

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, February 4, 2013
Special Meeting: 5:30-6:00 P.M.
PROPOSED EXECUTIVE SESSION 6:00-7:00PM
Regular Meeting: 7:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 5:30 P.M. to 6:00 P.M.

	WORKSHOP	ACTION
1	Auditors to present the five (5) Year Operating Budget.	

TIME: 6:00 P.M. to 7:00 P.M.

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Consultation regarding a particular personnel matter	
2	Consultation with Village Attorney and staff regarding pending Starwood Capital Group / United Hospital Redevelopment application.	

TIME: 7:00 P.M.

I	AWARD PRESENTATION	ACTION
1	Award Presentation to Charles Scopoletti.	
2	Award Presentation to John W. Reavis, Jr.	
II	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public hearing regarding draft local law to amend Section 354-61W.(1) of the Village Zoning Code, Special Exception Criteria for an Automobile Dealership Service Center Use.	
2	Public hearing to consider public comment on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).	

3	Public hearing to consider a Five (5) year fire protection agreement with the Village of Rye Brook. • Resolution	
III	WORK SESSION	ACTION
1	Housing Rehabilitation Program	
IV	PUBLIC COMMENTS	ACTION
V	RESOLUTIONS	ACTION
	Planning	
1	Resolution to rescind the November 19, 2012 resolution accepting Petition of Starwood for the zoning amendment and Noticing Intention to Declare Lead Agency with regard to former United Hospital site.	
2	United Hospital redevelopment clarification of November 19, 2012 action.	
	Public Safety	
3	Set public hearing regarding a Local Law amending the Code of the Village of Port Chester, CHAPTER 165, Dance Halls and Cabarets, with regard to licensing exemptions and requirements.	
4	Set public hearing regarding a Local Law amending the code of the Village of Port Chester, CHAPTER 224 Noise with regard to increasing penalties for violations	
	Legal	
5	Authorize the Village Manager to execute an interim retainer agreement with Labor Counsel Bond, Shoeneck & King, PLLC, 1399 Franklin Avenue, Suite 200, Garden City, New York	
	Administration	
6	Appointment of Jamie Alpert to the Board of Ethics.	
7	Re-appointment of William Villanova to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2015	
8	Re-appointment of Evelyn Petrone to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2015	
9	Re-appointment of Ronald Luiso to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2014	

10	Re-appointment of Frank Strauch to the Port Chester Zoning Board of Appeals (ZBA) with term expiring on 12-31-2014	
11	Appoint Additional Election Inspectors for the March 19, 2013 Village election.	
VI	DISCUSSIONS	ACTION
1	Additional amendments to amnesty program for 1 and 2 family homes. (at the request of the Village Manager).	
2	Marina Bulkhead (at the request of Mayor Pilla).	
3	Rules of Procedure of The Board of Trustees Village of Port Chester, New York.	
VII	CORRESPONDENCE	ACTION
1	From Alex Payan to the Board of Trustees for consideration to join the Ethics Board	
2	Captains of the seven independent companies of Port Chester - Rye Brook Fire Department have ratified Port Chester - Rye Brook Fire Contract	
VIII	MINUTES	
1	Minutes from November 5, 2012	
IX	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

WORKSHOP

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

AWARD PRESENTATION

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE
OF PORT CHESTER, CHAPTER 345, WITH REGARD TO PERMITTING
COSMETIC RECONDITIONING WORK ON VEHICLES AT AUTOMOTIVE
DEALERSHIP SERVICE CENTERS

SECTION 1: Current provisions of the Village Code, Chapter 345, Zoning Regulation, provide for a use classification of Automobile Dealership Service Center. This use is permitted by grant of special exception solely in the M-2 General Industrial Zoning District. Acknowledging the practical operations of such permitted uses, the Board desires to amend the Code so to permit limited work to be done to vehicles but with effective controls to ensure that no negative or external impacts are presented.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, "Zoning", Section 345-61, is hereby amended as follows:

Section 345-61W Automotive Dealership Service Center

(1) All servicing and repair of automobiles shall take place entirely within the building, and no servicing or repair of vehicles shall be visible from any adjacent public street. No painting or auto body repair work shall be permitted, except for cosmetic reconditioning to such vehicles as defined and to the extent permitted herein. There shall be no outdoor storage of vehicles being serviced or repaired except for temporary parking of such vehicles before and after servicing. On-site storage of vehicles for sale or resale shall be permitted at the site, provided that such storage of vehicles is solely contained within the building.

Cosmetic reconditioning shall be defined as incidental repairs and refinishing limited to plastic and trim parts of the vehicle including bumpers, moldings, mirrors, headlight lenses, and the restoration of alloy wheels. Vehicle side panels may also be refinished on occasion when the bumper scrape may carry into the fender for a uniform repair. Cosmetic reconditioning shall not include painting of the complete vehicle.

The cosmetic reconditioning equipment and the entire reconditioning operation shall be wholly contained within the existing service building. The applicant shall obtain the requisite exhaust emissions permit for the cosmetic reconditioning equipment from the Westchester County Department of Health. The applicant shall provide a current copy of the County permit and ensuing operating certificate to the Village. Any proposed changes to such operating permit shall require an amendment to the special exception use granted pursuant to this section. Said equipment shall be limited in size to no more than 3,000 square feet and its operation shall be under the direction of the automobile dealership service center to only serve dealership customers during normal business hours and only on the level of reconditioning limitations noted herein as a customary accessory use to the automotive dealership service center.

No traditional collision repair equipment such as frame machines, welders or unibody straightening machines shall be permitted in conjunction with the cosmetic reconditioning operation.

(2) The minimum gross floor area utilized by the facility within the building shall be 80,000 square feet of which portions of such floor area shall be utilized exclusively as office space and/or employee utility space together having a floor area ratio of more than .10 with reference to the total service area, and any area utilized exclusively as a customer service area shall not exceed 70% of the total gross floor area.

(3) A retail accessory use shall be permitted at the site, provided not more than 5% of the gross floor area is utilized for such retail use.

(4) Sign regulations. In addition to the requirements of § 345-15 herein, no flashing, moving or intermittently illuminated advertising devices are permitted. All signs shall be integrated with the architectural design of the structure. No sign shall project above the roof of the structure.

(5) Gas pump. One gas pump may be installed at the site, provided it is used solely for the vehicles being serviced or repaired therein, and it is not utilized for sale to the general public and it is installed as required by the State of New York.

(6) Such facility must be duly licensed as an authorized repair facility as required by the State of New York.

(7) The applicant shall submit a traffic analysis which indicates that the proposed project can be accommodated by the existing roadway system and/or proposed improvements to the roadway system at satisfactory levels of service.

(8) All plots, lots or parcels of land containing 15,000 or more square feet of area or having or proposing a use requiring 20 or more parking spaces, or both, shall comply with the following requirements:

(a) The requirements of § 345-14I(1) shall not apply to this use, except that there shall be provided an accessway running from a public road to the parking area of the lot.

(b) The way and drive contained therein shall be for the exclusive use of the property and parking area.

(c) The way at the curblin and throughout its length shall be not less than 15 feet from any other way or driveway providing access to a public street and not less than five feet from any lot line, except a street lot line.

(d) Any driveway providing ingress and egress to a public street shall not pass through the parking and/or drive area of any other lot.

(e) Access, but not frontage, may be provided by grant of easement, but the size of the lot impressed with the easement shall be reduced by the area comprising the easement before computing area, setback, and special exception requirements.

(f) The requirements of this section shall be in addition to the frontage and minimum yard dimension requirements of the Code.

(g) Any modification to the curbs cuts at the site shall be approved by the New York State Department of Transportation.

(9) The site must be located no more than .33 mile from an accessway to a New York State or U.S. highway.

(10) Parking, There shall be provided at the site sufficient parking spaces for all vehicles stored or being serviced at any one period of time. In addition, sufficient parking for the office space and any retail space shall be provided in accordance with § 345-14, except that there shall be no parking requirement for any retail space containing less than 500 square feet.

(11) Loading and unloading. Loading spaces shall be provided at the site in accordance with § 345-14. All loading and unloading shall be performed entirely within the lot. Loading units shall be designated to ensure that vehicles serving the lot shall do so without backing into or out of any public street. Loading bay doors shall be appropriately screened from any public street.

(12) Collection and storage of waste. Facilities for the collection and temporary storage of screened from any public street.

(12) Collection and storage of waste. Facilities for the collection and temporary storage of rubbish, garbage, and waste shall be provided within the structure or in secured containers on the site, which are appropriately screened from any public street. Disposal of waste shall be performed in accordance with the standards promulgated by the State of New York.

(13) Fencing. The site shall be fenced or otherwise secured in a manner which prevents unauthorized access by the general public to areas where vehicles are stored; however, no electrified and/or razor ribbon fencing shall be permitted.

SECTION 3: 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 4: This local law shall be effective immediately upon filing with the Secretary of State and due publication.

Date: January 30, 2013

To: Village Clerk
Village of Port Chester

Re: Dent Wizard
110 Midland Avenue
Port Chester, NY 10573

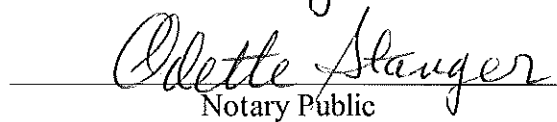
I certify that two (2) public notice signs were posted at the subject property on Thursday, January 24, 2013.



Gary Gianfrancesco, AIA, AICP, LEED AP

Sworn to before me this 30th day

of January, 2013



Notary Public

ODETTE STANGER
Notary Public, State of New York
No. 60175 13
Qualified in Westchester County
Commission Expires February 28, 2014

PUBLIC NOTICE

**A PUBLIC MEETING WILL BE HELD BY THE
PORT CHESTER BOARD OF TRUSTEES**

ON FEB. 4, 2013 AT 7:00 PM

AT THE COURTROOM, 350 N. MAIN STREET

**TO CONSIDER A ZONING TEXT CHANGE TO
PERMIT COSMETIC RECONDITIONING OF VEHICLES**

PORT CHESTER BUILDING DEPARTMENT

939-5203

PUBLIC NOTICE

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ON FEB. 4, 2013 AT 7:00 PM

AT THE COURTROOM, 350 N. MAIN STREET

**TO CONSIDER A ZONING TEXT CHANGE TO
PERMIT COSMETIC RECONDITIONING OF VEHICLES**

PORT CHESTER BUILDING DEPARTMENT

939-5203

THIS AGREEMENT, made this _____ day of February, 2013 by and between

THE VILLAGE OF PORT CHESTER, a municipal corporation of the State of New York, having offices at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter sometimes referred to as “Port Chester”), and

THE VILLAGE OF RYE BROOK, a municipal corporation of the State of New York, having offices at 938 King Street, Rye Brook, New York 10573 (hereinafter sometimes referred to as “Rye Brook”).

WITNESSETH:

WHEREAS, by agreement dated August 26, 2010 Port Chester and Rye Brook entered into a fire protection agreement for the period of June 1, 2010 to May 31, 2013; and

WHEREAS, Port Chester and Rye Brook desire to continue their long-standing history of shared services and enter into a successor fire protection agreement; and .

WHEREAS, an agreement for fire protection services is authorized by Village Law § 4-412(3)(9) relating to fire protection agreements and Article 5-G of the General Municipal Law relating to municipal cooperation agreements.

NOW, THEREFORE, in consideration of the agreements hereinafter set forth, Port Chester and Rye Brook do mutually agree as follows:

FIRST: Port Chester shall make available and provide fire protection services to the Village of Rye Brook. Such fire protection services shall include, but not be limited to, all necessary and appropriate fire apparatus and fire department personnel response to all fire alarms, and calls for fire service, and shall specifically include services in the following areas:

(1) Fire Suppression, (2) Hazardous Materials Mitigation, (3) Public Assistance Incidents, (4) Heavy Rescue, (5) Hazardous Conditions, (6) Public fire education for all residents, (7) Carbon monoxide detection and mitigation equipment, (8) Pre-incident deployment for fire apparatus and/or preplanning, and (9) Educational programs and sponsorship opportunities.

Port Chester will use its best efforts to respond to all incidents in accordance with the current Apparatus Response Guidelines of the Port Chester Fire Department, which are attached hereto as Exhibit A, to the extent that those guidelines apply to the services being provided under this agreement. Said Apparatus Response Guidelines are hereby incorporated in and shall become a part of this agreement. Any amendment to such Apparatus Response Guidelines shall be reviewed with and approved by Rye Brook's Village Administrator prior to implementation and the Apparatus Response Guidelines, as may be amended, shall not provide less protection to Rye Brook than the current Apparatus Response Guidelines, a copy of which is attached hereto and made a part hereof.

SECOND: Port Chester and Rye Brook intend, in good faith and so far as practicable, to maintain at a minimum the present level of total career personnel and agree to maintain their apparatus and equipment in good working order. Port Chester and Rye Brook shall each be responsible for fire inspection services in their respective municipalities. If career staffing levels should change in either Port Chester or Rye Brook it is agreed that the parties will review this agreement and engage in discussions to evaluate such staffing levels in both communities so as to comply with the provisions of this Paragraph SECOND..

THIRD: The fire protection services to be provided under this agreement shall commence on June 1, 2013 and shall terminate on May 31, 2018, subject to the terms and conditions of this agreement.

FOURTH: Rye Brook will pay Port Chester for the fire protection services provided hereunder in accordance with the terms and condition hereof as follows:

- (a) For the period from June 1, 2013 to May 31, 2014, Rye Brook shall pay Port Chester the sum of \$933,292.00.
- (b) For the period from June 1, 2014 to May 31, 2015, Rye Brook shall pay Port Chester the sum of \$951,958.00.
- (c) For the period from June 1, 2015 to May 31, 2016, Rye Brook shall pay Port Chester the sum of \$970,997.00.
- (d) For the period from June 1, 2016 to May 31, 2017, Rye Brook shall pay Port Chester the sum of \$990,417.00.
- (e) For the period from June 1, 2017 to May 31, 2018, Rye Brook shall pay Port Chester the sum of \$1,010,225.00.
- (f) The payments under this agreement shall be made by Rye Brook to Port Chester in three (3) equal amounts on August 31, January 31 and May 10 in each contract year (June 1 to May 31).

FIFTH: Rye Brook may, in its sole discretion, own and maintain fire apparatus and staff a paid fire department that will consist of Rye Brook and Port Chester employees. The Rye Brook Fire Department will report to and be under the command and supervision of the Port Chester Fire Chief, or Assistant Chief, but, nevertheless, will remain the ultimate responsibility of the Village of Rye Brook. Rye Brook firefighters and apparatus will be regularly stationed at the Rye Brook fire station. The Port Chester Fire Chief, however, may schedule or station the Rye Brook firefighters and fire apparatus as the Fire Chief deems proper in an emergency, or as may be agreed to in writing between the Port Chester Village Manager,

Fire Chief and Rye Brook Village Administrator to improve fire protection. After consulting with the Port Chester Fire Chief, Rye Brook may increase, decrease or change the operating schedule of the Rye Brook Fire Department as Rye Brook deems warranted.

SIXTH: The Port Chester Village Manager, Port Chester Fire Chief and Rye Brook Village Administrator, on request of any of them, will promptly meet to discuss personnel issues or other operational issues as they may arise, and such officials shall meet with each other on no less than a quarterly basis to discuss any matter under this agreement. Port Chester and Rye Brook may, as to their respective firefighters, initiate appropriate disciplinary procedures or other such personnel actions, through applicable procedures, as may be deemed warranted by each Village.

SEVENTH: The Port Chester Village Manager and Port Chester Fire Chief will coordinate and consult with the Rye Brook Village Administrator with respect to complaint procedures and personnel matters regarding Rye Brook firefighters and the acquisition and disposal of Rye Brook fire apparatus and equipment. The acquisition and disposal of Rye Brook fire apparatus and equipment shall remain the sole responsibility of the Village of Rye Brook. Leave time will be granted to Rye Brook firefighters in accordance with procedures mutually agreed upon by the Port Chester Fire Chief and the Rye Brook Village Administrator.

EIGHTH: The Port Chester Fire Department agrees to incorporate Rye Brook firefighters and fire apparatus in its training. The Port Chester Fire Training Officer is designated by both Port Chester and Rye Brook as the Municipal Training Officer (MTO) responsible for providing both career staffs with the required in-service training, i.e. 100 hours per year. A copy of all training records for Rye Brook firefighters shall be provided by the Port Chester Fire Training Officer to the Rye Brook Village Administrator and the Port Chester Fire

Chief. If the MTO is required to be exclusively utilized on an overtime basis to train Rye Brook firefighters(s), Rye Brook should assume the cost of such training. If the MTO is conducting training on an overtime basis for both Port Chester and Rye Brook, the cost will be shared 50/50 by each municipality. If other training is required other than that given by the MTO any expense shall be borne by the villages for their own respective firefighters.

NINTH: Port Chester and Rye Brook will each be solely and separately responsible for their respective fire department personnel costs, training mandates, benefits, and for the costs of maintaining, repairing and replacing their respective fire apparatus, equipment and fire stations. Port Chester and Rye Brook will maintain workers' compensation insurance to protect against claims for injury by their respective paid and volunteer firefighters and provide the other village with a certificate of insurance evidencing that said Workers Compensation coverage is in full force and effect

TENTH: The services of the Port Chester Fire Department shall be and remain under the sole discretion of the Chief of the Port Chester Fire Department or Assistant Chiefs designated by the Port Chester Fire Department. Nothing herein shall restrict or limit Port Chester in the internal management of its fire department or company, or limit it in the stationing, acquisition or disposal of its equipment. It is also understood that Rye Brook firefighters may be utilized for additional services within Rye Brook, not inconsistent with fire protection services under this agreement, such as fire inspections or EMS, subject, however, to any written guidelines therefore to be mutually established by the Port Chester Fire Chief and Rye Brook Village Administrator.

ELEVENTH: Port Chester agrees to continue to staff the Rye Brook fire station with a minimum of one (1) career firefighter and fire engine for a minimum of twelve (12) hours per day for the term of this agreement.

TWELFTH: Rye Brook will, at its own cost and expense, defend, indemnify and hold Port Chester, its boards, officials, employees, fire chiefs and firefighters free and harmless from and against any and all suits, proceedings, claims, damages, liabilities, demands, costs and expenses on account of: (1) death or injury of a Rye Brook firefighter(s), while performing services under this agreement; (2) damage to fire apparatus and equipment owned or leased by Rye Brook while performing services under this agreement; and (3) personal injury or property damage claims made by third parties to the extent Rye Brook owned or leased fire apparatus or Rye Brook firefighters are alleged to have been involved, except for such claims arising in connection with fire protection services hereunder where the alleged act or omission was undertaken in compliance with the directive or order of the Port Chester Fire Chief or Assistant Chief.

THIRTEENTH: Port Chester will, at its own cost and expense, defend, indemnify and hold Rye Brook, its boards, officials, employees and firefighters free and harmless from and against any and all suits, proceedings, claims, damages, liabilities, demands, costs and expenses on account of: (1) death or injury of a Port Chester firefighter(s) while performing services under this agreement; (2) damage to fire apparatus and equipment owned or leased by Port Chester while performing services under this agreement; (3) personal injury or property damage claims made by third parties to the extent Port Chester owned or leased fire apparatus is alleged to have been involved; and (4) acts and/or omissions committed in the provision of fire protection services hereunder, under the command and supervision of the Port Chester Fire

Chief or Assistant Chief, to the extent they do not involve matters for which Rye Brook is required to indemnify Port Chester under paragraph TWELVE.

FOURTEENTH: Port Chester and Rye Brook shall each provide general liability insurance with minimum limits equal to those currently maintained under their respective insurance program. Port Chester and Rye Brook may maintain umbrella insurance coverage to cover these minimum liabilities. Rye Brook and Port Chester will each be named as an additional named insured on the other's General Liability Policies in relation to matters covered by this agreement. Each Village may choose to satisfy any or all of its obligations hereunder by a program of self-insurance and the amounts of such self-insured retention shall be provided to the other.

FIFTEENTH: An amount representing seven-eighths ($7/8^{\text{th}}$) of the proceeds of taxes on fire insurance premiums distributed to Rye Brook under Article 91 of the Insurance Law (known as 2% money), accruing after the commencement of services hereunder, shall be paid by Rye Brook to the Port Chester Fire Department promptly after receipt thereof for use and distribution consistent with applicable law.

SIXTEENTH: The "Port Chester – Rye Brook Fire Advisory Board" is hereby continued and consists of six (6) members, of which five (5) members shall be voting members. Of the five (5) voting members, one member shall be the Port Chester Village Manager (or acting Port Chester Village Manager), one member shall be the Rye Brook Village Administrator (or acting Rye Brook Village Administrator), one member shall be appointed by the Port Chester Board of Trustees to serve at its pleasure, one member shall be appointed by the Rye Brook Board of Trustees to serve at its pleasure, and one member shall be appointed by the other voting members for a two (2) year term. The Port Chester Fire Chief shall serve on

the Board, ex officio, as a non-voting member. The voting member appointed for the two (2) year term may be removed by a unanimous vote of the other four (4) voting members at any time. The Port Chester-Rye Brook Fire Advisory Board shall act in an advisory capacity to Port Chester and Rye Brook. The governing boards of both villages shall review the Board's recommendations and, if acceptable, shall cause this Agreement to be amended consistent with applicable law.

- (a.) The Port Chester – Rye Brook Fire Advisory Board shall act by the majority vote of its total voting membership, may adopt and amend rules of procedure, and shall select a chair from among its voting members.
- (b.) The Port Chester – Rye Brook Fire Advisory Board shall:
 - i. Review the proposed fire protection budgets for Port Chester and Rye Brook and may render an advisory recommendation to the Port Chester and Rye Brook Board of Trustees, respectively, as may be deemed warranted; and
 - ii. Study and make recommendations as to the best use of both Village departments' personnel and equipment between the two communities.
 - iii. Meet with the Mayors and/or Board of Trustees of Port Chester and/or Rye Brook to discuss fire protection as may be deemed warranted
 - iv. Study and develop policy recommendations on the management of the fire department, including, but not limited to more efficient allocation of career firefighter personnel and equipment in the fire service response area(s), sharing of resources, joint procurement and other potential cost-

efficiencies to be completed no later than one hundred and twenty days prior to the end of the term of this Agreement.

- v. Approve modifications of the Standard Operating Guidelines (SOG's) based upon recommendations of the Fire Chief.

SEVENTEENTH: The failure of Port Chester or Rye Brook to provide any of the services hereunder shall not be deemed a breach of this agreement, if such failure is caused by "Force Majeure", to wit, acts of God, acts of the public enemy, acts of the Federal, State or County Government, or other acts and conditions of a similar nature. No person or party, other than the parties hereto, shall be deemed to be a beneficiary under this agreement, nor is this agreement intended, in any manner, to create any rights or cause(s) of action, in favor of or in behalf of any third party against either Port Chester or Rye Brook.

EIGHTEENTH: Service of all written notices to the Village of Port Chester shall be by certified or registered mail address to: Village Clerk, Village of Port Chester, 222 Grace Church Street, Port Chester, New York 10573. Services of all written notices to the Village of Rye Brook shall be by certified or registered mail address to: Village Clerk, Village of Rye Brook, 938 King Street, Rye Brook, New York 10573.

NINETEENTH: Port Chester and Rye Brook each affirm that it has held a public hearing on this agreement prior to the execution of the same.

TWENTIETH: This agreement may not be assigned or subcontracted by either Port Chester or Rye Brook without the prior written consent of the other.

TWENTY-FIRST: This agreement constitutes the entire agreement of the parties and may not be changed except in writing signed by both Port Chester and Rye Brook.

TWENTY-SECOND: The Port Chester Fire Chief will provide a semi-annual written report to Rye Brook setting forth a minimum (a) the status of equipment, (b) personnel assignments, (c) special details, and (d) alarm responses for the quarter. The Port Chester Fire Chief shall report to the Rye Brook Board of Trustees on fire service issues at least annually and at other times upon special request of Rye Brook. The Port Chester Fire Chief shall issue an annual written report to the Rye Brook Board of Trustees.

TWENTY-THIRD: Port Chester and Rye Brook affirm their long-standing contractual relationship and are committed to ensuring that such relationship will continue to the benefit of both communities. The parties agree to perform their mutual obligations under this agreement in good faith. Port Chester and Rye Brook will each endeavor to notify the other of their intentions regarding negotiation of a successor agreement at least one year prior to the expiration of this agreement.

TWENTY-FOURTH: If any provision of this agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the agreement and the application of such provisions to such persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

TWENTY-FIFTH: In the event that a dispute arises or the parties are at an impasse during a review period concerning the interpretation or application of the terms of this Agreement, the Villages agree to submit their dispute to mediation. Such mediation shall be conducted in accordance with the applicable rules of the American Arbitration Association. The mediation panel shall consist of three (3) individuals, one mediator to be selected by each of Port Chester and Rye Brook, and the third mediator to be selected by agreement of the other two mediators.

IN WITNESS WHEREOF, after a public hearing held individually by each of the undersigned Villages, the Village of Port Chester has caused this agreement to be signed by its Mayor and Village Manager, and the Village of Rye Brook has caused this agreement to be signed by its Mayor and Village Administrator and they each have caused their respective corporate seals to be hereunto affixed the day and year above written.

(corporate seal)

THE VILLAGE OF PORT CHESTER

By: _____
Mayor

THE VILLAGE OF PORT CHESTER

By: _____
Village Manager

(corporate seal)

THE VILLAGE OF RYE BROOK

By: _____
Mayor

THE VILLAGE OF RYE BROOK

By: _____
Village Administrator

CERTIFICATION OF FIRE CHIEF

STATE OF NEW YORK)
) SS:
COUNTY OF WESTCHESTER)

I, Kevin McMinn, residing in Port Chester, New York, do certify as follows:

1. That I am the Fire Chief of the Village of Port Chester and carry the title of Chief Engineer under the Charter of the Village of Port Chester.
2. In such capacity, I have charge of the Fire Department of the Village of Port Chester.
3. That the Fire Department has duly consented to the annexed contract.

Sworn to before me this

_____ of _____ 2013

Notary Public

APPARATUS RESPONSE GUIDELINES

7:00 a.m. to 7:00 P.M.:

2 Port Chester Volunteer Engines

1 Port Chester Paid Engine 58 or 59

1 Port Chester Ladder (only if it affects larger structures than 1 and 2 family homes such as commercial buildings, schools, apartment complexes, and confirmed working fires).

1 Port Chester Rescue Vehicle

Rye Brook Ladder 30 or Engine 14

7:00 P.M. to 7:00 A.M.:

2 Port Chester Volunteer Engines

1 Port Chester Paid Engine 58 or 59

1 Port Chester Ladder

1 Port Chester Rescue Vehicle

Village of Port Chester



New York

OFFICE OF THE CHIEF
PORT CHESTER FIRE DEPARTMENT
CHIEF'S OFFICE: 914-939-8574

Kevin McMinn
CHIEF

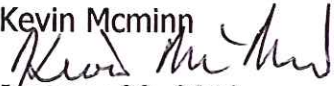
Edward Quinn
FIRST ASSISTANT CHIEF

Michael DeVittorio
SECOND ASSISTANT CHIEF

To The Honorable Clerk Janusz Richards,

On Friday the 18th of January 2013 , at the monthly officers meeting of the Port Chester Fire Department held in the parlors of Mellor Engine and Hose Company #3, the Captains of the seven independent companies of Port Chester Fire Department have reported to me that they have ratified the Port Chester/ Rye Brook Firemen Contract.

Firematically yours,
Chief Engineer

Kevin McMinn

January 29, 2013

On a motion made by Trustee Heiser and seconded by Trustee Rednick the following resolution is adopted.

CONSIDERING A FIVE (5) YEAR RENEWAL OF A FIRE PROTECTION AGREEMENT WITH THE VILLAGE OF PORT CHESTER

WHEREAS, the Board of Trustees is considering entering into a five (5) year renewal of a fire protection agreement with the Village of Port Chester; and

WHEREAS, the Board of Trustees of the Village of Rye Brook opened a public hearing on January 22, 2013 to consider a five (5) year renewal of the fire protection agreement at which time all persons interested were given an opportunity to speak on behalf of or in opposition to said fire protection agreement and the public hearing was closed on January 22, 2013.

NOW THEREFORE BE IT RESOLVED, the Board of Trustees hereby approves a five (5) year renewal of a fire protection agreement with the Village of Port Chester; and be it

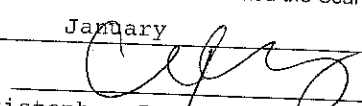
FURTHER RESOLVED, the Mayor and Administrator are hereby authorized to execute and deliver all necessary documents for the purpose of entering into the fire protection renewal agreement with the Village of Port Chester.

TRUSTEE HEISER	AYE
TRUSTEE MARROW	AYE
TRUSTEE REDNICK	AYE
TRUSTEE ROSENBERG	AYE
MAYOR FEINSTEIN	AYE

STATE OF NEW YORK
COUNTY OF WESTCHESTER } ss:
VILLAGE OF RYE BROOK }

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on January 22, 2013.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 23 day of January, 2013.


Christopher J. Bradbury, Village Clerk

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday February 4, 2013, at 7:00 P.M., at the Police Station/Justice Courtroom second floor, 350 North Main Street, Port Chester, New York, to consider public comment on the proposed Port Chester Rye Brook Fire Agreement.

Interested persons are invited to attend. The proposed agreement is available at the Village Clerk's office or online at the Village website www.portchesterny.com

Janusz R. Richards
Village Clerk

Dated: January 15, 2013

AGREEMENT CONTINUING FIRE PROTECTION SERVICES
TO THE VILLAGE OF RYE BROOK

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 long since provided fire protection services to the Village of Rye Brook; and

WHEREAS, with the expiration of the current agreement on May 31, 2013, the parties have negotiated a successor agreement; and

WHEREAS, pursuant to General Municipal Law, Section 209-d, the proposed agreement was forwarded to the Port Chester Fire Department for its consent; and

WHEREAS, the Port Chester Fire Department has consented to the agreement; and

WHEREAS, pursuant to Village Law, Section 4-412, subd3(9), the Board of Trustees has conducted a public hearing on the provision of such outside service. Now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Mayor and Village Manager to execute the agreement between the Village of Rye Brook and the Village of Port Chester for the provision of fire protection services, with a term of five years, compensation to be as follows:

June 1, 2013 through May 31, 2014	\$933,292.00
June 1, 2014 through May 31, 2015	\$951,958.00
June 1, 2015 through May 31, 2016	\$970,997.00
June 1, 2016 through May 31, 2017	\$990,417.00
June 1, 2017 through May 31, 2018	\$1,010,225.00

APPROVED AS TO FORM:

Village Attorney

WORK SESSION

PUBLIC COMMENTS

RESOLUTIONS

RESCINDING ACCEPTANCE OF PETITION FOR ZONING TEXT AND MAP AMENDMENT WITH REGARD TO UNITED HOSPITAL REDEVELOPMENT

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 text and map amendments to the Village Code, Chapter 345 (the “Petition”), 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, by resolution adopted November 19, 2012, the Board accepted the Petition and noticed its intent to be lead agency pursuant to Part 617 of the SEQRA regulations; and

WHEREAS, the requested action is a matter entrusted to the discretion of the Board. Now, therefore, be it

RESOLVED, that the resolution of the Board of Trustees adopted on November 19, 2012 accepting the Petition of the applicant, PC406 BPR, LLC. and noticing the Board’s intent to be lead agency pursuant to Part 617 of the SEQRA regulations is hereby rescinded.

APPROVED AS TO FORM:

Village Attorney

UNITED HOSPITAL REDEVELOPMENT
CLARIFICATION OF NOVEMBER 19, 2012 ACTION

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 (the “Petition”), 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, Long-Form Environmental Assessment Form (“EAF”) prepared pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and a draft scoping document for the preparation of a site-specific Draft Environmental Impact Statement (“EIS”); and

WHEREAS, on November 19, 2012, the Village Board of Trustees accepted the zoning text and map amendment Petition and noticed its intent to be lead agency pursuant to Part 617 of the SEQRA regulations (the “Resolution”); and

WHEREAS, said Resolution specifically anticipated that at the expiration of the time for which to object to such lead agency status, the Board would make a determination of significance by the issuance of a positive declaration and schedule a public scoping session on a draft scoping document; and

WHEREAS, on December 17, 2012, the Village Board of Trustees adopted its “Findings Statement with Respect to Adoption of the Village of Port Chester Comprehensive Plan and Zoning Text and Map Amendments,” in which the Board recognized the importance of completing the Applicant’s pending site-specific review of the Proposed Action involving the former United Hospital site. Now, therefore, be it

RESOLVED, so as to allay any possible misapprehension, the Board reaffirms that the Resolution adopted on November 19, 2012, was a discretionary action and that it should in no way be construed as conferring any right or expectation on the Applicant or any other interested party with regard to the zoning amendments sought in the Petition; and be it

FURTHER RESOLVED, the November 19, 2012, Resolution did not approve a specific project with 820 residential units, but rather accepted a Petition thereby permitting the Applicant to conduct a site specific study of the Proposed Action as contemplated in the Village’s Comprehensive Plan Draft Generic Environmental Impact Statement together with various alternatives and their related benefits, potential impacts and proposed mitigation strategies, and be it

FURTHER RESOLVED, that following the SEQRA process, the Board is not bound to a particular outcome on the zoning for the subject property and any final action on the Petition is completely discretionary.

**RESOLUTION
SET PUBLIC HEARING
A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,
CHAPTER 165, DANCE HALLS AND CABARETS, WITH REGARD TO LICENSING
REQUIREMENTS AND EXEMPTIONS**

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:

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, March 4, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a local law that would amend the Code of the Village of Port Chester, Chapter 165, Dance Halls and Cabarets, with regard to licensing exemptions and requirements.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

AYES:

NOES:

ABSENT:

DATE:

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,
CHAPTER 165, DANCE HALLS AND CABARETS, WITH REGARD TO LICENSING
REQUIREMENTS AND EXEMPTIONS**

SECTION 1: Pursuant to Local Law No.7 of 2009, the Board of Trustees adopted new licensing regulations for dance halls and cabarets under Chapter 165 of the Code of the Village of Port Chester. In consultation with the Chief of Police, the Board of Trustees has been made aware of the need to amend this chapter to more clearly define regulated activity and to recognize repeated violations for noise as a factor for the issuance and renewal of a license.

SECTION 2: The Code of the Village of Port Chester, Chapter 165, "Dance Halls and Cabarets", Section 165-2 "Definitions", is hereby amended as follows:

....

CABARET

A nightclub, bar, juice bar, restaurant, or similar commercial establishment with an occupancy greater than 25 people, regardless of whether alcoholic beverages are served, which regularly devotes 25% or more of its total floor area to dance floors, live performance areas and or disc jockey areas , and is not an "adult cabaret" as defined in the Village Code. The term "cabaret" shall include establishments customarily called "discotheques". It shall also include a ship or boat moored or tied to a dock, pier or shore and which contains a cabaret in use while so moored or tied. It shall not include premises occupied and used exclusively by religious or educational institutions, which shall be exempt from this chapter, unless and until said premises permit such entertainment that do not coincide with religious or educational services or do not arise directly from the eleemosynary purposes of such institutions.

....

SECTION 3: The Code of the Village of Port Chester, Chapter 165, "Dance Halls and Cabarets" Section 165-4 "Issuance and renewal of license" is hereby amended as follows:

A. An applicant may obtain an annual cabaret license, which expires 12 months from the date of issuance. An annual license may be renewed only by making application and payment of a fee as set forth in Village Code § 175-4.

B. Application for renewal of an annual license should be made no more than 60 days prior to the expiration of the current annual license, and when made less than 30 days before the expiration date, the expiration of the current license will not be affected.

C. Cabaret license. Upon the filing of a complete application for a cabaret license, the Chief of Police shall immediately issue a temporary license to the applicant if the complete application is from a preexisting cabaret that is lawfully operating in the Village and the complete application, on its face, indicates that the applicant is entitled to an annual cabaret license. The temporary

license shall expire upon the final decision of the Village to deny or grant an annual license. Within 20 days of the filing of a complete cabaret license application, the Chief of Police shall either issue a license to the applicant or issue a written notice of intent to deny a license to the applicant. The Chief of Police shall issue or renew a cabaret license unless:

- (1) An applicant is less than 18 years of age.
- (2) An applicant has failed to provide information required by this chapter for issuance of a license or has falsely answered a question or request for information on the application form.
- (3) The applicant does not possess a current certificate of occupancy to operate the cabaret.
- (4) The license application fee required by this chapter has not been paid.
- (5) An applicant has been convicted of or pled guilty or nolo contendere to specified criminal activity, as defined in this chapter, provided that a specified criminal activity that is subject to a certificate of relief from disability or a certificate of good conduct pursuant to New York State Correction Law §§ 701 through 703-b shall not disqualify an applicant from receiving a cabaret license, nor shall an applicant be denied a cabaret license if such a denial would violate New York State Correction Law §§ 751 through 753.
- (6) An applicant has suffered or permitted the establishment, through improper or inadequate maintenance and supervision, to be used for the commission of any specified criminal activity as defined in this chapter.
- (7) Within the prior eighteen-month period, three or more of any instances of unreasonable noise within the meaning of Chapter 224 of the Village Code have occurred on the premises of the establishment due to the knowing, reckless or negligent conduct of an applicant:
- [(7)](8) Within the prior twenty-four-month period, two or more of any of the following have occurred on the premises of the establishment due to the knowing, reckless or negligent conduct of an applicant:
 - (a) Occupancy limits applicable to the establishment have been exceeded.
 - (b) Exit doors have been locked while the premises are occupied.
 - (c) Exits and/or aisles have been obstructed in violation of the fire code or building code.
 - (d) Centralized fire alarm system or fire hood suppression system as required by the New York State Building and Fire Code have been inoperable or lacking from required locations.

(e) Fights, assaults or other disturbances of a similar nature have occurred in or about the premises.

(f) Violations of the Alcoholic Beverage Control laws of the State of New York.

[(8)](9) Within the prior sixty-month period, any of the following have occurred due to the knowing, reckless or negligent conduct of an applicant:

(a) A fire on the cabaret premises resulting in death or serious physical injury, as defined in Penal Law § 10.00, Subdivision 10, where one or more Fire Code violations existed on the premises at the time of the fire.

(b) Death or serious physical injury, as defined in Penal Law § 10.00, Subdivision 10, arising out of an incident on the cabaret premises.

(c) A riot, as defined in Penal Law § 240.05, taking place upon the premises or arising out of an incident on the premises and taking place, in whole or in part, within 200 feet of the cabaret premises.

[(9)](10) Any cabaret, dance hall, nightclub or adult entertainment business in which an applicant has had an influential interest has, in the previous five years (and at a time during which the applicant had the influential interest):

(a) Been declared by a court of law to be a nuisance;

(b) Been subject to an order of closure or padlocking; or

(c) Been found to have violated Article 4 of the Labor Law relating to employment of minors.

[(10)] (11) The cabaret is not covered by a current liability insurance policy that satisfies the requirements set forth in this chapter.

[(11)] (12) The cabaret is not in compliance with the minimum interior lighting requirements or the interior configuration requirements of this chapter.

[(12)] (13) The cabaret is not in compliance with the Port Chester Zoning Code.

[(13)] (14) The cabaret is in violation of the New York State Uniform Fire Prevention and Building Code.

D. The Chief of Police shall not issue or renew a license if an applicant has not paid any fine, penalty or judgment duly imposed in connection with or arising from the use, occupation, or operation of a cabaret, dance hall, nightclub, or adult entertainment business or the applicant's employment at a cabaret, dance hall, nightclub, or adult entertainment business.

E. The license, if granted, shall state on its face the name of the person or persons to whom it is granted, the number of the license issued to the licensee(s), the expiration date, and, if the license is for a cabaret, the address of the cabaret. The cabaret license shall be posted and prominently displayed at the main entrance of the establishment so that it may be read at any time that the business is occupied by patrons or is open to the public.

SECTION 4: This local law shall be effective immediately upon filing with the Secretary of State.

**RESOLUTION
SET PUBLIC HEARING
A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,
CHAPTER 224, NOISE, WITH REGARD TO INCREASING
PENALTIES AND ESTABLISHING A PENALTY SCHEDULE FOR VIOLATIONS**

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:

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, March 4, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending the Code of the Village of Port Chester, Chapter 224, Noise, with regard to increasing penalties and establishing a penalty schedule for violations.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

AYES:

NOES:

ABSENT:

DATE:

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,
CHAPTER 224 NOISE WITH REGARD TO INCREASING PENALTIES FOR
VIOLATIONS AND ESTABLISHING A PENALTY SCHEDULE**

SECTION 1: Pursuant to Local Law No.6 of 2000, the Board of Trustees adopted new provisions with regard to noise under Chapter 224 of the Code of the Village of Port Chester. The Board of Trustees has been made aware of the potential to amend this chapter to increase penalties and/or establish a penalty schedule so as to penalize repeat violators thereby accomplishing greater deterrence.

SECTION 2: The Code of the Village of Port Chester, Chapter 224, "Noise", Section 224-4 "Penalties for offenses" is amended as follows:

[Any person who violates any provision of this chapter shall be guilty of a fine not to exceed \$250 for each offense. The village may also seek injunctive relief to prevent the continued violation of this chapter.]

A. Any person violating any of the provisions of this chapter shall be punishable as follows:

(1) For the first conviction, a fine not exceeding \$250 or imprisonment not exceeding five days, or both.

(2) For the second offense within one year of the first conviction: a fine of not less than \$250 nor more than \$500 or imprisonment not exceeding 10 days, or both.

(3) For the third offense and all subsequent offenses within one year of the first conviction: a fine of not less than \$500 nor more than \$1,000 or imprisonment not exceeding 15 days, or both.

Each day such violation shall be permitted to exist shall constitute a separate offense and shall be punishable therefor as provided herein.

B. The Village may also seek injunctive relief to prevent the continued violation of this chapter.

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

INTERIM RETAINER AGREEMENT FOR LABOR COUNSEL

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 Manager has advised of the need for specialized legal services in labor and employment law; and

WHEREAS, the Village's retainer with Bond, Schoeneck & King as Labor Counsel expired on December 31, 2012; and

WHEREAS, the Manager has proposed an interim agreement with the firm pending review of the budget in the upcoming budget process for the new fiscal year. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a retainer agreement with Bond, Schoneck & King, 1399 Franklin Avenue, Garden City, New York 11530 to act as Labor Counsel, compensation to be at a reduced rate of Three Hundred Twenty-Five (\$325.00) Dollars per hour for the time of partner, Terry O'Neil; Two Hundred Ninety-Five (\$295.00) Dollars per hour for other partners' time; between Two Hundred Five (\$205.00) and Two Hundred Twenty (\$220.00) Dollars per hour for associates' time, and as set forth in the letter from Terry O'Neil dated February 1, 2013.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

TERRY O'NEIL, ESQ.
toneil@bsk.com
P: 516.267.6310
F: 516.267.6301
C: 516.857.1710

February 1, 2013

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

Re: *Retention of Bond, Schoeneck & King, PLLC*

Dear Mr. Steers:

This will confirm the Village's retention of the law firm of Bond, Schoeneck & King, PLLC, effective January 1, 2013 at a reduced rate of Three Hundred Twenty-Five (\$325.00) Dollars per hour for my time; Two Hundred Ninety-Five (\$295.00) Dollars per hour for other partners' time; between Two Hundred Five (\$205.00) and Two Hundred Twenty (\$220.00) Dollars per hour for associates' time, and One Hundred Fifty (\$150.00) Dollars per hour for paralegals and law clerks, plus reasonable expenses incurred. The Village agrees that these fees are reasonable. It is understood that adjustments in our regular hourly rates may be made annually in October to reflect the advancing experience, capabilities and seniority of our professionals, as well as general economic factors.

Time will be billed in units of one-tenth of an hour. Payments will be due on a monthly basis. Printouts of how the actual time was expended will also be provided with the bills. The Village shall advise Bond, Schoeneck & King, PLLC, in writing of any differences the Village may have with any invoices within 30 days of receipt of the invoice. The Village shall pay the undisputed portion of any invoice within 30 days of receipt of such invoice.

We will represent the Village by using lawyers who are best suited to handle issues as they arise. We will do everything we can to staff the Village's matters efficiently so that the charges you incur are reasonable and consistent with the Village's requirements. Myself, Richard Finkel, Christopher Kurtz and Emily Harper will be primarily responsible for this work. Others will provide assistance as needed.

In addition to fees for legal services, the Village will also be responsible for reasonable costs and expenses incurred. Such costs and expenses will include charges for messenger services, air couriers, emergency secretarial overtime, photocopying, court fees, travel expenses, postage, long distance telephone (not 914 area code),

Mr. Christopher Steers
February 1, 2013
Page 2

computerized legal research, investigative searches and other charges customarily invoiced by law firms. Extraordinary or significant out-of-pocket expenses (e.g., for transcripts, experts, or consultants) will be paid by the Village directly to the provider of those services.

The Village is responsible for regular communication with us and provision of complete and accurate information throughout the engagement. We will rely on that information in performing our services.

The Village may discharge us at any time. We may withdraw on written notification at any time with the Village's consent, or for good cause without the Village's consent. Good cause includes the Village's breach of this agreement (including failure to pay any statement when due), refusal or failure to cooperate with us, or any fact or circumstance that would render our continuing representation unlawful or unethical. Such termination shall be subject to the ethical standards in the Rules of Professional Conduct.

While we seek to avoid and rarely have any fee disputes with our clients, in the event such a dispute does arise, the Village has the right to seek arbitration pursuant to Rule 137 of the Rules of the Chief Administrator of the New York Courts to resolve it. In such event, we shall advise the Village in writing by certified mail that it has thirty (30) days from receipt of such notice in which to elect to resolve the dispute by arbitration, and we shall enclose a copy of the arbitration rules and a form for requesting arbitration.

You acknowledge that you have read this agreement in its entirety, have had full opportunity to consider its terms, have had full and satisfactory explanation of same, and fully understand its terms and agree to such terms. You fully understand and acknowledge that there are no additional or different terms or agreements other than those expressly set forth in this written agreement. The agreement cannot be modified except by further written agreement signed by each party.

You acknowledge that you have read the attached Statement of Client's Rights and Responsibilities.

I encourage my clients to be fully informed about the status of their matters and the state of their accounts with us. To that end, I welcome any questions about the progress of the Village's matters, the Village's bills, or anything else that you may feel appropriate.

If you are in agreement with the foregoing and it accurately represents your understanding of the Village's retainer with us, please execute the enclosed copy of this letter, along with a copy of the Board resolution authorizing its execution, and return

Mr. Christopher Steers
February 1, 2013
Page 3

them to me. Please retain a signed copy for your records. If not, kindly contact me immediately.

We look forward to working with the Village.

Very truly yours,

BOND, SCHOENECK & KING, PLLC



Terry O'Neil
Enc.

cc: Tony Cerreto, Esq.

AGREED AND ACCEPTED:

VILLAGE OF PORT CHESTER

By _____

Date: _____

**Section 1210.1 of the Joint Rules of the Appellate Division
(22NYCRR§1210.1)**

1. You are entitled to be treated with courtesy and consideration at all times by your lawyer and the other lawyers and personnel in your lawyer's office.
2. You are entitled to an attorney capable of handling your legal matter competently and diligently, in accordance with the highest standards of the profession. If you are not satisfied with how your matter is being handled, you have the right to withdraw from the attorney-client relationship at any time (court approval may be required in some matters and your attorney may have a claim against you for the value of services rendered to you up to the point of discharge).
3. You are entitled to your lawyer's independent professional judgment and undivided loyalty uncompromised by conflicts of interest.
4. You are entitled to be charged a reasonable fee and to have your lawyer explain at the outset how the fee will be computed and the manner and frequency of billing. You are entitled to request and receive a written itemized bill from your attorney at reasonable intervals. You may refuse to enter into any fee arrangement that you find unsatisfactory. In the event of a fee dispute, you may have the right to seek arbitration; your attorney will provide you with the necessary information regarding arbitration in the event of a fee dispute, or upon your request.
5. You are entitled to have your questions and concerns addressed in a prompt manner and to have your telephone calls returned promptly.
6. You are entitled to be kept informed as to the status of your matter and to request and receive copies of papers. You are entitled to sufficient information to allow you to participate meaningfully in the development of your matter.
7. You are entitled to have your legitimate objectives respected by your attorney, including whether or not to settle your matter (court approval of a settlement is required in some matters).
8. You have the right to privacy in your dealings with your lawyer and to have your secrets and confidences preserved to the extent permitted by law.
9. You are entitled to have your attorney conduct himself or herself ethically in accordance with the Code of Professional Responsibility.
10. You may not be refused representation on the basis of race, creed, color, religion, sex, sexual orientation, age, national origin or disability.

RESOLUTION
APPOINTMENT OF MEMBER TO
BOARD OF ETHICS

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

RESOLVED, that JAMIE ALPERT, residing, Port Chester, New York, be and she hereby is appointed as a member of the Port Chester BOARD OF ETHICS to fill the vacated office formally held by Mike Richie, effective immediately.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:
NOES:
ABSENT:
DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that WILLIAM VILLANOVA of 73 Hawley Avenue Port Chester New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2015.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that EVELYN PETRONE, residing at 49 Lafayette Drive, Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2015.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that RONALD LUISO, 6 Hilltop Drive, Port Chester, New York, is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2014.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that FRANK STRAUCH of 81 Glendale Place, Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2014.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

RESOLUTION

APPOINTMENT OF ADDITIONAL ELECTION INSPECTORS

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

WHEREAS, the Village Clerk has advised of the need for the Board of Trustees to appoint additional election inspectors for the 2013 Village Election; and

WHEREAS, the Clerk has proposed a number of candidates who have been qualified to serve in this capacity. Now, therefore, be it

RESOLVED, that the following named persons are qualified Election Inspectors and are hereby appointed to act as Election Inspectors for the Village of Port Chester with regard to the 2013 Village Election:

Michael R. Borchetta

June Ann Borchetta

Evelyn Brown

Katheleen M. Buckley

Miles Ferderman

Lisa M. Ferraro

David Heller

Jenine Labroscciano

Doris Bailey-Reavis

Elaine Russo.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

DISCUSSION

Additional Amnesty for One and Two Family Residences as defined under the NYS Residential Code and Local Zoning Code

The NYS Fire prevention and building code treats one and two family residences a little differently than multi-family and commercial properties. In fact one and two family residences are the only occupancy types relegated to the NYS Residential Code. As such, it stands to reason that locally we can treat them differently as well. For instance we can amend the amnesty program to allow the following:

PART I

- **Allow for self certification (no inspections by the building department required, only by the licensed design professional hired by the home owner)**
- **Allow for minor improvements to be documented through a reasonable floor plan (not full construction documents) from a licensed professional**
- **Other similar documentation as required**

Self certification does several things for us;

- 1. Removes all liability from us and puts it on the design professional and home owner**
- 2. Eliminates the need for a building inspection**
- 3. Removes our bureaucracy from the majority of the process which can ultimately save time for the property owner**

A reasonable floor plan;

- 1. Lowers costs on the homeowner while still documenting the improvement in an adequate way.**

A definition will be needed for the term “Minor improvement” i.e. “Less than 10,000 in cost and/or less than 500 square feet”?

All this should save significant time and expense and give relief to the target properties. We will however require a design professionals sign off prior to their application for CO and reserve the right to inspect the property as warranted. At that point CO issuance is ministerial.

Additional Amnesty for One and Two Family Residences as defined under the NYS Residential Code and Local Zoning Code

PART II

- As a companion to Section 4 of the current program add additional relief for one and two family residences for pre-existing structures / additions built prior to 1975 with a proper building permit having been issued.

SECTION 4: Zoning (Existing law)

For those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1975 Zoning Regulation that may involve the need for some dimensional variance from the requirements under the applicable zoning regulation, the Building Inspector is authorized to accept deviance from certain of the requirements as “de minimis”. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a building permit prior to the effective date of the 1975 Zoning Regulation.
2. The subject building or structure must otherwise comply with the applicable building code at the time of construction or alteration.
3. The area or dimensional requirement involves front, rear, and/or side yard setback(s).
4. The set-back encroachment is ten (10) inches or less.
5. The building or structure complies with all other aspects of the Village of Port Chester planning and zoning regulations.

Such deviances may be deemed “de minimis” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

(Proposed Amendment)

Those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1955 Zoning Regulation, relating to structures that were preexisting the code change, that may involve the need for some dimensional and or use variance from the requirements under the applicable zoning regulation; are hereby determined to be lawfully non-conforming. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a building permit prior to the effective date of the 1955 Zoning Regulation.
2. The building or structure complies with all other aspects of the Village of Port Chester planning and zoning regulations and the Building Code in effect at the time of construction.

Such structures are deemed “Lawfully non-conforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.



Village of

PORT CHESTER, NEW YORK

Permit Amnesty Policy Discussion
January 2013

February 4th, 2013

By: Christopher D. Steers, Village Manager





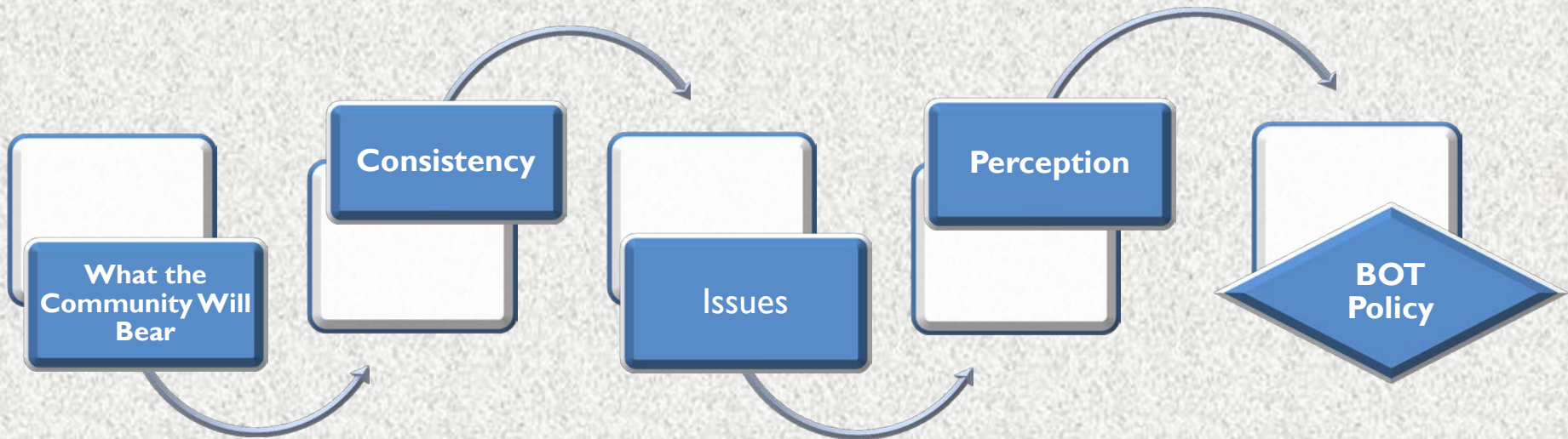
Permit Amnesty Policy Discussion Report Contents

- ▶ **Progress and Issues**
- ▶ **Solutions / Strategies**
- ▶ **Q & A**



Permit Amnesty Policy Discussion Issues

Areas of Opportunity



All of our joint efforts are strategic in nature and are focused on the practice of preventative law; aimed at minimizing and mitigating the risk of litigation while maintaining a fair and nondiscriminatory approach. Our current amnesty program is one more tool in the approach. The permit amnesty program again reveals that the vast majority of instances continue to involve open permits and/or the lack of Certificates of Occupancy. The frequency of Planning and Zoning violations remains nominal and are still the exception.



Permit Amnesty Policy Discussion Issues

ISSUES SURROUNDING THE ACTUAL APPLICATION AND ENFORCEMENT OF THE VILLAGES LOCAL ZONING CODE
AND THE NYS UNIFORM FIRE PREVENTION AND BUILDING CODE.

PERCEPTION

Vs.

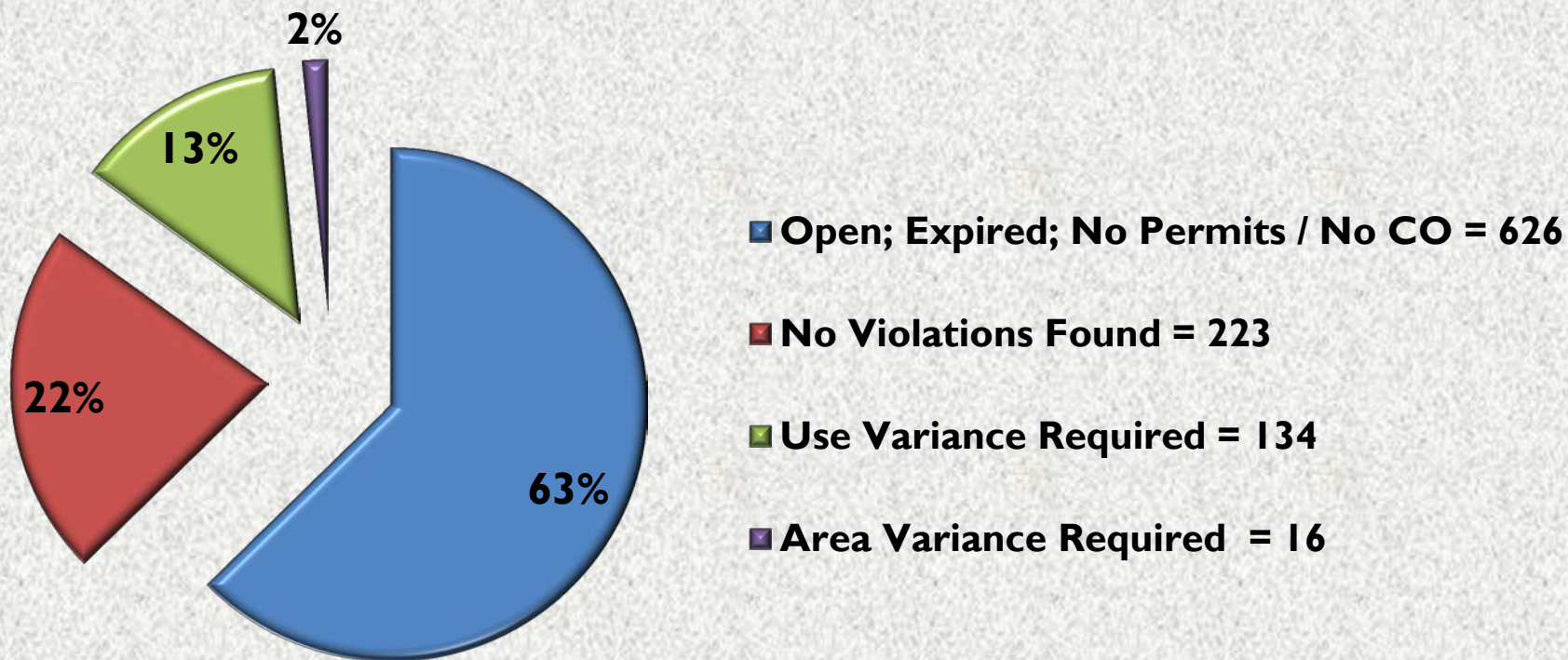
REALITY



Permit Amnesty Policy Discussion

Facts

Facts: The Vast Majority of Searches with Violations Found Continue to Involve Open Permits, No Permits, and/or the Lack of Certificates of Occupancy. The Frequency of Planning and / or Zoning Violations is Nominal and These Violations are Really the Exception.

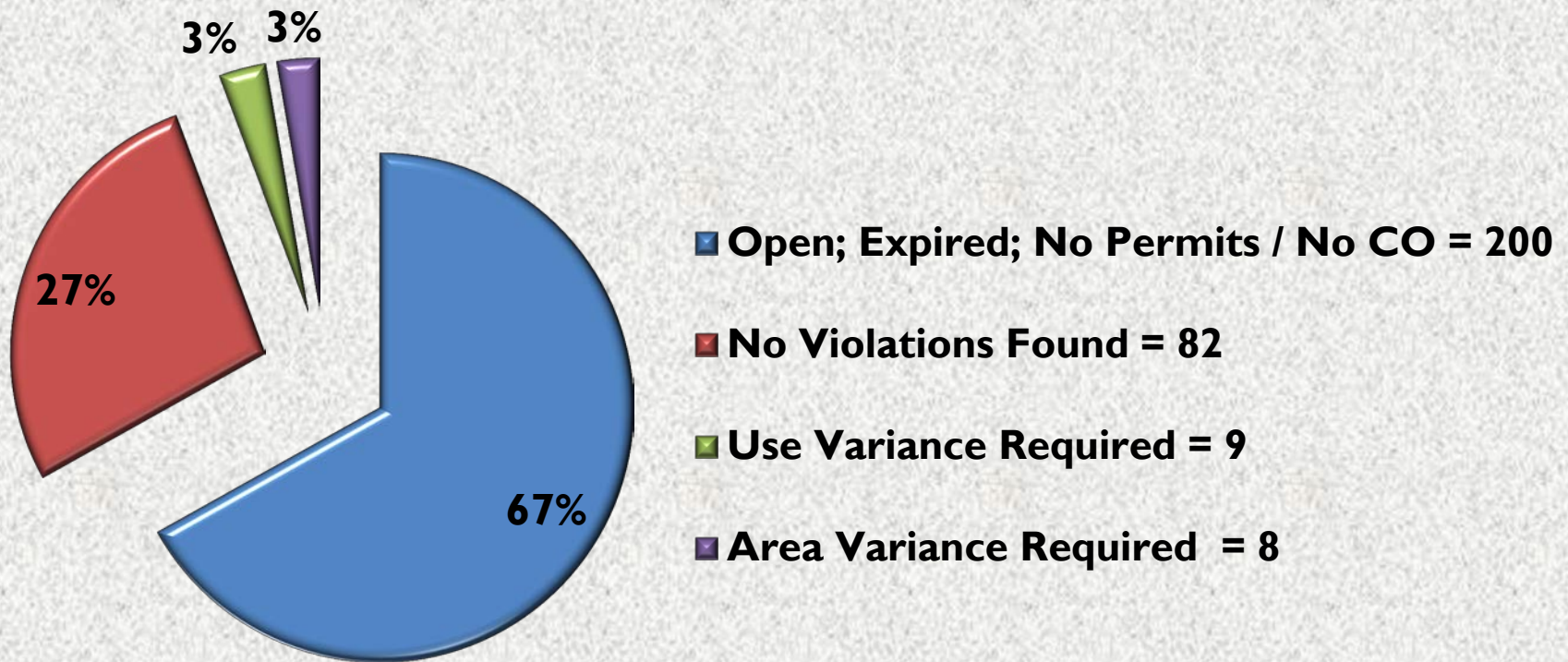


Total Searches in a 20 Month Period (April 11' Thru Jan 13') = 999



Permit Amnesty Policy Discussion Facts

Facts: Searches with Violations Found 1-2 Family's (July 12' thru Dec 12')



Total Searches 1-2 Family's in a 6 Month Period = 299



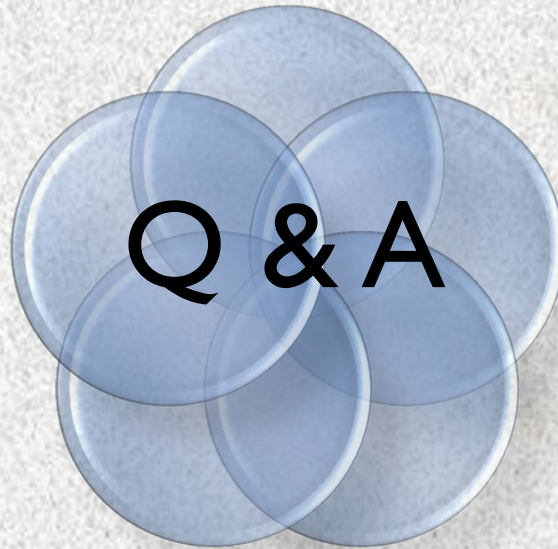
Permit Amnesty Policy Discussion Additional Solutions / Strategies

See Attachment





Permit Amnesty Policy Discussion



**RULES OF PROCEDURE OF THE BOARD OF TRUSTEES
VILLAGE OF PORT CHESTER, NEW YORK**

MISSION STATEMENT: It is the purpose of these rules and procedures to insure that the Board of Trustees operates effectively; promotes majority rule while protecting minority rights; preserves the role of the Mayor as the presiding officer; prevents a single member from usurping other member's coequal rights; and enhances public participation and engagement as well as transparency in Board proceedings.

RULE ONE: MEETINGS

1. The Board shall meet at such times as it may determine or as otherwise provided by the Village Charter. Regular monthly meetings shall be held on the first and third Monday of the month at 7:00 p.m. unless otherwise noticed. The Board may also determine to meet on any other day or date when desirable or when a holiday falls on any such Monday.
2. Special meetings of the Board are all those meetings other than regular meetings. A special meeting may be called by the Mayor or any two (2) trustees upon notice to the entire Board. The notice shall contain a statement of the object for which the special meeting shall be called. Notice shall be given at least 24 hours in advance unless an emergency exists.
3. As a general rule, all regularly scheduled meetings shall be held in the Village Court Room, located at 350 North Main Street.

RULE TWO: QUORUM

1. A quorum shall be required to conduct business. A quorum consists of four members. In the absence of a quorum, a lesser number may adjourn and authorize the Clerk to compel the attendance of absent members.
2. In the event that a meeting is cancelled due to a lack of quorum, the Village Clerk shall make a record stating those members of the Board of Trustees who were not present at the time.

RULE THREE: AGENDAS

1. The Mayor shall set the agenda. This rule shall mean that the Mayor shall determine the order that the item is listed on the agenda, consistent with these rules of procedure.
2. The agenda shall be prepared by the Clerk at the direction of the Mayor, or the Deputy Mayor in his/her absence.
3. Addition to the agenda may be made by any member of the Board. All matters proposed, by Trustees, to be placed on the agenda of a regular meeting of the

Board shall be submitted to the Clerk, with a copy sent to the Mayor, no later than 12:00 noon the Wednesday preceding the meeting. All matters proposed by the Mayor to be placed on the agenda of a regularly meeting of the Board shall be submitted to the Clerk no later than 12:00 noon the Thursday preceding the meeting, when the tentative agenda will be reviewed and finalized by the Mayor. Any item that does not conform to this deadline will have to be an add-on item during the meeting, requiring a unanimous vote of the members present. If there is no such request to have it entertained as an add-on, or if the vote to add the item to the agenda fails, then it will be subsequently placed on the following regularly scheduled meeting agenda. Correspondence addressed to the Mayor or Board of Trustees shall be likewise filed with the Clerk to allow for inclusion in the meeting packets. The Clerk shall deliver a copy of the agenda and packet to members at an address so designated by each member. Agenda items that involve the preparation and review of a resolution or local law shall be a matter of Board discussion in the first instance and upon the request of any two members. This will facilitate group thought early in the legislative process, a more collaborative approach and the efficient use of scarce Village resources. (Added to Rules per resolution adopted by Board of Trustees dated March 19, 2012.

4. Only the Mayor, Village Manager or a Village Trustee can authorize/request that an item be placed on the agenda.
5. The Village Clerk will distribute the agenda packets for SPECIAL MEETINGS the day that the meeting is officially called.
6. Transaction of business at Special Meetings – At a special meeting the business to be transacted thereat shall be only that stated in the notice of such meeting, except that any other business may be transacted at such special meeting by the unanimous consent of all the members of the Village Board.
7. All meetings shall be held at either 350 North Main Street, 10 Pearl Street or 222 Grace Church Street.

RULE FOUR: MOTIONS

1. Any member can make a motion once the member is recognized by the Mayor, or person presiding over the meeting, for the purpose of making a motion. Every motion requires a second before debate begins.
2. Every motion shall be stated by the Mayor or read by the Clerk before [debate and] the question is taken. Any Board member can request a full reading of any proposed resolution.
3. A member once recognized by the Mayor, shall not be interrupted when speaking unless it is to call him/her to order. If a member, while speaking is called to order, he/she shall cease speaking until the question of order is determined and, if in order, shall then be permitted to proceed. As the presiding officer, the Mayor

shall act as the parliamentarian and determine points of order. The Mayor or any Board member may seek guidance from the Village Attorney or Corporation Counsel on such matters. Where there is disagreement between the Mayor and a Board member an appeal shall be taken by entire Board.

4. Members shall refrain from making any comment unless and until recognized.
5. There is no limit to the number of times a board member may speak on a question.
6. Motions to close or limit debate may be entertained but shall require a two-thirds vote (e.g. five members).
7. Motions require a second.

RULE FIVE: VOTING

1. Each member shall have one vote.
2. A member must vote on every question, unless a request to abstain has been made to the Mayor. An abstention is only permissible upon a conflict of interest or other reason such that would suggest an appearance of impropriety by the member. The nature of said conflict must be explained by the member seeking to abstain and such explanation shall be made a part of the record. Said member shall not participate in the discussion with regard to such matter.
3. Once the question has been put by the Mayor and the vote is being taken, members shall confine themselves to voting and not resume discussion or debate or make further comments on the question. If a member begins explaining his/her vote, or continues discussion, once a call for vote has been made, the Mayor shall call that member out of order and ask that member to only state their respective vote.
4. A majority of the total authorized voting power (e.g. four members) is necessary to pass a matter unless otherwise specified by State law.
5. A vote upon any question shall be taken by ayes and noes, and the names of the members present and their votes shall be entered in the minutes.
6. An abstention is neither an “aye” or a “no” and a member abstaining shall be recorded as “Abstention” for such vote.

RULE SIX: ORDER OF BUSINESS

1. The order of business at each meeting shall be:
 1. Call to order and pledge of allegiance
 2. Roll call

3. Approval of minutes at previous meetings
 4. Public Comment
 5. Public hearings
 6. Resolutions
 7. Report of the Village Manager, Police and Fire Chief and Board Committees
 8. Correspondence
 9. Discussion Items
 10. Public Comments
 11. Trustee Comments
 12. Adjournment
2. The order of business may be suspended by the Mayor at his/her discretion. The order of business only refers to the numerical order that an item is placed, and not to be interpreted as the elimination of an item from the agenda.

RULE SEVEN: PUBLIC COMMENT

1. With the exception of a public hearing, the public shall only be allowed to speak during the Public Comment period of the meeting.
2. Speakers must step to the front of the room, and be recognized by the Mayor before proceeding. Speakers shall face the Board at all times.
3. Speakers shall be limited in their remarks to FIVE minutes. Speakers are limited to speaking one time and are not permitted to come to the podium and speak again. The Mayor shall track the speaker's time with a stopwatch and notify the speakers when their time has expired.
4. Speakers may not yield any remaining time that they may have to another speaker.
5. Board members may, with the permission of the Mayor, interrupt a speaker during his/her remarks, but only for the purpose of clarification or information. Board members should not engage in a dialogue with a speaker.
6. All remarks shall be addressed to the Board as a body and not to any member thereof.
7. Speakers shall give the Board the respect as becoming their office is due and shall observe the commonly accepted rules of courtesy, decorum.

RULE EIGHT: RECORDING EQUIPMENT

Members of the public are allowed to audio or video record the open portion of all public meetings. Executive or closed sessions may not be recorded. However, in accordance with the opinions of the New York State Commission on Open Government, any

recording must be done in a manner that does not interfere with the meeting and upon the following restrictions.

The Mayor has the authority to determine whether such recording is being done in an intrusive manner, and may, in making such determination, take into account the brightness of the lights, distance from the deliberations of the Board, size of the equipment, and the ability of the public to still participate in the meeting without undue distraction. If the Mayor shall make the determination that the recording is intrusive and has the effect of interfering with the meeting, the individual making the recording shall be told to take the appropriate ameliorative action. Should the individual fail or refuse to do so, he/she shall be requested to leave the room.

The use of cell phones, or other transmission methods for audible communications by Board members, or members of the public, during a meeting is prohibited unless an emergency exists. If such case does arise, the Board member shall advise the Mayor prior to the beginning of the meeting.

RULE NINE: ADJOURNMENT

A motion to adjourn is always in order (except when a vote is being taken) and such motion shall be decided without debate.

RULE TEN: MINUTES

1. Minutes shall be taken by the Clerk.
2. Minutes shall consist of a record or summary of all motions, proposals, resolutions or any other matter formally voted upon and the vote thereon. Minutes shall be taken at an executive session of any action that is taken by formal vote, which shall consist of a record or summary of the final determination of such action. However, that such summary need not include any matter, which is not required to be made public by the NYS Freedom of Information Law or is otherwise outside the scope of such statute. (e.g. privileged communications with the Village Attorney or Corporation Counsel)
3. Minutes shall also include the following:
 1. Date, place and time of meeting
 2. Notation of presence or absence of Board members and time of arrival or departure if different from the time of call to order
 3. Name and title of other village officials and employees present
 4. Record of report of Village Manager
 5. Record of communications received
 6. Time of adjournment
 7. Signature of Clerk

4. If a Board member would like a statement included in the minutes, then a member shall submit the statement in writing to the Village Clerk, which shall be made a part of the record.
5. The Village Clerk shall comply with the standards established in the State Open Meetings Law (a draft version of the minutes shall be made readily available within two (2) weeks, and one (1) week for executive session items).

RULE ELEVEN: CHANGE OF RULES

The Board may, by two-thirds vote of those present and voting, waive or suspend any rule of the Board so long as it does not conflict with the Charter or State Law.

These Rules shall remain in force and effect until amended by an affirmative vote of five or more members.

RULE TWELVE: PROCEDURES NOT COVERED

Robert's Rules of Order, (10th Revised Edition, Henry Robert et al) shall govern the procedure of the Board as to any matter that is not covered in these Rules. A copy of Robert's Rules shall be provided to each member.

RULE THIRTEEN: PARLIAMENTARIAN

As the presiding officer, the Mayor shall act as the parliamentarian and determine points of order. The Mayor or any Board member may seek guidance from the Village Attorney or Corporation Counsel on such matters. Where there is disagreement between the Mayor and a Board member an appeal shall be taken by the entire Board.

RULE FOURTEEN: MISCELLANEOUS

1. At the Re-organizational Meeting, the Mayor shall determine the seating arrangement of the Board. The seating arrangement may be changed at any time by majority vote (4) of the Board.
2. Board members that anticipate being absent from a meeting shall notify the Clerk no later than 2:00 p.m. the day of the meeting.

RULE FIFTEEN: BOARD PRESENTATIONS

Presentations are to be provided in the Board package prior to meeting in order for the item to be discussed. If not provided the presentation will be postponed to the next meeting agenda or with a majority vote of the Board the presentation can remain on the agenda.

Adopted: September 7, 2010

Amended: March 19, 2012

CORRESPONDENCE

From: alejandropayan@aol.com
To: JRRichards@portchesterny.com
Subject: Alex Payan: Ethics Board
Date: Friday, January 18, 2013 5:02:43 PM
Attachments: [Alejandro Payan Resume January 2013.doc](#)

Dear Dr. Richards,

I would like to take this written opportunity to submit my resume to the Board of Trustees for consideration to join the Ethics Board. I was present at the last BOT meeting and was made aware of the vacancies on this board.

Again, thank you and have a great weekend!

Warm regards,

Alex Payan
914.623.3077

Professional Experience

TOWN OF RYE, Port Chester, New York

September 2011 – Present

Consultant – Quantitative/Qualitative Research

Responsible for improving communications and relationships between the Town of Rye and community organizations serving the Town of Rye residents.

- Conduct interviews with local community organizations to obtain their input on how the Town could help them and what other actions the Town of Rye could take to make Rye Town a “Model American Community.”
- Prepare written reports on each interview including any linkages between the interviewed organization and other organizations in Town.

Projects/Accounts

- 2012 State of the Town of Rye Report – Analyze the strengths and weaknesses and make recommends/improvements on the financial health of the Town of Rye.
- Dissolution Study – Analyze and research the potential cost savings if the Villages of Rye Brook and Port Chester were to be dissolved and merged into the Town of Rye.

MANHATTANVILLE COLLEGE, ELI, Purchase, New York

August 2010 – Present

Adjunct ESL Teacher – International Marketing & Advertising/Grammar I/Academic Writing IV

Teach a variety of courses to students from high beginner to an advance level of English language proficiency. Improve students English language abilities for academic, professional, and social purposes.

- Profound knowledge of English language and ability to teach the language for all sorts of students i.e. for those who have English as their first language and those who have not
- Excellent communication and written skills as well as ability to explain the text
- Teach English in different ways or methods i.e. role play, language games, and dialogue methods
- Highly skilled in using the different material for teaching English as well as having a great passion and love for English language
- Ability to use audio-visual aids for teaching English effectively and creativeness in teaching process
- Vast and deep knowledge of English i.e. Grammar, Literature, and Linguistics
- Ability to inspire students for desired effects in the language teaching task

KRAFT FOODS GLOBAL INC., Tarrytown, New York

March 2009 – October 2009

Associate Shopper Insights Manager – Beverages & Snacks

Managed a broad portfolio of Kraft top brands including Capri Sun, Crystal Light, Maxwell House, Tazo Teas, Nabisco, and Planters

- Supported the Beverage and Snack development of shopper insight initiatives and implementation of sales strategies through the use of category, consumer, shopper and marketplace information
- Assisted in identifying business information needs and developing communications that enable customer teams to foster collaboration with key customers

Projects/Accounts

- Managed Safeway’s RTD Optura Category Management Review. The focus was to fill-in gaps in shopper insights & behaviors specific to Safeway and understanding the role of 100% juice and trip mission
- Kraft Latino Council Member (Tarrytown/East Hanover). Participated in brainstorming sessions on identifying development competencies for Latinos in core areas of: Strategic Capability - Technical Learning, Building & Strengthening Relationships - Interpersonal Savvy, and Executional Excellence - Organizing/Time Management

THE NPD GROUP, INC., Port Washington, New York
Senior Project Director – Custom Research, Consumer Technology

December 2006 – March 2009

Responsible for coordinating a large number of custom Internet survey projects per year.

- Managed schedules to meet deadlines, coordinate with internal support departments and guarantee on-time delivery of study material to clients
- Composed survey questionnaires for measuring consumer purchases, usage, purchase intentions, preferences, recall, awareness and satisfaction

Projects/Accounts

- Directed, managed and wrote final data analysis for key clients: Canon, Fuji Film, Kodak, Hewlett Packard, Lexmark, Microsoft, Samsung, Sharp and Sony
- Managed various syndicated (Point-of-Sale) projects among Consumer Technology markets: Next Generation DVDs, Digital Cameras, TVs (Plasma/LCD), and PCs (Desktops/Notebooks)

SYNOVATE, INC., New York City, New York
Study Director – Consumer Insights & Strategy

September 2005 – December 2006

Performed quantitative and qualitative market research studies, including branding, product testing, customer segmentation, concept tests, awareness and usage, taste tests, strategic brand positioning and tracking, international studies and media/advertising projects.

- Responsible for proofing proposals, designing screeners/questionnaires, pricing studies, collecting samples, monitoring interviews, managing field issues, creating, checking/editing, coding and tabulating specifications, conducting statistical testing of data, designing analytic plans including charts and graphs, analyzing data and writing findings for final report

Projects/Accounts

- Wrote final data analyses for key clients: Unilever (Hispanic Home & Personal Care), Campbell's Soup, Pepsi (Hispanic Research), Bacardi, Subway, Burger King (Latin American Tracker) and RJ Reynolds

HOROWITZ ASSOCIATES, INC., Larchmont, New York
Senior Marketing Research Assistant – Custom Research

May 1998 – September 2005

Worked with the Vice President of Research in qualitative/quantitative research studies for key clients including BET, A&E Channel, Court TV, The Game Show Network, The International Channel, and ESPN Latin America.

- Edited proposals, designed questionnaires, tabulation plans, managed field sites & monitored progress, created final presentations, assisted in analyzing data and wrote summary analysis for final reports.

Education

MANHATTANVILLE COLLEGE, School of Education, Purchase, New York

Masters of Professional Studies, Major: TESOL Adult & International Settings

Expected 2013

GPA: 3.9

- **Honors: Kappa Delta Pi – International Honor Society in Education**

SYNOVATE AMERICAS UNIVERSITY

September 2005 – December 2006

Advanced Analysis & Reporting, Report Writing, Communication Skills, Presentation Skills, Leadership through Effective Communication, Creative Problem Solving, Concept Testing, Sampling 101, 201, 202

PACE UNIVERSITY, LUBIN SCHOOL OF BUSINESS, Pleasantville, New York

Bachelor of Business Administration, Major: Marketing Management

September 1999

CERTIFICATION: Notary Public, State of New York

Computer Skills

MS Windows, MS Excel, MS Access, MS PowerPoint, MS Word, MS Outlook, Confront, Nielsen Genesis/AOD, Dunnhumby, RichMix 7.0, Willard Bishop, TNS eSIP, NPD SnackTrack, CREST Viewer, SPSS, Quanvert, Solution Folders, PowerView, Salesforce.com, Lotus Notes, SMART Board, and Internet applications

Languages

Native English, Fluent in Spanish, Basic Italian, and limited comprehension of Portuguese

Village of Port Chester



New York

OFFICE OF THE CHIEF
PORT CHESTER FIRE DEPARTMENT
CHIEF'S OFFICE: 914-939-8574

Kevin McMinn
CHIEF

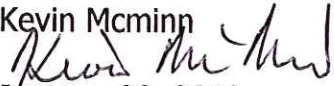
Edward Quinn
FIRST ASSISTANT CHIEF

Michael DeVittorio
SECOND ASSISTANT CHIEF

To The Honorable Clerk Janusz Richards,

On Friday the 18th of January 2013 , at the monthly officers meeting of the Port Chester Fire Department held in the parlors of Mellor Engine and Hose Company #3, the Captains of the seven independent companies of Port Chester Fire Department have reported to me that they have ratified the Port Chester/ Rye Brook Firemen Contract.

Firematically yours,
Chief Engineer

Kevin McMinn

January 29, 2013

MINUTES

MEETING HELD NOVEMBER 5, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, November 5, 2012 at 6:45 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Saverio Terenzi, Bart Didden, and Joseph Kenner.

It should be noted that Trustees Luis Marino and John Branca were absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards, Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief Joseph Krzeminski and Mr. Dolph Rotfeld from Dolph Rotfeld Engineering.

On motion of Trustee Brakewood, seconded by Trustee Didden, the meeting was declared opened at 6:47 p.m.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

* * * * *

MOTION FOR EXECUTIVE SESSION

At 6:47 p.m., on motion of Trustee Brakewood, seconded by Trustee Didden, the Board of Trustees adjourned to an executive session to discuss a 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.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

No action was taken in executive session.

At 7:08 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the executive session was closed and the public portion of the meeting was reopened.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustees Marino and Branca

* * * * *

Mayor Pilla asked for a moment of silence for the passing of former Trustee/Deputy Mayor, Dominick Cicatelli's father and Mr. Peter Rende.

PRESENTATION

Report from Village Manager on Hurricane Sandy response and damage assessment update.

Mr. Steers spoke about the significant recovery and restoration in the Village. Mr. Steers thanked Verizon, and the two liaisons from Con Edison. Mr. Steers especially thanked the following village staff for their diligent work during and after the storm: Director of Planning and Development, Christopher Gomez, Department of Public Works Foreman, Rocky Morabito, Police Chief Krzeminski, Treasurer, Leonie Douglas, Fire Chief, Kevin McFadden, Administrative Aide to the Village Manager, Chris Ameigh, Recreation Leader, Heather Krakowski, Director of Senior Programs and Services, Carol Nielsen, Senior Code Enforcement Officer, Lawrence Chiulli, Building Department Inspector, Peter Miley, and Ambulance Corps Administrator, Scott Moore.

Mayor Pilla stated that due to Hurricane Sandy, there was no Halloween on October 31, 2012. Mayor Pilla asked the Board for an add-on resolution for Friday, November 9, 2012 to be Halloween in the Village of Port Chester.

Add-on Resolution

Trustee Kenner made a motion to add-on a resolution for Friday, November 9, 2012, to be Halloween in the Village of Port Chester. The motion was seconded by Trustee Brakewood.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

RESOLUTION

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

RESOLVED, inasmuch Halloween on October 31, 2012 in the Village of Port Chester was cancelled due to Hurricane Sandy; Friday, November 9, 2012, will be declared as Halloween in the Village of Port Chester.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

Mayor Pilla also thanked Michele Suhre, Laura Wesley, and Joelle Rovello from the Finance Department for donating candy to the Recreation Department.

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing to consider the advisability of adopting a local law to amend Chapter 345 “Zoning” of the Village Code with regard to site plan review procedures and standards.

The following Public Notices were duly published in the Journal News and the Westmore News on August 31, 2012, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, September 18, 2012, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend, Chapter 345 “Zoning” of the Village Code with regard to site plan review procedures and standards.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk’s office or online at www.portchesterny.com

Christopher Russo
Village Manager
Village of Port Chester

Dated: August 31, 2012

On motion of Trustee Brakewood, seconded by Trustee Kenner, the public hearing was declared open.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

Mayor Pilla asked if there was anyone who would like to speak in favor or against amending local law, chapter 345, with regard to site plan review procedure and standards. Ms. Goldie Solomon commented regarding the current conditions in the Village after Hurricane Sandy. Mr. Abel commented about some of the wording in the proposed local law. Mr. Cerreto and Mr. Gomez addressed Mr. Abel's comments.

On motion of Trustee Kenner, seconded by Trustee Brakewood, the public hearing was declared closed.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

On motion of Trustee Didden, seconded by Trustee Kenner, the following local law #5 was adopted amending Chapter 345, with regard to site plan review procedures and standards:

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, 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.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

PRESENTATION

JCJ Architecture

Mr. Andy Hill and Mr. Dave Jepsen from Desman Associates presented to the Board their preliminary findings and analysis regarding the feasibility of a parking garage to serve the needs of the Police as well as the Downtown area. The Board asked several questions to Mr. Hill and Mr. Jepsen about the presented material. There was further discussion on the topic. Mayor Pilla asked Mr. Steers to furnish the data presented tonight to the Industrial Development Agency (IDA) and said to Mr. Hill and Mr. Jepsen that Mr. Steers will be in touch with them.

DISCUSSION

Bulkhead Repair Bid Response

Mr. Waller from Halcrow Engineers, PC spoke to the Board about the sole bidder, JT Cleary. Mr. Waller said that he compared JT Cleary's bid to the Village's

Request for Proposal (RFP) and did not find any problems. Mr. Waller said that he checked JT Cleary's references and they were all okay. Mr. Waller also commented that in the past, he has dealt with JT Cleary and he does not have any problems with them or their bid price. Mayor Pilla commented that he has concerns with having just one bidder and the low bid. Mr. Steers commented that he thinks the bid is too low and is concerned there will be potential change orders. Mr. Rotfeld also commented about his concerns of only having one bidder. Mayor Pilla asked the Board for an executive session to further discuss the bulkhead repair.

RESOLUTIONS

RESOLUTION

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

On motion of TRUSTEE KENNER, seconded by TRUSTEE DIDDEN, 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)
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Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$6,554.16
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Appropriations:

001-3120-0200	Police Equipment	\$6,554.16
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Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

RESOLUTION

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

On motion of TRUSTEE KENNER, seconded by TRUSTEE

BRAKEWOOD, 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, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

PRESENTATION

Presentation by Complus to the Board of Trustees regarding parking ticket management services.

Mr. Hittman and his associate stated to the Board that Complus is the current vendor for the Village of Port Chester and has been since 1999. Mr. Hittman also stated that Complus has 26 years of experience and is the largest parking ticket management company on the east coast with over 200 clients nationwide.

The Board asked several questions about paying parking tickets online. Mayor Pilla commented that he would like to have a parking ticket analysis. There was further discussion on this topic. Mayor Pilla asked for an executive session

regarding the parking ticket analysis as well as have a resolution and proposed contract on the next agenda.

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any comments. Mr. Terranova commented to the Board about purchasing the piece of property on Grace Church Street for the park. Ms. Goldie Solomon thanked Mayor Pilla for honoring staff that helped out with the recovery of Hurricane Sandy. Ms. Solomon thanked the Police Department, Fire Department, EMT, and Department of Public Works for their work during and after the storm. Ms. Solomon commented about the current property taxes and how they should come down. Ms. Solomon also commented about Veteran's Day and also asked the Board not to tear down the Police/Court Building for a parking garage.

CORRESPONDENCE

Request from American Legion Post 93 for appropriation for the 2012 year.

Former Mayor Logan spoke in regards to the Veteran's Day program on Sunday, November 11, 2012 beginning at 12 noon. Mayor Logan asked for the Board's support for the program and the event following the program. The Board approved the appropriation for \$1000 and referred the correspondence to staff.

PRESENTATION

Ribbon campaign with National Alliance on Mental Illness (NAMI) walk.

A representative from the National Alliance on Mental Illness (NAMI), which is a grassroots organization since 1979, spoke to the Board about NAMI's mission to educate, support and advocate for people and families who are affected with mental illness. As a part of their mission to educate people and raise awareness, NAMI would like to have their first fundraiser walk in Westchester County on May 18, 2013. NAMI is asking the Village of Port Chester, as well as other villages and towns in the month of May, 2013 to tie ribbons around trees to remind residents about NAMI and their mission. NAMI volunteers will put up and take down the ribbons. The Board approved the NAMI request to be referred to staff subject to conditions.

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone else from the audience who would like to make any comments. Mr. Abel commented about the resolution for the mayoral election to be included with early voting for the 2013 Village Election.

RESOLUTIONS

RESOLUTION

On motion of TRUSTEE BRAKEWOOD seconded by TRUSTEE

TERENZI, 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	North Left	Driveway of 20-30 Abendroth Avenue

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	West	From north curbline of Mill Street south for 41 feet.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Kenner, and Mayor Pilla

NOES: Trustee Didden

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

PRESENTATION

Election 2013 Update from the Village Clerk and introduction of the Voter Education Coordinator.

Mr. Richards spoke to the Board about the process and the progress for the 2013 Village Election. Mr. Richards also introduced to the Board the new Voter Education Coordinator, Ms. Priscilla LaMarie. Ms. LaMarie spoke to the Board on the current progress for the March 2013 election. Mayor Pilla commented his concerns regarding having enough space on the existing voting machines and having access to additional machines if needed. Mayor Pilla asked Mr. Richards to look into having the ballot programmed and gave Mr. Richards the names of two companies that can do the programming.

DISCUSSION

Accepting Petition of Starwood for zoning amendment and Noticing Intention to Declare Lead Agency with regard to former United Hospital site.

Mr. Gioffre, from Cuddy & Feder spoke to the Board in regards to the Starwood petition that was filed back on May 18, 2012, seeking to amend Section 345-62(Zoning). Mr. Gioffre asked the Board to accept the petition and adopt a Positive Declaration going through the SEQRA process. The Board asked Mr. Gioffre several questions and there was further discussion on the topic. The Board asked for a motion on the following resolution:

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 TERENZI, seconded by TRUSTEE DIDDEN,
the following resolution was **defeated** 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

ROLL CALL

AYES: Trustees Terenzi and Didden

NOES: Trustees Brakewood, Kenner, and Mayor Pilla

ABSENT: Trustees Marino and Branca

Action not carried

DATE: November 5, 2012

CORRESPONDENCE

From John B. Colangelo, Attorney for Torosan Realty LLC, with regard to Minetta Place.

The Board referred the correspondence to staff with a report from the Planning Commission subject to the abutting property.

DISCUSSION

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

Mr. Gomez spoke to the Board regarding 2 Osborn Place. The Board made comments regarding the proposed zoning map amendment and subdivision and asked for a motion on the following resolution:

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 DIDDEN, seconded by TRUSTEE TERENZI, the following resolution was **defeated** 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, Anthony Cerreto

ROLL CALL

AYES: Trustees Terenzi and Didden

NOES: Trustees Brakewood, Kenner, and Mayor Pilla

ABSENT: Trustees Marino and Branca

Action not carried

DATE: November 5, 2012

RESOLUTIONS

RESOLUTION

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

On a motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE KENNER, 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.

Approved as to Form:

Village Attorney
Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

RESOLUTION

NEW YORK STATE INDEXED LUMP SUM SNOW AND ICE AGREEMENT

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE

KENNER, 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
Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

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 KENNER, seconded by TRUSTEE

BRAKEWOOD, 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, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

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 BRAKEWOOD, second by MAYOR PILLA

, the following resolution was **defeated** 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, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, and Mayor Pilla

NOES: Trustees Terenzi, Didden, and Kenner

ABSENT: Trustees Marino and Branca

Action not carried

DATE: November 5, 2012

RESOLUTION

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

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE KENNER, 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, Anthony Cerreto

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

DISCUSSION

No Knock Law

Mayor Pilla asked Trustee Didden and the rest of the Board to have the No Knock Law on the list of ideas for a future meeting.

CORRESPONDENCES

From Sandra Blanco in reference to Madison Avenue traffic and speeding cars.

The Board approved the correspondence to be referred to the Police. Chief Krzeminski commented that Sargent Vaccaro made two phone calls leaving messages, as well as leaving his business card at the residence and Ms. Blanco has not responded to either one. The Police Chief also said that when there was a selective enforcement there, they did not see any violations. Mayor Pilla asked for the Police and Department of Public Works coordinate looking into speed bumps.

REPORT

Interdepartmental transfer of funds.

The Board acknowledged the interdepartment transfer of funds.

PUBLIC AND BOARD COMMENTS

Public:

Mr. Abel commented about the Starwood proposal, the Board's conduct and early voting.

Board:

Trustee Brakewood thought it was great to recognize staff as well as Mr. Steers with their help during and after Hurricane Sandy.

Trustee Didden also agreed with Trustee Brakewood that it was great to recognize staff with their help during Hurricane Sandy. Trustee Didden suggested to the Board as a thank you to the staff, he would like to have two catered luncheons for village staff and for the Fire Department. Trustee Didden said that he would be willing to pay the entire bill, but said to the Mayor and Board that he would welcome their support.

Trustee Kenner commended Mr. Steers and staff with their work after Hurricane Sandy. Trustee Kenner also sent his condolences to former Trustee Don Cicutelli on the passing of his father.

Mayor Pilla thanked the staff again for their hard work during and after Hurricane Sandy.

Trustee Kenner made a motion to close the meeting at 1:18 a.m., Trustee Didden seconded the motion.

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustees Marino and Branca

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk

**PUBLIC COMMENTS
AND
BOARD COMMENTS**