

**VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES  
Meeting, Monday, February 2, 2015  
PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 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. to 7:00 P.M.**

<b>I</b>	<b>PROPOSED MOTION FOR EXECUTIVE SESSION</b>	<b>ACTION</b>
1	Property Condition Assessment and Neighborhood Revitalization Strategies report – candidate interviews.	
2	Port Chester Rye Brook Public Library Contract.	
3	Port Chester Youth Baseball League (PCYBL) - Renewal Agreement.	

**TIME: 7:00 P.M.**

<b>II</b>	<b>AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLIC HEARING RE:</b>	<b>ACTION</b>
1	Public Hearing regarding a local law amending the code of the Village of Port Chester by adding a new chapter, Chapter 302, Towing and Booting. <u>Resolution</u>	
<b>III</b>	<b>PUBLIC COMMENTS</b>	<b>ACTION</b>
<b>IV</b>	<b>RESOLUTIONS</b>	<b>ACTION</b>
	<b>Administration</b>	
1	Appointment of Election Inspectors.	
2	Inter-Municipal Agreement with Westchester County to continue the Village of Port Chester's participation in the Organic Yard Waste Transfer Program.	
	<b>Finance</b>	
3	Transfer \$2385.00 from the DEA Asset Forfeiture Fund to the Equipment Fund for the purchase of 3 recertified Lifepak CR Plus AED's from Emergency Medical Products.	
4	Transfer \$4,600.00 from the DEA Asset Forfeiture fund to the Equipment Fund for the purchase of a Fargo DTC4500e, magnetic coding upgradable, ID card system from LSI, Inc.	
	<b>Senior / Nutrition Program</b>	
5	Westchester County - Food Service Permit - Nutrition Program for The Elderly – 01-6620-B.	

<b>V</b>	<b>DISCUSSIONS</b>	<b>ACTION</b>
1	Joseph Gianfrancesco from the Traffic Commission regarding safety issues on College Avenue	
2	Additional municipal parking spaces – as requested by Trustee Adams	
3	Starwood	
4	Regarding Riverdale Avenue	
<b>VI</b>	<b>CORRESPONDENCE</b>	<b>ACTION</b>
1	From Clay Art Center respectfully requests use of the Beech Street municipal parking lot in front of the Clay Art Center building for this community event and the rental of Showmobile.	
2	From Westchester County Leadership Prayer Breakfast regarding the nomination of Village Manager Christopher Steers as a new committee member.	
3	From Robert P. Casey, Jr. and Roger Wicker United States Senators inviting Village Manager Christopher Steers to the 63 <sup>rd</sup> Annual National Prayer Breakfast in Washington, D.C.	
4	From Robert P. Casey, Jr. and Roger Wicker United States Senators inviting Village Treasure Leonie Douglas to the 63 <sup>rd</sup> Annual National Prayer Breakfast in Washington, D.C.	
<b>VII</b>	<b>MINUTES</b>	<b>ACTION</b>
1	Minutes from December 15, 2014	
2	Minutes from January 5, 2015	
<b>VIII</b>	<b>PUBLIC COMMENTS AND BOARD COMMENTS</b>	<b>ACTION</b>

**TIME:** \_\_\_\_\_

**PROPOSED MOTION  
FOR  
EXECUTIVE SESSION**

AFFIDAVIT OF PUBLICATION  
AND  
NOTICE OF PUBLICATION RE

**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/or 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 or booting 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 also include parking lots owned by or under the control of Port Chester Housing Authority. 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. If any person has committed a violation of this section, or any rules promulgated pursuant to this section, such person shall be prohibited from collecting a fee or charge for their towing services, and any such unlawful charge collected shall be reimbursed to the vehicle's owner.

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 prescribed 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. If any person has committed a violation of this section, or any rules promulgated pursuant to this section, such person shall be prohibited from collecting a fee or charge for their booting services, and any such unlawful charge collected shall be reimbursed to the vehicle's owner

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 3: 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 4: EFFECTIVE DATE**

This local law shall take effect immediately upon filing with the Secretary of the State of New York.



# PREDATORS BEWARE

**Booting and towing regulations are being considered in Port Chester for the protection of its residents.**

The Board of Trustees will be considering a law applying to privately-owned parking lots on multifamily and commercial properties. Downtown garage and marina lots included. Lot owners will be required to post Village approved lot rules. This law establishes licensing for towing and booting services including criminal background checks. It also regulates procedures and fee limits for tow operators.

**A public hearing will be held:**

**Monday, February 2, 2015 at 7:00 p.m.  
Village Courtroom (2<sup>nd</sup> Floor)  
350 N. Main Street, Port Chester**

**All are welcome to be heard.**

**Westmore NEWS**

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## Facts of Life

Continued from page 2

**Port Chester Youth Baseball** registration is now open for 2015 Spring Baseball. Please visit [www.portchesterbaseball.com](http://www.portchesterbaseball.com) for more information. Registration deadline is Jan. 31.

The **4<sup>th</sup> Annual Yonkers Downtown International Restaurant Week** will take place from Feb. 2-8. Downtown Yonkers’ finest restaurants are offering an across-the-board discount to all guests. All participating restaurants will offer 20% off lunch and 25% off dinner. To receive the discount, diners must bring the required discount certificate, which can be printed from [www.YonkersRestaurantWeek.com](http://www.YonkersRestaurantWeek.com). Diners must make reservations over the phone and mention Yonkers International Restaurant Week.

To order a **2015 Mah Jongg card**, send \$8 (for standard print) or \$9 (for large print) in cash or check made payable to Robin Abrutyn at 4 Berkley Dr., Rye Brook, NY 10573. The deadline to place an order is **Jan. 25**. For additional information, call the KTI office at 914/939-1004.

Paintings, sculpture, drawings and other artwork that was inspired by **Marshlands Conservancy** in Rye will be on view in March during the annual **“A Different Point of View”** art exhibit at the nature preserve during March.

All are welcome to **submit their artwork for entry** on Saturday and Sunday, Jan. 31 and Feb. 1, from 10 a.m. to 3 p.m., at the Conservancy in Rye. Paintings and drawings must be framed and ready for hanging. There is no limit on size of the submission, and the maximum is three per person. All age groups are welcome to participate. Photography is not included in this exhibit.

The exhibit will open Sunday, Feb. 8, from 2 p.m. to 5 p.m., with a reception for the artists and public. It will remain on view weekends from 10 a.m. to 4 p.m. through Mar. 29. For more information, call Marshlands at (914) 835-4466.

**Ajkun Ballet Theatre**, a NYC based professional ballet company, invites children of Westchester County in grades pre-K-8 to participate in their 2015 production of “Giselle.” Children partake in rehearsals of dance or theatre (child’s choice, divided by age) at a local venue taught by AjkunBT’s Professional Artists on Saturdays throughout March and April. This is a unique and enjoyable one for all children, with or without previous training. Registration is limited. A suggested donation of \$35 for your child’s participation will help cover the cost of instructor’s transportation to and from New Rochelle. 646/368-9800.

**Montefiore Health System** and **White Plains Hospital** have announced that their partnership agreement has been approved by the NYS Health Commissioner. White Plains Hospital is now a member of Montefiore Health System, serving as the tertiary hub of Montefiore’s growing Westchester network. The alliance will result in more advanced, coordinated care in the region.

The **Sarah Neuman Center** in Mamaroneck, part of the Jewish Home Lifecare network of eldercare services, has announced the launch of the first program in Westchester County to offer overnight respite care on an out-patient basis to older adults who live at home and who suffer from Alzheimer’s disease and other forms of moderate-to-severe dementia. Called **Night Care**, the program will begin as a nine-month pilot funded by a \$282,500 grant from NYS Department of Health’s Balancing Incentive Program Innovation Fund. From 7:00 p.m. to 7:00 a.m. the program will offer a safe, comfortable and soothing environment for people with dementia. Beginning twice a week with two patients and growing to three times a week with 31, a staff of nurses, aides and recreation therapists—all trained to work with dementia patients—will engage them in music, art and even aromatherapy.

**New York’s college-bound students** may be missing out on tens of millions of dollars that can help them pay for college by overlooking an important key to college financial aid--the Free Application for Federal Student Aid or FAFSA, the first step in obtaining federal and state grants and scholarships, federal work-study funding, and low-cost federal loans. All college-bound students and families should complete the FAFSA early in the new year, whether they think they qualify for college financial aid or not. **Start Here, Get There** is the state-wide campaign to educate students and families about college financial aid and offer assistance in completing the FAFSA. College-bound students can find information about federal, state and college-based financial aid, including New York’s Tuition Assistance Program (TAP) grant and scholarships at their website [StartHere-GetThere.org](http://StartHere-GetThere.org) which also lists FAFSA completion events, organized by geographic regions of the state where students and families can receive one-on-one assistance with the completion of their FAFSA at workshops staffed by financial aid administrators from local colleges. For additional information call the free FAFSA hotline at 800/808-1790 or email [FAFSAHelp@HEXC.ny.gov](mailto:FAFSAHelp@HEXC.ny.gov).

**Fresh Air summers** are filled with children running barefoot through the grass, gazing at star-filled skies or swimming for the first time. Join volunteer host families in and around Westchester County and open your heart and home to a Fresh Air child. Fresh Air children are boys and girls, from 6-18 years old, who live in NYC. Children on first-time visits are 6-12 years old and stay for one or two weeks. Children who are re-invited by host families may continue with The Fresh Air Fund through age 18 and can enjoy extended trips. For more information on hosting a Fresh Air child this summer, please contact Heather Stobin at 914-471-0373 or visit The Fresh Air Fund online at [www.freshair.org](http://www.freshair.org).

**Friends of Westchester County Parks**, the only organization dedicated exclusively to promoting and supporting Westchester County Parks, recently welcomed new Volunteer Coordinator Sara Cavanaugh. She will serve as the key link between the organization’s staff and the broader community, matching volunteers’ interests and talents with a wide range of areas including outreach events, office tasks and more.





VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, NY 10573

Anthony M. Cerreto  
Village Attorney

(914) 939-5208  
Fax: (914) 937-3169

January 20, 2015

Dear Owner or Tenant:

We believe that your property may be subject to a local law that will be discussed by the Village Board of Trustees at a public hearing scheduled to be held on February 2, 2015 at the Police Headquarters/Justice Courtroom 2<sup>nd</sup> Floor 350 N. Main Street, Port Chester.

This new local law will regulate the towing and booting of vehicles from certain private parking lots within the Village, including multifamily (3 or more units) and all commercial properties.

The purpose and intent of this local law is to protect consumers from predatory towing and booting practices, while still providing property owners the opportunity to police their private parking lots. Based on legislation in other municipalities, we have utilized "best practices" in the preparation of this local law.

We have posted on the village website, under the pending matters tab, a copy of the draft proposed local law for your review. A copy of the local law may also be accessed by contacting the Village Clerk or Village Attorney Offices. The web address of where to find this law is below: [http://www.portchesterny.com/Pages/PortChesterNY\\_Pending/index](http://www.portchesterny.com/Pages/PortChesterNY_Pending/index)

The highlights of the law are as follows:

- Establishes a rigorous licensing procedure, through the Chief of Police, for those wishing to conduct towing and booting services within Port Chester
- Provides for criminal history background check of key officers and employees to ensure professional and trustworthy people will be conducting towing and booting
- Puts in place strong procedures for the towing and booting process to protect consumers against predatory booting and towing practices.
- Creates uniformity with existing Westchester County Law with regard to the maximum charges and fees that can be charged towing and booting

We welcome any comment and input that you may have at the hearing.

Very truly yours,

Anthony M. Cerreto  
Village Attorney

## PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, February 2, 2015, 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 with a new chapter, Chapter 302, Towing and Booting, that would establish licensing requirements on those who wish to boot or tow motor vehicles from private property in the Village of Port Chester.

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](http://www.portchesterny.com).

Date: January 9, 2015

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

ESTABLISHING APPLICATION FEE FOR TOWING AND BOOTING  
LICENSE WITH THE VILLAGE OF PORT CHESTER

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 application fee for a towing and booting license pursuant to  
Chapter 302 of the Code of the Village of Port Chester shall be \$150.00, not including the  
fee for a criminal history background check by the New York Division of Criminal  
Justice Services which expense shall be assumed by the applicant.

Approved as to Form:

\_\_\_\_\_

Anthony M. Cerreto, Village Attorney

# **PUBLIC COMMENTS**

# RESOLUTIONS

RESOLUTION

APPOINTMENT OF ELECTION INSPECTORS

On a 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 Election for the Village of Port Chester, New York has been called and will be held on the 18<sup>th</sup> day of March, 2015 between the hours of 7:00 A.M. and 9:00 P.M., and

BE IT FURTHER RESOLVED, that the following named are qualified Election Inspectors and are hereby appointed for said election; Teresa Acuna; Clotilde Aguilar; Tanya Aloia; Maria R Alvarez; Doris J Bailey-Reavis; Michelle E Barnett; Rita K Barnhart; Rosemarie Barone; Patricia Barr; Angelica G Barriga; Ignatius J Bonanno; Jeffery M Bonds; Evelyn M Brown; Silvio V Buccieri; Kathleen M Buckley; Eneida E Burton; Felix E Burton; Lucy M Cabrera; Patricia M Cabrera; Jorge E Caceres Sr; Eric J Chalcoff; Carrie E Chatman; Elvira M Clark; Ruth A Cohen; Beatrice T Conetta; Leonor Correa; Betty J Craft; Arlene Cummings; Patricia Deschamps; Gerald E Donahue; Jennifer P Dooley; Dorothy C Dretzin; Antoinette R Farella; Annie E Federighi; Joseph W Federighi; Lisa M Ferraro; Theresa M Gentile; Juana Godinez ; Fernando Gomez; Francisco Gomez; Maria D Gomez-Barriga; Grudy Guzman-Mango; Blanca R Handal; Rose Horne; Diana M King; German M Latorre; Mildred Lemus-Oliveros; Roy Lespier; Stacey Lewin; Ethel Livingston; Melora Lucas; Paul R Lucas; Ann Marie Marino; Courtney Marino; Alex I Marriott; Daniel Mccourt; Marlene E Medina; Nancy D Memale-Perez; Nicolle C Mendoza; Antonio A Moran; Lilian C Ochoa; Jeanette Palma; Maria L Pavon; Jose Rios; Dolores Rodriguez; Theresa Rodriguez; Joyce S Rytelewski; Teresa Sabatino; Jose R Trujillo; Esther Turner; Mario Velasquez; Jorge L Vides; John H Villa; Daniel L Williams; Mary R Young; Esperanza Zarate.

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 Manager

**BOT Meeting Date:** 2/2/2015

**Item Type:** Resolution

**Sponsor's Name:** Rocky Morabito, DPW

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID #		
Account #: 001-8180-0449			<b>Strategic Plan Priority Area</b>		
	<b>Yes</b>	<b>No</b>	N/A		
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<b>Manager Priorities</b>		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY TO CONTINUE THE VILLAGE OF PORT CHESTER'S PARTICIPATION IN THE ORGANIC YARD WASTE TRANSFER PROGRAM

**Summary**

**Background:**

The Village of Port Chester has been a participant in the County of Westchester's (Refuse Disposal District No. 1) Organic Yard Waste Transfer Program since it was established in 1998.

Under the program, participating municipalities agree to operate a local transfer site for yard waste from the Village, and to make same available on a fee basis to other municipalities that do not have such sites, as well as local landscapers. The County arranges for the transport of this waste to a composting facility. Although host municipalities are required to pay a fee to the County for this service to help defray costs, the fee is less than the tipping fee that would be otherwise charged for disposing of the waste at the County's facility.

There are currently 23 participating municipalities with inter-municipal agreements with the County.

The County has presented Port Chester and other participating municipalities with a new inter-municipal agreement for an additional five year term.

The current tip rate is \$16.56/ton and is subject to annual COLA adjustment.

Currently, the only municipal user of the Port Chester site is the Larchmont-Mamaroneck Joint Sanitation Commission for seasonal collection and is charged \$5.00 over the County's rate. This fee and the fees charged to local landscapers will be reviewed as part of the 2015-2016 budget process.

This resolution will authorize the Village Manager to sign the new inter-municipal agreement. This is a Type II action under the State Environmental Quality Review Act (SEQRA) requiring no further environmental review.

<b>Proposed Action</b>
------------------------

That the Board of Trustees adopt the Resolution

<b>Attachments</b>
--------------------

<b>Renewal Agreement</b>
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**INTER-MUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY  
TO CONTINUE THE VILLAGE OF PORT CHESTER'S PARTICIPATION IN THE  
ORGANIC YARD WASTE TRANSFER PROGRAM**

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

WHEREAS, the Village of Port Chester has been a participant in the County of Westchester's Organic Waste Transfer Program since it was established in 1998; and

WHEREAS, in consideration of a reduced tip fee, the Village operates a transfer site at the Department of Public Works facility on Fox Island Road making same available for non-host municipalities and local landscaping contractors on a fee basis; and

WHEREAS, the County has presented participating municipalities a new inter-municipal agreement with a term of April 1, 2013 to March 31, 2018; and

WHEREAS, since this involves an existing facility where no physical changes will occur, the project is classified as a Type II Action under Section 617.5(c)(20) of the SEQRA Regulations requiring no further environmental review. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an inter-municipal agreement with the County of Westchester to continue the Village of Port Chester's participation in the County's Organic Waste Transfer Program.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

Emailed Mayor



VILLAGE OF PORT CHESTER

OCT 27 2014

RECEIVED *M*

Office of the County Executive  
Robert P. Astorino

Department of Environmental Facilities

Thomas J. Lauro, P.E.  
Commissioner

October 15, 2014

Mayor Neil Pagano  
Village of Port Chester  
222 Grace Church Road  
Port Chester, New York 10570

Dear Mayor Pagano,

On December 16, 2013, the Westchester County Board of Legislators approved the IMA for Transfer of Organic Waste for Refuse Disposal District #1.

Effective January 2014 the tip-fee will be \$16.56 per ton which will be subject to an Adjustment Factor Equal to the Consumer Price Index every January 1, thereafter.

Please return three (3) signed copies of the IMA together with the completed Certificate of Authority, Municipal Cooperation, and a certified copy of your authorized resolution as soon as possible.

If you have any questions please feel free to contact me at #914-813-5453.

Sincerely,

Mario A. Parise  
Director of Operations  
Solid Waste Division

MAP/ns

File: IMA Organic Waste

Division of Solid Waste  
Wastewater Treatment  
Water Agency

270 North Avenue  
New Rochelle, New York 10801

Telephone: (914) 813-5400

Fax: (914) 813-5460

Website: westchestergov.com



**INTERMUNICIPAL AGREEMENT (IMA)  
for the  
ORGANIC YARD WASTE TRANSFER PROGRAM**

**Instructions for completing the IMA:**

1. **Complete page one (1), four (4), the Municipality's Acknowledgement, Certificate of Authority, and Schedule "A" of IMA.**

**Page 1:** Fill-in date IMA is being signed, name of municipality and address in spaces provided.

**Page 4:** Fill-in Municipal Department and address for where correspondence related to the IMA should be sent and sign under "The Municipality".

**Schedule "A":** Specify the location (address) of the transfer station and current users. List all current transfer station users including other municipalities, local residents and local landscapers.

2. **Make three (3) copies of the IMA.**
3. **Execute all three copies with original signatures** appearing on the Municipal Acknowledgment and the Certificate of Authority.
4. **Return the three (3) signed copies, along with a copy of documentation indicating compliance with SEQRA for the use and operation of a local organic yard waste transfer site, to:**

**Mario Parise  
Westchester County Dept. of Environmental Facilities  
270 North Avenue (6<sup>th</sup> floor)  
New Rochelle, NY 10801**

When all the above requirements are fulfilled, the County will execute its portion of the Agreement and return one original copy to the municipality.

**Any questions? Contact Mario Parise at (914) 813-5453**

**DISTRICT MEMBER IMA**

**AGREEMENT** made this \_\_\_\_ day of \_\_\_\_\_, 201\_\_ by and between

**THE COUNTY OF WESTCHESTER**, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the "County"), acting on behalf of the Westchester County Refuse Disposal District No. 1 (the "District")

and

\_\_\_\_\_, a municipal corporation of the State of New York having an office and principal place of business at \_\_\_\_\_ (hereinafter referred to as the "Municipality")

**WHEREAS**, in order to divert additional recyclable materials from the waste stream, the County is initiating an Organic Yard Waste Management Program (the "Program") with municipalities within the District; and

**WHEREAS**, the Municipality desires to participate in the Program.

**NOW, THEREFORE**, in consideration of the terms and conditions contained herein, the parties agree as follows:

**1. Municipality's Responsibilities:**

(a) The Municipality shall collect organic yard waste within its boundaries and transport same to the organic yard waste transfer site (the "Transfer Site") specified in Schedule "A" which is attached hereto and made a part hereof. Organic yard waste shall be limited to grass, leaves, brush and wood waste not to exceed three inches (3") in diameter by four feet (4') in length.

(b) The Municipality, either individually or by agreement with another municipality within the District, shall designate the Transfer Site for such purpose, subject to County approval, and shall take any legally required action necessary to register or receive a permit to operate the Transfer Site. The Municipality shall conduct such site-specific environmental reviews as necessary to comply with the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, coordinating such review with the County as an involved agency. The Municipality shall include with this signed Agreement evidence of its compliance with SEQRA, e.g., a Negative Declaration, a Findings Statement or, in the case of a Type II action, the minutes or a Resolution of the Municipality's governing board including a statement as to its Type II classification. In the event that the Municipality and another municipality enter into an agreement to jointly provide the Transfer Site, that agreement shall be appended to this Agreement.

(c) The Municipality shall negotiate in good faith with any other municipality within the District that wishes to use the Transfer Site, but the Municipality shall not charge a fee

above the tip fee for garbage at the County's Resource Recovery Facility, as such tip fee may be adjusted from time to time. The names of all municipalities using the Transfer Site shall be included in Schedule "A".

(d) The Transfer Site shall be operated in accordance with Schedule "B" which is attached hereto and made a part hereof.

2. **County's Responsibilities:** The County, either directly or through an agent, shall enter into agreements with one or more contractors operating composting facilities for the recycling of organic yard waste collected by the Municipality. The County shall also arrange for transporting yard waste from the Transfer Site to the composting facilities and shall pay for such transportation and disposal costs.

3. **Term:** The term of this Agreement shall commence on April 1, 2013 and terminate on March 31, 2018, unless sooner terminated as hereinafter provided.

4. **Payment:** For the services to be rendered by the County pursuant to Paragraph "2" above, the Municipality shall pay fees to the County in accordance with the fee schedule set forth in Schedule "C" which is attached hereto and made a part hereof. If the Municipality hosts the Transfer Site for use by itself and other municipalities within the District, the Municipality shall be responsible for paying the County for the full quantity of waste hauled from the Transfer Site. Payment shall be made within thirty (30) days of receipt of a bill from the County, by check payable to "Refuse Disposal District No. 1 c/o Westchester County Department of Environmental Facilities". Payment shall be mailed or delivered to the Division of Solid Waste Management, Westchester County Department of Environmental Facilities, 270 North Avenue, New Rochelle, New York 10801.

5. **Reports:** No later than March 1st of each year, the Municipality shall provide a report setting forth the total tons or cubic yardage of organic yard waste collected from each participating municipality using the Transfer Site during the preceding year.

6. **Executory Clause:** This Agreement shall be deemed executory only to the extent of money duly appropriated and made available by the County for the performance of the Program.

7. **Indemnification & Defense:** The Municipality agrees:

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

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

8. **Termination:** This Agreement may be terminated at any time by mutual agreement of the parties or upon thirty (30) days written notice by one party to the other party. In the event that this Agreement is terminated prior to the expiration date set forth in Paragraph 3 above, all fees and payments owing to the County shall be immediately due and payable by the Municipality.

9. **Assignment & Subcontracting:** Any purported delegation of duties or assignment of rights under this Agreement without the prior express written consent of the County is void. The Municipality shall not subcontract any part of its work or duties under this Agreement without the written consent of the County. All subcontracts shall provide that subcontractors are subject to all terms and conditions set forth in the contract documents. All work performed by a subcontractor shall be deemed work performed by the Municipality.

10. **Compliance with Law:** In executing their respective responsibilities under this Agreement, the County and the Municipality shall comply with all applicable federal, state and local laws, rules and regulations.

11. **No Discrimination:** The County and the Municipality shall not discriminate against any person on the basis of race, creed, religion, color, gender, age, national origin, ethnicity, alienage or citizenship status, disability, marital status, sexual orientation, familial status, genetic predisposition or carrier status in the performance of this Agreement.

12. **Notices:** All notices of any nature referred to in this Agreement shall be in writing and sent by registered or certified mail postage pre-paid, to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing:

To the County:

Deputy Commissioner  
Division of Solid Waste Management  
Department of Environmental Facilities  
270 North Avenue  
New Rochelle, New York 10801

with a copy to:

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

To the Municipality:

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

or to such other addresses as either party may designate by notice.

13. **No Agency:** Nothing herein contained shall be construed to create a co-partnership between the County and the Municipality or to constitute either party as the agent of the other.

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

15. **Approval by the County Attorney:** This Agreement shall not be enforceable until executed on behalf of the parties and approved by the Office of the County Attorney.

16. **Counterparts:** This Agreement may be executed simultaneously in several counterparts, each of which shall be an original and all of which shall constitute but one and the same instrument.

17. **Governing Law:** This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

**IN WITNESS WHEREOF**, the County and the Municipality have caused this Agreement to be executed.

**THE COUNTY OF WESTCHESTER**

By \_\_\_\_\_  
Thomas J. Lauro, P.E.  
Commissioner of Environmental Facilities

**THE MUNICIPALITY**

By \_\_\_\_\_  
(Name and title)

Authorized by Act No. 203-2013 adopted by the Board of Legislators of the County of Westchester on the 16th day of December, 2013.

Approved by the Board of Acquisition and Contract of the County of Westchester on the \_\_\_\_ day of \_\_\_\_\_, 2014.

Approved as to form and manner of execution:

---

Sr. Assistant County Attorney  
County of Westchester  
S/Vutera/DXF/93325/Organic Waste IMA District Member 2013 3-6-14



**MUNICIPALITY'S ACKNOWLEDGEMENT**

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me personally came  
\_\_\_\_\_, to me known, and known to me to be the  
\_\_\_\_\_ of \_\_\_\_\_,  
the municipal corporation described in and which executed the within instrument, who being by me  
duly sworn did depose and say that he/she, the said \_\_\_\_\_ resides at  
\_\_\_\_\_  
and that he/she is \_\_\_\_\_ of said municipal corporation.

\_\_\_\_\_  
Notary Public        County

CERTIFICATE OF AUTHORITY  
(Municipality)

I, \_\_\_\_\_,  
(Officer other than officer signing contract)  
certify that I am the \_\_\_\_\_ of the \_\_\_\_\_  
(Title)  
\_\_\_\_\_  
(Name of Municipality)

(the "Municipality") a corporation duly organized in good standing under the \_\_\_\_\_  
(Law under which organized, e.g., the New York Village Law, Town Law, General  
Municipal Law)

named in the foregoing agreement that \_\_\_\_\_  
(Person executing agreement)

who signed said agreement on behalf of the Municipality was, at the time of execution  
\_\_\_\_\_ of the Municipality,  
(Title of such person),

that said agreement was duly signed for on behalf of said Municipality by authority of its  
\_\_\_\_\_  
(Town Board, Village Board, City Council)

thereunto duly authorized, and that such authority is in full force and effect at the date  
hereof.

\_\_\_\_\_  
(Signature)

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

On this \_\_\_\_\_ day of \_\_\_\_\_, 201\_\_, before me personally came \_\_\_\_\_  
\_\_\_\_\_ whose signature appears above, to me known, and know to  
be the \_\_\_\_\_ of \_\_\_\_\_,  
(title)

the municipal corporation described in and which executed the above certificate, who  
being by me duly sworn did depose and say that he/she, the said \_\_\_\_\_  
resides at \_\_\_\_\_, and  
that he /she is the \_\_\_\_\_ of said municipal  
corporation.  
(title)

\_\_\_\_\_  
Notary Public      County

**SCHEDULE "A"**

**TRANSFER SITE LOCATION AND USERS**  
*(to be completed by the Municipality)*

**SITE NAME & ADDRESS:**

**LIST OF CURRENT USERS:**

Note: The Municipality shall conduct such site-specific environmental reviews as necessary to comply with the State Environmental Quality Review Act ("SEQRA") and its implementing regulations, coordinating such review with the County as an involved agency. The Municipality shall include with this signed Agreement evidence of its compliance with SEQRA, e.g., a Negative Declaration, a Findings Statement or, in the case of a Type II action, the minutes or a Resolution of the Municipality's governing board including a statement as to its Type II classification. In the event that the Municipality and another municipality enter into an agreement to *jointly provide* the Transfer Site, that agreement shall be appended to this Agreement.

## SCHEDULE "B"

### YARD WASTE TRANSFER SITE OPERATIONAL REQUIREMENTS

**The Host Municipality must:**

- ✓ Provide a site that is at least 1/2 acre in size and provides adequate space for 110 cubic yard trailers to enter, load and leave.

*Register* the site with the NYS Dept. of Environmental Conservation and conduct site specific environmental reviews as necessary to comply with SEQRA; coordinate such reviews with the County Dept. of Environmental Facilities as an "involved agency".

- ✓ Provide a front end loader and qualified operator (The Loader must be able to reach 13 feet, 6 inches utilizing either municipally provided ramp or extended arms.)

- ✓ Make site improvements necessary for this transfer station operation (i.e., a ramp for loading the waste or a loader capable of reaching a height of 13' 6")

- ✓ Staff the site with municipal personnel at all times between 7 a.m. and 3 p.m.

- ✓ Operate the site in a "load and go" manner whereby staged yard waste is loaded directly into provided trailers and trailers will immediately leave the site

- ✓ Be responsible for any damage incurred to transfer trailers during loading

- ✓ Prohibit and eliminate plastic bags and other contaminants within the organic yard waste (All contaminants, which are any materials other than yard waste as specified herein, and brown paper leaf bags, must be removed by the Municipality prior to loading. All costs related to contaminated loads shall be the responsibility of the host municipality.)

Accept organic yard waste from other District municipalities (Other District municipalities using the site would pay a tip fee to the host municipality as mutually agreed upon, but less than the current garbage tip fee.)

- ✓ Accept organic waste from landscapers (Host municipalities may charge landscapers a fee for dumping.) 50

- ✓ Keep adequate record of volumes delivered by other municipalities (Municipalities wishing to utilize this program but not allow other District municipalities access may do so at a payment equal to the tip fee for garbage.)

Any of these requirements may be modified for individual sites upon mutual agreement of the County and the host municipality.

## **SCHEDULE "C"**

### **FEES**

In consideration of the services provided by the County, the Municipality shall pay the County \$16.32 per ton for the period from April 1, 2013 through December 31, 2013. Effective January 1, 2014, the Municipality shall pay the County at a rate subject to an annual adjustment factor equal to the percentage change in the Consumer Price Index for all Urban Consumers for New York, New York-Northeastern New Jersey as published by the U.S. Department of Labor, Bureau of Labor Statistics ("CPI").

However, if a District host-municipality accepts organic yard waste from a non-District municipality, it shall pay to the County a rate of \$50.00 per ton for such non-District waste, subject to an annual CPI adjustment, which amount represents the County's actual disposal cost plus an administrative fee. To the extent that any non-District member joins the District during the term of this IMA, that municipality shall be entitled to an automatic rate adjustment to allow for the payment of the District rate. The County shall arrange for the transport of the yard waste to composting facilities outside the County

Other District municipalities using the Transfer Site shall pay a tip fee to the host municipality as mutually agreed upon, but in no event may it be higher than the municipal tipping fee for the Resource Recovery Facility, as such fee may be adjusted from time to time. Notwithstanding the above, if the Municipality excludes other municipalities from using the Transfer Site or fails to negotiate in good faith with them for such use, the Municipality shall pay the County at the rate per ton equal to the full annual municipal tipping fee for the Resource Recovery Facility, as such fee may be adjusted from time to time.

# DPW FEES STRUCTURE

## GREEN WASTE

UP TO 2,000 LBS = \$ 50.00

2,001 TO 4,000 LBS = \$ 100.00

4,001 TO 6,000 LBS = \$ 150.00

6,001 TO 8,000 LBS = \$ 200.00

8,001 TO 10,000 LBS = \$ 250.00

EACH ADDITIONAL = \$ 50.00

ANNUAL PERMIT = \$ 50.00

## CONTAINERS:

Recycle bins \$ 5.00

96 gallon containers \$140.00

Wheels & Axle set \$ 30.00

## TRASH & GARBAGE

*NO PERMIT REQUIRED. PORT CHESTER RESIDENTS & BUSINESS OWNERS ONLY.*

MINIMUM CHARGE = \$ 100.00

UP TO 1,999 LBS = \$ 100.00

2,000 to 2,500 LBS = \$ 120.00

2,501 TO 3,000 LBS = \$ 140.00

3,001 TO 3,500 LBS = \$ 160.00

3,501 TO 4,000 LBS = \$ 200.00

4,001 TO 5,000 LBS = \$ 220.00

OVER 5,000 LBS = \$ 280.00

\*SEE LIST for materials NOT accepted.



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Choose a Department

**BOT Meeting Date:** 2/2/2015

**Item Type:** Resolution

**Sponsor's Name:** Richard F. Conway, Chief of Police

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

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

To transfer \$2385. from the DEA Asset Forfeiture Fund to the Equipment fund for the purchase of 3 recertified Lifepak CR Plus AEDs from Emergency Medical Products

**Summary**

**Background: The purchase of three recertified AEDs is required to upgrade units presently in service which at present are over 14 years old**

**Proposed Action**

That the Board of Trustees adopt the Resolution

**Attachments**

RESOLUTION  
BUDGET AMENDMENT – DEA FUNDS TO PURCHASE  
THREE RECERTIFIED LIFEPAK CR PLUS AED DEFIBRILLATORS

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

WHEREAS, the Chief of Police is recommending the use of DEA Asset Forfeiture Funds to purchase three recertified Lifepak CR Plus AED defibrillators; and

WHEREAS, a quote was obtained in the amount of \$2,385.00 from Emergency Medical Products, 5000 Tuttle Crossing Blvd., Dublin, Ohio 43016. Now, therefore be it

RESOLVED, that the Board hereby authorizes the purchase of recertified Lifepak CR Plus AED's from Emergency Medical Products, 5000 Tuttle Crossing Blvd, Dublin, Ohio 43016 and for the Village Treasurer to modify the 2014-15 General Fund Budget as follows:

**GENERAL FUND**

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(2,385.00)
--------------	-----------------------------	--------------

Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$2,385.00
---------------	-----------------------------	------------

Appropriations:

001-3120-0220	Police Service Equipment	\$2,385.00
---------------	--------------------------	------------

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney



# VILLAGE OF PORT CHESTER PURCHASE ORDER FORM

01/28/2015  
DATE

Ship To:

*Village of Port Chester PD  
350 North Main Street  
Port Chester, NY 10573*

000290  
VENDOR NUMBER

\_\_\_\_\_  
VOUCHER NUMBER

Emergency Medical Products
5000 Tuttle Crossing Blvd.
Dublin, Ohio 43016
VENDOR NAME & ADDRESS

APPROPRIATION	AMOUNT
001.3120.0200 <sup>220</sup>	2385.00
<i>Jan</i>	

\$ 2385.00  
AMOUNT

Quotes Attached

The Village of Port Chester will not honor any purchase order unless signed by the Department Head, authorized by the TREASURER'S OFFICE, and assigned a PURCHASE ORDER NUMBER PRIOR TO RECEIVING ANY GOODS OR SERVICE.

NYS Contract Westchester County # \_\_\_\_\_

QUANTITY	DESCRIPTION OF PURCHASE	PRICE
	Purchase of three recertified Lifepak CR plus AED's, @ \$795 each, refer to attached quote	2385.00

\_\_\_\_\_  
DEPARTMENT HEAD'S SIGNATURE

\_\_\_\_\_  
VILLAGE MANAGER'S SIGNATURE

PURCHASE ORDER NUMBER
TREASURER'S OFFICE

**Village of Port Chester  
Budget Transfer Form**

Department: Police Department

Date: 1-27-15

	FROM ACCOUNT	TO ACCOUNT	AMOUNT
Account	001-1320-0406	001-1320-0200	Example
Description	Office Supplies	Equipment	500.00
Account	001-0001-0695	001-3120-0200 <sup>220</sup>	
Description	DEA Asset forfeiture	Equipment <i>for</i>	2,385.00
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			

Department Head Approval \_\_\_\_\_

Village Manager Approval \_\_\_\_\_



# VILLAGE OF PORT CHESTER

Department of Police, 350 North Main Street, Port Chester, NY 10573



Richard F. Conway  
Chief of Police

(914) 939-1000  
(914) 939-6402  
Fax: (914) 939-2298  
E-mail: RConway@vpcpd.com

To: Leonie Douglas, Village Treasurer  
From: Richard Conway, Chief of Police  
Re: Transfer of Funds  
Date: January 28, 2015

Please be advised I authorize the transfer of \$2385. from the DEA Asset Forfeiture Account Number 001-0001-0695 to the Equipment, Appropriation Number 001-3120-0200 for payment for the following:

*jc*  
220

Emergency Medical Products, 5000 Tuttle Crossing Blvd., Dublin, Ohio 43016  
Purchase of 3 recertified Lifepak CR Plus AEDs.  
Refer to attached quote.



Quote



Ph: 800-558-6270

www.BuyEMP.com

Ph: 866-558-0686

www.schoolkidshealthcare.com

Bill To Port Chester Police Department  
LEONIE DOUGLAS  
350 N Main St  
Port Chester, NY 10573-3319  
United States

Ship To Port Chester Police Department  
Lt Richard Conway  
Police Headquarters  
350 N. Main St  
Port Chester, NY 10573  
UNITED STATES

Thank you for your order!

Date	Quote Expires	Page
1/27/2015	4/27/2015	1 of 1

PO Number	Customer No.	Shipping Method	Payment Terms	QUOTE NUMBER
	145559	FED EX GROUND	NET 30 VOUCHER	SOT054966

Item Number	Description	Quote	Order	U of M	Unit Price	Ext Price
80403-000149RC	%% RECERTIFIED LIFEPAK CR PLUS AED, AUTOMATIC	3	3	EACH	\$795.00	\$2,385.00

QUOTED PRICES INCLUDE STANDARD GROUND DELIVERY CHARGES. QUOTE IS VALID FOR 90 DAYS! QUOTE NUMBER MUST BE REFERENCED TO GUARANTEE QUOTE PRICES.

Subtotal	Handling Fee	Freight	Trade Disc.	Sales Tax	Total
2,385.00	0.00	0.00	0.00	0.00	2,385.00

5235 International Drive, Suite B, Cudahy WI 53110  
Fax 800-558-1551



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Department:** Police Department

**BOT Meeting Date:** 2/2/2015

**Item Type:** Resolution

**Sponsor's Name:** Richard F. Conway, Chief of Police

Description	Yes	No	Description	Yes	No
Fiscal Impact	x	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	x
Funding Source:			BID #		
Account #:001-0001-0695			Strategic Plan Priority Area		
	Yes	No	Public Safety		
Agreement	<input type="checkbox"/>	x	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	Other		

**Agenda Heading Title**

*(Will appear on the Agenda as indicated below)*

Transfer \$4,600.00 from the DEA Asset Forfeiture fund to the equipment fund for the purchase of a Fargo DTC4500e, magnetic coding upgradable, ID card system from LSI Inc.

**Summary**

**Background: Presently the Police Department provides secure identification cards for all Village employees. The present ID card System has been deemed unserviceable with parts and technology obsolete. Immediate replacement is required**

**Proposed Action**

That the Board of Trustees adopt the Resolution

RESOLUTION

BUDGET AMENDMENT – DEA FUNDS TO PURCHASE ID CARD SYSTEM

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_

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

WHEREAS, the Chief of Police had recommended the use of DEA Asset Forfeiture Funds to purchase a Fargo DTC4500e ID card system to replace the Police Department’s current unserviceable and outdated system; and

WHEREAS, after Board approval, the Chief of Police obtained a lesser quote from another vendor, LSI, 2950 Brother Blvd., Suite 103, Bartlett, TN 38133; and

WHEREAS, such quote represents a savings of \$1,501.95 over the previous vendor. Now, therefore be it

RESOLVED, that the Board hereby authorizes the purchase of a Fargo DTC4500e ID card system from LSI, 2950 Brother Blvd., Suite 103, Bartlett, TN 38133 in the amount of \$4,600.00 and for the Village Treasurer to modify the 2014-15 General Fund Budget as follows:

**GENERAL FUND**

Balance Sheet:

001-001-0695            Deferred Revenue Police DEA            \$(4,600.00)

Revenues:

001-0001-2613            Use of Deferred DEA Revenue            \$4,600.00

Appropriations:

001-3120-0200            Police Service Equipment            \$4,600.00

and be it further,

RESOLVED, that the Board’s resolution adopted on January 20, 2015 be and is hereby rescinded.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

**AYES:**

**NOES:**

**ABSENT: .**

**DATE:**

# VILLAGE OF PORT CHESTER

## PURCHASE ORDER FORM

01/28/2015  
DATE

Ship To:

Village of Port Chester PD  
350 North Main Street  
Port Chester, NY 10573

VENDOR NUMBER

VOUCHER NUMBER

LSI
2950 Brother Blvd. Suite 103
Bartlett, TN 38133
<b>VENDOR NAME &amp; ADDRESS</b>

APPROPRIATION	AMOUNT
001.3120.0200	4600.00

\$ 4600.00

AMOUNT

Quotes Attached

The Village of Port Chester will not honor any purchase order unless signed by the Department Head, authorized by the TREASURER'S OFFICE, and assigned a PURCHASE ORDER NUMBER PRIOR TO RECEIVING ANY GOODS OR SERVICE.

NYS Contract Westchester County # \_\_\_\_\_

QUANTITY	DESCRIPTION OF PURCHASE	PRICE
	Purchase of Fargo DTC4500e, magnetic coding upgradable ID card system, refer to attached quote	4600.00

DEPARTMENT HEAD'S SIGNATURE

VILLAGE MANAGER'S SIGNATURE

PURCHASE ORDER NUMBER

TREASURER'S OFFICE



## Village of Port Chester Budget Transfer Form

Department: Police Department

Date: 1-27-15

	FROM ACCOUNT	TO ACCOUNT	AMOUNT
Account	001-1320-0406	001-1320-0200	Example
Description	Office Supplies	Equipment	500.00
Account	001-0001-0695	001-3120-0200	4600.00
Description	DEA Asset forfeiture	Equipment	
Account			
Description		1	
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			

**Department Head Approval**

**Village Manager Approval**



# VILLAGE OF PORT CHESTER

Department of Police, 350 North Main Street, Port Chester, NY 10573



Richard F. Conway  
Chief of Police

(914) 939-1000  
(914) 939-6402  
Fax: (914) 939-2298  
E-mail: RConway@vpepd.com

To: Leonie Douglas, Village Treasurer  
From: Richard Conway, Chief of Police  
Re: Transfer of Funds  
Date: January 28, 2015

Please be advised I authorize the transfer of \$4600.00 from the DEA Asset Forfeiture Account Number 001-0001-0695 to the Equipment, Appropriation Number 001-3120-0200 for payment for the following:

**LSI, 2950 Brother Blvd., Suite 103, Bartlett, TN 38133**

Purchase of Fargo DTC4500e, magnetic coding upgradable, ID card system.  
Refer to attached quote.



GRAND FORMAT PRINTING  
IDENTIFICATION SYSTEMS  
PROMOTIONAL PRODUCTS

IDENTIFYING YOUR WORLD

901-794-3032 • 800-737-3032  
www.yourLSI.com

# QUOTATION

DATE	01/26/15
QUOTE #	SQU171771
LSI REP	Pam B. Inman
ACCOUNT #	

Page:1

### CUSTOMER ADDRESS

Port Chester Police Dept  
Richard Conway  
350 North Main Street  
PORT CHESTER, NY 10573

### SHIP TO ADDRESS

Port Chester Police Dept  
350 North Main Street  
PORT CHESTER, NY 10573

Ship Via            GROUND SERVICE  
Terms              NET 30 DAYS

Item No.	Description	Unit	Quantity	Unit Price	Total Price
BMS EXPRESS R0020	SOFTWARE CLIENT COPY REMOTE TECHNICAL SERVICE CALL BMS 32 ADO	EACH HOURS	1 8	4,100.00	4,100.00
55400	INCLUDES UP TO 8 HOURS FOR SET-UP CONFIGURATION AND TRAINING PRINTER FARGO DTC 4500E DUAL SIDE PRINTER w/ SINGLE SIDE LAMINATION DUAL IN-PUT HOPPER USB AND ETHERNET THE ITEMS LISTED BELOW ON THIS QUOTE ARE INCLUDED WITH YOUR PRINTER PURCHASE:	EACH	1		
45215	THIS PRINTER CAN BE UPGRADED FOR ISO MAGSTRIPE ENCODING RIBBON FARGO YMCKK FOR DTC 4500 PRINTER FULL COLOR W/2 RESIN BLACK PANELS ( 500 IMAGES )	EACH	1		
82601	OVERLAMINATE FARGO POLYGUARD 1.0 MIL CLEAR FOR HDP 5000	EACH	1		

Transferred to page 2.....



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IDENTIFICATION SYSTEMS  
PROMOTIONAL PRODUCTS

IDENTIFYING YOUR WORLD

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www.yourLSI.com

# QUOTATION

DATE	01/26/15
QUOTE #	SQU171771
LSI REP	Pam B. Inman
ACCOUNT #	

Page:2

### CUSTOMER ADDRESS

Port Chester Police Dept  
Richard Conway  
350 North Main Street  
PORT CHESTER, NY 10573

### SHIP TO ADDRESS

Port Chester Police Dept  
350 North Main Street  
PORT CHESTER, NY 10573

Ship Via  
Terms

GROUND SERVICE  
NET 30 DAYS

Item No.	Description	Unit	Quantity	Unit Price	Total Price
Transferred from page 1.....					
C310	DTC 4500 PRINTERS ( 250 IMAGES ) LOGITECH HD WEBCAM FLUID 720P HD VIDEO RECORDING AND VIDEO CALLING IN 16:9 WIDESCREEN VIBRANT 5 MP PHOTOS AUTO LIGHT CORRECTION FOR DIM AND HARSH LIGHTING, AND BUILT-IN NOISE- CANCELLING MIC	EACH	1		
CR8030M6040	CARD CR80 30 MIL C4 60/40 BLANK S/W IN 100'S	EACH	500		
SCS	BMS SOFTWARE ANNUAL SERVICE AND SUPPORT PLAN  PROVIDES UNLIMITED CALL IN AND DIAL IN SUPPORT PLUS ADDITIONAL TRAINING AS NEEDED FOR YOUR BMS SYSTEM	EACH	1	500.00	500.00
Transferred to page 3.....					



GRAND FORMAT PRINTING  
IDENTIFICATION SYSTEMS  
PROMOTIONAL PRODUCTS

IDENTIFYING YOUR WORLD

901-794-3032 • 800-737-3032

www.yourLSI.com

# QUOTATION

DATE	01/26/15
QUOTE #	SQU171771
LSI REP	Pam B. Inman
ACCOUNT #	

Page:3

### CUSTOMER ADDRESS

Port Chester Police Dept  
Richard Conway  
350 North Main Street  
PORT CHESTER, NY 10573

### SHIP TO ADDRESS

Port Chester Police Dept  
350 North Main Street  
PORT CHESTER, NY 10573

Ship Via            GROUND SERVICE  
Terms              NET 30 DAYS

Item No.	Description	Unit	Quantity	Unit Price	Total Price
Transferred from page 2.....					4,600.00
	PLEASE INCLUDE A COPY OF YOUR STATE SALES TAX EXEMPT FORM WITH YOUR PURCHASE ORDER				
	GROUND SERVICE ONLY NO FREIGHT				
Amount Subject to Sales Tax 4,600.00	Amount Exempt from Sales Tax 0.00			Subtotal: Invoice Discount: Total Sales Tax:	4,600.00 0.00
Total:					

**THIS QUOTE DOES NOT INCLUDE SHIPPING, TAXES, DUTIES, CHARGES  
OR CREDIT CARD CONVENIENCE FEES (unless expressly noted in the  
quote). THIS QUOTE IS VALID FOR 45 DAYS.**

+/- 10% OF QUOTED OR ORDERED QUANTITY ON ALL CUSTOM PRODUCED / MANUFACTURED  
ORDERS

SERVICE-DISABLED VETERAN OWNED BUSINESS



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, New York 10573

**AGENDA MEMO**

**Senior Community Center**

**Village BOT Meeting Date:** 2/2/2015

**Item Type:** Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact		x	Public Hearing Required		x
Funding Source: no fee			BID #		
Account #:			<b>Strategic Plan Priority Area</b>		
			Enhance Organization		
Agreement	x		<b>Manager Priorities</b>		
Strategic Plan Related			N/A		

**Sponsor's Name:** Carol Nielsen, Director of Senior Programs & Services

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

Resolution to authorize the renewal application for the Nutrition Program for the Elderly, Department of Health permit. Permit #01-6620-B

**Summary**

**Background:**

The annual renewal of the permit for the Nutrition Program for the Elderly food permit from the Westchester County Department of Health, expiration date March 31, 2015

**Proposed Action**

That the Board of Trustees adopt the Resolution

**Attachments**

**Agenda memo, resolution and original permit renewal. Needs signatures from C. Steers, J. Richards and Carol Plant.**

RESOLUTION  
AGREEMENTS FOR SENIOR CITIZENS PROGRAMS

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

WHEREAS, the Village of Port Chester Nutrition Program for the Elderly requires food permits; and

WHEREAS, such services have been appropriated in the 2014 to 2015 Village Budget;

RESOVLED, that the Board of Trustees hereby authorizes the Village Manager to enter into the following agreement with regard to the Village of Port Chester Senior Citizens Programs;

The Westchester County Department of Health, Permit # 01-6620-B, Port Chester Senior Community Center Food Permit, expiration date: March 31, 2015.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

**AYES:**

**NOES:**

**ABSENT:**

**DATE:**

Robert P. Astorino  
County Executive

Sherlita Amler, M.D.  
Commissioner of Health

## PERMIT RENEWAL FOR FOOD SERVICE ESTABLISHMENT OWNERS AND OPERATORS

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

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

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

### **2. Worker's Compensation/Disability Insurance**

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

### **3. Corporate Ownership**

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

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

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

(over)





**5. Application Fee**

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

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

Cash Payments are NOT Accepted

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

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

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

Permit to Operate  
Renewal Application

Westchester County Department of Health

Business / Location Information (Please modify only if information has changed.)

Business Name NUTRITION PROGRAM FOR THE ELDERLY - Facility Code: 01-6620-B

Address 220 GRACE CHURCH STREET Business Phone (914) 939-4975

PORT CHESTER, NY 10573 Business Fax ( ) -

Location Village of PORT CHESTER Business Website \_\_\_\_\_

County WESTCHESTER

Mail To \_\_\_\_\_  
VILLAGE OF PORT CHESTER  
220 GRACE CHURCH ST.  
PORT CHESTER, NY 10573-

Permit Number **01-6620-B**

Permit Expiration Date  
**March 31, 2015**

Fee Exempt

Permitted Operation **NUTRITION PROGRAM FOR THE ELDERLY - PORT CHESTER** Operation ID: **455556**  
**SOFA Food Service - SOFA Satellite Site -State Office for the Aging**

In Operation:  Year-Round  Seasonal If Seasonal: Expected Opening Date \_\_\_\_\_ Expected Closing Date \_\_\_\_\_  
Month/Day Month/Day

Capacity: 90 Seats Days/Hours of Operation: \_\_\_\_\_

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

Legal Operator or Operating Corporation: VILLAGE OF PORT CHESTER

Person in Charge Village Mgr. Christopher Steers VILLAGE OF PORT CHESTER  
Title First M.I. Last

Address 220 GRACE CHURCH ST.

City, State, Zip PORT CHESTER NY 10573-

Primary Phone (914) 939-4975 Ext \_\_\_\_\_  Cell Fax (914) 305-2523 Emergency Contact

Other Phone (914) 939-2200 Ext \_\_\_\_\_  Cell E-mail carol.nielsen@portchesterny.com

Location Owner: VILLAGE OF PORT CHESTER

Address 220 GRACE CHURCH ST.

City, State, Zip PORT CHESTER NY 10573-

Primary Phone (914) 939-4975 Ext \_\_\_\_\_  Cell Fax (914) 305-2523 Emergency Contact

Other Phone (914) 939-2200 Ext \_\_\_\_\_  Cell E-mail carol.nielsen@portchesterny.com



CERTIFICATE OF RESOLUTION  
FOR AUTHORIZATION

The Undersigned, \_\_\_\_\_ of \_\_\_\_\_  
Name of Corporation \_\_\_\_\_, a corporation  
Duly organized and validly existing under the laws of (State) \_\_\_\_\_  
Hereby certifies that the following resolution was duly adopted by the Board of Directors, of said  
Corporation, at a meeting duly called and held on the \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_.  
Be it resolved that the Board of Directors, or President if there is no Board of Directors, of (Name of  
Corporation) \_\_\_\_\_

With offices at: \_\_\_\_\_  
Hereby authorizes (Name of person authorized): \_\_\_\_\_

To execute and deliver to the Westchester County Department of Health, for and on behalf of said  
corporation, and application for a permit to operate a (type of operation): \_\_\_\_\_

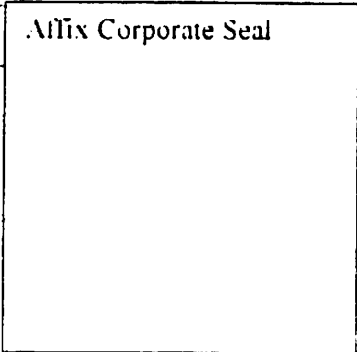
to execute and deliver any and all additional documents which may be appropriate or desirable in  
connection therewith.

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

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

OFFICER'S SIGNATURE: \_\_\_\_\_

TITLE: \_\_\_\_\_  
ACKNOWLEDGEMENT



STATE OF \_\_\_\_\_  
COUNTY OF \_\_\_\_\_

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

\_\_\_\_\_  
NOTARY PUBLIC

\_\_\_\_\_  
COUNTY

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

Supplement to be Completed as Part of the Application

**SOURCE OF FOOD SUPPLY**

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

**FOOD MANAGER'S CERTIFICATION COURSE (PLEASE PRINT CLEARLY)**

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

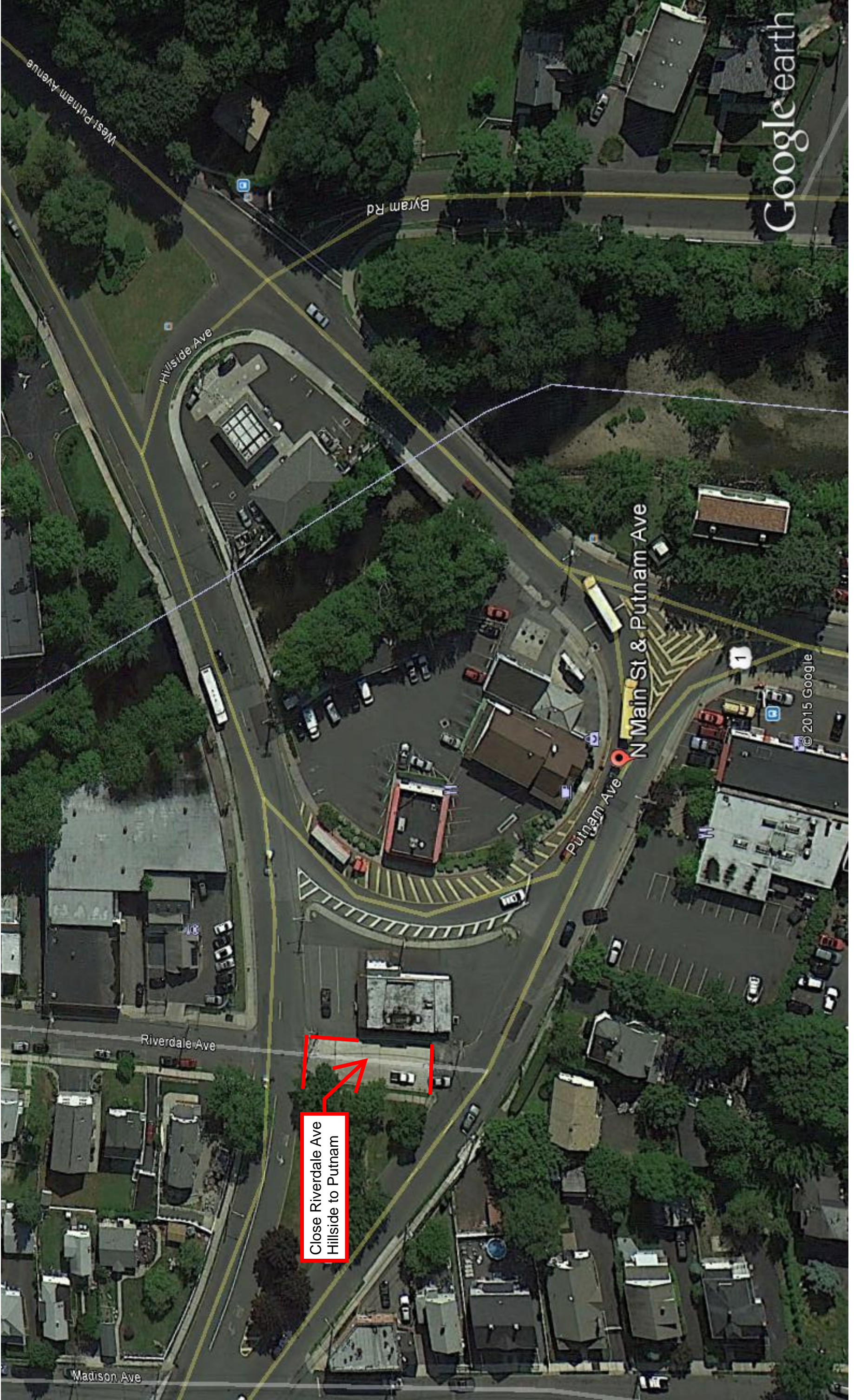
If yes, name of person who took course: Carl E. Nielsen

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

Institution where course was taken: Westchester Community College

Date of course: 5/10/2010

# DISCUSSION

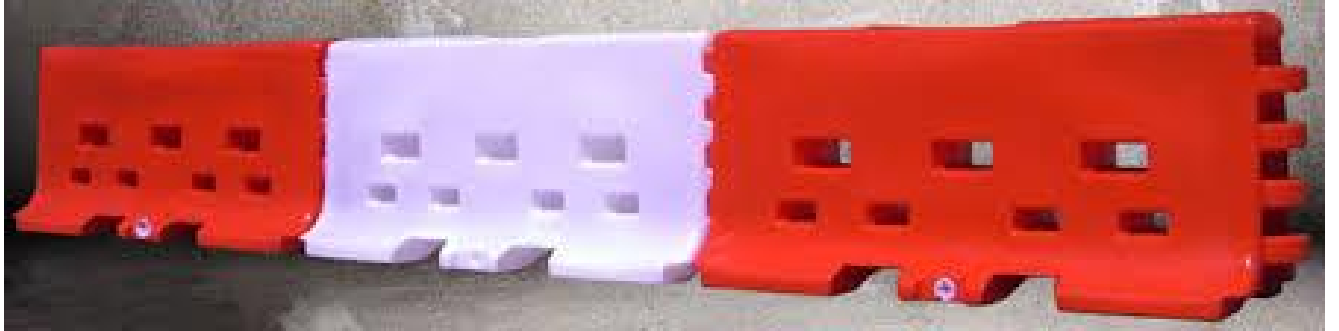


Close Riverdale Ave  
Hillside to Putnam

Google earth



© 2015 Google





# CORRESPONDENCE



January 21, 2015

TO: Mayor Neil Pagano & Port Chester Village Board of Trustees

Clay Art Center is once again celebrating its annual **SPRING FEST** and Super Seconds Sale, to be held at 40 Beech Street, Port Chester, **on Saturday, May 2nd from 11:00 a.m. to 7:00 p.m.** rain or shine. Food, live music and hands-on clay activities will be fun for the whole family and **admission is free**. Additionally, artists from all over the tri-state area have donated their artwork and one of a kind pieces, all of which are sold at greatly reduced prices for this annual fundraising and community event.

**Clay Art Center respectfully requests use of the Beech Street municipal parking lot in front of the Clay Art Center building for this community event.** This year, we would like to use about 1/3 of the parking lot, and block off the exit closest to our building. Last year's event drew over 400 people from Port Chester and beyond, and we expect this year's event to attract even more. For safety reasons we would like to block off the spots directly in front of our building (perpendicular to Beech Street), along with 2 spots in the middle, and 5 other perimeter spots as well as the one exit. We would like to make those spots and the exit unavailable starting at 9am, when we will begin to set up for the event. We have checked with Holy Rosary Church and they have no events planned for May 2.

**Additionally, we would also like to formally inquire if Clay Art Center could be permitted to use the Village's ShowMobile,** so we can have more space for live music (and even some dancing) during the event. We would like to know the costs would be to use the stage, and propose that the Village **co-sponsor** our event. For the Village to co-sponsor our event, it would be an opportunity to emphasize our long-term relationship and highlight all that Clay Art Center offers to the Port Chester community, with the Village's support.

While the sale and some other activities will be held indoors, we imagine the showmobile would be placed in the parking lot facing our driveway, where we will have outside hands-on clay activities. We will also have 2 local food trucks, which would be parked inside the perimeter of our event, on the parking lot. We will have a volunteer help direct traffic to other parking locations, should the parking lot fill up due to our event. More information about the event is below and our Spring Fest Committee is working on all the details now.

Thank you for considering our requests.

Sincerely,

A handwritten signature in black ink, appearing to read "Leigh Taylor Mickelson", with a long horizontal flourish extending to the right.

Leigh Taylor Mickelson  
Executive Director  
Clay Art Center

Cc: Sgt. Braccio

## More information about the event:



**Unique fun food** will be provided through two local food trucks. Tandoori Taste of India will join us once again this year, and Alex Payan is helping us find a taco truck, which will be sure to draw the local community.

**Family activities** will include face painting, tile painting and hands-on-clay opportunities. Children and adults alike will have the chance to throw a pot on the potter's wheel and participate in a large-scale collaborative sculpture.

**Door prizes and raffles** will also augment the family fun for the day.



**Live music** will be the highlight in the afternoon from 12-7pm. We are working with 107.1 The Peak and morning DJ Coach to identify local bands who are willing to support our cause!

And **local breweries will be offering free tastings!** We are currently talking to Port Chester Hall, who will hopefully be our beer sponsor. What a great way to highlight one of Port Chester's newest restaurants.

**Hundreds of pots and pieces of pottery and artwork will be for sale at bargain prices.** The artwork has been donated from area artists in order to raise funds for the Audrey Greenwald Memorial Equipment Fund which is in memory of a dedicated studio artist who cared passionately about CAC. This year, the funds raised will go towards much needed studio equipment and capital improvements to our facility. Our equipment and unique facility are essential components to CAC's ability to fulfill its mission and provide access to the arts for the community. We are hoping to raise \$20,000 through this event.



**Visitors will also have the opportunity to tour our 11,000 square foot facility.** In the gallery, we will be exhibiting *Divergent Currents: The Ripple Effect of Japan on American Ceramic Artists*, curated by Jeff Shapiro and featuring 14 renowned artists from across the country.



Clay Art Center is a nationally recognized 501(c)(3) non-for-profit arts center. For over 50 years, the Clay Art Center has been a champion for the arts in the community and is the largest and most active ceramic facility in the tri-state area. Believing strongly that the arts have the ability to touch and enrich lives, CAC's mission is to offer a stimulating space for studio practice, exhibition and educational opportunities to better serve the community. By forming partnerships with community organizations and with additional private, corporate and government funding, CAC reaches over 3,750 people through its Community Arts programming for: at-risk youth, seniors, underserved families, developmentally disabled youth and adults, adults with mental illnesses, women fighting cancer and adults living with Alzheimer's disease. Clay Art Center strives to put clay into the hands of those who need it most.



Leigh Taylor Mickelson, Executive Director  
Clay Art Center  
40 Beech Street  
Port Chester, NY 10573  
914-937-2047 x222 [leigh@clayartcenter.org](mailto:leigh@clayartcenter.org)

*Westchester County  
Leadership Prayer Breakfast*

Mr. Christopher Steers

July 29, 2014

Port Chester Village Manager

222 Grace Church St.  
Port Chester, NY 10573

Dear Chris:

This note is to praise you for the testimony of your character and the words of our mouth that exemplify your commitment of Jesus Christ as your Lord and Savior. Thank you for serving Him as you serve the Village of Port Chester.

We of the Westchester County Leadership Prayer Committee have nominated you and informally voted to welcome you as a new committee member. We would like for you to serve with us. The formal vote will take place at our meeting in September. I will ask our Committee Chairman, the Honorable George Oros, Chief of Staff to the County Exec. to send you a note in the Fall.

As a committee we recognize how busy everyone is and limit our meetings and time involvement as necessary. Our next Westchester Prayer Breakfast will be held on the first Friday in May. We will meet in preparation for the event in January.

I began the annual breakfast over 30 years ago at the behest of the International Prayer Breakfast in Washington. Since you have attended the International Prayer Breakfast you are aware of our purpose and orientation.

Consequently I welcome you to our committee as a brother and fellow servant of our Lord.

In His matchless grace,



Art Robertson, Ph.D.

Chairman of the Board

Westchester Leadership Prayer Breakfast.

The Apostle Paul admonishes us: "Prayers are to be offered to God ... for all who are in positions of authority that we may live a quiet and peaceful life." 2 Timothy 2:2

**SENATORS:**

LAMAR ALEXANDER  
JOHN BOOZMAN  
CHRISTOPHER COONS  
MICHAEL B. ENZI  
HEIDI HEITKAMP  
JAMES M. INHOFE  
JOHNNY ISAKSON  
TIM KAINE  
ANGUS KING  
AMY KLOBUCHAR



**REPRESENTATIVES:**

ROBERT ADERHOLT  
JOHN BARROW  
EMANUEL CLEAVER, II  
JEFF DUNCAN  
VIRGINIA FOXX  
LOUIE GOHMERT  
JANICE HAHN  
RANDY HULTGREN  
JEFF MILLER  
TERRI SEWELL  
JUAN VARGAS

Robert P. Casey, Jr.  
Roger Wicker

United States Senators

NATIONAL PRAYER BREAKFAST CO-CHAIRS

VILLAGE OF PORT CHESTER

OCT 27 2014

RECEIVED

October 22, 2014

Mr. and Mrs. Christopher Steers  
222 Grace Church Street  
Port Chester, NY 10573

Dear Mr. and Mrs. Steers:

On behalf of the Congressional Host Committee, we are pleased to invite you to join us for the 63rd Annual National Prayer Breakfast on Thursday, February 5, 2015, at 7:30 a.m., at the Washington Hilton in Washington, D.C.

Each year, the President of the United States, Members of Congress, and other national leaders gather to reaffirm our trust in God with others throughout the world. During this time, friends and leaders from more than 130 nations seek to build and strengthen personal relationships and deepen international ties through our spirituality, love of God, and care for each other. Although we face tremendous challenges each day, our hearts are strengthened as we seek God's wisdom and guidance together.

The National Leadership Seminar is an integral part of this experience. It includes a dinner on Wednesday, February 4, and a seminar, lunch, and dinner on Thursday, February 5. A tentative schedule is enclosed. The total cost of attendance is \$550 per person, \$350 of which is tax deductible. Please be advised that the refund deadline is January 16, 2015. Your prompt response is greatly appreciated.

If you are able to attend and plan to stay at the Washington Hilton, please make your reservation with the hotel directly. A hotel information card is enclosed for your convenience.

We hope you will be able to join us for this special occasion.

Sincerely,

  
Robert P. Casey, Jr.

  
Roger F. Wicker

NPB 0

PHONE (202) 266-9970 FAX (202) 266-9978

E-MAIL: NPB@INTFRIENDS.US

Not Printed at Government Expense

**SENATORS:**

LAMAR ALEXANDER  
JOHN BOOZMAN  
CHRISTOPHER COONS  
MICHAEL B. ENZI  
HEIDI HEITKAMP  
JAMES M. INHOFE  
JOHNNY ISAKSON  
TIM KAINE  
ANGUS KING  
AMY KLOBUCHAR



**REPRESENTATIVES:**

ROBERT ADERHOLT  
JOHN BARROW  
EMANUEL CLEAVER, II  
JEFF DUNCAN  
VIRGINIA FOXX  
LOUIE GOHMERT  
JANICE HAHN  
RANDY HULTGREN  
JEFF MILLER  
TERRI SEWELL  
JUAN VARGAS

**Robert P. Casey, Jr.  
Roger Wicker**  
United States Senators

NATIONAL PRAYER BREAKFAST CO-CHAIRS

October 13, 2014

Ms. Leonie Douglas  
2 Canfield Avenue  
Apartment 822  
White Plains, NY 10601

Dear Ms. Douglas:

On behalf of the Congressional Host Committee, we are pleased to invite you to join us for the 63rd Annual National Prayer Breakfast on Thursday, February 5, 2015, at 7:30 a.m., at the Washington Hilton in Washington, D.C.

Each year, the President of the United States, Members of Congress, and other national leaders gather to reaffirm our trust in God with others throughout the world. During this time, friends and leaders from more than 130 nations seek to build and strengthen personal relationships and deepen international ties through our spirituality, love of God, and care for each other. Although we face tremendous challenges each day, our hearts are strengthened as we seek God's wisdom and guidance together.

The National Leadership Seminar is an integral part of this experience. It includes a dinner on Wednesday, February 4, and a seminar, lunch, and dinner on Thursday, February 5. A tentative schedule is enclosed. The total cost of attendance is \$550 per person, \$350 of which is tax deductible. Please be advised that the refund deadline is January 16, 2015. Your prompt response is greatly appreciated.

If you are able to attend and plan to stay at the Washington Hilton, please make your reservation with the hotel directly. A hotel information card is enclosed for your convenience.

We hope you will be able to join us for this special occasion.

Sincerely,

*Bob Casey, Jr.*  
Robert P. Casey, Jr.

*Roger F. Wicker*  
Roger F. Wicker

NPB 0

PHONE (202) 266-9970 FAX (202) 266-9978

E-MAIL: NPB@INTFRIENDS.US

Not Printed at Government Expense

*National Leadership Seminar*  
*Tentative Schedule*

Tuesday, February 3, 2015

1:00 p.m. – 7:00 p.m.      Registration

Wednesday, February 4, 2015

9:00 a.m. – 8:00 p.m.      Registration

2:30 p.m. – 4:30 p.m.      Congressional Reception  
for Women from the 50 States  
with Congressional Spouses

6:30 p.m.      Congressional Dinners (room numbers and actual time  
will be on your dinner ticket)

Thursday, February 5, 2015

8:00 a.m.      National Prayer Breakfast – International Ballroom  
**(Please be seated by 7:30 a.m.)**

10:30 a.m.      Leadership Seminars (room number and actual time  
will be on your seminar ticket)

12:30 p.m.      Leadership Luncheon - International Ballroom

6:00 p.m.      Closing Dinner - International Ballroom

# MINUTES



## **MEETING HELD DECEMBER 15, 2014**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 15, 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, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Terenzi was absent.

It should be noted that Trustee Kenner arrived at 6:02 p.m. and Trustee Brakewood arrived at 6:04 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 6:07 p.m.); Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez; Christopher Ameigh Administrative Aide to the Village Manager and Village Planner Jesica Youngblood (arrived at 6:53 p.m.).

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

### **ROLL CALL**

**AYES:** Trustees Adams, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustees Brakewood, Terenzi and Kenner.

**DATE:** December 15, 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 regarding IMA between Village of Port Chester and Village of Rye Brook regarding Sewer Rent.

### **ROLL CALL**

**AYES:** Trustees Adams, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustees Brakewood, Terenzi and Kenner.

**DATE:** December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:24 p.m., a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

*Add-On 2<sup>nd</sup> Executive Session*

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving 23 Washington Street property.

There being no objection TRUSTEE MARINO, made a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving 23 Washington Street property, seconded by TRUSTEE BRAKEWOOD, 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:** Trustee Terenzi.

**DATE:** December 15, 2014

At 6:25 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD the Board adjourned into an executive session.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:47 p.m., a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***Add-On 3rd Executive Session***

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving Westchester County Board of Election.

There being no objection TRUSTEE BRAKEWOOD, made a motion to add-on an Executive Session to consult with Village Attorney regarding legal strategy involving Westchester County Board of Election, seconded by TRUSTEE ADAMS, 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:** Trustee Terenzi.

**DATE:** December 15, 2014

At 6:48 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD the Board adjourned into an executive session.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 6:50 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, 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:** Trustee Terenzi.

**DATE:** December 15, 2014

**RESOLUTIONS** (Taken out of order)

**RESOLUTION #1**

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, 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:** Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## WORKSHOP

Director of Planning and Development Christopher Gomez provided the Board with a quick overview on the 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).

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	
<b>Maximum Floor Area Ratio</b> (See definition, § 345-2)	3.2 (4.0)	4.00 (4.5)	4.00 (4.5)	≈3.9
<b>Maximum Floor Area Ratio For 1 Story</b>	NR	NR	NR	NR
<b>Minimum Size of Lot:</b>				
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
<b>Minimum Yard Dimensions:</b>				
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
<b>Maximum Height of Building:</b>				
In stories	5	5*	8**	5
In feet	60	60*	90**	70
<b>Minimum Usable Open Space on Lot:</b>				
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.



Director of Planning and Development Christopher Gomez proposes the adoption of Lead Agency/Planning Commission referral Resolution.

**Motion to Add-On a Resolution**

Mayor Pagano asked for a motion to adopt the attached 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”

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

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

**RESOLUTION (Add-On)**

**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 BRAKEWOOD, seconded by TRUSTEE MARINO, 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  
Michael Scarola, 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

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

### **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

***PUBLIC HEARING# 1- Local Law amending the code of the Village of Port Chester - Sewer Rent Section 268-4 adjustments and appeals.***

The following Public Notices were duly published in the Journal News and the Westmore News on **November 21, 2014**, certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **Angelina Brescia**, Office Manager of the Westmore News

### **PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on 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](http://www.portchesterny.com).

Date: November 21, 2014

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the public hearing was declared open.

### **ROLL CALL**

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



**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the public hearing was adjourned to the January 20, 2014, meeting

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***PUBLIC HEARING# 2 - Local Law - amending the code of the Village of Port Chester, Chapter 345 With Regard To Site Plan Review Procedures.:***

The following Public Notices were duly published in the Journal News and the Westmore News on **November 21, 2014**, certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **Angelina Brescia**, Office Manager of the Westmore News

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on 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](http://www.portchesterny.com).

Date: November 21, 2014

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the public hearing was declared open.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***Public Comments***

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

Comments were made by:

Ms. Goldie Solomon commented we are taxed too much. This is a tax. We should not be paying this separately; it should be on the tax bill. We are a low income community.

Mr. Richard Abel commented on due process for sewer rent. Attorney Cerreto commented that when this Board adopted the Sewer Rent Law it did not have to provide for an appeal process in the code. We went beyond with this extra step of having an appeal process. The appeal process is to take your request to the administrative staff. He commented that the town of Mamaroneck is considering this same fee. We are in the forefront on this issue. Mr. Abel said his point is that there should be an appeal process.

Mr. Giangrande commented that there is still water coming out of the sewers. Village Manager Steers commented that these are two different things. Mr. Giangrande is talking about storm water; and this is an ongoing program that is always being dealt with.

Mr. Howie Ravikoff commented on not passing this amendment tonight. It doesn't address the problem with this law. Currently the law has a 10% cap. If an applicant has an issue there is a process. It only affords a 10% reduction. We should be able to recoup more than 10%. The administrator should be allowed to recoup up to 100%.

Trustee Brakewood commented on how much money the Sewer Rent fee has generated and how much was given back as a result of appeals/ Leone responded that she will research this. He wondered if an appeals process was worth the effort for the small amount in reductions. Mr. Ravikoff commented that his money is being held by the Village during his appeals process. This is poor execution.

Ms. Goldie Solomon commented that people who live out of the Village are not on the side of the people.

Mr. Abel commented that you have to appeal every bill. There should be an annual appeal.

Ms. Beatrice Conetta commented that this bill was not thought out right.

Trustee Ceccarelli commented that this has raised \$15MM, and includes all, including non-profits, in the user fee.

Trustee Brakewood commented that he does not think it is a value to use staff time to review these appeals on a monthly basis.

Mr. Ravikoff said he would like to make his appeal statement once a year, which he feels is enough. The amendment, as it reads, is not right.

Trustee Marino commented his opinion is to discuss this more.

Village Manager Steers agreed we need more discussion on this. Before the second meeting in January the Board should have a discussion on the overall percentage of the appeals and the staff handling the appeals.

Attorney Cerreto commented we should keep the law open.

Mayor Pagano made a motion to adjourn decision until January 20<sup>th</sup>.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI the public hearing was closed.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **Adoption of Local Law No. 7 of 2014**

**Village of Port Chester, New York**

**Local law No. 07 of the Year 2014**

**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. Approval of a site plan by the Planning Commission shall be valid for a period of 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.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL J. PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the following Local Law Number 7 of 2014 was adopted by the Board of Trustees of the Village of Port Chester, New York:

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

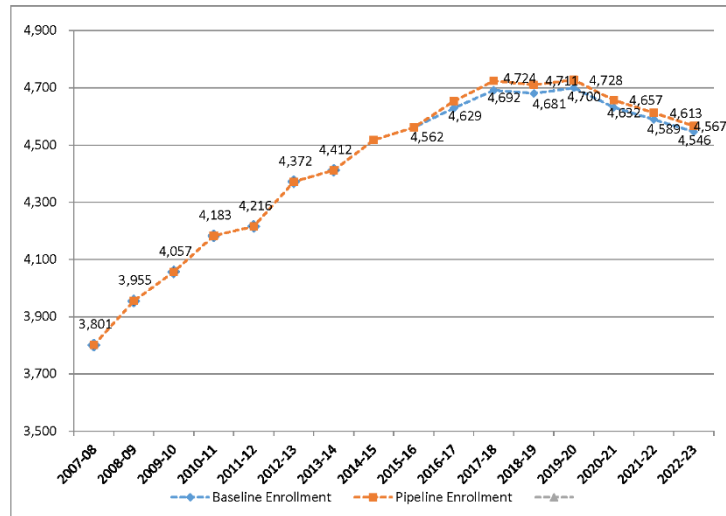
**PRESENTATION**

***School Mitigation Study***

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.

**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

Port Chester IDA School Mitigation Study

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**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 classrooms<sup>1</sup> 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

<sup>1</sup> Assumes an average class size of no more than 25 students.

**Analysis of Existing Studies and Forecasts**

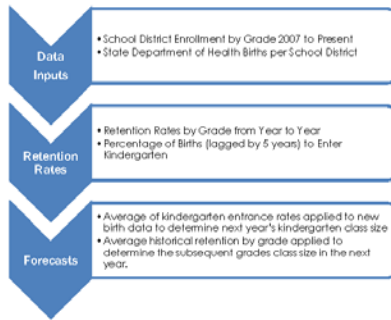
Urbanomics reviewed several existing studies and forecasts at the outset of the project to provide context. These studies included the Village of Port Chester Housing Study, which provided information on the predominant existing housing by type and income level of residents. The Village of Port Chester 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**

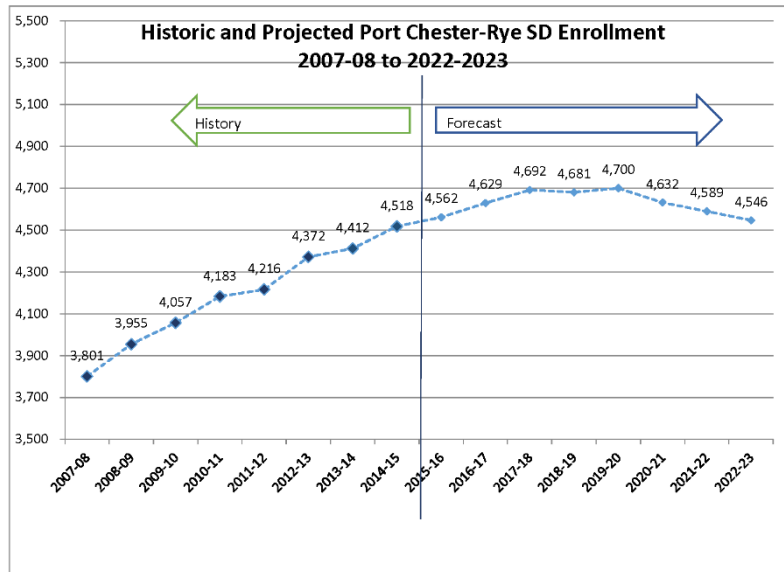
What follows is an image of the Cohort-Survival Forecast worksheet.

**Cohort-Survival Enrollment Projection Worksheet**

DISTRICT NAME: PORT CHESTER-RYE UFSD  
 COUNTY: Westchester

School Year	Births 5 Yrs Age	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.	
<b>HISTORIC DATA</b>																		
2007-08	521	365	321	307	279	285	267	263	270	263	357	274	232	248	3801	91	1	
2008-09	552	370	361	330	307	284	293	291	263	253	348	300	273	296	3955	66	0	
2009-10	536	354	356	362	328	308	274	302	298	284	331	313	275	235	4057	46	1	
2010-11	529	363	349	351	365	321	312	285	300	298	310	325	277	268	4193	45	5	
2011-12	491	373	364	357	354	374	314	303	276	300	338	285	284	284	4218	18	11	
2012-13	500	380	380	361	362	347	367	307	302	283	372	313	281	292	4372	18	17	
2013-14	476	359	380	371	350	339	344	373	297	310	359	324	305	254	4412	23	14	
2014-15	607	356	360	367	351	346	337	352	382	297	418	297	312	290	4518	44	8	
Average Births Rate	0.703																	
<b>PROJECTIONS</b>																		
2015-16	475	337	357	369	361	349	344	344	344	353	382	373	375	280	296	4662	48	6
2016-17	484	343	338	355	353	359	346	351	345	352	480	334	353	265	265	4629	48	7
2017-18	464	329	344	336	350	351	356	354	352	345	443	429	315	335	4692	47	7	
2018-19	460	326	330	343	331	347	348	364	354	351	433	395	405	298	4681	47	7	
2019-20	452	321	327	329	333	329	345	355	364	354	442	398	374	393	4700	46	7	
2020-21	445	316	322	326	323	335	327	352	356	354	445	395	385	354	4632	45	7	
2021-22	438	311	316	320	320	321	333	333	353	358	459	398	372	346	4589	44	7	
2022-2023	431	306	311	316	316	318	319	340	334	353	448	410	375	353	4546	43	7	

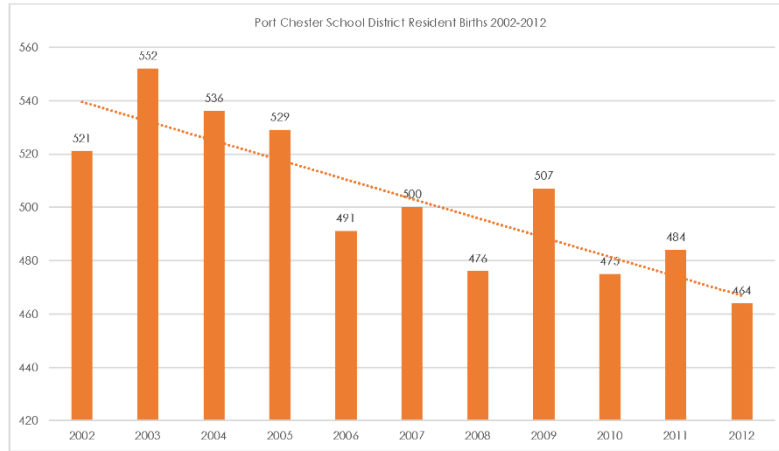
As shown in the preceding table and charted below, between 2007-08 and 2014-15 the number of public school children in the Port Chester Rye UFSD increased from 3,801 to 4,518 or by 18.9 percent (717 students) or by almost 2.7 percent each year.



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

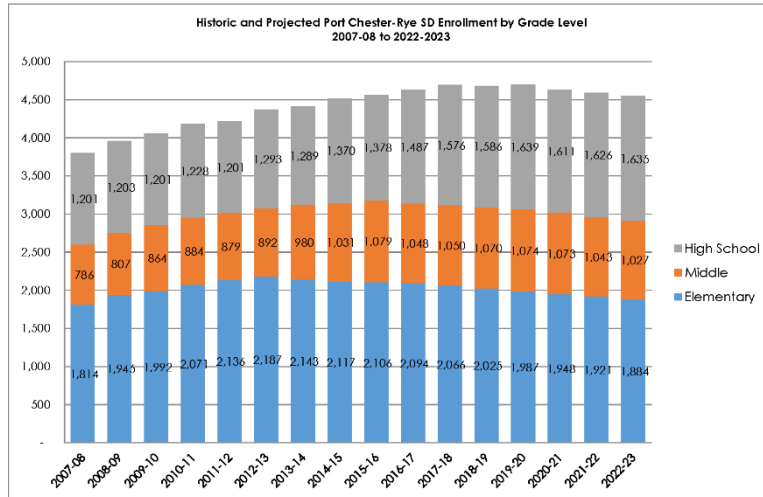
The number of public school children is expected to continue to rise through school year 2019-20, when it will peak at 4,700 students. This is an increase of 182 students or 4.0 percent over the 2014-15 school year. This increase averages to roughly 0.8 percent each year. After SY 2019-20, the number 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 UFS, 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 8<sup>th</sup> and 9<sup>th</sup> 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 9<sup>th</sup> 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 Klisuz, 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 per 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.
  - o The students from the closed catholic school are already included in the enrollment totals and therefore I need to adjust the forecasts downward.
  - o 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.
  - o The numbers reported to the State, which Urbanomics had used for the historical record, have specific requirements and do not necessarily include the 2<sup>nd</sup> 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 4<sup>th</sup>, 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.

**Development of Mitigation Formula**

It details the key components and assumptions used to create the Mitigation Formula spreadsheet as well as the current status of the project. The key components of the formula are the public school child multipliers and school costs per student. In preparing the analysis for the Village and the IDA, it is important to take into consideration the changes likely to occur not only in the short term from the children in the new developments, but also in the long term from the changing socioeconomic patterns in the Village. The child generation patterns of the new market rate housing will be different than that of the more affordable housing traditionally in Port Chester—so as current residents with children age in place and the area becomes more affluent, it is likely that the number of children may start to decline in Port Chester as it has throughout the majority of Westchester County.

**PUMS Public School Child Multipliers**

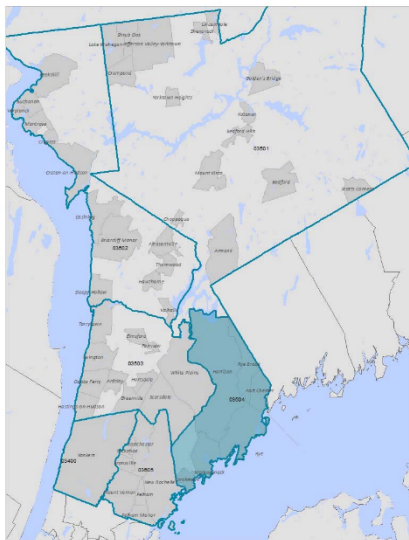
The child generation rate standard for developers is the New York State Multipliers prepared in 2006 by Drs. Robert Burchell and David Listokin for the Rutgers Center for Urban Policy Research. These multipliers are an excellent body of work based on the 2000 US Census 5% Sample Public Use Microdata (PUMS); however, as Urbanomics was told throughout the research process, "Port Chester is different." This holds true both economically and demographically and in terms of recent development patterns.

To prepare the best possible new public school child generation rates for the various cost levels, as well as tenure, structure and unit types of Port Chester, Urbanomics ran many iterations of cross-tabulations, including several other geographic areas as described below. However, the PUMA 3504 multipliers gave the best results.

**Public Use Microdata Areas (PUMA)**

- ❑ PUMA 3504:
  - ❑ Port Chester, Rye City, Rye Brook, Harrison, Mamaroneck
- ❑ Other Geographies:
  - ❑ Southern Westchester (PUMAs 3400, 3503, 3504, 3505)
  - ❑ All Westchester (PUMAs 3400, 3501 through 3505)
  - ❑ Southern Westchester excluding Yonkers (PUMAs 3503, 3504, 3505)
  - ❑ Westchester excluding Yonkers (PUMAs 3501 through 3505)

The public school child multipliers are based on the 2012 American Community Survey Microdata for the PUMA 3504 that includes Port Chester, Rye Brook, Rye, Mamaroneck and Harrison. While it is quite true that Port Chester is demographically quite different from the surrounding areas, new construction is likely to mirror that of the more affluent neighbors.





The final cross-tabulations<sup>2</sup> 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 level<sup>3</sup>

- 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<sup>4</sup>**

The resulting multipliers differ from the off-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 <sup>4</sup>	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.

<sup>2</sup> Other factors considered but discarded due to small sample size included year built and housing costs.

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

<sup>4</sup> 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.<sup>5</sup> The other Westchester-specific geographies grossly underestimated the number of students, regardless of unit mix assumptions and were therefore disregarded.

<sup>5</sup> 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.

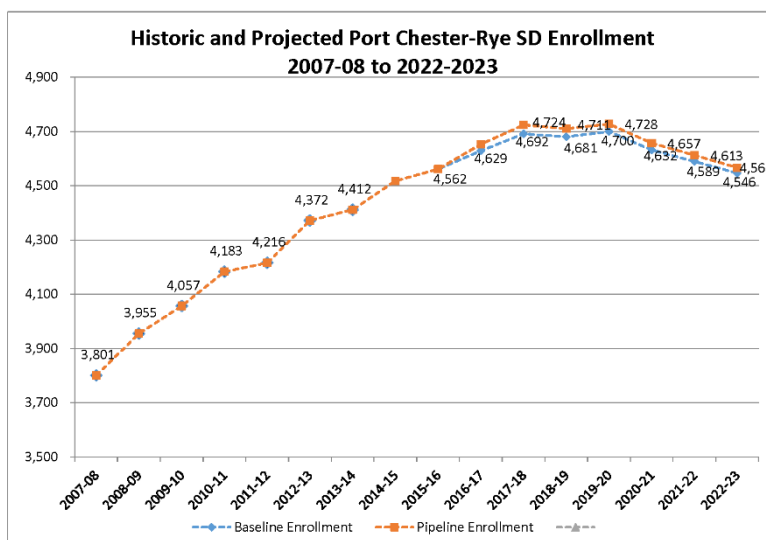
**Pipeline Projects**

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 students<sup>6</sup>, effecting the school enrollment forecasts as shown in the chart below.



<sup>6</sup> 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	
<b>Total Budget</b>	<b>\$88,420,278</b>	<b>\$78,107,822</b>
Total Enrollment (10-1-14)	4,518	4,518
Cost Per Student	\$19,571	\$17,288
<b>Total State Aid</b>	<b>\$19,671,054</b>	<b>\$19,671,054</b>
Minus High Tax Aid		\$845,434
Minus Building Aid		2,717,152
State Aid Per Student	\$4,354	\$3,565
<b>Cost Per student, Net of Aid</b>	<b>\$15,217</b>	<b>\$13,723</b>

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 addition<sup>7</sup> 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.

<sup>7</sup> 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.

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 not building any more residential because our schools are overloaded. Everybody who has children should be paying something for them to be in school. We have too much property off the tax rolls. Heather in Recreation did a fabulous job in Lyon Park with Santa in the Park. She does what two people did in the past.

Ms. Mendiceno asked if there was an update on the speed bumps around the High School. Police Chief Conway reported at the present time we can't do anything with asphalt because of the season. We are looking at prefabricated recycled speed humps. We have a single company in Spring Valley we are trying to get a price from. We have three quotes on the radar signs. They are solar. Ms. Mendiceno commented on the sewers and questioned if it is legal to impose a fee on residents of other communities. Residents of Rye Brook are getting billed. Mayor Pagano commented we are in conversations with the Village Manager of Rye Brook. Mr. Steers commented that Ms. Mendiceno should send him an e-mail requesting updates on the speed humps. Trustee Brakewood supports speed humps. This is a residential neighborhood and if speed indicators were set up it would make it feel like a highly trafficked area. The hump would physically slow people.

Ms. Bea Conetta commented on an admiration society between the Board and the staff. She read off naughty things that have happened in the last two years. Frist was the meter scandal; the robbery at the police station has not been resolved; the disgrace of our former police chief who has not been convicted of anything; the Condos are affecting our Board of Education; the Amnesty Program; the Sewer Rent fee. You raised the parking fees; you put parking meters in semi-residential neighborhoods; you allowed the Town of Rye to come into Port Chester and use our Village Hall and our Court; the Senior Center does not have enough parking since the Town of Rye has move in; the municipal center is a disaster waiting to happen; the Dog Park was approved and then changed. The best thing you've done has been to pick Chief Conway.

## **RESOLUTIONS**

Mayor Pagano asked for a motion to consider an add-on resolution authorizing the commencement of proceedings under Article 19-A of the Real Property Actions and Proceedings Law with respect to property located at 23 Washington Street.

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

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **RESOLUTION (ADD-ON)**

AUTHORIZING THE COMMENCEMENT OF PROCEEDINGS UNDER ARTICLE 19-A OF THE REAL PROPERTY ACTIONS AND PROCEEDINGS LAW WITH RESPECT TO PROPERTY LOCATED AT 23 WASHINGTON STREET

On motion of TRUSTEE BRAKEWOOD, 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 had obtained a court order permitting the Village access to property located at 23 Washington Street to inspect, secure and change the locks at the vacant two-family dwelling to prevent trespassers from entering; and

WHEREAS, neither the record owner, who resides out of state, nor the mortgagee have taken any responsibility for the premises; and

WHEREAS, the current situation is unacceptable; and

WHEREAS, Article 19-A of the State Real Property Actions and Proceedings Law authorizes municipalities to take title to certain types of abandoned real property. Now, therefore, be it

RESOLVED, following the Building Department's satisfaction of the requisite requirements preparatory to bringing a special proceeding under Article 19-A of the General Municipal Law, the Mayor is directed to institute same in the name of the Village of Port Chester and/or Building Department seeking title to real property located at 23 Washington Street, Port Chester, also known and designated as Section 142.21, Block, 1, Lot 36, on the Tax Map of the Town of Rye.

Approved as to form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **RESOLUTION #2**

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, 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

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

## **DISCUSSIONS**

### ***Booting and Towing***

Mayor Pagano asked for a motion to set a Public Hearing to consider adopting a local law amending the Code of the Village of Port Chester with a new chapter, Chapter 302, Towing and Booting that would establish licensing requirements on those who wish to boot or tow motor vehicles from private property in the Village of Port Chester.

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

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Walk of Fame Proposal - Beautification Commission

Ms. Taryn Grimes-Herbert reviewed the proposal of the Beautification Commission for the Walk of Fame, a collaboration with local businesses to promote events. This will be based on the Beale Street Walk of Fame. We will look for sponsors and will do some research on costs. We are looking for the Board's support to approach local businesses. In addition to having commercial sponsors we could also each year incorporate two or three Village historical markers.



# Port Chester Beautification Commission Proposal

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## 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.

## Example

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



## 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.

### **CORRESPONDENCES**

#### ***From Marvin Ravikoff regarding 26 Poinigo Street***

The Board referred the correspondence to staff without objection.

#### ***Sewer Rent Appeal from Luis Angel-Lalanne 59 Windsor Road***

The Board referred the correspondence to staff without objection.

#### ***From Brooksville Engine & Hose Co. No. 5 on the election of Dave Kravitz to active membership***

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the election of Dave Kravitz as a member to Brooksville Engine & Hose Co. No. 5 with the Port Chester Fire Department.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.



**DATE:** December 15, 2014

***From Putnam Engine & Hose, Company No.2 on the election of Marco Aguilar and Jose Gonzalez to active membership.***

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the election of Marco Aguilar and Jose Gonzalez as a members to Putnam Engine & Hose, Company No.2 with the Port Chester Fire Department.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

***From Putnam Engine & Hose, Company No. 2 regarding the expulsion of Michael Camoia.***

The Board duly noted the correspondence.

***From Moises Tenesaca regarding a permission come together and have a small parade Sunday the 28th of December 2014.***

The Board referred the correspondence to staff without objection.

**MINUTES**

Mayor Pagano asked for a motion to combine the minutes of

November 3, 2014

December 1, 2014

December 3, 2014

December 8, 2014

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

There being no objection TRUSTEE BRAKEWOOD, made a motion, seconded by TRUSTEE ADAMS, to combine the minutes of November 3, 2014 December 1, 2014, December 3, 2014 and December 8, 2014 of the agenda for the purpose of casting one vote for all the minutes.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the Board of Trustees accepted the minutes of November 3, 2014 December 1, 2014, December 3, 2014 and December 8, 2014.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 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. Jim Black of the Dog Park group commented that we are waiting for a workshop with the Board of Trustees. Mayor Pagano commented that maybe a workshop is not necessary and that the issues can be solved at site. Trustee Marino commented everything has been done by the Dog Park group. Village Manager Steers commented we submitted a compromise to the original plan. Mr. Black said they agreed to a dog path 15 feet wide, which is an additional layer of protection for the children in the playground. Now the entrance has been moved to the pavilion. Mr. Steers commented he is agreeable to a meeting on site during the next week. Ms. Dina Goren commented that 75 feet of the 105 feet of the dog park is going to be unused because it is too close to the playground. The staff proposal is that the dog park would start 75 feet from the playground. Trustee Brakewood suggested that the DPW stake it out so the Trustees and the Dog Park group can view the different distances. The meeting has been set for January 3<sup>rd</sup> at 9:30 A.M. at Abendroth.

***Board***

Trustee Adams wished everyone a healthy and happy holiday. He thanked the Village staff for the fine job done throughout the year.

Trustee Brakewood wished everyone a happy holiday.

Trustee Marino wished everyone a happy holiday.

Trustee Kenner wished all a Merry Christmas and happy holidays.

Trustee Ceccarelli wished everyone a happy holiday. He thanked the staff and municipal services for the good job done during the year.

Mayor Pagano wished all a happy holiday.

At 10:14 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** December 15, 2014

Respectfully submitted,

Janusz R. Richards  
Village Clerk

## **MEETING HELD JANUARY 5, 2015**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, January 5, 2015, 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 Terenzi arrived at 6:12 p.m.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager (arrived at 7:00 p.m.) Heather Krakowski, Recreation Supervisor; Edward Quinn, Village Fire Chief - Chief Engineer; Michael De Vittorio, 1st Assistant Fire Chief; and Enrico Castarella, 2nd Assistant Fire Chief.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI the meeting was declared opened at 6:05 p.m.

### **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustees Terenzi and Kenner.

**DATE:** January 5, 2014

### **MOTION FOR EXECUTIVE SESSION**

Mayor Pagano asked for a motion to go in to an Executive Session to Discussion regarding:

Interview candidate for Planning Commission - Ciro Cuono.

Discussion with regard to prospective promotion to particular person to the rank of Lieutenant in the Police Department.

Village Manager Evaluation.

There being no objections, on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the Board of Trustees adjourn to an executive session at 6:06 P.M.

### **ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustees Terenzi and Kenner.

**DATE:** January 5, 2014

Also present for Executive Session item 1 and 2 were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Chief of Police, Richard Conway.

For Executive Session item 3 only Village Manager, Christopher Steers was present.

No action was taken in executive session.

At 6:53 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2014

## **INTRODUCTION OF NEW FIRE CHIEFS**

Mayor Pagano introduced the new Fire Chiefs: Edward Quinn, Chief Engineer, Michael De Vittorio First Assistant Engineer and Enrico Castarella Second Assistant Engineer.

Chief Ed Quinn, after introducing the 1<sup>st</sup> Assistant and 2<sup>nd</sup> Assistant Engineers, commented the fire department is ready, willing and able to take on any type of job that comes down the pike. We are thankful for the support of the Board. In the Village there is a good working relationship between the Fire Department, Police Department and Code Enforcement.

Mayor Pagano thanked Past Chief McMinn for all the good work he has done. He congratulated the new chiefs.

## **DISCUSSIONS** (was taken out of order)

### **Payroll Proposal Discussion**

Village Manager Steers commented on discussions over the past few months. We had direction from the Board to seek out looking at Payroll companies. We interviewed four different companies: KVS/Springbrook, ADP, PayChecks, and EDI to see what they had to offer, how their system coordinated with us and various items they could do for us on an outsource basis. This would streamline the payroll process, save some time and energy in-house and give us real time accounting of time and leave, etc. We also took a look at the biometric payroll systems that were recommended. Individual systems are outsourced so these companies would have a second vendor. Staff recommendation is to utilize our existing relationship with KVS/Springbrook, as they have the same kind of software. It requires some updates. They have the same kind of versatility as all of the other submittals.

Village Treasurer Douglas commented that when you compare the services and yearly maintenance costs it seems more reasonable to stay with what we have. Time and attendance will be taken at department level. Where the system will be updated in the payroll department we will input that information. With the update, in DPW Rocky can now go on-line and put in the time worked or we could use a time clock. It will be constantly updated by department so Payroll will just have to deal with input to the system.

Trustee Terenzi commented that if someone swatches his time in and time out it takes all the work by the department head and guesswork out of it.

Mr. Frank Garguiolo, Senior Business Development Manager of KVS/Springbrook, gave an overview of the company. He said they are dedicated to local government. He proposed a full client services solution. They will convert an entire check history so personnel can track everything in one place. We do a daily backup. The Boards can receive reports remotely. This proposal is for payroll, human resources and on-line system which include self-service and applicant tracking. The Village currently uses KVS financial systems so they tie together. Leonie commented this is an upgrade. We haven't upgraded the payroll system for 10-12 years. Employees will be able to go on-line to download pay stubs and W2's. They also can do W4 forecasting. The employees can do time-off requests and an e-mail will go to their department head. The payroll information is automatically linked to Human Resources. The full payroll history will be included.

Ms. Douglas commented that each time-clock would cost \$157 per month.

Trustee Brakewood commented that our pilot could be talking to the seven other communities who are currently using the KVS biometric system. We will have an answer by the next Board meeting. Leonie will get back to the Board on the biometric system.

### **Capital Project Financing Discussion:**

Village Treasurer Leonie Douglas commented that the Board approved for this year's Capital Project about \$4,009,400. We have some outstanding notes from the prior year. We need to go to market get the new money to know how we are going to handle the old money. We made a recommendation based on conversation with Ms. Ferguson of Capital Markets Advisers, LLC that the General Fund outstanding balance is \$3,495,650; we are suggesting for it to be Long Term. Then for our outstanding notes for the Sewer Fund borrowing of \$3,675,000 we are recommending for it to be Short Term notes. We have some scenarios to go through for the Board.

Ms. Ferguson commented the outstanding on the General Fund. Scenario I is bonding both the General Fund and Sewer Fund this year. Trustee Terenzi said when we set up the Sewer Fund we were going to ban everything for five years. His recommendation is to stick with the original program. Ms. Douglas commented the outstanding and the general debt for the General Fund will go long term and the Sewer will go short term. The short term is under 1%. The long term is about 2.3% in the current market. Ms. Ferguson commented it should not go above 3%.

Mayor Pagano asked for the recommendation for the resolution. Ms. Douglas replied that the Sewer Fund will remain short term and the General Fund will be long term.

Village Manager Steers commented the purpose of reviewing this is to clarify any questions that may come up.

### **Early Holiday Dismissal:**

Mayor Pagano asked Village Manager Steers to put together an Early Dismissal Policy for holidays. He should make a recommendation to the Board.

### **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 wished the Board a healthy, happy new year. She thanked those who attended the Christmas concerts in the Port Chester Schools. The Sewer Rent should be added to the water bill, not separate. Our taxes are too high. Only those with children in school should be paying school tax.

Mr. Ceruzzi commented that in the past people used time clocks. This year we will have school issues. Do the Board and School Board talk things out? Mayor Pagano replied that they do meet and update each other. Mr. Ceruzzi commented on the Dog Park and it seems to be taking too much time to work out.

Bart Didden commented on what's happened during the last year. He commented on the large number of arrests made by our uniformed police. We should respect all our uniformed officials. We have a lot of rights and responsibilities. We should defend our officers. He suggested that we rally for some good and positive changes. He thanked all of the Port Chester uniformed services for the work they've done last year and for what they are going to do in the future.

Jim Black asked if the Dog Park was on tonight's agenda. Mayor Pagano said it is an add-on. Mr. Black commented on projects done in the past that have not gone according to plan. He was hoping on the Dog Park project that we could try it the way it was set up. If it doesn't work we fix it. If the fencing doesn't work we move it.

Heather Paul commented on the MTA. We have tried to improve the station. We are a third world railroad station. If you are disabled you cannot manage to get down the stairs. She commented on the Copacabana ad in a Westchester magazine advertising a bikini contest.

Ms. Dina Goren read the following statement:

As part of our ongoing discussions with the Village, the Port Chester Dog Park Group met at Abendroth Park on Saturday, January 3<sup>rd</sup>, with the Mayor, Trustee Ceccarelli, Trustee Marino, Trustee Adams, and Mr. Steers as well as other Village employees and members of the Parks Commission. The purpose of this meeting was to discuss proposed modifications the Village Staff is recommending be made to our site plan which was submitted by the Port Chester Dog Park Group last summer.

There are 5 major items the Village Staff wants changed to the current site plan. The Port Chester Dog Park Group responded to these changes in a letter dated November 25<sup>th</sup>, but would like to reiterate our responses to these points tonight:

**Change #1:**

Move entrance path to dog park from left park entrance gate to behind the Pavilion. We conceptually agreed to this as part of our compromise.

**Change #2:**

Create a LONG fenced-in pathway for people to walk their dogs ON-LEASH to get to the entrance to the Dog Park. We conceptually agreed to this as part of our compromise.

**Change #3:**

Add a potential Berm in front of the fencing along the on-leash pathway that is 4' x 1' in dimensions. We conceptually agreed to this as part of our compromise.

**Change #4:**

Add Shrubbery in front of the Berm along the on-leash pathway and extending around Dog Park. We conceptually agreed to this as part of our compromise. A Shrubbery buffer at parts of the fence was always part of our plan.

**Change #5:**

Have the on-leash walkway fence line be 60 feet from the Playground and the off-leash dog park start at 75 feet from the Playground. *[PCDPG offered a counter compromise in our Nov. 25<sup>th</sup> letter of having the leashed pathway start at 35 feet from the playground with the off-leash dog park starting at a 50 foot distance]*

On this point we would like to state that there is not a consistent 60-foot buffer available all along the proposed fenced-in pathway and the playground, so it is only the open field space (the area so valuable to the dog park) that is being subjected to this distance restriction in the proposed plan, not the full pathway.

While we have agreed to the above compromises we do want to point out that there are contradictions within these proposed changes and that they appear to have been made rather randomly with little thought to park design. As part of the review process, our group reached out for a 2<sup>nd</sup> professional opinion with a local landscape architect to review the proposed changes. At just a quick glance he raised concerns, such as the berm (as proposed) creating drainage issues in the playground area and the dog park. Or children being able to climb on the berm making the fencing less effective. He also asked whether fencing material might not help alleviate some of the safety concerns.

While we are certainly concerned about children's safety, there were so many other discussion points raised by Village representatives at Saturday's meeting making it clear that the other motivating factors are also driving the proposed changes. Here are some of the factors that were brought up at the meeting:

- There are future (unspecified) programming considerations
- Expansion of Pavilion rentals making the 60' buffer zone targeted for use as an informal play area.
- Starwood's project was mentioned as a potential source for more playground and park use.
- Disagreement that this location should be used for a dog park in general.

What was formerly an amicable relationship between PCDPG and the Village has surprisingly become contentious. We no longer feel that we are working together but are butting up against an intractable body that has no intention of addressing our needs and concerns. Had we known that this was going to be the case after working so hard to raise this money, we would never have started fundraising.

However, to move this project along, the group met, voted and agreed to what we now view as our 3<sup>rd</sup> compromise on the topic of fencing line distance from the playground. Although this was

not a unanimous vote, the group will agree to 45 feet from the fence line of the on-leash pathway to the playground resulting in a distance of 60 feet from the actual off-leash dog park to the playground.

As disappointing, frustrating and sad as this process has been, we still encourage people to get involved in community projects such as this one. What this experience has taught us is the community needs to bring more focus on the things that matter to us in order to improve our day-to-day lives. The only way to make this happen is to get involved.

Thank you.”

Ms. Bea Conetta commented that she asked Trustee Terenzi to remove her name from his vocabulary. She commented she is against the municipal center. She mentioned that the chief and twelve of our Village Policemen attended the funerals of the Officers Ramos and Liu in New York.

Mr. Richard Abel commented on the Village Election. The County has the offices of the Village listed at 10 Pearl Street. On the Dog Park issue there was a meeting of the Village Board and the Dog Park group. Mayor Pagano said this was set to clarify an issue.

### **Motion to Add-On a Discussion**

Mayor Pagano asked for a motion to add-on a discussion on Dog Park.

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

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2014

There was a meeting of the members of the Dog Park Group and this Board last weekend. Mayor Pagano made a promise to Dina, Linda and others to move this forward with no more time wasted. He is looking for substance where this Board can get an up or down vote on a plan. Dina suggested there were a number of compromised items. Mayor Pagano commented what is out there right now is a plan from the Village Manager. The plan that the Village staff is proposing should be put in the form of a resolution with the distances (referenced by the dog park group and what your plan says) and layout with lines on that plan. The resolution should be then put before the Board at the next meeting. Trustee Terenzi commented that the bullet points should include the PetSmart grant and any restrictions. Attorney Cerreto commented we will be talking to PetSmart before the next meeting. Attorney Cerreto commented the resolution should include the distances that Dina is proposing as a compromise. Mayor Pagano commented we are in agreement with everything but the distance. Trustee Brakewood commented he is concerned that it will be aesthetically pleasing. Village Manager Steers commented that once the resolution is passed, it will be professionally designed. Mayor Pagano commented that we also involve the Park Commission to the extent that their input is required. Trustee Ciccarelli would like to make clear the distance from the playground and pavilion is safe.

### **RESOLUTIONS**

#### **RESOLUTION #1**

#### **HOLIDAY PARTY 2014**

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

WHEREAS, on the initiative of the Village Manager, on December 12, 2014 the Village of Port Chester sponsored a Holiday Party for all Village officers, employees and members of the boards and commissions in appreciation of their hard work and dedication; and

WHEREAS, the expense of this event was completely funded by donations for this specific purpose made by a film company who did a shoot at Village Hall, members of the Port Chester Police Association, CSEA Local 1000, members of the Board of Trustees and management personnel; and

WHEREAS, such events instill a strong sense of morale and camaraderie and a good time was had by all. Now, therefore be it

RESOLVED, that the Board of Trustees duly accepts the generous contributions of \$4,730 to the Village of Port Chester for the 2014 Holiday Party, and authorizes the Village Treasurer to account for same in the Trust and Agency Fund and disburse as required.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015.

## **RESOLUTION #2**

### **AUTHORIZATION TO EXECUTE A RENEWAL AGREEMENT WITH WESTCHESTER COUNTY TO PARTICIPATE IN ITS' EMPLOYEE ASSISTANCE PROGRAM**

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

WHEREAS, Westchester County administers an Employee Assistance Program (EAP) for participating municipalities in the County; and

WHEREAS, such program offers municipal employees an opportunity to seek assistance with alcohol or substance abuse, family or social issues followed by a referral to appropriate community resources within the municipal insurance plan; and

WHEREAS, the Village of Port Chester has been a long-standing participant in the EAP which is utilized in the implementation of the Village's Drug-Free Workplace Policy; and

WHEREAS, the County has proffered a new renewal agreement for this service covering the period January 1, 2015 to December 31, 2019, at no change in rate, e.g. \$45 per employee. Now, therefore, be it

RESOLVED, that the Village Manager be and is authorized to enter into a Inter-Municipal Agreement with the County of Westchester for Employee Assistance Program services for the period of January 1, 2015 through December 31, 2019, at a fee of \$45 per employee; and be it also

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to charge the Employee Assistance Program Benefit line 1.9060.813 in the General Fund for the each respective yearly cost.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto



**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015.

**RESOLUTION #3**

**PROVIDING FOR THE VILLAGE ELECTION  
TO BE CONDUCTED BY THE VILLAGE CLERK**

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

WHEREAS, pursuant to New York State Election Law, Section 15-104(c), villages may adopt a resolution, subject to permissive referendum, providing that the village election be conducted by the county board of elections; and

WHEREAS, by resolution adopted on June 16, 2014, the Board of Trustees transferred the Village Election to the Westchester County Board of Elections; and

WHEREAS, the next Village Election will be in March 2015 solely for the office of Mayor; and.

WHEREAS, the County Board of Elections rejected the Village’s request prompting suit by the Village; and

WHEREAS, special counsel has reviewed the County’s legal papers; and

WHEREAS, upon the advice of counsel, the Board of Trustees does not desire to further litigate the matter; and

WHEREAS, the Village Clerk has assured the Board that he is taking all necessary and appropriate steps to conduct the 2015 Village Election as in the usual course. Now, therefore, be it

RESOLVED, that the resolution adopted on June 16, 2014 transferring the conduct of Village Election to the County of Westchester Board of Elections is hereby rescinded

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015.

**RESOLUTION #4**

**APPOINTMENT TO THE BOARD OF ETHICS**

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

RESOLVED, that Bryan Diaz residing in Port Chester, New York, be and is hereby appointed as member of the Port Chester Board of Ethics, effective immediately, to serve at the pleasure of the Board of Trustees.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015.

**RESOLUTION #5**

**ACCEPTANCE OF COURT AUDIT FOR FY 2013-14 (Postponed to 1/20/2015)**

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

WHEREAS, Section 2019-a of the Uniform Justice Court Act requires that town and village justices annually provide their court records and dockets to their respective governing boards; and

WHEREAS, the State of New York Chief Administrative Judge has requested a copy of the Village of Port Chester's most recent examination and audit of the Port Chester Justice Court's records and a copy of the Board of Trustees' resolution acknowledging that the required examination and audit was conducted, together with a copy of the audit; and

WHEREAS, the Village has retained Drescher Malecki LLP, Buffalo, New York, as independent auditors; and

WHEREAS, the Board of Trustees was presented with the Village's audit for the Fiscal Year 2013-14, including the Justice Court, and that same has been reviewed and is in order. Now, therefore, be it

RESOLVED, that the Village Board of Trustees acknowledges that the required audit was conducted of the Port Chester Justice Court for the fiscal year ending May 31, 2014 and hereby accepts said audit; and be it further

RESOLVED, that a certified copy of this resolution together with a copy of the audit for the aforesaid year be provided to the New York State Office of Court Administration pursuant to Section 2019-a of the Uniform Justice Court Act.

On motion of TRUSTEE TERENCE, seconded by TRUSTEE MARINO to **postpone** the vote on Resolution Number 5 to the January 20, 2015 meeting.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015

**RESOLUTION #6**

**AMENDMENT TO AGREEMENT WITH COUNTY OF WESTCHESTER WITH REGARD TO AWARD FOR ADDITIONAL FUNDING FOR SENIOR NUTRITION PROGRAM TITLE III-C**

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

WHEREAS, by letter dated September 24, 2014, the County of Westchester has advised the Village of Port Chester that it has been awarded an additional \$5,000 because of “over-performance” under the Title IIIC meal program for 2014; and

WHEREAS, such additional funding may be used to reimburse the Village for qualified expenses such as equipment and supplies, equipment maintenance and repair, purchase towards a vehicle used for the nutrition program and salary for nutrition program staff and other program support staff; and

WHEREAS, the Director of the Nutrition Program has provided the Board with an itemization of the expenses for which reimbursement will be sought under this award, now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, for Title III-C, so as to accept an additional \$5,000 in reimbursement to cover the programs provided by the Village of Port Chester for the period of January 1, 2014 through December 31, 2014.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015.

## **REPORT OF THE VILLAGE CLERK**

Village Clerk updated the Board on the upcoming Village Election with the following report.

### **“Candidate Package**

I mailed a candidate election package to the two Chairmen which included:

Party Caucus Attendance

Certificate of Acceptance, Authorization and Nomination, Candidate Form - CF-02, CF-03 and CF-16 Board of Elections Disclosure Statement and Poll Watcher Certificate 2015

If anyone else would like to obtain a package please stop in at the Clerk’s Office or call us at 914-939-5202.

### **Voting Machines**

I have been in contact with Ms. Bonnie Garone Chief Clerk / Nassau County Board of Elections regarding rental of the Voting Lever Machines for 2015 and 2016 Village Election. (I was notified today that a new Chief Clerk has been appointed and I expect to speak with her shortly.)

On December 30, 2014 the Agreement was e-mailed to Ms. Garone and I expect the agreement to be signed shortly. (2013 agreement was received around January 15, 2013)

In an E- Mail this afternoon I learned that “The contract is in process.”

As a backup I contacted the commissioners of Westchester County Board of Election requesting the use of Westchester County's Voting Lever Machines and received a letter giving me approval to use 20 Voting Lever Machines.

**Voting Machine Mechanics**

We were able to hire two election lever machine technicians one Democrat and one Republican. These gentleman worked on our 2013 election.

**Movers**

We have arranged for a moving company to help us move the voting machines to each district prior to and after Election Day.

We also arranged for the movers to move the Voting machines from Westchester County to our gym if needed.

**Inspectors**

We have sent out 215 letters to former inspectors regarding their availability to work as poll workers on Election Day, Wednesday, March 18, 2015.

As of today we have received a response from 75 inspectors of which 23 are bilingual.

**Inspector Training**

It is my goal to setup an inspector training class at the end of January.

**Polling Places**

I just want to remind voters that Village Election Polling locations will be the same as the November 2014 election.

**Web Site**

I am currently working on updating the Village Election website.

**Ballot**

The Ballot and the sample ballot will be finalized after February 13, 2015 when written specifications of objections to independent nominating petitions are received due in the Village Clerk's office.

**Important Dates**

Previously provided to the BOT

Tuesday	January 6, 2015 to January 13, 2015	First day political parties may publish notice of a party caucus in a newspaper (this date depends upon the date of the caucus).
Monday	January 12, 2015 to January 20, 2015	Last day to post and file notice of the party caucus in the office of the Village Clerk and County Board of Elections (this date depends upon the scheduled date of the caucus).
Tuesday	January 20, 2015	Earliest date for holding a party caucus.
Tuesday	January 27, 2015	Last date for holding a party caucus.
Thursday	January 29, 2015	Last day to file a certificate of party nomination.
Tuesday	February 3, 2015	First day to file an independent nominating petition.
Tuesday	February 10, 2015	Last day to file independent nominating petitions for an office to be filled at the general Village election.
Friday	March 6, 2015	Last day individuals may register with the County Board of Elections to be eligible to vote in the Village election.

## **Training**

In preparation for the 2015 election, I attended NYCOM's 2014 Fall Training School on Conducting Village Elections."

## **REPORT OF THE VILLAGE ATTORNEY**

Village Attorney Cerreto, presented the Board with a White Paper titled Distressed and Vacant Properties: Changing the Paradigm from a Tactical Threat to a Strategic Opportunity to Promote Economic Development and a Greater Quality of Life in the Village of Port Chester for consideration.

Mayor Pagano asked Attorney Cerreto to comment on the letter regarding Metro North. Village Attorney Cerreto commented on the requirement of MTA to put in an elevator at the Port Chester Train Station. Village Manager Steers said that MTA has been given the money to put in this elevator; they just did not use it right.

## **CORRESPONDENCES**

### **From Poningo Properties LLC regarding Sewer Rent Appeal for 46 Poningo Street**

The Board referred the correspondence to staff without objection.

### **From New Broad St LLC regarding Sewer Rent Appeal for 33 New Broad Street**

The Board referred the correspondence to staff without objection.

### **From Laura Sandarciero regarding Sewer Rent Appeal for 9 Castle Landing.**

The Board referred the correspondence to staff without objection.

### **From Mathew John, Jr. on his resignation from Board of Ethics.**

The Board acknowledged the correspondence.

### **From Dwayne R. Edwards regarding his interest in joining the Port Chester Board of Ethics.**

The Board referred the correspondence to the Village Clerk ask that he schedule Mr. Dwayne R. Edwards for an interview at the January 20, 2015 Board meeting.

## **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 public comments were made.

### ***Board***

Trustee Adams requested the schedule of meetings for January. The Board of Trustees regular meeting is scheduled for January 20<sup>th</sup>. There are hearing dates set for January 7<sup>th</sup>, 12<sup>th</sup> and 22<sup>nd</sup>. On January 27<sup>th</sup> the Board has a joint meeting with the IDA in the Conference Room. He thanked Village Clerk Richards on the Election preparation and he thanked Trustee Ciccarelli and the legal staff for work on the MTA issue.

Mayor Pagano commented that Trustee Kenner and Village Clerk Richards will be absent on January 12<sup>th</sup>.

Trustee Brakewood commented he would like an update on the Board's investment in digitizing all the Building Department records so they could be viewed on-line. We haven't heard anything on that in a while. He commented on the Neighborhood Revitalization. A special workshop should be set up for early February to select vendors.

Trustee Terenzi is happy with the financial progress made in the last few years. He is anxious to wrap up the bulkhead issue. He questioned who is responsible for the bulkhead. The other items are the Starwood proposal and the municipal center.

Trustee Marino commented on the fire department parking spaces at headquarters. Village Manager Steers commented we have to finalize the design on this and that will be done this week. Trustee Marino asked when we will receive a report on the municipal center. He asked the Mayor for an executive session to discuss firefighters, and requested the whole Board be present.

Trustee Ceccarelli commented on HUD and Mt. Kisco doing something for those who were not included in the Fair Housing Settlement. Attorney Cerreto said this is as much a legal issue as a municipal one. He asked whether we still have parking meters. Chris Ameigh commented there are still some meters on Abendroth, North Pearl and Adee Street. The others in isolated areas will remain. He mentioned the good work done by the Police Departments. A cop on the street has a minimal amount of time to make a decision. The officers in Port Chester did a fine job on capture in an armed robbery on King Street. He congratulated the four new officers who graduated from the academy on December 19<sup>th</sup>.

Mayor Pagano commented on parking meters. He would like a status on the parking for the Life Savers residents on Highland Street from 6 to 9 P.M. He received a call from a property owner on Midland Avenue questioning the effectiveness of the parking meters there. Are the meters paying for themselves?

Mayor Pagano read a statement that it was not an easy decision, but one he discussed with his family, that he will not be running for reelection as Mayor in the next election.

At 9:26 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE TERENCE, the meeting was closed.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Kenner.

**DATE:** January 5, 2015

Respectfully submitted,

Janusz R. Richards  
Village Clerk

**PUBLIC COMMENTS  
AND  
BOARD COMMENTS**