	March	April	May	June	July	August	September	October	November	December
Capitol Theater 1835 seats	Weekday	88%	90%	92%	94%	95%	93%	91%	89%	95%	97%	100%	98%
	Weekend	88%	90%	92%	94%	95%	93%	91%	89%	95%	97%	100%	98%
	0.30 spaces/seat	242	248	253	259	261	256	250	245	261	267	275	270
	0.33 spaces/seat	266	272	279	285	288	282	276	269	288	294	303	297
	Weekday Raw Demand												
	Weekend Raw Demand												
	Weekday @ 10% capture	24	25	25	26	26	26	25	25	26	27	28	27
	Weekend @ 10% capture	27	27	28	29	29	28	28	27	29	29	30	30

		January	February	March	April	May	June	July	August	September	October	November	December
Capitol Theater 2205 seats	Weekday	88%	90%	92%	94%	95%	93%	91%	89%	95%	97%	100%	98%
	Weekend	88%	90%	92%	94%	95%	93%	91%	89%	95%	97%	100%	98%
	0.30 spaces/seat	291	298	304	311	314	308	301	294	314	321	331	324
	0.33 spaces/seat	320	327	335	342	346	338	331	324	346	353	364	357
	Weekday Raw Demand												
	Weekend Raw Demand												
	Weekday @ 10% capture	29	30	30	31	31	31	30	29	31	32	33	32
	Weekend @ 10% capture	32	33	34	34	35	34	33	32	35	35	36	36

Weekday Needs & Capture

- Court Complex: 35 spaces
 - Police Department: 57 spaces
 - Administrative Services: 27 spaces
 - Existing Lot Users: 20 spaces
 - Simon's Building Tenants: 30 spaces
- Total Recommended Capacity 169 spaces**

Weekend/Evening Needs & Capture

- Capitol Theater Concert Attendees: 26-28 spaces
- Simon's Building Diners: 24-29 spaces
- Existing Users: 10-30 spaces

Total Recommended Capacity 60-87 spaces

Financing Assumptions

- 207-space facility based on Option 4.2 (3 levels)
- Land acquisition assessment will be 50% of total purchase cost (holding figure of \$2M)
- Cast-in-place construction at ~ \$17,000/ space
- Soft costs equal to 20% of total hard costs
- Financed for 25 years at 3.25% on a tax-exempt basis

Estimated Project Cost & Debt Service

Land Acquisition:	50%	of total acquisition (\$2M)	\$	1,000,000.00
Hard Costs:	207	spaces cast-in-place construction @ \$17,000/space	\$	3,519,000.00
Soft Cost:	20%	of construction (hard costs)	\$	703,800.00
Total Project:			\$	5,222,800.00
Financing	25	years		
Interest Rate	3.25%	APR		
Monthly Debt Service =			\$	25,451.55
Annual Debt Service =			\$	305,418.62
Debt Service/space =			\$	1,475.45

Modeling Assumptions

- Maintain equivalent fees to current public (municipal) rates
- Turn over based on limited LPI surveys conducted in the field
- Garage will be operated as an automated, pay-on-foot and gated facility by the Town
- Assumed standard lighting /insurance /maintenance profiles

Preliminary Revenue Model

REVENUES:

	<u>Users/Day</u>	<u>Turns/Day</u>	<u>Avg. Ticket</u>	<u>Periods/Yr</u>	<u>YEAR 1</u>
Court Employees	14	1.00	\$ 35.00	12	5,880.00
Court Visitors	21	2.50	\$ 1.50	250	19,687.50
PD Staff	30	1.50	\$ 35.00	12	18,900.00
PD Visitors	14	2.00	\$ 1.25	250	8,750.00
PD Vehicles	10	1.00	\$ 35.00	12	4,200.00
Impound Vehicles	3	1.00	\$ 5.00	365	5,475.00
Admin Building Staff	16	1.00	\$ 35.00	12	6,720.00
Admin Building Visitors	11	1.50	\$ 1.00	250	4,125.00
Simons Bldg Office Tenants	29	1.00	\$ 35.00	12	12,180.00
Existing Lot Users (Weekday)	20	2.00	\$ 2.25	250	22,500.00
Capitol Theater Concerts (Weekday)	26	1.00	\$ 2.50	50	3,250.00
Capitol Theater Concerts (Weekend)	28	1.00	\$ 2.50	80	5,600.00
Simons Bldg Diners (Weekday)	29	1.50	\$ 1.50	160	10,440.00
Simons Bldg Diners (Weekend)	24	2.00	\$ 1.50	100	7,200.00
Existing Lot Users (Evening)	30	1.00	\$ 5.00	300	45,000.00
Existing Lot Users (Weekend)	10	1.50	\$ 1.25	100	1,875.00
Total Gross Revenues					\$ 181,782.50

\$ 878.18 /space

Estimated First Year Expenses

YEAR 1	
Payroll	12,740.00
Payroll Taxes	1,592.50
Benefits	955.50
Worker's Compensation	318.50
Uniforms	300.00
Utilities	16,419.24
Insurance	2,310.12
Garage Supplies	1,043.28
Office Supplies	-
PARCS Supplies	5,042.52
Telecommunications	1,217.16
PARCS Contract	11,128.32
Elevator R&M	6,284.52
Marketing	496.80
General R&M	14,804.64
Snow Removal	621.00
Miscellaneous	149.04
Real Estate Taxes	-
Armored Car Service	1,092.96
Bank Fees	861.84
Credit Card Fees	1,104.70
Management Fee (Base)	-
Management Fee (Incentive)	-
Sinking Fund	15,525.00
Total Annual Operating Expenses	\$ 94,007.64 \$ 454.14 /space

Projected Debt Service Coverage

Total Gross Revenues	\$ 181,782.50	\$ 878.18	/space
Total Annual Operating Expenses	\$ 94,007.64	\$ 454.14	/space
Net Operating Income	\$ 87,774.86	\$ 424.03	/space
Debt Service Obligation	\$ 305,418.62	\$ 1,475.45	/space
NET CASH FLOW	\$ (217,643.76)	\$ (1,051.42)	/space

Mitigation Measures (Public)

- Pledge meter and/or fine revenues against debt service
- Establish a residential parking permit program and pledge revenues
- Advocate for closure of competing facilities in area
- Increase rates (2-3 x current levels)
- Buy-down initial capital costs
- Institute an 'ad valorem' assessment to area businesses

Public/Private Partnerships

- Collaboration with MTA and private agency
 - D/B/O-O structure with waiver on fee rights
- Urban development grant submission
 - Have to make the case as a disadvantaged community
- SPE development agreement
 - Waiver of ground lease revenues
 - Waiver of tax revenues
 - Agreement to purchase asset at fair market value

Next Steps

1. Finalize design review and cost estimation
2. Establish public mitigation scenarios with the Town and model impacts
3. Explore public/private strategies, identify up to two options, and model impacts
4. Explore collaboration opportunities with the IDA
5. Prepare a revised analysis and full draft report

RESOLUTION

WESTCHESTER COUNTY FOOD SERVICE PERMIT
FOR SENIOR NUTRITION PROGRAM
220 GRACE CHURCH STREET

On a motion of _____, seconded by _____, the

following resolution was adopted by the Board of Trustees of the Village of Port Chester,
New York:

RESOLVED, that the Village Manager be authorized to submit an application to the Westchester County Health Department for renewal of permit number 01-K385-A which expires November 30, 2012 for food service establishment regarding the Port Chester Nutrition Program at 220 Grace Church Street.

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: November 5, 2012

Approved as to Form:

Village Attorney



Robert P. Astorino
County Executive

Sherlita Amler, M.D.
Commissioner of Health

PERMIT RENEWAL FOR FOOD SERVICE ESTABLISHMENT OWNERS AND OPERATORS

Please be advised that your permit to operate a food service establishment expires soon. According to provisions of Section 873.301 of the Westchester County Sanitary Code, applications must be received not later than 60 days prior to the date of expiration. **In order for you to continue to operate your business, you are required to do the following:**

1. Submit your "Renewal Application for a Permit to Operate"

Answer all questions, and do not leave anything blank. Please include your email contact information. Be sure to date and sign application. Please do not detach or attempt to reassemble the forms for any reason as this will delay processing. Change any information that is incorrect. Note: If the owner's name that appears on the Renewal Application is not yours, you cannot use this form. Please contact your Regional Office for instructions and an original application.

2. Worker's Compensation/Disability Insurance

SEE PAGE 2 OF THE RENEWAL APPLICATION FOR ACCEPTABLE FORMS. Any questions concerning the forms or procedure should be directed to the local NYS Workers' Comp Board Office or the Bureau of Compliance, NYS Workers' Comp Board at 518-486-6307. If you do not provide Worker's Compensation or Disability Insurance, you are required to submit Form CE-200, which can be done online at www.wcb.ny.gov.

3. Corporate Ownership

If ownership of the business is a corporation, you must file the enclosed "Certificate of Resolution". The person who signs the Renewal Application must be the same person named and authorized in the Certificate of Resolution. The corporate seal must be affixed to the document. If your corporate officers have changed since you last filed your application, submit a list of names and addresses of the new corporate officers.

4. Source of Food Supply Form and Food Managers Certification Course

Answer questions concerning your major food suppliers and the Food Managers Certification Course. The Westchester County Sanitary Code mandates that all operators of food service establishments attend an approved Food Managers Course and re-certify every five (5) years. If you have any questions concerning this requirement, contact your Regional Office.

(over)



5. Application Fee

Every application for a permit shall be accompanied by a **NON-REFUNDABLE** application fee as specified on the renewal- see "**Total Fee Due**" printed on **Renewal Application for a Permit to Operate**.

Applications that are received after the permit expiration date will incur an \$80.00 late fee. In addition, Operators may be subject to closure and legal action with additional fines.

Cash Payments are NOT Accepted

Please make checks or money orders payable to:
WESTCHESTER COUNTY HEALTH DEPARTMENT

BE SURE APPLICATIONS ARE COMPLETE
SUBMIT ALL REQUIRED PAPERS PROMPTLY TO AVOID DELAY

Return the completed application and all Supporting documents to:
Westchester County Health Department
Bureau of Public Health Protection
25 Moore Avenue
Mount Kisco, NY 10549
(914) 864-7330

Permit to Operate
Renewal Application

Westchester County Department of Health

Facility Information (Please modify only if information has changed.)

Facility PORT CHESTER SENIOR COMMUNITY CENTER

Code: 01-K385-A

Address 220 GRACE CHURCH STREET

Phone (914) 939-4975

PORT CHESTER, NY 10573

Location Village of PORT CHESTER

County WESTCHESTER

Mail To

VILLAGE OF PORT CHESTER
222 GRACE CHURCH ST.
PORT CHESTER, NY 10573-

Permit Number 01-K385-A

Permit Expiration Date
November 30, 2012

Fee Exempt

Permitted
Operation

PORT CHESTER SENIOR COMMUNITY CENTER
SOFA Food Service - SOFA Prep Site-State Office for the Aging

Operation ID: 558956

In Operation: Year-Round Seasonal

If Seasonal: Expected Opening Date _____ Expected Closing Date _____
Month/Day Month/Day

Capacity: 160 Seats

Days/Hours of Operation: _____

Permit Applicant Information (Please modify only if information has changed.)

Legal Operator or Operating Corporation: VILLAGE OF PORT CHESTER

Person in Charge Julie M. (Christopher) Steers VILLAGE OF PORT CHESTER
Title of First M.I. Last

Address 222 GRACE CHURCH ST.

City, State, Zip PORT CHESTER NY 10573- SSN EIN Number #13-6007323

Primary Phone (914) 939-2200 Ext _____ Cell Fax (914) 305-2525 Emergency Contact

Other Phone () - Ext _____ Cell E-mail carol.nielsen@portchesterny.com

Owner: VILLAGE OF PORT CHESTER

Address 222 GRACE CHURCH ST.

City, State, Zip PORT CHESTER NY 10573- SSN EIN Number #13-6007323

Primary Phone (914) 939-2200 Ext _____ Cell Fax (914) 305-2525 Emergency Contact

Other Phone (914) 939-4975 Ext _____ Cell E-mail carol.nielsen@portchesterny.com

Workers' Compensation and Disability Insurance

Submit copies of the following documentation with the application to document compliance with the Worker's Compensation Law:

A. Workers Compensation and Disability Insurance Coverage is PROVIDED

Workers Compensation

- Form C-105.2 – Certificate of Worker's Compensation Insurance OR
- Form U-26.3 – Certificate of Workers' Compensation Insurance OR
- Form SI-12 – Certificate of Workers' Compensation Self-Insurance OR
- GSI – 105.2 – Certificate of Participation in Workers' Compensation Group Self-Insurance

AND

Disability Benefits

- DB-120.1 - Certificate of Disability Benefits OR
- Form DB-155 – Certificate of Disability Benefits Self-Insurance

B. Workers Compensation and Disability Insurance Coverage is NOT PROVIDED

- Form CE-200 – Certificate of Attestation of Exemption from NYS Workers' Compensation and/or Disability Benefits Coverage

Return Completed Application

Please return completed application to: Westchester County Department of Health
Mount Kisco Central Office
25 Moore Avenue
Mount Kisco NY 10549
(914) 864 - 7330

Signature of Individual Operator or Authorized Official (Entire section must be completed by all applicants.)

Failure to completely fill out and sign this form may delay issuance of your permit to operate. Operation without a valid permit is a violation of the State Sanitary Code. False statements made on this application are punishable under the penal law.

Signature _____
Print Name _____ Title _____ Date _____

FOR OFFICE USE ONLY

Permit Issuance recommended? Yes No Permit Effective Date _____ Permit Expiration Date _____

Conditions of approval _____

Signature _____ Title _____ Date _____

CERTIFICATE OF RESOLUTION
FOR AUTHORIZATION

The Undersigned, _____ of _____
Name of Corporation _____, a corporation
Duly organized and validly existing under the laws of (State) _____
Hereby certifies that the following resolution was duly adopted by the Board of Directors, of said
Corporation, at a meeting duly called and held on the _____ day of _____, 20____.
Be it resolved that the Board of Directors, or President if there is no Board of Directors, of (Name of
Corporation) _____
With offices at: _____
Hereby authorizes (Name if person authorized): _____
To execute and deliver to the Westchester County Department of Health, for and on behalf of said
corporation, and application for a permit to operate a (type of operation):

_____ to execute and deliver any and all additional documents which may be appropriate or desirable in
connection therewith.

The undersigned further certifies that said resolution has not been revoked, rescinded or modified and
remains in full force and effect on the date hereof.

In WITNESS WHEREOF, the undersigned has duly executed this certificate
This _____ day of _____, 20____.

OFFICER'S SIGNATURE: _____

TITLE: _____

ACKNOWLEDGEMENT

STATE OF _____)

COUNTY OF _____): ss:

Affix Corporate Seal

On this _____ day of _____, 20____, before me personally came _____
to me known, and known to me to be the _____ of
_____ the corporation referred to in the within Certificate of
Resolution, who being by duly sworn did depose and say that (s)he is _____
of said corporation and that (s)he signed his/her name thereto.

NOTARY PUBLIC

COUNTY

**WESTCHESTER COUNTY DEPARTMENT OF HEALTH
BUREAU OF PUBLIC HEALTH PROTECTION**

Supplement to be Completed as Part of the Application

SOURCE OF FOOD SUPPLY

ITEM	FIRM	ADDRESS	CITY, STATE
MEAT			
FISH			
DAIRY PRODUCTS			
CANNED PRODUCTS			
BEVERAGES			
OTHER			

FOOD MANAGER'S CERTIFICATION COURSE (PLEASE PRINT CLEARLY)

Have you taken the Food Manager's Certification course Yes No

If yes, name of person who took course: Carol E. Nielsen

Social Security number of person who took course: 1A7 ID # 13-6007322

Institution where course was taken: Westchester Community College

Date of course: 5/10/2010

RESOLUTION

NEW YORK STATE INDEXED LUMP SUM SNOW AND ICE AGREEMENT

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the

following resolution was adopted by the Board of Trustees of the Village of Port Chester:

WHEREAS, pursuant to New York State Highway Law, Section 12, the maintenance and repair of improved state highway in towns and incorporated villages, including control of snow and ice, is under the direct supervision and control of the commissioner of transportation; and

WHEREAS, the commissioner is authorized to enter into an agreement with a municipality for the performance of the work of such control of snow and ice on such terms as the commissioner may determine in the best interest of the public; and

WHEREAS, there are 13.2 lane miles of New York State-owned roads in the Village of Port Chester; and

WHEREAS, the State of New York has historically contracted with the Village of Port Chester for snow and ice removal on these roads; and

WHEREAS, the State has most recently contracted with the Village by agreement dated August 18, 1997 for a term of three years, commencing July 1, 1996 which has been annually extended; and

WHEREAS, such extensions provide for an estimated expenditure determined by the State at the time of extension with an adjustment to the actual payment amount based upon the intensity and severity of the winter season; and

WHEREAS, the State has recently presented to the Village an Agreement to Extend the Indexed Lump Sum Municipal Snow and Ice Agreement for the 2013/2014 season with an estimated lump sum expenditure of \$1,507.00 per lane mile for a total of \$19,892.40; and

WHEREAS, the Village Manager recommends that such long-standing contractual relationship be continued. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to execute the Agreement to Extend the State Indexed Lump Sum Municipal Snow and Ice Agreement for the 2013/14 season, with estimated payment to the Village of Port Chester in the amount of \$19,892.40.

APPROVED AS TO FORM:

Village Attorney

RESOLUTION

INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER
FOR USE OF FIRING RANGE FOR FIREARMS TRAINING

On motion of TRUSTEE _____, seconded by TRUSTEE _____

_____, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, the County of Westchester has a firing range facility at the Police Academy
in Valhalla, New York, that is available to municipal public safety personnel for firearms
training; and

WHEREAS, such facility is available on a cost-recoverable fee basis of \$630.00 per
eight-hour tour under the direction of the safety officer or a fee of \$665.44 per tour if firearms
instruction is requested; and

WHEREAS, the Chief of Police recommends that members of the Port Chester Police
Auxiliary utilize the firing range so as to facilitate their firearms recertification and that there are
sufficient funds in the 2012-2013 Budget to accommodate such request. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an
intermunicipal agreement with the County of Westchester for the use of its firing range on a fee-
recoverable basis and with a term of five years subject to termination by either party on notice.

APPROVED AS TO FORM:

Village Attorney

training session. The Municipality, twenty-four (24) hours prior to the reservation date, shall send, via facsimile, a written confirmation letter to the County specifying the dates and times reserved. The Firing Range telephone number is (914) 231-4381 & facsimile number is (914) 231-4389.

Section 2. In exchange for the use of the Firing Range, which will be staffed by a Department safety officer, the Municipality shall pay a flat fee of Six Hundred and Thirty (\$630.00) Dollars per eight hour tour, for a maximum number of 36 officers in attendance. The Firing Range shall be operated under the direction of the safety officer. The Municipality shall adhere to all instructions issued by the Department's safety officer. A Municipality shall have the option of requesting the Department provide a firearms instructor to assist with the training process of its employees. If the Municipality requests a firearms instructor, the Municipality shall pay an additional fee equal to \$70.68 per hour or \$565.44 per eight hour tour. Any one attending the Firing Range shall be responsible to bring their own weapons and ammunition.

The County shall send an invoice to the Municipality not later than the 15th day of the month following the month in which the services were provided by the County. The Municipality shall pay any such invoice within thirty (30) days of receipt thereof.

Section 3. The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "A", entitled "Standard Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "A", the Municipality agrees:

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The County shall send an invoice to the Municipality not later than the 15th day of the month following the month in which the services were provided by the County. The Municipality shall pay any such invoice within thirty (30) days of receipt thereof.

Section 3. The Municipality agrees to procure and maintain insurance naming the County as additional insured, as provided and described in Schedule "A", entitled "Standard Insurance Provisions", which is attached hereto and made a part hereof. In addition to, and not in limitation of the insurance provisions contained in Schedule "A", the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality ; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

Section 4. In no event shall the County have any obligation to the Municipality or its employees for a any claim raised or benefits provided pursuant to New York General Municipal Law Section 207-c.

Section 5. This term of this Agreement shall commence upon execution and continue in full force and effect for five (5) years.

Section 6. This Agreement may be terminated by either party by giving written notice of the termination to the other party not less than thirty (30) days prior to the effective date of such termination.

Section 7. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the

(a) that except for the amount, if any, of damage contributed to, caused by, or resulting from the negligence of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality ; and

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respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner - Sheriff of Public Safety
Saw Mill River Parkway
Hawthorne, New York 10532

With a copy to:

County Attorney
Michaelian Office Building, Room 600
148 Martine Avenue
White Plains, New York 10601

To the Municipality:

Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Section 8. The failure of either party to insist upon strict performance of any term, condition or covenant herein shall not be deemed a waiver of any rights or remedies that the party may have, and shall not be deemed a waiver of any subsequent breach or default in the terms, conditions or covenants herein.

Section 9. This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

Section 10. The Municipality and the County agree that the Municipality and its officers, employees, agents, Municipalities, subconsultants and/or consultants are independent contractors and not employees of the County or any department, agency or unit thereof. In accordance with their status as independent contractors, the Municipality covenants and agrees that neither the Municipality nor any of its officers, employees, agents, contractors, subconsultants and/or consultants will hold themselves out as, or claim to be, officers or employees of the County or any department, agency or unit thereof.

Section 11. Nothing herein is intended or shall be construed to confer upon or give to any third party or its successors and assigns any rights, remedies or basis for reliance upon, under or by reason of this Agreement, except in the event that specific third party rights are expressly granted herein.

Section 12. This Agreement shall be construed and enforced in accordance with the laws of the State of New York. In addition, the parties hereby agree that for any cause of action arising out of this Agreement shall be brought in the County of Westchester.

If any term or provision of this Agreement is held by a court of competent jurisdiction to be invalid or void or unenforceable, the remainder of the terms and provisions of this Agreement shall in no way be affected, impaired, or invalidated, and to the extent permitted by applicable law, any such term, or provision shall be restricted in applicability or reformed to the minimum extent required for such to be enforceable. This provision shall be interpreted and enforced to give effect to the original written intent of the parties prior to the determination of such invalidity or unenforceability.

Section 13. This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
George N. Longworth
Commissioner – Sheriff
Department of Public Safety

MUNICIPALITY

By _____
(Name and Title)

Approved by the Westchester County Board of Legislators by Act No 2012-25 on April 16, 2012.

Approved by the Board of Acquisition and Contract of the County of Westchester on the 24th day of May, 2012.

Approved as to form and
Manner of execution:

Sr. Assistant County Attorney Date
County of Westchester
s/a/dps/firing range/2012 firing Range Legislation/2012 IMA.doc

MUNICIPALITY'S ACKNOWLEDGEMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On this ____ day of _____, 2012, before me personally came _____, to
me known, and known to me to be the _____ of _____
_____, the municipal corporation described in and which executed the within
instrument, who being by me duly sworn did depose and say that he/she, the said _____
_____ resides at _____ and that he/she is the
_____ of said municipal corporation.

Notary Public County

CERTIFICATE OF AUTHORITY
(Municipality)

I, _____, certify that I am the
(Officer other than officer signing contract)

_____ of the _____
(Title) (Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the _____

_____ *(Law under which organized, e.g., the New York Village Law, Town Law, General Municipal Law)*

named in the foregoing agreement that _____ who signed said
(Person executing agreement)

agreement on behalf of the Municipality was, at the time of execution _____ of
(Title of such person),

the Municipality, that said agreement was duly signed for on behalf of said Municipality by

authority of its _____ thereunto duly authorized,
(Town Board, Village Board, City Council)

and that such authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

On this ___ day of _____, 2012, before me personally came _____
_____ whose signature appears above, to me known, and know to be the
_____ of _____

(Title)

the municipal corporation described in and which executed the above certificate, who being by
me duly sworn did depose and say that he, the said _____, and that

resides at _____, and that
he/she is the _____ of said municipal corporation.

(Title)

Notary Public County

SCHEDULE "A"

STANDARD INSURANCE PROVISIONS (MUNICIPALITY-Firing Range Agreement)

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York; carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: www.wcb.state.ny.us (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

(e) Police Professional Liability with minimum limits of \$1,000,000 per occurrence.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so affected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

RESOLUTION

RETAINING FAIRVOTE FOR CONTINUED ASSISTANCE IN IMPLEMENTING THE
CONSENT DECREE IN THE VOTING RIGHTS LITIGATION FOR THE 2013 VILLAGE
TRUSTEE ELECTION

On motion of TRUSTEE _____, seconded by TRUSTEE _____

, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, as a result of litigation with the Federal Government in the matter of United
States v. Village of Port Chester, the Village's at-large system of electing Trustees was found to
have violated Section 2 of the Voting Rights Act; and

WHEREAS, the parties entered into a consent decree that provided for the Village to
implement an alternative remedy of cumulative voting with a mandated comprehensive voter
education program; and

WHEREAS, FairVote is a national rights advocacy organization with experience in
implementing such programs for alternative election systems and assisted the Village for the last
Village Election for Trustee in 2010; and

WHEREAS, pursuant to the consent decree the Village is required assign an employee to
act as Voter Education Coordinator who shall be bilingual; and

WHEREAS, the Coordinator is under the general supervision of the Village Clerk who is
responsible for administering the 2013 Village Election; and

WHEREAS, at the request of the Village Clerk, FairVote has provided a proposal to
continue its assistance to the Village of Port Chester on an "as-needed", hourly basis. Now,
therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to enter
into an agreement with FairVote, 6930 Carroll Avenue, Suite 610, Takoma Park, Maryland
20912 for continued assistance to the Village of Port Chester on an "as-needed" basis in the
implementation of the consent decree in the Voting Rights litigation for the 2013 Village
Election for Trustee, compensation to be \$60/hour for the Executive Director and \$35/hour for
other staff, capped at \$10,000.

Approved as to Form:

Village Attorney

AGREEMENT

This AGREEMENT, entered into this ____ day of November, 2012, by and between the VILLAGE OF PORT CHESTER, hereinafter referred to as the “VILLAGE” and FAIRVOTE, with offices at 6930 Carroll Avenue, Suite 610, Takoma Park, Maryland 20912, hereinafter referred to as the “CONSULTANT”.

WITNESSETH

WHEREAS, following a determination that the Village was in violation of Section 2 of the Voting Rights Act, United States District Court Judge Stephen C. Robinson in 2009 issued a Summary Order granting the Village the remedy of its choice – Cumulative Voting – for the election of Trustees on the Village Board of Trustees; and

WHEREAS, in such Summary Order the Court requested that the parties submit Consent Decree (hereafter “CD”) that would include the elements of the implementation of this new election system, including a voter education and outreach program, and that the parties agreed to a CD in 2009 ; and

WHEREAS, the CD and subsequent Addendum governed the Village’s June 2010 Election for Trustees;

WHEREAS, the Consultant is a national voting rights advocacy and education organization with experience in implementing such programs for alternative election systems , including providing expert assistance to the Village in 2009 and 2010; and

WHEREAS, the Board of Trustees has determined that the continued retainer of the Consultant to provide these services for the Second Addendum and 2013 Village Election is in the best interests of the Village.

NOW, THEREFORE, the parties hereto do mutually agree as follows:

1. Scope of Services:

The Consultant’s services shall be providing technical assistance on an “as needed” and “as available” basis to help the Village comply with the Voter Education Program contained in the Consent Decree and any addenda for the March 2013 Village Election.. Services may include involvement in phone calls about the execution of the Voter Education Program, review and comment of required reports by the Voter Education Coordinator to legal parties in the case implementing the Voter Education Program, assistance with creating, participation in training of election supervisors, and revision of Voter Education Program materials, as well as ballot design.

2. Compensation:

The work shall be performed on a time and materials basis at a rate of \$60.00 per hour for technical resources provided by the Executive Director and a rate of \$35.00 per hour for services provided by other staff, with a cap of \$10,000.

3. Expenses

The Village will reimburse the Consultant for any necessary travel expenses relating to the consulting services rendered, with expenditures in excess of \$300 subject to advance approval by the Village Manager.

4. Independent Contractor

In performing these services, it is mutually understood and agreed that the Consultant shall be acting and performing these services as an independent contractor. Nothing in this agreement is intended to create an employer/employee relationship, or to allow the Village to exercise control or direction over the means, manner or method by which the Consultant performs the services which are the subject of this agreement. The parties agree that Consultant's engagement hereunder is not exclusive and that the Village reserves its rights to retain others with regard to this matter. Neither party is, nor shall claim to be, a legal agent, representative, partner or employee of the other, and neither shall have the right or authority to contract in the name of the other nor shall it assume or create any obligations, debts, accounts or liabilities for the other. It is mutually understood that the Consultant would not have responsibility for implementing the Voter Education Program nor would be in the position to approve of any given decision made about the Voter Education Program.

5. Report

The Consultant shall make direct report to the Village Clerk.

6. Performance

Timely performance of this agreement shall be a material term and failure to do shall constitute a material breach.

7. Work Product.

All work-product relating to the services shall be considered the exclusive property of the Village.

8. Payment

Invoice for compensation shall be submitted to the Village Clerk on a monthly basis. The invoice must be approved and signed by the Village Clerk. The Treasurer shall forward payment to the Consultant within fifteen (15) days after the Treasurer's receipt of such

proper invoice. Requests for payment must be submitted within sixty (60) days after performance of services.

9. Confidentiality

The Consultant acknowledges and recognizes that this matter is in litigation. Any non-final work product of the Consultant is subject to attorney work-product privilege or other privilege with regard to its non-disclosure. Any advice or comments provided by the Consultant is confidential and exclusive to Village staff and consultants responsible for implementing the Voter Education Program. The Consultant further agrees not to provide comment to the news media about the 2013 Village election in Port Chester or any matter directly relating to the 2013 Voter Education Program without the advance consent of the Village Clerk in writing as to the content and subject matter of the comment. The Consultant agrees not to disclose, produce or otherwise release any information obtained from the Village or used in the course of performance of this agreement that has been designated by the Village as confidential to any unauthorized third party. This requirement will not prevent the Consultant or its designated agents from contacting third parties to achieve the objectives of his agreement so long as consistent with instructions of the Village Clerk.

10. Indemnification

The Consultant agrees to indemnify and hold harmless the Village and its officers, agents and employees from any and all claims, demands, costs, actions, causes of action, proceedings, expenses, losses, damages and liabilities, including attorneys fees, resulting from or caused by the willful or negligent omissions and/or acts of the Consultant.

11. Assignment

This agreement is predicated upon the unique skill, knowledge and expertise of the Consultant. It is personal to the Consultant and may not be assigned.

12. Duration of contract

This contract shall become effective and will remain in effect from execution of this agreement through April 15, 2013, unless mutually extended by the parties. The contract can be terminated sooner upon mutual agreement of the Consultant and the Village.

13. Notices

(i) If to Consultant:

Robert Richie
FairVote
6930 Carroll Avenue, Suite 610
Takoma Park, MD 20912

(ii) If to Village:

Christopher D. Steers, Village Manager
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

14. Miscellaneous

This agreement embodies all of the representations, warranties and agreements between the parties relating to the Consultant. No other representations, warranties, covenants, understanding or agreements exist between the parties hereto. This agreement shall supersede all agreements, written or oral, relating to the retainer of the Consultant. This agreement may not be amended, modified or terminated except by a writing signed by the parties.

15 Dispute Resolution.

In the event of a dispute or controversy between the parties arising out or relating to this Agreement, the parties agree that such disputes will be adjudicated in a court of competent jurisdiction in the State of New York under New York law.

16. Interpretation/Severability.

The captions set forth in this agreement are for convenience only and shall not be considered as part of this agreement or in any way limiting or amplifying its terms or provisions.

Each section, subsection and lesser section of this agreement constitutes a separate and distinct undertaking, covenant and/or provision. In the event that any provision of this agreement is determined to be unlawful, such provision shall be deemed to be severed from this agreement, but every other provision of this agreement shall remain in full force and effect.

IN WITNESS WHEREOF, the parties have caused this Agreement to be duly executed and delivered as of the date first above written.

Approved as to Form:

Village Attorney

VILLAGE OF PORT CHESTER

FAIRVOTE

Christopher D Steers
Village Manager

Robert Richie
Executive Director

RESOLUTION

BUDGET AMENDMENT – DEA FUNDS
COMPUTER PURCHASE & CONSOLE TO HOUSE ELECTRONIC EQUIPMENT IN
POLICE CAR

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Police Department has previously used DEA Asset Forfeiture funds to begin the process of making available wireless access to their record management system for report-writing in police vehicles and

WHEREAS, the Police Chief is recommending that additional DEA Funds be used to continue the process of equipping newly purchased vehicles for report-writing and TRACS as follows: the purchase of computer, wireless printer and cables from CDW-Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-151 for \$4,153.16; and for the purchase and installation of a console to house electronic equipment from Metrocom, 31 Plainfield Avenue, Bedford Hills, NY 10507 for \$2,401. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2012-13 General Fund Budget as follows:

GENERAL FUND		
Balance Sheet:		
001-001-0695	Deferred Revenue DEA	\$(6,554.16)
Revenues:		
001-0001-2613	Use of Deferred DEA Funds	\$6,554.16
Appropriations:		
001-3120-0200	Police Equipment	\$6,554.16

APPROVED AS TO FORM:

Village Attorney

RESOLUTION

AWARDING BID FOR ROOF AND CHIMMNEY WORK WITH REGARD TO THE
BUSH HOMESTEAD RESTORATION

On motion of TRUSTEE , seconded by TRUSTEE , the
following resolution was adopted by the Board of Trustees of the Village of Port Chester,
New York:

WHEREAS, the Village of Port Chester has advertised for bids for roof and chimney work with regard to the Bush Homestead Project (Bid No. 12-07); and

WHEREAS, of the four firms that submitted bids, Dennis Adams Contracting/ Don Adams Roofing, 130 Milton Drive, Thornwood, New York 10594 submitted the lowest bid; and

WHEREAS, the contractor's references have been verified; and

WHEREAS, the Village Manager recommends that the Board accept this bid which meets all specifications as set forth in the bid documents. Now, therefore, be it

RESOLVED, that the Village of Port Chester accepts the bid of \$42,700 from Dennis Adams Contracting/Don Adams Roofing. 130 Milton Drive, Thornwood, New York 10594; and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to sign an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Capital Fund –Village Owed Building Improvement A/c 5.1620.400.2007.0068.

APPROVED AS TO FORM:

Village Attorney

VILLAGE OF PORT CHESTER
BID ANALYSIS SHEET

BID #07-12

Page 1 of 1

ITEM BID: BUSH HOMESTEAD RESTORATION

DATE: October 19, 2012 @ 10:00 a.m.

BIDDER: Precisions Roofing

BIDDER: Cabrera Home Improvement Inc.

ADDRESS: 22 Kerr Lane

ADDRESS: 105 Pearl Street

Southfields, NY 10975

Port Chester, NY 10573

AMOUNT: \$ 87,600.00

AMOUNT: \$ 46,900.00

Addendum #1, 2, 3 Yes No

Addendum #1, 2, 3 Yes No

Bid Bond 5% Deposit

No Bid Bond 5% Deposit

BIDDER: One Time Carpentry

BIDDER: Dennis Adams Contracting and
Don Adams Roofing

ADDRESS: 2633 Gregory Street

ADDRESS: 130 Milton Drive

Yorktown Heights, NY 10598

Thornwood, NY 10594

AMOUNT: \$ 55,850.00

AMOUNT: \$ 42,700.00

Addendum #1, 2, 3 Yes No

Addendum #1, 2, 3 Yes No

Bid Bond 5% Deposit

Bid Bond 5% Deposit

The following were present at the opening of the bids:

Village Clerk, Janusz Richards

Department Head _____

Other Jacqueline Johnson

RESOLUTION

On motion of TRUSTEE _____ seconded by TRUSTEE _____, the following

resolution was adopted by the Village of Port Chester, New York:

RESOLVED, that Chapter 319, Vehicle and Traffic, Section 319-66, Schedule V, pursuant to the provisions of Section 319-9 "Prohibited Turns" of the Code of the Village of Port Chester is hereby amended as follows:

<u>Name of Street</u>	<u>Travel Turn</u>	<u>At Intersection of</u>
Abendroth Avenue Avenue	North Left	Driveway of 20-30 Abendroth

And, be it further

RESOLVED, that Chapter 319, Vehicle and Traffic, Section 319-74, pursuant to the provisions of Section 319-20, "Prohibited Parking", is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Abendroth Avenue	West	From a point measured 172 feet south of the curbline of Mill Street
		for
		a distance of 92 feet.
Abendroth Avenue south	West	From north curbline of Mill Street
		for 41 feet.

Approved as to Form:

Village Attorney

**FINAL SITE PLAN APPROVAL
RESOLUTION OF THE VILLAGE OF PORT CHESTER
PLANNING COMMISSION**

September 24, 2012

**TARRY FINE FOODS PARKING LOT
20 ABENDROTH AVENUE
Section 142.23 Block 2 Lot 25**

WHEREAS, an application for Planning Commission approval of a final site plan has been submitted by EJ Port Realty, New York, NY (the "Applicant"); and

WHEREAS, the site is located at 20 Abendroth Avenue within the C-2 Central Business zoning district and is more specifically known and designated as Section 142.23, Block 2, Lot 25 (hereinafter referred to as the "Site"); and

WHEREAS, the proposal involves the demolition of an existing warehouse structure, and the construction in its place of a 36 space at-grade parking lot to support Tarry Fine Foods, stormwater management improvements, landscaping including a "green wall", lighting and associated site improvements (hereinafter referred to as the "Project"); and

WHEREAS, the Project is designated as a permitted use in the C-2 zoning district; and

WHEREAS, the site plan (herinafter referred to as the "Final Site Plan") consists of the following plans and drawings:

- Topography of Property, prepared by Thomas C. Merritts Land Surveyors, P.C., Pleasantville, NY, dated March 2, 2012, last revised April 10, 2012.
- P-2 Proposed Site Plan, prepared by Edgewater Group Architects, Port Chester, dated January 20, 2012, last revised July 10, 2012.
- P-3 Existing Exterior Elevations, Proposed Exterior Elevations, prepared by Edgewater Group Architects, Port Chester, dated January 20, 2012, last revised July 10, 2012.
- LA-1 Planting & Lighting Plan, prepared by Studer Design Associates, Inc., Ridgefield CT, dated July 10, 2012.
- 1 of 3 Grading Plan, Drainage Plan, Sedimentation & Erosion Control Plan, prepared by Wolff Engineering, Woodbury CT, dated April 1, 2012, last revised July 5, 2012.
- 2 of 3 Details, prepared by Wolff Engineering, Woodbury CT, dated April 1, 2012, last revised July 5, 2012.
- 3 of 3 Details, prepared by Wolff Engineering, Woodbury CT, dated April 1, 2012, last revised July 5, 2012.

WHEREAS, a public hearing was held on this application, as required by Village Law concerning the site plan application, and all persons wishing to speak on the application at the public hearing and at meetings of the Planning Commission held subsequent to said hearing were given an opportunity to be heard; and

WHEREAS, on September 24, 2012, the Village of Port Chester Planning Commission, serving as Lead Agency for the SEQR uncoordinated review of this Unlisted Action,

adopted a Negative Declaration, indicating that the project will not result in any significant adverse environmental impacts; and

WHEREAS, on August 22, 2012, the Village of Port Chester Waterfront Commission issued a Consistency Determination, confirming that the proposed action is consistent with the policies of the Local Waterfront Revitalization Plan; and

WHEREAS, the Planning Commission has considered the Final Site Plan, all other materials submitted by the Applicant in support of this proposal, the comments of Village staff and consultants made via memoranda to the Planning Commission (which memoranda are incorporated herein by reference) and the verbal commentary made during the entire course of the Planning Commission's meetings pertaining to the review for site plan approval and evaluation of the proposed action, and the comments of the public; and

WHEREAS, the requirements for final site plan approval contained in Section 345-23 of the Village of Port Chester Zoning Ordinance have been met by said application for final site plan approval, except for those items waived by the Planning Commission; and

NOW THEREFORE BE IT RESOLVED, that the application of approval of the Final Site Plan submitted by EJ Port Realty, as depicted on the plans identified above is hereby granted subject to the following conditions:

1. This final site plan approval authorizes the Applicant to undertake only the activities specifically set forth herein, in accordance with this resolution of approval and as delineated on the Final Site Plan as endorsed by the Planning Commission Chairman. *Any change in use, alteration, or modification to the Final Site Plan or to the existing or approved facilities and site shall require the review and approval by the Planning Commission of the Village of Port Chester.*
2. The Applicant shall furnish the Planning Commission with three (3) print sets of the Final Site Plan as described above for endorsement by the Planning Commission Chairman, subject to the satisfaction of all approval conditions, which shall then be recorded as the approved Final Site Plan.
3. No changes, additions, erasures, modifications, or revisions shall be made to the Final Site Plan following endorsement by the Planning Commission Chairman. Any changes detected after endorsement of the Final Site Plan shall result in the immediate termination and revocation of this resolution of approval, thereby making it null and void.
4. The Applicant shall pay to the Village of Port Chester any outstanding professional review escrow fees in accordance with Article XIX of the Village of Port Chester Zoning Ordinance.

5. Authorized issuance of a Building Permit by the Building Inspector shall be fully based on and in accordance with this resolution of approval and the signed and filed Final Site Plan. The Building Inspector shall include reference to the Final Site Plan and this resolution of approval on any Building Permit.
6. No construction activity shall take place on the Site prior to the issuance of a Building Permit by the Building Inspector.
7. All comments of the Village Engineer have been satisfactorily addressed prior to the execution of the Final Site Plan by the Planning Commission Chairman.
8. A performance bond and engineering inspection shall be posted in the amounts established by the Village Engineer that shall assure the completion of all improvements associated with this project.
9. All stormwater management improvements shall be installed and certified as adequate to the satisfaction of the Village Engineer. As required, the approved final Stormwater Pollution Prevention Plan (SWPPP) and a NYSDEC State Pollution Discharge Elimination System (SPEDES) General Permit are hereby made part of this approval.
10. The Applicant shall obtain a Road Opening Permit from the Village of Port Chester Department of Public Works for the new driveway curb cut on Abendroth Avenue.
11. The elimination and/or relocation of on-street parking spaces along Abendroth Avenue requires the approval of the Board of Trustees.
12. Access to this parking lot shall be regulated via a gate system. The gate operating system shall be calibrated to allow entry only if parking spaces are available. If the lot is full, the gate will not open and entry will not be allowed. Exit from the parking lot requires a code, which will be available in the Tarry Market or Tarry Lodge. No purchase shall be required in order to receive the code. A "open loop" in the exit gate system will allow any vehicles remaining in the parking lot to exit after the business hours of the two establishments noted above. An emergency telephone number shall be conspicuously posted in the parking lot to assist patrons if a problem with the gate system occurs. No other restrictions or limitations on those utilizing the parking lot shall be imposed.
13. The final gate system specifications shall be reviewed by the Fire and Police Departments to assure that adequate emergency access provisions are provided.
14. All landscaping shall be installed in accordance with the Planting & Lighting Plan (LA-1). Any substitutions to listed plant materials or the design and configuration of the "Green Wall" shall be submitted to the Building Inspector prior to installation of same. Should the Building Inspector determine that the

substitutions constitute a substantive change to the Planting & Lighting Plan or approved Final Site Plan, the Applicant shall file an Amendment to the Site Plan Approval, which shall be reviewed and approved by the Planning Commission prior to the installation of the landscaping materials.

15. All site landscaping shall be maintained in a healthy state; should any plantings become damaged or die, including plantings on the "Green Wall" said plantings shall be immediately replaced in-kind.
16. A site clearance protocol and construction management plan shall be prepared as part of this application, and shall be filed with the Building Department simultaneously with the submission of an application for the issuance of a Building Permit.
17. The structural elements of the warehouse building, particularly the timber trusses, are unique, and the Applicant shall make an effort to salvage these features for future reuse, where practicable.
18. The use of vehicle lifts in this parking lot is not included as part of this Final Site Plan approval. If proposed in the future, said lifts would constitute an amendment to this approval, requiring review and approval by the Planning Commission.
19. The hours of construction activity shall take place in conformance with the applicable Village Regulations.
20. Prior to the commencement of any site work or construction activity, erosion and sedimentation controls shall be installed in accordance with the Grading Plan, Drainage Plan and Sedimentation and Erosion Control Plan (1 of 3) and shall be subject to continual inspection and maintenance and additional controls as may be required by the Building Inspector or Village Engineer. Stormwater runoff shall be controlled at all times during construction to prevent erosion of the site area under construction and to prevent sedimentation and dust dispersal upon areas not under construction, particularly off-site locations. Silt fencing, hay bales, anti-tracking aprons, and all other required erosion and sedimentation control measures shall be regularly inspected and maintained in an orderly and functioning manner. Additional supplies of silt fencing and hay bales shall be kept on the Site during construction for immediate use, if needed.
21. A clean and legible copy of this Resolution (as signed by the Planning Commission Chairman) and a copy of the signed Final Site Plan shall be maintained at the Property at all times.
22. Prior to the issuance of a Certificate of Occupancy by the Building Inspector, an "As-Built" Plan showing the installed and completed improvements, certified by a New York State licensed Land Surveyor shall be prepared at the sole expense of the Applicant. Said As-Built Plan shall be provided to the Building Inspector,

documenting satisfactory completion of all approved and authorized construction activities and zoning compliance.

23. Failure to comply with any of the conditions set forth herein shall be deemed a violation of this approval and may lead to the revocation of the Approval and/or Certificate of Occupancy in accordance with the applicable provision(s) of the Village of Port Chester.

24. The applicant shall obtain all other applicable permits and approvals and shall pay all other fees as a part of the execution of the final site plan.

BE IT FINALLY RESOLVED that this Final Site Plan approval resolution shall have an effective date of September 24, 2012.

On motion of Commissioner *COPERINE*, seconded by Commissioner *BAXTER*, the resolution was adopted by the following vote

Ayes: 5

Nays: 2

Abstained: 0



Michael Scarola, Chairman

RESOLUTION

AUTHORIZING FURTHER ADDENDUM IN UNITED STATES v. VILLAGE OF PORT CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE 2013 VILLAGE ELECTION

On motion of TRUSTEE , second by TRUSTEE

, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Consent Decree in the above matter "represents the parties' commitment to ensure that all citizens of the Village of Port Chester have an equal right to full electoral and political participation"; and,

WHEREAS, the Consent Decree provides that the Village of Port Chester shall allow for early voting for the term of the Consent Decree, where registered voters shall be permitted to cast their ballot during the one week period prior to election day; and,

WHEREAS, early voting increased the opportunities for 2,500 additional voters in the 2010 election, and therefore seeking to eliminate early voting from the Consent Decree would not be a viable option; and,

WHEREAS, the Consent Decree also provided that the provisions therein may be changed by agreement of the parties; and,

WHEREAS, the parties are required to execute a Second Addendum to the Consent Decree to implement the 2013 Trustee Election; and,

WHEREAS, the 2013 Village election ballot shall consist of 6 Trustee seats and the Mayor's seat; and,

WHEREAS, the Consent Decree did not anticipate the issue of whether to include the Mayor's seat on the 2013 ballot for early voting; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting ballot will not provide early voters with the right to full electoral and political participation; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting will require additional operational changes, and require additional voter and election official education and training, and may create additional voter confusion; and,

WHEREAS, the Board had previously authorized the Mayor, Village Attorney and former Village Clerk, to discuss with the Federal Government the issue of including the Mayor's seat on the 2013 early voting ballot; and,

WHEREAS, both the Federal Government and the Intervenor are not opposed to include the Mayor's seat on the 2013 early voting ballot, in order to facilitate implementing the Consent Decree in the most effective and cost-efficient manner; and,

WHEREAS, the Clerk provided the Board with an analysis detailing that separating the Mayor's seat from the 2013 early voting ballot will require additional cost and personnel resources; and,

WHEREAS, the Village Clerk subsequently identified additional proposed changes to the Voter Education Program so as to minimize taxpayers expense and enable Village resources to be more efficiently provided; and,

WHEREAS, the Federal Government provided a draft Addendum in the form annexed which incorporates the changes proposed and extends the opportunity to include the Mayor's seat on the 2013 early voting ballot for the Board's consideration; and

WHEREAS, the matter of including the Mayor's seat on the 2013 early voting ballot is a policy decision for the Board to determine. Now, therefore, be it

RESOLVED, upon review and deliberation, the Board of Trustees authorizes the Village Attorney to execute the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester; and be it further

RESOLVED, that the Village Attorney make his appearance in substitution for Piscionere & Nemarow as attorney of record in this matter.

APPROVED AS TO FORM:

Village Attorney



October 9, 2012
DIDRVP

Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Attention: Mr. Tony Cerreto, Chief Counsel

Subject: Village Marina Vinyl Bulkhead Repair Bid Abstract (Bid #04-12)

Dear Mr. Russo,

Halcrow has reviewed the sole bid submitted for the bid the above-referenced project by JT Cleary, Inc., and finds it to be in compliance with all bid requirements. Furthermore, Halcrow checked three references provided by JT Cleary and all references came back satisfactory.

Because there were no other bids and the design engineer did not provide an Engineer's Construction Cost Estimate, Halcrow has no reference for comparison when analyzing JT Cleary's bid of \$1,997,700.00.

Therefore, Halcrow has no reason not to proceed with JT Cleary for the Village Marina Vinyl Bulkhead Repair project.

Please let me know if you have any questions or require any further information.

Very truly yours,
Halcrow Engineers, PC

A handwritten signature in black ink, appearing to read "Alan K. Waller".

Alan K. Waller, P.E.
Vice President

VILLAGE OF PORT CHESTER
BID ANALYSIS SHEET

BID # 04-12

ITEM BID Village Marina Vinyl Bulkhead Repairs DATE: September 28, 2012

BIDDER: J.T. Cleary Inc.

BIDDER: _____

ADDRESS: 100 Red Schoolhouse Rd. #A-12
Chestnut Ridge, NY 10977

ADDRESS: _____

AMOUNT: \$1,997,700.00

AMOUNT: _____

Bid Bond or 5% Deposit

Bid Bond or 5% Deposit

BIDDER: _____

BIDDER: _____

ADDRESS: _____

ADDRESS: _____

AMOUNT: _____

AMOUNT: _____

Bid Bond or 5% Deposit

Bid Bond or 5% Deposit

The following were present at the opening of the bids:

Village Manager, Christopher J. Russo _____

Department Head James N. Nicholas, Jr.

Other Steve DeLo

TownVillage of Harrison, NY
Tuesday, October 23, 2012

Chapter 183. PEDDLING, SOLICITING AND DO NOT KNOCK REGISTRY

[**HISTORY:** Adopted by the Town Board of the Town of Harrison 6-21-2012 by L.L. No. 1-2012.
Editor's Note: This local law also repealed former Ch. 183, Peddling and Soliciting, adopted 7-12-1934, as amended. Amendments noted where applicable.]

GENERAL REFERENCES

Auctions and auctioneers — See Ch. 95.
Handbills and advertising materials — See Ch. 159.
Noise — See Ch. 177.
Secondhand dealers — See Ch. 198.
Merchandise on sidewalks and sidewalk sales — See Ch. 201.

§ 183-1. Purpose.

This chapter is designed to afford a just protection from peddlers and solicitors to merchants who maintain local business establishments, thereby bearing their share, either directly or indirectly, of local municipal tax burdens, 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 by providing additional revenues and to protect the citizens of the Town against crime and by preserving the private property, peace and comfort of the occupants of private residences in the Town.

§ 183-2. Definitions.

The following terms, when the same are used herein, shall have the meanings indicated:

CHARITABLE ORGANIZATION

An organization which has received a letter of determination approving tax exempt status under Title 26 of the United States Code, Section 501(c)(3), or any Harrison volunteer organization or service organizations, if the merchandise being sold is for the support of a not for profit organization which the sales person participates in, such as, including, but not limited to: school-sponsored activities; boy, cub and girl scouts; church organizations; volunteer fire departments; and community service organizations and the like.

DO NOT KNOCK REGISTRY

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

DOOR-TO-DOOR SOLICITATION

The in-person solicitation of sales of goods or services for present and future delivery by entry upon residential property, including multifamily or duplex residential property, or by soliciting persons located on residential property from the street, sidewalk, or other adjacent property, without the prior invitation of the person to be solicited.

PEDDLER

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

PEDDLING

The vending or the 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 house to house, in this Town, of any goods, wares, merchandise, provisions, groceries, meats, fish, fruits, vegetables, trees, shrubbery, potted plants and flowers.

PEDDLING PERMIT

A permit required to engage in peddling in accordance with this chapter.

SALES AGENT

Any person engaged in door-to-door sales of goods or services for present or future delivery.

SALES ORGANIZATION

Any entity engaged in the supervision, recruitment, retention or employment of a sales agent or agents engaged in door-to-door sales.

SOLICITATION PERMIT

A permit required to engage in door-to-door sales in accordance with this chapter.

SOLICITING

The soliciting upon private residential property in the Town of Harrison for the purpose 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 the purpose 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 in his/her own behalf, or in association with one or more other persons in a partnership or other unincorporated business relation, and also a corporation which and also a person who, as an agent, an officer or an employee of some other person or persons, engages in the act of soliciting.

§ 183-3. Administration.

The Town of Harrison solicitation and peddler permit process shall be administered by the office of the Town Clerk in conjunction with the Town of Harrison Police Department for the express purpose of criminal record checks and enforcement of this chapter. The Town Clerk is hereby authorized and is instructed to issue permits to peddle or solicit in this Town pursuant to the provisions of this chapter, which permits, in order to be valid, shall be signed by the Town Clerk, shall be sealed with the Town Seal and shall specify the trade which thereby is authorized, the kind of commodities which such permit holder may peddle or solicit and the amount of the permit fee which shall have been paid.

§ 183-4. Application requirements.

- A. Each sales agent or peddler must apply individually to the office of the Town Clerk during posted administrative hours by submitting a completed application, which will require:
- (1) Name of applicant.
 - (2) Government-issued photographic identification with printed name and sex.
 - (3) Date of birth.

- (4) Social security number.
 - (5) Permanent residential address.
 - (6) Home telephone number.
 - (7) Temporary home address.
 - (8) Current cell phone number.
 - (9) Sales organization information.
 - (10) Sales supervisor identity.
 - (11) Make, model, color, registration number and proof of insurance of any vehicle(s) used to transport the sales agent, his/her supervisor, or sales materials.
 - (12) Such other verifying information as may be reasonably required by the Town Clerk and/or Town of Harrison Police Department.
- B. Upon submitting a completed application, each applicant shall be given a copy of the completed application by the Town Clerk, and each applicant shall personally deliver the copy of the completed application to the Town of Harrison Police Department. The Town Clerk shall also deliver a duplicate copy of the completed application to the Town of Harrison Police Department. The Town of Harrison Police Department shall conduct a criminal records search to determine the applicant's fitness and suitability to conduct solicitation sales or to peddle wares and shall confirm that proper liability insurance is carried by the applicant. The Harrison Police Department will return to the Town Clerk, within three business days of the receipt of a completed application from the applicant, the result of the criminal records search and the Town of Harrison Police Chief's determination as to fitness. The Police Chief will forward a copy of the applications that are approved as to fitness to the Town Clerk's office. Provided all other requirements have been satisfied, the Town Clerk will then issue the appropriate permit(s) upon payment of the appropriate fees. The permit fee is in addition to the application fee. Identification badges will not be issued by the Harrison Police Department until the permit has been issued by the Town Clerk.
- C. A person whose criminal history record background check reveals a conviction for any criminal offense, including, but not limited to, violent crimes, sexual assault, possession of a controlled substance, theft, fraud, or burglary, shall be disqualified from receiving a permit to solicit or peddle within the Town. The Harrison Chief of Police will make the determination of the applicant's fitness to receive the applied for permit. The Harrison Police Chief will submit the specific reasons for disqualification in writing to the Town Clerk's office within the time as stated in § 183-4B.

§ 183-5. Permit required; exemptions; restrictions.

- A. It shall be unlawful for any person to engage in the act of peddling or soliciting in this Town without first obtaining a valid permit therefor.
- B. Veterans exempted. No provision of this chapter, except the provisions contained in Subsections E and F, respectively, of this section, shall be applicable to any person who shall have obtained and who lawfully shall be in possession of a valid subsisting permit which shall have been issued pursuant to the provisions of § 32, as amended, of the General Business Law of this state.
- C. Certain merchandise exempted. No provision of this chapter, except Subsections E and F, respectively, of this section, shall be applicable to the peddling or soliciting of meats, fish, fruit and farm produce by farmers and persons who produce such commodities.

- D. Local merchants and sales to local merchants exempted. No provision of this chapter, except Subsections E and F, respectively, of this section, shall be applicable to sales, at wholesale prices, of personal property to local merchants of this Town. For the purpose of this chapter, a "local merchant" hereby is defined as a merchant who maintains in this Town an established place of business; and for the purpose of this chapter, an "established place of business" is defined as a building or a portion thereof, located in this Town, wherein a local merchant transacts business and deals in such commodities as are referred to in this chapter.
- E. Time limitations.
- (1) Peddling hereby is prohibited, except between the hours of 10:00 a.m. and sunset. House-to-house peddling is prohibited altogether on Sundays and holidays and on other days, except between the hours of 10:00 a.m. and the earlier of 7:00 p.m. or sunset, respectively; either standard time or daylight savings time, whichever then is effective, as the case may be.
 - (2) Soliciting hereby is prohibited altogether on Sundays and holidays and on other days, except between the hours of 10:00 a.m. and the earlier of 7:00 p.m. or sunset, respectively; either standard time or daylight saving time, whichever then is effective, as the case may be.
- F. No peddling or soliciting near stores. Peddling and soliciting is hereby prohibited within a distance of 250 feet of any store in this Town wherein there is being offered for sale any commodity of any nature whatsoever and which comes under any of the classes of commodities which are enumerated in the definitions of "peddling" or "soliciting" in § 183-2.
- G. The permit requirements contained in this chapter shall also apply to sales of or taking orders by charitable organizations as defined in § 183-2. Charitable organizations must apply to the Town Clerk to confirm the 501-c-3 status. Once 501-c-3 status has been confirmed by the Town Clerk, the Harrison Police Department will issue identification badges.
- H. Charitable organizations and veterans must abide by time limitations as defined in § 183-5E(1) and (2).
- I. Children soliciting under the age of 16 must be accompanied by a parent, guardian or an adult over the age of 21.
- J. This chapter shall not apply to political candidates.

§ 183-6. Issuance of permits.

- A. Form of permits. The Town Clerk is hereby authorized and instructed to issue permits to peddle or solicit in this Town pursuant to the provisions of this chapter, which permits, in order to be valid, shall be signed by the Town Clerk, shall be sealed with the Town Seal and shall specify the trade which thereby is authorized, the kind of commodities which such permittee may peddle or solicit and the amount of the permit fee which has been paid.
- B. Separate permit. No permit shall be issued for the peddling or soliciting of more than one of the following general classes of commodities:
- (1) Dry goods.
 - (2) Groceries.
 - (3) Fruits and vegetables.
 - (4) Meats.
 - (5) Fish.

- (6) All other articles of merchandise and commodities not hereinabove specified. More than one permit may be issued to the same person, however, upon payment of an additional permit fee or fees prescribed therefor, for the peddling or soliciting of such other classes of commodities.

§ 183-7. Permit period.

No permit shall be issued and none shall be valid for a period longer than 30 days from the date of issuance thereof, for soliciting. No permit shall be issued and none shall be valid for a period longer than one year for peddlers.

§ 183-8. Nontransferability of permits and identification badges.

No permit or identification badge issued under the provisions of this chapter shall be copied, reproduced, or transferred. Any holder of such a permit or identification badge who allows it to be copied, reproduced, transferred, or used by any other person, and the person who uses such a permit or badge, shall both be deemed to be guilty of a violation of the provisions of this chapter.

§ 183-9. Permit fees.

- A. An application fee shall be set by the Town Board by resolution and shall accompany each application for a Town of Harrison solicitation permit.
- B. A permit fee shall be set by the Town Board by resolution, which includes the identification badge for each and every peddler, solicitor and sales agent. The permit fee shall be paid upon approval of the permit application.

§ 183-10. Vehicles; vehicle sign required.

Any person who procures a permit pursuant to the provisions of this chapter shall be entitled, without being required to pay to this Town any additional permit fee for such privilege, to use, in conducting the particular peddling or soliciting business, including the transportation of door-to-door solicitors for which he holds such a permit, one vehicle answering the description of a pushcart, a handcart or a motor vehicle automobile or truck; provided, however, that there appears upon at least one side of such vehicle, legibly, in paint and in the English language, the following data, in letters and numerals of not less than 2 1/2 inches in height:

- A. The permit holder's full name.
- B. The permit holder's residence or business address, stating the building number, the street and municipality and the state.
- C. The permit holder's peddling permit number.

§ 183-11. Display of permit required.

Each permit holder, under the provisions of this chapter, shall carry a copy of such permit and identification badge at all times while engaged in peddling or soliciting and shall produce and exhibit the same at any such time upon demand therefor being made by any police officer of this Town or by any citizen who resides in this Town. A refusal to comply with the provisions of this section shall constitute presumptive evidence that the person, so refusing, is peddling or soliciting without having procured a license therefor pursuant to the requirements of this chapter, and such a refusal shall be deemed to be a violation of the provisions of this chapter.

§ 183-12. Do Not Knock Registry.

- A. The Do Not Knock Registry shall be established and maintained by the Town Clerk's office. Residents may submit their property address for inclusion on the list without charge. An updated list will be provided to the Chief of the Harrison Police Department monthly.

- B. Upon approval and issuance of a Town of Harrison solicitation permit, each sales agent shall be provided with a copy of the Do Not Knock Registry. It will be the responsibility of the permit holder to ensure each solicitor and sales agent has a copy of the Do Not Knock Registry.
- C. Solicitors or peddlers shall not solicit or peddle wares at any address on the Do Not Knock Registry.

§ 183-13. Solicitation sales regulations.

- A. No sales agent shall engage in door-to-door sales without first having and received a Town of Harrison solicitation permit.
- B. No sales organization shall allow any sales agent to engage in door-to-door sales that has not applied for and received a Town of Harrison solicitation permit.
- C. No sales supervisor shall direct or supervise, or allow, any sales agent to engage in door-to-door sales that has not applied for and received a Town of Harrison solicitation permit.
- D. No sales agent shall enter within the perimeter of any residential property included on the Do Not Knock Registry or any residence where a "No Soliciting," "No Trespassing" or similar sign is posted at or near the entrance(s) to such a residence.
- E. No sales agent shall solicit sales from a person situated within a residential property included on the Do Not Knock Registry from a street, sidewalk or other adjacent property.
- F. No sales agent shall engage in abusive solicitation, including but not limited to:
 - (1) Blocking or impeding the passage of the person solicited;
 - (2) Repeating the solicitation after the person solicited has indicated his or her objection to the solicitation;
 - (3) Threatening the person solicited with physical harm by word or gesture; and
 - (4) Touching the solicited person without consent.

§ 183-14. Penalties and enforcement.

- A. A person who violates any permitting or registration provision of this chapter shall be punishable by a fine of not less than \$500 and/or imprisonment for not more than 15 days, or both, except that for a conviction of a second and subsequent offense(s), the person shall be punishable by a fine of not less than \$1,000 and/or imprisonment for a period of time not to exceed 15 days, or both.
- B. A person who violates any other provision of this chapter shall be punishable by a fine of not less than \$500 and no more than \$1,000 and/or imprisonment for not more than 15 days, or both, except that for a conviction of a second and subsequent offense(s), the person shall be punishable by a fine not less than \$1,000 nor more than \$1,500 and/or imprisonment for a period of time not to exceed 15 days, or both.
- C. Each day on which any violation continues shall constitute a separate offense.
- D. The Harrison Police Department is the enforcement agency of the chapter.

§ 183-15. Additional legislation.

All permits which may be issued pursuant to the provisions of this chapter and all such permit holders, at all times, shall be subject to such additional reasonable rules, regulations and ordinances in

respect to the conducting of the business of peddling or soliciting, as hereafter may be adopted by the Town Board of this Town.

§ 183-16. Disposition of moneys received.

All moneys which shall be received by the Town Clerk pursuant to the provisions of this chapter forthwith shall be paid by the Town Clerk to the Supervisor in the same manner as the Town Clerk is required to remit other Town moneys.

D-2 B

Village of Rye Brook, NY
Tuesday, October 23, 2012

Chapter 174. PEDDLING AND SOLICITING

[HISTORY: Adopted by the Board of Trustees of the Village of Rye Brook 9-22-1987 by L.L. No. 10-1987. Amendments noted where applicable.]

GENERAL REFERENCES

Noise — See Ch. 158.

Parks — See Ch. 170.

Fees — See Ch. A257.

§ 174-1. License required.

It shall be unlawful for any person to engage in the sale of goods, wares, services or contracts or in the collection of money within the Village of Rye Brook without first having duly obtained and having in force a license therefor as herein provided.

§ 174-2. Definitions and exemptions.

[Amended 4-27-2004 by L.L. No. 6-2004]

A. For the purpose of this chapter, the following definitions shall apply:

HANDBILL

Any printed or written matter, any sample or device, or any other printed or otherwise reproduced original or copies of any matter or literature, including but not limited to circular, leaflet, pamphlet, paper, or booklet.

PEDDLE

To carry or transport goods, wares, merchandise or personal property of any nature and offering the same for commercial sale. This includes any person who solicits orders as part of a commercial enterprise and as a separate transaction makes deliveries to purchasers.

SOLICIT

To request contribution of funds or anything of value, or sell goods or services, or to distribute handbills in connection with a commercial enterprise or in connection with political, educational, charitable, religious or other noncommercial purposes.

B. Nothing in this chapter shall be deemed to apply to any person acting as a dealer in milk, bakery products, heating fuel or newspapers.

C. A license shall not be required but compliance with the restrictions set forth below in § 174-5A shall be required of the following:

- (1) Any person soliciting or collecting for any bona fide charitable or religious organization which has been classified as tax exempt by the Internal Revenue Service; and
- (2) Any person soliciting or collecting for any political or educational noncommercial purpose.

D. A license shall not be required and the restrictions contained in § 174-5 shall not apply:

- (1) For any holder of a license granted pursuant to § 32 of the General Business Law.
- (2) For the soliciting of orders, or peddling, vending or the offering for sale of meats, fish, fruit or farm products by farmers or other persons who produce the same.
- (3) For any honorably discharged member of the armed forces who is disabled as the result of an injury received while in the naval or military service of the United States.
- (4) For any holder of a license granted pursuant to § 35 of the General Business Law.
- (5) For the solicitation of orders or peddling, vending or offering for sale insurance, which activities are regulated by New York State Insurance Law.

§ 174-3. Application for license.

A. Any person desiring a license, as herein provided, shall file with the Village Clerk a written application therefor, duly verified by the applicant upon blank forms provided by the Village Clerk. A license may be taken out only by an individual and not in the name of a firm, corporation, association, club or other group. Such application shall include, but not be limited to, the following information:

- (1) The name, address, date of birth, social security number and motorist identification number of said person, and the name of any corporation, firm, association, club, partnership or other organization involved.
- (2) A description of the type of goods, wares and/or merchandise that the applicant wishes to sell or solicit orders for.
- (3) A description of the vehicle that the applicant wishes to use in carrying out his/her business or occupation.
- (4) The owner of the vehicle and registration details thereof.
- (5) The County Health Department permit number, if a food vendor.
- (6) If peddling or soliciting for a corporation, the date of incorporation, state in which it is incorporated and name, address, date of birth and social security number of all officers.
- (7) Whether applicant has ever been convicted of a crime and, if so, under what name, with a listing of such convictions, including crime, jurisdiction, date and sentence imposed.

B. Such application shall also be accompanied by three photographs, two by two inches in size, taken within 30 days prior to the date of filing of the application, full face on white background.

C. Each person seeking a license shall submit a set of fingerprints on a form approved by the Rye Brook Police Department.

§ 174-4. Issuance or denial of license; conditions; fee; appeals.

A. The Village Clerk, with such assistance from the Police Department as may be reasonably necessary, shall investigate all applications and shall, thereafter, issue or deny said license to the applicant.

B. The Village Clerk shall refuse issuance of a license to any person who has been convicted of a felony.

- C. The license shall automatically expire on January 1 following the date of its issuance. The date of issuance and expiration of the license, as well as the purpose for which it has been issued, shall be set forth on the face thereof.
- D. The license shall be carried on the person of the licensee at all times while being exercised and shall be exhibited by the licensee to any person on demand thereof. A picture of the applicant shall appear on the valid license with the Village Seal imprinted on same.
- E. The license shall not be transferable or assignable. In the event that a licensee shall permit any person other than himself/herself to possess or use such license, such license shall automatically be revoked, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation.
- F. The license is good only for the purposes stated thereon, and any change of product being sold or offered for sale, without written consent from the Village Clerk, shall constitute cause for revocation of the license, and the licensee shall thereby be guilty of violating this chapter, and no application for a further license may be made for a period of one year from the date of revocation. If a Board of Health or other county permit is required, the sale of a product not covered by such permit shall be a violation of this chapter, and no application for a further license may be made for a period of one year from the date of revocation.
- G. The application fee for such license shall be in an amount set by resolution of the Board of Trustees. The current License and Fee Schedule is on file in the Village Clerk's office. In addition, a check or money order in the amount specified by, and made payable to, the New York State Division of Criminal Justice Services to cover the cost of processing the fingerprints shall accompany the license application.

[Amended 12-15-1992 by L.L. No. 2-1992]

- H. An applicant who has had a license denied or revoked by the Village Clerk may appeal to the Board of Trustees in writing. The Board of Trustees will thereafter hold a public hearing to review the determination of the Village Clerk.

§ 174-5. Restrictions.

[Amended 4-27-2004 by L.L. No. 6-2004]

- A. Peddlers or solicitors, whether licensed or unlicensed, shall not:

- (1) Enter upon private or public property for the purpose of soliciting or peddling before the hour of 9:00 a.m. or after the hour of 7:00 p.m. on any day, except upon the express invitation of the householder or occupant. In the case of motor vehicles selling food, the hours of operation shall be extended to 8:00 p.m., and to 9:30 p.m., July 15 through September 15.
- (2) Resort to deceptive acts or practices, physical abuse, threats, intimidation or harassment in the course of conducting his/her business or offer for sale any provision, food or merchandise that is unwholesome, unfit or otherwise harmful to the user or consumer thereof.
- (3) Stand or remain, or permit any vehicle used in such business to stand or remain, for more than 10 consecutive minutes on the same street or place or for more than 15 minutes of any hour on any public place or street.
- (4) Permit any vehicle to stand or remain:
 - (a) Within 100 feet of any intersection.

- (b) On any crosswalk.
- (c) Within 300 feet of any school property, commercial establishment, church or synagogue property.
- (5) Peddle or solicit on private or public property which has displayed a sign bearing the words "No Peddling or Soliciting" or words of like intent; nor shall any licensee remain on the premises after the owner or occupant thereof shall have requested said licensee's departure therefrom.
- (6) Park a vehicle or cart, from which goods are sold or orders taken, on or adjacent to any of the following streets:
 - (a) King Street.
 - (b) Westchester Avenue.
 - (c) North and South Ridge Street.
 - (d) Bowman Avenue.
 - (e) Lincoln Avenue.
- (7) Create, erect or maintain any booth or stand, or place any barrels, boxes, crates or other obstruction upon any street or public or private property for the selling of, or exposing for sale, any goods, wares or merchandise.
- (8) Have any exclusive right to location in the public street; nor shall any peddler or solicitor be permitted a stationary location for more than 10 minutes nor be permitted to operate in a congested area where such operation might impede or inconvenience the public. For the purpose of this chapter, the judgment of any police officer, exercised in good faith, shall be deemed conclusive as to whether the area is congested or the public impeded or inconvenienced.
- (9) Cry his or her wares or make use of bells, whistles or other noise, except that an ice cream vendor's bell may be rung.
- B. A license granted pursuant to this chapter shall include the right to use only one vehicle or conveyance in carrying out the business for which the person is licensed.
- C. A license granted pursuant to this chapter shall not be construed so as to supersede any applicable ordinances.
- D. All orders taken by a licensed solicitor or peddler for which he or she demands, accepts or receives payment or deposit of money in advance of final delivery shall be in writing, in duplicate, stating the terms thereof and said amount paid in advance, and one copy shall be given to the purchaser at the time the deposit of money is paid to the solicitor or peddler. Such orders can be taken only in compliance with applicable state and federal laws and Federal Trade Commission rulings, and nothing herein shall be taken to waive such restrictions.

§ 174-6. License revocation.

Licenses issued under the provisions of this chapter may be revoked by the Village Clerk of the Village of Rye Brook for cause, after written notice, including but not limited to the following:

- A. Fraud, misrepresentation or false statements in the application for the license.

- B. Fraud, misrepresentation or false statements in the course of carrying out the applicant's trade, business or occupation.
- C. Any violation of this chapter.
- D. Conviction of any felony.
- E. Conducting the licensed business, trade or occupation in an unlawful manner or in such a way as to breach the peace or to constitute a menace to the health, safety or welfare of the public.

§ 174-7. Record of licenses issued.

The Village Clerk shall keep an accurate record of all licenses issued under this chapter.

§ 174-8. Renewal.

[Amended 12-15-1992 by L.L. No. 2-1992; 8-26-2003 by L.L. No. 13-2003] Provided that such application is made before the prior license has expired, a license issued under the terms of this chapter may be renewed by the Village Clerk for a fee in an amount set by resolution of the Board of Trustees. The current License and Fee Schedule is on file in the Village Clerk's office.

§ 174-9. Penalties for offenses.

[Amended 12-15-1992 by L.L. No. 2-1992] Any violation of this chapter shall be punishable as provided in § 1-17 of Chapter 1, General Provisions. Each day on which such violation continues shall constitute a separate offense.



Village of Port Chester Office of Planning and Development

222 Grace Church Street, rm. 202 Port Chester, New York 10573

To: Hon. Mayor Pilla and Board of Trustees

From: Christopher Gomez, Director of Planning and Development *Cy*

Re: 2 Osborne Place, Acceptance of zoning map amendment petition and designation of Lead Agency under SEQRA for 2 Osborn Place.

CC: C. Steers, T. Cerreto, L. Douglas, J. Richards

Date: October 31, 2012

Project Description:

Applicant has submitted a complete petition for zoning map amendment per Village Zoning Code Section 345-34, associated with a proposed subdivision of an 11,086 square foot parcel of land located at 2 Osborn Place on the border of Rye Brook to create two new lots (see attached maps below). An existing residence would remain on one lot, and a new two-family residence would be constructed on the second lot.

Because the existing residential parcel proposed to be subdivided is only 98.4 feet in width (where 100' total is required to meet the 50' lot width requirement for each conforming parcel in the R2F district), the applicant is proposing to transfer a five-foot portion of the property which is being used for commercial use f to form the second residential lot.

The zoning district boundary between the R2F Two-Family Residential zoning district and the C-4 General Commercial zoning district runs along the existing property line between the residential parcel and the commercial parcel. The transfer of 5' of land from the commercial parcel to the residential parcel would leave the 5' sliver in the C-4 district, so the applicant is also petitioning the Village to re-zone the property by shifting the boundary between the R2F and C-4 district to the east by 5' to correspond to the transfer of land, thereby leaving the entire new residential parcel wholly within the R2F district. Further, because the 5' transfer of land will come out of an existing commercial property, and amended site plan approval is

required for that site. Lastly, it appears that a side yard variance would be required for the existing lot (Parcel 1) following subdivision.

- The following dimensional regulations apply in the R2F Two-Family Residential zoning district:

<i>PROVISION</i>	<i>REQUIRED</i>	<i>PARCEL 1</i>	<i>PARCEL 2</i>
<i>Maximum F.A.R.</i>	<i>0.80</i>	<i>0.35</i>	<i>T.B.D</i>
<i>Min. Lot Area</i>	<i>5,000 sqft</i>	<i>5,628 sqft</i>	<i>5,628 sqft</i>
<i>Area Per Dwelling Unit</i>	<i>2,500 sqft</i>	<i>2,814 sqft</i>	<i>5,814 sqft</i>
<i>Lot Width</i>	<i>50'</i>	<i>53.40⁽¹⁾</i>	<i>50.01'</i>
<i>Lot Depth</i>	<i>100'</i>	<i>116.9'</i>	<i>112.5'</i>
<i>Front Yard</i>	<i>20'</i>	<i>24.7'</i>	<i>20' +</i>
<i>Side Yard (one)</i>	<i>8'</i>	<i>6.5⁽²⁾</i>	<i>8' +</i>
<i>Side Yard (both)</i>	<i>14'</i>	<i>18'</i>	<i>14'+</i>
<i>Rear Yard</i>	<i>30'</i>	<i>53.05'</i>	<i>30'+</i>
<i>Max Bldg Height</i>	<i>2 ½ stories/ 35'</i>	<i>2 stories</i>	<i>T.B.D</i>
<i>Minimum Open Space</i>	<i>800 sqft</i>	<i>>,1,500 sqft</i>	<i>T.B.D.</i>

- (1) Subject to transfer of 5' parcel
- (2) Variance required.

Discussion:

Applicant appeared before the Board at the October 17th meeting. Following presentation, there was consensus of the Board to prepare a resolution accepting the zoning petition as complete and a Notice of Intent to serve as Lead Agency under SEQR (materials attached) for vote at the November 5 meeting. It was determined that Lead Agency status is appropriate in this case due to the nature of the application involving a rezoning, sub-division and potential dedication of land to Village, as well as the need to coordinate review with the Village of Rye Brook.

Further, several pertinent questions arose regarding the proposed sub-division of land and requisite zoning map amendment, specifically related to the consistency or inconsistency of such action in relation to the draft comprehensive plan, value of open space, and dedication of land to the Village.

While one of the general goals of the draft comprehensive plan is to “channel future residential development pressures away from the Village’s neighborhoods and into more appropriate areas of the Village, particularly in the downtown and around the train station”, none of the proposed zoning amendments to the Official Zoning Map currently contemplated call for the specific reduction of density for any for the zoning districts (R2F, R5) in the vicinity of subject parcel.

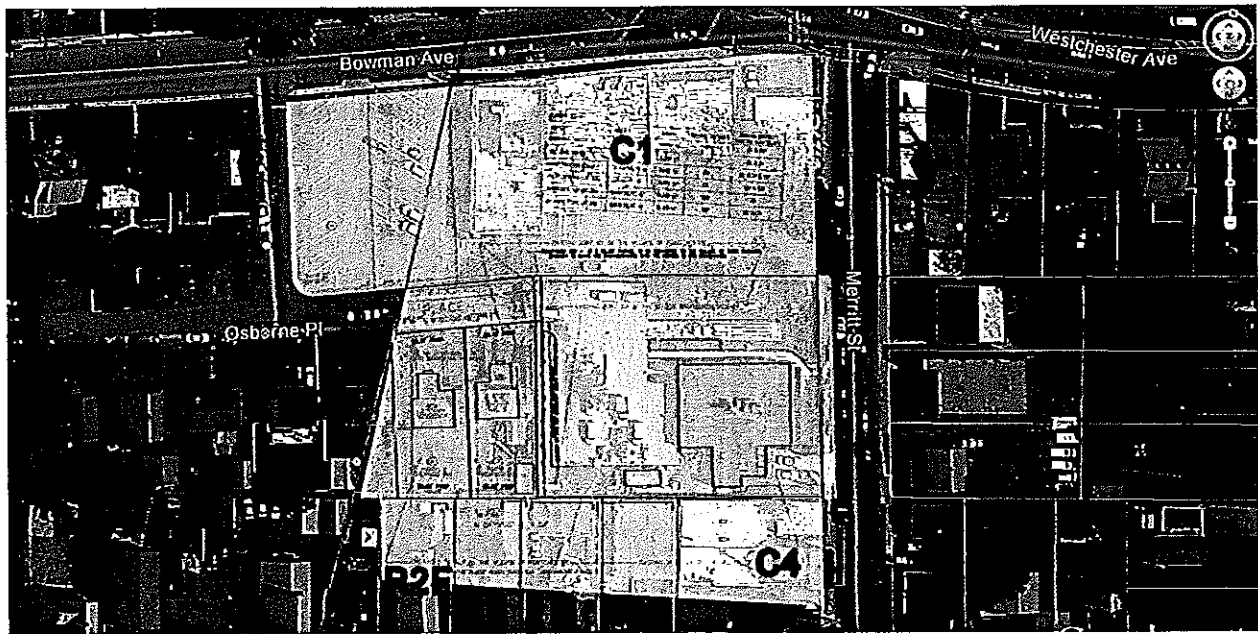
As for value of the existing lot as a single two-family residence versus subdivision to an additional two family lot, the current full assessment of the property at 2 Osborn is \$446,200 (\$220,200 land + \$226,000 improvements). Assuming similar improvement on the newly created lot, approximately \$226,000 of additional taxable assessed value would be created (currently assessed land value would ostensibly be halved). The additional tax revenue generated from the new two-family home must be weighed carefully against the potential generation of additional school-aged children and/or loss of open space, albeit limited in scale, on the Village's border.

Finally, the applicant is proposing dedication of the 153-foot sliver of property created from the potential subdivision at the end of the Osborn Place to the Village. Said property would not be of any tangible benefit to the Village and would require minimal maintenance as a Village-owned right-of-way. The Village Board's policy decision as to whether to accept dedication of this piece is completely discretionary. A filed subdivision plat constitutes a continuing offer of dedication .

Application "Road Map":

Discretionary Board action is required to ultimately adopt the zoning map amendment proposed. If the Board wishes to advance the zoning petition, next steps include formal acceptance of petition as complete, declaration of Lead Agency under SEQR and referral to both the Planning Commission and subsequently the Westchester County Planning Board. Once both referral agencies respond, the Board can set a public hearing to amend the official Zoning Map accordingly by local law.

Staff has notified the Village of Rye Brook of the application and is in the process of determining whether additional approvals will be required from them due to the small sliver of the parcel bisected by the Village border.



SEQR
Intent to be Lead Agency

MEMO TO: ALL INTERESTED INVOLVED AGENCIES

FROM: Village of Port Chester Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

PROJECT TITLE: 2 Osborne Place
Petition to Amend Official Zoning Map
Premises: 2 Osborne Place (Section 141.28, Block 2, Lot 39)

MAILING DATE: November 6, 2012

This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

2 Osborne Place – Official Zoning Map Amendment

Complete petition for zoning map amendment per Village Zoning Code Section 345-34, associated with a proposed subdivision of an 11,086 square foot parcel of land located at 2 Osborn Place on the border of Rye Brook to create two new lots. An existing residence would remain on one lot, and a new two-family residence would be constructed on the second lot.

Existing residential parcel proposed to be subdivided is only 98.4 feet in width (where 100' total is required to meet the 50' lot width requirement for each conforming parcel in the R2F district), the applicant is proposing to transfer a 5' sliver of land from the adjacent commercial property, also owned by the applicant, to the parcel to be subdivided.

The zoning district boundary between the R2F Two-Family Residential zoning district and the C-4 General Commercial zoning district runs along the existing property line between the residential parcel and the commercial parcel. The transfer of 5' of land from the commercial parcel to the residential parcel would leave the 5' sliver in the C-4 district, so the applicant is also petitioning the Village to re-zone the property by shifting the boundary between the R2F and C-4 district to the east by 5' to correspond to the transfer of land, thereby leaving the entire new residential parcel wholly within the R2F district. Further, because the 5' transfer of land will come out of an existing commercial property, and amended site plan approval is required for that site. Lastly, it appears that a side yard variance would be required for the existing lot following subdivision.

If no written objections are received within 30 days of the above date of this notice, the Port Chester Board of Trustees will assume the role of Lead Agency.

Contact Person: Hon. Dennis Pilla, Mayor
Port Chester Board of Trustees, c/o Village Clerk
222 Grace Church Street, First Floor
Port Chester, NY 10573

Potential

Involved Agencies:

Chairman Michael Scarola
Port Chester Planning Commission
222 Grace Church Street, Suite 202
Port Chester, NY 10573

Chairman William Villanova
Port Chester Zoning Board of Appeals
222 Grace Church Street
Port Chester, NY 10573

Chairman William Hume
Architectural Board of Review
222 Grace Church Street
Port Chester, NY 10573

Hon. Joan Feinstein, Mayor
Village of Rye Brook
938 King Street
Rye Brook, NY 10573

Copy of this Notice of Intent on file with:

Janusz Richards
Village Clerk
222 Grace Church Street
Port Chester, NY 10573
T. (914) 939-5202

RESOLUTION

ACCEPTANCE OF FILING OF APPLICATION FOR ZONING MAP CHANGE
RELATING TO PROPERTY AT 2 OSBORN PLACE; AUTHORIZING
COMMENCEMENT OF THE NEW YORK STATE ENVIRONMENTAL QUALITY
REVIEW PROCESS; AND REFERRING THE APPLICATION TO THE PLANNING
COMMISSION FOR STUDY AND REPORT

On motion of TRUSTEE _____, seconded by TRUSTEE _____

, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, on October 10, 2012, Joseph Kennedy (the "applicant") submitted a Petition to the Village Board of Trustees (the "Board") proposing a zoning map change to facilitate a proposed subdivision of an 11,086 square foot parcel of land located at 2 Osborne Place that would create two lots on the border of the Village of Rye Brook; and

WHEREAS, the proposal is that the existing two-family dwelling would remain on one lot and a new two-family residence would be constructed on the second lot; and

WHEREAS, in order to assure that the two lots are conforming to the dimensional requirements of the R2F Two-Family Residential District, the applicant is proposing to transfer a five-foot sliver of land from the adjacent commercial property zoned C-4 General Commercial District, also owned by the applicant to the parcel to be subdivided; and

WHEREAS, such development would also require an amended site plan approval for the commercial property; and

WHEREAS, the proposed Action is an Unlisted Action pursuant to SEQRA and its implementing regulations and

WHEREAS, the applicant agreed to waive any time limitations on the review of his application for subdivision approval pending the Board's determination on the zoning map change. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby gives notice of its intent to be Lead Agency for the purpose of reviewing the proposed action, including the Petition and necessary land use approvals; and that this Notice of Intent, the Petition and exhibits thereto, including the EAF, be circulated to the following potential Involved Agencies:

Michael Scarola, Chairman
Port Chester Planning Commission
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

William Hume, Chairman
Port Chester Architectural Review Board
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

William Villanova, Chairman
Port Chester Zoning Board of Appeals
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Christopher Bradbury
Village Administrator
Village of Rye Brook
938 King Street
Rye Brook, N.Y. 10573; and be it further

RESOLVED, pursuant to Section 345-34 of the Village Code, the Board hereby refers the Petition to the Planning Commission for its study and report on the said zoning map change.

Approved as to Form:

Village Attorney

CUDDY & FEDER^{LLP}

445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel 914.761.1300 Fax 914.761.5372
www.cuddyfeder.com

October 31, 2012

BY ELECTRONIC MAIL
AND FEDERAL EXPRESS

Mayor Dennis Pilla
And Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: United Hospital Redevelopment
Petition to Amend Chapter 345 (Zoning)
Premises: 406 Boston Post Road (Section 141.052, Block 1, Lot 2)

Dear Mayor Pilla and Members of the Board of Trustees:

We are land use counsel for affiliates of Starwood Capital Group (hereinafter "Starwood"), the owner of certain property located at 406 Boston Post Road, more commonly referred to as the former "United Hospital Site" (the "Premises"). On behalf of our client, we respectfully submit this letter in furtherance of the above referenced Petition to amend Chapter 345 of the Port Chester Code, and the proposed redevelopment of the Premises (the "Petition"). As outlined in Starwood's submission package, dated May 18, 2012, the Petition proposes the replacement of Article XI of the Zoning Law (Section 345-62), and modifications to the Village's Official Zoning Map.¹

We respectfully request that the Petition be placed on the Board of Trustees' (the "Board") November 5, 2012 meeting agenda for discussion and action. The purpose of this appearance is to discuss the anticipated application review process and for the Board to take initial action on the proposal in accordance with the State Environmental Quality Review Act ("SEQRA"). It is our hope and sincere expectation that the Board will accept the Petition for consideration at this meeting and adopt a "positive declaration" directing us to prepare an Environmental Impact Statement ("EIS"). The EIS will contain the site specific information that the Board needs to evaluate Starwood's proposal for the Premises.

As you know, this is only the first step in a multi-step SEQRA process that will give the Board a chance to evaluate all of the relevant benefits and potential impacts associated with the Petition. Indeed, we further expect that this process will involve an extensive public comment period, and comply with all substantive and procedural requirements for preparing an EIS and ultimately adopting the appropriate SEQRA findings.

¹ See, Starwood's Petition package, dated May 18, 2012 for a complete description of the proposed action, outlining Starwood's proposal for the Premises, and objectives for the proposed zoning amendments.

CUDDY &
FEDER

Mayor Dennis Pilla

And Members of the Board of Trustees

October 31, 2012

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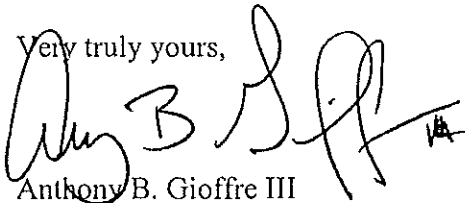
In advance of preparing a draft EIS and to assist the Board in rendering its determination of significance, we submitted a "Preliminary Fiscal and Socioeconomic Impact Assessment" on October 12, 2012. The initial findings set forth in our preliminary report indicate that the project will result in substantial positive fiscal impacts on all affected taxing districts, including the Village of Port Chester. Indeed, in addition to returning the Premises to a productive use, and injecting new discretionary spending into the local economy, Starwood's proposal includes a community benefits package that will proffer up to an additional \$9.5 million in value to the Village. The community benefits package, proffered in accordance with proposed Section 345-16 of the Village's Draft Zoning Text Amendments, will be paid in installments with an initial seven figure payment to be made upon the issuance of a building permit for the first phase of Starwood's proposed redevelopment of the Premises.

Starwood recognizes that the Board has complete authority to approve or deny the Petition.²

We look forward to appearing before the Board on November 5th to discuss the Petition in greater detail and to advance the Board's review of this matter. In the interim, should the Board or Village Staff have any questions or comments, please feel free to contact me.

Thank you in advance for your cooperation and consideration in this matter.

Very truly yours,



Anthony B. Gioffre III

cc: Christopher D. Steers, Village Manager
Anthony M. Cerreto, Esq., Attorney for Village of Port Chester
Evan Crandall, Starwood Capital Group
James E. Raved, Esq., Starwood Capital Group
Maria Rigopoulos, Mill Creek Residential Trust, LLC
David Smith, VHB
Joseph P. Carlucci, Esq.
Anthony F. Morando, Esq.

² See, Article VII of the Port Chester Code, Section 345-34(A).

**SEQR
Intent to be Lead Agency**

MEMO TO: ALL INTERESTED AND INVOLVED AGENCIES

FROM: Village of Port Chester Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

PROJECT TITLE: United Hospital Redevelopment
Petition to Amend Chapter 345 (Zoning)
Premises: 406 Boston Post Road (Section 141.052, Block 1, Lot 2)

MAILING DATE: November 6, 2012

This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

United Hospital Redevelopment

As set forth in the petition, the United Hospital Site, located on 406 Boston Post Road in the Village of Port Chester, Section 141.052, Block 1, Lot 2, consists of one 14.15 acre parcel. It currently consists of eight abandoned buildings of approximately 600,000 square feet, an interior roadway system, and related parking areas. The current zoning is R2F: Two-family residential.

The current owner of the property wishes to change the current R2F zone to a new PMU, Planned Mixed Use district (see attached zoning amendment petition). This zoning map change will allow the property owners to construct a mixed use development on the site. This new development will take the place of the current vacant hospital. The proposed development consists of approximately 20,000 Square Feet of ground floor retail/commercial uses and 820 multifamily dwelling units (41 Studio, 394 1BR, and 385 2BR) in five and six story structures. Residential amenities are also proposed. Approximately 1,350 parking spaces will be provided by a combination of surface and underground structured lots.

If no written objections are received within 30 days of the above date of this notice, the Port Chester Board of Trustees will assume the role of Lead Agency.

Contact Person: Hon. Dennis Pilla, Mayor
Port Chester Board of Trustees, c/o Village Clerk
222 Grace Church Street, First Floor
Port Chester, NY 10573
T. (914) 939-5202

**Potential
Involved Agencies:** Chairman Michael Scarola
Port Chester Planning Commission
222 Grace Church Street, Suite 202
Port Chester, NY 10573

Continued on next page

Chairman William Hume
Architectural Board of Review
222 Grace Church Street
Port Chester, NY 10573

Melissa Slater
New York State Department of Transportation
Region 8, Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

Copy of this Notice of Intent on file with:

Janusz Richards
Village Clerk
222 Grace Church Street
Port Chester, NY 10573
T. (914) 939-5202

RESOLUTION

ACCEPTANCE OF FILING OF APPLICATION FOR ZONING TEXT AND MAP CHANGE
RELATING TO THE PROPOSED REDEVELOPMENT OF THE FORMER UNITED
HOSPITAL PROPERTY; AUTHORIZING COMMENCEMENT OF THE NEW YORK
STATE ENVIRONMENTAL QUALITY REVIEW PROCESS

On motion of TRUSTEE _____, seconded by TRUSTEE _____

_____, the following resolution was adopted by the Board of Trustees of the Village of Port
Chester, New York:

WHEREAS, on or about May 21, 2012, PC406 BPR, LLC (the "Applicant") submitted a
Petition to the Village Board of Trustees (the "Board") proposing zoning text and map
amendments to the Village Code, Chapter 345, relating to the proposed redevelopment of
approximately 14.15 acres of land located at 406 Boston Post Road in the Village of Port
Chester, consisting of a portion of the former United Hospital site, which proposed
redevelopment would be for mixed residential, office and commercial uses (the "Proposed
Action"); and

WHEREAS, the Petition was accompanied by a Site Plan Application and Long-Form
Environmental Assessment Form ("EAF") prepared pursuant to the New York State
Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Proposed Action is a Type I Action pursuant to SEQRA and its
implementing regulations; and

WHEREAS, subsequent to receipt of the Petition on May 21, 2012, the Board has:

--conducted several public workshops with the Applicant to better understand the
Proposed Action; and

--solicited additional information from the Applicant; and

WHEREAS, by letter dated October 12, 2012, counsel for the applicant made a further
submission relating to the Petition, which submission contained the Applicants':

- fiscal and socioeconomic impact assessment;
- preliminary traffic analysis; and
- conceptual site plan and rendering; and

WHEREAS, by letter dated October 31, 2012, counsel for the Applicant requested that the Village Board of Trustees place the Petition on the Board's November 5, 2012 meeting agenda for discussion and action; and

WHEREAS, in said October 31, 2012 letter the Applicant recognized the Board's discretionary authority to accept or refuse to accept the Petition. Now, therefore, be it

RESOLVED, that the Board of Trustees accepts the Petition for filing and hereby gives notice of its intent to be Lead Agency for the purpose of reviewing the Proposed Action, including the Petition and necessary related land use approvals; and that this Notice of Intent, the Petition and exhibits thereto, including the EAF, be circulated to the following potential Involved Agencies:

William Hume, Chairman
Architectural Review Board
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

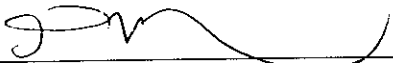
Michael Scarola, Chairman
Port Chester Planning Commission
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Melissa Slater
New York State Department of Transportation
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603; and be it further

RESOLVED, absent objection to such designation, the Board will be the designated lead agency for the Proposed Action and, as such, the Board is prepared to issue a Positive Declaration that the Proposed Action may have a significant impact on the environment and that a Draft Environmental Impact Statement ("DEIS") must be prepared; and be it further

RESOLVED, that in such event, the Board desires that a public scoping session with respect to the contents of the DEIS be scheduled, conditioned upon the applicant first executing an escrow agreement with the Village to reimburse the Village for its retention of independent environmental consultants (including counsel) and placing into escrow the funds required by the escrow agreement.

Approved as to form:



Anthony M. Cerreto, Village Attorney

JOHN B. COLANGELO
ATTORNEY AT LAW

DAVID GREGORY GALLO
OF COUNSEL

Received
OCT 19 2012
Village Clerk
VILLAGE OF PORT CHESTER

211 SOUTH RIDGE STREET
RYE BROOK, NEW YORK 10573
(914) 939-0002

FAX (914) 939-2665
e mail: jbclaw100@aol.com

October 18, 2012

BY HAND DELIVERY

Mayor Dennis Pilla
& Members of the Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

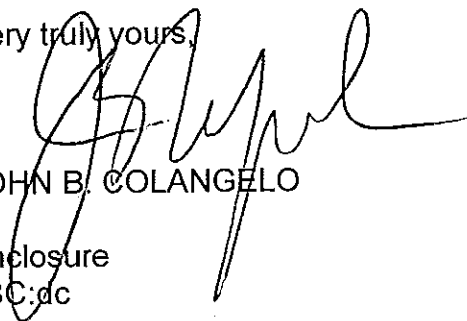
Re: Torosan Realty LLC

Dear Mayor Pilla and Members of the Board of Trustees:
Please be informed that I represent Torosan Realty LLC, the owner of certain real property known as 138, 140, 126 and 194 South Main Street, Port Chester, NY. Annexed hereto is the Verified Petition of my client which requests that the Board pass a resolution waiving and rejecting any offer of dedication made in and to the paper street known as Minetta Place.

I would appreciate it if you would place this matter on the next available agenda for review and action.

If you require additional information in this regard, please feel free to contact me.

Very truly yours,



JOHN B. COLANGELO

Enclosure
JBC:dc

BOARD OF TRUSTEES, VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, STATE OF NEW YORK
-----X

In the Matter of the Application of

TOROSAN REALTY LLC

**VERIFIED
PETITION**

For a Resolution Rejecting and Waiving an Offer of Dedication
Of the paper street known as

MINETTA PLACE.

-----X

To THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER:

The Petitioner, TOROSAN REALTY LLC, by its Attorney, JOHN B. COLANGELO, ESQ., 211
S. Ridge Street, Rye Brook, NY 10573, as and for its Verified Petition, states as follows:

1. Petitioner is the owner of that certain real property located in the Village of Port Chester, New York, known as 138, 140, 126 and 194 South Main Street - Section 142.38, Block 1, Lots 25, 26, 27, 28, 29 and 39 on the Tax Map of the Town of Rye, New York (hereinafter "the Premises"). Said premises abuts the paper street known as Minetta Place, as shown on a certain map of lots filed in the Westchester County Registrar's Office on October 31, 1894. Same is also shown on a certain survey map made by Ahneman, Kirby LLC dated August 1, 2011 (see Exhibit A annexed hereto).

Said Minetta Place is also abutted by other property owners (see Exhibit B annexed hereto).

2. It appears, from prior correspondence with the Village of Port Chester, that said Minetta Place is an undedicated paper street (SEE EXHIBIT C ANNEXED HERETO).

3. Petitioner has placed the Premises for sale on the open market and the title company of a potential purchaser has refused to insure title in said Minetta Place unless and until the Village of Port Chester expressly waives and rejects the offer of dedication made to the Village when the Premises was subdivided.


4. Village Law Section 6-612 provides that "The Board of Trustees may, by resolution, provide for laying out, altering, widening, narrowing, discontinuing, or accepting the dedication of a street in the Village."

5. A recent case, *Underhill Avenue Corp. v. Village of Croton-on-Hudson* (March 15, 2011), N.Y. Slip Op. 1998, illustrates that an open offer of dedication remains enforceable against subsequent purchasers, unless and until actually rejected by the municipality. As stated in the opinion, "...a lapse of time does not extinguish an offer of dedication, which may be accepted at any time prior to a valid revocation...". Furthermore, a failure to accept an offer of dedication is not a rejection of that offer (see *Foreal Homes v. Incorporated Vil. of Muttontown*, 128AD2d 585, 1987, as cited in the *Underhill Avenue* case).

6. Therefore, even though the Village does not claim any ownership in said paper street, it must expressly waive and reject the offer of dedication, or else there remain a cloud on the title, uninsurable by a title insurance company.
7. As can be seen from the annexed survey, the paper street is not owned by the Village and does not meet Village standards because it is too narrow for a public roadway (see memo of former Village Attorney George O'Hanlon dated April 6, 1988 annexed hereto as Exhibit C).
8. Therefore, Petitioner seeks a resolution from this Board with the finding that the street has become useless a right of way to the general public (see Village Law Section 6-612) and waiving and rejecting any offer of dedication that said Minetta Place be accepted as a public street in the Village of Port Chester.
9. Petitioner further requests that a Public Hearing be noticed and scheduled for the determination of this issue pursuant to Village Law Section 6-612 and Section 6-14.

TOROSAN REALTY LLC

Dated: September 28, 2012
Rye Brook, New York



JOSEPH SANTORO
11 Quintard Drive
Port Chester, NY 10573

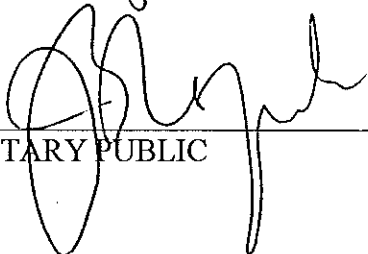
STATE OF NEW YORK)
 ss.:
COUNTY OF WESTCHESTER)

JOSEPH SANTORO, being duly sworn, says:

1. I am a Member of TOROSAN REALTY LLC, Petitioner in the within action;
2. I have read the foregoing Verified Answer and know the contents thereof. It is true to my own knowledge, except as to those matters therein stated to be alleged upon information and belief, and, as to those matters, I believe them to be true.

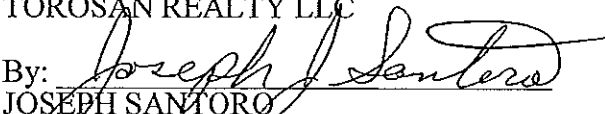
Sworn to before me this

28 day of September 2012



NOTARY PUBLIC

TOROSAN REALTY LLC

By: 

JOSEPH SANTORO
Member

JOHN B. COLANGELO Notary Public, State of New York No. 4708504 Qualified in Westchester County Commission Expires July 31, 2012

BOARD OF TRUSTEES, VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER, STATE OF NEW YORK

-----X
In the Matter of the Application of

TOROSAN REALTY LLC

For a Resolution Rejecting and Waiving an Offer of Dedication
Of the paper street known as

**VERIFIED
PETITION**

MINETTA PLACE.

-----X

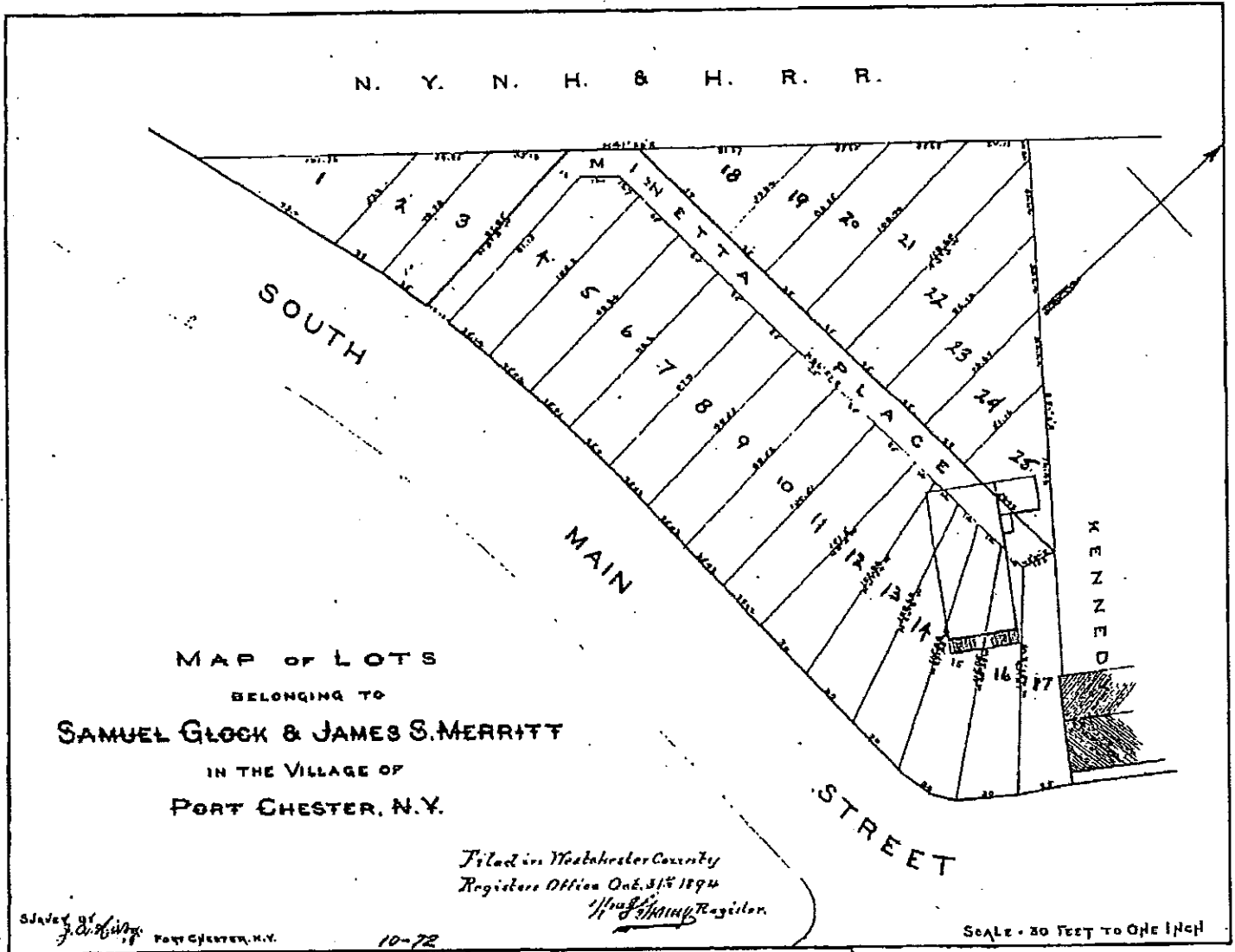
To THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER:

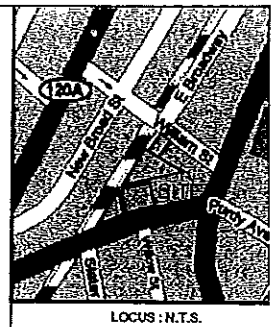
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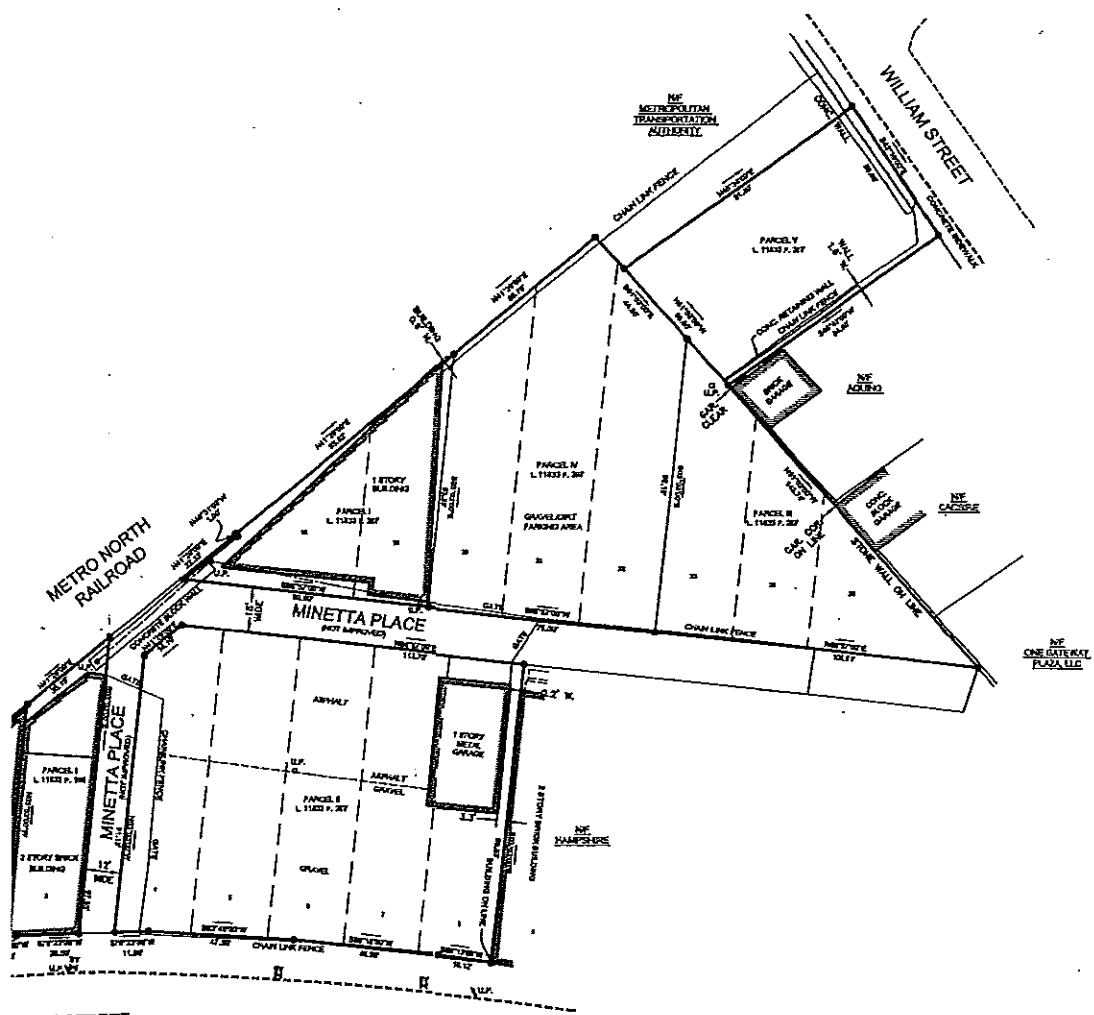
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2. It appears, from prior correspondence with the Village of Port Chester, that said Minetta Place is an undedicated paper street (SEE EXHIBIT C ANNEXED HERETO).
3. Petitioner has placed the Premises for sale on the open market and the title company of a potential purchaser has refused to insure title in said Minetta Place unless and until the Village of Port Chester expressly waives and rejects the offer of dedication made to the Village when the Premises was subdivided.
4. Village Law Section 6-612 provides that "The Board of Trustees may, by resolution, provide for laying out, altering, widening, narrowing, discontinuing, or accepting the dedication of a street in the Village."
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LOCUS: N.T.S.



ABBREVIATIONS

- CONC. CONCRETE
- GAR. GARAGE
- COR. CORNER
- N. NORTH
- W. WEST
- S. SOUTH
- NF NOW OR FORMERLY
- GV. GAS VALVE
- WV. WATER VALVE
- U.P. UTILITY POLE

SYMBOLS

- CHAIN LINK FENCE
- EXISTING BUILDING

REVISED: AUGUST 18, 2011

Date:	AUGUST 1, 2011
Scale:	1" = 30'
Drawn/Checked By:	SSG/NG
Book #:	
Job #:	118-041
Reference:	

MAIN STREET

If private restrictive
rights of record, if any,
is to the existence or
and that would affect the
as been furnished a
property lines are not
in of fences, structures or
lack of Greenwich and
of.
a survey map bearing a
of Section 7207,
Main Line.

SCHEDULE OF AREAS

Libr 11833 page 195
Parcel I, II & III = 3,228 sq. ft. (0.13 acres)
Libr 11833 page 207
Parcel II = 12,214 sq. ft. (0.28 acres)
Parcel I, III & IV = 16,562 sq. ft. (0.38 acres)
Parcel V = 4,442 sq. ft. (0.10 acres)
Total area = 36,446 sq. ft. (0.83 acres)



AHNEMAN KIRBY, LLC
 CIVIL ENGINEERING & LAND SURVEYING
 1171 East Putnam Avenue, Riverside, CT 06278
 Tel: 203.869.7707 • Fax: 203.869.4606
 www.ahnemankirby.com

PRINT INVALID WITHOUT
EMBOSSSED SEAL.

8-18-11



First American Title

First American Title Insurance Company
633 Third Avenue, 16th Floor
New York, New York 10017
Phone: (212)922-9700
Fax: (212)922-0881
Email:

CERTIFICATIONS OF PARCELS ABUTTING MINETTA PLACE:

As to Tax lot 30 (map lot 9) (building, no identification):

IGLESIA PENTECOSTAL EL OLIVAR (A/K/A EL OLIVAR PENTECOSTAL CHURCH)

Who acquired title by deed from Backdac South Realty, LLC dated 7/2/2004 recorded 10/2/2004 in Document Control #442430047. (we insured. Title #3004-35942), as corrected by correction deed dated 8/26/2005 and recorded 12/14/2005 in Document Control #453320210.

As to Tax lot 31 and 32 (map lots 10 and 11) Valencambo Superior Seafood Corp (per sign):

MFA REALTY, LTD.

Who acquired title by deed from SMART REALTY, INC. dated 10/15/1987 recorded 10/28/1987 in Liber 9009 Cp 122.

As to Tax lot 33 (map lot 12) (vacant)

IGLESIA PENTECOSTAL EL OLIVAR, INC. A/K/A IGLESIA PENTECOSTAL EL OLIVAR

Who acquired title by deed from Village of Port Chester dated 6/12/2002 recorded 8/20/2002 in Document Control #422210232

As to Tax lot 34 (map lot 13) (church building):

IGLESIA PENTECOSTAL EL OLIVAR, INC.

Who acquired title by deed from Jose A. Cruz Batiz dated 2/24/1975 recorded 2/8/1979 in Liber 7540 Cp 692.

As to Tax lot 35 (map lots 14 to 17) (Parking lot):

ONE GATEWAY PLAZA, LLC, AS SUCCESSOR IN INTEREST TO DEDONA BOSTON REALTY CO.

Who acquired title by deed from Village of Port Chester Industrial Development Agency dated 7/11/2005 recorded 3/6/2009 in Document Control #490580281.

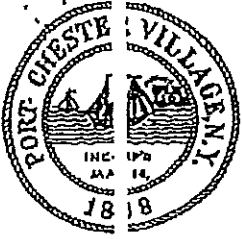
All chains contain usual ½ streets clauses or together with streets clauses.

Lots 33 and 35 were owned by the village (tax lien foreclosures). The others were not.

Notations as to the buildings from Google Earth.

EX 19

Exhibit C



✓
Old title -
Fusco

Michael D. Ritchie
Village Manager

VILLAGE OF **PORT CHESTER**, NEW YORK
10 PEARL STREET • PORT CHESTER, NEW YORK 10573

(914) 939-220

November 13, 1986

MEMO TO: Mayor and Board of Trustees
FROM: Michael D. Ritchie
Re: Fusco request for purchase of property

It would appear that the property in question is an undedicated paper street that is not on the assessment roll but not owned by the Village either. I suggest that the interested party obtain a title report and through their attorney at their expense find out who owns the property. They can then deal with the owner of record, if they choose.

I will notify the assessor also and see if he can determine ownership from his records. Perhaps this property ought to be on the tax roll.

MDR:bb

cc: Ken White

File C



GEOR E O'HANLON

VILLAGE ATTORNEY

10 Pearl Street
Port Chester, New York 10573

(914) 939-5208

December 1, 1987

Mr. Joseph Santoro
Willow Motors
146 South Main Street
Port Chester, New York 10573


Dear Mr. Santoro:

The Board of Trustees of the Village of Port Chester has received your request to purchase Minetta Place. An examination of our records indicates that that parcel was never conveyed to the Village. It also appears that the Village never opened Minetta Place as a Village street. It is, therefore, the conclusion of the Village at this time that it does not own the property. ✓

If you have evidence to the contrary based on a title report or otherwise, then I will be glad to review the matter further.

Since it is my understanding that you have occupied this parcel for some time, you may wish to contact your own attorney to see if an action to quiet title might not solve your problem.

Sincerely yours,


George A. O'Hanlon
Village Attorney

AOG:bb

RECEIVED
DEC 1 1987

M E M O R A N D U M

F R O M

V I L L A G E M A N A G E R T O R N E Y

MEMO TO: Assessor
Town of Rye and Village of Port Chester

FROM: George A. O'Hanlon *GAOH*

DATE: April 6, 1988

RE: MINETTA PLACE, VOLUME 10 OF MAPS, PAGE 12

Village of Port Chester

APR 8 1988

RECEIVED
BUILDING DEPT.

At the request of the Village Manager and Marino, Chambers and Lou, P.C., I have investigated the status of the paper street known as Minetta Place. Based on that investigation and the report from First American Title Insurance Company of New York, I have verified that the paper street in question was never acquired and, so far as can be determined, was never opened or maintained by the Village. At this time also the Village could not take title to it as a street because it is too narrow under Village policy. Normal width set out in 6-610 Village Law.

Based on the foregoing and the opinion of the title company I suggest that you put it on the roll in the names of the adjacent owners.

The case of Lardon V. Binghamton 79 AD 2d 810, while not directly in point, does appear to give adjacent owners using the same a right to object. But since the place goes nowhere and serves no one, I do not feel it is a matter of serious concern in the circumstances. The supporting documents are annexed.

GAOH:tr
Attachment
cc: Marino, Chambers & Lou, P.C.



RECEIVED
OCT 23 2012
VILLAGE OF PORT CHESTER
M

The American Legion
Port Chester Post 93
Department of New York
78 Pearl Street
Port Chester, NY 10573
Unity and Service for America

Honorable Mayor Dennis Pilla
& Board of Trustees,
222 Grace Church Street
Port Chester, NY 10573

Dear Honorable Mayor Pilla & Board of Trustees

The American Legion is Completing Plans for Veterans Day Ceremonies. We are in the process of contracting bands flags and color guard for ceremonies at Veterans Memorial Park.

We respectfully request that the Village of Port Chester appropriation of One Thousand Dollars (1,000) for the 2012 year, be made out to the American Legion at the above address.

As directed by the three local governments (Rye Town, Port Chester, Rye Brook) All bills must and will be paid by the American Legion

Sincerely

Howard Weiss
Finance Officer
American Legion Post 93
Port Chester, NY 10573

Sandra Blanco
239 Madison Ave
Port Chester, NY 10573

To the Mayor of Port Chester and the Board of Trustees

I am currently a home owner in the town of Port Chester, where my family has lived for 35 years. I have some concerns about the Madison Ave traffic and speeding cars that come through my neighborhood. I have noticed that a lot of the cars that are coming through are driving at a very high speed for a residential area. I have also noticed that a lot of these speeding cars are not even from our town but from our neighbors in Connecticut cutting through. There is also two businesses' on Madison Ave which bring in large commercial vehicles. I feel that the speeding vehicles are a risk to the home owners of Madison Ave. Our block has a lot of senior citizens and children as well as a handicap adult. My main concern is for the young children who walk home from school which is a few blocks away from Madison Ave and senior citizens who don't walk very fast crossing the street. Recently one of my outdoor cats who is very young and healthy and has lived outside all his life was hit by a car that was driving very fast up the block. I had to pay for hospitalization and treatment for my cat. From this accident he suffered a broken pelvis and dislocated hip and will never be able to go outside or walk 100% again. I am currently a fulltime student, and had to come out of pocket to pay for the treatment of my animal that was hurt by a reckless driver on my block. I can only stress that a person may get hurt next. Right now there are no stop signs, slow down signs, or even speed limit signs on Madison Ave which is over 750ft uninterrupted. I have taken matters into my own hands after the accident with my cat. I have put up 2 Step 2 Kid Alert Slow Down Children Playing Alert Man which I was recently stolen from my driveway so I have put up security cameras on my property and I have hours of footage of reckless drivers racing on my street including Frank's pizza delivery cars. I have done as much as I can to help eliminate this problem and would like some help from the town of Port Chester. I was hoping that it might be possible to put up a speedometer check, speed limit signs, or possibly even speed bumps. If we had any of these put on this street it might help eliminate this problem that is affecting the neighborhood. I am not sure if this will make a difference or if these precautions are even possible to do on Madison Ave if not, can you please let the neighborhood know what we can do. We as a community are willing to spend the money to get anything that is approved by the town to eliminate this situation. I would like to know what my next step should be. I can put together a petition and have signs installed. I just want to know what I can do to help out the children and adults on my block. If you have any questions or you are willing to help me please contact me at 914-565-5897.

Thank you, Miss Sandra Blanco

S. Blanco

RECEIVED
OCT 22 2012
VILLAGE OF PORT CHESTER
m

C-4

TO: HEATHER @ PC REC DEPT.

DATE: 10/26/2012

RE: PCAPD TOY DRIVE SIGNAGE

FROM: JOHN TOURI, ASSISTANT DIRECTOR
PORT CHESTER AUXILIARY POLICE

Good Morning Heather,

As per our conversation last week, I'm requestion placement of 2 "TOY DRIVE" signs on village property. 1 Would be placed next to the "framed PC sign" @ the triangle near Lyon's park. I would like to place my sign next to the PC sign (like i have seen in the past).

And the other one would be placed on the fence @ the Police Booth in the square.

Both signs will not cause any damage to any village property, and we would place them. And due to the holiday they would be up from November thru December, and we will promptly remove them as we want to re-use them.

Please share this request with Rocky, and please call me with your permission... Thanks, John T.

my cell is: 914-325-7549

Thanks,
John Touri



VILLAGE OF PORT CHESTER


222 Grace Church Street, Port Chester, New York 10573

Leonie Douglas
Village Treasurer

(914) 939-5205
Fax: (914) 305-2570
E-Mail: ldouglas@portchesterny.com

MEMORANDUM

TO: Mayor Pilla & Board of Trustees

FROM: Leonie Douglas, Village Treasurer 

DATE: November 1, 2012

RE: Building/Code/Manager's Department Budget Transfers

Please be advised that due to the appointment of Christopher Steers as Village Manager, Peter Miley as Building Inspector, and the transfer of Christopher Ameigh as Administrative Aide to the Village Manager, the following budget transfers are being made for the FY 2012-13 General Fund Budget:

From:		
Bldg.-Personnel Srv. (Bldg Insp.)	1.3620.100	\$33,846
Code-Personnel Srv. (V. Manager)	1.3989.100	\$86,769
Bldg.-Personnel Srv. (Admin. Aide)	1.3620.100	\$7,152
To:		
Code-Personnel Srv. (Bldg Insp.)	1.3989.100	\$33,846
V.M.-Personnel Srv. (Adm. Aide)	1.1230.100	\$86,769
V.M.-Personnel Srv. (Adm. Aide)	1.1230.100	\$7,152

If you have any questions, please do not hesitate to contact me.

Thanks.

CC: Christopher Steers, Village Manager
Peter Miley, Building Inspector
Anthony Cerreto, Village Attorney
Janusz Richards, Village Clerk