

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, December 15, 2014
PROPOSED EXECUTIVE/CLOSED SESSION 6:00 P.M.
Regular Meeting: 6:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M.

I	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	IMA between Village of Port Chester and Village of Rye Brook regarding Sewer Rent	

II	WORKSHOP	ACTION
1	Amendment to Marina Urban Redevelopment (MUR) regarding Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 (Former Coney's lot).	

TIME: 7:00 P.M.

III	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	PUBLIC HEARING - Local Law amending the code of the Village of Port Chester - Sewer Rent Section 268-4 adjustments and appeals.	
2	PUBLIC HEARING - Local Law - amending the code of the Village of Port Chester, Chapter 345 With Regard To Site Plan Review Procedures.	
IV	PRESENTATION	
1	School Mitigation	
V	PUBLIC COMMENTS	ACTION
VI	RESOLUTIONS	ACTION
	Administration	
1	Authorizing the Mayor to Initiate an Article 78 proceeding against the Westchester County Board of Elections.	
	Legal	
2	Authorize the Village Attorney to commence Bail Forfeiture Actions pursuant to CPL 540.20.	
VII	DISCUSSIONS	ACTION
1	Booting and Towing	
2	Walk of Fame Proposal - Beautification Commission	

VIII	CORRESPONDENCE	ACTION
1	From Marvin Ravikoff regarding 26 Poningo Street	
2	Sewer Rent Appeal from Luis Angel-Lalanne 59 Windsor Road	
3	From Brooksville Engine & Hose Co. No. 5 on the election of Dave Kravitz to active membership	
4	From Putnam Engine & Hose, Company No.2 on the election of Marco Aguilar and Jose Gonzalez to active membership.	
5	From Putnam Engine & Hose, Company No. 2 regarding the expulsion of Michael Camoia.	
6	From Moises Tenesaca regarding a permission come together and have a small parade Sunday the 28th of December 2014.	
IX	MINUTES	
1	Minutes from November 3, 2014 - Amended as requested.	
2	Minutes from December 1, 2014	
3	Minutes from December 3, 2014	
4	Minutes from December 8, 2014	
X	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

WORKSHOP



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Planning and Development Department

Village BOT Meeting Date: 12/15/2014

Item Type: Presentation

Description	Yes	No	Description	Yes	No
Fiscal Impact	X		Public Hearing Required		X
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
			Downtown TOD		
Agreement		X	Manager Priorities		
Strategic Plan Related	X		Planning & Zoning		

Sponsor's Name: Christopher N. Gomez, Director of Planning & Development

Agenda Heading Title

(Will appear as indicated below on Agenda)

MUR Marina Urban Redevelopment District zoning amendment (Former Coney's Lot)

Summary

Background:

Applicant, G&S Port Chester LLC, has submitted a formal zoning petition pursuant to §345-34 to the Board of Trustees regarding former "Coney's lot" (aka "Retail D"/"Unit 2B"), Section 142.031, Block 1 Lots 3,4,5,6,20,21,22,23 and 24 of the Town of Rye Official Tax Map and interstitial Liberty Street Right-of-Way, for amendments to the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment



Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family development.

Specifically, applicant seeks a zoning amendment in order to construct a 5-story, 90,000 square foot mixed use building (“Waterfront Place”) consisting of four floors of 79 rental dwelling units (7 studios, 56 one- bedroom, and 16 two-bedroom) over 12,00 square feet of ground floor retail. The subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approval in 1999.

Petition proposes the following dimensional and bulk requirements for a newly mapped “MUR Mixed-Use District” (see attached comparison with existing downtown zoning district regulations):

Maximum Height: 5 stories or 70 feet
Minimum Lot Area per Dwelling Unit: 250 Square Feet
Minimum Lot Depth/Width: None
Front/Side/Rear Setback: None
Usable Open Space per Unit: None

Further, applicant is requesting an amendment to both the MMRP Urban Renewal Plan and MUR District regulations to add a multifamily dwelling parking regulation to the required parking table (see Exhibit “E”)

Comprehensive Plan Consistency:

The subject parcels are within the Downtown North and South Main Street and Abendroth Avenue sub-area of the comprehensive plan which is identified as “Higher Intensity Planning Zone” that strongly encourages “ground floor retail and upper level residential uses to compliment North Main Street” and regulatory controls to promote development primarily comprised of studio and one bedroom dwelling units to reduce impacts to the school district. As such, a zoning text and/or map change to ultimately permit residential development on-site is necessary to achieve consistency between comprehensive plan recommendations and the existing Village Zoning Code.

Note that the Board of Trustees retains discretionary approval authority over all requested amendments as well as site plan approval for the project by virtue of its location within the MUR Marina Urban Redevelopment District.

Comparison with Existing Downtown Zoning Districts:

As seen in the comparison table below, the proposed dimensional regulations for MUR-MU Marina Urban Renewal Mixed Use District are generally consistent with the existing downtown C2 Main Street, C5T Mixed Use Transitional, and C5 Train Station Mixed

Use Districts that abut the existing MUR Zoning District and “Retail D” parcels. Due to the site’s unique location at Liberty Square in the heart of the Village’s downtown at the confluence of several zoning districts, it may be appropriate to look to create a new hybrid MUR-MU zoning district with elements from each of the existing three downtown mixed use districts outlined below.

Dimensional Regulations	Existing Downtown Zoning Districts			Proposed
	C2 Main Street Business	C5T Downtown Mixed Use Transitional District	C5 Train Station Mixed Use	MUR-MU Marina Urban Renewal Mixed Use District
	§ 345-48	§ 345-50.2	§ 345-50.1	
Maximum Floor Area Ratio (See definition, § 345-2)	3.2 (4.0)	4.00 (4.5)	4.00 (4.5)	≈3.9
Maximum Floor Area Ratio For 1 Story	NR	NR	NR	NR
Minimum Size of Lot:				
Area, nonresidential (square feet)	NR	NR	NR	NR
Area per dwelling unit (square feet)	750 (575)	575 (400)	400 (250)	250
Width (feet) (e)	40	40	40	NR
Depth (feet)	NR	NR	NR	NR
Minimum Yard Dimensions:				
Front (feet)	NR	NR	NR	NR
Side:				
One (feet)	NR	NR	NR	NR
Total of 2 on interior lot (feet)	NR	NR	NR	NR
Rear (feet)	20	20	20	NR
Maximum Height of Building:				
In stories	5	5*	8**	5
In feet	60	60*	90**	70
Minimum Usable Open Space on Lot:				
For each dwelling unit (square feet)	50^	50^	50^	NR

() = FAR and Lot Area Per Dwelling Unit reduction bonus potential in accordance with §345-16.

* Building height bonus of one story (10 feet) is available in accordance with §345-16.

**Building height bonus of two stories (30 feet) is available in accordance with §345-16.

^Village Board of Trustees may accept an offer of cash in lieu of 50 square feet of usable open space per unit or portion thereof. The value should be based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. All funds should be kept by the Village in a separate account to be used only for the acquisition, preservation, or improvement of open space in accordance with §345-7 E.

FAR: Although no specific maximum FAR is called out in the applicant’s petition, dividing the anticipated development square footage (90,000) by the total lot area yields an approximate FAR requirement of 3.8-3.9 which is comparable to the as-of-right 4.0 FAR permitted in both the C5 and C5T districts west of the site. Note that the C2 Main Street Business District immediately to the north of the site offers an as-of-right FAR of 3.2, bonus-able to 4.0 under the provisions of §345-16.

Lot Area per Dwelling Unit: Applicant is requesting a lot area per dwelling unit of 250 square feet to permit 79 units on site. Note that under existing downtown zoning, 250 square feet per dwelling unit can only be achieved via a density bonus application in the C5 Train Station Mixed Use District to reduce as-of-right 400 sq. ft. to 250 sq. ft.

Minimum Yard Dimensions: None of the existing downtown zoning districts have front or side yard setback requirements to maintain a consistent street wall along Main Street and Westchester Avenue. However, they do each require a 20 foot rear setback. Applicant is proposing no rear yard setback for the MUR-MU District.

Height: The petition call for 5 stories/70 feet, which is in line with story height of both the C2 and C5T districts, albeit with an additional 10 feet of height. The C2 would not permit 70 feet, the C5T could via the density bonus program §345-16. C5 permits 8 stories/90 feet as-of-right.

Minimum Usable Open Space on Lot: All three existing mixed use districts require 50 square feet of usable open space per dwelling unit or a payment of cash in lieu based on 50% of the assessed value of the land on the site, calculated by utilizing the 50 square feet of land per unit. Applicant is requesting no requirement for usable open space per dwelling unit for the proposed MUR-MU District.



Proposed Action

Adoption of Lead Agency/Planning Commission referral Resolution

Attachments

Memo
Resolution

RESOLUTION

DECLARATION OF INTENT TO BE LEAD AGENCY AND COMMENCEMENT OF THE STATE ENVIRONMENTAL QUALITY REVIEW ACT PROCESS RELATING TO PROPOSED ZONING MAP AND TEXT CHANGES TO THE EXISTING MARINA URBAN REDEVELOPMENT (MUR) DISTRICT AND THE MMRP URBAN RENEWAL PLAN

DECEMBER 15, 2014

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 December 5, 2014, the Village Board of Trustees received a zoning petition from G&S Port Chester LLC (herein referred to as “Applicant”) to amend the respective zoning map and text amendments to the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family residential development (“Exhibit D” in Applicant’s petition); and

WHEREAS, the proposal includes the parcels designated as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as the interstitial Liberty Street Right-of-Way; and

WHEREAS, the proposal specifically seeks creation of a new “MUR-MU Marina Urban Redevelopment Mixed Use District” to permit the construction of a 5-story, 90,000 square foot mixed use building (“Waterfront Place”) consisting of four floors of 79 rental dwelling units (7 studios, 56 one- bedroom, and 16 two-bedroom) over 12,00 square feet of ground floor retail; and

WHEREAS, the subject parcels were approved for three (3) stories and approximately 40,000 square feet of retail development as part of the overall project approvals in 1999; and

WHEREAS, the Village of Port Chester Board of Trustees retains authority to amend the Urban Renewal Plan for the Modified Marina Redevelopment Project, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment in accordance with Article XVI Marina Redevelopment Project Urban Renewal District of the Village Code. Now therefore be it

RESOLVED, the Village of Port Chester Board of Trustees declares its intent to serve as Lead Agency for the proposed Unlisted Action as defined in Part 617 of the State Environmental Quality Review Act (SEQRA) regulations and circulates the proposal to the following interested/involved agencies for review; and be it further

RESOLVED, that the Village Board of Trustees refers the proposal to the Village of Port Chester Planning Commission for review and comment in accordance with Chapter 345-23 of the Village Code.

Potential Interested/Involved Agencies:

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

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

Port Chester Waterfront Commission
Bart Didden, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

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

City of Rye
Christian Miller, Planning Director
City Hall
1051 Boston Post Road
Rye, NY 10580

Westchester County Planning Board
Jeremiah Lynch, Chairman
148 Martine Avenue
White Plains, NY 10601

Town of Rye

Hope Vespia, Town of Rye Clerk
222 Grace Church Street
Port Chester, NY 10573

Village of Rye Brook
Christopher Bradbury, Administrator/Clerk
938 King St, Rye Brook
NY 10573

Town of Greenwich Clerk
Carmella C. Budkins
101 Field Point Rd
Greenwich, CT 06830

New York State Department of Transportation Region 8
William Gorton, PE Regional Director
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603

Approved as to form:

Anthony M. Cerreto, Village Attorney

AYES:

NAYS:

ABSENT:

DATE: December 15, 2014

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 12/15/2014

Item Type: Resolution Setting Public Hearing

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact		x <input type="checkbox"/>	Public Hearing Required	x	
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	x	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	Sewer Rent Project		

Agenda Heading Title

(Will appear on the Agenda as indicated below)

A public hearing to consider the advisability of adopting a local law amending Chapter 268 of the Code of the Village of Port Chester "Sewer Rents" to clarify procedures with regard to adjustment in water consumption

Summary

Background:

To more equitably pay for the cost of making necessary and mandated repairs to the Village's sanitary sewer system, estimated to be \$15 million over 5 years, the Village has adopted a system of user fees as opposed to placing the entire burden on property owners. Such user fees, known as "sewer rents", are authorized by Article 14-F of the State General Municipal Law. Following a lengthy approval process with the State Public Service Commission, United Water Westchester, Inc., the private water company which supplies water to the Village, is billing system users under a formula of water consumption. This is the most universally accepted method of establishing sanitary sewer user fees.

Although not required, the local law establishing the sewer rents contained an adjustment and appeal process so as to provide some flexibility to an otherwise rigid application of the formula.

Based on comments from aggrieved users, the general public and members of the Board, if such adjustment process will continue, some changes are in order. The proposed changes are procedural and would not materially affect the sewer budget that was adopted for this fiscal year. In summary, the changes would:

- establish an administrative process for the hearing and determination of requests for adjustments through the Village Manager or his designee. Currently, the Board is required to perform this function.
- Provide that the request for adjustment may only be made for the time period in question that has been the subject of a bill
- Impose a deadline in which a request for adjustment must be made or is deemed untimely and cannot be considered.
- Allow for the satisfaction of the existing backlog of applications which meet the original expectation of the program.

That the Board of Trustees adopt the Resolution

Attachments

Proposed Local Law
Presentation
New Proposed Sewer Grievance Application

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, December 15, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider adopting a local law amending the Code of the Village of Port Chester, Chapter 268, "Sewer Rents" with regard to the process of adjustments in water consumption and appeals.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: November 21, 2014

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

A LOCAL LAW AMENDING CHAPTER 268, "SEWER RENTS", OF THE CODE OF THE
VILLAGE OF PORT CHESTER WITH REGARD TO ADJUSTMENT IN WATER
CONSUMPTION AND APPEALS

SECTION 1: Section 268-4 of the Code of the Village of Port Chester, entitled "Sewer rent basis; adjustments, changes" is hereby amended as follows:

...

B. Adjustment. System users may apply to the Village for an adjustment of the amount of water consumption. Such application shall be on a form provided by the Village [in writing], accompanied by any prescribed filing fee, and include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges to the sanitary sewer system for the billing period in question. The Village Manager or his designee [Board] may grant an adjustment on the [appeal as provided hereinafter] application, but in no event shall such adjustment exceed 10% of the water consumption. An application for an adjustment shall be deemed untimely if made more than sixty (60) days after the date of the subject invoice.

....

SECTION 2: Section 268-9 of the Code of the Village of Port Chester, entitled "Appeals" is hereby repealed.

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



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Planning and Development Department

Village BOT Meeting Date: 12/15/2014

Item Type: Resolution to Adopt the Local Law

Description	Yes	No	Description	Yes	No
Fiscal Impact	X		Public Hearing Required	X	
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area Business & Economic Development		
Agreement		X	Manager Priorities Planning & Zoning		
Strategic Plan Related	X				

Sponsor's Name: Christopher N. Gomez, Director of Planning & Development

Agenda Heading Title
(Will appear as indicated below on Agenda)

Public Hearing – Local Law amending code of the Village of Port Chester, Chapter 345 with Regard to Site Plan Review Procedures

Summary

Background: The Office of Planning and Development and Planning Commission have made great strides over the past two years to streamline the planning application process and enhance economic development opportunities consistent with the adopted comprehensive and strategic plans.

The attached draft local law amends §345 Zoning to clearly delineate site survey requirements and extend site plan approval from the current four months (120 days) to one year. The current four month timeframe results in many applicants requesting extensions adding an extra administrative burden to both staff and the Planning Commission. Note that site plan approval will still be valid for a total of two years from date of approval.

Proposed Action
Adoption of Local Law

Attachments
Memo Local Law

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, December 15, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider adopting a local law amending the Code of the Village of Port Chester, Chapter 345 "Zoning", Section 345-23 site plan approval procedures with regard to survey requirements and extending the term of site plan approval.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: November 21, 2014

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT
CHESTER, CHAPTER 345,
WITH REGARD TO SITE PLAN REVIEW
PROCEDURES**

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

345-23 Site Plan Procedures.

C. Submission Procedures

(2) Site plan

...

(c) All site plan applications must be accompanied by a current, certified survey of existing conditions of the application property prepared by a registered and licensed surveyor in the State of New York. Minimum requirements include property lines and measurements, tax lot designation, utility lines and connections, curb cuts, street designations, and north arrow.

H. Miscellaneous provisions.

....

(6) Validity. [Final] A[a]pproval of a site plan by the Planning Commission shall be valid for a period of [120 days] one year from the date of approval. Upon application and for good cause shown, the Planning Commission shall have the right to extend the period of approval to not more than two years from the date of the original approval.

SECTION 2: Severability

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or part thereof and the remaining part of such provision and all other provisions hereof shall continue in full force and effect.

SECTION 3: Effective Date

This local law shall take effect immediately as provided by law and upon filing with the Secretary of State.

PRESENTATION



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Planning and Development Department

Village BOT Meeting Date: 12/15/2014

Item Type: Presentation

Description	Yes	No	Description	Yes	No
Fiscal Impact	X		Public Hearing Required		X
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area Redeveloping United Hospital Site		
Agreement		X	Manager Priorities		
Strategic Plan Related	X		Planning & Zoning		

Sponsor's Name: Christopher N. Gomez, Director of Planning & Development

Agenda Heading Title

(Will appear as indicated below on Agenda)

School Mitigation Study Presentation

Summary

Background: The Port Chester Industrial Development Agency (PCIDA) has commissioned Urbanomics and BFJ Inc. to prepare a school children mitigation study quantifying the operating and capital costs associated with adding additional children to the Port Chester School District from new residential development.

The end product will be a more localized school children generation formula and associated mitigation costs per child to be applied to new multi-family residential projects in the Village that are found to have an adverse impact to the school district through the SEQRA review process.

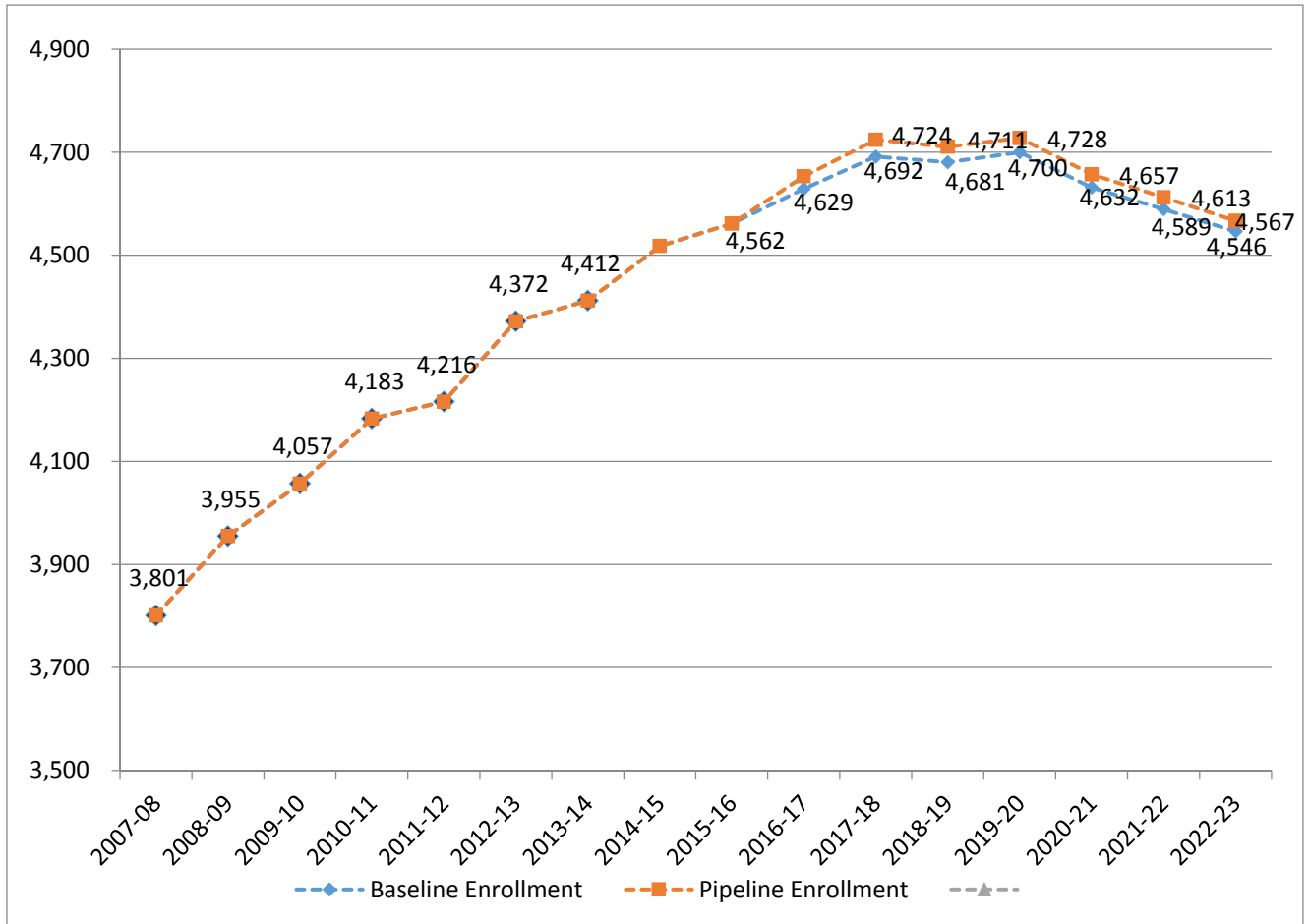
Proposed Action

Attachments

Draft Report

PORT CHESTER PUBLIC SCHOOLS

OVERCROWDING AND MITIGATION ANALYSIS



PHASE ONE REPORT

Prepared for

Village of Port Chester IDA

Submitted by Urbanomics, Inc.

November 10, 2014

TABLE OF CONTENTS

Introduction..... 1
Key Findings..... 1
Analysis of Existing Studies and Forecasts..... 2
Data Collection and Preparation of Enrollment Forecasts 2
Baseline Forecasts 3
School District Data 5
Development of Mitigation Formula 7
PUMS Public School Child Multipliers..... 7
Comparison of Port Chester Multipliers to Rutgers' 8
Test Case: The Mariner 8
Pipeline Projects..... 10
Quantify Hard/Soft Costs 12
New Construction Costs 13
Mitigation Formula Results..... 14
Spreadsheet Structure 14

Introduction

Unlike much of the rest of Westchester County, the Village of Port Chester has experienced a renaissance in recent years. In response, the new comprehensive plan and consequent zoning changes allow for higher density mixed-use development in strategic areas with the intent of creating additional economic opportunities. Several proposals have already been put forth and, as with any new residential development, there is concern that the already crowded school system will be stressed beyond capacity by additional children. To better understand and deal with this challenge, the Port Chester Industrial Development Agency (IDA) retained Urbanomics, Inc. and BFJ Planning to analyze the changing demographics and countervailing child generation rates of Port Chester and to develop a mechanism that allows the Village of Port Chester to accommodate new school children without excessively taxing existing residents.

The objective is to set in place a mechanism that is fair to existing and future property owners, that is relatively easy to administer and reasonable in terms of its economic impacts on developers and new property owners. The purpose of this mechanism is not to control growth, but to establish a funding mechanism that allows the Village to improve school conditions and that is also predictable and understandable for the developers and property owners.

The development of this mechanism followed a process of literature review, data collection and forecasting, definition of the costs of education and new school construction, development of the mitigation formula, as well as opportunities for the tool's implementation. A description and the results of this process follow.

Key Findings

- The number of public school children in Port Chester has continued to rise over the last decade unlike the surrounding municipalities in Westchester County due to demographic differences.
- The number of public school children will continue to increase through the 2019-20 school year before leveling off and beginning to decline.
- The capacity analysis prepared by Ross Haber and Associates for the Port Chester Rye School District showed a district-wide classroom deficit of 3 classrooms¹ in 2011
 - The elementary classroom deficit in the elementary peak year of 2016-2017 will be 6, excluding any potential new residential construction
 - The additional deficit due to projects in the pipeline is 2 classrooms
- Child generation rates in Port Chester are generally lower than State and Regional averages for studios and one-bedroom units, and higher than the averages for two or more bedroom units.
- Educational and operational (soft) costs per child are estimated at \$17,292
 - Minus government aid, the soft cost per child is \$13,723
- New Construction costs per child are estimated at \$35,000
 - Minus State Aid, the New Construction cost per child is \$18,370
- Applying the mitigation formula to projects in the pipeline at current unit mix yields:
 - 34 Children
 - \$1,091,257 in costs per child adjusted for State Aid
 - \$466,677 in soft/education costs
 - \$624,580 in hard/new construction costs

¹ Assumes an average class size of no more than 25 students.

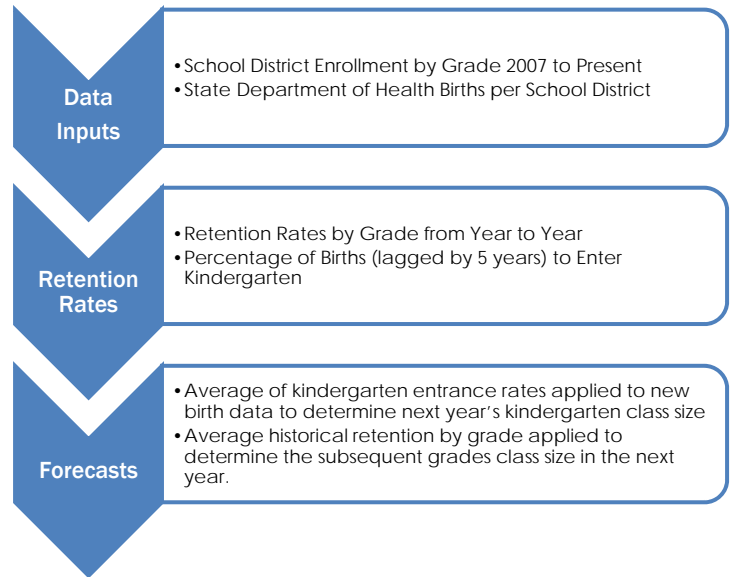
Analysis of Existing Studies and Forecasts

Urbanomics reviewed several existing studies and forecasts at the outset of the project to provide context. These studies included the Village of Port Chester Housing Study, which provided information on the predominant existing housing by type and income level of residents. The Village of Port Chester Comprehensive Plan and Comprehensive Plan EIS provided information on what future housing development will be like in the Village, in particular in the areas rezoned to higher densities.

The primary source for School District information was the Ross Haber Associates Enrollment Study prepared for the Port Chester Public Schools in June, 2011. This study included both a forecast of student enrollment to 2015 as well as a classroom capacity analysis of the District’s elementary schools. The capacity analysis showed a district-wide classroom deficit of 3 classrooms in 2011, assuming a maximum class size of 25 students.

Data Collection and Preparation of Enrollment Forecasts

The graphic to the right shows the progression of the School District Enrollment Forecasts. Historical data and assumptions for the enrollment forecasts are as follows:



- Births:
 - Historical births for all mothers residing in the Port Chester/Rye School District available from New York State Department of Health for 2000-2012; projected to 2017
 - K enrollment dependent upon annual births of 5 years prior to school year
 - Actuals for calendar years (CY) 2002 to 2007 (historical period school years (SY) 2007-08 to 2013-14)
 - Actuals for CYs 2008 to 2012 (projected period SYs 2014-15 to 2022-23)
- Total Enrollment:
 - Public School enrollment collected for mid-October from NYS Department of Education and the Port Chester Rye School District reports of all students on roll by grade.
- Survival Rates:
 - For grades K-12, forecast survival rates are computed as the average of six year historical survival rates.
 - All survival rates are applied to prior year and prior grade enrollment, with the exception of K grade levels for which survival rates are applied to corresponding row birth rates.
- Ungraded (Grades 13 and 14)
 - A ratio of special education students to regular students was computed on an historical basis by year of enrollment for K-12. The ratios were forecasted by a least squares linear regression to provide future school year percentages of special education students to be applied to the regular student forecast.
- Pending Development School Child Generation
 - All housing units proposed and under construction in the forecast period were obtained from the Village of Port Chester Department of Planning by tenure, building type, cost and unit size. The Port Chester Specific PUMS multipliers (as described in the following section) were applied to housing developments on a unit size basis.

Baseline Forecasts

What follows is an image of the Cohort-Survival Forecast worksheet.

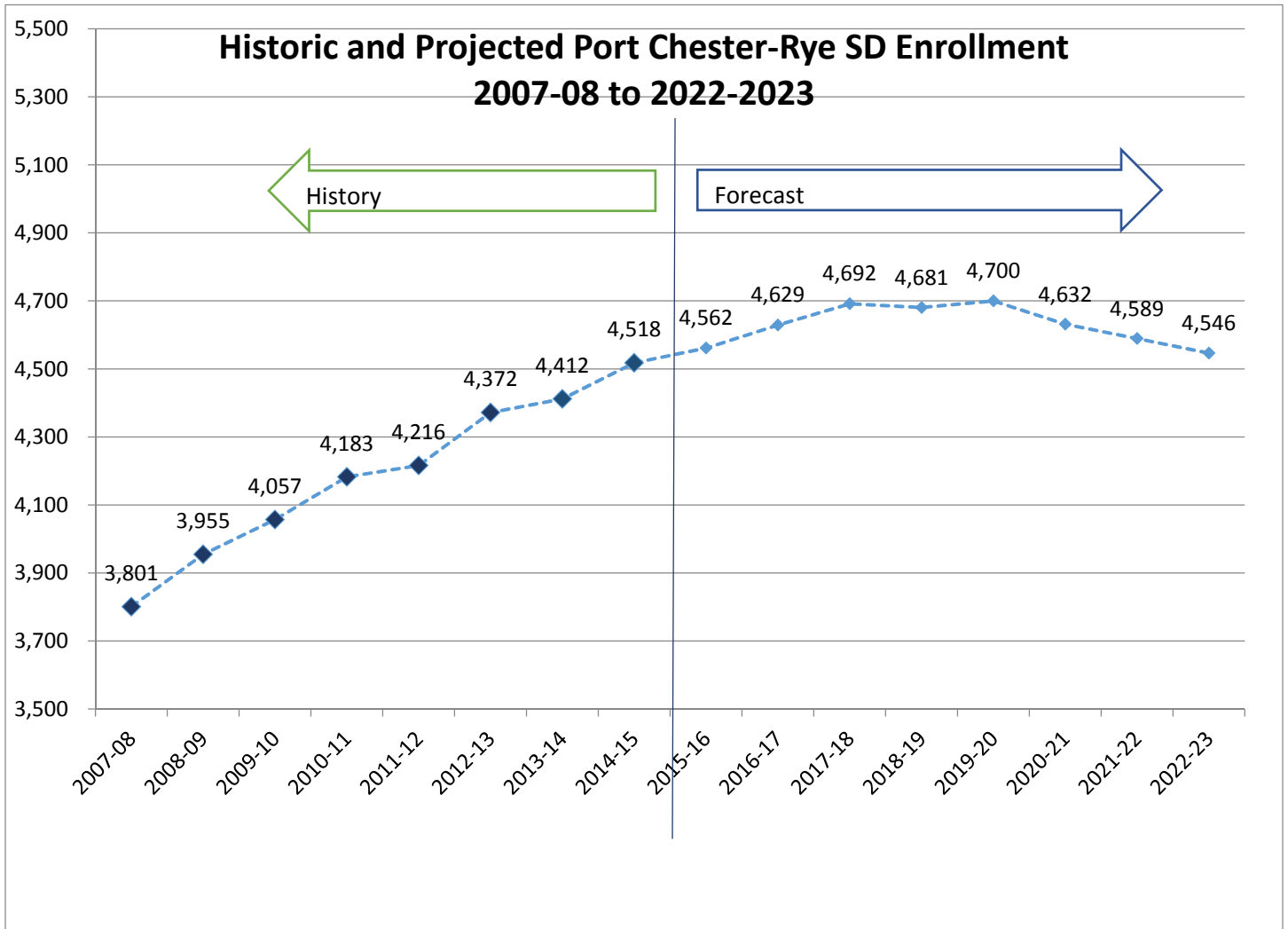
Cohort-Survival Enrollment Projection Worksheet

DISTRICT NAME: **PORT CHESTER-RYE UFSD**

COUNTY: **Westchester**

School Year	Births 5 Yrs. Ago		K	1st Gr.		2nd Gr.		3rd Gr.		4th Gr.		5th Gr.		6th Gr.		7th Gr.		8th Gr.		9th Gr.		10th Gr.		11th Gr.		12th Gr.		Total	13th Gr.		14th Gr.	
	"s"			"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"	"s"		"s"	"s"	"s"	
HISTORIC DATA																																
2007-08	521	0.681	355	321	307	279	285	267		253	270	263		357	274	232	246	3801	91	1												
			1.017	1.028	1.000	1.018	1.028	1.090	1.040	0.937	1.323	0.840	0.996	0.931														0.044	0.001			
2008-09	552	0.670	370	361	330	307	284	293		291	263	253		348	300	273	216	3955	66	0												
			0.989	1.003	0.994	1.003	0.965	1.031	1.024	1.004	1.308	0.899	0.917	0.861														0.030	0.000			
2009-10	536	0.660	354	366	362	328	308	274		302	298	264		331	313	275	235	4057	46	1												
			0.986	0.986	1.008	0.979	1.013	1.040	0.993	1.003	1.174	0.982	0.885	0.967														0.020	0.001			
2010-11	529	0.686	363	349	361	365	321	312		285	300	299		310	325	277	266	4183	45	5												
			1.003	1.023	0.981	1.025	0.978	0.971	0.968	1.000	1.134	0.919	0.874	0.953														0.019	0.004			
2011-12	491	0.760	373	364	357	354	374	314		303	276	300		339	285	284	264	4216	18	11												
			1.019	0.992	0.986	0.980	0.981	0.978	0.997	1.025	1.240	0.923	0.986	1.028														0.007	0.009			
2012-13	500	0.760	380	380	361	352	347	367		307	302	283		372	313	281	292	4372	18	17												
			1.000	0.976	0.970	0.963	0.991	1.016	0.967	1.026	1.269	0.871	0.974	0.940														0.007	0.014			
2013-14	476	0.754	359	380	371	350	339	344		373	297	310		359	324	305	264	4412	23	14												
			1.003	0.966	0.946	0.989	0.994	1.023	1.024	1.000	1.352	0.827	0.963	0.951														0.009	0.011			
2014-15	507	0.702	356	360	367	351	346	337		352	382	297		419	297	312	290	4518	44	8												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
Average Survival Rate		0.709	1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947													0.019	0.006				
PROJECTIONS																																
2015-16	475	0.709	337	357	359	361	349	344		344	353	382		373	375	280	296	4562	48	6												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2016-17	484	0.709	343	338	355	353	359	346		351	345	352		480	334	353	265	4629	48	7												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2017-18	464	0.709	329	344	336	350	351	356		354	352	345		443	429	315	335	4692	47	7												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2018-19	460	0.709	326	330	343	331	347	348		364	354	351		433	396	405	298	4681	47	7												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2019-20	452	0.709	321	327	329	337	329	345		355	364	354		442	388	374	383	4700	46	7												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2020-21	445	0.709	316	322	326	323	335	327		352	356	364		445	395	365	354	4632	45	7												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2021-22	438	0.709	311	316	320	320	321	333		333	353	356		458	398	372	346	4589	44	7												
			1.002	0.996	0.983	0.994	0.993	1.021	1.002	0.999	1.257	0.895	0.942	0.947														0.019	0.006			
2022-2023	431	0.709	305	311	315	315	318	319		340	334	353		448	410	375	353	4546	43	7												

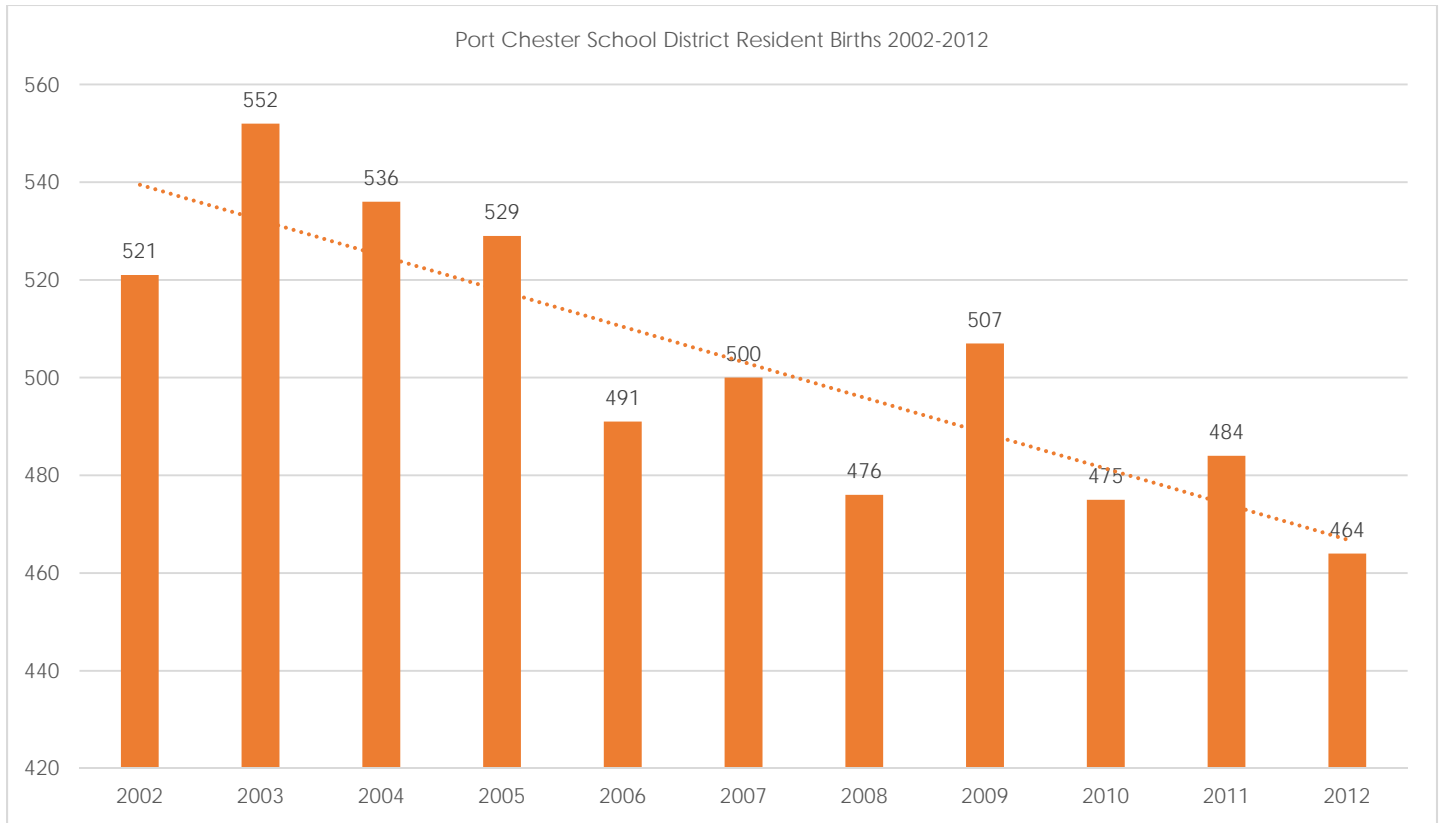
As shown in the preceding table and charted below, between 2007-08 and 2014-15 the number of public school children in the Port Chester Rye UFSD increased from 3,801 to 4,518 or by 18.9 percent (717 students) or by almost 2.7 percent each year.



Source: Port Chester Rye UFSD, NYS Department of Health, Urbanomics

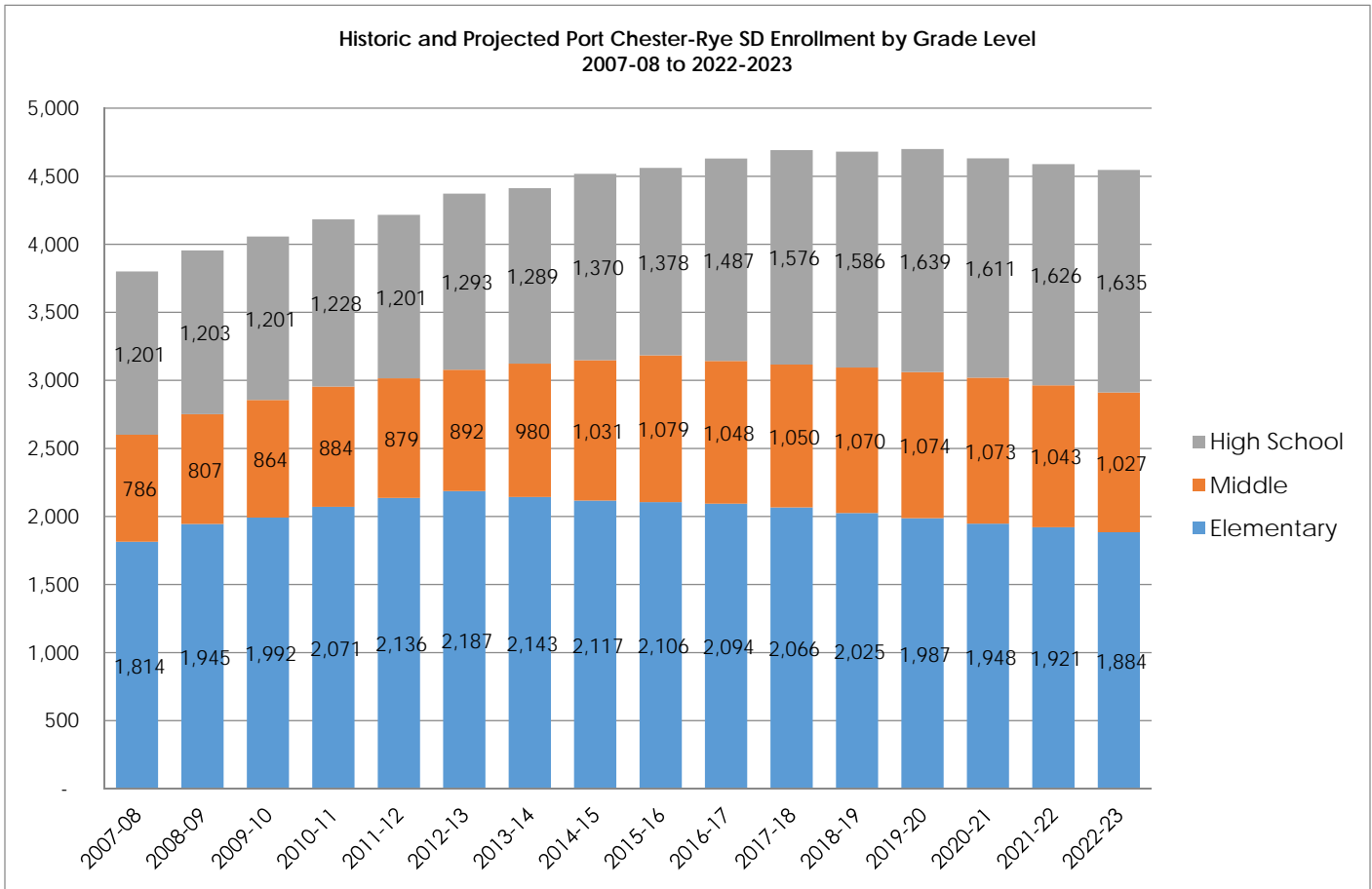
The number of public school children is expected to continue to rise through school year 2019-20, when it will peak at 4,700 students. This is an increase of 182 students or 4.0 percent over the 2014-15 school year. This increase averages to roughly 0.8 percent each year. After SY 2019-20, the number of school children enrolled in the Port Chester Rye UFSD will begin to slowly decrease.

The relatively slower growth to 2019 and the subsequent decrease in the number of students will be due to an overall declining birth rate in the District. As shown in the chart to the right, the number of District births peaked in 2003 at 552 live births. These children entered public school in the 2008-2009 school year. The projection of births used to extend the enrollment forecasts to the year 2022-23 reflects this trend.



Source: New York State Department of Health

In terms of grade levels, the forecasts show that middle school enrollment will peak with 1,079 students in 2015-16 and high school enrollment will reach its peak for this forecast period in 2019-202 with 1,639 students. Elementary enrollment reached its peak in 2012-13 and will slowly decline throughout the forecast period as shown in the chart that follows.



Source: Port Chester Rye UFSD, NYS Department of Health, Urbanomics

It should be noted that these forecasts reflect only Public School Enrollment. Only 87 percent of Port Chester children ages 3-17 enrolled in school, attend public school. There are an additional 600 children who attend private school, who could potentially end up in the Public School System due to parochial school closures or changes in family economic circumstance.

This is further evidenced by the fact that the student retention rate between 8th and 9th grade increases to 1.257, demonstrating that many children enter the public school system for the first time as high school students, likely after attending parochial and other private elementary schools. One in every five 9th graders did not come through the public school feeder system. If the private schools were to close, the demand for space in the public schools would increase greatly.

School District Data

Urbanomics and two representatives of the Village Planning Department met with Superintendent Klizsus, Deputy Superintendents McAward and Fannelli and members of the School Board on July 10, 2014 to provide an overview of our scope of work and discuss current conditions and expectations of capacity demand. In addition, we discussed Urbanomics' assumptions for child generation and construction costs, as well as the preliminary baseline forecasts. The School District representatives were very receptive and forthcoming with adjustments based on current circumstances.

New information, by topic, included:

- Soft Costs: 2014-15 detailed budget
- Hard Costs: They are in the process of planning an addition to the middle school that will allow them to house the 300+ students for whom they are currently renting the Catholic school. Construction costs for the addition are estimated by their architect at \$350 psf. They are using the NYS standard for number of required sf per child.
- Child generation: In order to check the generation rates, the District provided an electronic copy of their enrollment by address for 2012. In particular, the Deputy Superintendents were particularly concerned about new developments such as the Mariner, which generated many more public school children than estimated.
- Forecasts: They had no qualms about the forecasting methodology, but had several suggestions for improvements.
 - The students from the closed catholic school are already included in the enrollment totals and therefore I need to adjust the forecasts downward.
 - Many Port Chester students take 5 years to finish high school. (They refer to it as Grade 14 in their records.) Another grade was added to the model.
 - The numbers reported to the State, which Urbanomics had used for the historical record, have specific requirements and do not necessarily include the 2nd year seniors. Frank Fannelli will provide their historical enrollment, including Grade 14.

In addition, the District shared a data file listing all students enrolled in the District for the 2012 school year by address. This file was invaluable in allowing the testing of the various iterations of multipliers developed for the school mitigation formula as described in the following section.

A second briefing on this project was presented at the School District Liaison Meeting on November 4th, 2014. Maura McAward, Assistant Superintendent for Business attended this meeting and expressed concern about the soft cost assumptions; in subsequent days, she shared the official 2014-15 enrollment count and worked with Urbanomics to refine the cost assumptions.

The final cross-tabulations² include the number of public school children 18 and under by tenure, structure type, number of bedrooms, by household income level of all units as meet the following definitions:

Tenure

- Own
- Rent

Structure type

- Single Family (single family attached, detached, mobile home, etc.)
- Townhouse (2-4 units in structure)
- 5+ units

Bedrooms:

- Studio
- One
- Two
- Three or more

Income level³

- Affordable (80% of median income or less)
- Workforce (80-120% of median income)
- Market (120% of median income or more)

Comparison of Port Chester Multipliers to Rutgers'

The resulting multipliers differ from the oft-used Rutgers' 2006 estimates as highlighted in the table below. Generally, the customized multipliers yield greater numbers of public school children in Single-Family homes as well as in Multi-Unit structures with 2 or more bedrooms, but lower numbers in 1-bedroom units, regardless of tenure or structure type.

	Single Family Market Rate				Multi-Unit Market Rate			
	Renter		Owner		Renter		Owner	
	Formula	Rutgers	Formula	Rutgers	Formula	Rutgers	Formula	Rutgers
1 Bdrm ⁴	NA	NA	NA	NA	0.03	0.07	0.00	0.10
2 Bdrms	0.82	0.21	0.24	0.21	0.31	0.16	0.12	0.05
3+ Bdrms	1.85	0.50	0.65	0.50	1.47	0.63	0.61	0.49

Source: Urbanomics, Rutgers CUPR

Test Case: The Mariner

Because the Village of Port Chester is notably different from surrounding communities, it was desirable to test the multipliers, both Rutgers and the different geographic iterations of Urbanomics work, against a real case study. The best example was The Mariner—recent construction for which the unit mix as well as the number of school children enrolled in the Port Chester Rye UFSD was known.

² Other factors considered but disregarded due to small sample size included year built and housing costs.

³ Income level was used instead of rents/values because programmatic designations are based on income.

⁴ The multiplier for 1 Bedroom Single Family Homes is because single family homes almost always have multiple bedrooms.

The school board provided data on students by place of residence for the 2013 school year that indicated that 15 students live in the Mariner, while they state that 18 students from that development registered for 2014-15—exceeding the developer’s estimates based upon comparable structures and unit mix by almost 50%. While investigating why this could be, it was discovered that many of the units in the Mariner have rooms that are intended for use as dens, but are likely used by residents as additional bedrooms.

Given these conditions, a comparison was prepared using the Rutgers Multipliers as well as the Port Chester specific multipliers prepared for the Mitigation formula for the five geographic areas described previously. The multipliers were run against the stated building mix as well as the unit mix of occupied units as determined from the Mariner’s website assuming that dens are being used as bedrooms.

Unit Mix

- Reported: 60 1-, 40 2-Bedroom
- Dens counted as Bedrooms: 35 1-, 52 2-Bedroom, 3 3-Bedrooms

Children in the Port Chester Rye SD

- Fifteen in 2013 (PCR SD enrollment data)
- Eighteen in 2014 (anecdotal enrollment from 7/10/14 meeting)

Public School Children Generated: Rutgers and PUMA Geographic Area multipliers						
	Rutgers	Port Chester Area PUMA (3504)	Southern Westchester (PUMAs 3400, 3503, 3504, 3505)	All Westchester (PUMAs 3400, 3501 through 3505)	Southern Westchester Minus Yonkers (PUMAs 3504, 3503, 3505)	Westchester Minus Yonkers (PUMAs 3501 through 3505)
Reported Unit Mix	11	14	6	5	6	6
Occupied Units (Dens counted as bedrooms)	13	21	9	8	9	8

Source: Urbanomics, Rutgers CUPR, ACS PUMS data, The Mariner development website

Using Rutgers statewide multipliers yields an estimate of between 11 and 13 students, an undercount of 2-4 students for the 2013 school year and 5-7 students for the 2014-15 school year. The Port Chester specific formula multipliers for PUMA 3504 alone project between 14 and 21 students, depending upon unit mix scenario—a much better fit to the actual reported number of students.⁵ The other Westchester-specific geographies grossly underestimated the number of students, regardless of unit mix assumptions and were therefore disregarded.

⁵ It should be noted that the Mariner’s unit mix includes many 1-bedroom and 2-bedroom units with “dens”—effectively creating 2-bedroom and 3-bedroom units, respectively.

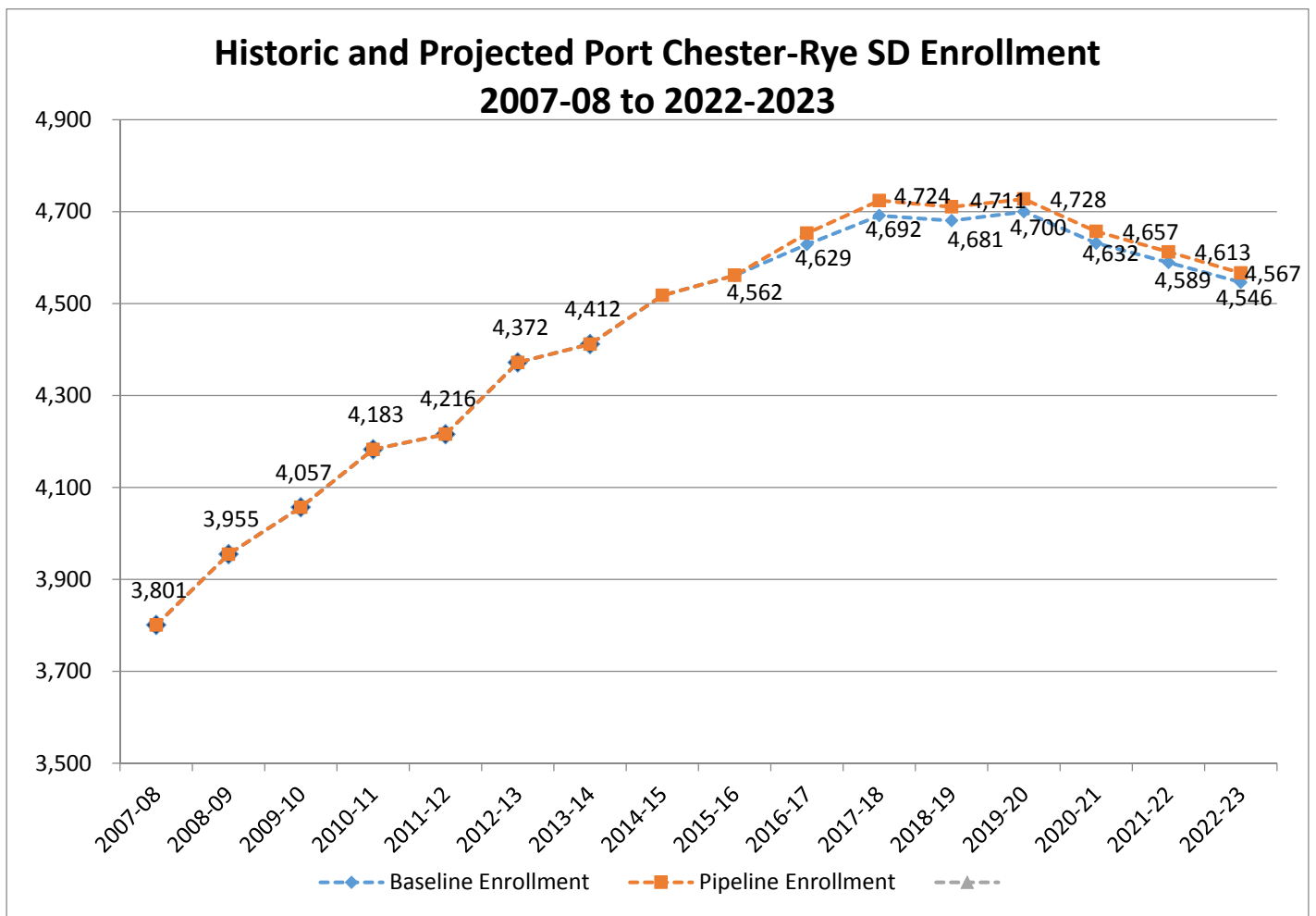
Pipeline Projects

The total number of units in the pipeline was provided by the Village of Port Chester Planning Department as shown in the table below. All of these units are market-rate rental housing in structures with 5 or more units. There are a total of 336 studios, 209 1-bedrooms, and 125 2-bedrooms. The Port Chester specific formula multipliers were then applied to determine the number of school children likely to be generated by each development.

	Unit Mix				Applied Multipliers				Total Children
	Studios	One Bedroom	Two Bedrooms	Three Bedrooms	Children in Studios (x 0.00)	Children in One Bedroom (x 0.03)	Children in Two Bedrooms (x 0.31)	Children in Three Bedrooms (x 1.47)	
United Hospital	300	100	100	0	0	3	31	0	34

Source: Village of Port Chester, Urbanomics, ACS PUMS data

Using the formula multipliers, the projects currently in the pipeline would yield 34 additional public school students⁶, effecting the school enrollment forecasts as shown in the chart below.



⁶ As an example of a single project, the United Hospitals development would yield 34 public school students, compared to the Rutgers-based estimate of 22.

Quantify Hard/Soft Costs

The next step in the developing the mitigation formula is to determine the education and new construction costs per student.

Urbanomics worked with Maura McAward, Assistant Superintendent for Business of the Port Chester-Rye Union Free School District to determine the share of operational costs that are applicable on a per student basis. A line item depiction of the 2014-15 school budget, with applicable costs is shown in the table below.

Budget Category	2014-2015 Budget	Applicable Items 2014-2015 Budget
Board of Education	\$64,469	
Central Administration	\$379,669	
Finance	\$898,989	
Legal Services	\$94,750	\$48,875
Public Information	\$53,250	
Operations of Plant	\$3,904,926	\$3,904,926
Maintenance of Plant	\$2,165,568	\$2,165,568
Other Central Services	\$130,832	
Insurance	\$92,721	\$36,954
Judgments and Claims	\$15,000	
Refund of Taxes	\$350,000	
Other Special Items	\$444,907	\$380,907
Curriculum and Development	\$399,799	
Supervision-Regular School	\$3,746,376	\$3,746,376
Instruction (Net of Supervision)	\$47,191,137	\$47,191,137
Other District Transportation	\$500	\$500
Contract Transportation	\$3,152,584	\$3,152,584
Community Service	\$27,000	\$27,000
Employee Benefits	\$21,070,727	\$17,277,996
Transfer to Special Aid	\$175,000	\$175,000
Transfer of Debt Service	\$3,962,074	
Other Transfers	\$100,000	

Total Budget	\$88,420,278	\$78,107,822
Total Enrollment (10-1-14)	4,518	4,518
Cost Per Student	\$19,571	\$17,288

Total State Aid	\$19,671,054	\$19,671,054
Minus High Tax Aid		\$845,434
Minus Building Aid		2,717,152
State Aid Per Student	\$4,354	\$3,565
Cost Per student, Net of Aid	\$15,217	\$13,723

Source: Port Chester Rye UFSD Budget 2014-15

The final budget total was divided by the official count of students for that school year. The soft cost total per student was then reduced to reflect the share of costs supported by property taxes rather than Federal and State Aid, yielding soft costs of \$13,723 per student.

New Construction Costs

Given the results of the Haber report stating that the School District was already operating at a classroom deficit in 2011, as well as the knowledge, based on the information that the School District is currently planning an extension that would house the students for whom they are currently renting space, each additional child is estimated to require new construction.

New construction costs are based on the quote received from the School Board of \$350 psf for their new addition⁷ and State Building Aid Unit (BAU) requirements of a minimum of 100 sf per student in K-12 institutions. The new construction cost per student on this basis is \$35,000.

Estimating State Aid in construction is problematic. State reimbursement varies widely based upon a number of external and internal factors, some of which are impossible to quantify without a building plan. However, the School District has provided information that the current State reimbursement percentage for new construction stands at 55.9 percent of 85 percent of total construction costs. So, for a cost of \$35,000, reimbursement would apply to only \$29,750 of total costs and at 55.9%, reimbursement would stand at \$16,630.25. Following this logic, the construction cost per student minus state aid would be \$18,369.75.

⁷ This is slightly higher than the regional elementary average of \$216psf, but is in line with the State's assessment that school construction in Westchester County has a multiplier of 1.5618 (compared with 1.8414 in NYC and 1.0 statewide).

Mitigation Formula Results

Applying the school costs assumptions to the 34 children likely to be generated by developments in the pipeline, these additional students will result in \$587,797 in operating/soft expenses and, if new construction is required, some \$1.19 million in new construction costs.

Adjusting to reflect costs minus State and Federal Aid, the soft costs would total \$466,573 in soft cost mitigations and \$624,580 in construction costs or a grand total of \$1,091,153.

Spreadsheet Structure

The spreadsheet was designed so that it's best to enter the number of units by tenure, physical characteristics, and income level. However, if the income distribution is not available, one can enter the total units by number of bedrooms and get school child projection based solely on tenure, structure type, and number of bedrooms or even tenure and structure type alone.

Owner Units

	Units			
	High	Workforce	Low	Total
Single Family	Total			
				-
				-
Two-4 Family	Total			
	Studio			-
	1 Bedroom			-
	2 Bedrooms			-
	3+ Bedrooms			-
5+ Family	Total			
	Studio			-
	1 Bedroom			-
	2 Bedrooms			-
	3+ Bedrooms			-
Total Owner Units				-

Multipliers		
High	Workforce	Low
0.63	0.53	0.25
0.24	0.33	0.11
0.65	1.26	0.49
0.27	0.53	0.38
0.00	0.00	0.00
0.00	0.00	0.00
0.22	0.62	0.16
0.30	0.57	1.00
0.12	0.06	0.06
0.00	0.00	0.00
0.02	0.02	0.03
0.08	0.08	0.12
0.61	0.26	0.26

Public School Children			
High	Workforce	Low	Total
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
Total Owner Children			-

Renter Units

	Units			
	Market	Workforce	Affordable	Total
Single Family	Total			
				-
				-
Two-4 Family	Total			
	Studio			-
	1 Bedroom			-
	2 Bedrooms			-
	3+ Bedrooms			-
5+ Family	Total			
	Studio			-
	1 Bedroom			-
	2 Bedrooms			-
	3+ Bedrooms			-
Total Rental Units				-

Multipliers		
High	Workforce	Low
0.91	0.51	0.59
0.82	0.41	0.31
1.85	0.91	1.13
0.04	0.38	0.57
0.15	0.00	0.24
0.12	0.12	0.13
0.55	0.05	0.64
1.07	0.87	0.91
0.22	0.24	0.21
0.00	0.00	0.06
0.03	0.03	0.04
0.31	0.09	0.46
1.47	1.20	0.49

Public School Children			
High	Workforce	Low	Total
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
-	-	-	-
Total Renter Children			-

Fill in only if bedroom mix is unknown.

Tax Revenue Supported*

Soft Costs per Child	\$	13,723
New Construction Cost per Child	\$	18,370
Total Mitigation	\$	-

*Exenditures - State Aid

PUBLIC COMMENTS

RESOLUTIONS



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 12/15/2014

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

ARTICLE 78 PROCEEDING FOR JUDICIAL REVIEW OF THE DETERMINATION OF THE WESTCHESTER COUNTY BOARD OF ELECTIONS WITH REGARD TO THE VILLAGE ELECTION

Summary

Background:

By resolution of the Board of Trustees the Village utilized the authority in State Election Law to have the Village Election conducted by the Westchester County Board of Elections. The County Board rejected the Village's request as a question of law. Through outside special counsel, an Article 78 proceeding was brought against the County Board. In that litigation, the County Board made various arguments, including the lack of a formal action of the Board of Trustees to maintain the litigation. With this resolution, the intentions of the Board of Trustees to challenge the County Board's determination will be clear. Special counsel will attend the meeting to answer any questions that the Board may have.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

AUTHORIZING THE MAYOR TO INITIATE AN ARTICLE 78 PROCEEDING
AGAINST THE WESTCHESTER COUNTY BOARD OF ELECTIONS

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 Mayor is hereby directed to institute an Article 78 proceeding in the name of the Village of Port Chester in the Westchester County Supreme Court to seek review of the determination of the Westchester County Board of Elections rejecting the Village's transfer of the Village Election.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 12/15/2014

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

COMMENCEMENT OF ACTIONS FOR THE RECOVERY OF AMOUNT OF BAIL BONDS FOR FORFEITED BAIL IN CRIMINAL MATTERS IN THE PORT CHESTER JUSTICE COURT

Summary

Background:

The Court Clerk of the Justice Court has advised that certain defendants have failed to appear and/or comply with the orders and processes of the Court thereby forfeiting bail. Despite request, the respective sureties have not tendered the amount of the bonds. State Criminal Procedure Law, Section 540.20, provides that the financial officer of a village is authorized to commence an action to recover the amount of such bond. The actions will be commenced in the Westchester Supreme Court. The amounts will be paid over to the Village Treasurer and are the property of the Village.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Justice Court Transcripts

COMMENCEMENT OF AN ACTION FOR THE RECOVERY OF AMOUNT OF BAIL
BONDS FOR FORFEITED BAIL

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, in his capacity as the financial officer of the Village, the Village Manager is hereby authorized to commence civil actions, pursuant to Criminal Procedure Law, Section 540.20, against the following sureties, together with their bail agents, for the amounts specified in their respective bonds for forfeited bail:

<u>Name of Surety</u>	<u>Amount</u>
U.S. Specialty Insurance Co.	\$1,500 and \$2,500
Empire Bonding and Insurance Co.	\$2,500 and \$10,000

Approved as to Form:

Anthony M. Cerreto, Village Attorney

VILLAGE COURT : VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER : STATE OF NEW YORK

-----X

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

LEONARDO E. ALBALATE

Defendant.

-----X

Port Chester Village Court
February 20, 2014
9:00 a.m.

PROCEEDINGS

B E F O R E : Hon. PETER F. SISCA

Village Justice

GAIL M. LETIZIA
Court Reporter
(914) 582-1346

A P P E A R A N C E S:

FOR THE PEOPLE:

HON. JANET DIFIORE
District Attorney of Westchester County
111 Doctor Martin Luther King Boulevard
White Plains, New York 10601

BY: DIANA HEDAYATI, ESQ.
Assistant District Attorney

FOR THE DEFENDANT:

MICHAEL LAMBERT, ESQ.
Attorney for Defendant

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THE COURT: Leonardo Albalate.

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What was this on for? For a CD?

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MR. LAMBERT: No. It was on for

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sentencing. There was a warrant

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letter issued on the last day.

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THE COURT: Adjourned for

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sentencing?

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MS. HEDAYATI: We appeared on

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February 6th. The defendant failed to

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appear. A warrant letter issued for

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2/13. We got bumped to the 20th due

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to a snowstorm. It's now 10:45. I

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don't see the defendant present. I'm

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going to request a bench warrant on

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all matters and forfeiture of bail.

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THE COURT: Bench warrant.

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Forfeit bail on all matters.

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I, GAIL M. LETIZIA a
Shorthand Reporter, do hereby certify
that the foregoing proceedings taken
in the matter of THE PEOPLE OF THE
STATE OF NEW YORK against LEONARDO E.
ALBALATE, which was taken on the 20th
day of February, 2014 before Hon.
Peter F. Sisca is a true and accurate
transcript.



GAIL M. LETIZIA

JUSTICE COURT : VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER : STATE OF NEW YORK

-----X

THE PEOPLE OF THE STATE OF NEW YORK,

-against-

PATSY RUBBINO,

Defendant.

-----X

Port Chester Justice Court
October 10, 2014
9:00 a.m.

Proceedings

B E F O R E : Hon. MATTHEW TROY

Village Justice

GAIL M. LETIZIA
Court Reporter
(914) 582-1346

A P P E A R A N C E S:

FOR THE PEOPLE:

HON. JANET DIFIORE
District Attorney of Westchester County
111 Doctor Martin Luther King Boulevard
White Plains, New York 10601

BY: MICHELLE CALVI, ESQ.
Assistant District Attorney

FOR THE DEFENDANT:

LEONARDO PYTEL, ESQ.
Port Chester, New York

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THE COURT: People versus Patsy Rubbino.

MR. PYTEL: Your Honor, good morning. Judge, I'm in receipt of the latest complaint charging Mr. Rubbino with criminal contempt in the second degree. I just want the Court to know I knew about the complaint coming. I told Mr. Rubbino about it and I don't know where he is.

THE COURT: Arrest warrant. What I'll do is I'll ask you to put your number up here and if he's picked up I will have the court notify you.

MS. CALVI: I have five files. One is harassment and four criminal contempts. There are active arrest warrants. This is an arrest warrant on the one we just did. There is an arrest warrant on his other criminal contempts which he has not been arrested on which is 10/3. No, that is the date of birth. You actually have his criminal contempts when --

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THE COURT: Come up.

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(Whereupon, an off-the-record discussion was held at the bench.)

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THE COURT: Pursuant to the bench conference I am fully aware and I will revoke the bond on each bench warrant.

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MR. PYTEL: I can only ask the Court with respect to the bond to hold the forfeiture until tomorrow.

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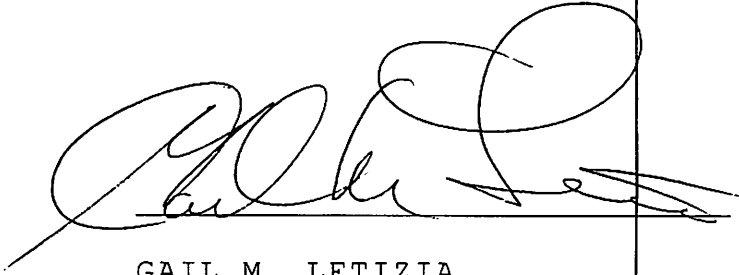
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THE COURT: Bench warrants are issued and bail bonds are forfeited on both. Bench warrants on the remaining three dockets, 54633, 54704 and 54651. Thank you.

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I, GAIL M. LETIZIA a
Shorthand Reporter, do hereby certify
that the foregoing proceedings taken
in the matter of the People of the
State of New York against PATSY
RUBBINO, which was taken on the 10th
day of October, 2014 before Hon.
Matthew Troy is a true and accurate
transcript.



GAIL M. LETIZIA

DISCUSSION



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 12/15/2014

Item Type: Discussion Item

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	Public Safety		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

DISCUSSION FOR CONSIDERATION OF ADVANCING A DRAFT LOCAL LAW
 REGULATING TOWING AND BOOTING FROM PRIVATE PROPERTY

Summary

Background:

The Board may recall that it was provided a draft local law which would regulate towing and booting from private property (one and two-family houses are not included).

Since then, we have:

-- solicited comments from the Chief of Police and his staff. Their comments are incorporated into the current draft.

--provided the draft to the State Division of Criminal Justice Services (DCJS). Their approval is required since the law requires a criminal history background check. We obtained some comments which are also included. Final approval is expected.

--made some initial community outreach. We obtained the names/addresses of property owners whose properties were the subject of incidents as reported to the Police Department asking for their input.

Based on experiences in other jurisdictions, we recommend additional efforts to engage affected property owners and stakeholders prior to the public hearing.

A resolution to set the hearing is attached should you desire to advance the matter.

.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Draft Local Law

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER
BY ADDING A NEW CHAPTER, CHAPTER 302, TOWING AND BOOTING**

SECTION 1: The purpose and intent of this local law is to regulate the towing and booting of cars on private parking lots in the Village of Port Chester. It is hereby declared and found that the nonconsensual towing and booting of vehicles from parking lots that are on privately owned property, as defined in this chapter, in the Village of Port Chester involve matters affecting the public interest. Regulation of these commercial activities through a licensing process is necessary to establish a uniform and predictable system of business operations, balance the rights of private owners to manage and operate their property against the rights of consumers against unreasonable fees, and predatory and illicit practices. The Village is authorized to adopt this local law pursuant to Municipal Home Rule Law, Section 10(1)(ii)(a)(9-a) and Section 10(1)(ii)(a)(12) and General Business Law, Section 399-v.

SECTION 2: The section of the Code of the Village of Port Chester is hereby amended by adding a new chapter, Chapter 302, entitled “Towing and Booting” and to read as follows:

Section 302-1 Purpose and Intent.

It is hereby declared and found that the nonconsensual towing and booting of vehicles from parking lots that are on privately owned property, as defined in this chapter, in the Village of Port Chester involve matters affecting the public interest. Regulation of these commercial activities through a licensing process is necessary to establish a uniform and predictable system of business operations, balance the rights of private owners to manage and operate their property against the rights of consumers against unreasonable fees, and predatory and illicit practices. The Village is authorized to adopt this local law pursuant to Municipal Home Rule Law, Section 10(1)(ii)(a)(9-a) and Section 10(1)(ii)(a)(12) and General Business Law, Section 399-v.

Section 302-2 Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

APPLICANT

An owner of a towing and booting service, seeking a towing/booting license under this chapter.

BOOT

Shall mean the utilization of a “boot” or other device which causes vehicles to be immobile or otherwise renders a vehicle immobile or inoperable.

BOOTER

The licensee who boots or immobilizes a motor vehicle.

BOOTING OR IMMOBILIZATION DEVICE

Any mechanism that is clamped, affixed or locked onto the wheel of a motor vehicle to prevent the wheel from rotating, thereby immobilizing the vehicle, or other similar mechanism that results in the immobilization of the vehicle.

HOOKUP

The steps and actions to be taken in order to totally secure and engage a vehicle for towing.

LICENSE

A certificate duly issued by the Village of Port Chester to allow the licensee to engage in booting and/or towing.

LICENSEE

An owner of a tow truck company who is the holder of a valid license. This term shall also include said owner’s employees or agents.

MULTI FAMILY DWELLINGS

Residences containing three or more dwelling units.

POLICE LIST

A listing of all licensees who have been authorized to boot and tow from privately-owned property within the Village of Port Chester.

PRIVATELY-OWNED PROPERTY

Real property owned by any individual, firm, association, joint venture, partnership, group, corporation or any legal entity or combination of entities whatsoever, and shall include, without limitation, shopping centers, parking lots, multi-family dwellings and land used for commercial purposes. This term shall include real property, where by agreement with another party, fee title is nominally with the Port Chester Industrial Development Agency, but the lessee

is using for the any of the proceeding purposes. This term shall not include property improved by one or two family dwellings.

PROPERTY OWNER

The person who exercises dominion and control over a parcel of real property, including but not limited to the legal title holder, lessee, a resident manager, a property manager or other agent who has legal authority to bind the owner. A person providing a towing or immobilization service may not be appointed as an agent for a property owner.

TOW

To haul, carry, pull along, or otherwise transport or remove a vehicle by means of another vehicle.

TRESPASS TOWING

The moving or removal of a motor vehicle, without consent of the vehicle's owner or operator, as authorized by this chapter, when that vehicle is parked on privately-owned property.

TOW TRUCK

A vehicle that is being used to tow another motor vehicle.

TOW TRUCK DRIVER

Any person that is operating a tow truck for the purposes of towing.

UNAUTHORIZED VEHICLE

A vehicle that is parked in violation of the posted parking lot rules on the privately-owned property.

Section 302-3 License required.

No person shall engage in trespass towing or booting on privately-owned property without first having obtained a towing/booting license from the Village of Port Chester as provided herein.

Section 302-4 License application requirements.

An applicant for a towing/booting license shall make application to the Chief of Police or his designee on a form provided by the Village which contains the following:

A. A statement of the name and address of the applicant, specifying, in the case of a partnership or an unincorporated association, each partner or member thereof, and in the case of a

corporation, the location and address of the place of incorporation and principal place of business, as well as the name and address of each officer, director and stockholder with a controlling interest thereof.

B. A statement of the owner or lessee and address of all properties that will be used for the storage of towed vehicles in connection with the applicant's towing or booting business which location shall not exceed fifteen (15) miles from the subject privately owned property. All motor vehicles towed to such storage location(s) shall be able to be reclaimed by the vehicle's owner or operator on a 24/7 basis. The applicant must provide certification from the municipal enforcement officer charged with the enforcement of buildings and land uses that the storage location(s) to be used are in conformance with the applicable zoning and building codes.

C. A statement as to whether the applicant or any booter or tow truck driver under the applicant's employ or contract has, within the last five years, ever been convicted of a crime and, if so, the date, crime charged and sentence imposed. The applicant, and all booters and tow truck drivers under the applicant's employ or contract, shall submit to fingerprinting through the Police Department such fingerprints and fees shall be submitted in the form and manner as prescribed by the Division of Criminal Justice Services. The fee for such investigation shall be assumed by the applicant.

D. A statement whether the applicant has ever been denied a license or permit by any governmental agency or authority to operate a tow truck, towing business and/or booting business and also whether or not any such license or permit has been suspended or revoked and, if so, the date, the location and the circumstances thereof.

E. A copy of all current licenses or permits duly issued to the applicant which authorizes the operation of a tow truck or booting business.

F. A copy of all current licenses or permits duly issued to applicant or its employees and/or agents to operate a tow truck or boot.

G. An indication as to whether the application is for an initial license or a renewal.

H. A certificate of insurance evidencing proof of comprehensive general liability insurance in accordance with Village's standard insurance requirements and indemnification agreement, both approved by the Village Attorney.

I. Vehicle and tow truck ownership information for all vehicles to be used, including but not limited to make, model, year, color, vehicle identification number, license plate number, a copy of each registration, and a copy of all insurance information.

J. Copy of a duly executed contract between the licensee and the owner, lessee, managing agent or other person in control of the privately owned property that is the subject of the license. The contract shall at a minimum contain the following terms:

(i) The legal name, physical address and telephone number of the towing or immobilization service and the property owner requesting the towing or immobilization services;

(ii) The name of the real property owner and the name of any agent, site manager, lessee or other person in control of the real property and the address and/or legal description of the real property from which the vehicle(s) will be towed or at which the vehicle(s) will be immobilized;

- (iii) The duration of the agreement. The contract must be in effect for the entire term of the license ;
- (iv) The time of day that such towing or immobilization is authorized;
- (v) The days of the week that such towing or immobilization is authorized;
- (vi) An enumerated list of all fees to be charged to the vehicle owner/operator that shall not exceed the amounts set by the County in Chapter 863 of the consumer protection code;
- (vii) The address and tax lot designation of the location where the vehicle will be towed/stored or immobilized. Said storage site shall not be more than fifteen (15) miles from where the tow originates; and
- (viii) A statement stating that no payment or valuable consideration was given, or will be given, from applicant to owner for the right to engage in booting and towing from the property owner's property.
- (ix) The signature of both the property owner and the owner, or authorized representative of the towing or immobilization service, certifying that each has read and is in compliance with the applicable provisions of State and Local law.
- (x) The contract shall also acknowledge that both parties shall be jointly and severally liable with the licensee to the Village of Port Chester for any violation by such licensee or his or her employees or agents of any of the provisions of this chapter or of any rules and regulations promulgated thereunder. The contract shall be in effect for the entire term of the license.

K. Photographs or proof of informational signage as provided for and in compliance in this chapter.

L. Any change(s) from the information provided in the application shall be disclosed to the Chief of Police on a form provided by the Village, within five days of such change(s).

Section 302-5 Application fee

An application fee, in the amount set forth in Chapter 175, shall accompany each application for a towing/booting license.

Section 302-6 No Soliciting

No applicant or licensee shall pay or rebate money, or solicit or offer the payment or rebate of money or other valuable consideration, to property owners for the right to engage in booting and towing from any property.

Section 302-7 Issuance of License

Upon receipt of a complete application, payment of the requisite fees, and results of the criminal history background check, the Chief of Police may issue a towing/booting license, such license shall be valid for a term of twenty-four months from issuance. A licensee may reapply for a renewed license provided that such application made and received within sixty days prior to expiration.

Section 302-8 Denial of Application

The Chief of Police is responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services and may deny an application, in the first instance or renewal, if it is determined that:

- A. The applicant is unfit and incapable of properly conducting a towing or booting business within the Village of Port Chester or does not conform to the provisions of this chapter; or
- B. The place where vehicles are towed for storage is in violation of any state or local law or regulation, including any zoning or building codes; or
- C. The applicant has made a false statement or misrepresentation in the application; or
- D. The applicant, or any booter or tow truck driver under the applicant's employ or contract has been convicted of a felony or any crime involving violence, dishonesty, deceit, or moral turpitude. If an applicant has been convicted of one of the above specified criminal activities, any decision regarding such applicant's fitness for a license shall be made upon consideration of New York State Correction Law §§701-703-b and §§751-753.

Section 302-9 Transfer or assignment.

A license issued hereunder shall not be transferred or assigned, and any attempt to transfer or assign, shall render such license void.

Section 302-10 Informational Signs.

A. No owner of privately owned property shall tow or boot, or cause to be towed or booted any motor vehicle, nor shall any licensee service such privately owned property, unless there is erected in plain view and maintained at each entrance to such property an informational sign with dimensions of four feet by four feet. All information on the sign must be legible at all times from the parking lot entrances.

B. Each sign must contain the following minimum information:

- (a) The rules of the parking lot, including but not limited to, a statement that the lot is for customers of the business(es) only, hours of operation, size and type of vehicles allowed, and a statement that a vehicle parked in violation of the listed rules shall be deemed an unauthorized vehicle. With respect to property held by the Port Chester Industrial Development Agency, such rules shall be consistent with any agreement with the Agency and/or the Village regarding said premises.

(b) A statement containing a warning that unauthorized vehicles are subject to be towed or booted at the vehicle owner's expense.

(c) The words "tow away zone" must be included on the sign in not less than 4-inch high letters.

(d) The towing/booting and/or storage fee to be charged, which shall not exceed the fee amount authorized by the County of Westchester.

(e) The name, address and telephone number of the licensed towing/booting company, and how the car may be recovered or how the boot can be removed. The phone number of the Port Chester Police Department designated for receipt of calls with respect to towing or booting within this chapter.

C. The signs shall be on a white background, with black lettering that shall be of sufficient size so as to be capable of being read from the sidewalk or street adjacent to the entrance(s) to the parking lot.

D. No changes shall be made to any sign during the term of the license without the permission of the Police Chief or his designee.

E. All informational signs shall be kept in good condition.

Section 302-11 Towing of Vehicles.

A. No person shall engage in trespass towing, without having a current and valid towing/booting license as proscribed by this chapter.

B. No vehicle shall be towed, nor shall any licensee engage in trespass towing, without the direct request and authorization of the property owner, lessee, or agent, who must be present at the time of the trespass towing. Such authorization shall be documented and a written entry on a form prescribed by Police Department shall be made as soon as practicable. Such entry shall include the time, date, location, production year, manufacturer, and license plate number of the vehicle towed or booted. Furthermore said licensee shall maintain such form for a period of at least one year and deliver a copy of entries made during the preceding month to the Chief of Police or his representative by 7th day of the subsequent month. Said licensee shall make such records available for inspection, at any time, to any member of the Port Chester Police Department, or any other law enforcement agency having jurisdiction in the Village, upon request of such officer

C. Whenever a licensee engages in a trespass tow within the Village of Port Chester, said licensee shall notify the Port Chester Police Department immediately prior to any such tow. Such notification to the Police Department shall relate at a minimum the following information: the identification of the licensee and tow truck driver involved, the nature of the motor vehicle's violation, the location of the storage site to which the vehicle will be towed, the time the vehicle

will be towed or removed, the make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle.

D. Whenever a licensee is about to remove an unauthorized vehicle from a private parking lot but has not yet hooked up or engaged said vehicle to a towing truck, and said vehicle owner or operator appears seeking the return of the vehicle, said licensee shall immediately release custody and control of the vehicle to the owner or such other person authorized to operate the same without charging any fee whatsoever, provided only that said vehicle is immediately removed from the property.

E. In the event that a licensee is about to remove an unauthorized vehicle from private owned property and has hooked up, and engaged, said vehicle to a tow truck, but has not removed the vehicle from the premises, and said vehicle owner or operator appears seeking the return of the vehicle, said tow truck driver shall immediately release custody and control of the vehicle to the owner or operator, for the payment of a fee of \$15, and further provided that said vehicle is immediately removed from the premises by the owner or operator.

F. Whenever a licensee, engages in trespass towing, and removes an unattended motor vehicle from privately owned property to the storage location, said licensee shall provide at such site, on a twenty-four-hour-a-day basis an individual authorized to release the impounded vehicle. Said motor vehicle must be released within one hour, upon receipt the payment of the authorized towing and storage charges. Upon release, the licensee shall provide the owner of the impounded vehicle with a legible, numbered and signed receipt of payment.

G. No motor vehicle may be towed or removed if:

- (1) Such vehicle is occupied by a natural person, or live animal; or,
- (2) Such vehicle is an ambulance, police or fire vehicle, or other official Village or other governmental vehicle.

H. No charge shall be imposed for the booting of a vehicle when any person has committed a violation of this section, or any rules promulgated pursuant to this section with respect to such vehicle, and any such unlawful charge shall be reimbursed by any person liable for a violation of this section.

I. Whenever a licensee engages in trespass towing, all charges imposed for both towing and storage shall not exceed those authorized by the County of Westchester Consumer Protection Code.

J. The owner or person in control of a vehicle that has been towed, or hooked up but not removed from the premises, shall be allowed to pay any authorized charge(s), in cash or credit card.

Section 302-12 Booting of vehicles.

A. No person shall engage in booting, without having a current and valid towing/booting license as proscribed by this chapter

B. No vehicle shall be booted or immobilized without the direct request and authorization of the property owner, lessee, or agent, who must be present at the time of the booting. Such authorization shall be documented and a written report for each tow, must be kept by the licensee for at least one year from the date of the booting.

C. Whenever a licensee engages in booting or immobilization of vehicles within the Village of Port Chester, said licensee shall notify the Port Chester Police Department immediately prior. Such notification to the Police Department shall relate at a minimum the following information: the identification of the licensee and booter involved, the nature of the motor vehicle's violation, the location of the parking lot, the time the vehicle will be booted, the make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle.

D. A licensee may boot an unauthorized vehicle on privately owned property instead of towing it therefrom. The fee for such booting shall not exceed that authorized by the County of Westchester Consumer Protection Code.

E. Immediately after a vehicle is booted or immobilized, the licensee booting or immobilizing such vehicle, the owner of the property where the vehicle was immobilized, or an employee or agent of such person or owner, shall affix upon the window adjacent to the driver's seat of such vehicle, a sticker with a completely removable adhesive, measuring eight and one-half by eleven (8½ x 11) inches, containing a warning that any attempt to move the vehicle may result in damage to the vehicle and stating the name and business address of the licensee who immobilized such vehicle as well as a business telephone number, which must be available on a 24 hour basis, that will facilitate the dispatch of personnel responsible for removing the immobilization device

F. In the event that a licensee boots an unoccupied motor vehicle on privately owned real property, the licensee must remove the boot from the vehicle within 15 minutes after being paid the charge for same as proscribed by the parking lot's rules. Upon the removal of the booting device, said vehicle shall be immediately removed from the property by the owner or operator thereof. Upon request, the booter shall display to the owner or operator of such vehicle a valid towing/booting license issued by the Village of Port Chester pursuant to this chapter.

G. Whenever a licensee has begun the process of booting an unauthorized vehicle on privately owned property but has not yet locked the boot onto the vehicle, and said vehicle owner or operator, arrives and makes demand for return and the owner or operator of the vehicle offers to

remove the vehicle from the premises, said booter shall remove the boot from the improperly parked vehicle at no charge to the vehicle owner or operator.

H. An owner, lessee, managing agent or other person in control of privately owned property who has entered into a contract with a person licensed pursuant to this section authorizing such licensee to boot motor vehicles parked on such property shall be jointly and severally liable for any violation by such licensee or such licensee's employees or agents of the provisions of this section, or of any rules promulgated pursuant there under.

I. No motor vehicle may be booted if:

- (1) Such vehicle is occupied by a natural person, or live animal;
- (2) Such vehicle is parked in a fire lane, or in front of or immediately adjacent to a fire hydrant, fire connection or building emergency exit;
- (3) Such vehicle is an ambulance, police or fire vehicle, or other official Village or other governmental vehicle.
- (4) Such vehicle is parked in a space reserved for vehicles displaying a handicap permit.

J. No release or waiver purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, business telephone number and license number of the person who has booted such vehicle as such information appears on the license to engage in booting, and such receipt shall also include a telephone number for the office within the Police Department responsible for receiving complaints with respect to booting. ??***

K. No charge shall be imposed for the booting of a vehicle when any person has committed a violation of this section, or any rules promulgated pursuant to this section with respect to such vehicle, and any such unlawful charge shall be reimbursed by any person liable for a violation of this section.

L. The owner or person in control of a vehicle that has been towed, or hooked up but not removed from the premises, shall be permitted be allowed to pay any authorized charge(s), in cash or credit card.

M. Tampering with a boot, or immobilization device, that is lawfully attached to a motor vehicle is prohibited.

N. Any vehicle that has been booted which has not been claimed within twenty-four (24) hours of booting, may be towed by the licensee who booted said vehicle.

Section 302-13 Penalties.

Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than \$500 for the first violation \$1,000 for the second violation and \$1,500 for each violation thereafter per violation or imprisonment of less than 15 days. Each violation shall be considered a separate and distinct offense.

Section 302-14 License suspension/revocation.

A. Any license issued hereunder may be suspended or revoked by the Chief of Police upon the grounds that the licensee has been notified and charged with a violation of this chapter or any rule or regulation adopted hereunder.

B. Such notice shall become final unless the licensee makes application to appeal same to the Village Manager or his designee within five (5) days from receipt.

C. Any licensee whose license has been revoked shall not be eligible to file an application for a towing/booting license for a period of one year from the date of revocation.

Section 302-15 Regulations.

The Chief of Police is authorized to promulgate reasonable rules and regulations with regard to the administration and implementation of this local law.

Section 302-16 Enforcement.

A. The provisions of this chapter shall be enforced by the Police Department.

B. The Village Attorney is authorized to commence a civil action or special proceeding for an injunction upon any person(s) in violation of this chapter, and to take such action authorized in General Business Law §§ 399-v and 399-x.

Section 302-17 Severability.

If any clause, sentence, paragraph or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

SECTION 3: SEVERABILITY

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or

part thereof and the remaining part of such provision and all other provisions hereof shall continue in full force and effect.

SECTION 4: ADOPTION

By the authority of the Board of Trustees on _____ this local law has been adopted and codified within Article _____ of the Village code and has been deemed to be within accordance with the Village's comprehensive plan.

DRAFT

Sileo, Vita

From: Beautification
Sent: Wednesday, November 26, 2014 4:41 PM
To: Board of Trustees and Mayor Preferred EMail Group
Cc: Ameigh, Chris; Cerreto, Tony; Sonia Philips; ldb31@icloud.com; eimbese@hotmail.com; tgrimesherbert@gmail.com; Beautification; Sileo, Vita
Subject: The Beautification Commission - Walk of Fame Proposal
Attachments: BCCProposal 11.26.2014.pdf

Dear Mayor Pagano & Village Trustees,

The Beautification Commission would like to share their newest project idea with you for review, thoughts, and approval.

In order to support the Trustee's efforts to establish Port Chester as the Entertainment Capitol of Westchester County, the Beautification Commission would like to propose a collaboration with The Capitol Theater and various other local entertainment venues to create The Village Walk of Fame, featuring prominent artists with a connection to our village.

Please review the attached PDF outlining the details. Our next meeting is Monday December 8th at 7pm if you'd like to join us, and we can also be reached via email.

We look forward to hearing from you soon!

Thank you for your time and Happy Thanksgiving!

Regards,
Port Chester Beautification Commission

Port Chester Beautification Commission Proposal



The Village Walk of Fame

The Beautification Commission would like to propose a collaboration with The Capitol Theater to create The Village Walk of Fame featuring prominent musical artists who have performed here.

Example

- Beale Street Walk of Fame in Memphis honors artists by imbedding musical notes, engraved with names of accomplished musicians in the pavement.



Sponsorship

- According to Time Magazine (July 16, 2013) each sponsor hoping to memorialize an artist on The Hollywood Walk of Fame pays a substantial fee and uses the unveiling to promote a movie release, or or relevant event.
- In our case, sponsors could include The Capitol and/or various companies who endorse or promote musical artists.

Benefits

- Fees collected could be used to pay for the creation of The Walk of Fame, as well as other necessary improvements within the village.
- As the Village Walk of Fame grows the general appearance of downtown Port Chester could improve and the “walk of fame” would eventually create an interesting and free opportunity for visitors to stroll through the village and enjoy local businesses and restaurants.
- The unveiling of each square of pavement could help inspire positive public awareness of the Village of Port Chester.
- As each square is unveiled, media coverage could provide an opportunity for local businesses to advertise, and promote themselves.

Closing

- With permission from the Village Board of Trustees, The Beautification Commission would like to participate in any efforts made to bring this project to fruition.

CORRESPONDENCE

H & H Property Corp.

Received
NOV 26 2014
Village Clerk
VILLAGE OF PORT CHESTER

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

November 24, 2014

Mayor Neal Pagano and the Board of Trustees ✓
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: 26 Poningo Street

Dear Mr. Mayor Pagano, and Board of Trustees,

I am writing this letter because of a public disclosure made at a former public meeting by a Dr. Arnel on November 3, 2014 concerning 26 Poningo St. and an intended use of it for a Chiropractor office. Please be aware that for the last 5 years or so, this property has been a constant problem to the 211 Irving Ave Shopping center.

Somehow or other a Dead Storage warehouse facility became an exercise gym and a side lot signage facing Irving Ave for same was approved to attract users to the gym. This use, together with the signage, has been a constant invasion to the shopping center parkers and users. As you know, parking on Poningo St. and the surrounding areas is tight if not impossible at times Please do not allow any new use that will add to this situation.

I'm sure you are not tuned in to this continuous problem of policing. As principles of this real estate, who have spent liberally to enhance the neighborhood we deserve this understanding of the facts. We are vehemently opposed to this use.

Sincerely,


Marvin Ravikoff
914-934-2424 ext. 112



VILLAGE OF PORT CHESTER

Village Clerk

222 Grace Church Street, Port Chester, New York 1057

Phone (914) 939-5202 • Fax (914) 305-2560

www.portchesterny.com

Received

DEC 4 2014

Village Clerk
VILLAGE OF PORT CHESTER

TO: Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573

APPEAL

In accordance with the provisions of Section 268-9 of the Village Code, I, Lus Angel-Lalanne, residing at 59 WINDSOR RD, hereby make application and appeal to the Board of Trustees for review with regard to the attached sewer rent bill dated 10/30/14 for the period from 5/9/14 to 10/28/14 for service located at the property at 59 Windsor Rd., Rye Brook Port Chester, New York, also designated as Section _____ Block _____ and Lot _____ on the Tax Map of the Town of Rye.

(please attach a copy of the referred to Sewer Rent Bill)

The grounds of my appeal are as follows: (check appropriate box)

- That the amount of water consumption reflected on the attached Sewer Rent Bill is not correct. The Village will refer this matter to United Water Westchester, Inc. for their comment prior to hearing.
- That the fee amount in the attached Sewer Rent Bill should be adjusted because a significant portion of the water consumed during the period indicated on the attached Sewer Rent Bill was not discharged into the Village Sanitary Sewer System.

To claim a grievance under option 2. Include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system.

- Pools, supply a copy of the Certificate of Occupancy (available at the Port Chester Building Department), and documentation of the capacity of the pool.
 - Hot tubs/like kind, provide documentation of the make and model of your unit.

Ami A. M.

Signature of owner

914-937-1602

Phone # of Owner

12/2/14

Date

Note

- You may apply for only one billing period at a time.
- You have 30 days from the date of receipt of your bill to file a grievance.
- An incomplete application will be denied.

FOR VILLAGE USE ONLY

Date of Receipt: _____

Date of Referral to Staff: _____

Date of Report and Recommendation: _____ (copy annexed):

DETERMINATION

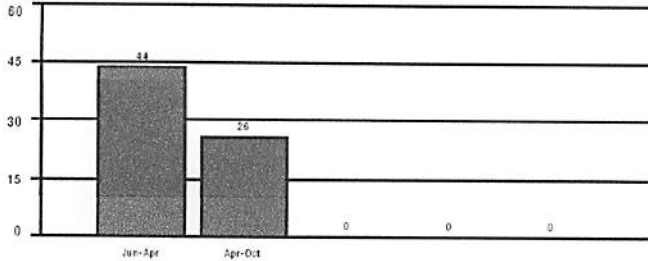
Upon review of the foregoing, the Board of Trustees of the Village of Port Chester hereby GRANTS /DENIES (circle one) the application and appeal of _____



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 01/27/2015

Billing Date:	10/30/14
Account Number:	07901435905211
Previous Balance	\$ 0.57
Payments Through 10/30/14 THANK YOU	\$ 20.44CR
Balance Forward	\$ 19.87CR
Current Charges Due 11/24/2014	\$ 34.64
TOTAL AMOUNT DUE	\$ 14.77
CORRECTED BILL	

*PAY BY 11/25/2014 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: LUIS ANGEL-LALANNE

SERVICE ADDRESS: 59 WINDSOR RD RYE BROOK NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
83817240	04/28/14	05/09/14	11	0382	0382	0	CCF	PRORATED ACTUAL	SWQ
94562485	05/09/14	10/28/14	172	0000	0026	26	CCF	METER CHANGE	SWQ
						EQUIVALENT TO		19,448 GALLONS	

21.3115 @ \$ 1.338999 SEW RENT \$ 28.54
 4.6885 @ \$ 1.30002 SEW RENT \$ 6.10
TOTAL CURRENT CHARGES \$ 34.64

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.
 Effective June 1, 2014, the sewer rent changes from \$ 1.30002 to \$ 1.338999 per CCF.

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.



Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801

Temp - Return Service Requested

SERVICE ADDRESS: 59 WINDSOR RD
 RYE BROOK NY

Please check this box if you have made any changes to the information on the reverse side.

000001



BILL TO:
 LUIS ANGEL-LALANNE
 59 WINDSOR RD
 RYE BROOK NY 10573-2118



Account Number:	07901435905211
Balance Forward	\$ 19.87CR
Current Charges Due 11/24/2014	\$ 34.64
TOTAL AMOUNT DUE	\$ 14.77
Please make payable to: VILLAGE OF PORT CHESTER SEWER RENT	
Payment Amount Enclosed	\$ _____



Village of Port Chester Sewer Rent
 P.O. Box 28327
 Newark, NJ
 07101-3158

0790143590521100000001477000000004



Companies:

Reliance Engine & Hose
No. 1

Putnam Engine & Hose
No. 2

Fire Department

Village of Port Chester

WESTCHESTER COUNTY, N. Y.

Headquarters: Westchester Avenue and Poningo Street

Received

DEC 5 2014

Village Clerk
VILLAGE OF PORT CHESTER

Harry Howard Hook &
Ladder No. 1

Fire Police No. 1

Mellor Engine & Hose Co.
No. 3

Washington Engine & Hose
Co. No. 4

Brooksville Engine & Hose
Co. No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N.Y.:

The Brooksville Eng & Hose Co #5 respectfully reports that at a meeting held

on Dec 1, 2014 favorable action was taken on the following:

Elected active members DAVE KRAVITZ 227 WENGER ST GREENWICH CT 06831

Elected active exempt members _____

Elected honorary members _____

Members resigned _____

Members expelled _____

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks: _____

Secretary, _____

Address: _____

Charles M. Kelly
PO BOX 1068



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

P.O. Box 933, Port Chester, NY 10573

December 6, 2014

VIA EMAIL & REGULAR MAIL

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

JRichards@portchesterny.com

Attn: Janusz R. Richards

Dear Mr. Richards:

As of our December 2014 meeting, the Putnam Engine & Hose, Company No.2, has voted into the company the following two (2) new members:

Marco Aguilar
63 Putnam Avenue
Port Chester, NY 10573

Jose Gonzalez
14 Abendroth Place
Port Chester, NY 10573

Sincerely yours,
PUTNAM ENGINE & HOSE COMPANY, NO. 2

Frank Cervinka
Secretary

Enclosures



Companies:

Reliance Engine & Hose
No. 1

Putnam Engine & Hose
No. 2

Fire Department
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Ponings Street

Harry Howard Hook &
Ladder No. 1
Port Chester Fire Patrol
& Rescue Co., No. 1, Inc.
Mellor Engine & Hose Co.
No. 3
Washington Engine & Hose
Co. No. 4
Brooksville Engine & Hose
Co. No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N.Y.:

The POTNAM Engine & Hose Co. 2 respectfully reports that at a meeting held

on December 3, 2014 favorable action was taken on the following:

*Elected active members MARCO AGUILAR + JOSE GONZALEZ

Elected active exempt members _____

Elected honorary members _____

Members resigned _____

Members expelled _____

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks: _____

Secretary,

Address:

P.O. Box 933, Port Chester, NY
10575



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

P.O. Box 933, Port Chester, NY 10573

December 6, 2014

VIA EMAIL & REGULAR MAIL

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

JRichards@portchesterny.com

Attn: Janusz R. Richards

Dear Mr. Richards:

As of our December 2014 meeting, the Putnam Engine & Hose, Company No.2, has expelled the following member:

Michael Camoia
1 Nicols Court
West Harrison, NY 10604

According to our records, Mr. Camoia received badge number 2104.

Sincerely yours,
PUTNAM ENGINE & HOSE COMPANY, NO. 2

Frank Cervinka
Secretary

Enclosure

cc: President Robert Gerardi



Companies:

Reliance Engine & Hose
No. 1

Putnam Engine & Hose
No. 2

Fire Department
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Ponings Street

Harry Howard Beck &
Ladder No. 1
Port Chester Fire Patrol
& Rescue Co., No. 1, Inc.
Mellor Engine & Hose Co.
No. 3
Washington Engine & Hose
Co. No. 4
Brooksville Engine & Hose
Co. No. 5

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N.Y.:

The PUTNAM ENGINE & HOSE CO. #2 respectfully reports that at a meeting held

on December 3, 2014 favorable action was taken on the following:

Elected active members _____

Elected active exempt members _____

Elected honorary members _____

Members resigned _____

*Members expelled Michael Camoia

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks: _____

Secretary,

Address:

P.O. Box 933, Port Chester NY

Dear Mr. Christopher Steers:

We the Ecuadorian members of the community of Port Chester would like to ask for a permit in order to come together and have a small parade Sunday the 28th of December 2014. This is a Ecuadorian tradition that we have kept in the past and would like to continue in order to show our reverence to Jesus Christ during this wonderful Christmas time. We will be having a mass in the Sacred Heart Church on Willis Ave in Port Chester at 2:30 PM. We would like to parade from Sacred Heart Church to St. Peter's Church Westchester Ave in Port Chester. The parade would start at 3:15 PM and go until about 3:45 PM. We ask that the police may help us in permitting us to march in our traditional Ecuadorian clothes and accompanied by many Children.

We appreciate the support you have given us in the past and hope that our tradition may continue in the future.

Respectfully,

A handwritten signature in black ink that reads "Moises Tenesaca". The signature is written in a cursive style with a large initial 'M' and a decorative flourish at the end.

Moises Tenesaca
18 Roadhouse
Port Chester NY 10573
914 557 8874

MINUTES

MEETING HELD NOVEMBER 3, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, November 3, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, and Gene Ceccarelli.

It should be noted that Trustee Joseph Kenner was absent.

It should be noted that Trustee Brakewood arrived at 6:07 p.m. and Trustee Adams at 6:18 p.m.

It should be noted that Trustee Marino left the meeting at 8:00 p.m. and Trustee Ceccarelli left at 8:45 p.m. and returning at 9:20 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 6:40 p.m.); Director of Planning and Development Christopher Gomez (arrived at 6:40 p.m.); Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager (arrived at 6:40 p.m.); Village Planner Jesica Youngblood (arrived at 6:40 p.m.) and Ed Brancati, Human Resources (arrived at 6:40 p.m.).

On motion of TRUSTEE TERENCE, seconded by TRUSTEE MARINO the meeting was declared opened at 6:01 p.m.

ROLL CALL

AYES: Trustees Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Adams, Brakewood and Kenner.

DATE: November 3, 2014

MOTION FOR EXECUTIVE SESSION

At 6:01 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the Board adjourned into an executive session for the purpose interviewing candidate for Taxi Commission.

ROLL CALL

AYES: Trustees Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Adams, Brakewood and Kenner.

DATE: November 3, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Chief of Police, Richard Conway.

No action was taken in executive session.

At 6:10 p.m., a motion to come out of executive session was made by TRUSTEE TERENCE, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Adams and Kenner.

DATE: November 3, 2014

AWARD PRESENTATION

Port Chester Soccer Club

Mayor Pagano made the following opening statement:

The Port Chester Soccer Club, Inc. is a nonprofit corporation organized and administered by Port Chester Parents and supported by the Village of Port Chester Recreation Department under Heather Krakowski. The club was first organized over 20 years ago by Caesar Aliaga. Jose Perdomo is the Club's president and Tournament Coordinator.

The club fielded 24-25 youth soccer teams, which are evenly divided by age groups teams. There are more than 400 children and young adults who participate in its programs and over 300 children are enrolled in travel program. Boys and girls ages range from

This year, over the Labor Day weekend, the players we are honoring tonight - who are from the Port Chester Select Team and were in the under 10 year old category - won the 10th Annual Independence CUP against Columbia in the International Youth Soccer Tournament held in Port Chester, New York. This is the 2nd Time the Club won this tournament. Teams from Peru, Columbia, Honduras Guatemala and local teams from Boston and Long Island also participated.

The Port Chester team, made up of 14 players was coached by Alejandro Novoa and Calixto Cornejo. Monica Villagran was the Manager.

Tonight's award reads for "Achievement in being part of the 2004 Port Chester Select Team bringing home the Championship at the Port Chester Soccer Club 10th Annual Independence Cup Youth Soccer Tournament."

The recipients receiving a certificate for their achievement in being part of the 2004 Port Chester Select Team bringing home the Championship at the Port Chester Soccer Club 10th Annual Independence Cup Youth Soccer Tournament were:

Team members: Brian Aguilar, Daniel Alarcon, Luis Alvarez, Maxamillion Arango, Andres Barajas, Sebastian Campos, Dilan Ceron, Andrea Flores, Gerardo Guerra, Ashley Reyes, Jean Carlo Ruiz, Christian Torres, Carlos Vasquez, Kevin Vizhco.

Coaches: Alejandro Novoa and Calixto Cornejo

Manager: Monica Villagran

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

Use of DEA Funds

Chief Richard Conway went over some of the things they've been doing with the funds we've been getting through our participation with the DEA and the funds we've been getting through our acts of forfeitures. The fund is in the vicinity of \$236,000. We anticipate more coming in from two places we've been working on:

Upgrade the Radio System – we've allocated \$10,000 to place a receiver, or a repeater system at the top of this building. \$4,000 to remove an existing receiver on top of 10 Pearl Street to the top of the firehouse on Grace Church Street. This should give us better coverage in the downtown development and also in the housing authority locations. We also believe that at some time in the near future we are going to have to replace the main repeater. That's the 125 watt transmitter that all of our radios go to. That's on top of the Westchester Country Club. Because of FCC regulations we are going to have to change that to a narrow band operation. This is between us, the City of Rye and Rye Brook who all use the same repeater. This will cost us about \$12,000.

The second area is the upgrade of body armor. We already have that okayed to replace 22 bullet proof vests. Also to replace heavy body armor, which we place on people when they do high risk operations.

Replacing vehicles. We inventoried our vehicles and have 2 marked vehicles over five years old. We have 4 unmarked vehicles that are over 10 years old and have over 100 thousand miles on them. These vehicles would not be able to pass as taxis in the Village of Port Chester. We want to replace three of the unmarked vehicles with four fusion vehicles. The estimated cost is \$21,900 and that is equipped with radio, lights and

siren. Another issue with our older vehicles is that we are putting more of a strain on our Village Garage.

Replacing or upgrading our medical gear. We presently have four defibrillators, or AEDs. The purchase of two additional AEDs would allow us to give each car, the supervisor's car and the emergency truck an AED. We'd also like to purchase a new one each year. Each AED is \$15,000 and we'd like to replace two a year. We also want to upgrade our first aid equipment that we have in our radio cars.

Outfitting an emergency vehicle. This is a concept that we are bring back from years ago. We are going to take a Tahoe and outfit it to use for emergency functions. The cost of this equipment is approximately \$20,000.

Next is upgrading our department's training program. We want to experiment with bringing in trainers from the outside, experts in the field from private companies or organizations who can come in and make our training a little bit more thorough and more interesting. We are also looking for training for people who execute search warrants. The cost of this training would be approximately \$15,000 to train ten to a dozen people.

A reestablishment of the voice recorder system, the typist. We had a system where we used a Dictaphone system and we had a pool of typists to type reports. Approximately two years ago we experimented with getting rid of that system and the equipment was all returned or destroyed. To redo that system we are still going to need typists. This would cost about \$21,000.

Rye Town Supervisor, Joe Carvin regarding November 4 referendum.

There will be on the referendum tomorrow, as it relates to Rye Town, the Rye Town Board has recommended that we change the Receiver of Taxes position from an elected position to an appointed position; and the same thing with the Superintendent of Highways. We have been able to reduce taxes is because we've worked with the personnel in the Town to rationalize operations.

Resident Mr. Vinci commented he is totally against changing the elected position to appointed because they are totally taking away my right to vote. I also think when you appoint somebody it is political.

WORKSHOP

120 N. Pearl St. bonus program application under Village Code §345-16.

Village Planning Director Chris Gomez commented this is on for Resolutions tonight regarding the density bonus provisions as well as approval for an additional 12 units. At the last meeting in terms of the bonus as proposed, as to how that money would be utilized by the Village for public benefits for open space, parking down and/or housing rehabilitation. Stepping back a little bit a thought was to have a clear direction where the money will be spent in a sense that the Village Treasurer would be establishing

upon payment a specific density bonus fund that could be used for any of the three benefits.

Trustee Terenzi commented that new homes stats are down and first-time home buyers are down dramatically. People are renting in urban areas. The Mariner has been successful and I'm sure these guys will be successful. It is hard to get a mortgage and it is steering people into the rental market. The fact that we are going to get money for the extra units, which does not put a burden on us, works well.

Mayor Pagano commented the market is really slowing and it seems right to move in this direction. Mortgage money is very difficult at best. The pressure right now is on the apartment market. Properties are selling in the Village. These units will sell. They are at market level. The Village is long overdue to receive its share of fair market housing. It will be contributing a good chunk of money to the tax base.

Trustee Brakewood commented this is consistent with our master plan which was developed over a number of years. This property will actually be paying commercial taxes.

Chris Gomez commented that one of the impacts we will realize is a 750% increased value on this property compared to what's there now. The Planning Commission approved the site plan and special exception plan at their meeting on October 27th. This is based on this Board approval of the resolution for the density bonus this evening.

Trustee Terenzi asked how the Planning Commission made out on the left turn, right turn situation. Chris Gomez said this was not gone over at the Planning Commission meeting.

Trustee Ciccarelli commented, to be absolutely clear, regarding the use of the property density bonus money. The money could be applied to open space, housing rehabilitation and a downtown parking garage. All that is required under density bonus is setting up a fund for prescribed use. It must be used for a dedicated purpose.

Trustee Brakewood commented that we need to discuss, as a Board, whether we want to build a fund to achieve a critical mass, or keep the projects to a more tactical or more specific and turn the money to a closer time that it is actually acquired.

PRESENTATION

Independent Auditors' Report – Village of Port Chester fiscal year 2013-2014

The firm of Drescher & Malecki conducted two audits on behalf of the Village. The first focuses on the I.D.A. Audit which is required to be conducted by the New York State Controller's office. This shows that the Net assets compared favorably to the past year. We increased our assets in the past year by some \$28,000. This is an accumulation of dollars over the years.

The Village Audit is our main responsibility. We will talk about our opinions, the financial statements and our observations. Our job is to provide users of financial statements that these financial statements can be relied on. You have bankers, insurance agents and investors ask for financial statements. Those are the people who want to know that your financial statements state your position. If there is fraud when you bring forward financial statements, our responsibility is to bring that forward.

Then we get into what the financial statements brought us. In going from 2010 to 2014 that increment only averages out to about 2.5% So we are doing a pretty good job of keeping spending under control. The purpose is to show you that as a Board you are trying to get to a 1. If we are over 1 that means your revenues are a little higher. You don't want to go consistently over 1 because then you will be accused of overtaxing people. If you go under 1 you are going to create a deficit.

Looking at the long-term debt it is again a favorable trend.

In discussing observations we will talk about where you're going. You have this tax cap out there. Spending has only gone up 2.5%. Revenue is stagnant. If taxes are increased by only 1% eventually we will run out of money. Don't fall into distress trying to stay under the tax cap. We would like to see some IT enhancements in the Village.

Trustee Terenzi would like Drescher & Malecki to come in and go over the numbers the Village comes up with. Mayor Pagano said he would like to see, once we do have hard numbers, to go over the projected operating budget for the next five, ten, fifteen years or so. He would like to know what the levy is going to be and what the tax rate is going to be.

Right now we are working on a tool which will show the impact to the tax rate. So you can combine those two and see the combined effect of the long term changes. We cannot make managerial decisions but we can perform the test functions.

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon commented on voting day, Veterans Day and Thanksgiving Day. She remarked on the film company at the Senior Center. She commented on Rye Town moving to 222 Grace Church Street. This will affect the parking. She spoke of the closing of two churches in Port Chester. We have disabled and older people who go to these churches. We should be able to pay our Sewer Rent at the Village Hall. We should be collecting money from the neighboring communities who are using our Waste Treatment Plant.

Mr. William Dutra and Sal Muto commented on a bulkhead problem at the Port Chester Yacht Club. Superstorm Sandy did a lot of damage. It is not a simple fix. We

hired a marine surveyor and Mr. Contavage is going to fix it. The State of New York advised they will need a DEC approval. The cost is going to be borne by the Port Chester Yacht Club. We submitted paperwork to Village Attorney Cerreto and Village Manager Steers and are waiting for a signature so we can forward it to the DEC and get permits to repair this bulkhead. Commodore Dutra commented he will try and jew Mr. Contavage down a little bit. We will not know the cost until the work is started. Village Manager Steers commented this should be submitted to the I.D.A. so maybe there will be a sales tax break.

Mr. Richard Abel commented he is very upset with the Village Trustees that they allowed a racist remark by Commodore Dutra. He commented that if he stood there and used the "N" word somebody would take offense, but when somebody stands here and says I'm going to jew them down, that's OK? That is offensive to him as a Jew.

Mr. Abel commented on the cost of the Village election. Village Attorney Cerreto said he contacted an outside attorney, Jeff Bender. His flat fee is \$2,500. He expects the papers to be out by the end of the week. Mr. Abel commented on 120 North Pearl Street and the taxes on the property.

Marc Arnel, a homeowner and resident, He is a commercial property at 26 Poningo Street. It sits in a C1 district. I'd like to open a medical and chiropractic office in the building that I own, but C1 excludes medical use. The C1 districts are generally tucked up next to commercial zoned areas. They are transitional zones. There are chiropractors practicing in downtown Port Chester currently. Certainly a doctor's office would fit in with those permitted in the C1 district. A neighborhood medical office would serve the residents of this community and would fill a need. I propose a zoning change.

Mayor Pagano commented earlier today there was another medical facility looking for the same change. Village Manager Steers commented that an issue may be parking. Village Planning Director commented that we do not have to provide parking in a C1 district. Mayor Pagano asked that this should be on the next agenda.

Mr. Ceruzzi commented on the number of executive sessions held by this Board. His feeling is anything that has to do with taxpayer money should be held in open court, whether it is personnel or contracts. He has from the State Controller's Office the management of the Senior Center from May 2009. It reads "The Board and Village Officials did not disclose or adequately monitor the Senior Center capital project." Is this board going to put this up for a referendum? Trustee Terenzi commented that we will be leasing the building from NDC.

Ms. Beatrice Conetta commented on Mr. Carvin gave no reason what we have been doing for years. We have been electing Tax Receiver and Superintendent of Highways for as long as I can remember. They are taking the vote out of the people's hands. She commented on the last meeting and George Ford said we should have respect for the Board. The Board should have respect for the residents.

Ms. Dina Goren made the following comments: "Good Evening. As a reminder, the Port Chester Dog Park Group was established last year with the goal of creating a dog park within our community. A group of area residents got together and followed a formal

approval process with the Parks Commission and this Board of Trustees on both the concept and location of a dog park. We made sure to have the necessary approvals in place before starting our fundraising efforts.

Back in August we announced that with the community's support, Port Chester had come in 1st place in the medium size city category of the PetSafe Bark for your Park contest and had thus won \$25,000 towards the building of the dog park. With these winnings we had raised over \$50,000 and we were ready to work with the village to get this dog park built.

Since August, the Port Chester Dog Park Group has submitted to Village staff a proposed site plan and budget, suggested rules and regulations, and sample estimates from fencing companies. We also worked with the village staff on developing a tentative timeline that would have gotten us to both Parks Commission and BOT approvals by mid--October so that we could get fencing bids in as well as PetSafe approval before the end of the year. To receive the PetSafe money we need to provide them with a site plan, budget, cost estimate, and timeline for them to approve. The established deadline for this is the end of November.

Since we receive DAILY questions from the community regarding when the dog park will open, together with Village staff we agreed that a timeline shooting for an early--Spring opening would be safe (if not earlier). This is the date we've been communicating out to the community. Village staff said that they would be the liaison between the group and the various village departments and boards making sure that all necessary approvals are in place.

Given that we don't believe there have been any formal discussions with the Parks Commission or BOT regarding the dog park plans yet, the Port Chester Dog Park Group is concerned about both the timeline and the direction the project may be heading. To this end, we request that the Dog Park Group be invited to any scheduled Parks Commission, BOT, and other relevant meetings where the dog park will be discussed. We also request an updated timeline that hopefully gets us back on track for approvals and bids.

Lastly, we urge the village to follow through on this project and show the community that hard work and dedication towards citizen--led community improvement projects such as this one will be respected by the village and that it is a worthwhile investment in resident's time and energy when proper procedures and approvals are followed."

Attorney Gioffre followed up on Dr. Arnel's request for a change to the zoning text amendment for a C1 district. There are a significant number of properties that are non-conforming in the area classified as commercial that are within residential zoning districts.

RESOLUTIONS

RESOLUTION #1

DESIGNATION OF VILLAGE 2015 ELECTION

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

RESOLVED, that the annual Election for the Village of Port Chester, New York, to be called and held pursuant to the Charter of the Village of Port Chester, New York, be held on the 18 day of March, 2015, between the hours of 7:00 A.M. and 9:00 P.M., and that such Election shall be called and held at the following polling places within the Village of Port Chester, NY:

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fifth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Sixth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Seventh Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eighth Election District** of the Town of Rye shall be in the John F. Kennedy School, Olivia Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Ninth Election District** of the Town of Rye shall be in the John F. Kennedy School, Olivia Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Tenth Election District** of the Town of Rye shall be in the Corpus Christi School, South Regent Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eleventh Election District** of the Town of Rye shall be in the Carver Center, 400 Westchester Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Twelfth Election District** of the Town of Rye shall be in the Park Avenue School, Park Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Thirteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fourteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fifteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Sixteenth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Seventeenth Election District** of the Town of Rye shall be in the Brooksville Gardens Senior Citizens Apts., Terrace Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eighteenth Election District** of the Town of Rye shall be in the Edison School, Rectory Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Nineteenth Election District** of the Town of Rye shall be in the Park Avenue School, Park Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Twenty-Fifth Election District** of the Town of Rye shall be in the King Street School, King Street, in said Village.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

RESOLUTION #2

**120 NORTH PEARL STREET
TRANSIT-ORIENTED DEVELOPMENT
SEQRA DETERMINATION OF SIGNIFICANCE
SPECIAL PERMIT FOR A DENSITY BONUS PURSUANT TO §345-16 OF THE
VILLAGE CODE**

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

WHEREAS, the Village of Port Chester Board of Trustees is in receipt of a density bonus special permit application for submitted by AGD North Pearl, LLC, for property located at 120 North Pearl Street, specifically known and designated as Section 142.22, Block 2, Lot 62; and

WHEREAS, the density bonus special permit application requests a reduction in the lot area per dwelling unit required in the C2 Main Street Business District from 750 square feet to 575 square feet to permit an additional twelve (12) dwelling units on site pursuant to Village Code §345-16 Building Height and Floor Area Bonus Program; and

WHEREAS, the proposal includes the demolition of an existing 2,115 square foot auto-glass repair facility and the construction of a 5-story, 50-unit market rate residential development with forty-six (46) on-site structured parking spaces with outdoor patio and pool amenities; and

WHEREAS, the proposed use is classified as ‘multifamily dwelling’ which is permitted by special exception use permit in the C2 Main Street Business zoning district, subject to approval by the Planning Commission per Village Code §345-59(D)(2)(a); and

WHEREAS, the proposal furthers the goals and objectives of the Village’s adopted Comprehensive Plan (2012), Housing Recommendation #2 whereby land use regulations should “*accommodate future growth in appropriate areas of the Village (e.g. downtown and around the train station...*” and “*maintain opportunities for a diverse housing market....*”; and

WHEREAS, the Project is designated as an Unlisted Action pursuant to NYCRR 617 of the SEQRA regulations and has proceeded via an uncoordinated environmental review by the Planning Commission, Zoning Board of Appeals, and Board of Trustees requiring each approval agency to make its own SEQRA Determination of Significance before granting approval(s); and

WHEREAS, on July 17, 2014, the Village Zoning Board of Appeals granted an area variance from §345-61(Q)(2) Multifamily Dwelling as the site abuts and is thus less than 500 feet from any single-family or two-family zoning district; and

WHEREAS, on October 27, 2014 the Planning Commission adopted a Negative Declaration for the Project pursuant to NYCRR 617 of the SEQRA regulations, granted Special Exception Use approval for the Project pursuant to Village Code §345-61(Q) Multifamily Dwelling and site plan approval for the proposal conditioned upon Board of Trustees granting an additional twelve (12) dwelling units per §356-16; and

WHEREAS, the Town of Rye Assessor commissioned Valuation Plus, Inc. of Mamaroneck, NY to conduct an independent appraisal for the proposed 50-unit mix and as-of-right 38-unit mix (dated October 10, 2014), which calculated the fifty (50) unit project value to be \$5,800,000 and the thirty-eight (38) unit value to be \$4,530,000, resulting in a bonus valuation of \$1,270,000; and

WHEREAS, on September 15, 2014 and October 20, 2014 the Board of Trustees held a public workshop and public hearing concerning the special permit application to review the results of independent appraisal, and all persons wishing to speak on the application at the public hearing were given an opportunity to be heard; and now therefore be it

RESOLVED, that the Village of Port Chester Board of Trustees adopts the attached Negative Declaration for the project (dated November 3, 2014) pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the State Environmental Quality Review Act of the Environmental Conservation Law affirming that the proposed Unlisted Action will not have a significant adverse impact on the environment; and be it further

RESOLVED, that pursuant to Section 345-16 of the Village Code, the Board of Trustees hereby grants a special permit for a density bonus reducing the required minimum lot area per dwelling unit in the C2 Main Street District as applied to 120 North Pearl Street (Section 142.22, Block 2, Lot 62) from 750 square feet to 575 square feet subject to the payment by the applicant of 15% of the anticipated \$1,270,000 assessed value of the bonus square footage, amounting to \$190,500, said payment to be made at the time of building permit application; and be it finally

RESOLVED, that such payment be attributed to a dedicated Density Bonus Fund established by the Village Treasurer to be used for any or all of the prescribed purposes set forth in §345-16.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

RESOLUTION #3

**BUDGET AMENDMENT – DEA FUNDS TO PURCHASE
THREE (3) UNMARKED FORD FUSION VEHICLES**

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

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase three (3) unmarked Ford Fusion cars for a total cost of \$62,823 from Vance Country Ford, C/o of the Cruisers Division, 420 Mount Pleasant Avenue, Mamaroneck, NY 10543, a Westchester County Contract vendor, #WC-RFB-13149. 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 2014-15 General Fund Budget and Capital Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(62,823.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$62,823.00
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Appropriations:

001-9900.900	Transfer to Capital	\$62,823.00
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CAPITAL FUND

Increase the 2014-15 Police (Car) Vehicle Budget from \$100,000 to \$162,823.

Revenues:

5.5.5031.2014.136	Transfer from General Fund	\$62,823.00
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Appropriations:

5.3120.203.2014.136	Police Cars 2014-15	\$62,823.000
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Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

RESOLUTION #4

AWARDING BID VILLAGE SEWER AND DRAINAGE IMPROVEMENTS

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENCE, 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 Sewer and Drainage Improvements (Bid No. 2014-07); and

WHEREAS, the Village received twelve bids for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid of Joken Development Corp., 9 Belway Place, White Plains, New York 10661. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Sewer and Drainage Improvements in the amount of \$199,747.00, and be it

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and be it

FURTHER RESOLVED, that the funding for said work be appropriated from Sewer Improvement 5.8120.400.2013.132.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

RESOLUTION #5

AUTHORIZATION TO EXECUTE NEW YORK STATE DEPARTMENT OF STATE'S LOCAL WATERFRONT REVITALIZATION PROGRAM GRANT CONTRACT FOR BULKHEAD REPAIR

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

WHEREAS, the New York State Department of State (“DOS”) Local Waterfront Revitalization Program (“LWRP”) provides grant funding opportunities for planning initiatives and projects that advance strategies for community and waterfront revitalization; and

WHEREAS, the Village of Port Chester’s exigent situation to replace the failing Village Marina Bulkhead and reactivate the adjacent public pedestrian promenade qualifies as an eligible project under the DOS-LWRP initiative; and

WHEREAS, the Village of Port Chester Office of Planning and Development submitted an application to the DOS for final design and construction documents plus permits to replace the failing bulkhead and conduct related waterfront improvements to advance economic development in the Village; and

WHEREAS, on January 9, 2014, the Village of Port Chester was awarded a DOS-LWRP grant for \$450,840, structured as a 50/50 matching grant a portion of which may consist in-kind services; and

WHEREAS, \$112,905 in funds are currently available in the existing Marina Redevelopment Project for this purpose. Now therefore be it

RESOLVED, the Board of Trustees authorizes the Village Manager to sign and execute the contract prepared by the DOS for final design and construction documents to replace the failing bulkhead (C#1000444); and be it further

RESOLVED, that the Village of Port Chester contribute its 50% grant match in an amount to be appropriated up to \$225,420 from capital budget line 5.7230.400.2009.107 for Marina Improvements.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

REPORT OF THE VILLAGE MANAGER

INITIATIVES/PRIORITIES:

❖ **Strategic Planning: Strategic Actions** (Opportunity Areas #1 Downtown TOD, #2 Downtown: Municipal Center, #3 Waterfront Redevelopment/Revitalization, #4 Fox Island, #5 United Hospital Site Redevelopment).

1) Opportunity Areas #1-5:

- Several Special BOT workshops have been held on the 345-16 Height and Floor Area Bonus Program and an appraisal has been completed. Application for said program has been made by AGD North Pearl, LLC regarding their proposed development at 120 N. Pearl Street. A public hearing has been held on said application and there is a follow up workshop and proposed action on the application this evening.
- 2nd Consolidated Funding Application (CFA) results pending information release from the Department of State.

2) Opportunity Area #1, 5: Urbanomics presented its findings related to the IDA on September 10th. The Base Formula has been drafted and vetted. There are some concerns surrounding the factoring of “hard costs” pending additional capacity data from the school board. A presentation to the BOT is pending a final presentation to the School Board of the results, formulary, and any other concerns.

3) Opportunity Area #2: As you are aware NDC has been engaged by the BOT to begin phase three of the Municipal Center feasibility study. It is understood that NDC, will direct and undertake certain design and planning-related activities as encapsulated as Task Three.

The Municipal Building Feasibility Study Task Three budget will be comprised of the following activities and costs associated with each element of the study:

Activity #1 Site Investigation – Phase I \$11,000

- *Federal, state & local records review of environmental database*
- *Evaluation of adjacent parcels and historical usage*
- *Preparation of written report on site investigation*
- *Phase I ESA report according ASTM-1527 Standard*
- *Identify any environmental concerns for Phase 2 review*

Activity #2 Environmental Site Investigation – Phase II \$35,000

- *Geophysical investigation of underground concerns*
- *Soil sampling, groundwater testing*
- *Order of Magnitude Projections*
- *Local subsurface soils sampling & testing*

Activity #3 Site Survey \$14,000

- *Boundary/Topographic Site Parcels*
- *Structure/Improvements Review*
- *Utility Mapping*
- *NYS Board for Engineering & Land Surveying Report*

Activity #4 Site Geotech Investigation \$69,000

- *Drilling of Borehole for subsurface analysis*
- *Perform Field Permeability testing in borehole*
- *Sieve analysis*
- *Organic Content ASTM Method C Review*
- *Dry Unit Weight Rock Cores*
- *Modeling of subsurface*

Activity #5 Architect ACMEP (design) \$235,000

- *Abatement plan – allowance for demolition plan*
- *Foundations footing sizes, depths and layout with standard details*
- *Steel framing plan and column scale – including member sizes; including force protection at police station;*
- *Skin/Glazing schedule elevations*
- *Drywall and Carpentry – partition layouts*
- *Elevator size capacity, general type*
- *MEP/ HVAC design, general type*
- *Architectural drawings using REVIT*
- *Site Plan*
- *Roof Plan – drainage, minimum insulation thickness; system type;*
- *Floor Plan- layouts, general type; finish schedule;*
- *Elevations – street level & floors*
- *Typical Overhead Section (2-3)*
- *Finish Schedule REVIT standard*

Activity #6 Constructability Review \$75,000

- *Identification of building materials & pricing*
- *Costing of steel quotes;*
- *Site prep work estimate*
- *Foundation pricing*
- *Labor hours schedule*
- *Subcontractor pricing schedules*
- *Finish Schedule by general type*
- *Construction period schedule & 12 month pricing*

The analysis conducted as part of the Work Scope described above will permit NDC to determine project cost and site feasibility, which will serve to provide the Village with a reasonable analysis of the undertaking involved in the review. NOTE: Activities #1 through #4 shall be completed within ninety (90) days from the execution of this Agreement.

NDC shall provide me with regular reports on the progress of these Activities. If in the course of undertaking these Activities, NDC discovers that the designated site is found to be unsuitable due to environmental or physical conditions existing thereon, NDC will immediately notify us of the existence and extent of same. Once so notified, the Village may, in its discretion, elect to have NDC suspend further services under this Agreement until an alternative location for the Project is identified or to terminate this Agreement under the provisions stated hereinafter with no recourse beyond payment for services satisfactorily performed to such date of notice.

Further, in the event that Activities #1 through #4 yield promising results in terms of site suitability such as to warrant further services, we will be notified, and upon written authorization, NDC shall initiate Activities #5 and Activity #6 and complete same within One Hundred and Twenty Days (120) days of authorization by Village Manager to proceed. The overall program will start no later than November 15, 2014.

- 4) **Opportunity Area #3:** the contract for the bulkhead design grant award in the amount of \$225,000 in on this agenda for acceptance. Note: it is a matching grant **up to** that amount. Our initial tact was to try to recapture prior expenditures up to 18 months ago, however the contract specs and guidelines did not allow for this to be feasible. At this time the relevant capital project line has about \$112,000 in available funds. This currently gives the Village access to \$224,000 in funds to be applied towards the design expenses. Although unlikely, if there is a need for additional funds in the future such requests will be made to the BOT.

The methodology now is to design the bulkhead in two phases, Phase 1 being the first Activity Node and temporary “shoring” up of the vinyl area; Phase 2 being the complete steal replacement and partial bridging of the cove. This approach allows us to first make progress toward re-activation of the waterfront as planned and it also gives us time to build potential funding resources from grants, districts, and/or parking revenues without stalling the entire capital improvement project.

Finally, the Department of State’s “Work Plan” dictates the steps / tasks throughout the project and it is important to note that the RFP for design now being drafted must be reviewed by the Waterfront Commission and ultimately approved by the Department of State prior its issuance

- 5) **Opportunity Area #5:** Staff has met with the planning team for Starwood to discuss the nuances of their environmental review and to clarify BOT expectations. Staff has also met with AKRF (the Villages selected consultant)

regarding the ongoing SEQRA process relating to the United Hospital Site and their specific tasks in reviewing any SEQRA submittals from Starwood.

- ❖ **Property Condition Study RFP:** Again, the RFP has been issued and interviews have been conducted by the BOT. The selected consultant will conduct a general neighborhood condition survey and utilize existing census and crime data to delineate specific Areas of Rehabilitation/Redevelopment Opportunity (ARO) within the village. Once specific areas are identified, the selected consultant will complete the following tasks for existing parcels located within each ARO and provide supportive data and recommendations in a narrative report format:
 - Create a parcel-based database, indexed by Section, Block, and Lot, identifying all existing building and health code violations, structural deficiencies, substandard, insanitary, or deteriorated conditions, tax delinquencies, judgment and mechanics liens, mortgage defaults, vacancy, abandonment, and zoning code violations. Existing structural integrity should be rated Good, Fair, Poor, or Deteriorated based on field reconnaissance, exterior observation, and generally accepted criteria for property condition assessment.
 - Generate existing land use and thematic maps for each Area of Rehabilitation/Redevelopment Opportunity illustrating concentration and salient trends of attributes identified above.
 - Utilize appropriate census geographies (census tract, block group or block) and parcel-based database to provide demographic tables and charts for each Area of Rehabilitation/Redevelopment Opportunity extrapolating population density, vacancy rate, age of housing stock, property condition, and crime rate relative to the Village and Westchester County as a whole.
 - Based on all quantitative data collected, provide specific recommendations for each Area of Rehabilitation/Redevelopment Opportunity (ARO) to leverage the powers of the Port Chester Board of Trustees, Port Chester Industrial Development Agency (PCIDA), Port Chester Local Development Corporation (LDC), existing state and federal resources, loans, subsidies, grant funding, public/private partnerships, condemnation powers of the village etc. as a means to facilitate viable rehabilitation/redevelopment opportunities. Recommendations should provide short, medium, and long term neighborhood enhancement strategies aligned with the goals and objectives of the village comprehensive plan and local waterfront revitalization program.
 - Provide detailed process and legal framework for implementation of recommended revitalization strategies.
 - Attend, upon request, Port Chester Village Board of Trustees meetings and other public meetings to discuss work in progress or to present findings and recommendations on completed tasks.

At the recommendation of the Board, Staff has had subsequent discussions with the two final consultants for the neighborhood revitalization strategies RFP. Next

step is to schedule special workshop with both consultant teams in November to further discuss appropriate neighborhood revitalization and economic development strategies in concert with the Village's strategic comprehensive plans.

❖ **Community Outreach Efforts:**

- **Coffee with the Village Manager:** this will be a quarterly outreach effort held at the Senior Center as a means of creating improved community dialogue and to encourage information sharing with the community. The first Coffee session was held on October 17th with the following discussion topics:
 - Economic Development Strategic Plan
 - Town of Rye Move
 - Capital Improvement Projects
 - Permit Amnesty Program
 - Open Discussion

This outreach initiative was actually the brain child of Carol Neilson (she suggested it during our performance conference and as it turns out was a great suggestion). The session was well attended and well received.

- **NAACP Town Hall Meetings:** two meeting have been held to give residents an opportunity to express their concerns about the recent local racially charged and insensitive activities. The meetings are held in hopes of creating an open and constructive community dialogue about these issues. Attendance has been relatively light however participants are committed to the effort.

ACTIONS:

1. **Performance Conferences:** As part of my efforts to tighten up operations and to further team development I have instituted quarterly to biannual performance conferences with all department heads. Although I communicate, coach, and direct on a daily basis; the conferences allow for a more focused and thoughtful discussion on priorities performance and initiatives. One of the initiatives is to provide the BOT with more detailed information on departmental activities; as such my updates will include more detail on departmental activities.
2. **Emergency Medical Services Committee:** As you are aware The Village is a member of the EMS Committee and said committee meets quarterly. Budget priorities are managed by Scott Moore, EMS Administrator; who does an exceptional job. Attached is the last agenda, budget summary, and activity report for EMS for the last quarter. Also attached is the audited financial statement for EMS.

3. DPW Snow Plow Straining: As part of our commitment to keeping our staff well trained in their areas of responsibility, each DPW worker who drives a plow has received a two day plow operator safety class room training. The training was provided by Ground Force Training Corp.

4. Automatic External Defibrillator (AED) program: I instituted a more formal program relating to the placement, maintenance, and utilization of AED within Village Premises. Scot Moore is taking lead on program development and structure in coordination with Chief Conway (who is a certified AED trainer). The purpose and intent is to ensure proper administration, utilization, training, and AED reporting. I will follow with the BOT on this as the program is solidified.

5. Finance:

- **Payroll Services:** Staff has reviewed products from four payroll service providers as follows:
 - KVS / Sprain Brook
 - ADP
 - Pay Checks
 - PBI Payroll

Each company provides similar products and services. ADP gave the best presentation of products due to their **process-centric** implementation approach. However all other companies except for KVS /Sprain Brook would still require double data entry as they are essentially a secondary databases that would not post to our existing General-Ledger.

As we have gone through the process I realized there is a need for us to further analyze our processes and procedures in order to more fully understand our needs. Automation does the following:

- Eliminate Manual Process
- Time and Cost Savings
- Control Labor Costs
- Electronic Scheduling
- Time and Labor Reporting / Management
- Fair & Consistent Application of Policies
- Integration with Payroll / HR

- Electronically stored historical data

Obvious efficiencies will be gained by further automation. To the extent that some benefits are obvious, others are not. I will be spending more time with staff analyzing our workflows to further identify our specific needs. A first swipe at it reveals some management deficiencies that can be readily corrected by automated time and leave reporting (leave slips and real time attendance records, etc...).

The benefits of bio-metric time recording however, is debatable. Invariably this leads to sky rocketing over-time costs, negative impacts on morale, and the inevitable drop in productivity. Further discussion on this aspect is encouraged.

- **Village Audit:** The audited financial statements for the Village of Port Chester for fiscal year ending May 31, 2014 will be ready for presentation on Monday, November 3, 2014.
- **Utility Savings Audit:** The Utility Savings Audit by Computel Consultants is in its information gather stage. The Finance Department is working closely with Computel in identifying electric, telephone, water, and cable television companies that are currently contributing municipal gross receipt tax to the Village of Port Chester. We are currently gathering the data necessary for Computel to distribute their audit letters for electric, street lighting, gas, and telephone companies.

PROJECTS:

1. Street Paving:

- All street paving/Village sidewalk/curb work is underway with completion expected within the next few weeks.
- Note: issues relating to the prior year's street paving have been resolved: ELQ is undertaking all remediation as directed.
- Note: Staff is holding Con Ed and United Water's feet to the fire relating to better coordination and better remediation of their street opening. Con Ed has recently agreed to our new standards and will be reimbursing the Village for areas repaved on their behalf. Formal agreement pending.

- 2. Town of Rye Move:** the project continues to move forward. Occupancy of 350 N. Main and 222 Grace Church Street is scheduled for November. The Village Court Clerks have been moved to their new space. Rye Town Court is scheduled to move in on November 7th.

3. **350 North Main Street:** The proposed capital improvements to the building continue to move forward. RFPs have been received relating to the Brick work and bid award will be on the next agenda.
4. **Pay Station / Meters:** Service update as follows:
- Parking Meter installation and rollout on Midland and Horton has been successful. Next generation machines in these locations have avoided the power issues that we have seen in other areas.
 - Machines that were having power issues throughout town received new modems as promised by our contractor. These machines appear to be functioning much better as a result and power outages have returned reasonable levels. We are monitoring the situation closely to avoid a repeat of last year's winter troubles.
 - Coin acceptor issues appear they have been diagnosed on our older machines. The replacement of corroded plates internal to the mechanisms appears to be a long term fix. This situation is still in testing but we believe progress is being made. Every effort is being made to ensure revenue streams as the weather changes.
 - Site prep for parking lot shelters has been planned and will occur shortly. Shelters will be ordered and installed this winter.

DISCUSSIONS

Booting and Towing: Attorney Cerreto commented before this is put into law it should go on the agenda as a public hearing for the December meeting. In the meantime he would like to work with the police chief because this requires the work of the police department for it to be a success.

Ethics/Gifts – Requested by Trustee Adam: Trustee Adams commented that Port Chester is not in line with New York State that has a \$75 gift acceptance. If you go to an affair and someone buys you a cup of coffee, you are against the law. We should get in line with New York State in terms of ethics and gift acceptance. I would like for Port Chester to have on its books the same law that New York State goes by. Attorney Cerreto commented that the New York State law has been held unconstitutional by a lower court in upstate that it is too vague. You may want to refer to the Board of Ethics. Attorney Cerreto's recommendation is that we make a distinction between hospitable gifts and gifts that actually might appear that something is wrong.

Acquiring the services of an outside payroll company.

Trustee Terenzi commented he has been trying to get this accomplished for a while. Based on what he saw, ADP came in with some stellar recommendations. Village Manager Steers commented that all their databases bought something to the table. ADP looked at lining up process. The complication is their own databases. The only one that

doesn't have that problem is KVS database. Our home database is KVS. Mr. Steers suggested we take another look at ADP and get together with KVS. ADP had more of human resources. We have to understand what all the implications are. The process for implementation would be where the department head is responsible for taking the attendance. Mr. Steers commented we need to have a process. Mr. Brakewood commented that this is also a way of knowing who is in a building.

CORRESPONDENCES

From Joan M. Di Buono on her resignation from the Board of Ethics.

The Board duly noted the correspondence.

Port Chester Yacht Club regarding bulkhead.

The Board referred the correspondence to staff without objection.

Mayor Pagano asked for a motion to combine correspondence 3, 4, 5 and 6 of the agenda for the purpose of refereeing the correspondences to staff without objection.

From Leonard Sorbara of 37 Upland Street - Sewer Rent Appeal.

From Editha Comia, 480 King Street - Sewer Rent Appeal.

From Manuel Yanez of 328 Locust Avenue - Sewer Rent Appeal.

From Ruth Ann Cosgrove 305 Glen Avenue - Sewer Rent Appeal.

There being no objections, on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

Permission Requested for Parade on December 27, 2014.

The Board referred the correspondence to staff without objection.

From Putnam Engine & Hose Co., No. 2 regarding the expulsion of a member Eugene Sciavillo.

The Board duly noted the correspondence.

From Harry Howard Hook & Ladder Co. No. 1 regarding the election of a member Carlos E. Ruano.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE TEREZI, The Board of Trustees accepted the election of Carlos E. Ruano as a member to Harry Howard Hook & Ladder Co. No. 1 with the Port Chester Fire Department.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

From Harry Howard Hook & Ladder Co. No. 1 regarding the resignation of Timothy Gordon Hannigan.

The Board duly noted the correspondence.

From Harry Howard Hook & Ladder Co. No. 1 regarding the resignation of Christopher Lutton.

The Board duly noted the correspondence.

From U.S. Department of Transportation Federal Transit Administration regarding extension approval.

The Board duly noted the correspondence.

MINUTES

Mayor Pagano asked for a motion to combine the minutes of 10/02/2014, 10/06/2014 and 10/20/2014 of the agenda for the purpose of casting one vote for all minutes.

There being no objection TRUSTEE ADAMS, made a motion, seconded by TRUSTEE CECCARELLI, to combine the minutes of 10/02/2014, 10/06/2014 and 10/20/2014, the motion was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENCE, The Board of Trustees accepted the minutes of 10/02/2014, 10/06/2014 and 10/20/2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

No comments were made by the public

Board

Trustee Adams commented he does not want to see the electoral process taken out of the hands of the voter. He thanked Trustees Brakewood and Ciccarelli for attending his son's Eagle Scout presentation and he congratulated his son on obtaining Eagle Scout.

Trustee Brakewood thanked Dr. Arnel for coming forward and requesting a change to the zoning code. He would support a referendum for the new Municipal Center.

Trustee Terenzi commented that we have knocked down the long term debt substantially. The name of the game is to increase the accessible.

Trustee Ciccarelli commented on the looks of the Village Hall on the front of the audit report. We should see what NDC recommends before we go forward. He thanked Trustee Marino and the Knights of Columbus on their fundraiser.

Mayor Pagano commented how this Village comes together during times of crisis.

At 10:19 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Mayor Pagano.

NOES: None.

ABSENT: Trustee Marino, Kenner and Ceccarelli.

DATE: November 3, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD DECEMBER 1, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 1, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustees Brakewood arrived at 6:58 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Deputy Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez (arrived at 6:58 p.m.); Christopher Ameigh Administrative Aide to the Village Manager; Building Inspector and Director of Code Enforcement Peter Miley (arrived at 6:55 p.m.) and Village Planner Jessica Youngblood (arrived at 6:55 p.m.).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:03 p.m.

ROLL CALL

AYES: Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Brakewood.

DATE: December 1, 2014

MOTION FOR EXECUTIVE SESSION

It should be noted that Trustees Ceccarelli recused himself from the portion of Executive Session dealing with Collective bargaining negotiations involving the PBA.

At 6:04 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE, the Board adjourned into an executive session regarding:

*Collective bargaining negotiations involving the PBA.
Chief of Police – Establishing Benefits.*

ROLL CALL

AYES: Trustees Adams, Terenzi, Kenner, Marino and Mayor Pagano

NOES: None.

RECUSE: Ceccarelli

ABSENT: Trustees Brakewood.

DATE: December 1, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Deputy Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:10 p.m., a motion to come out of executive session was made by TRUSTEE TERENCE, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Brakewood.

DATE: December 1, 2014

PRESENTATION

Amendment to Marina Urban Redevelopment (MUR) regarding Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 (Former Coney's lot).

Village Planning Director Chris Gomez gave a brief overview of the G&S development site at Westchester Avenue and North Main Street. This is a draft zoning petition to amend the official map to include a five floor multi use building to include dwellings.. This would have no setbacks or available open space. Tonight this presentation is an information session. A workshop is needed on this and it should be referred to the Planning Commission. Any decisions require the approval of the Board of Trustees.

Daniel Tartaglia, attorney for G&S Developers, presented the last piece of property for development that was started by G&S ten to twelve years ago. The Coney's lot is between Abendroth and North Main with Westchester Avenue on the side of it. It is part of the MUR zone. Everything with this project goes through the Board of Trustees.

UPDATE FROM THE BUILDING INSPECTOR

Subjects

1. Concern regarding the level of integration between the building department and code enforcement.
2. TCO's
3. Article in paper regarding Christmas lighting, public perception

Code Enforcement

Level of integration of Building and Code Enforcement Departments

1 & 2 family dwellings are not required to have a fire inspection performed.

If a 3 family dwelling or more and/or commercial establishment is scheduled for a fire inspection 3 things will happen after the inspection has been completed:

1. They pass
2. They fail inspection and are given a notice of violation to abate conditions that fail to meet the minimum code requirements. Violations are explained and a re-inspection date is established. If all of the conditions are satisfied that are provided in the initial inspection sheet (copy provided to person present at initial inspection), inspection passes and a certificate of compliance is issued. If they fail to complete all of the items indicated on the inspection sheet, they are required to schedule for an additional re-inspection where they are charged an additional "re-inspection fee." There are no changes or add-ons to the original inspection, the initial inspection identifies deficiencies. Code enforcement does not provide a prescriptive method of compliance, essentially; they cannot tell someone how to fix certain items that require a licensed design professional and would normally require a building permit. Code enforcement can however, instruct them on certain items, for example:
 - Location of additional emergency egress and exit lighting
 - Fire extinguisher locations
 - Hardware requirements on egress doors, fire doors
 - Posting of and type of signage required

There a number of other items that a fire inspector is more than willing to assist with, again, all deficiencies are identified in the initial inspection and documented on the inspection "field" sheet where a copy is signed for and provided to the person present during the inspection.

3. Should one of the conditions of the inspection require a building permit, a building department referral form is also handed to the person with clear instructions of the item(s) that require a building permit. At that point, they

deal directly with the building department and depending on the level of work required to become code compliant, dictates how much time is given (extensions) to make the necessary corrections. Life-threatening violations are treated with the utmost importance and to be corrected immediately.

Building Department

On the building department end, applicants that receive a building permit (based on the level of alterations i.e., relocation of egresses, fire safety systems (sprinkler, Ansul, & fire alarms) may be required to have an updated fire inspection conducted after the work has been completed; this is accomplished most time, if ready, at the CO or final inspection.

All building department forms are clear with instructions as to what inspections are required. Permits packages are given to recipients and it includes an inspection check list, this is provided with every permit.

Further, the actual permit also includes a list of inspections that may be required.

TCO's

- How long is appropriate for renewals
- What happens after they fail to obtain the permanent CO

Building department is not in a position of failing to follow up with parties operating with a TCO. The building department requires that they apply every 30 days for renewal, essentially; all TCO's are monitored monthly for progress.

Current status

There are less than 12 TCO's that are currently under renewal, most are for a month or two. The higher profile projects have had numerous renewals.

Mariner: Issued on 1/10/2013, requires site plan amendment or complete work as planned. Current issues are Con-Ed.

The Capital Theater: 1/15/2013, in process of planning amendments and zoning variances are required.

Burger King: 3/18/2014, just completed the final stages of planning and filed for the permanent CO.

Clay Fitness: 8/13/2014, United Water issue, inadequate water pressure, very difficult company to deal with.

In the event that they fail to meet conditions all applicants are well aware that a TCO renewal is at the discretion of the building department.

CO/TCO's recently revoked

McDonalds, Bar Taco

Revenues (TCO's)

January 2014 thru May 2014:	\$2775.00
June 2014 thru November 2014: implemented in June 2014.	\$19,425.00 - this is after the new fees were

Applicable Village Code

151-7 F. The Building Inspector shall be permitted to issue a temporary certificate of occupancy allowing the temporary occupancy of a building or structure, or a portion thereof, prior to completion of the work which is the subject of a building permit. However, in no event shall a temporary certificate be issued unless it is determined that: the building or structure, or the portion thereof covered by the temporary certificate, may be occupied safely, that any fire- and smoke-detecting or fire protection equipment which has been installed is operational and that all required means of egress from the building or structure have been provided. The Inspector shall include in a temporary certificate such terms and conditions as deemed necessary or appropriate to ensure safety or to further the purposes and intent of the Code. A temporary certificate shall be effective for a period of time, **not to exceed six months unless otherwise determined by the Building Inspector and so specified in the temporary certificate.** During the specified period of effectiveness of the temporary certificate, the permit holder shall undertake to bring the building or structure into full compliance with all applicable provisions of the Code.

Article in Paper regarding Christmas Lights

Article was a gross misrepresentation by the Westmore News. The way the article was written, it appeared “on the surface, perception” that Code Enforcement was targeting “Holiday Lighting;” this was absolutely not the case.

Complaints by two Boards, some business owners and citizens regarding the excessive amount of signage throughout the Village prompted code enforcement to take action. Window coverage is a concern for the safety of first responders (police and fire), being able to see a suspect inside and location of a fire incident is of the utmost importance.

Led scrolling, signs installed without permits or architectural review board approvals, and excessive window coverage was targeted for Village Code violations. Lighting, especially those utilizing power strips and non-UL rated temporary electrical extension cords were issued a violation, they are all fire hazards. During the sweep, Christmas lighting discovered during an inspection that as considered unsafe were issued, as per the code, a violation. The code reads:

345-15 G.

(2) The outlining by direct illumination of all or part of a building such as a gable, roof, wall, side or corner is prohibited, except during the **Christmas season**. The code does not specify a Christmas Season. Past practice has been from the day after Thanksgiving until December 8th 11:59 pm after the end of **Bodhi Day**, the Buddhist holiday.

(3) No flashing or moving signs, except time and temperature information, nor any rooftop signs shall be permitted in any district.

(4) Illumination of signs shall be accomplished by means of shielded light sources and in such a manner that no glare shall extend beyond the property lines, disturb the vision of passing motorists nor constitute a hazard to vehicular traffic.

345-15 E.

(4) Business identification may be interior-lighted with no glaring lights or may be illuminated by shielded floodlights or shielded neon tubing using a transformer with a maximum of 30 mill amperes; **provided, however, that red and green lights shall be set back at least 75 feet from the point of the intersection of the street lines at a street corner, and further provided that any intermittent or flashing lights shall not be used on or in any sign. Moving or animated signs shall be prohibited.**

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon commented on Port Chester going to city status and keeping our sales tax. We don't need any more residential property because our schools are overloaded. Goldie commented on December 7th Pearl Harbor Day, December 11th Santa in the Park, and December 12th Holiday Shopping at the Senior Center.

Ms. Doris Reavis commented on the Housing notice in the newspaper. We have monstrous apartment buildings going up that are going to impact the community. Our schools are overcrowded and the Port Chester traffic is overwhelming. She urged the Trustees to work with the Planning Board and Architectural Review Board to find something other than more housing.

Mr. Richard Abel commented about an article in the Westmore News of October 24th regarding taking down the lights. The story is about lights, not just Christmas lights, which the newspaper clarified. The newspaper explained what happens. The comments on social media were wrong.

Ms. Alie Daly commented on the death of Joseph Touri and the critical condition of Diana Penata in an automobile accident. She presented a petition requesting that bumps and humps be placed along College and Park Avenue to slow down traffic. New York City has speed bumps around school zones and they do slow down the traffic.

Ms. Bea Conetta congratulated the Board on full attendance. She congratulated Joe Kenner on his marriage. She thanked the Mayor and Dan Brakewood on attending her 90th birthday party. Ms. Conetta commented on TCO's. The small businesses and homeowners have eighteen months in which to correct the problem or pay \$175 for an extension. She was happy to hear that Code Enforcement does go after the big guys who go on and on with TCO's. Peter Miley does know his business and has the answers for everything. People are frightened with the expiration date. She commented on the traffic tragedy and asked that people pray for the families.

DISCUSSIONS (Taken out of order)

Speed Hump as requested by Trustee Terenzi.

Trustee Terenzi commented he received a call from Michelle Mendicino after the tragic accident. Michelle commented on educating our children on safe driving. People are in support of speed bumps that are needed in the high school area. Mayor Pagano commented that prior to this tragedy there was already a study in place and there has been surveillance in place on Betsy Brown. He asked Police Chief Conway to give a report on what has been done so far. Chief Conway commented one suggestion was to use speed signs, which tell you when you are inadvertently speeding. When people are intentionally speeding there is the possibility of speed cameras. Village Attorney Cerreto is looking into a pilot program that allows ticket generating speed cameras. There are also other ways. One of them is speed humps, which have been discussed. Initially these were negatively received because they were viewed as speed bumps. Speed humps are used around New York City schools and in Irvington and Pelham. They are about \$3,600 each and work well where people are inadvertently speeding. That would solve a lot of the problem. We are looking at placing them where crosswalks are and putting the crosswalks on the speed humps, which would give them greater visibility. Essentially it

would render that roadway essentially impossible to drag race on. Ms. Mendicino commented with winter approaching she does not want this to be put on the back burner and then forgotten about. She commented they make removable speed humps which can be removed for plowing. She thinks that speed humps would be the best suggestion around schools, just don't wait until after winter.

Trustee Marino suggested that whatever we do, we should move forward immediately before another tragic accident occurs. Trustee Brakewood commented this is a traffic commission and planning issue. A temporary speed bump is a good solution as an immediate measure and if something better is planned they can be removed. We should look at the area as a campus and speed bumps would be great. Money, i.e. waiting for a grant, should not stand in the way. Mayor Pagano asked that Chief Conway come up with a suggestion and work with the Village staff to get it done. He said with the winter coming do we run out and remove the bumps for the plows.

Trustee Adams asked if the Police Department went to the high school to speak to the students about drag racing. Chief Conway commented not yet, it is something he needs to take up with Dr. Combs. It definitely is worthy of consideration. Ms. Alie Daley commented money is not an issue. This could be backed by the community.

ADD-ON RESOLUTIONS

MOTION TO ADD-ON RESOLUTION #1

Following the Public Comments section of the meeting, Mayor Pagano asked for a motion to add-on a resolution to ratify and approves the Memorandum of Agreement dated November 7, 2014 with the Port Chester Police Association, Inc.

There being no objection TRUSTEE ADAMS, made a motion to add-on a resolution, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Mayor Pagano.

NOES: None.

RECUSE: Trustee Ceccarelli.

ABSENT: None.

DATE: December 1, 2014.

RESOLUTION (Add-On #1)

**MEMORANDUM OF AGREEMENT AND SUCCESSOR
COLLECTIVE BARGAINING AGREEMENT BETWEEN**

THE VILLAGE OF PORT CHESTER AND
THE PORT CHESTER POLICE ASSOCIATION, INC.

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

WHEREAS, the Village of Port Chester and the Port Chester Police Association, Inc., entered into negotiations for successor agreement to a contract that expired on May 31, 2014; and

WHEREAS, those negotiations have been successfully concluded; and

WHEREAS, the parties have arrived at a tentative agreement covering the period of June 1, 2014 through May 31, 2018. Now therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies and approves the Memorandum of Agreement dated November 7, 2014 in the form annexed hereto with the Port Chester Police Association, Inc., and be it further

RESOLVED, that the Village Manager be authorized to execute the successor agreement incorporating said provisions; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the General Fund Budget as follows:

GENERAL FUND

Transfer From:

Contingency

1.1990.0400	Contingency	\$265,640
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Transfers To:

Police Department

1.3120.100	Salaries	\$150,959
1.3120.101	Overtime	\$11,531
1.3120.102	Longevity	\$27,875
1.3120.105	Out of Title	\$538
1.3120.106	Holiday Pay	\$4,000
1.3120.124	Sick Incentive	\$350
1.3120.125	O/T V. Court	\$250
1.3120.126	O/T C. Court	\$625
1.3120.143	In Service Training	\$4,358
1.3120.197	Vacation Buyout	\$1,250
1.3120.198	Super Holiday Pay	\$1,000

1.3120.199	Final Retirement Payout	\$3,125
1.9030.802	FICA	\$12,763
1.9030.810	Medicare	\$2,985
1.9010.801	NYS Police & Fire Retirement	\$44,031
Total		\$265,640

Approved as to Form:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Mayor Pagano

NOES: None.

RECUSE: Trustee Ceccarelli

ABSENT: None.

DATE: December 1, 2014

MOTION TO ADD-ON RESOLUTION #2

Following the Public Comments section of the meeting, Mayor Pagano asked for a motion to add-on a second resolution to provide for the benefits to the Chief of Police.

There being no objection TRUSTEE ADAMS, made a motion to add-on a resolution, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: None.

DATE: December 1, 2014.

RESOLUTION (Add-On #2)

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

WHEREAS, Richard Conway has been appointed Chief of Police; and

WHEREAS, with such appointment, Chief Conway is no longer a member of the police collective bargaining unit; and

WHEREAS, the Board desires to provide for the benefits to the Chief of Police; and

RESOLVED, that the Chief of Police shall be accorded a salary as determined by resolution of the Board of Trustees and all other benefits of the collective bargaining agreement currently in effect between the Village of Port Chester and the Port Chester Police Association, Inc., except that the Chief shall not be entitled to overtime/extra-time and/or additional compensation to attend in-service training.

Approved as to Form:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014

RESOLUTIONS

RESOLUTION #1

**AUTHORIZING AN INTER-MUNICIPAL AGREEMENT
WITH THE COUNTY OF WESTCHESTER WITH REGARD TO STOP-DWI
ENFORCEMENT CRACKDOWN PROGRAM**

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

WHEREAS, the STOP-DWI Enforcement Crackdown Program is an overtime, added, patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) through an IMA with the County of Westchester; and

WHEREAS, the County has forwarded an inter-municipal agreement covering the period October 1, 2013 through September 30, 2014; and

WHEREAS, execution of the agreement will enable the Village of Port Chester to be reimbursed for Village police officers participating in the program during this time-period. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an inter-municipal agreement with the County of Westchester to facilitate the Port Chester Police Department's participation in the STOP-DWI Enforcement Crackdown Program for 2013-2014.

APPROVED AS TO FORM:

Village Attorney
Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014

RESOLUTION #2

**BUDGET AMENDMENT – DEA FUNDS TO PURCHASE
AND UPGRADE THE POLICE DEPARTMENT MEDICAL EQUIPMENT
FOR EMERGENCY RESPONSE**

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

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase and upgrade its emergency medical equipment consisting of but not limited to: 2 Automated External Defibrulators, 12 Oxygen Bags, 20-CAT Tourniquets, 40 Packages of Quick Clot Gauze, 20 Asherman Chest Seals for a total cost of \$5,000 from Moore Medical, 169 New Britain Avenue, Suite A, Farmington, CT 06032; and Physio Control Corp, 11811 Willows Road, N.E., P.O. Box 97006, Redmond, WA 98073-9706. 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 2014-15 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(5,000.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$5,000.00
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Appropriations:

001-3120-0220	Police Service Equipment	\$5,000.00
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APPROVED AS TO FORM:

Village Attorney
Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014.

RESOLUTION #3

AUTHORIZATION OF FREE HOLIDAY PARKING FOR 2014

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

WHEREAS, by letter from the President of the Chamber of Commerce dated November 20, 2014, request has been made for Holiday parking in the downtown; and

WHEREAS, this practice has been a tradition in the Village of Port Chester for many years; and

WHEREAS, this practice encourages shoppers and visitors to the Village and promotes its' reputation as the "Restaurant Capital of Westchester County", thereby increasing property values and the Village's tax base. Now, therefore, be

RESOLVED, that enforcement be suspended so that there will be free parking within all posted limitations of parking time limits and hours from December 20, 2014 through December 31, 2014 on North Main Street between the railroad bridge and Westchester Avenue, South Main Street, Abendroth Avenue, Willett Avenue between Abendroth Avenue and Marvin Place, Adee Street, Marvin Place, Westchester Avenue east of the Library to Liberty Square, Lower King Street north to the railroad bridge, and the following municipal parking lots: Highland Street (Lot 11), East Broadway (Lot 18), Willett Avenue (Lot 16) and Adee Street (Lot 17).

Approved as to Form:

Anthony M. Cerreto
Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014

RESOLUTION #4

ESTABLISHING A NO-PARKING ZONE ON NORTH PEARL STREET

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

WHEREAS, parking regulations currently allow for parking at a metered space immediately north-east of property located at 120 North Pearl Street; and

WHEREAS, the Planning Commission has granted site plan approval for a multi-family transit-oriented development which shows a proposed driveway to North Pearl Street; and

WHEREAS, the Planning Commission and Traffic Commission has identified the need to remove said parking space so as to improve sight line visibility for users and vehicular traffic on North Pearl Street. Now, therefore, be it

RESOLVED, that the Code of the Village of Port Chester, Chapter 319, Vehicles and Traffic, Schedule XIV, Section 319-74, is hereby amended to read as follows:

Section 319-74 No Parking or Standing

In accordance with the Provisions of 319-20, the parking or standing of vehicles is prohibited at all times in the following locations:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
(Add) N. Pearl Street	North	From the North West Intersection with King Street, West for a distance of 150 feet to the Driveway of 120 N. Pearl Street

and be it further

RESOLVED, that this resolution shall be effective upon the issuance of the building permit for the project referenced herein.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.
ABSENT: None.

DATE: December 1, 2014

DISCUSSIONS (Continues)

Permitting medical uses in the C1 Zone.

Village Planning Director Chris Gomez reviewed his handouts reviewing medical uses in the C1 Neighborhood Business District. We have several applicants asking to allow medical and dental facilities in the C1 District. We have differences in our code for facilities that include X-Rays facilities and those that do not. These districts do include some special exceptions.

Attorney for Dr. Cohen, at 220 Westchester Avenue, a C1 district. At the time this was bought in 1996 he obtained a letter from the Building Inspector saying that a medical office could be housed in this building. He also rented it out to a dentist, who also received a CO. He commented it would be nice to get permission for medical in this C1 district.

Chris Gomez commented if we change this to a P1 Zone, the question is do we have to change all C1 Zones to P1 zones. We have to be careful about which districts we change. The C1 district does have a provision in the code requiring parking. If we move the municipal center that would also require some rezoning in that area.

Mark Arnell asked why there has to be a distinction between X-Ray and no X-Ray. It is regulated by the county and the state. Installation of equipment requires inspection by the county regularly. The X-Ray question is inconsequential.

We will look into having an analysis (which includes history of certain properties) by December 15th.

Parking on Horton Ave., as requested by Mayor Pagano.

Mayor Pagano commented he received several calls over the last few months from tenants in the Life Savers building. Their issue is when guests come after 6:00 P.M. they have to pay the meters on Horton until 9:00. He would like to have a better handle on the analysis. We still have old meters on Horton. Chris Ameigh can get numbers by the next Board meeting on the revenue generated between those hours. He will also look into the parking lot on Wilkins Avenue.

CORRESPONDENCES

From Fire Patrol & Rescue Co. #1 on the expelling of Anthony Reillo.

The Board duly noted the correspondence.

From Port Chester Rye Brook Rye Town Chamber of Commerce regarding free parking from December 20 through and including December 31, 2014.

The Board duly noted the correspondence.

From Ciro Cuono letter to express interest in becoming a member of the Planning Commission.

Mayor Pagano asked that the Clerk setup an interview.

From Christina Collins, Sustainability Committee Invitation to Join Sustainability Committee.

Mayor Pagano stated that Trustee Ceccarelli would not mind tackling it.

MINUTES

Mayor Pagano asked for a motion to combine the minutes of;

Minutes from October 29, 2014

Minutes from November 3, 2014

Minutes from November 17, 2014

for the purpose of casting one vote for the above listed minutes.

There being no objection TRUSTEE KENNER, made a motion, seconded by TRUSTEE MARINO, to combine the minutes of October 29, 2014, November 3, 2014, and November 17, 2014 of the agenda for the purpose of casting one vote for all the minutes.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, The Board of Trustees accepted the minutes of October 29, 2014, November 3, 2014, and November 17, 2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

Mr. Richard Abel commented on George Orwell's *1984*. He commented that he is upset that the anti-Semitic comments made at the November 3rd meeting were not included in the minutes nor were Trustee Adams' comments at the end of the meeting condemning the comments. But, the comments made in the hall at the next meeting were commented on by Mr. Steers and these were in great detail. There is nothing in the minutes about the event of November 3rd.

Board

Trustee Adams commented on a back hoe removing dirt on United Hospital site. We should be kept address of any work being done on that property. It was being done near Abendroth Park and the old ER parking lot. Attorney Cerreto will check into this. Trustee Adams requested that the Board be informed in advance of any work to be performed on this property. Regarding the resolution on the Block Grant he requested that several agencies get copies. Village Clerk Richards commented that the copies have been sent to the agencies. Trustee Adams commented regarding Do Not Block the Box on South Regent Street Co-op. He would like information on that progress. He congratulated Joe Kenner on his marriage.

Trustee Brakewood commented on the revision of the minutes from November 3rd to reflect the entire comments made on November 3rd. He requested Village Clerk Richards to update the minutes. He commented at the next Board meeting we should rescind the approved minutes and adopt new minutes. The comments should be added to

reflect the entire meeting. He commented we should have a Board update on the Neighborhood Revitalization. Planning Director Gomez commented we are down to two finalists and will have a follow-up workshop on this topic in early January. Trustee Brakewood commented he continues to be amazed about the e-mails going back and forth about the dog park. This has the energy and the funds of the general public behind it and the Village should be able to move forward on this pretty quickly. He extended his condolences to the Touri family. We will do whatever is necessary make it safer and solve the problem of speeding in the high school area.

Trustee Marino commented on the good job of the fire department at the Madison Avenue fire; and of the EMS, fire department and police department at the automobile tragedy.

Mayor Pagano passed along his condolences to the Touri family and wished a speedy recovery to Diana Penata. He commented on the good work done by Louis Marino and how he helps those in need.

At 9:32 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 1, 2014.

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD DECEMBER 3, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Wednesday, December 3, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were: Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Attorney Anthony Piscionere, Attorney Michael J. Konicoff (representing a member of Port Chester Police Department); Attorney Terry O'Neil, Attorney Emily E. Harper, Labor Councils and defendant.

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS the meeting was declared opened at 7:05 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 3, 2014

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

MOTION FOR EXECUTIVE SESSION

At 7:05 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER, the Board adjourned into an executive session for the purpose of consulting with Village Attorney.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 3, 2014

Also present were: Village Clerk, Janusz R. Richards and Village Attorney, Anthony Cerreto.

No action was taken in executive session.

At 7:16 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 3, 2014

At 7:24 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER the Board adjourned into an executive session to conduct the trial with regard to disciplinary charges brought against a member of the Port Chester Police Department pursuant to the provisions of Section 5711-q of the Unconsolidated Laws of the State of New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 3, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Attorney Anthony Piscionere, Attorney Michael J. Konicoff (representing a member of Port Chester Police Department); Attorney Terry O'Neil, Attorney Emily E. Harper, Labor Councils and defendant.

No action was taken in executive session.

At 10:22 p.m., a motion to come out of executive session was made by TRUSTEE KENNER, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: None.

DATE: December 3, 2014

At 10:23 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: None.

DATE: December 3, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD DECEMBER 8, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 8, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Attorney Anthony Piscionere, (representing a member of Port Chester Police Department); Attorney Terry O'Neil, Attorney Emily E. Harper, Labor Councils, defendant and Attorney Jeffrey Binder.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD the meeting was declared opened at 6:42 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 8, 2014

MOTION FOR EXECUTIVE SESSION

Consultation with Special Counsel and Village Attorney with regard to litigation against the County of Westchester Board of Elections.

The Board did not go in to an executive session to consult with Special Counsel and Village Attorney with regard to litigation against the County of Westchester Board of Elections.

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

MOTION FOR EXECUTIVE SESSION

At 6:42 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the Board adjourned into an executive session to continue the trial with regard to disciplinary charges brought against a member of the Port Chester Police Department pursuant to the provisions of Section 5711-q of the Unconsolidated Laws of the State of New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 8, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Attorney Anthony Piscionere, (representing a member of Port Chester Police Department); charged Police Officer; Attorney Terry O'Neil, and Attorney Emily E. Harper, Labor Councils.

No action was taken in executive session.

At 10:37 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 8, 2014

Add-On Resolution

Mayor Pagano asked for a motion to consider an add-on resolution to co-sponsor an event with Port Chester/Rye branch of the NAACP at Columbus Park on Saturday, December 13 from 2-3p.m., at Columbus Park.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 8, 2014

CO-SPONSORING EVENT WITH THE NAACP
TO USE COLUMBUS PARK

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

RESOLVED, that Village of Port Chester will co-sponsor an event with Port Chester/Rye branch of the NAACP at Columbus Park on Saturday, December 13 from 2-3p.m., at Columbus Park to coincide with a March on Washington.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 8, 2014

At 10:43 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: December 8, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

**PUBLIC COMMENTS
AND
BOARD COMMENTS**