

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, July 1, 2013
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: 6:00 P.M.

	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Concerning an interview with a particular person with regard to an appointment to the Planning Commission.	
2	Concerning the employment history of a particular corporation retained by the Village of Port Chester.	

TIME: 7:00 P.M.

I	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public Hearing on Local Law modifying Permit Amnesty Program to provide additional relief for one and two-family residences. (Note: Legal requirements require that the hearing be adjourned to July 15, 2013 for hearing and action).	
II	PUBLIC COMMENTS	ACTION
III	WORK SESSION	ACTION
1	Review Rules of Procedure of the Board of Trustees.	
IV	RESOLUTIONS	ACTION
	Administration	
1	Authorizing transfer to fund Building/Code Enforcement efforts	
2	Strategic use of the Proffer in connection with the Mariner Project.	
3	Authorize the Village Manager to enter into a renewal of retainer agreement for Labor Counsel	
	Appointment(s)	
4	Re-appointment of Peter Coperine to the Planning Commission.	

5	Re-appointment of Frank Cervinka to the Planning Commission.	
6	Re-appointment of Anthony Baxter to the Planning Commission.	
7	Appointment of a Member to the Planning Commission.	
8	Appointment of a Member to the Alternate seat on Planning Commission.	
	Legal	
9	Compliance with the Uniform Notice of Claim Act.	
	Parks / Recreation	
10	Renewal of Agreement with Port Chester Soccer Club, Inc. to operate Village's Soccer Program	
V	REPORT OF THE VILLAGE MANAGER	ACTION
1	Handicap Parking update.	
VI	REPORT OF THE VILLAGE ATTORNEY	ACTION
	169 Fairview Avenue update	
VII	DISCUSSIONS	ACTION
1	Regarding placing a crosswalk at Hewlett Place and Putnam Avenue as well as a "stop for pedestrian" signs there and at Austin Place.	
VIII	CORRESPONDENCE	ACTION
1	From Rolando Escobar President of Centro Cultural Bolivia and Vladimir Molina Vice-President of Centro Cultural Bolivia regarding co-sponsoring an event in Port Chester.	
2	Jerry Terranova and Park Commission regarding Smoke-Free Areas in Village Parks.	
IX	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION
	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Concerning collective bargaining negotiations.	

TIME: _____

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

**AN INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY PROGRAM SO
AS TO PROVIDE ADDITIONAL RELIEF FOR OWNERS OF ONE AND TWO-
FAMILY RESIDENCES**

SECTION 1: Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the Board of Trustees adopted an interim local law establishing a permit amnesty program to all properties within the Village of Port Chester under certain terms and conditions.

By Local Law No. 1 of 2013 the amnesty period was extended from December 31, 2012 to April 30, 2013 and by Local Law No. of 10 of 2013, the amnesty period was further extended to October 31, 2013 so as to provide more opportunity for individuals to learn and participate in the program.

Based on public input, the Board finds that the amnesty program should be modified in substantive respect. The Board is mindful of the often considerable expense that may be incurred in bringing one and two-family dwellings, and any accessory buildings or structures, into code compliance. The Board finds that the owners of such residences typically lack the income stream necessary to retain the design professionals needed to prepare a permit application, much less than afford the expense of making any necessary improvements. At the same time, however, the Board is aware of the need for the Building Inspector to have all relevant documentation for his review and determination so as not to compromise the integrity of the permitting process, and assure the protection of the public health, safety and welfare. Moreover, the Board finds that relief may also be required to ease the burden of proof ordinarily required of owners to establish legal nonconforming use status where a proper building permit was issued for certain work to such dwellings and where the use has existed for many number of years. In accepting the Village Manager's recommendations on this matter, the Board finds that one and two-family residences are the only occupancy types relegated to the State Residential Code and that the additional relief for owners of these properties on a voluntary basis to be provided herein is both appropriate and desirable and is the minimum necessary to accomplish the Board's intentions.

SECTION 2. Section 3 (entitled "Permits") of Local Law No. 4 of 2012 is hereby amended as follows:

A. Applicants are eligible to proceed on a streamlined basis for work in one and two-family dwellings that involve "minor improvements," or work that is valued at less than \$10,000 in present construction cost and/or less than 500 square feet in area. ~~***DELETE THE FOLLOWING ***~~It does not include work that is subject to permit involving specialized trades, such as electrical, HVAC and plumbing. A separate permit application may be required in such instance(s). ***

1. To be accorded the favorable treatment under this section, submissions need not be in the form of full construction documents. They may be in the form of a sealed drawing from a licensed professional. Such drawing shall, however, contain at a minimum the following information satisfactory to the Building Inspector:

(a) Dwelling without an addition

i. An outline that delineates the space(s) in question, measurements of room size, ceiling heights and adequate egress.

ii. Bedrooms shall be required to show window size.

iii. Other rooms, including bedrooms, shall be required to verify adequate light and ventilation.

iv. All spaces shall be required to show placement of required smoke and CO2 detectors.

(b) Dwelling with an addition

All requirements as stated above and an updated survey to show setbacks.

(c) Decks

Plans must show size of deck, support system (footings, depth and adequate size, framing and structural supports), guards and railings and proper and adequate attachment to dwelling

2. The applicant's design professional shall certify that the work in question meets the minimum Code at the time of construction and is structurally sound.

3. Applicants under this section are not required to secure interim inspections by the Building Inspector prior to the inspection for the certificate of **occupancy ADD THE FOLLOWING ***; however, a final inspection for the certificate of occupancy shall be required *****

B. For those applications under the Permit Amnesty Program involving open expired permits, the Building Inspector is authorized to renew said permit(s) under the umbrella of a single new permit that will encompass any number of open expired permits. All work related to those open expired permit(s) may be closed out under a single new permit as may be practical in the judgment of the Building inspector. Such expedited process would avoid the need for an applicant to obtain a new permit and pay the requisite fees for each expired permit.

SECTION 3: Section 4 (entitled "Zoning") of Local Law No. 4 of 2012 is hereby amended as follows:

[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 minimus". To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be preexisting 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 setbacks(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 minimus” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.]

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 deemed to be lawfully nonconforming. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be preexisting and have been issued a lawful 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 buildings or structures are deemed “lawfully nonconforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

SECTION 4: Validity and severability.

Should any section of or provision of this local law be decided by a court of competent jurisdiction be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the local law not in whole or in part so decided to be unconstitutional or otherwise invalid.

SECTION 5: Effective Date.

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

**AN INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY PROGRAM SO
AS TO PROVIDE ADDITIONAL RELIEF FOR OWNERS OF ONE AND TWO-
FAMILY RESIDENCES**

SECTION 1: Purpose and Intent.

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Based on public input, the Board finds that the amnesty program should be modified in substantive respect. The Board is mindful of the often considerable expense that may be incurred in bringing one and two-family dwellings, and any accessory buildings or structures, into code compliance. The Board finds that the owners of such residences typically lack the income stream necessary to retain the design professionals needed to prepare a permit application, much less than afford the expense of making any necessary improvements. At the same time, however, the Board is aware of the need for the Building Inspector to have all relevant documentation for his review and determination so as not to compromise the integrity of the permitting process, and assure the protection of the public health, safety and welfare. Moreover, the Board finds that relief may also be required to ease the burden of proof ordinarily required of owners to establish legal nonconforming use status where a proper building permit was issued for certain work to such dwellings and where the use has existed for many number of years. In accepting the Village Manager's recommendations on this matter, the Board finds that one and two-family residences are the only occupancy types relegated to the State Residential Code and that the additional relief for owners of these properties on a voluntary basis to be provided herein is both appropriate and desirable and is the minimum necessary to accomplish the Board's intentions.

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1. To be accorded the favorable treatment under this section, submissions need not be in the form of full construction documents. They may be in the form of a sealed drawing from a licensed professional. Such drawing shall, however, contain at a minimum the following information satisfactory to the Building Inspector:

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1. The building or structure must be preexisting 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 setbacks(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.

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1. The building or structure must be preexisting and have been issued a lawful 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 buildings or structures are deemed “lawfully nonconforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

SECTION 4: Validity and severability.

Should any section of or provision of this local law be decided by a court of competent jurisdiction be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the local law not in whole or in part so decided to be unconstitutional or otherwise invalid.

SECTION 5: Effective Date.

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

**RECOMMENDATION RESOLUTION
VILLAGE OF PORT CHESTER PLANNING COMMISSION
INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY
PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF TO OWNERS
OF ONE- AND TWO-FAMILY RESIDENCES**

June 11, 2013

On the motion of COMMISSIONER Gregory, seconded by COMMISSIONER Coperine, the following resolution was adopted by the Planning Commission of the Village of Port Chester, New York:

WHEREAS, the Village Board of Trustees adopted by local law a Permit Amnesty Program; and

WHEREAS, pursuant to Section 345-34 of the Village Code, the Village Board of Trustees forwarded to the Planning Commission a proposed local law that would amend the Permit Amnesty Program to provide additional relief to owners of one- and two-family residences in the Village of Port Chester; and

WHEREAS, the Planning Commission discussed the draft interim local law described above with the Building Inspector and Village Attorney, and now therefore let it be

RESOLVED, that the Planning Commission recommend the Village Board of Trustees adopt the proposed local law amending the Amnesty Program to provide additional relief to one- and two-family property owners as described herein.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

AYES: Coperine, Gregory, Ortiz and Scarola
NAYES: none
ABSTAINED: none
ABSENT: Antaki, Baxter. Cervinka and Pellon

Michael Scarola, Chairman

DATE: June 11, 2013

**RECOMMENDATION RESOLUTION
VILLAGE OF PORT CHESTER PLANNING COMMISSION
AMNESTY PROGRAM EXTENSION**

June 11, 2013

On the motion of COMMISSIONER Gregory, seconded by COMMISSIONER Ortiz,
the following resolution was adopted by the Planning Commission of the Village of Port Chester,
New York:

WHEREAS, the Village's Permit Amnesty Program currently expires October 31, 2013; and

WHEREAS, the Village Board of Trustees may again extend the expiration of the Permit Amnesty Program; and

WHEREAS, the Planning Commission wants to be recognized as having proactively commented on this issue; and now therefore let it be

RESOLVED, should the Village Board of Trustees consider extending the Permit Amnesty Program past the October 31, 2013 expiration date, , the Planning Commission opposes such any extension beyond October 31, 2014.

APPROVED AS TO FORM:

) _____
Anthony M. Cerreto
Village Attorney

Ayes: Coperine, Gregory, Ortiz and Scarola

Nays:

Abstained:

Absent: Antaki, Baxter. Cervinka and Pellon

Michael Scarola, Chairman

DATE: June 11, 2013

PUBLIC COMMENTS

WORK SESSION

**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

Cost affiliated with Agenda production and distribution

	Cost per Item	# of Items	# of sets	Cost					
Printing	\$0.02	281.00	7.00	\$39.34					
Envelop	\$1.40	1.00	7.00	\$9.80					
Binder Clips X-Large	\$0.40	1.00	7.00	\$2.80	\$51.94	X2=	103.88	x12=	1246.56
Employee									
Delivery	\$70.04	1.00	1.00	\$70.04					
Clerk	\$63.35	2.00	1.00	\$126.70					
Staff	\$30.00	2.00	1.00	\$60.00	\$256.74	X2=	513.48	X12=	6161.76
				\$0.00					
				\$0.00					
				\$0.00					
				Total \$308.68	308.68	X2=	617.36	X12=	7408.32

Surface RT \$499.00

Surface Pro \$899.00

RESOLUTIONS

AUTHORIZING TRANSFER
TO FUND BUILDING/CODE ENFORCEMENT EFFORTS

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 Board has recently ranked code enforcement as its first policy priority; and

WHEREAS, by resolution adopted by the Board of Trustees on June 13, 2013, the Board authorized a budget transfer \$113,672 from Contingency to the Building Department and Code Enforcement Department budget lines in order to fund the purchase of updates to the MUNICIPALITY software and recruit two additional administrative interns as recommended by the Village Manager; and

WHEREAS, the Board has since had the opportunity to discuss the use of \$600,000 proffer made in connection with the Mariner Project and determines that these initiatives should appropriately be funded from the proffer. Now, therefore, be it

RESOLVED, that the Village Treasurer is hereby authorized to modify the General Fund FY 2013-14 Budget as follows:

Increase:

Revenues:

Other Public Safety Income from Developer:

1.1.1589	Other Public Safety Income from Developer	\$113,672
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Appropriations:

Contingency:

1.1990.400	Contingency	\$113,672
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APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

STRATEGIC USE OF THE PROFFER IN CONNECTION WITH THE MARINER PROJECT

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, by resolution adopted on April 24, 2013, the Village Board of Trustees authorized the Village Manager to enter into an agreement with Mariner Port Chester LLC with regard to a \$6000,000 payment made by its predecessor in title with regard to the Mariner residential project on Abendroth Avenue ; and

WHEREAS, as reflected in the resolution, the executed agreement provided that the proffer "...may be used by the Village of Port Chester in any way it deems appropriate..."; and

WHEREAS, the Board desires to clarify the meaning of the resolution so that it is clear that Board action is required to make expenditures from the proffer. Now, therefore, be it

RESOLVED, that the Village Manager may not expend funds from the Mariner proffer without action of the Board of Trustees in the form of a duly adopted resolution that specifies how the funds will be used, which accounts the funds will come from and which accounts the funds will go.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

RETAINER AGREEMENT FOR LABOR COUNSEL

On motion of TRUSTEE _____, seconded by REUSTEE _____

, 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 counsel in labor and employment law; and

WHEREAS, the law firm of Bond, Schoeneck & King, Garden City, has been the Village's Labor Counsel for several years;

WHEREAS, the FY 2013-2014 Village Budget provided funding for such specialized expense. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the continued retainer of the law firm of Bond, Schoeneck & King, 1399 Franklin Avenue, Garden City, New York 11530, to act as labor Counsel on an as-needed, hourly basis as set forth in its June 25, 2013 retainer proposal, with no increase in the current rates of compensation of \$325.00/hour for partner, Terry O'Neil; \$295/hour for other partner's time' and between \$205/hour and \$220/hour for associate's time.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

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

June 25, 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 continued retention of the law firm of Bond, Schoeneck & King, PLLC, 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), computerized legal research, investigative searches and other charges customarily

Mr. Christopher Steers
June 25, 2013
Page 2

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

Mr. Christopher Steers
June 25, 2013
Page 3

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
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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 PETER COPERINE, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

RESOLUTION
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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 PETER COPERINE, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

RESOLUTION
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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 CERVINKA, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

RESOLUTION
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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 ANTHONY BAXTER, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2015.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

RESOLUTION
APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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 _____, residing in Port Chester New York be and hereby is appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

RESOLUTION
APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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 _____, residing in Port Chester New York, be and hereby is appointed as an ALTERNATE member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2014.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:
NOES:
ABSENT:

DATE:

COMPLIANCE WITH THE UNIFORM NOTICE OF CLAIM ACT

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, filing a notice of claim is required before an action may be commenced in tort against the Village of Port Chester; and

WHEREAS, such notice of claim is intended to afford public corporations the opportunity to investigate a matter before litigation ensues; and

WHEREAS, the Uniform Notice of Claim Act amended the General Municipal Law, adding a new Section `53, that requires public corporations to file a certificate with the Secretary of State on or before July 14, 2013 that designates the Secretary of State as agent for service of a notice of claim; and

WHEREAS, prior to the Act, a notice of claim had to be served directly on the public corporation; and

WHEREAS, public corporations that are in compliance with the Act are entitled to one-half of the fee that is charged claimants for the benefit of filing with the Secretary of State. Now, therefore be it

RESOLVED, in accordance with General Municipal Law, Section 53, the Board of Trustees of the Village of Port Chester hereby designates Janusz Richards in his capacity as Village Clerk to receive notices of claims that are served upon the Secretary of State by mail at 222 Grace Church Street, Port Chester, New York 10573 and e-mail at jrichards@portchesterny.com, and be it further

RESOLVED, that the Village Board hereby directs the Village Clerk to file the required certificate with the Secretary of State notifying him of the village's designation and applicable time limitation for filing a notice of claim with the village.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

From: NYCOM General Counsel Wade Beltramo

Re: The Uniform Notice of Claim Act

On December 17, 2012, Governor Cuomo signed the Uniform Notice of Claim Act into law. The Act, which became effective on June 15, 2013, amended New York's General Municipal Law to allow notices of claim against cities and villages* to be served on the New York Secretary of State as agent for New York's public corporations. Pursuant to the Act, the New York Department of State will forward any notice of claim served on it to the individual the city or village designates to receive the notices of claim.

To effectuate this new method of serving notices of claim on public corporations, General Municipal Law § 53 was added and requires each city and village to file with the New York Department of State a certificate that (a) designates the New York Secretary of State as the local government's agent for service of notices of claim, (b) provides the name and address of an officer, person, or designee, nominee or other agent-in-fact to which the Secretary of State will forward any notices of claim, and (c) provides the applicable time limit for filing a notice of claim on the city or village. Note that General Municipal Law § 50-e imposes a general 90 day time limit for filing a notice of claim. City and village officials should check with their attorney to determine if a different time limit has been established by statute.

Cities and villages should adopt a motion or resolution approving the designation and appointing the individual to whom the Secretary of State must mail notices of claim. City and village officials have until July 15, 2013 to file the certificate with the Secretary of State.

Certificates of Designation of Notice of Claim may be filed online at https://appext20.dos.ny.gov/noc_public/f?p=800:8. Online filing is available seven days a week from 7:00 a.m. to 11:30 p.m.

As an alternative to the online filing method, Certificates of Designation of Notice of Claim may be filed using a paper form delivered to the Department of State, Division of Corporations, State Records and Uniform Commercial Code, One Commerce Plaza, 99 Washington Avenue, Albany, NY 12231. Requests for copies of the paper filing form must be sent to eDesignation@dos.ny.gov.

Failing to file a Certificate of Designation of Notice of Claim will not invalidate any notice of claim served on the New York Secretary of State.

Individuals who serve a notice of claim on the New York Secretary of State will be charged a \$250 service fee. Half of the service fee will be retained by the New York Secretary of State and the other half provided to the public corporation named in the notice of claim. Public corporations that do not file a Certificate of Designation of Notice of Claim with the Department of State will not receive a share of the service fees.

Notices of Claim against cities and villages may be served on the Secretary of State beginning Monday, July 15, 2013.

Certificates of Designation of Notice of Claim may be amended online at https://appext20.dos.ny.gov/noc_public/f?p=800:2 or by contacting the Department of State at eDesignation@dos.ny.gov for a paper form.

Any questions regarding notices of claim may be sent to the Department of State at eDesignation@dos.ny.gov.

**The Uniform Notice of Claim Act applies to public corporations which is defined in General Construction Law § 66 as a municipal corporation, district corporations and public benefit corporations. Municipal corporation is defined to include cities, villages, towns, counties, and school districts.*

RESOLUTION

RENEWAL AGREEMENT WITH
PORT CHESTER SOCCER CLUB INC.

On 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 of Port Chester has a long-standing relationship with the Port Chester Soccer Club, Inc. to operate its youth and adult soccer program; and

WHEREAS, this partnership is a notable example of a successful public-private partnership in an era of competing budget priorities, citizen demands for continued high levels of municipal services and scarce in-house resources; and

WHEREAS, the contract with the Port Chester Soccer Club, Inc. is up for its annual renewal for FY 2013-2014. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to enter into an agreement with Port Chester Soccer Club Inc., 22 Soundview Street, Port Chester, New York 10573 for the Village's Recreation Department Soccer Program for fiscal year 2013-2014, compensation in the amount of \$31,000.

Approved as to Form:

Anthony Cerreto
Village Attorney

AYES:
NOES:
ABSENT:

DATE:

AGREEMENT

This Agreement made the _____ day of July 2013 by and between the **VILLAGE OF PORT CHESTER** (hereinafter referred to as the “VILLAGE”), a New York municipal corporation located at 222 Grace Church Street, Port Chester, NY 10573, and the **PORT CHESTER SOCCER CLUB, INC.** (hereinafter referred to as the “CLUB”), a New York not-for-profit corporation, located at 22 Soundview Street, Port Chester, NY 10573.

WITNESSETH

WHEREAS, acknowledging the scarcity of Village resources and the need to secure alternative means of delivery of recreational services, the Village of Port Chester has engaged in various public-private partnerships; and

WHEREAS, the Village’s long-standing relationship with the Port Chester Soccer Club, Inc. is a notable example of such partnerships in the furthering of organized soccer play and is a model for other communities; and

WHEREAS, the parties desire to continue this partnership with a further renewal.

NOW, THEREFORE, in consideration of the covenants hereinafter set forth, the parties mutually agree as follow:

1. Term: That this agreement shall be for a period of one year, commencing on June 1, 2013 and ending on May 31, 2014.
2. Scope of Services: The Club will undertake to operate all aspects of the Village’s Recreation Department’s Soccer Program, including youth and adult soccer (hereinafter the “Program”).
3. Compensation: In consideration of the services provided, the Village shall make annual payment to the Club in the amount of \$31,000, said amount appropriated in the 2013-2014 Village Budget, and to be paid to the Club no later than July 31, 2013. The payment provided by the Village is for the Program and may only be used by the League for that and no other purpose.

4. Insurance: The Club shall at its own expense procure and maintain at all times general liability insurance with a minimum amount of \$1 million dollars for each occurrence and excess coverage in an additional \$1 million dollars. The Village of Port Chester and County of Westchester shall be named as an additional insured. The Club shall also provide a participant accident medical policy in the minimum amount of \$300,000. The League shall provide evidence of such policies to the Village for review and approval by the Village Attorney.

5. Defense/Indemnification: The Club agrees to the fullest extent permitted by law to protect, defend, indemnify and hold the Village of Port Chester and the County of Westchester and any agents, officers, employees and consultants, or any of them, free and harmless from and against any and all losses, penalties, damages, settlements, costs, charges, fees or other expenses or liabilities of any kind and character arising out of or relating to any and all claims, liens, demands, obligations, actions, proceedings, or cause of action of every kind and character in connection with or arising directly or indirectly out of this Agreement and/or the performance hereof. Without limiting the generality of the foregoing, any and all claims relating to personal injury, death, damage to property, defects in materials, actual or alleged infringement of any patent, trademark, copyright (or application for any thereof) or of any other tangible or intangible personal or property right, or any actual or alleged violation of any applicable statute, ordinance, local law, administrative order, rule or regulation, decree of any court, shall be included in the indemnity hereunder. The Club further agrees to investigate, handle and provide a defense for and defend any such claims, etc. at its sole expense and agrees to bear all costs and expenses related thereto, even if such claims are groundless, false or fraudulent. In any case in which such indemnification would violate Section 5-322 of the New York General Obligations Law, or any other applicable legal prohibition, the foregoing provisions concerning indemnification shall not be construed to indemnify the Village for damage arising out of bodily injury to persons or damage to property caused by or resulting from the sole negligence of the Village or its officers or employees.

6. Independent Contractor: It is understood and agreed that the Club is an independent contractor and that the Village assumes no liability for the means and methods for the Club's operation of the Program.
7. Financial Statement: The Club agrees to file a copy of an annual financial statement showing revenues and expenditures together with a summary of its operations to the Village no later than April 1, 2014.
8. Use of Facility: The Village shall grant a non-exclusive, revocable license to the Club for the use of the soccer facility at Columbus Park during regular business hours of the Village. Additional such use shall be permitted on the weekdays until 8:30 p.m. and on weekends from 9:00 a.m. to 8:30 p.m during the fall season (September 1 through November 30) and spring season (March 15 through May 30). The Club shall provide a schedule to the Recreation Department two weeks prior to each season to confirm availability. The Club shall pay a user fee of \$60 for a two-hour game. The Club shall engage a company at its own expense to provide temporary, portable lighting at the soccer facility after dusk. Such lighting shall be certified by this company as suitable for safe soccer play. The Club shall be responsible for operating and maintaining the lighting during use. The Club shall not erect or cause to be erected or display any signs without the permission of the Village. The Club shall not sublet the facility to third-parties without Recreation Department approval. It is understood that the facility is property held by the Village and when it is not in use by the Club, it is reserved and available to the public. The Village reserves the right to suspend or revoke the grant of the use of the facility as it may in its sole discretion determine.
9. Meetings: The Club shall provide notice and an agenda of all meetings to the Village. If the Village wishes to attend a meeting to discuss a matter of concern it shall advise the Club of its intention to attend said meeting.

10. Operational Issues: The Club shall be responsible for resolving issues with regard to the operation of the Program, such as scheduling, determining rosters and determination of play. All coaching staff and umpires shall be retained subject to background checks. The Club shall establish a formal grievance procedure and in the administration of same shall act in good faith and in a non-discriminatory manner. The Village Recreation Department shall be notified within thirty (30) days of such complaint and disposition.
11. Non-Discrimination: The Club shall abide by all applicable state and federal discrimination and human rights laws as well as the Village's Anti-Discrimination and Harassment Policy. Any complaint with respect thereto shall be immediately reported to the Village.
12. Complaints: Any written complaints by a resident on the impact of League operations shall be addressed by the Club and responded to by the Club with a plan to resolve the issue. A copy of the complaint and the response to resolve same shall be forwarded to the Village Recreation Department within thirty (30) days of the complaint.
13. Performance Review: This Agreement shall be subject to an annual review no less than ninety (90) days prior to the expiration of the term.
14. Notices: All correspondence under this agreement shall be sent as follows:

For the Village:

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

For the Club:

Caesar Aliaga

Port Chester Soccer Club, Inc.
22 Soundview Street
Port Chester, N.Y. 10573

15. This agreement is entire and shall not be altered or amended except by a writing signed by the parties hereto.

16. If any clause, paragraph, section or part of this Agreement shall be determined by a court of competent jurisdiction to be invalid, the judgment thereon shall not affect the validity of this Agreement as a whole or any part thereof other than the part decided to be invalid.

17. This agreement is subject to the approval of the Port Chester Park Commission and Recreation Commission.

Approved as to Form:

Village Attorney

IN WITNESS WHEREOF the parties hereto have set their hands and seals the day and year first above written.

Village of Port Chester

By: _____
Christopher D. Steers, Village Manager

Port Chester Soccer Club, Inc.

By: _____
President

REPORT
OF
THE VILLAGE MANAGER



VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Mayor and the Board of Trustees

FROM: Christopher D. Steers, Village Manager

DATE: July 1st, 2013

RE: Updates

ACTIONS:

1. **Recruitment of two interns for the Building Department:** Recruitment of the two interns is underway. Interviews ongoing until both positions filled. To date one position filled.

INITIATIVES:

1. **Additional ADA Compliant On- Street Parking Spaces:** As a follow up to the report dated 6/10/13 from the traffic Sergeant; additional research is needed regarding the feasibility and cost relating the construction / placement of additional Handicap spaces at the recommended locations. The concerns arise regarding the need for compliance with ADA requirements. I will follow up with the BOT when final recommendations are drafted.

PROJECTS:

1. **350 North Main Street:** Again, the assessment of the current conditions at the Police and Court building includes the need for exterior drainage work, interior drainage work, painting, possible lead abatement, pointing of the brick around key sites of the building, and repairs to the cell blocks. To date we are aware of at least two union complaints on the condition of the building, one to OSHA and one to PESH (the NY Department of Labor).

PESH NOV: All Violations have been corrected final Inspection pending from PESH. Secondary NOV not yet received. Issues:

- Work Place Violence training. Although we have been providing said training Labor standards require more rigorous institutionalization of said training. We will be working with PESH staff to fully develop a compliant program.
- Right -to- Know program. Various elements of or existing program needs enhancement. Again we will be working closely with PESH to fully develop compliant program.

- Industrial Hygiene issues: pending NOV we assume the hygiene issues would relate to conditions within the basement. Preliminary corrections underway. Action steps taken thus far:

Staff met with Safety and Health Inspector on June 6th, 2013. The outcome of the meeting was as follows: of the 18 violations cited, 13 had been complied with as of that date (attached); of the remaining violations (electrical in nature) we were within the mandated compliance period of July 15th; about three other violations required us to request Permission to Modify Abatement Date (a PMA), which was granted. We were also notified of a second Notice of Violation that was pending issuance under the Industrial Hygiene Division relating to mold and other conditions within the basement. At the end of the day we were ahead of the game as we have been dealing with the concerns prior to the issuance of the NOV.

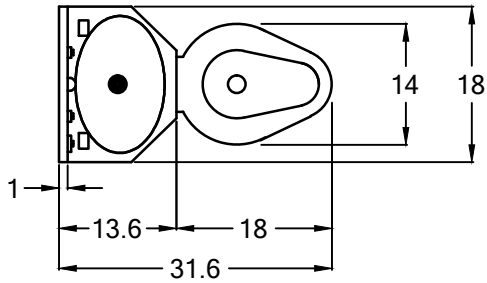
- The preliminary exterior drainage has been completed.
- The interior renovations within the court room have been completed.
- DPW has received some quotes for the brick pointing. They are on the high side and break the cap for necessitating a bid. Working with the Village Engineer on Bid specs.
- Quotes have been received relating to a lead assessment and remediation. The award is pending the related Bond resolution. Moran Environmental Recovery (MER) has been chosen to complete the remediation with an estimate of \$5,300. Notice to proceed is pending receipt of final costs.
- The final report on the cell block repairs has been received from JCJ (attached). We will be moving forward with low cost fixes for the current conditions as recommended. DPW has been instructed to clean and paint the cells in the interim. Again, the project is being approached as a maintenance and repair program based on existing conditions and not an architectural alteration or improvement effort.
- Emergency repairs due to closure of Cell Blocks on 6/24/13:
 - Staff held a briefing on said conditions on 6/27/13
 - Joe Marino of Expert Auto collision and repair, an Welding will be performing the necessary welding within the cells in order to affect the repairs,
 - Alan Lee of Alvar Lee Plumbing and Heating will be performing the Plumbing work required to effect the repairs.
 - No work will move forward until scope of work and costs are received from each contractor as well as all applicable insurance, etc...
 - An order is pending for the Universal Combination Toilet Fixture;
 - Duration of work is pending delivery status of chosen fixtures.
 - We are in the process of formalizing an IMA with the City of Rye for the Use of their cells during the duration of the repair project. Their city Attorney and Our Village Attorney are hammering out the details of same.
 - Rough estimates of cost are at \$30k ±.

Attachments.

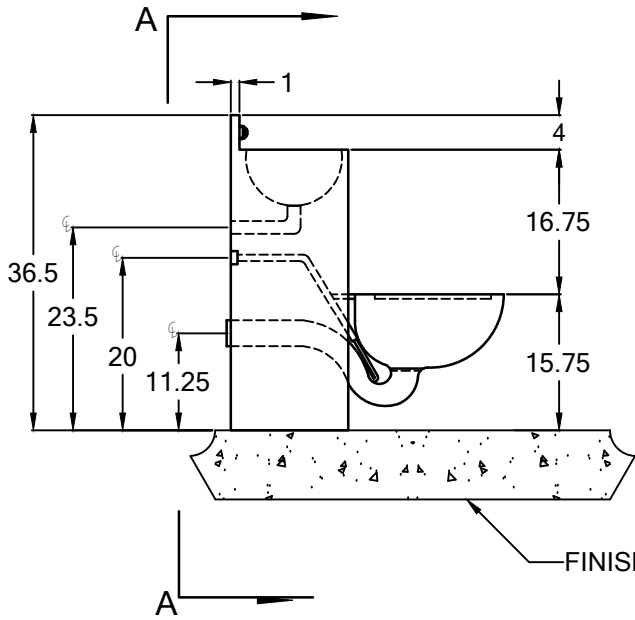
CC: Senior / Executive Staff
Maryanne Veltri, Office Assistant
File

General Notes:

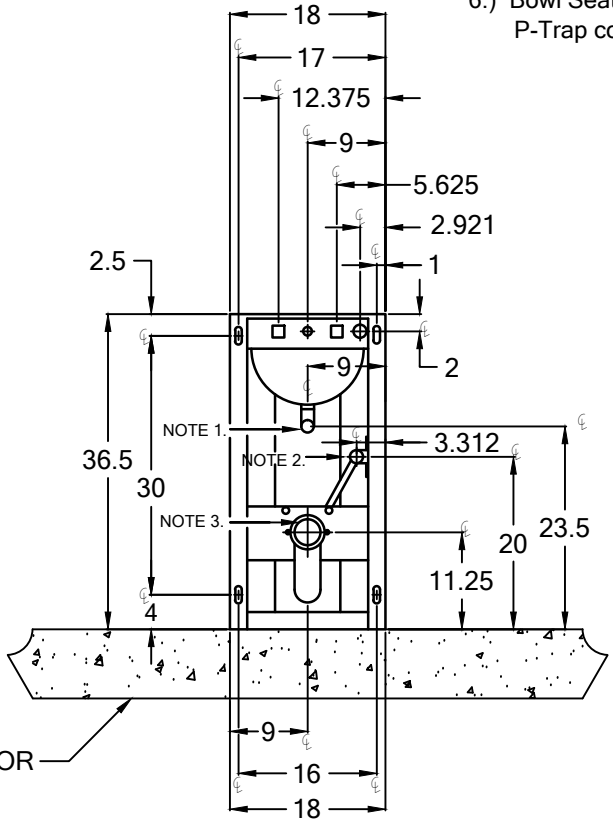
- 1.) 1 1/2"Ø Sch. 5 Tubing, Sink Drain.
- 2.) 1 1/2" N.P.T. Water Line Connector.
- 3.) 3" P-Trap.
- 4.) Also comes In Right-hand Model.
- 5.) Toilet Paper Holder, Optional, Yes _____ No _____.
- 6.) Bowl Seat Height Is 15 3/4" From Finished Floor when P-Trap connection is the 11.25" height as shown.



Top View



Front View



"A" - "A" Section View

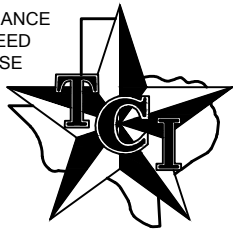
NEEDS VERIFICATION:

1. Cold water only? _____ -OR- Hot & Cold water? _____
2. Height of P-Trap connection correct? _____ YES _____ NO
3. All other dimensions correct? _____ YES _____ NO
4. _____ Right Hand -OR- _____ Left Hand
5. Sink drain as shown _____ -OR- sink drain to bowl _____.
6. Length of P-Trap extension from back of cabinet _____.

Standard Testing Flush Valve Type:
 35 P.S.I.
 1.6 G.P.M.
 1-1/4" Water Line

APPROVED AS SUBMITTED REVISIONS
 APPROVED AS CORRECTED NOT APPROVED

CHECKING IS FOR CONFORMANCE WITH THE DESIGN CONCEPT AND COMPLIANCE WITH THE INFORMATION PROVIDED BY THE CUSTOMER. WE CANNOT PROCEED WITH THE QUOTE PROCESS WITHOUT CUSTOMER APPROVED DESIGN. PLEASE SIGN AND RETURN THIS DRAWING TO US.



Texas Correctional Industries Metal Division			FOR: Catalog Item	PAGE 1 of 1	
REV.	DRG. NO.	DRAFTER	APPROVED BY:	ITEM:	SCALE
	P2-04-1001	Glenn	D. Tucker 10/28/04	Left Hand Universal H/C Water Fixture	N.T.S.

SIGNATURE _____
 DATE _____

August 21, 2012

Christopher J. Russo
Village Manager
Village of Port Chester, New York
222 Grace Church Street
Port Chester, NY 10573

RE: **Detention Cells**
Village of Port Chester
JCJ Project No. H09035.02

Dear Chris;

I have enclosed a range of options (1 thru 4) relative to upgrading the current male cell block. Depending on the option selected, the cost of the work could range from \$50,000 to several hundred thousand and even more, if significant code / infrastructure to the present building is required to support the renovation. Also, there are questions such as abatement of the present cell block for lead paint, the need to provide a handicapped cell, are 5 x 7 steel cells still allowed, and other issues that will arise.

My suggestion is that we schedule a meeting with NY SCC in Albany to discuss the project in view of the fact that a new replacement facility is being planned and any monies spent on the present building should be kept to a minimum. I am pretty much available to meet in Albany anytime, except for the week of September 10 thru 14.

I have also asked Norm Goldman to schedule his field work the week of September 17th and I will let you know a specific date and time as I plan to come to Port Chester to help kick-off their survey work.

Regards,

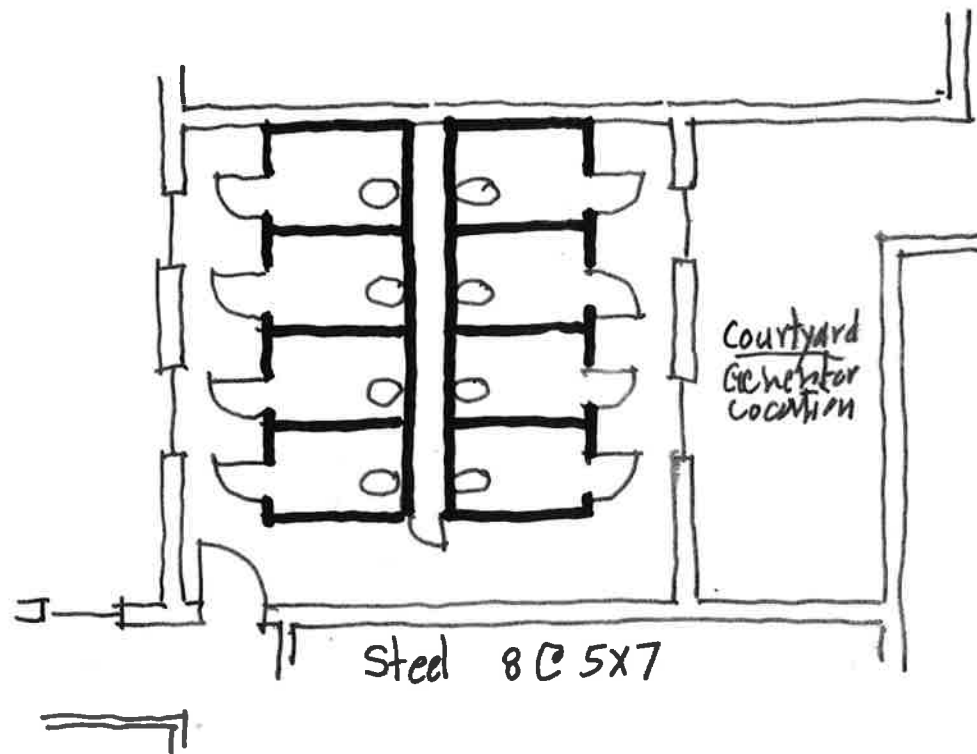
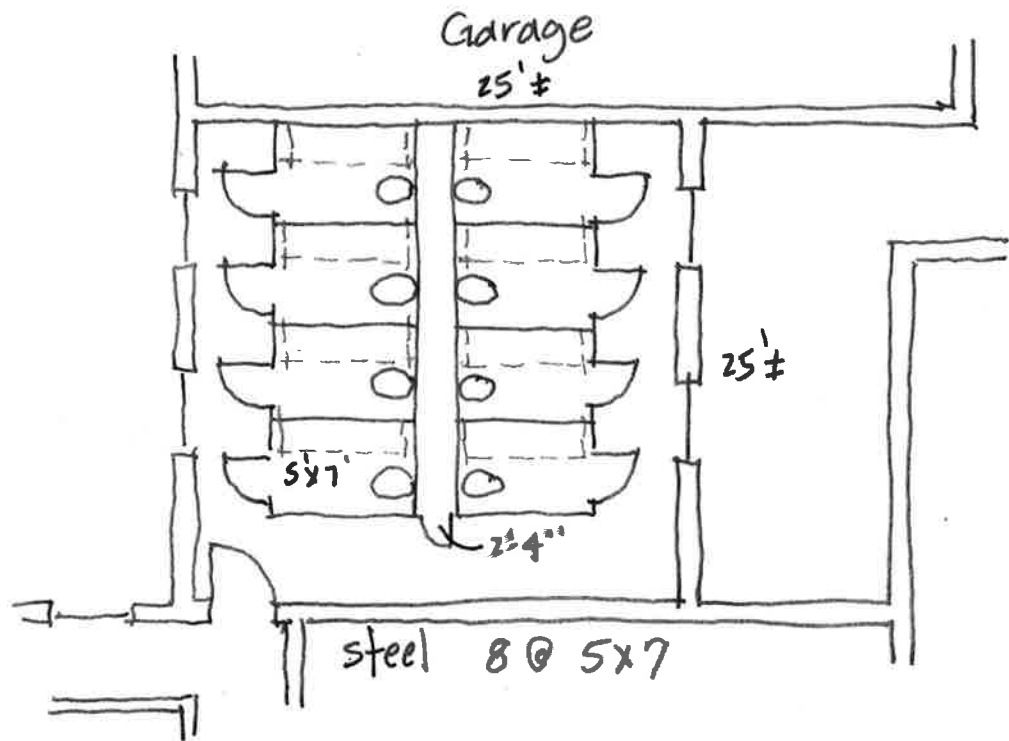


David G. Jepson
Principal

Village of Port Chester, NY
Detention Cell Improvements
August 21, 2012

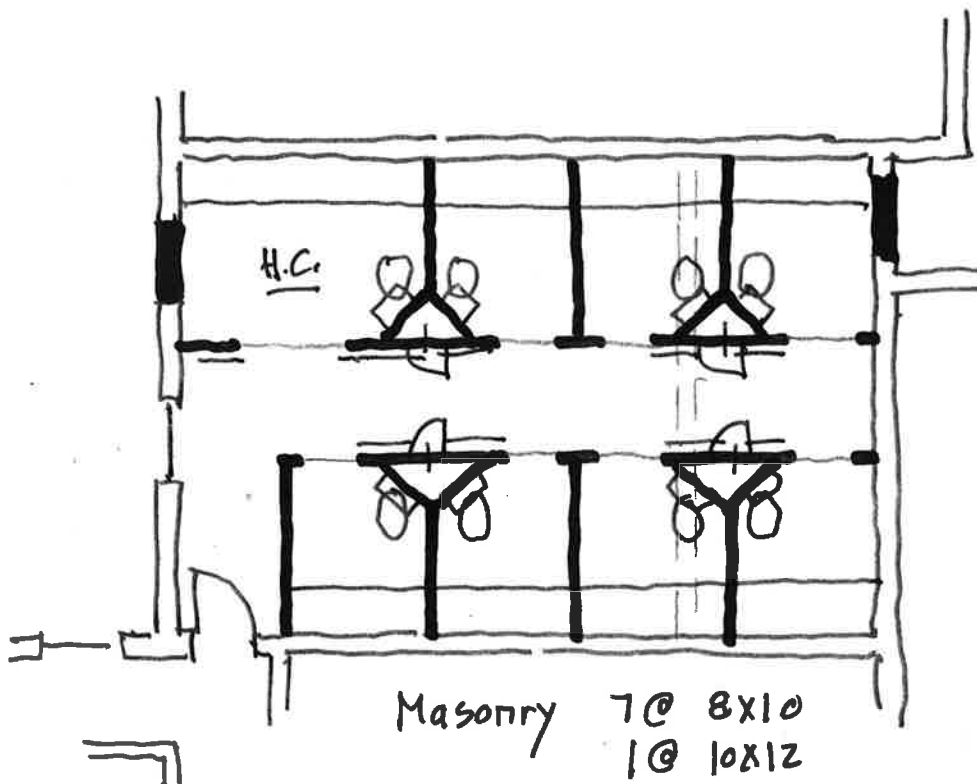
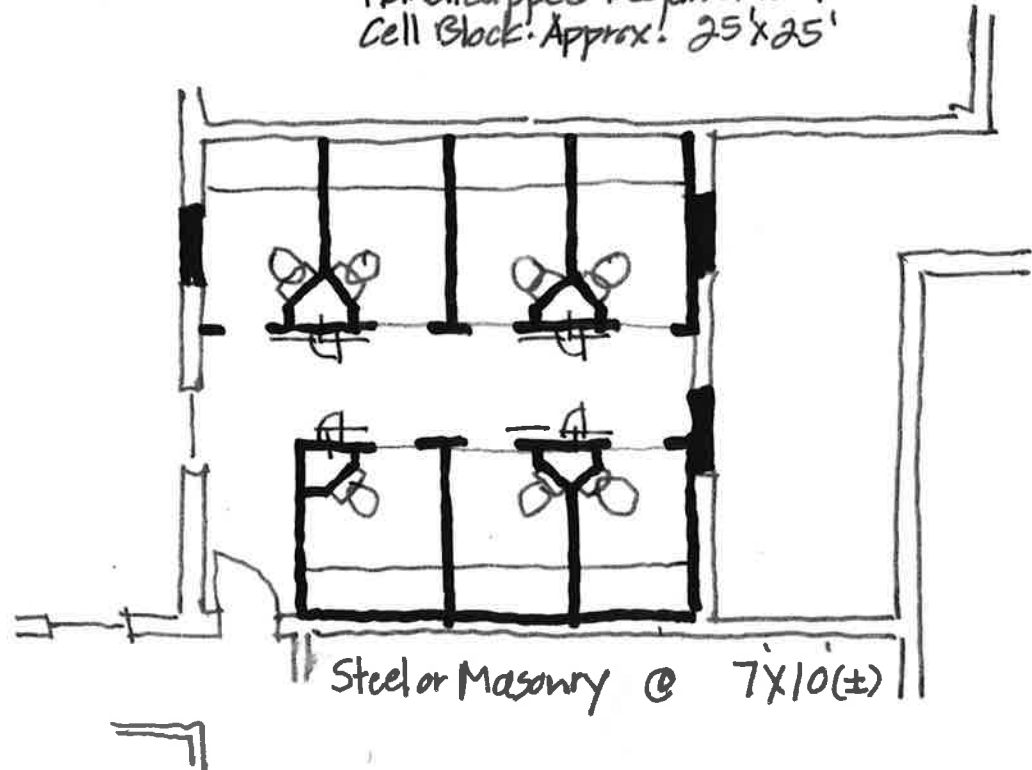
	Option 1	Option 2	Option 3	Option 4
Trade Costs:	\$40,000	\$110,000	\$175,000	\$260,000
Demolition				
Architectural				
MEP				
Site				
GL OH & P	\$5,000	\$15,000	\$25,000	\$40,000
Soft Costs	\$1,500	\$12,000	\$20,000	\$30,000
Contingency	\$3,500	\$13,000	\$30,000	\$20,000
Total	\$50,000	\$150,000	\$250,000	\$350,000

Note: Does not include abatement and related renovation beyond the cell block area



EXISTING ISSUES:
 Generator Location
 Basement/Crawl Space
 Handicapped Requirement
 Cell Block: Approx. 25'x25'

OPTION 1 Paint, Patch, Fix or Replace in kind



OPTION 2 Reconfigure w/ New Steel Cells

OPTION 3 Addition/Renovation w/ New All Masonry Cells.

REVISIONS:

POUCE : COURT FACILITY - OPTIONS
 The Village of Port Chester, N.Y.
DETENTION CELLS

JCJ ARCHITECTURE
 JCJ Architects, Inc.
 38 Prospect Street
 Hartford, CT 06103

©2006 JCJ Architecture, Inc.

DATE: 4/09/25.02
 JOB:
 DRAWN:
 SCALE: 1" = 10'-0"

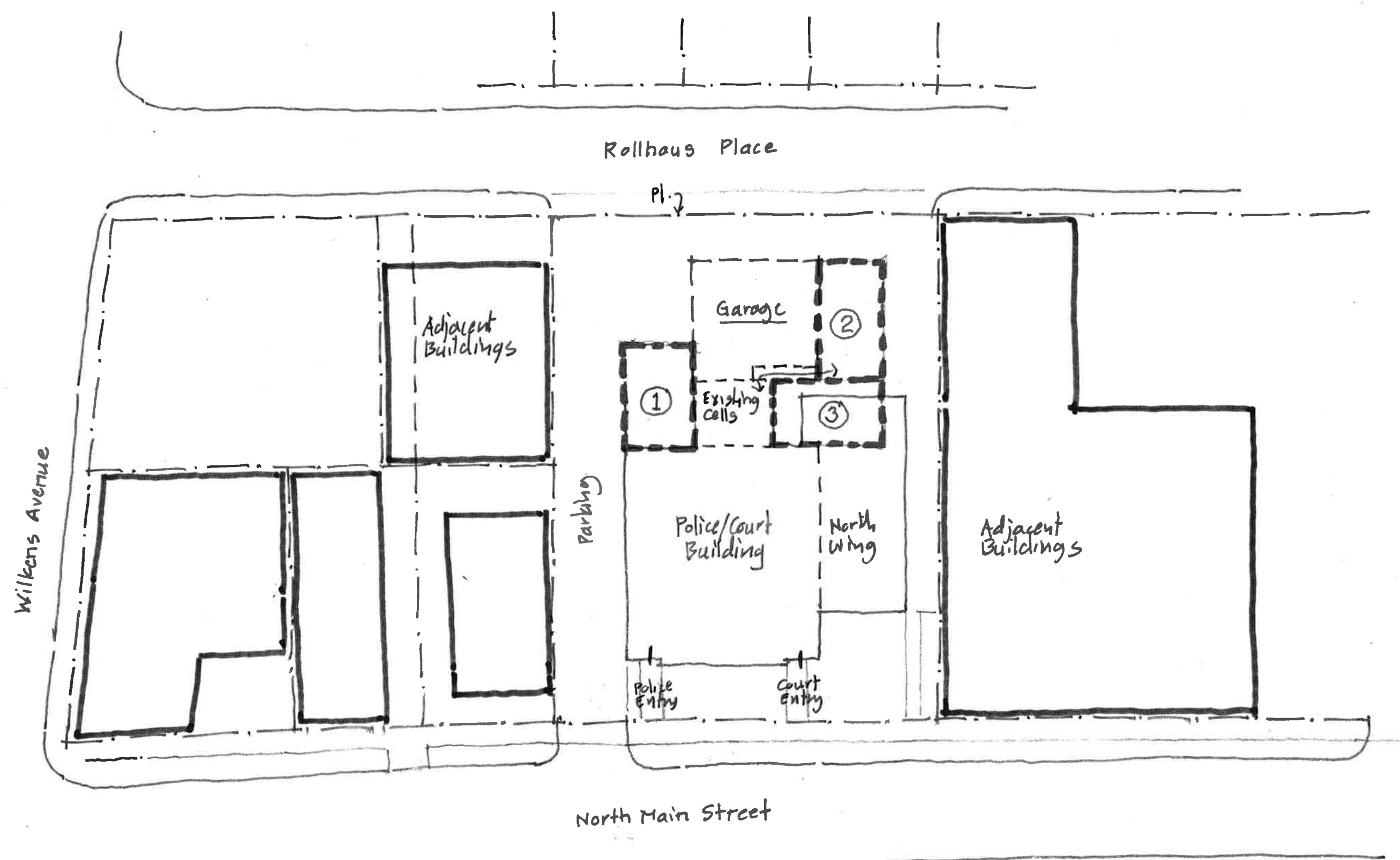
REVISIONS:

POLICE : COURT FACILITY OPTIONS
The Village of Port Chester, N.Y.

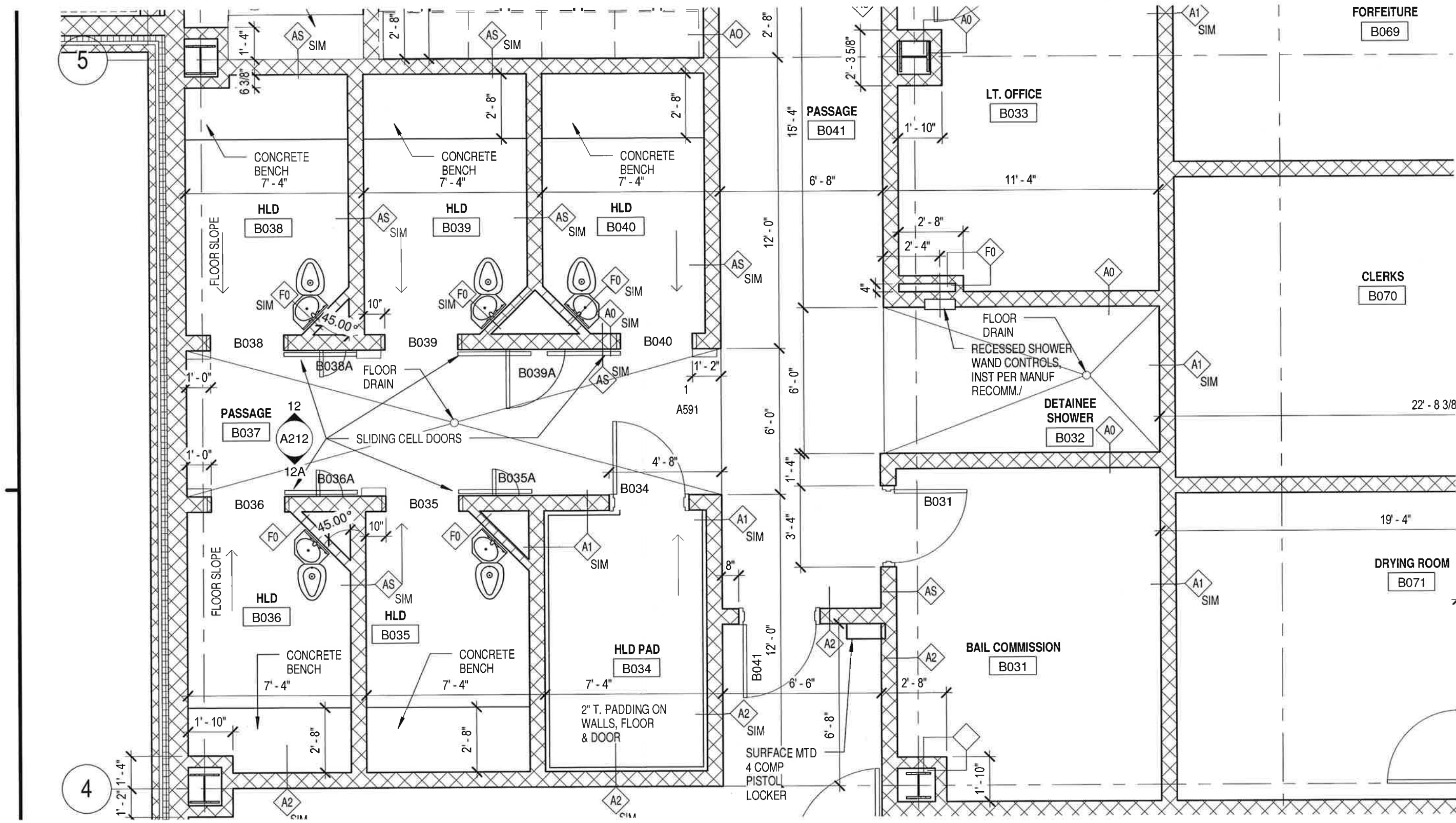
JCJ ARCHITECTURE
JCJ Architecture, Inc.
59 Prospect Street
Hartford, CT 06103

©2006 JCJ Architecture, Inc.

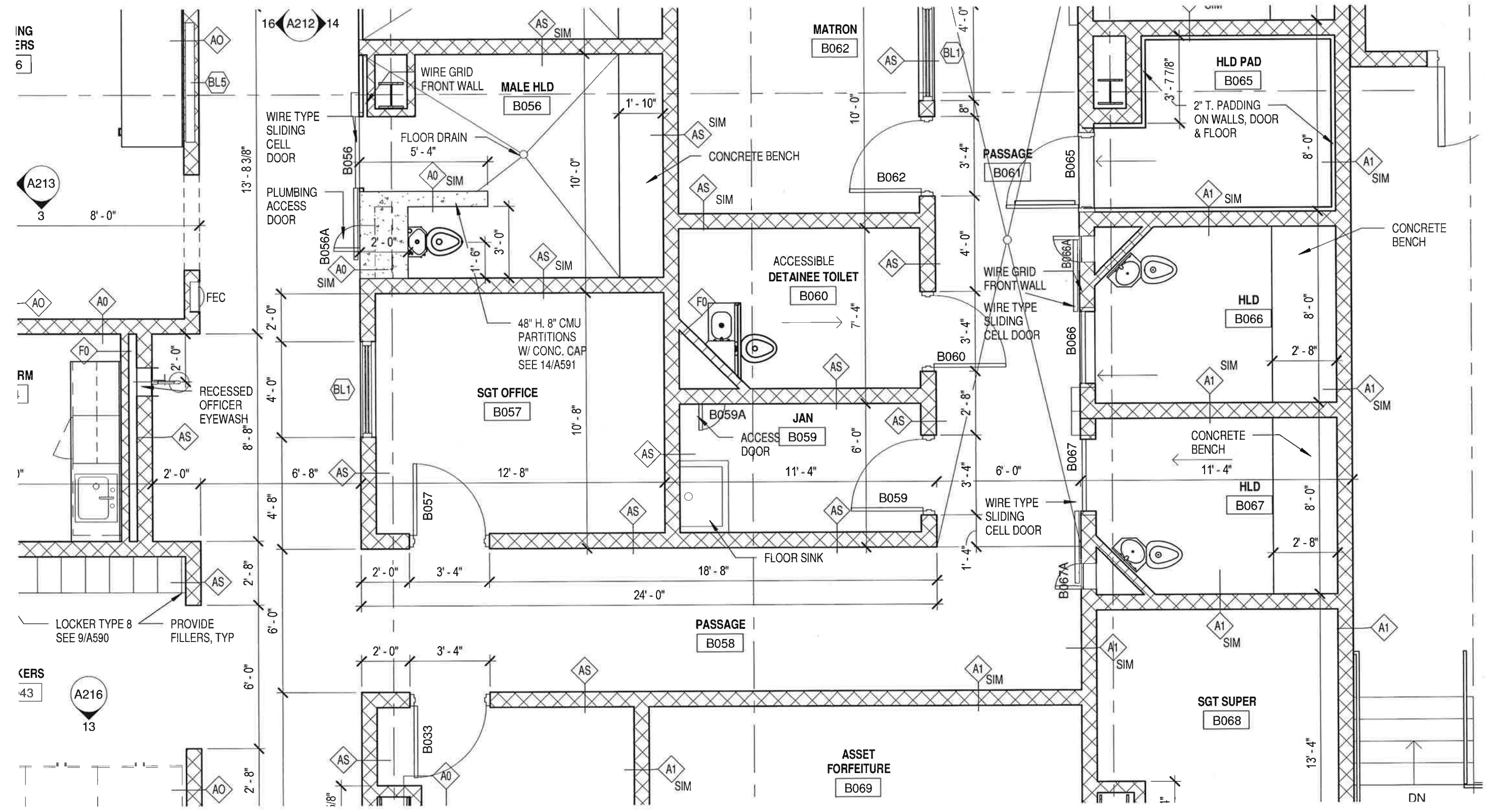
DATE:
JOB: H09035.02
DRAWN:
SCALE: 1" = 40'-0"



- OPTION 4 New Construction
- Location 1 - Displaces Parking
 - Location 2 - Requires Access Corridor Through Garage
 - Location 3 - Requires Demolition of a Portion of the Existing North Wing.



ING
ERS
6



A213
3

RM
1

ERS
43

A216
13

DN

Dolph Rotfeld Engineering, P.C.**M E M O**

TO: CHRIS STEERS
FROM: DOLPH ROTFELD
SUBJECT: POLICE HEADQUARTERS
DATE: JUNE 12, 2013

As per our work at the subject site, please be advised as follows.

1. We met with people from Santos Restoration, Inc., to discuss conducting test probes regarding the condition of the brick wall. A proposal has been submitted for the investigation and report by Santos in the amount of \$3,200.00, which I believe to be fair and reasonable.
2. After discussion with the firms, we are forwarding to you a proposal from Moran Environmental Recovery (MER) to remove and dispose of the lead contamination from the pistol range. This proposal was less costly, \$5,300.00, than one to provide only a study and report for the removal of the material.
3. Most of the drainage work to relieve the interior flooding has been completed. The remaining items to be done are the roof drainage from the annex roof and from a portion of the court room roof to be piped away from the alcove between the Parking Violation Bureau and the detective room in the police area.

DR



**REPORT
OF
THE VILLAGE ATTORNEY**

DISCUSSION

CORRESPONDENCE



June 26, 2013

Mayor Neil Pagano and the Board of Trustees

Village Hall

222 Grace Church Street

Port Chester, NY 10573

Dear Mayor and Board of Trustees:

Very respectfully, we direct ourselves to you Mr. Neil, to ask for your support as the main representative of the Village of Port Chester, NY. As you may know, this is the second year we are hosting the Hispanic Parade here in Port Chester. We would like to ask if you may help us have the Village of Port Chester sponsor us. Centro Cultural Bolivia is a non-profit organization that works with the town of Port Chester and its residents. This year we are having 7 Latin American countries participating. Those countries are Peru, Chile, Ecuador, Guatemala, El Salvador, Mexico and as host country: Bolivia. Many of these participants of the parade currently reside in the Village of Port Chester.

Once again thank you for time and support to the Hispanic Community. With you help our second parade will be successful.

Sincerely,

Rolando Escobar
President of Centro Cultural Bolivia

Vladimir Molina
Vice-President of Centro Cultural Bolivia

TOMY/Heather

C-2

PARK COMMISSION
Port Chester, New York

VILLAGE OF PORT CHESTER

MAY 31 2013

RECEIVED

VM

May 30, 2013

Christopher Steers, Village Manager
Village of Port Chester

Dear Mr. Steers:

At a recent meeting of the Park Commission, we received a copy of the resolution approved May 6, 2013 by Mayor Pagano and the Board of Trustees regarding Smoke-Free Areas in Village Parks.

The Commission would like to bring to your attention the fact that our recommendation to the Mayor and Board of Trustees in August of 2012 and reiterated at Board of Trustee meetings whenever the subject arose was that smoking be curtailed in the areas where children congregate such as the playground and ball fields. The approved resolution shows signs to be placed in picnic areas as well as a pavilion area. The Commission would like to see that these two signs are omitted. We would also like to be part of the group planning the placement of these signs to assure that each sign faces the interior of the parks and no sign will face the outside or exterior of the park.

Thank you for your attention to this matter.

Very truly yours

Jerry Terranova

Jerry Terranova and Park Commission

Cc: Heather Krakowski

**PUBLIC COMMENTS
AND
BOARD COMMENTS**

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**