VILLAGE OF PORT CHESTER BOARD OF TRUSTEES Meeting, Monday, June 01, 2015 PROPOSED EXECUTIVE/CLOSED SESSION 6:30-7:00 P.M. <u>Regular Meeting: 6:30 P.M.</u> VILLAGE JUSTICE COURTROOM 350 North Main Street Port Chester, New York

AGENDA

TIME: 6:30 P.M.

I	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Regarding a particular person in Port Chester Fire Department.	

TIME: 7:00 P.M.

II	PRESENTATION	ACTION
1	NDC regarding the findings of their investigation of the proposed Irving/Poningo project.	
	PUBLIC COMMENTS	ACTION
IV	RESOLUTIONS	ACTION
	Administration	
1	Dog Park	
2	Authorizing the Village Attorney to commence action to collect delinquent Sewer Rent.	
3	Re-appointment of Aspasia Tofano to Commission on Recreation with term expiring on 07-09-2017	
4	Re-appointment of Angelo Rubino to Commission on Recreation with term expiring on 07-09-2016	
5	Re-appointment of Frank Errigo to Commission on Recreation with term expiring on 07-09-2015	
6	Re-appointment of Janice Kunicki to Commission on Recreation with term expiring on 07-09-2015	
7	Re-appointment of Enda Mcgovern to Commission on Recreation with term expiring on 07-09-2016	
8	Re-appointment of Michael Decarlo to Commission on Recreation with term expiring on 07-09-2016	
9	Re-appointment of Lynn Errigo SHIELDS to Commission on Recreation with term expiring on 07-09-2016	
10	Re-appointment of Kim Morabito to Commission on Recreation with term expiring on 07-09-2015	

V	DISCUSSIONS	ACTION
1	Recommendations from the Board of Ethics regarding	
	proposed amendment to the Code of Ethics.	
VI	CORRESPONDENCE	ACTION
1	From Putnam Engine & Hose Co., No. 2 on the election of	
I	Andres Mejia to membership	
	From Corpus Christi Church requesting permission to place a	
2	banner to advertise their Carnival which takes place August	
	10 th through August 15 th .	
2	From Maria del Carmen Amado, Westchester Hispano	
3	General Manager-Editor requesting the rental of Lyon Park.	
VII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

PROPOSED MOTION FOR EXECUTIVE SESSION

PRESENTATION

PUBLIC COMMENTS

RESOLUTIONS

ACCEPTING A DONATION FOR, AND AUTHORIZING A DOG PARK IN THE UPPER PORTION OF ABENDROTH PARK

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

WHEREAS, the Village of Port Chester maintains and programs a system of public parks for passive and active recreational enjoyment by village residents and the public at large; and,

WHEREAS, the Village Parks Commission is chartered to advise and assist the Board of Trustees regarding the village park system; and,

WHEREAS, an enthusiastic group of Port Chester residents has come forward in 2012 requesting that a dog park be created in one of the Village parks, and this group of residents has become organized as the "Port Chester Dog Park Group"; and,

WHEREAS, after considerable public discussion, and deliberation with the Port Chester Dog Park Group, Village Parks Commission and Village staff, the Village Board of Trustees by resolution dated May 6, 2013 granted conceptual approval for the creation of a dog park in the upper portion of Abendroth Park; and,

WHEREAS, after said conceptual approval, the Port Chester Dog Park Group went forth to fundraise \$50,000 towards creating a dog park in the upper portion of Abendroth Park; and,

WHEREAS, as part of their \$50,000 fundraising effort, the Port Chester Dog Park Group won \$25,000 in a national "PetSafe" contest based on Port Chester community participation, of which the Board of Trustees agreed to the rules and to participate in, as part of their aforementioned conceptual approval granted May 5, 2014; and,

WHEREAS, by resolution dated January 20, 2015, the Board of Trustees established that a dog park be located in the upper portion of Abendroth Park, subject to final design specifications, and with that, declared the project to be an unlisted action and declared a negative declaration the under the New York State Environmental Quality Review Act (SEQRA), thereby requiring no further environmental review; and,

WHEREAS, the Port Chester Parks Commission has worked with the Port Chester Dog Park Group and Village staff, and after considerable deliberations, they twice affirmed that a dog park be constructed in the upper portion of Abendroth Park with exterior perimeter setbacks that are 60 feet from the existing park playground and abutting residential properties, as presented in the accompanying architectural plan; and,

WHEREAS, the Board of Trustees has appropriated \$30,000 in the 2015/2016 Village Budget to create a dog park; and

WHEREAS, the Port Chester Dog Park Group now desires to gift \$50,000 to the Village of Port Chester for the purpose of constructing a dog park in the upper portion of Abendroth Park, as already conceptually agreed by the Board of Trustees; and,

WHEREAS, after considerable additional deliberations with all of the aforementioned groups and other external agencies, and after weighing all of the issues involving dog parks in general, and specific park usage at Abendroth Park, the Village Board of Trustees hereby desires to move forward and create a dog park, to the specification of their prior January resolution but for using a specific trial entrance way in the upper portion of Abendroth Park.; and

WHEREAS, the Board of Trustees desires for the Port Chester Dog Park to be operational within the next 60 days. Now THEREFORE, it is hereby

RESOLVED, that the Board of Trustees hereby finalizes and accepts the attached dog park plan for Abendroth Park; and be it further

RESOLVED that the Board of Trustees hereby accepts the \$25,000 gift from the Port Chester Dog Park Group, and an additional \$25,000 gift from the Port Chester Dog Park Group and PetSafe, subject to the terms of the PetSafe contest rules, for constructing a dog park in the upper portion of Abendroth Park; and be it further

RESOLVED, that the Village Board of Trustees directs the Village Manager to work with the Port Chester Dog Park Group to detail, finalize and construct the interior dog park components that shall include a double-gated entrance area (in the approximate area depicted on the attached plan), as well as a large dog area, small dog area, and "dogs in training" area; and be it further

RESOLVED, that upon the Port Chester Dog Park Group and Petsafe's approval of the finalized dog park design, the Board of Trustees hereby directs the Village Manager to go out to bid and construct a fenced dog park along the upper portion of Abendroth Park to the specifications of the attached plan, with exterior perimeter setbacks that are 60 feet from the existing playground and residential properties; and be it further

RESOLVED, that the Board of Trustees directs the Village Manager and Village Attorney to create whatever amendments and additional laws and policies at Abendroth Park that they deem necessary to codify a dog park there, ensure the public safety, and to present such policies to the Parks Commission. Such rules shall include: that dogs are to be under their owner's control at all times, that owners are solely responsible and assume all liability for their dogs; that properly licensed and leashed dogs shall be allowed to enter the park using only the upper portion of Abendroth Park by the specific existing (non-parking lot) entranceway designated in the attached plan for egress into the dog park; and be it further RESOLVED, that the Board of Trustees directs the Village Manager to procure and erect appropriate signage to set forth such appropriate policies and rules, and to direct the egress of leashed dogs into the Abendroth Park dog park using the existing (nonparking lot) entrance to the upper portion of Abendroth Park, and to satisfy the signage requirement of the aforementioned PetSafe dog park contest requirements; and be it further

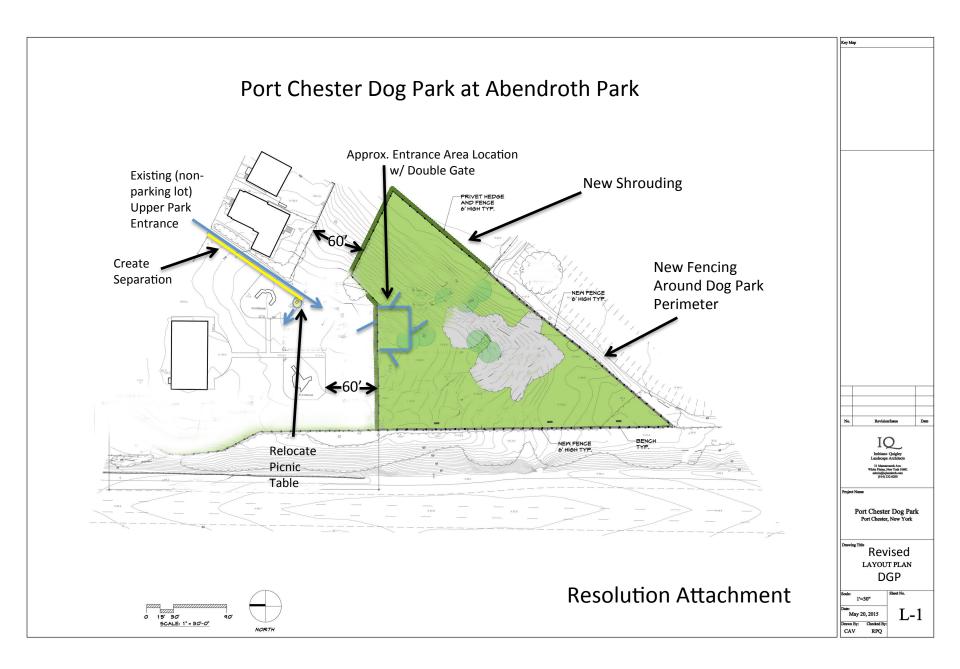
RESOLVED, that the Village Board of Trustees directs the Village Manager to relocate the existing picnic table that is along the non-parking lot entrance pathway to the upper portion of Abendroth Park, and for him to also take appropriate measures to create an appropriate separation between this upper park entrance pathway from the existing playground; and be it further

RESOLVED, that the Village Manager direct the Village Police Department and Village staff to enforce new and existing and dog park rules and park regulations that are or will be set in place at Abendroth Park; and be it further

RESOLVED, that the Board of Trustees directs the Village Manager to create a dog park incident management, monitoring and reporting protocol to ensure the public safety and to adequately assess the effectiveness of the physical, procedural, and regulatory components hereby designated for the creation of a dog park at Abendroth Park, and that the Village Manager report back to the Board of Trustees no later than sixmonths after the opening of the Abendroth Park dog park with any incidents, usage metrics, findings and improvement recommendations.

Approved as to Form:

Anthony M. Cerreto, Village Attorney





VILLAGE OF PORT CHESTER

DEPARTMENT OF PLANNING & DEVELOPMENT

222 Grace Church Street, Rm. 202 Port Chester, NY 10573 (P) 914.937.6780 (F) 914.939-2733

Christopher Gomez, AICP, Director Jesica Youngblood, MCP, Planner Constance Phillips, Planning Secretary

- To: Mayor Pilla and Board of Trustees
- From: Christopher Gomez, AICP, Director of Planning and Development
- Re: Dog Park Resolution SEQRA Negative Declaration
- CC: C. Steers, T. Cerreto, P. Miley, J. Richards

Date: June 1, 2015

The minor conceptual design amendment to the dog park as presented in the revised approval resolution will result in a net reduction in the cumulative environmental impacts of the project; therefore the Negative Declaration adopted by the Board of Trustees on January 20, 2015 remains valid as an official SEQRA Determination of Significance.

No further environmental review is required.



VILLAGE OF PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

BOT Meeting Date: 6/1/2015

Item Type: Resolution

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

Description	Yes	No	Description	Yes	No
Fiscal Impact		\boxtimes	Public Hearing Required		\boxtimes
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement		\boxtimes	Manager Priorities		
Strategic Plan Related	\boxtimes		Sewer Rent Project		

Agenda Heading Title

(Will appear on the Agenda as indicated below)

AUTHORIZING THE VILLAGE ATTORNEY TO COMMENCE ACTIONS TO COLLECT DELINQUENT SEWER RENT

Summary

Background:

Pursuant to Article 14-F of the New York General Municipal Law, the Village of Port Chester has adopted a system of user fees with regard to the sanitary sewers, or sewer rents. Under Section 452, sub.4 of the General Municipal Law, the amount of delinquent sewer rents may be levied against the subject real property to be collected and enforced in the same manner as village taxes or through an action commenced in the courts. Delinquent sewer rent for those properties that cannot be collected and enforced through levy, such as tax exempt properties, must be collected and enforced through court action. The Village Attorney requires the authority from the Board of Trustees in the form of a resolution to commence such actions.

Proposed Action
That the Board of Trustees adopt the Resolution
Attachments

AUTHORIZING THE VILLAGE ATTORNEY TO COMMENCE ACTIONS TO COLLECT DELINQUENT SEWER RENT

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, pursuant to Article 14-F of the New York General Municipal Law, the Village of Port Chester has adopted a system of user fees with regard to the sanitary sewers, or sewer rents; and

WHEREAS, prior to such action, the expense of maintenance, repair, construction and reconstruction of the Village's sanitary sewers was solely assumed by property taxpayers; and

WHEREAS, under Section 452, sub.4 of the General Municipal Law, the amount of delinquent sewer rents may be levied against the subject real property to be collected and enforced in the same manner as village taxes or through an action commenced in the courts; and

WHEREAS, delinquent sewer rent for those properties that cannot be collected and enforced through levy, such as tax exempt properties, must be collected and enforced through court action; and

WHEREAS, the Village Attorney requires the authority from the Board of Trustees to commence such actions. Now, therefore, be it

RESOLVED, that the Village Attorney is hereby authorized to commence actions to collect delinquent sewer rent, including penalties and interest, for those accounts that are outstanding for six months or greater.

APPROVED:

Anthony M. Cerreto, Village Attorney

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

RESOLVED, that ASPASIA TOFANO, residing at 171 Grace Church St., Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2017.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, ANGELO RUBINO, residing at 6 Maplewood Lane, Port Chester, New York, be and he hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2016.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, that FRANK ERRIGO, residing at 85 Birch Street, Port Chester, New York, be and he hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2015.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, that JANICE KUNICKI, residing at 99 Birch Street, Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2015.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, that ENDA MCGOVERN, residing at 44 Elizabeth St., Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2016.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, that MICHAEL DECARLO, residing at 225 No. Regent Street, Port Chester, New York, be and he hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2016.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, that LYNN ERRIGO SHIELDS, residing at 85 Birch Street, Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2016.

ROLL CALL

AYES: NOES: ABSENT:

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

RESOLVED, that KIM MORABITO, residing at 14 W. Glen Avenue, Port Chester, New York, be and she hereby is reappointed a member of the Port Chester COMMISSION ON RECREATION, effective immediately, and to expire July 9, 2015.

ROLL CALL

AYES: NOES: ABSENT:

DISCUSSION

TO:	Honorable Mayor and Trustees
THRU:	Christopher D. Steers, Village Manager
FROM:	Alex Payan, Chairman – Board of Ethics
DATE:	May 28, 2015
RE:	Recommended Changes to the Code of Ethics

As you may know, the Board of Ethics is not only charged with rendering advisory opinions to Village officers and employees with guidance as to their conduct but also proposing amendments to the Village's Code of Ethics which is in Chapter 53 of the Village Code.

After careful review and comparison to the New York State Model Code of Ethics and to other municipalities, the Board of Ethics is recommending an amendment that replaces the existing section on gifts.

The proposed amendment is a change to the Code of Ethics which was initially adopted in 1968 –47 years ago.

The goal of the Board of Ethics is to continue to research and review the model code, the Village Code of Ethics and codes of ethics from other municipalities with the objective to provide focused written recommendations to the Board of Trustees in revising the Village's existing Code of Ethics.

Thank you for your time and consideration.

Regards,

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Alex Payan, Chair Village of Port Chester Board of Ethics 222 Grace Church Street Port Chester, NY 10573 Phone: 914-623-3077 Email: apayan@portchesterny.com

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 53, "ETHICS", WITH REGARD TO GIFTS

SECTION 1: The Code of the Village of Port Chester, Chapter 53 "Gifts", Section 53-5, is hereby repealed and new provisions are adopted in place and stead as follows:

- A. No municipal officer or employee shall solicit, accept or receive a gift in violation of Section 805-a (1) (a) of general Municipal Law as interpreted in this section.
- B. No municipal officer or employee may directly or indirectly solicit any gift.
- C. No municipal officer or employee may accept or receive any gift, or multiple gifts from the same donor, having and annual aggregate value of seventy-five (\$75) dollars or more when:
 - (1) The gift reasonably appears to be intended to influence the office or employee in the exercise or performance of his or her powers or duties; or
 - (2) The gift could reasonably be expected to influence the officer or employee in the exercise or performance of his or her official powers or duties; or
 - (3) The gift is intended as a reward for any official action on the part of the officer or employee.
- D. For purposes of this section, "gift" includes anything of value, whether in the form of money, service, loam travel, entertainment, hospitality, thing or promise, or in any other for. The value of a gift is the gift's fair market value, determined by the retail cost of the item or a comparable item. The fair market value of a ticket entitling the holder to food, refreshments, entertainment, or any other benefit is the face value of the ticket, or the actual cost to the donor, whichever is greater. The determination of whether multiple gifts from a single donor exceed seventy-five \$75) dollars shall be made by adding together the value of all gifts received from the donor by an officer or employee during the twelve-month period preceding the receipt of the most recent gift.
- E. A gift to a municipal officer or employee is presumed to influence the exercise or performance of his or her official powers or duties when the gift is from a private person or organization that seeks municipal action involving the exercise of discretion by or with the participation of the officer or employee.
- F. A gift to a municipal officer or employee is presumed to be intended as a reward for official action when the gift is from a private person or organization that has obtained municipal action involving the exercise of discretion by or with the participation of the officer or employee during the preceding twelve (12) months.
- G. This section does not prohibit the following:
 - (1) gifts made to the Village of Port Chester
 - (2) gifts from a person with a family or personal relationship with the officer or employee when the circumstances make it clear that the personal relationship, rather than the recipient's status as a municipal officer or employee, is the primary motivating factor for the gift.
 - (3) Gifts given on special occasions, such as marriage, illness, or retirement, which are modest, reasonable and customary.

- (4) Unsolicited advertising or promotional material of little intrinsic value, such as pens, pencils, note pads and calendars,
- (5) Awards and plaques having a value of seventy-five (\$75) dollars or less which are publicly presented in recognition of service as a municipal officer or employee, or other service to the community.
- (6) Meals and refreshments provided when a municipal officer or employee is a speaker or participant at a job-related professional educational conference or program and the meals and refreshments are made available to all participants.
- (7) Gifts given between officers and employees on special occasions, such as birthdays or seasonal holidays.

SECTION 2: This local law shall be effective immediately upon filing with the Secretary of State.

CORRESPONDENCE



PUTNAM ENGINE & HOSE CO., NO.2 Organized October 4, 1854 Incorporated May 17, 1954 P.O. Box 933, Port Chester, NY 10573

May 13, 2015

VIA EMAIL & REGULAR MAIL VILLAGE OF PORT CHESTER VILLAGE CLERK

222 Grace Church Street Port Chester, NY 10573 JRichards@portchesterny.com

Attn: Janusz R. Richards

Dear Mr. Richards:

As of our May 2015 meeting, the Putnam Engine & Hose, Company No.2, has voted into the company the following new member:

Andres Mejia 562 Westchester Avenue Port Chester, NY 10573

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

> > /S/

Frank Cervinka Secretary

Enclosures

Empiled VC/ Mayort BOT

Carnival Corpus Christi Church 136 South Regent Street Port Chester, NY 10573

May 19, 2015

VILLAGE OF PORT CHESTER

Mayor Dennis G. Pilla & Village Board 222 Grace Church Street Port Chester, NY 10573

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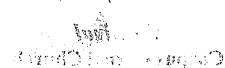
Dear Mayor Pagano & Village Board:

On behalf of the Corpus Christi Church Carnival, we are once again seeking permission to place a banner across Westchester Ave to advertise this year's carnival. The information as in the past would read: the date, the place, and the name of the sign company sponsoring the banner.

If permission is granted, we are also seeking permission for the Village Highway Department to place the sign for us. The carnival dates are August 10th through August 15th. I can be reached at (914) 937-1455 or at the church rectory (914) 933-3169.

Thank you, non

Paul R. Gerardi Carnival Chairman



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aarte Garanii Oomeral Chainnan New York, May 27th, 2015

Mr. Dennis Pilla

Mayor

Of Village of Port Chester

Dear Mayor:

Westchester Hispano Newspaper is organizing the Third Annual Peruvian Food Festival and Expo, scheduled for Sunday August 2, 2015. The festival aims to promote Peruvian cuisine and spread the culture of this South American country. We will present local and international chefs, musicians and entertainment for all.

We also request you the rental of the Lyon Park, on the date above indicated, in order to make our event in the town of the greater cultural diversity in Westchester County.

This festival will not only contribute to the culture of Port Chester, but also attract public of other areas of our county, to the benefit of the merchants and the economy of your Village.

Please let me know about the requirements to meet, and let me know if you need more information. We will much appreciate your help.

Sincerely

General Manager of Westchester Hispano 914-473-2567

PUBLIC COMMENTS AND BOARD COMMENTS