



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

PH-01
BOT 1-19-2016

AGENDA MEMO

Department: Planning and Development Department
Department: Office of the Village Attorney

BOT Meeting Date: 1/19/2016

Item Type: Continued Joint Public Hearing

Sponsor's Name:	Anthony Cerreto, Village Attorney
Sponsor's Name:	Jesica Youngblood, Asst. Director of Planning & Development

Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	Transit Oriented Development		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning & Zoning		

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

Joint public hearing to consider the amended petition as submitted by G&S Port Chester, LLC for respective zoning map and text amendments to the MUR District, the associated urban renewal plans, and the Concept Development Project to permit multi-family residential development with a floor area ratio onus and amendments to bulk and density regulations in a portion of the Project Area known and designated as Retail "D" and more fully described 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 right-of-way on said Map.

Summary

The owner/developer G&S (herein referred to as "Applicant") submitted an amended zoning petition on/or about October 1, 2015 that reduced the total square footage of allowed development to ~72,000 square feet (originally 90,000 sqft) for five (5) floors to

include ~79 upper-floor rental dwelling units comprised primarily of studios and one-bedroom units, ~12,000 square feet of ground-floor retail, parking requirements for the proposed multi-family residential component, amended bulk and density provisions, and a floor area ratio bonus program.

On November 2, 2015 and January 4, 2016 the Board held a joint public hearing with the Planning Commission to consider the Applicant's petition in addition to receiving advisory comments from the Planning Commission. Specifically those comments echoed the Board's and centered around adequate parking and loading provisions, general traffic and circulation patterns, pedestrian safety, open space provisions, and bulk and density provisions.

Comprehensive Plan Consistency

The Application declares the proposal "*is completely consistent the Land Use Strategies and recommendations for the Downtown North and South Main Street and Abendroth Avenue (west side) land area as set forth in the Village's 2012 Comprehensive Plan.*" The Comprehensive Plan includes "Retail D" in the Higher Intensity Planning Zone category and describes the adopted land use strategy for mixed-use development consisting of ground-floor retail and upper-floor residential with a maximum height of five (5) stories (pg. 140), thereby aligning the Application with the strategies and recommendations prescribed within the adopted Comprehensive Plan.

Recommendation

The Applicant continues to address the outstanding environmental concerns as directed by special counsel and staff (e.g. traffic, parking). As the Applicant continues to gather information to address the concerns directly related to drafting a determination of significance, the Board cannot take a formal action.

Further, the Applicant has submitted a request letter to adjourn the public hearing until February 1, 2016 to address outstanding environmental concerns as raised by village staff, village consultants, and special counsel. A memo from special counsel Mark Chertok, Esq. is also attached explaining same.

Attachments
<ul style="list-style-type: none">• Adjournment letter – submitted by G&S Port Chester LLC• Special Counsel Memo



January 15, 2016

Via Email: JYoungblood@portchesterny.com

Hon. Dennis Pilla
Members of the Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Rezoning Petition for Project Area known as "Retail D"
Tax Map Designation: Section 142.31, Block 1, Lot(s) 3, 4, 5, 6, 20, 21, 22, 23 and 24

Dear Mayor Pilla and Members of the Board:

The Petitioner, G&S Port Chester LLC, has been working with Special Counsel Mark Chertok on finalizing responses to the identified potential SEQRA impacts, and while we are close to completion our consultants still need some additional time to complete their reports. Therefore, we respectfully request an additional adjournment of the Public Hearing on the referenced matter until the Board of Trustees next meeting scheduled for February 1, 2016.

Very truly yours,
Tartaglia Law Group, LLC

A handwritten signature in black ink, appearing to read 'Daniel D. Tartaglia', with a horizontal line extending to the right.

Daniel D. Tartaglia, Esq.

cc: Anthony Cerreto, Esq.

Attorney-Client Privileged and Confidential CommunicationAttorney Work Product

MEMORANDUM

To: Mayor and Board of Trustees of the Village of Port Chester
cc Christopher Steers, Anthony Cerreto, Jesica Youngblood
From: Mark Chertok
Date: January 15, 2016
Re: G&S Retail D SEQRA compliance

As you know, the petition by G&S for a zone change to the existing MUR District to allow for a residential use in the “Retail D” building is a change from the Board of Trustees’ approval in 1999 of the Modified Marina Redevelopment Project, which authorized only commercial use for the Project area. The below updates our December 30, 2015 memorandum.

As noted in the prior memorandum Village Staff and consultants have raised certain issues necessitating the Applicants’ submission of additional information. Since that memorandum, the Applicant has provided information relating to several of the issues (e.g., hazardous materials, schools, open space) and is in the process of providing information on other relevant subjects, including traffic and parking. Given this status, the Applicant’s counsel informed me that the Applicant is requesting an adjournment of the continued public hearing.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

PRES -01
BOT 1-19-2016

AGENDA MEMO

Department: Planning and Development Department

BOT Meeting Date: 1/19/2016

Item Type: Presentation

Sponsor's Name:	Jesica Youngblood, Asst. Director of Planning & Development
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Description	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	Redevelopment Opportunities		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Planning & Zoning		

<p>Agenda Heading Title <i>(Will appear as indicated below on Agenda)</i></p>
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Port North Main Street Rezoning Petition

<p>Summary</p>

A petition submitted by Tartaglia Law Group, LLC on behalf of Port North Main Street LLC (“the Petitioner”) requests a zoning map and text change to permit ‘retail, personal service shop’ in the C4 General Commercial District as a special exception use and establish an off-street parking requirement.

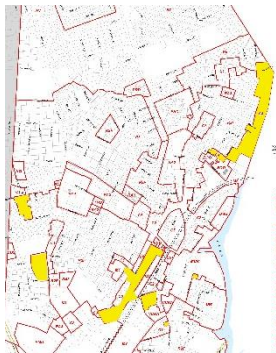
The Applicant proposes the following special exception use criteria for ‘retail, personal services shop’:

- Minimum lot size: 7,500 sqft
- Maximum floor area ratio (FAR): 0.5
- Maximum building height: 1 story

The Applicant also proposes an off-street parking requirement at one (1) space per 300 sqft feet of gross floor area.

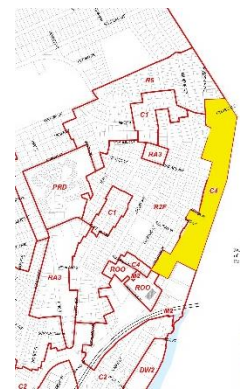
*Clarification of intended zoning map and/or text amendments is mandatory as the Applicant's petition differs from previous presentation and discussion with staff. The various zoning permutations must be solidified in order to determine the appropriate course of action for classification and processing pursuant to State Environmental Quality Review Act (SEQRA) regulations.

The following zoning map amendments are plausible:



1) Amending all C4 Districts in the Village to permit 'retail, personal service' as a special exception use would affect approximately 53 acres and trigger procedures consistent with those for a Type 1 Action pursuant to SEQRA.

2) Amending just the N Main Street corridor C4 District with the provisions listed above would affect approximately 19 acres, which is considered an Unlisted Action pursuant to SEQRA.



3) Amending the N Main Street corridor C4 District only from Terrace Avenue north to the Putnam Avenue traffic circle constitutes an Unlisted Action pursuant to SEQRA.

It is unclear from the petition if the Applicant requests the parking requirement for all C4 Districts; only for the C4 District along the N Main Street corridor or from Terrace Ave north; or if to establish a parking regulation for 'retail, personal service' under Village Code Section 345-14 to apply to all zoning districts in the village. The first and last scenarios constitute a Type 1 Action under the SEQRA regulations.

Comprehensive Plan Consistency

The Village's adopted Comprehensive Plan recommends developing the waterfront through new, context sensitive retail, housing and public spaces to economically position the Village (pg. 125).

The Petition requests permitting 'retail, personal service shop' as a special exception criteria with a parking requirement along the upper Byram River waterfront. Again, special exception criteria act as safeguards for uses not permitted as-of-right. The planning rationale behind context sensitive solutions is to permit development that doesn't detract or negatively impact the surrounding land uses and services but rather appears 'seamlessly inserted.'

Recommendation

The Applicant will give a presentation to the Board and the public with an overview of the rezoning petition. The Board may request the Applicant provide additional information in order to better assess the request. Further, the Board should consider referring the application to the Planning Commission for review and comment pursuant to Section 345-34(D) and the Westchester County Planning Board pursuant to Section 345-34(F). The Board may select a public hearing for a future date of its choosing or await advisory comment.

Attachments
<ul style="list-style-type: none">• Petition as submitted by Tartaglia Law Group, LLC on behalf of Port North Main Street LLC

BOARD OF TRUSTEES: VILLAGE OF PORT CHESTER
COUNTY OF WESTCHESTER: STATE OF NEW YORK
-----X

In the Matter of the Application of

PORT NORTH MAIN STREET LLC

PETITION

For amendments to § 345-50 of the Village of Port Chester
Zoning Code.

-----X

Port North Main Street LLC (the “Petitioner”), by its attorneys Tartaglia Law Group, LLC,
hereby petitions the Board of Trustees of the Village of Port Chester, as follows:

THE PETITIONER

1. The Petitioner is a limited liability company organized and existing under the laws
of the State of New York, having an address at 95-25 Queens Blvd., Rego Park, NY 11374.

2. The Petitioner acquired the “Property” (described and defined below) by deed dated
February 3, 2014, which deed was recorded in the Office of the Westchester County Clerk on
February 27, 2014 as Control No. 540373480 (hereinafter referred to as “531 N. Main Street”);
and deed dated February 3, 2014, which deed was recorded in the Office of the Westchester County
Clerk on February 27, 2014 as Control No. 540383162 (hereinafter referred to as “601 N. Main
Street”). A perimeter description of the Property is attached hereto as Exhibit “A.”

THE PROPERTY

3. The real property which is the subject of this Petition is an assemblage of 2 parcels
known and designated on the tax assessment map of the Village as (a) Section 136.064, Block
64.1, Lot 61 and Section 136.064, Block 64.1, Lot 33 (531 N. Main Street), consisting of

approximately 9,348 square feet and (b) Section 136.064, Block 64.1, and Lot 61 (601 N. Main Street), consisting of approximately 12,466 square feet (collectively the “Property”).

4. The 531 N. Main Street parcel is comprised of an expansive blacktopped parking area and a small vacant boutique-type restaurant. The building, originally constructed and operated as a gas station, is a dimensionally non-compliant structure of approximately 1,235 square feet. This 9,348 square foot parcel is rectangular in shape, generally flat and comprised of 97% impervious surface. Vehicular access to the site currently is from two expansive 2-way curb cuts consistent with gasoline service stations.

5. 601 N. Main Street is comprised of an existing improved parking lot and a vacant bank branch and associated office building. The building, originally constructed as an auto body shop, is a dimensionally non-compliant structure of 4,153 square feet. The 12,466 square foot parcel is rectangular in shape and slopes slightly from N. Main Street toward the Byram River. The site is currently fully developed with a 14-space parking lot, site lighting, and drainage facilities.

6. The total lot area of the combined lots is 21,814 square feet.

CURRENT ZONING AND PROPERTY VICINITY

7. The Property is located in the “C-4” General Commercial Zoning District. It is also within the Local Waterfront Revitalization Program (LWRP) Brooksville sub-area and, as such, the applications will be subject to a LWRP Consistency Review before the Village’s Waterfront Commission. Both properties are within the FEMA flood plan zone “AE” as mapped on September 28, 2007.

8. There are no predominant land uses surrounding the Property. Currently, there is a mixed commercial area at the northeast corner of North Main Street and directly to the north of

both sites is the Village-owned William James Memorial Pump Station. Directly to the south is “The Home Store,” which has a showroom for retail sales of fabrics, window treatments, and home decorating accessories. Directly opposite the site, across the street, are an auto repair shop, auto dealership service facility with sales, and a tile and marble warehouse with a retail sales showroom. A location map is attached hereto as Exhibit “B.”

THE PROPOSED PROJECT

9. **601 N. Main Street.** This parcel is currently fully developed with a one-story 4,080 square foot office building with the entrance oriented to the north, together with a 14-space parking lot with site lighting, and drainage provided. The parking lot and associated improvements are to remain unchanged and the existing building interior and exterior are to be renovated with no change to the building footprint.

10. **531 N. Main Street.** It is proposed to demolish the existing building and construct a single-story 3,300 square foot building and an improved parking lot with 11 parking spaces. The proposed redevelopment of this property for retail use will add plantings to overall reduce the impervious surface on the lot by 1,525 square feet (16%), provide for storm-water management, site lighting, and a single 2-way curb cut.

11. Renderings of the proposed buildings are attached hereto as Exhibit “C.”

REQUESTED ZONING AMENDMENTS

12. To accommodate the Proposed Project, the Petitioner is requesting that the C-4 zoning district be amended to add “Retail store or personal service shop, services clearly incidental to retail sales on the premises or to personal services,” as a special exception use (“SEU”). This category of use is nothing new to the Village. This use is already principally

permitted in the C-1, C-2, C-3, C-5, C-5T, CD, and PMU zone and is a SEU in the CDS, DW and W-2 zoning districts.

13. Petitioner also requests that the Zoning Code be amended to establish a specific retail use parking requirement where none currently exists of one car per 300 square feet of gross floor area. This parking requirement would be consistent with that adopted by the Board of Trustees for the Village Center Redevelopment Area (§345-57.2 B(5)a[8]c).

14. To give the Village more control over retail uses within the C-4 zoning district, the Petitioner proposes that the SEU criteria include: (a) that lot area be no less than 7,500 square feet; (b) floor area ratio not exceed .5; and (c) building height not exceed one story.

15. Alternatively, instead of amending the C-4 Zone as requested, the Board of Trustees may consider creating a new zone to be mapped and applicable to this N. Main Street corridor only that would match the uses and dimensional constraints and requirements of the C-4 Zone, with the exception of the requested Special Exception Use in Article 12 above and the parking requirements in Article 13 above.

PLANNING CRITERIA FOR PROJECT

16. The Proposed Project will act as a northern gateway to the Village and establish a consistent retail presence on separate parcels that have heretofore been used as offices and a restaurant.

17. The retail use proposed will be small in scale and bulk and therefore will be limited to supportive neighborhood retail for the convenience of the surrounding residential areas east of North Main Street.

18. The Proposed Project is outside the areas studied by the Village's most recent Comprehensive Plan. However, as stated earlier in this Petition it is within the Local Waterfront

Revitalization Program (LWRP) Brooksville sub-area and, as such, the applications will be subject to a LWRP Consistency Review before the Village's Waterfront Commission.

19. Due to the proposed SEU criteria, the requested zoning amendments will insure that the Village maintains adequate controls over the proposed retail use throughout the C-4 zoning area in the future.

20. The Petitioner is currently vetting the proposed Project before the Village of Port Chester Planning Commission by submission and review of a concept plan. A fully engineered site plan is not envisioned until action by the Board of Trustees on this re-zoning Petition.

COMPLIANCE WITH THE STATE ENVIRONMENTAL QUALITY REVIEW ACT

21. Under the State Environmental Quality Review Act and the regulations promulgated thereunder ("SEQRA"), the actions directly and indirectly proposed by the Petition are classified as "Unlisted."

22. Accordingly, the Petitioner shall comply in all respects with the requirements of SEQRA regarding an Unlisted action. An Environmental Assessment Form prepared by Arconics Architecture, P.C. is being submitted herewith.

WHEREFORE, the Petitioner respectfully requests that this Petition be granted as set forth herein.

Respectfully submitted,
TARTAGLIA LAW GROUP, LLC
Attorneys for Petitioner
800 Westchester Avenue
Rye Brook, NY 10573
(914) 481-1880

Dated: Rye Brook, New York
December 16, 2015



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-02
 BOT 1-19-2016

AGENDA MEMO

BOT Meeting Date: 1/19/2016

Item Type: Resolution

Sponsor's Name: Select Sponsor's Name.

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

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

RESOLUTION
 ADOPTING A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION
 (ENERGY) PROGRAM IN THE VILLAGE OF PORT CHESTER

SUMMARY

Background:

In October 2015, Sustainable Westchester presented to the Board requesting the Board adopt a local law so that the Village of Port Chester could participate in a Community Choice Aggregation (Energy) program. The Board held the requisite public hearing, but took no action on the local law. The Mayor has placed the matter on the agenda for an action adopting the law.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments
Local Law

RESOLUTION

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH SUSTIANABLE WESTCHESTER WITH REGARD TO COMMUNITY CHOICE AGGREGATION 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 adopted a local law with regard to a Community Choice Aggregation (Energy) Program; and

WHEREAS, the Board has been advised that the Village must enter into a Memorandum of Agreement so as to further its participation as a member of Sustainable Westchester so as to procure energy supply from a selected Energy Services Company (ESCO); and

WHEREAS, Sustainable Westchester will serve as Program Manager on behalf of any member municipality that executes an Electric Service Agreement with the selected ESCO thereby creating a new, shared service among the participating cities, towns and villages of Westchester County. Now, therefore, be it

RESOLVED that the Board hereby authorizes the Village Manager to enter into a Memorandum of Understanding with Sustainable Westchester with regard to the Community Choice Aggregation Program and subsequent Energy Services Agreement in substantial form to that annexed hereto subject to review and final approval by the Village Attorney.

Approved as to Form:

Anthony M. Cerreto, Village Attorney



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-01
BOT 1-19-2016

AGENDA MEMO

BOT Meeting Date: 1/19/2016

Item Type: Resolution

Sponsor's Name: Select Sponsor's Name.

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

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

RESOLUTION

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO A MEMORANDUM OF UNDERSTANDING WITH SUSTAINABLE WESTCHESTER WITH REGARD TO COMMUNITY CHOICE AGGREGATION PROGRAM

SUMMARY

Background:

This resolution is a companion to the proposed local law with regard to Sustainable Westchester's Community Choice Aggregation program.

Participating municipalities are required to enter into a memorandum of understanding with Sustainable Westchester. These municipalities have utilized their municipal attorneys to work in association to negotiate the terms of such MOU.

We attach a copy of the updated version of the MOU with Sustainable Westchester that was the basis for a most recent resolution by the Rye Brook Board of Trustees.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Resolution Memorandum of Understanding from Rye Brook Proposed Memorandum of Understanding from Sustainable Westchester

This Memorandum of Understanding is entered into by and between:

**___ Sustainable Westchester, Inc, a New York not-for-profit corporation, and
___ City/Town/Village of _____, a local government member of Sustainable Westchester,
Inc.**

1. Background:

- a. In February 2015, the New York Public Service Commission issued an Order for Case 14-M-0564 as follows: “The Petition of Sustainable Westchester is granted to the extent that its municipal members are authorized to undertake a Community Choice Aggregation demonstration project consistent with the discussion in the body of this Order...” (Attached as Exhibit 1).
- a. The **City/Town/Village of _____** has adopted local legislation to enable Community Choice Aggregation and a local resolution expressing the intent to participate in Community Choice Aggregation (“Intent-to-Participate Resolution”).
- b. As a member of Sustainable Westchester in good standing, the **City/Town/Village of _____** wishes to engage the services of Sustainable Westchester as the Program Manager for Community Choice Aggregation for the Operation and Maintenance of the Program.
- c. Sustainable Westchester will serve as Program Manager under the terms of the Electric Service Agreement (Attached as Exhibit 2) on behalf of any member municipality that executes the Electric Service Agreement and otherwise qualifies for the Program, thereby creating a new shared service among the participating cities, towns and villages of Westchester County.

2. Definitions:

- a. **Bundled Customers** – Residential and Small Commercial customers of electricity or natural gas (“fuels”) who are purchasing the fuels from the Distribution Utility.
- b. **Community Choice Aggregation Program or CCA Program or Program**– A municipal energy procurement program, which replaces the incumbent utility as the default Supplier for all Bundled Customers within the Participating Municipality, as defined in the February Order.
- c. **Competitive Supplier:** An entity duly authorized to conduct business in the State of New York as an energy service company (ESCO) that procures electric power and natural gas for Bundled Customers in connection with this CCA Program.
- d. **Compliant Bid:** Electric power supply bid from a Competitive Supplier that meets the requirements specified in the Intent-to-Participate Resolution and ESA. Compliant bids meet one of the following criteria:
 - i. the default price is guaranteed to be consistently less than the Distribution Utility price for the same period; or
 - ii. the default price is fixed at a level that is less than the average utility price for the same commodity, for the same customer class, over the Preceding Twelve Month Period (as defined below); or
 - iii. the default price is at first set at a level that is less than the average utility price for electricity, for the same customer class, over the Preceding Twelve Month Period, and only floats upward by less than twenty-five percent (25%) of the price increases implemented by the utilities

- e. **Electric Service Agreement (ESA):** The Electric Service Agreement that contains all the terms and condition appertaining the energy procurement request published by the Program Manager on behalf of the Participating Municipalities. (Attached as Exhibit 2.)
 - f. **February Order:** February 26, 2015 “Order Granting Petition in Part” issued by PSC in Case 14-M-0564, “Petition of Sustainable Westchester for Expedited Approval for the Implementation of a Pilot Community Choice Aggregation Program within the County of Westchester.” (Attached as Exhibit 1.)
 - g. **Independent Review:** An assessment of each Competitive Supplier's response by an independent accountant or other qualified consultant that is selected by the Program Manager (as defined below), to be undertaken on behalf of and paid for by the Program Manager. For each Competitive Supplier's response, such assessment will include a determination of (i) the creditworthiness of the Competitive Supplier or adequate documentation of alternative credit arrangement that is at least as secure as a credit-worthy Competitive Supplier, and (ii) compliance with respect to pricing, as outlined in these definitions and in each Intent-to-Participate Resolution (as defined below).
 - h. **Intent-to-Participate Resolution:** Local resolution adopted by Municipality authorizing their participation in the Program and defining the conditions of that participation (e.g. pricing compliance).
 - i. **Distribution Utility:** Owner or controller of the means of distribution of the natural gas or electricity that is regulated by the Public Service Commission in the Participating Municipality.
 - j. **Participating Municipality:** A dues-paying municipal member of Sustainable Westchester Inc, which has adopted the applicable local legislation and Intent-to-Participate Resolution for the Community Choice Aggregation Program.
 - k. **Preceding Twelve Month Period:** For purposes of evaluating a Compliant Bid, the most recent twelve month period for which the applicable information is available.
 - l. **Program Manager:** Sustainable Westchester, Inc, a non-profit corporation of which the Participating Municipality is a member, is authorized by the Public Service Commission per Order for Case 14-M-0564 “to undertake a Community Choice Aggregation demonstration project.”
 - m. **Public Service Commission:** The New York State Public Service Commission or the New York State Department of Public Service acting as staff on behalf of the Public Service Commission (PSC).
- 3. Purpose:** The purpose of the Memorandum of Understanding is as follows:
- a. To establish participation by **City/Town/Village of _____ (hereafter, the “Participating Municipality”)** in a Community Choice (Energy) Aggregation Program (hereafter, the “Program”) that will be managed on its behalf by **Sustainable Westchester, Inc (hereafter, the “Program Manager”)**, under the terms outlined in the attached Electric Service Agreement (Attached as Exhibit 2);
 - b. To affirm that the Participating Municipality and Program Manager agree to adhere to the terms and conditions of the attached Electric Service Agreement in the event they execute the agreement as outlined in 3(c), below

- c. To affirm that the Participating Municipality and Program Manager agree to execute the Electric Service Agreement, subject to the conditions of review and approval outlined in 4(c)(i), 4(c)(ii), 4(c)(iii), 5(a)(i), 5(a)(ii) and 5(a)(iii), outlined below.
- 4. Roles and responsibilities of the Program Manager:** As Program Manager, Sustainable Westchester Inc agrees to perform all duties outlined in the Electric Service Agreement and, prior to execution of that agreement, Program Manager agrees to:
- a. Provide the involved agencies and parties to the February Order, such as but not limited to the Public Service Commission or Local Distribution Utility, requested information about and documentation of the actions undertaken by the Participating Municipality in furtherance of enabling participation in the Program;
 - b. Manage the energy procurement bidding process including:
 - i. the identification and notification of potential firms seeking to be the Competitive Supplier,
 - ii. the Request for Proposals process from preparation of the content to the publication of the Request and management of firms responding to the Request,
 - iii. the preparation of the Electric Service Agreement that will be included in the Request,
 - iv. the acceptance and secure opening of the responses to the Request, and
 - v. the organizing and procuring of the Independent Review,all in a manner that is transparent to the Participating Municipality and firms seeking to be the Competitive Supplier;
 - c. Sign the Electric Service Agreement in a timely fashion subject to the conditions that:
 - i. the Competitive Supplier is deemed creditworthy for the duration of the Electric Service Agreement by the Independent Review, or
 - ii. the Competitive Supplier arranges alternative credit terms that are, at a minimum, as secure as those achieved with a creditworthy Supplier as deemed by the Independent Review, and
 - iii. the Competitive Supplier's response to the Energy Procurement Request for Proposals is deemed a Compliant Bid as defined in Section 2, above, by an Independent Review; and
 - d. Fulfill any other responsibilities as may reasonably adhere to facilitating the implementation of the Program, subject to the Program Manager's inherent and original role as an organization driven by the deliberated priorities of its constituent member municipalities.
- 5. Roles and responsibilities of the Participating Municipality:** As a Participating Municipality, the **City/Town/Village of _____** agrees to:
- a. Sign the Electric Service Agreement in a timely fashion subject to the conditions that:
 - i. the Competitive Supplier is deemed creditworthy for the duration of the Electric Service Agreement by the Independent Review, or
 - ii. the Competitive Supplier arranges alternative credit terms that are, at a minimum, as secure as those achieved with a creditworthy Competitive Supplier as deemed by the Independent Review, and, in either case
 - iii. such Competitive Supplier's response to the Energy Procurement Request for Proposals is deemed a Compliant Bid by the Independent Review.

6. **Term:** Memorandum of Understanding shall expire on the earlier of April 30, 2017 or the date on which the Electric Service Agreement is signed by all three counterparties to the ESA.
7. **IN WITNESSETH WHEREOF**, the parties hereto have signed this MEMORANDUM OF UNDERSTANDING on the day and year appearing below their respective signatures.

City/Town/Village of _____

Authorized Official: _____

Signature Printed Name and Title:

Address: _____

Telephone(s): _____

E-Mail Address: _____

Address for Notices:

Sustainable Westchester Inc

Authorized Official: _____

Signature Printed Name and Title:

Address: _____

Telephone(s): _____

E-Mail Address: _____

Address for Notices:

Attachments:

Exhibit 1 Public Service Commission Order for Case 14-M-0564 (February 2015)

Exhibit 1 Electric Service Agreement (1/04/2016)



VILLAGE OF
PORT CHESTER
 222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Office of the Village Manager

Village BOT Meeting Date: January 19, 2016

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact	x		Public Hearing Required		x
Funding Source: GF Contingency			BID #		
Account #: Traffic Light Replacement & Installation - 5.5180.200.2015.165			Strategic Plan Priority Area		
			N/A		
Agreement	x		Manager Priorities		
Strategic Plan Related		x	N/A		

Sponsor's Name: Christopher D. Steers, Village Manager

Heading Title
(Will appear as indicated below on Agenda)

RESOLUTION TO DECLARE A PUBLIC EMERGENCY AND DISPENSE WITH THE COMPETITIVE BIDDING REQUIREMENTS FOR THE PROCUREMENT AND INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF NORTH REGENT STREET AND GLEN AVENUE

Summary

Background:

The traffic signal at the intersection of North Regent Street and Glen Avenue was removed from service as inoperable.

The intersection is currently controlled by a four-way stop signs on a temporary basis.

The continued operation of the intersection without a traffic signal places the Village at risk.

The resolution declares a public emergency under the authority of State General Municipal Law, Section 103(4) so as to enable the Village to proceed forthwith with the procurement and installation of a new traffic signal without the need to comply with the competitive bidding requirements with the appropriation of sufficient funds to accomplish same.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Resolution

RESOLUTION TO DECLARE A PUBLIC EMERGENCY AND DISPENSE WITH THE
COMPETITIVE BIDDING REQUIREMENTS FOR THE PROCUREMENT AND
INSTALLATION OF A TRAFFIC SIGNAL AT THE INTERSECTION OF NORTH REGENT
STREET AND GLEN AVENUE

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, as follows:

WHEREAS, the traffic signal at the intersection of North Regent Street and Glen Avenue
was removed from service as inoperable; and

WHEREAS, the intersection is currently controlled by four-way stop signs on a
temporary basis; and

WHEREAS, the continued operation of the intersection without a traffic signal places the
Village at risk. Now, therefore, be it

RESOLVED, that pursuant to General Municipal Law, Section 103(4), the Board of
Trustees hereby declares a public emergency so as to dispense with the necessity of competitive
bidding; and be it further

RESOLVED, that the Village Manager be and is hereby authorized to contract with
qualified vendor(s) to procure and install a new traffic light at the intersection of North Regent
Street and Glen Avenue, to be funded by using General Fund contingency fund with an amount
not to exceed \$200,000, and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to establish a
Traffic Light Replacement/Installation Capital Project and modify the FY 2015-16 General and
Capital Fund as follows

General Fund:

Transfer from:

:1.1990.400	Contingency Contractual	\$200,000
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Transfer to:

1.9900.0900	Transfer to Capital	\$200,000
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Capital Fund

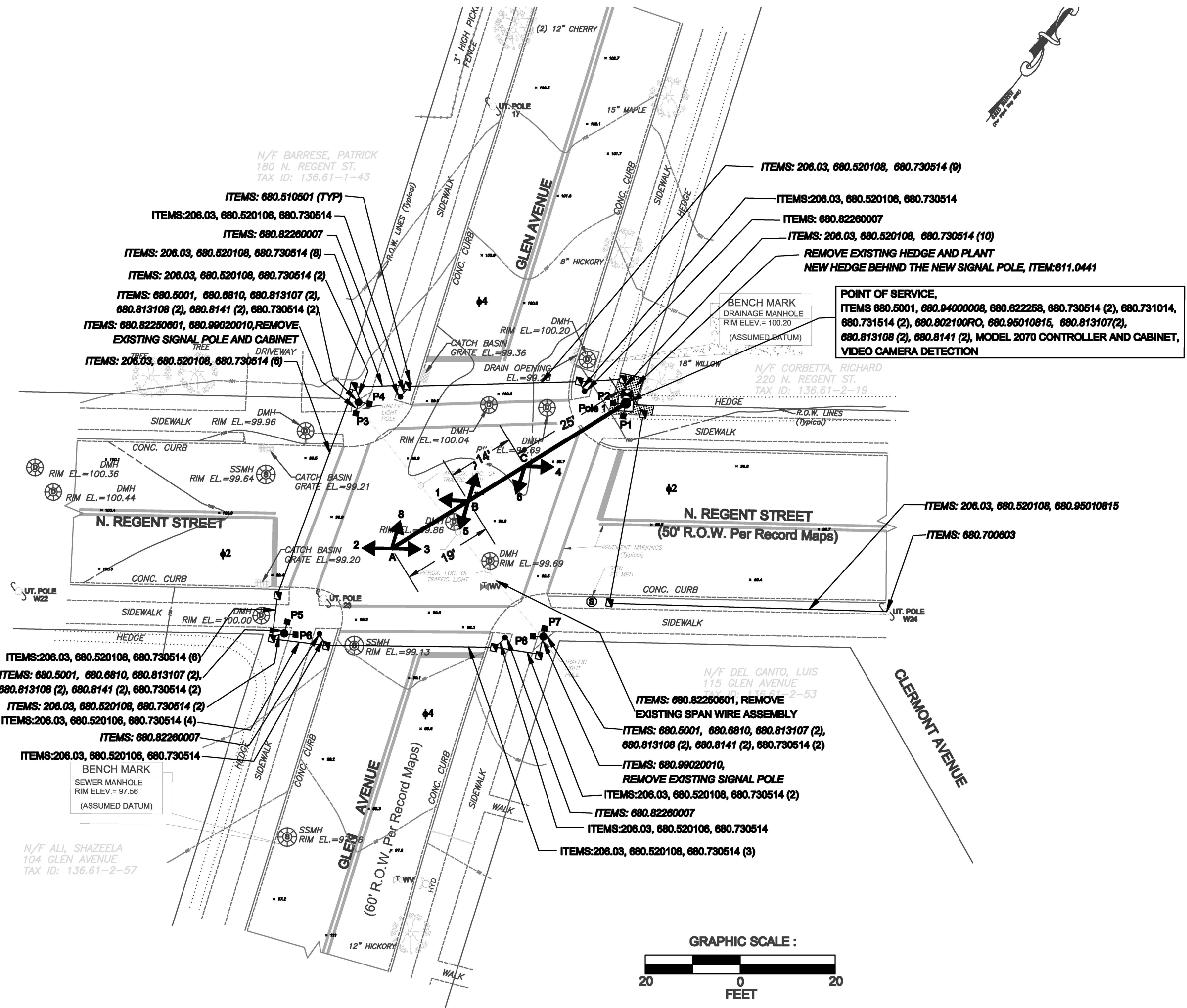
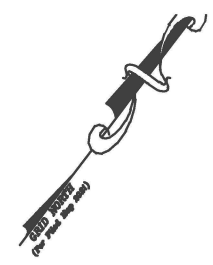
Traffic Light Replacement/Installation:

5.5.5031.2015.165	Transfer from General Fund	\$200,000
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5.5180.200.2015.165	Traffic Light Replacement/Installation	\$200,000
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Approved as to Form:

Anthony M. Cerreto, Village Attorney



N/F BARRESE, PATRICK
180 N. REGENT ST.
TAX ID: 136.61-1-43

ITEMS: 206.03, 680.520108, 680.730514 (9)

ITEMS: 680.510501 (TYP)
ITEMS: 206.03, 680.520108, 680.730514

ITEMS: 206.03, 680.520108, 680.730514

ITEMS: 680.82260007

ITEMS: 680.82260007

ITEMS: 206.03, 680.520108, 680.730514 (8)

ITEMS: 206.03, 680.520108, 680.730514 (10)

ITEMS: 206.03, 680.520108, 680.730514 (2)

REMOVE EXISTING HEDGE AND PLANT
NEW HEDGE BEHIND THE NEW SIGNAL POLE, ITEM: 611.0441

ITEMS: 680.5001, 680.6810, 680.813107 (2),
680.813108 (2), 680.8141 (2), 680.730514 (2)

POINT OF SERVICE,
ITEMS 680.5001, 680.94000008, 680.622258, 680.730514 (2), 680.731014,
680.731514 (2), 680.802100RO, 680.95010815, 680.813107(2),
680.813108 (2), 680.8141 (2), MODEL 2070 CONTROLLER AND CABINET,
VIDEO CAMERA DETECTION

ITEMS: 680.82250601, 680.99020010, REMOVE
EXISTING SIGNAL POLE AND CABINET

ITEMS: 206.03, 680.520108, 680.730514 (6)

N/F CORBETTA, RICHARD
220 N. REGENT ST.
TAX ID: 136.61-2-19

DMH RIM EL.=99.96
SIDEWALK

DMH RIM EL.=100.36
DMH RIM EL.=100.44

SSMH RIM EL.=99.64
CATCH BASIN GRATE EL.=99.21

CATCH BASIN GRATE EL.=99.20

DMH RIM EL.=99.69

DMH RIM EL.=100.00

SSMH RIM EL.=99.13

SSMH RIM EL.=97.56

ITEMS: 206.03, 680.520108, 680.730514 (6)

ITEMS: 680.5001, 680.6810, 680.813107 (2),
680.813108 (2), 680.8141 (2), 680.730514 (2)

ITEMS: 206.03, 680.520108, 680.730514 (2)

ITEMS: 206.03, 680.520108, 680.730514 (4)

ITEMS: 680.82260007

ITEMS: 206.03, 680.520108, 680.730514

BENCH MARK
SEWER MANHOLE
RIM ELEV.= 97.56
(ASSUMED DATUM)

N/F ALI, SHAZEELA
104 GLEN AVENUE
TAX ID: 136.61-2-57

ITEMS: 680.82250501, REMOVE
EXISTING SPAN WIRE ASSEMBLY

ITEMS: 680.5001, 680.6810, 680.813107 (2),
680.813108 (2), 680.8141 (2), 680.730514 (2)

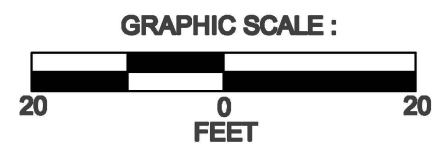
ITEMS: 680.99020010,
REMOVE EXISTING SIGNAL POLE

ITEMS: 206.03, 680.520108, 680.730514 (2)

ITEMS: 680.82260007

ITEMS: 206.03, 680.520108, 680.730514

ITEMS: 206.03, 680.520108, 680.730514 (3)



INTERSECTION OF NORTH REGENT STREET AND GLEN AVENUE - VILLAGE OF PORT CHESTER, NEW YORK.

ITEM NO.	DESCRIPTION	UNIT	QUANTITY	UNIT PRICE	EXTENSION EST. (QTY x UNIT PRICE)
206.03	CONDUIT EXCAVATION AND BACKFILL	L.F	334	\$ 26.49	\$ 8,847.66
611.0441	PLANTING- DECIDUOUS SHRUBS - 2FT HEIGHT/SPREAD	EA.	10	\$ 80.62	\$ 806.20
680.5001	POLE EXCAVATION AND CONCRETE FOUNDATION	C.Y	8	\$ 1,850.00	\$ 14,800.00
680.510501	PULLBOX, RECT. CONCRETE 26" X 18"	EA	11	\$ 1,800.00	\$ 19,800.00
679.520106	CONDUIT, STEEL, ZINC COATED, 2" DIAMETER	L.F	12	\$ 13.75	\$ 165.00
680.520108	CONDUIT, STEEL, ZINC COATED, 3" DIAMETER	L.F	320	\$ 30.50	\$ 9,760.00
680.622258	TRAFFIC SIGNAL POLE 58-FOOT MAST ARM	EA	1	\$ 8,413.59	\$ 8,413.59
680.6810	TRAFFIC SIGNAL POLE - BRACKET MOUNTED 10 FOOT HEIGHT (PED)	EA	3	\$ 3,044.00	\$ 9,132.00
680.700603	RISER ASSEMBLY, 1 INCH DIAMETER	EA	1	\$ 518.00	\$ 518.00
680.730514	SIGNAL CABLE, 5 CONDUCTOR, 14 AWG	L.F	380	\$ 3.10	\$ 1,178.00
680.731014	SIGNAL CABLE, 10 CONDUCTOR, 14 AWG	L.F	70	\$ 6.43	\$ 450.10
680.731515	SIGNAL CABLE, 15 CONDUCTOR, 14 AWG	L.F	120	\$ 9.50	\$ 1,140.00
680.802100RO	FURNISH AND INSTALL 2070 E CONTOLLER & 330 STRETCH CABINET	EA	1	\$ 15,452.00	\$ 15,452.00
680.810101	TRAFFIC SIGNAL MODULE - 12", RED BALL, LED	EA	8	\$ 75.00	\$ 600.00
680.810103	TRAFFIC SIGNAL MODULE - 12", YELLOW BALL, LED	EA	8	\$ 90.50	\$ 724.00
680.810105	TRAFFIC SIGNAL MODULE - 12", GREEN BALL, LED	EA	8	\$ 90.50	\$ 724.00
680.810107	TRAFFIC SIGNAL SECTION - TYPE 1, 12"	EA	24	\$ 150.00	\$ 3,600.00
680.8112	TRAFFIC SIGNAL FIXED ASSEMBLY - 2 WAY	EA	1	\$ 668.50	\$ 668.50
680.8113	TRAFFIC SIGNAL FIXED ASSEMBLY - 3 WAY	EA	2	\$ 650.00	\$ 1,300.00
680.813107	PEDESTRIAN SIGNAL MODULE TRI-MODAL HAND/MAN/COUNTDOWN LED -16" X 18"	EA	8	\$ 489.00	\$ 3,912.00
680.813108	PEDESTRIAN SIGNAL SECTION - TYPE 1 16" x 18" LED MODULE	EA	8	\$ 277.00	\$ 2,216.00
680.8141	PEDESTRIAN SIGNAL BRACKET MOUNT ASSEMBLY	EA	8	\$ 323.00	\$ 2,584.00
680.822600007	PEDESTRIAN PUSH BUTTON AND SIGN, WITH POST	EA	4	\$ 225.00	\$ 900.00
680.82250501	REMOVE TRAFFIC SIGNAL SPAN WIRE ASSEMBLY WITH TRAFFIC SIGNAL HEADS AND/OR OVERHEAD LANE SIGNS	EA	1	\$ 598.00	\$ 598.00
680.82250601	REMOVE POLE MOUNTED SIGNAL CONTROL CABINET	EA	1	\$ 130.00	\$ 130.00
680.99020010	REMOVE STEEL ANCHOR BASE TRAFFIC SIGNAL POLE	EA	2	\$ 2,034.00	\$ 4,068.00
680.94000008	TRAFFIC SIGNAL SERVICE ENTRANCE	EA	1	\$ 1,182.00	\$ 1,182.00
680.95010815	SERVICE CABLE, 1 CONDUCTOR, 8 AWG	L.F	126	\$ 6.50	\$ 819.00
	VIDEO CAMERA DETECTION SYSTEM	EA	1	\$ 20,000.00	\$ 20,000.00
			SUB TOTAL		134,488.05
699.040001	MOBILIZATION (EQUAL TO OR LESS THAN 4% OF SUBTOTAL)	LS	4%		5,379.52
			GRAND TOTAL		139,867.57



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-04

BOT 1-19-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 1/19/2016

Item Type: Resolution

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

	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 # RFP 2015-07		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

Resolution Awarding RFP 2015-07 for Eminent Domain Legal Services

Summary

Background:

Following a policy discussion, the Board authorized the Village Attorney to seek qualified law firms to assist the Board in considering the use of eminent domain to remedy substandard property at 23 Washington Street.

The RFP process resulted in four proposals. The proposers were all more than qualified to perform these services. Interviews were conducted of all proposers.

The Village Attorney and Village Manager recommend the law firm of Feerick Lynch MacCartney PLLC to undertake these services on the basis of pricing as well as overall background and experience.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments
Proposal and Supplement from Feerick Lynch MacCartney, PLLC Resolution

AWARDING BID FOR EMINENT DOMAIN
LEGAL SERVICES RFP 2015-07

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, following a Board policy discussion, the Village Attorney was authorized to seek qualified law firms to assist the Board in considering the use of eminent domain to remedy substandard property at 23 Washington Street; and

WHEREAS, through a Request for Proposals process, the Village invited proposals for specialized legal services in the area of eminent domain (RFP 2015-07); and

WHEREAS, the Village received four proposals; and

WHEREAS, all proposers were interviewed and deemed more than qualified to provide such services; and

WHEREAS, the Village Attorney has recommended the law firm of Feerick Lynch MacCartney PLLC, South Nyack, New York, for award. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for RFP 2015-07 Eminent Domain Legal Services to Feerick Lynch MacCartney PLLC., 96 South Broadway South Nyack, New York, 10960, compensation to be \$250.00/hour..

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

FURTHER RESOLVED, that the funding for said work be appropriated from Law contractual line 1.1420.400

Approved as to Form:

Anthony M. Cerreto, Village Attorney

FEERICK LYNCH MacCARTNEY ^{PLLC}

ATTORNEYS AT LAW

SOUTH NYACK OFFICE
96 SOUTH BROADWAY
SOUTH NYACK, NEW YORK 10960
TEL. 845-353-2000 FAX. 845-353-2789

DENNIS E.A. LYNCH
DONALD J. FEERICK, JR.
J. DAVID MacCARTNEY, JR.

OF COUNSEL
DONALD J. ROSS
DAVID J. RESNICK
ALBERT J. KAISER
WILLIAM D. REILLY
KEVIN F. HOBBS
MICHAEL K. STANTON, JR.

LARCHMONT OFFICE
1415 BOSTON POST ROAD
LARCHMONT, NEW YORK 10538
(Not for service of papers)

www.flmpllc.com

MARY E. MARZOLLA*
JENNIFER M. FEERICK
BRIAN D. NUGENT*
STEPHEN M. HONAN**
ALAK SHAH*
PATRICK A. KNOWLES*
BRIAN F. FITZGERALD

*LICENSED ALSO IN NEW JERSEY
+LICENSED ALSO IN CONNECTICUT

November 20, 2015

CONFIDENTIAL

RESPONSE TO RFP #2015-07 EMINENT DOMAIN LEGAL SERVICES

Village of Port Chester
Village Clerk's Office
222 Grace Church Street
Suite 150
Port Chester, New York 10573

Attn: Christopher D. Steers, Village Manager

Re: RFP #2015-07
Eminent Domain Legal Services

Dear Mr. Cerreto:

In response to the above-referenced request for proposal for eminent domain legal services in relation to property located at 23 Washington Street, Port Chester, New York, I hereby submit the following proposal on behalf of my firm, Feerick Lynch MacCartney, PLLC:

EXPERIENCE

A. Firm Background

By way of background, FLM is a ten attorney law Firm with offices in South Nyack and Larchmont, New York. The Firm was founded in 2005 as the result of three preeminent litigation attorneys converging to combine their individual areas of expertise

for the purpose of developing a premier litigation Firm. Since its inception, our Firm has achieved unprecedented results for its clients and now functions as a multi-service law Firm with associates and partners working together as a team to provide creative legal solutions for its clients. The attorneys at FLM are uniquely suited to serve their clients as they have experience in both prosecuting and defending cases on behalf of their client.

This experience on both sides of the “v” enables FLM to anticipate and to understand issues that arise during the progression of litigation and provides the insight and understanding necessary “to think outside of the box” to formulate strategies that will best satisfy clients’ needs.

B. Experience In Eminent Domain

With decades of collective legal experience in eminent domain, condemnation, and real property acquisitions on behalf of municipal and private entities, FLM attorneys have counseled clients in all aspects of these areas from inception to acquisition including all statutory requirements, notice and conduct of public hearings, review of the development plan’s environmental impact and any other relevant factors to be considered in the site selection process, drafting determination and findings concerning the property and legally compliant publication thereof, and final judicial scrutiny of the findings by the Appellate Division or Court of Appeals. We have specific experience working with local governments, presenting at public hearings, sending out public notices, and dealing with banks and mortgage interest holders.

Of course, at the heart of all condemnation proceedings is the issue of the municipality’s public use or benefit of the proposed project, a particular specialty at FLM which achieved the first victory of its kind for a private property owner in over a century based on this legal concept in 49 WB LLC v. Village of Haverstraw, 839 N.Y.S.2d 127 (2d Dept. 2007).

The Firm has extensive experience representing condemning authorities in eminent domain proceedings, and in doing so, FLM identifies the strengths and weaknesses throughout the process so as to ensure as smooth an acquisition as possible and to successfully defeat any State or Federal challenges to the acquisition or its underlying processes.

For example, attorneys in the firm served as counsel to the Yonkers Industrial Development Agency (YIDA) on eminent domain acquisitions for in excess of a decade, giving advice and moving forward with condemnation proceedings and acquisitions of

private parcels required in regard to the Yonkers Downtown Revitalization. The YIDA successfully acquired all the private parcels required for that project without litigation.

The Firm also served as trial counsel to the YIDA in the hotly contested acquisition of the Con Ed property in connection with the highly publicized Ridge Hill Project in Yonkers. That matter was successfully tried by Dennis E.A. Lynch against renowned eminent domain counsel, Michael Rikon, Esq. Mr. Rikon had sought on behalf of Con Ed a valuation for the subject property in excess of \$4 million, but as a result of the Firm's trial efforts, the Hon. John LaCava awarded just \$1.7 million, less than half of what it had claimed, as set forth in a November 28, 2012 written decision reported at 964 N.Y.S.2d 58. This was a substantial victory for the YIDA.

Further, the Firm recently successfully represented the Village of Woodbury, New York in connection with an eminent domain proceeding involving Woodbury Heights Water Co.

Our firm is also well experienced in obtaining favorable results for property owners in matters involving a municipality's use of the powers of eminent domain. In addition to the historic victory for the landowner in 49WB v. Town of Haverstraw set forth above, on May 27, 2015, in the Matter of J. Owens Building Co., Inc. v. Town of Clarkstown (Appellate Division Second Department Docket No. 2014-05004), the Firm achieved a substantial victory over the Town of Clarkstown in an eminent domain proceeding. The Second Department annulled the Town's Determination and Findings to condemn the Firm's client's property after the Firm successfully argued that the Town illegally segmented its environmental review in connection with the proposed taking.

By way of further example, in the Matter of the Village of Spring Valley v. NBW Enterprises, the condemning authority offered our client, a private property owner, only \$165,000 in compensation for a commercial parcel in the Village of Spring Valley, but at trial the Firm obtained a judgment for almost double that amount, \$325,000, plus attorneys' fees and costs.

All litigation and eminent domain proceedings inherently involve elements of risk which vary from case to case depending upon the underlying facts and applicable law in each circumstance. While the various standards applicable in eminent domain cases often weigh in favor of the municipality, our Firm's experienced counsel can guide the Village to avoid issues that have derailed acquisitions in other municipalities (See, e.g., 49 WB, LLC v. Village of Haverstraw, 839 N.Y.S.2d 127 (2d Dept. 2007), and/or significantly increased the cost to the municipality in order to complete same; (Matter of J. Owens Building Co., Inc. v. Town of Clarkstown); see, e.g., Matter of Spring Valley v. N.B.W. Enterprises).

C. General Municipal Experience

In addition to the foregoing experience specific to eminent domain proceedings, FLM has extensive general counsel experience representing numerous municipal agencies and entities in New York State. Our representation has ranged from local development corporations to Villages and Town Boards, Industrial Development Agencies and land use authorities. As such, members of our Firm are well versed in the requirements of municipal law practice. We have acted as counsel to various municipal Boards in providing the required competent and economical legal services to enable such municipal Boards to avoid the litigious propensity of those who frequently assert frivolous claims. Our Firm is also experienced in land use plans, Article 78 proceedings, regulated landlord/tenant relationships, the requirements of Federal legislation concerning Fair Housing as well as Federal Court litigation practice under the Religious Land Use and Institutionalized Persons Act.

Currently this office serves as municipal and/or special counsel, to the Town of Stony Point, the Village of South Blooming Grove, the Village of Woodbury, Town of Ramapo, Village of Goshen, Town of Blooming Grove, the Village of Spring Valley and various others, and serves as counsel to various municipal Local Development Corporations and not-for-profit entities involved with municipal activities. Our counsel in this regard has included ensuring compliance with the rules and regulations of various regulatory agencies. We regularly advise on Open Meetings Law issues, Freedom of Information Law issues and draft Resolutions and Local Laws. Our experience and philosophy as general counsel combines an aggressive safeguard of our clients' interests with a conservative fiscal consideration of litigation implications.

In addition to serving as general counsel, our law Firm has been involved in the defense of municipalities under civil rights claims. For example, our Firm served as the successful defense counsel defending Trustees in the Village of Airmont, New York in litigation alleging a Fair Housing Act violation by Village Zoning and Planning Laws. Our Firm has also represented both Plaintiffs and municipalities in litigation surrounding the Religious Land Use and Institutionalized Persons Act, 42 U.S.C. §2000cc(2)(a). This law Firm has served as counsel in multiple Federal Court litigations involving claims of civil rights discrimination including discriminatory conduct in employment situations, land use, zoning codes. Our office has also been involved as lead counsel in major Federal Court litigation involving Freedom of Religion Claims as well as First Amendment Claims.

Moreover, during the course of their careers, attorneys in our Firm have successfully defended municipalities in Civil Rights actions pursuant to 42 U.S.C. §

1983, claims involving Fourth and Fourteenth Amendment search and seizures, excessive force, false arrest, malicious prosecution, abuse of process as well as Eighth and Fourteenth Amendment deliberate indifference to serious medical need claims. Our attorneys have also successfully defended municipal and corporate clients against claims of discriminatory employment actions under Title VII, 42 U.S.C. §§1983 and 1981. Our counsel in this regard has included all phases of litigation from inception through trial.

In addition to representing clients, attorneys in our Firm are experienced in serving their communities in judicial capacities. Dennis E. A. Lynch currently serves as presiding Justice in the Village of South Nyack Justice Court, and Brian D. Nugent serves as presiding Justice in the Village of Hillburn. The wide breadth of our experience is likewise helpful in resolving issues.

In summary, we firmly believe that our Firm is in the best position to offer comprehensive and high-quality outside counsel services to the Village.

INSURANCE

Our Firm has in place and will continue to maintain professional liability insurance of at least \$1 million/\$2million with a New York State licensed insurance company with an AM Best rating of A or better. We will provide the required certificate of insurance evidencing the foregoing prior to execution of any contract with the Village, and we will provide copies of the insurance policies and endorsements upon request.

REFERENCES

Edward Sheeran, Former Executive Director of the Yonkers Industrial Development Agency. Address: 233 Palmer Ave., Yonkers, NY 10701. Tel. 914-260-7938.

Mayor Michael Queenan, Village of Woodbury, NY. Address: 455 Rte. 32, Highland Mills, NY 10930. Tel. 845-928-7558.

Mayor Demeza Delhomme, Village of Spring Valley NY. Address: 200 N. Main St., Spring valley, NY 10977. Tel. 845-352-1100.

PLAN OF ACTION

There are a number of steps required to achieve the goals stated in the RFP. There are broad variables which would impact the specific plan to be implemented, and

there are privilege issues which dictate against providing a specific plan and strategy herein, particularly at the RFP stage. Accordingly, I will outline and highlight below certain key procedural components of the eminent domain process in such circumstances, subject to more specifics if the Firm is hired:

1. The site should be appraised and the Village should establish an amount which it believes to represent just compensation. A good-faith written offer for the purchase of the site should be presented to the property owner.
2. An appropriate study may be required in regard to whether there was a blighting condition caused by the subject property, or other potential justifications for the taking, including redevelopment, or some other public use, benefit, or purpose.
3. The Village must then specifically identify the public use, benefit, or purpose to be served by the acquisition through the use of eminent domain and adopt a resolution authorizing the commencement of the proceedings and establish a date for a public hearing.
4. The Village must publish and serve notice of the public hearing in accordance with law.
5. Village must hold a public hearing at a time and place specified in the notice, for the purpose of informing the public and reviewing the public use, benefit, or purpose to be served by the proposed acquisition and the impact thereof on the environment,
6. Within 90 days of the public hearing, the Village must make certain determinations and findings concerning the acquisition and must publish a brief synopsis of the determinations and findings in accordance with law.
7. Any person aggrieved by the determinations and findings may seek judicial review thereof by filing a petition with the appropriate court within 30 days after the completion of the publication requirement.
8. Assuming no petition is filed and subsequent to the expiration of the thirty-day period, the Village must file a notice of pendency and present to an appropriate court a vesting petition within three years, providing notice thereof to the owner.
9. Assuming no objection or defense from the site owner, the court, upon satisfaction that all procedural requirements have been met, will direct the immediate filing and entry of an order granting the petition and authorizing the filing of the acquisition map.
10. Upon filing of the acquisition map and order, the acquisition of the site will be complete and title will then vest in the Village.

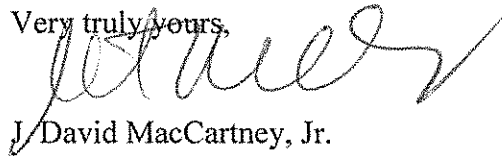
11. Within 30 days thereafter, the Village must provide notice of acquisition to the site owner.
12. The site owner will then file a written claim or notice of appearance with the court clerk including a statement of the nature and type of damages claimed.
13. The Village and the owner will exchange expert appraisal reports and if the matter of just compensation cannot be resolved amicably, the Village will serve and file a note of issue and statement of readiness in the court where the claim was filed.
14. The court will determine at trial the compensation owed to the site owner for damages as a result of the acquisition and will direct preparation and entry of an appropriate judgment.

PROPOSAL FOR LEGAL SERVICES

We propose to perform the services necessary to acquire the property located at 23 Washington Street by eminent domain or otherwise on behalf of the Village of Port Chester at the municipal hourly rate of \$250.00 per hour for all attorneys. Litigation is inherently uncertain and it is unknown whether and to what extent the property owner or others may contest the actions taken or proposed to be taken by the Village in regard to this property, and, if so, in what form or forum. Accordingly, the Firm is unable to provide a cap for legal services rendered in regard to this matter and it is very difficult to predict with any reasonable certainty what the total fees might be. However, to assist you in evaluating our proposal, an initial budget of \$15,000 would appear appropriate, subject to change upward or downward upon receipt of further information.

We would welcome the opportunity to meet with you or answer any questions you may have concerning the above qualifications and proposal. Please feel free to contact me with any further questions or to arrange a meeting. Thank you.

Very truly yours,



J. David MacCartney, Jr.

JDMjr./pad

ATTORNEY BIOGRAPHIES

We respectfully provide the following information relative to Our Firm's partners and associates and their respective areas of specialization.

MEMBERS OF THE FIRM

Donald J. Feerick, Jr. admitted to bar, 1991, New York and U.S. District Court, Eastern District of New York; 1996, U.S. District Court, Northern District of New York; 1998, U.S. District Court, Southern District of New York; 2003, U.S. District Court, Western District of New York; 2005, U.S. Court of Appeals, Second Circuit. **Education:** Fordham University, (B.A., 1987; J.D., 1990). Law Clerk to the Honorable William A. Kelly, Rockland County Court, 1996-1998. Senior Assistant District Attorney, Rockland County, 1994-1995. Assistant District Attorney, Brooklyn, New York, 1991-1993. Assistant District Attorney, Office of Special Narcotics, 1993-1994. Member, Fordham Alumni Association. **Member:** Rockland County and New York State Bar Associations. **Practice Areas:** Litigation; Commercial Law; Commercial Litigation; Contracts; Constitutional Law; Civil Rights; Municipal Law; Criminal Law; White Collar Criminal Defense.

Dennis E. A. Lynch admitted to bar, 1980, New York and U.S. District Court, Northern, Southern and Eastern Districts of New York; 1988, U.S. Supreme Court. **Education:** State University of New York (B.A., 1973); Syracuse University (J.D., summa cum laude, 1979). Order of the Coif. Member, Justinian Society. Editor, Syracuse Law Review, 1978-1979. Co-author: "Survey of New York Law, Family Law Section, The Uniform Child Custody Jurisdiction Act in New York," New York State Bar Journal, December, 1980, Syracuse Law Review Education Law Survey, 1980; Contributing Author, Rhodes Real Estate Review. **Practice Areas:** Litigation; Municipal Law; Government; Eminent Domain; Civil Rights; Constitutional Law; Zoning, Planning and Land Use; Tax Certiorari; Education Law; Environmental Law.

J. David MacCartney, Jr. admitted to bar, 1994, New York and U.S. District Court, Eastern and Southern Districts of New York; 1998, U.S. Court of Appeals, Second Circuit; 2006, U.S. District Court, Northern and Western Districts of New York. **Education:** Duke University (B.A., cum laude, 1990); Georgetown University (J.D., magna cum laude, 1993). Omicron Delta Epsilon; Order of the Coif. Associate Editor, Georgetown Law Journal, 1992-1993. **Member:** Rockland County, Westchester County

and New York State Bar Associations (Member, Trial Lawyers Section); New York State Trial Lawyers Association. **Practice Areas:** Litigation; Eminent Domain; Zoning, Planning and Land Use; Property Rights; Municipal Law; Education Law; Labor Law; Personal Injury; Wrongful Death; Medical Malpractice; Estate Litigation.

ASSOCIATES OF THE FIRM

Mary E. Brady Marzolla admitted to bar, 1996, New York and New Jersey; U.S. District Courts, Southern District of New York and District of New Jersey; 2001, U.S. District Court, Northern District of New York; 2010, U.S. District Court, Eastern District of New York; 2010, U.S. Court of Appeals, Second Circuit; **Education:** University of Scranton (B.A., cum laude, 1992); Villanova University (J.D., 1995). **Member:** Rockland County Women's Bar Association. **Practice Areas:** Litigation; Education Law; Employment Law; Civil Rights; Constitutional Law; Personal Injury; Municipal Law.

Jennifer M. Feerick admitted to bar, 1998, Connecticut; 1999, New York and U.S. District Court, Southern, Eastern and Northern Districts of New York. **Education:** State University of New York College of Environmental Science and Forestry (B.S., cum laude, 1994); Fordham University School of Law (J.D., 1998). Senior Court Attorney, N.Y. Supreme Court, Appellate Division, First Department, 2000-2006. **Practice Areas:** Appellate Practice; Litigation; Constitutional Law; Civil Rights; Municipal Law; Property Rights.

Brian D. Nugent admitted to bar, 2004, New Jersey; 2005 New York; 2008 U.S. District Court, Southern District of New York; 2010, Eastern District of New York. **Education:** Mercy College (B.S., 2000); Pace University of Law (J.D., magna cum laude 2004). Mr. Nugent was formally a Police Officer, New York City Transit Police 1988-1991; Police Officer, Sergeant, Lieutenant, Suffern Police Department, New York 1991-2008; Trustee, Village of Sloatsburg, 2005-present; Legal Counsel, New York Tactical Officers Association 2008-present. **Practice Areas:** Municipal Law; Labor Relations; Law Enforcement Legal Issues and Land Use.

Stephen M. Honan admitted to the bar in New York and New Jersey in 1988, in Connecticut 1987 as well as the United States District Courts for the Southern and Eastern Districts of New York and the District of New Jersey. **Education:** State University of New York at Albany (1984); University of Bridgeport Law School (1987). **Member:** New York State Bar Association. **Practice Areas:** Commercial and Residential Real Estate transactions, Personal Injury, Insurance Coverage and Litigations, Commercial and Estate Litigation and Estate practice; and Tax Certiorari.

Alak Shah admitted to bar, 2008, New York, New Jersey, United States District Courts, Southern and Eastern Districts of New York. **Education:** Pennsylvania State University (B.S., 2004); Pace University School of Law (J.D., 2007); Phi Alpha Delta. Pace University School of Law: Alumni Achievement Award; Dean's List; Dean's

Scholar; Gaelic Law Society President; Student Bar Association Treasurer. Pennsylvania State University: Dean's Scholarship; Dean's List. Member of MENSA. **Member:** New York and New Jersey State Bar Associations; American Bar Association. **Practice Areas:** Litigation; Personal Injury; Insurance; Commercial Litigation; Securities Arbitration; Real Estate.

Patrick A. Knowles, admitted to bar 2015, New York; 2014 New Jersey. **Education:** College of Holy Cross, (B.A. 2010); Fordham University School of Law (J.D. 2014) While enrolled, Patrick was a member of the Dean's List and International Law Journal. Additionally, he interned at Fordham's Intellectual Property and Information Law Clinic, and clerked for the Honorable Mr. Justice Daniel Herbert of the Irish High Court in Dublin, Ireland. Prior to entering Law School, Patrick worked full-time as a paralegal in the New York County District Attorney's Office. **Practice Areas:** Litigation, Eminent Domain; Zoning, Planning and Land Use; Property Rights; Municipal Law; Labor Law; Criminal Law.

Brian F. Fitzgerald admitted to the bar 2007, New York; United States District Court for the Southern District of New York in 2015. Education: Manhattan College, B.S., *summa cum laude*, 2001; Pace University School of Law, J.D., *cum laude*, 2006. Brian served as an Assistant District Attorney in Westchester County for nearly nine years and was the lead investigating attorney and trial prosecutor on a number of high profile criminal cases. Brian also served as a faculty presenter for the National District Attorney's Association and the New York State Prosecutor's Training Institute. **Practice Areas:** Defense of Public Officers; Corporate and Municipal Investigations; White Collar Defense; Civil Trials, Healthcare Fraud and Abuse.

OF COUNSEL

Kevin Hobbs admitted to bar, New York, 1980, New York; 1981, U.S. District Court, Southern District of New York and U.S. Tax Court. **Education:** State University of New York, B.A.; Pace University, J.D.; New York University, L.L.M. in Taxation. **Member:** Phi Alpha Theta; Phi Alpha Delta. Board Member, Albertus Magnus High School. Board Member/Secretary 1990-2002, Nyack Hospital; Chairman Nyack Hospital Institutional Review Board 2003-2009; United Water Customer Advisory Panel, 2014; Board of Trustees of Rockland CASA 2009 – 2011; St. Augustine's Church - Finance Committee & Building Committee, 1988 – 2004; St. Augustine's Church - President Parish Council 1990-1994; Trustee 1994-1998; Former Member - Jawanio Foundation;

ARC Foundation, Former Member Rockland County Governance Committee; Advisor to Children's Cancer Fund and My Child's Hand Foundation; Trustee of The Elizabeth Broomfield Foundation. **Practice Areas:** Commercial and Residential Transactional Matters; Commercial Financing Transactions; Representation of Commercial Lenders in Loan Closings; Estate Planning; Elder Law; Estates and Probate; Taxation Law; Trust Law; Wills.

Donald J. Ross, admitted to bar, New York, 1958. **Education:** College of William & Mary, A.B.; Columbia University, LL.B. **Practice Areas:** Commercial Transactions; Commercial and Residential Real Estate; Zoning, Planning and Land Use.

David J. Resnick admitted to bar, New York, 1997; U.S. District Court, Southern District. **Education:** University of Northern Colorado (B.S. 1987); Pace University School of Law (J.D. 1994). **Member:** New York Bar Association. **Practice Areas:** Commercial and Residential Real Estate; Landlord-Tenant; Real Property Litigation; Wills; Licensing and Permitting; Zoning, Planning and Land Use.

Albert J. Kaiser admitted to bar, New York, 1985. **Education:** LLM in Taxation, New York University 1990; University of California at Berkeley (J.D. 1984); San Jose State University (B.A. 1980). **Practice Areas:** Taxation; Trusts and Estates; Estate Planning; Elder Law; Real Estate Law.

William D. Reilly admitted to bar, New York, 1980; U.S. District Court, Second Department. **Education:** Fordham University (B.S. 1976); Marshall-Wythe School of Law at the College of William and Mary (1979). **Practice Area:** Labor and Employment Law.

Michael K. Stanton, Jr. admitted to bar, State of Connecticut (1986); State of New York (1987); U.S. District Court, Southern District of New York (1988); U.S. District Court, Eastern District of New York (1988); U.S. District Court, District of Connecticut (1991); and United States Supreme Court (1991). **Education:** Fordham Prep (1979); College of Holy Cross (1983); and Fordham University School of Law (1986). **Member:** Fordham Law Alumni Association [currently serve as first Vice President of FLAA; Past President of Westchester/Putnam Chapter; Past President Connecticut Chapter; Past Chair, Membership Committee for the FLAA]; Independent Judicial Election Qualification Commission for the State of New York Ninth Judicial District. **Practice Areas:** Complex Commercial Litigation; Intellectual Property Litigation; Construction Disputes; Surrogate/Probate Court Litigation.

FEERICK LYNCH MacCARTNEY ^{PLLC}

ATTORNEYS AT LAW

SOUTH NYACK OFFICE

96 SOUTH BROADWAY
SOUTH NYACK, NEW YORK 10960
TEL. 845-353-2000 FAX. 845-353-2789

LARCHMONT OFFICE

1415 BOSTON POST ROAD
LARCHMONT, NEW YORK 10538
(Not for service of papers)

www.flmpllc.com

DENNIS E.A. LYNCH
DONALD J. FEERICK, JR.
J. DAVID MacCARTNEY, JR.

OF COUNSEL

DONALD J. ROSS
DAVID J. RESNICK
ALBERT J. KAISER
WILLIAM D. REILLY
KEVIN F. HOBBS
MICHAEL K. STANTON, JR.

MARY E. MARZOLLA*
JENNIFER M. FEERICK
BRIAN D. NUGENT*
STEPHEN M. HONAN*+
ALAK SHAH*
PATRICK A. KNOWLES*
BRIAN F. FITZGERALD

*LICENSED ALSO IN NEW JERSEY
+LICENSED ALSO IN CONNECTICUT

January 15, 2016

Village of Port Chester
Village Clerk's Office
222 Grace Church Street
Suite 150
Port Chester, New York 10573

Attn: Christopher D. Steers, Village Manager

Re: RFP #2015-07
Eminent Domain Legal Services

Dear Mr. Steers:

The Firm is honored to be considered to provide legal services to the Village in connection with the above-referenced RFP. As you know, the Firm maintains an extensive and active municipal law practice, including specifically eminent domain. The Firm has vast general counsel experience representing numerous municipal agencies and entities in New York State. Our representation has ranged from local development corporations to Villages and Town Boards, Industrial Development Agencies and land use authorities.

In regard to eminent domain specifically, lawyers in the Firm have decades of collective legal experience on behalf of municipal and private entities alike. FLM attorneys have counseled municipal clients in all aspects of these areas from inception to acquisition including all statutory requirements, notice and conduct of public hearings, review of the development plan's environmental impact and any other relevant factors to be considered in the site selection process, drafting determination and findings concerning the property and legally compliant publication thereof, and final judicial scrutiny of the findings by the Appellate Division or Court of Appeals.

We have specific experience working with local governments, presenting at public hearings, sending out public notices, and dealing with banks and mortgage interest holders. For example, attorneys in the Firm served as counsel to the Yonkers Industrial Development Agency (YIDA) on eminent domain acquisitions for in excess of a decade, giving advice and moving forward with condemnation proceedings and acquisitions of private parcels required in regard to the Yonkers Downtown Revitalization. The YIDA successfully acquired all the private parcels required for that project without litigation.

The Firm also served as trial counsel to the YIDA in the hotly contested acquisition of the Con Ed property in connection with the highly publicized Ridge Hill Project in Yonkers. That matter was successfully tried by Dennis E.A. Lynch against renowned eminent domain counsel, Michael Rikon, Esq. Mr. Rikon had sought on behalf of Con Ed a valuation for the subject property in excess of \$4 million, but as a result of the Firm's trial efforts, the court awarded just \$1.7 million, less than half of the claim. The decision is reported at 964 N.Y.S.2d 58. This was a substantial victory for the YIDA.

Our Firm is also well experienced in obtaining favorable results for property owners in matters involving a municipality's use of the powers of eminent domain. At the heart of all condemnation proceedings is the issue of the public use or benefit of the proposed project, a particular specialty at FLM which achieved the first victory of its kind for a private property owner in over a century based on this legal concept in 49 WB LLC v. Village of Haverstraw, 839 N.Y.S.2d 127 (2d Dept. 2007). The 49 WB case has become a seminal case nationwide in cases involving attacks on the public use, benefit, or purpose of a proposed acquisition and is regularly discussed in continuing legal education seminars.

In addition to the historic victory for the landowner in 49WB v. Town of Haverstraw, on May 27, 2015, in the Matter of J. Owens Building Co., Inc. v. Town of Clarkstown (Appellate Division Second Department Docket No. 2014-05004), the Firm achieved a substantial victory over the Town of Clarkstown in an eminent domain proceeding. The Second Department annulled the Town's Determination and Findings to condemn the Firm's client's property after the Firm successfully argued that the Town illegally segmented its environmental review in connection with the proposed taking.

By way of further example, in the Matter of the Village of Spring Valley v. NBW Enterprises, the condemning authority offered our client, a private property owner, only \$165,000 in compensation for a commercial parcel in the Village of Spring Valley, but at trial the Firm obtained a judgment for almost double that amount, \$325,000. Because of

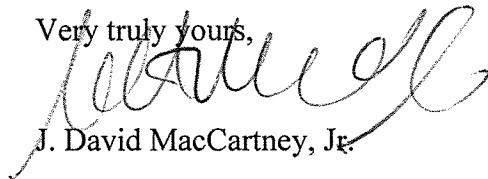
FEERICK LYNCH MACCARTNEY PLLC
January 15, 2016
Page Three

the substantial increase we obtained over the initial offer, the Court ordered the Village to also pay our client's expert and legal fees.

Our Firm's experience on both sides in regard to eminent domain matters places us in a unique position to guide the Village to avoid issues that have derailed acquisitions in other municipalities (e.g., 49 WB, LLC v. Village of Haverstraw, 839 N.Y.S.2d 127 (2d Dept. 2007)), and/or significantly increased the cost to the municipality in order to complete same (e.g., Matter of J. Owens Building Co., Inc. v. Town of Clarkstown, Matter of Spring Valley v. N.B.W. Enterprises).

In summary, we firmly believe that our Firm is in the best position to offer comprehensive and high-quality outside counsel services to the Village. If you require any further information, please feel free to contact me. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. David MacCartney, Jr.", written over the typed name below it.

J. David MacCartney, Jr.

JDMjr./pad

FEERICK LYNCH MacCARTNEY ^{PLLC}

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96 SOUTH BROADWAY
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TEL. 845-353-2000 FAX. 845-353-2789

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*LICENSED ALSO IN NEW JERSEY
+LICENSED ALSO IN CONNECTICUT

December 18, 2015

CONFIDENTIAL

SUPPLEMENT TO RESPONSE TO RFP #2015-07
EMINENT DOMAIN LEGAL SERVICES

Village of Port Chester
Village Clerk's Office
222 Grace Church Street
Suite 150
Port Chester, New York 10573

Attn: Anthony M. Cerreto, Esq. Village Attorney

Re: RFP #2015-07
Eminent Domain Legal Services

Dear Mr. Cerreto:

Thank you very much for the opportunity to meet with you and Mr. Kenny earlier this week in regard to the above-referenced matter. You asked for cost estimates for various benchmarks along the way. As discussed, it is somewhat difficult to do at this early stage, but below please find my best estimate for budgeting purposes at this time.

The most significant time will be spent early in the process. There will be some initial "ramp-up" time in terms of fact and legal research to plot the best course possible. For that time and items 1-4 of my November 20, 2015 Response to RFP (page 6-7), I would estimate \$7,500. Step 5 should be approximately \$500, assuming the hearing is opened and closed the same night. Step 6 is the drafting of the Determination and Findings, which is a very important step. I would think that should cost in the range of

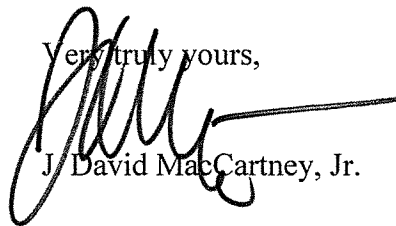
FEERICK LYNCH MACCARTNEY PLLC
December 18, 2015
Page Two

up to about \$3,000. Assuming no objections are filed, and that you are able to negotiate the final compensation due, the remaining steps collectively could be expected to cost approximately \$4,000.

It should be noted that these are estimates, not caps.

I hope this is of some assistance to you. Please feel free to contact me with any further questions. Thank you.

Very truly yours,

A handwritten signature in black ink, appearing to read "J. David MacCartney, Jr.", with a long horizontal flourish extending to the right.

J. David MacCartney, Jr.

JDMjr./pad

cc: David J. Kenny, Legal Assistant to Village Attorney



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-05
 BOT 1-19-2016

AGENDA MEMO

Office of the Village Treasurer

Village BOT Meeting Date: 1/19/2016

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact		x	Public Hearing Required		X
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
			N/A		
Agreement			Manager Priorities		
Strategic Plan Related			Risk Management		

Sponsor's Name: Leonie Douglas, Village Treasurer

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

Designating Time Periods to Implement the Affordable Care Act's Look-Back, Measurement Methods and Determining Affordability

Summary

Background:

The Affordable Care Act employer mandate is a requirement that all businesses with 50 or more full-time equivalent employees provide health insurance to at least 95% of their full-time employees and dependents up to age 26, or pay a fee by 2016. The first filing for employees and retirees is due by March 31, 2016 and by June 30, 2016 for IRS filing. It was recommended by our Affordable Care Act attorney that a resolution clearly determining the Look-Back and Measurement Periods in order to Determining Affordability be clearly established. We are therefore recommending that the Board adopts the resolution.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments



EMPLOYER'S AFFORDABLE CARE ACT IMPLEMENTATION CHECKLIST

- Determine your overall goals for compliance with the Affordable Care Act
- Brainstorm about how to coordinate the implementation of the look-back measurement method with your existing health care benefits administration framework
 - When does your plan year begin?
 - When is your open enrollment period?
 - Do you want an administrative period?
 - Do you want your administrative period to coincide with your open enrollment period?
- Determine the best date on which to begin your standard measurement period
 - Run sample scenarios using standard measurement, administrative (if any) and stability periods of differing durations. In each scenario:
 - Calculate the total number of full-time employees
 - Determine whether at least 95% of the full-time employees have been offered the opportunity to receive individual and dependent coverage through your plan
- Determine the best date on which to begin your measurement period for purposes of starting your first stability period in 2015
 - Run sample scenarios using standard measurement and administrative periods (if any) of differing durations. In each scenario:
 - Calculate the total number of full-time employees
 - Determine whether at least 95% of the full-time employees have been offered the opportunity to receive individual and dependent coverage through your plan

- Based upon your sample scenarios, determine the durations of the standard measurement, administrative (if any) and stability periods which work best for your goals. For example, an employer may wish to use a standard measurement period that yields the lowest number of full-time employees.
- Determine whether your open enrollment period needs to be changed in order to implement your selected standard measurement, administrative (if any) and stability periods. If it does, contact your insurance carrier.
- Via resolution for public employers and policy for private employers, designate the following:
 - Standard measurement, administrative (if any) and stability periods for ongoing employees
 - Measurement and administrative (if any) periods
 - Initial measurement, administrative (if any) and stability periods for new variable hour employees
- Using the number of employees who have been determined to be full-time in your designated standard measurement period, determine whether you have offered at least 95% of your full-time employees the opportunity to receive individual and dependent coverage through your health plan
 - If no, determine your potential IRS Section 4980H(a) liability (assume that at least one full-time employee will purchase insurance on the exchange and receive a subsidy).
 - Compare your potential Section 4980H(a) liability to the cost of providing individual and dependent coverage to the additional number of employees required to meet the 95% threshold
- Using the number of employees who have been determined to be full-time in your designated standard measurement period, compare each employee's earnings to his/her required contribution toward individual coverage in your least expensive plan
 - Determine which employees are receiving unaffordable coverage

- Determine your potential Section 4980H(b) liability (assume that all employees who are receiving unaffordable coverage will purchase insurance on the exchange and also receive a subsidy)
- Compare your potential Section 4980H(b) liability to the cost of increasing your contribution for each of the employees who are receiving unaffordable coverage
- Based upon your potential liability:
 - Determine whether you want to make any changes regarding which employees are offered coverage and/or the required employee premium contributions. If you want to make any changes for employees covered by a collective bargaining agreement, contact the union representative to commence negotiations.
 - Determine whether you want to offer a new plan to some or all of your full-time employees
- Prepare a form to be signed by each full-time employee that will memorialize your offer of health insurance and the contribution rate. This form should be completed once before the beginning of each plan year.
- Establish a system for monitoring employees' hours of service
- At the end of each calendar month, calculate the total number of full-time and part-time employees.
- Complete IRS Forms 1094-B, 1094-C, 1095-B and 1095-C.
- Provide Forms 1094-C and 1095-C to responsible individuals and employees. Maintain a record of when and how the documents were provided.
- File Forms 1094-B, 1094-C, 1095-B and 1095-C with the IRS. Maintain a record of when and how the documents were filed.

**Resolution Designating Time Periods to Implement
the Affordable Care Act's Look-Back Measurement Method
and Determining Affordability**

RESOLVED, that for the purpose of implementing the Affordable Care Act's look-back measurement method, the Village of Port Chester designates the following: a standard measurement period covering the period of November 1 through October 31; an administrative period covering the period of November 1 through December 31; and a stability period covering the period of January 1 through December 31.

RESOLVED, that for the purpose of determining the full-time status of new variable hour and seasonal employees, the Village of Port Chester designates the following: an 11 month initial measurement period commencing on the first day of the first month following the employee's date of hire or on the employee's date of hire (PICK ONE); a one month administrative period (COMBINED DURATION OF STANDARD MEASUREMENT AND ADMINISTRATIVE PERIODS CANNOT EXCEED 13 MONTHS PLUS A PARTIAL MONTH IF YOU STARTED THE INITIAL MEASUREMENT PERIOD ON THE FIRST DAY OF THE FIRST MONTH FOLLOWING THE EMPLOYEE'S HIRE DATE); and a 12 month stability period.

RESOLVED, that for the purpose of determining whether, pursuant to the Affordable Care Act, the Village of Port Chester offered affordable health insurance coverage, the Village elects to determine affordability based upon Box 1 wages.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-06
 BOT 1-19-2016

AGENDA MEMO

Department: Police Department

BOT Meeting Date: 1/19/2016

Item Type: Resolution

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

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

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

Transfer of \$692.00 from DEA funds to the Equipment Account for the Purchase of Medical Equipment consisting of two HMH SKED Rescue Systems

Summary

Background: The Department would like to upgrade its emergency response capability with medical gear developed in battlefield conditions.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

--

RESOLUTION
BUDGET AMENDMENT – USE OF DEA FUNDS TO PURCHASE
MEDICAL EQUIPMENT FOR RESCUE SYSTEMS

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 Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase medical equipment consisting of two (2) HMH SKED Rescue Systems with strap kit for \$692.18 from Skedco, Inc, P.O. Box 3390, 10505 SW Manhasset Drive, Tualatin, Oregon, 97062. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2015-16 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(692.18)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$692.18
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Appropriations:

001-3120-0200	Police Equipment	\$692.18
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**SKEDCO, INC.**

P.O. BOX 3390
 10505 SW Manhasset Drive
 Tualatin, Oregon 97062 USA
 Tel: 503-691-7909 Fax: 503-691-7973
 Web: www.skedco.com E-mail: skedco@skedco.com

Order Number: 0014541

Order Date: 12/31/2015

Customer Number: 6461000

PROFORMA INVOICE**Sold To:**

Port Chester Police Department
 350 North Main Street
 Attn: Chief Richard Conway
 Port Chester, NY 10573

Ship To:

Port Chester Police Department
 350 North Main Street
 Attn: Chief Richard Conway
 Port Chester, NY 10573

Confirm To:

Chief Richard Conway

Customer P.O.	Ship VIA	F.O.B.	Terms
E-mail 12/31/15	UPS GROUND	Tualatin, OR	Net 30

Item Number	Unit	Ordered	Shipped	Back Order	Price	Amount
SK-250 COMPLETE HMH SKED RESCUE SYSTEM with strap kit (Assembled & Rolled)	EACH	2.0	0.0	0.0	326.73	653.46

Net Order: 653.46

Less Discount: 0.00

Freight: 38.72

Order Total 692.18

PLEASE REMIT TO:

SKEDCO, INC.
 P.O. BOX 3390
 Tualatin, Oregon 97062 USA



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-07

BOT 1-19-2016

AGENDA MEMO

Department: Police Department

BOT Meeting Date: 1/19/2016

Item Type: Resolution

Sponsor's Name: Christopher D. Steers, Village Manager

Description	Yes	No	Description	Yes	No
Fiscal Impact	x	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	x
Funding Source: N/A			BID #		
			Strategic Plan Priority Area		
			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)

Waiving permitting fees for the County emergency communications redundancy project

Summary

Westchester County in cooperation with United Water/Suez is undertaking a project to install a wireless communications system to transmit emergency messages in the event of a telephone and cellular outage.

The system will allow first responders and emergency personnel to transmit messages throughout the county via a network of dishes installed on high points.

The systems involved in this project are used by fire, EMS and police entities throughout the county including Port Chester. The project will enhance the reliability of the facilities that interconnect all sites to the main control systems in Valhalla. Many County departments and disciplines are participating in this vital improvement to the County's mission critical radio systems infrastructure.

Seeing the value of the project to the people of Port Chester, the County is requesting the waiving of any permitting and review fees associated with the project.

Staff met with the County DoIT team and reviewed the project. It is believed that a Building Permit, Electrical Permit and Certificate of Occupancy will all be required and that the approximate fee for those three items would range from 1300-1500 dollars depending on the true cost of the installation project.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Permit Application Letter requesting a fee waiver Resolution

RESOLUTION
WAIVING PERMITTING FEES FOR THE WESTCHESTER COUNTY EMERGENCY
COMMUNICATIONS REDUNDANCY 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, Westchester County seeks to implement a program to provide a network of
redundant communications to be utilized in the event of a County-wide emergency; and

WHEREAS, the Summit Avenue Water Tank owned by United Water/Suez have been
designated by the County as a strategic location for the installation of equipment for the
implementation of this system; and

WHEREAS, an application for installation of said equipment has been submitted to the
Port Chester Building Department which describes the work to be undertaken; and

WHEREAS, Westchester County has requested that the Village waive fees for the
permitting of same in light of the vital nature of services being provided by the aforementioned
system. Now, therefore be it

RESOLVED, that the Board hereby waives any fees associated with the installation of
equipment as stated in the building permit application referred to herein.

Approved as to Form:

Anthony Cerreto, Village Attorney



Building Department

Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

Permit Fee: _____

Paid On: _____

Check #: _____

Peter J. Miley
Building Inspector

(914) 939-5203
Fax (914) 939-8747
PMiley@portchesterny.com

APPLICATION TO OBTAIN BUILDING PERMIT

Application is hereby made to the Building Inspector of the Village of Port Chester for the approval of the detailed statement of the specifications and plans wherewith submitted, for the alteration of the building herein described, and for a permit to alter such building. Please read the attached instructions carefully prior to any submission.

It is agreed that if such permission be granted, such building will be constructed in conformity with this application and that plans and specific actions thereof as approved, and that all State laws, by-laws, and ordinance of the Village of Port Chester, and rules, regulations, and orders of any board, body, or department, so far as the same may be pertinent, will be complied with.

The applicant further agrees to furnish any additional information, plans, or statements, if required by the Building Inspectors. All Plumbing & Electrical work is to be filed for and installed by licensed contractors.

OWNERS NAME & ADDRESS:

United Water, 200 Old Hook Road, Harrington Park, NJ 07640 Contact: 201.767.9300

PROPERTY ADDRESS: 26 Summit Avenue

Section: 142 Block: 21 Lot: 1-9

Building Type (Use): Water tank Proposed Type (Use):

Architect's Name & Address: EBI Engineering PC 5 Corporate Drive, Central Valley NY 07645

Builder/Contractor's Name & Address: Pyramid Network Services 6519 Towpath Road East Syracuse NY 13057

Check Here if Applying as Part of the Permit Amnesty Program

I PROPOSE TO: (State exact nature of proposed alterations & repairs)

Add public safety dish antenna to the tank top of the wider water tank.

Estimated cost of proposed work: \$65,000

If application is to correct/remove/restore existing violations, copy of said Violation Notice or Appearance Ticket MUST be submitted with this application.

Applicant's Name: County of Westchester, NY Applicant's Signature: [Signature]

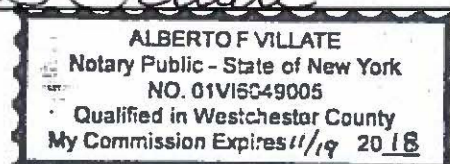
Applicant's Address: 148 Martine Ave, Rm B-18-b, White Plains, NY 10601 Phone #: 914.995.3402

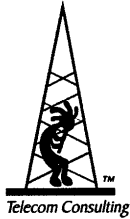
Signature of Owner

Sworn to before me this 24th day of November 2015

[Signature]

Notary Public





PINNACLE TELECOM GROUP

Professional and Technical Services

ANTENNA SITE FCC RF COMPLIANCE ASSESSMENT AND REPORT

THE COUNTY OF WESTCHESTER

**22 SUMMIT AVENUE
PORT CHESTER, NY**

SEPTEMBER 16, 2015

14 RIDGEDALE AVENUE - SUITE 260 • CEDAR KNOLLS, NJ 07927 • 973-451-1630

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Appendix A. BACKGROUND ON THE FCC MPE LIMITS

Appendix B. SUMMARY OF EXPERT QUALIFICATIONS

INTRODUCTION AND SUMMARY

At the request of the County of Westchester, Pinnacle Telecom Group has performed an independent expert assessment of radiofrequency (RF) levels and related FCC compliance for a proposed point-to-point antenna operation on a water tank at 22 Summit Avenue in Port Chester, NY. A dish antenna with a diameter of four feet is proposed to provide network backhaul services via low-power transmission in the 11 GHz frequency band.

The FCC requires antenna operators to assess and assure compliance with the FCC's Maximum Permissible Exposure (MPE) limit. While the FCC "categorically excludes" all point-to-point antenna operations from the requirement to specifically demonstrate compliance, because of their very low power levels and extremely directional antennas, this report will nevertheless provide a detailed mathematical assessment to provide a clear demonstration of compliance.

In this case, the compliance assessment needs to include the RF effects of existing antenna operations at the site on two adjacent water tanks – and the analysis will be conservatively performed as if all the antennas were collocated on a single tank. Note that FCC regulations require any future antenna collocator to assess and assure continuing compliance based on the RF effects of all proposed and then-existing antennas.

The compliance analysis employs a standard FCC formula for calculating the RF effects of the antennas in a very conservative manner, in order to ensure "safe-side" results and great confidence in conclusions regarding compliance with the established limit for safe continuous exposure of the general public.

The results of a compliance assessment can be described in layman's terms by expressing the calculated RF levels as simple percentages of the FCC MPE limit. If the normalized reference for that limit is 100 percent, then calculated RF levels higher than 100 percent indicate the MPE limit is exceeded and there is a need to mitigate the potential exposure. Conversely, calculated RF levels consistently below 100 percent serve as a clear and sufficient demonstration of compliance

with the MPE limit. We can (and will) also describe the overall worst-case result via the “plain-English” equivalent “times-below-the-limit” factor.

The result of the RF compliance assessment in this case is as follows:

- ❑ At street level, the conservatively calculated maximum RF level from the combination of the proposed and existing antenna operations at the site is 1.7455 percent of the FCC general population MPE limit. In other words, even with the significant degree of conservatism in the calculations, the worst-case calculated RF level is still more than 55 times below the FCC limit for safe, continuous exposure to the RF emissions from antennas.
- ❑ A supplemental calculation of the RF level right at the face of the proposed dish antenna shows a result of only 1.319 percent of the FCC general population MPE limit – confirming the FCC’s position that the potential exposure from dish antenna operations is not at all significant.
- ❑ The results of the calculations provide a clear demonstration that the RF levels from the combination of proposed and existing antenna operations will satisfy the applicable criteria for controlling potential human exposure to RF fields, and the RF levels will be in clear compliance with the FCC regulations and limit concerning RF safety. Moreover, because of the conservative methodology and incorporated assumptions, RF levels actually caused by the antennas will be significantly lower than the calculation results indicate.

The remainder of this report provides the following:

- ❑ relevant technical data on the proposed dish antenna operation at the site, as well as on the other antenna operations included in the analysis;
- ❑ a description of the applicable FCC mathematical model for assessing MPE compliance, and application of the technical data to that model; and
- ❑ the results of the analysis, and the compliance conclusion for the site.

In addition, two Appendices are included. Appendix A provides background on the FCC MPE limits, as well as a list of key FCC references on compliance.

Appendix B provides a summary of the background and qualifications of the author of this report.

ANTENNA AND TRANSMISSION DATA

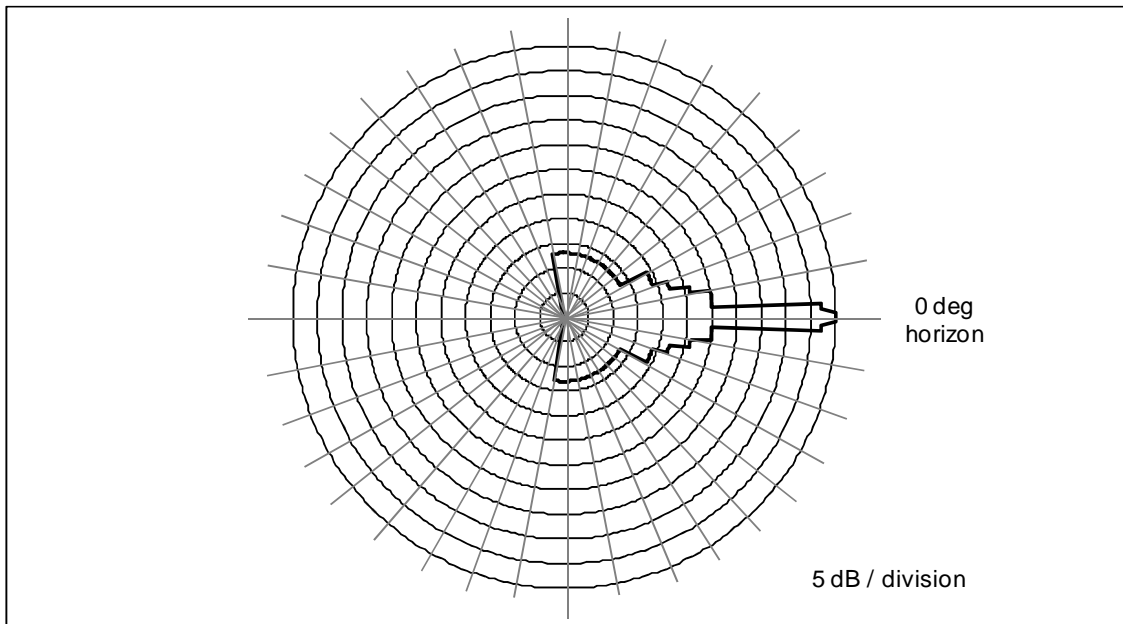
The table below summarizes the relevant technical data for the proposed dish antenna operation.

Data for Dish Operation	
Frequency Band	11 GHz
Service Type	Point-to-Point
Antenna Type	Parabolic Dish
Antenna Height AGL	64 ft.
Antenna Model	Commscope VHLP4-11W
Maximum Antenna Gain	41.0 dBi
Transmitter Power	0.28 watt
Antenna Line Loss	Conservatively ignored (assumed 0 dB)

The antenna vertical-plane radiation pattern is used in the calculations of RF levels at ground level around a site. In this case, the proposed antenna model is categorized as FCC Antenna “Standard A”, a technical regulation specifying the minimum off-angle directivity characteristics of dish antennas. Figure 1 on the next page shows the Standard A pattern that applies to the proposed antenna model. Note that in these types of antenna radiation pattern diagrams, the antenna is effectively pointed at the three o’clock position (the horizon) and the relative strength of the pattern at different angles is described using decibel units.

Note, too, that the use of a decibel scale to describe the relative pattern at different angles incidentally serves to significantly understate the actual focusing effects of the antenna. Where the antenna pattern reads 20 dB, for example, the relative RF energy emitted at the corresponding downward angle is 1/100th of the maximum that occurs in the main beam (at 0 degrees); at the 30 dB point, it is 1/1,100th of the maximum.

Figure 1. FCC “Standard A” 11 GHz Antenna – Required Minimum Directivity



Note that because of the FCC technical standard, the off-angle pattern for the proposed dish antenna can be no “fatter” than the one shown above.

As noted at the outset, there are a number of other antenna operations to include in the compliance analysis, including those on either of the two adjacent water tanks.

Westchester County has several antenna operations on the lower water tank, with the key parameters summarized below. Note there are multiple antenna operations involving the 470 MHz band, all with the same parameters. Note, too, that the operation at 770 MHz is planned, not existing, but will be included in the compliance analysis.

<i>Frequency Band</i>	<i>Antenna Height (to base)</i>	<i>Antenna Gain</i>	<i>Transmitter Power</i>	<i>Maximum ERP</i>
453 MHz	54 ft.	11 dBd	35 watts	110 watts
470 MHz	54 ft.	12 dBd	35 watts	110 watts
770 MHz	54 ft.	11.25 dBd	25 watts	80.5 watts

In addition, there is an omnidirectional antenna identified as belonging to United Water, which transmits in the FCC-permitted unlicensed 900 MHz band, with an antenna gain of 6 dBd and a maximum power level of one watt.

COMPLIANCE ANALYSIS

FCC Office of Engineering and Technology Bulletin 65 (“OET Bulletin 65”) provides guidelines for mathematical models to calculate the RF levels at various points around transmitting antennas.

At street-level around an antenna site (in what is called the “far field” of the antennas), the RF levels are directly proportional to the total antenna input power and the relative antenna gain in the downward direction of interest – and the levels are otherwise inversely proportional to the square of the straight-line distance to the antenna. Conservative calculations also assume the potential RF exposure is enhanced by reflection of the RF energy from the intervening ground. Our calculations will assume a 100% “perfect” reflection, the worst-case approach.

The formula for street-level RF compliance calculations for any given antenna operation is as follows:

$$\text{MPE}\% = (100 * \text{TxPower} * 10^{(\text{Gmax-Vdisc}/10)} * 4) / (\text{MPE} * 4\pi * R^2)$$

where

MPE%	=	RF level, expressed as a percentage of the MPE limit applicable to continuous exposure of the general public
100	=	factor to convert the raw result to a percentage
TxPower	=	maximum net power into antenna sector, in milliwatts, a function of the number of channels per sector, the transmitter power per channel, and line loss
$10^{(\text{Gmax-Vdisc}/10)}$	=	numeric equivalent of the relative antenna gain in the downward direction of interest; data on the antenna vertical-plane pattern is taken from manufacturer specifications

- 4 = factor to account for a 100-percent-efficient energy reflection from the ground, and the squared relationship between RF field strength and power density ($2^2 = 4$)
- MPE = FCC general population MPE limit
- R = straight-line distance from the RF source to the point of interest, centimeters

The MPE% calculations are performed out to a distance of 500 feet from the facility to points 6.5 feet (approximately two meters, the FCC-recommended standing height) off the ground, as illustrated in Figure 2, below.

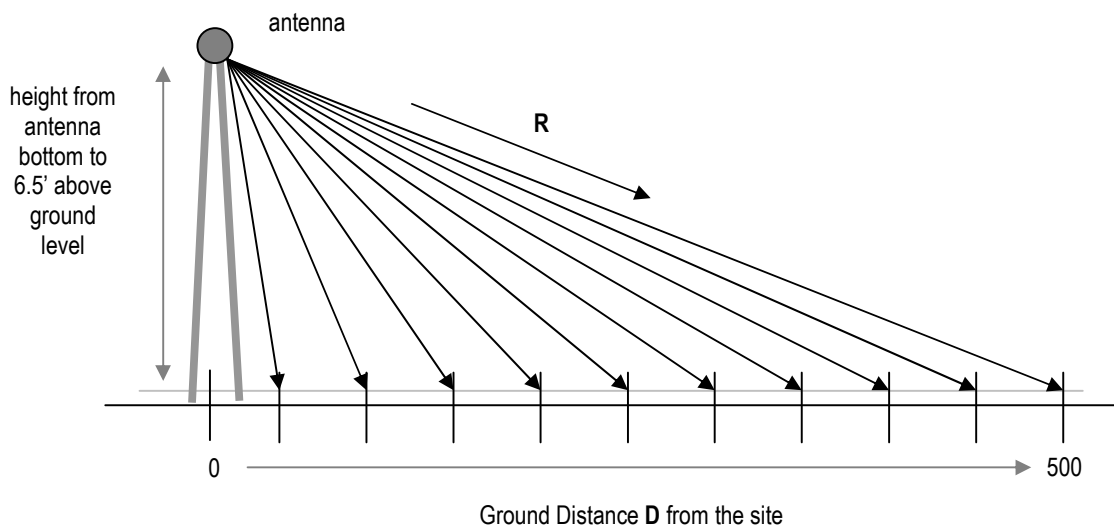


Figure 2. Ground-level MPE% Calculation Geometry

It is popularly understood that the farther away one is from an antenna, the lower the RF level – which is generally but not universally correct. The results of MPE% calculations fairly close to the site will reflect the variations in the vertical-plane antenna pattern as well as the variation in straight-line distance to the antennas. Therefore, RF levels may actually increase slightly with increasing distance within the range of zero to 500 feet from the site. As the distance approaches 500 feet and beyond, though, the antenna pattern factor becomes less significant, the RF levels become primarily distance-controlled, and as a

result the RF levels generally decrease with increasing distance, and are well understood to be in compliance.

Street-level FCC compliance for a collocated antenna site is assessed in the following manner. At each distance point along the ground, an MPE% calculation is made for each antenna operation, and the sum of the individual MPE% contributions at each point is compared to 100 percent, the normalized reference for compliance with the MPE limit.

We refer to the sum of the individual MPE% contributions as “total MPE%”, and any calculated total MPE% result exceeding 100 percent is, by definition, higher than the FCC limit and represents non-compliance and a need to mitigate the potential exposure.

If all calculated results are consistently below 100 percent, on the other hand, that set of results serves as a clear and sufficient demonstration of compliance with the MPE limit.

Note that according to the FCC, when directional antennas and sectorized coverage arrangements are used, the compliance assessments are based on the RF effect of a single (facing) antenna sector, as the RF effects of directional antennas facing away from the point of interest are considered insignificant.

The following conservative methodology and assumptions are incorporated into the MPE% calculations on a general basis:

1. The antennas are assumed to be operating continuously at maximum power and maximum channel capacity. In addition, the effects of antenna line loss are ignored.
2. The power-attenuation effects of shadowing or other obstructions to the line-of-sight path from the antenna to the point of interest are ignored.
3. The calculations intentionally minimize the distance factor (R) by assuming a 6’6” human and performing the calculations from the bottom (rather than the centerline) of the lowest-mounted antenna for each

operator involved.

4. The potential RF exposure at ground level is assumed to be 100-percent enhanced (increased) via a “perfect”, mirror-like field reflection from the intervening ground.

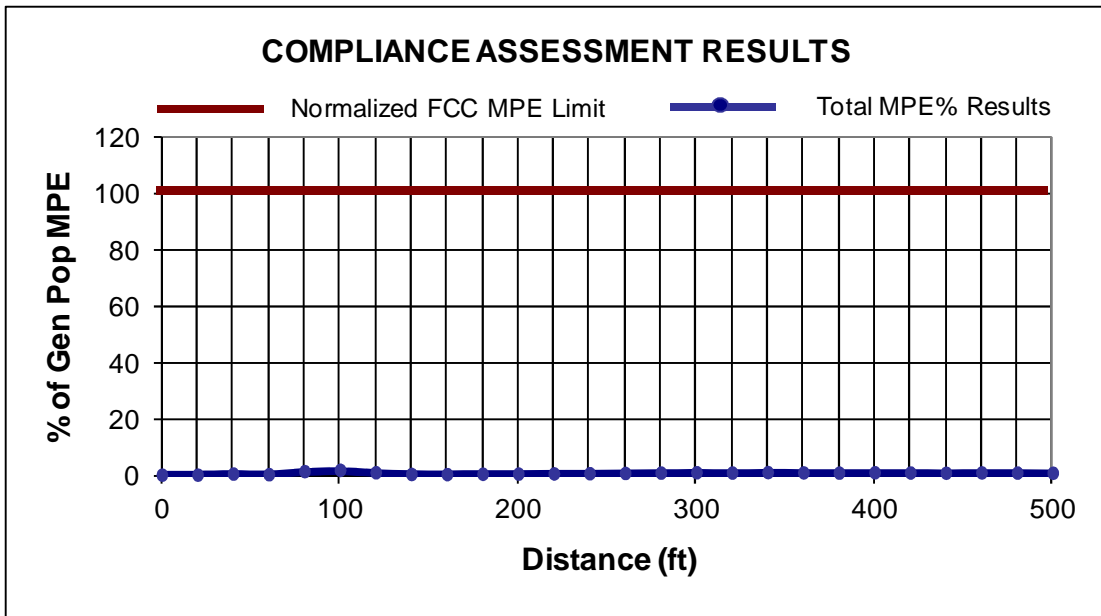
The net result of these assumptions is to significantly overstate the calculated RF exposure levels relative to the levels that will actually occur – and the purpose of this conservatism is to allow very “safe-side” conclusions about compliance.

The table on the following page provides the results of the MPE% calculations for each operation, with the maximum (worst-case) overall result highlighted in bold in the last column of the table.

Ground Distance (ft)	West. County 11 GHz MPE%	West. County 453 MHz MPE%	West. County 470 MHz MPE%	West. County 770 MHz MPE%	United Water 900 MHz MPE%	Total MPE%
0	0.0012	0.0009	0.0052	0.0161	0.0000	0.0234
20	0.0011	0.0037	0.0216	0.0053	0.0006	0.0323
40	0.0009	0.0297	0.1718	0.2009	0.0000	0.4033
60	0.0007	0.0085	0.0492	0.1152	0.0007	0.1743
80	0.0006	0.1852	1.0712	0.0196	0.0006	1.2772
100	0.0005	0.2136	1.2355	0.2957	0.0002	1.7455
120	0.0004	0.1103	0.6377	0.1116	0.0000	0.8600
140	0.0011	0.0322	0.1860	0.0562	0.0002	0.2757
160	0.0009	0.0108	0.0627	0.1394	0.0004	0.2142
180	0.0008	0.0213	0.1231	0.1947	0.0006	0.3405
200	0.0006	0.0329	0.1902	0.1711	0.0007	0.3955
220	0.0011	0.0454	0.2628	0.1395	0.0007	0.4495
240	0.0009	0.0602	0.3484	0.1181	0.0007	0.5283
260	0.0008	0.0744	0.4305	0.1188	0.0007	0.6252
280	0.0027	0.0862	0.4984	0.1522	0.0007	0.7402
300	0.0024	0.0966	0.5587	0.2159	0.0007	0.8743
320	0.0021	0.0852	0.4925	0.1903	0.0006	0.7707
340	0.0019	0.0943	0.5456	0.2740	0.0007	0.9165
360	0.0017	0.0843	0.4876	0.2450	0.0006	0.8192
380	0.0015	0.0758	0.4384	0.2202	0.0005	0.7364
400	0.0014	0.0814	0.4710	0.3083	0.0005	0.8626
420	0.0020	0.0740	0.4277	0.2800	0.0005	0.7842
440	0.0018	0.0675	0.3902	0.2554	0.0004	0.7153
460	0.0017	0.0709	0.4103	0.3304	0.0004	0.8137
480	0.0015	0.0652	0.3771	0.3037	0.0004	0.7479
500	0.0014	0.0601	0.3478	0.2801	0.0004	0.6898

As indicated, even with the significant conservatism built into the analysis, the worst-case calculated RF level is only 1.7455 percent of the FCC general population MPE limit – well below the 100-percent reference for compliance.

A graph of the overall calculation results, presented below, probably provides a clearer *visual* illustration of the relative compliance of the calculated RF levels. As might be expected with such low calculated RF levels, the line representing the results barely noticeably rises above the graph's zero baseline, and shows an obviously clear and consistent margin to the FCC MPE limit.



In addition, we have performed an additional calculation of the RF level right at the face of the dish antenna. Basically, this involves performing a power density calculation across the face of the four-foot antenna, and converting the result to a percentage of the FCC's general population MPE limit.

The result of that calculation shows a maximum RF level – right at the face of the antenna – is 1.319 percent of the FCC general population MPE limit. This represents the maximum RF level around the antenna, and at all other points the RF level from the dish antenna is even less significant. This confirms the FCC's

position that the potential exposure from dish antenna operations is not at all significant. In terms of potential exposure, dish antennas are “safe at the face”.

COMPLIANCE CONCLUSION

According to the FCC, the MPE limit has been constructed in such a manner that continuous human exposure to RF fields up to and including 100 percent of the limit is acceptable and safe.

The conservative analysis in this case shows that the maximum calculated RF level from the combination of the proposed and existing antenna operations at the site is 1.7455 percent of the FCC MPE limit. In other words, the worst-case calculated RF level is more than 55 times below the FCC MPE limit.

The results of the calculations indicate clear compliance with the FCC MPE regulations and limit concerning the control of potential human exposure to the RF emissions from antennas.

Moreover, because of the extremely conservative calculation methodology and operational assumptions we applied in the analysis, RF levels actually caused by the antennas will be significantly lower than the calculation results here indicate.

CERTIFICATION

The undersigned certifies as follows:

1. I have read and fully understand the FCC regulations concerning RF safety and the control of human exposure to RF fields (47 CFR 1.1301 *et seq*).
2. To the best of my knowledge, the statements and information disclosed in this report are true, complete and accurate.
3. The analysis of site RF compliance provided herein is consistent with the applicable FCC regulations, additional guidelines issued by the FCC, and industry practice.

4. The results of the analysis indicate that the subject antenna operations will be in compliance with the FCC regulations concerning the control of potential RF exposure.



Daniel J. Collins
Chief Technical Officer
Pinnacle Telecom Group, LLC

9/16/15

Date

Appendix A. BACKGROUND ON THE FCC MPE LIMITS

FCC Rules and Regulations

As directed by the Telecommunications Act of 1996, the FCC has established limits for maximum continuous human exposure to RF fields.

The FCC maximum permissible exposure (MPE) limits represent the consensus of federal agencies and independent experts responsible for RF safety matters. Those agencies include the National Council on Radiation Protection and Measurements (NCRP), the Occupational Safety and Health Administration (OSHA), the National Institute for Occupational Safety and Health (NIOSH), the American National Standards Institute (ANSI), the Environmental Protection Agency (EPA), and the Food and Drug Administration (FDA). In formulating its guidelines, the FCC also considered input from the public and technical community – notably the Institute of Electrical and Electronics Engineers (IEEE).

The FCC's RF exposure guidelines are incorporated in Section 1.301 *et seq* of its Rules and Regulations (47 CFR 1.1301-1.1310). Those guidelines specify MPE limits for both occupational and general population exposure.

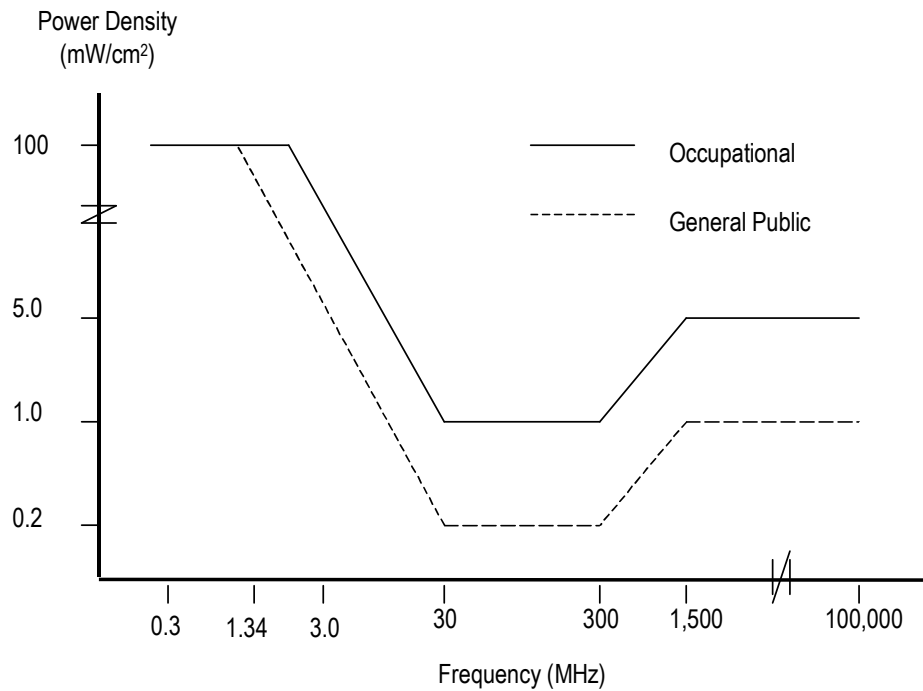
The specified continuous exposure MPE limits are based on known variation of human body susceptibility in different frequency ranges, and a Specific Absorption Rate (SAR) of 4 watts per kilogram, which is universally considered to accurately represent human capacity to dissipate incident RF energy (in the form of heat). The occupational MPE guidelines incorporate a safety factor of 10 or greater with respect to RF levels known to represent a health hazard, and an additional safety factor of five is applied to the MPE limits for general population exposure. Thus, the general population MPE limit has a built-in safety factor of more than 50. The limits were constructed to appropriately protect humans of both sexes and all ages and sizes and under all conditions – and continuous exposure at levels equal to or below the applicable MPE limits is considered to result in no adverse health effects or even health risk.

The reason for *two* tiers of MPE limits is based on an understanding and assumption that members of the general public are unlikely to have had appropriate RF safety training and may not be aware of the exposures they receive; occupational exposure in controlled environments, on the other hand, is assumed to involve individuals who have had such training, are aware of the exposures, and know how to maintain a safe personal work environment.

The FCC's RF exposure limits are expressed in two equivalent forms, using alternative units of field strength (expressed in volts per meter, or V/m), and power density (expressed in milliwatts per square centimeter, or mW/cm²). The table on the next page lists the FCC limits for both occupational and general population exposures, using the mW/cm² reference, for the different radio frequency ranges.

Frequency Range (F) (MHz)	Occupational Exposure (mW/cm ²)	General Public Exposure (mW/cm ²)
0.3 - 1.34	100	100
1.34 - 3.0	100	$180 / F^2$
3.0 - 30	$900 / F^2$	$180 / F^2$
30 - 300	1.0	0.2
300 - 1,500	$F / 300$	$F / 1500$
1,500 - 100,000	5.0	1.0

The diagram below provides a graphical illustration of both the FCC's occupational and general population MPE limits.



Because the FCC's RF exposure limits are frequency-shaped, the exact MPE limits applicable to the instant situation depend on the frequency range used by the systems of interest.

The most appropriate method of determining RF compliance is to calculate the RF power density attributable to a particular system and compare that to the MPE limit applicable to the operating frequency in question. The result is usually expressed as a percentage of the MPE limit.

For potential exposure from multiple systems, the respective percentages of the MPE limits are added, and the total percentage compared to 100 (percent of the limit). If the result is less than 100, the total exposure is in compliance; if it is more than 100, exposure mitigation measures are necessary to achieve compliance.

Note that the FCC “categorically excludes” all “non-building-mounted” wireless antenna operations whose mounting heights are more than 10 meters (32.8 feet) from the routine requirement to demonstrate compliance with the MPE limit, because such operations “are deemed, individually and cumulatively, to have no significant effect on the human environment”. The categorical exclusion also applies to *all* point-to-point antenna operations, regardless of the type of structure they’re mounted on. Note that the FCC considers any facility qualifying for the categorical exclusion to be automatically in compliance.

FCC References on Compliance

47 CFR, FCC Rules and Regulations, Part 1 (Practice and Procedure), Section 1.1310 (Radiofrequency radiation exposure limits).

FCC Second Memorandum Opinion and Order and Notice of Proposed Rulemaking (FCC 97-303), *In the Matter of Procedures for Reviewing Requests for Relief From State and Local Regulations Pursuant to Section 332(c)(7)(B)(v) of the Communications Act of 1934 (WT Docket 97-192), Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation (ET Docket 93-62), and Petition for Rulemaking of the Cellular Telecommunications Industry Association Concerning Amendment of the Commission's Rules to Preempt State and Local Regulation of Commercial Mobile Radio Service Transmitting Facilities*, released August 25, 1997.

FCC First Memorandum Opinion and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released December 24, 1996.

FCC Report and Order, ET Docket 93-62, *In the Matter of Guidelines for Evaluating the Environmental Effects of Radiofrequency Radiation*, released August 1, 1996.

FCC Office of Engineering and Technology (OET) Bulletin 65, “Evaluating Compliance with FCC Guidelines for Human Exposure to Radiofrequency Electromagnetic Fields”, Edition 97-01, August 1997.

FCC Office of Engineering and Technology (OET) Bulletin 56, “Questions and Answers About Biological Effects and Potential Hazards of RF Radiation”, edition 4, August 1999.

Appendix B. SUMMARY of EXPERT QUALIFICATIONS

Daniel J. Collins, Chief Technical Officer, Pinnacle Telecom Group, LLC

Synopsis:	<ul style="list-style-type: none"> • 40+ years of experience in all aspects of wireless system engineering, related regulation, and RF exposure • Has performed or led RF exposure compliance assessments on more than 18,000 antenna sites since the new FCC rules went into effect in 1997 • Has provided testimony as an RF compliance expert more than 1,500 times since 1997 when the FCC regulations went into effect • Accepted as an expert in New York, New Jersey, Pennsylvania and more than 40 other states, as well as by the FCC
Education:	<ul style="list-style-type: none"> • B.E.E., City College of New York (Sch. Of Eng.), 1971 • M.B.A., 1982, Fairleigh Dickinson University, 1982 • Bronx High School of Science, 1966
Current Responsibilities:	<ul style="list-style-type: none"> • Leads all PTG staff work involving RF safety and FCC compliance, microwave and satellite system engineering, and consulting on wireless technology and regulation
Prior Experience:	<ul style="list-style-type: none"> • Edwards & Kelcey, VP – RF Engineering and Chief Information Technology Officer, 1996-99 • Bellcore, Executive Director – Regulation and Public Policy, 1983-96 • AT&T (Corp. HQ), Director – Spectrum Management Policy and Practice, 1977-83 • AT&T Long Lines, Group Supervisor – Microwave Radio System Design, 1972-77
Specific RF Safety / Compliance Experience:	<ul style="list-style-type: none"> • Involved in RF exposure matters since 1972 • Have had lead corporate responsibility for RF safety and compliance at AT&T, Bellcore, Edwards & Kelcey, and PTG • While at AT&T, helped develop the mathematical models for predicting RF exposure • Have been relied on for compliance by all major wireless carriers, as well as by the federal government, several state and local governments, equipment manufacturers, system integrators, and other consulting / engineering firms
Other Background:	<ul style="list-style-type: none"> • Author, <i>Microwave System Engineering</i> (AT&T, 1974) • Co-author and executive editor, <i>A Guide to New Technologies and Services</i> (Bellcore, 1993) • National Spectrum Managers Association (NSMA) – former three-term President and Chairman of the Board of Directors; was founding member, twice-elected Vice President, a long-time member of the Board of Directors, and was named an NSMA Fellow in 1991 • Published more than 35 articles in industry magazines

WESTCHESTER COUNTY
SICG PROJECT
PUBLIC SAFETY COMMUNICATIONS SYSTEM

SUMMIT AVE (PORT CHESTER)
22 SUMMIT AVENUE
PORT CHESTER, NY 10573
WESTCHESTER COUNTY



Matthew C Hykes

SITE INFORMATION

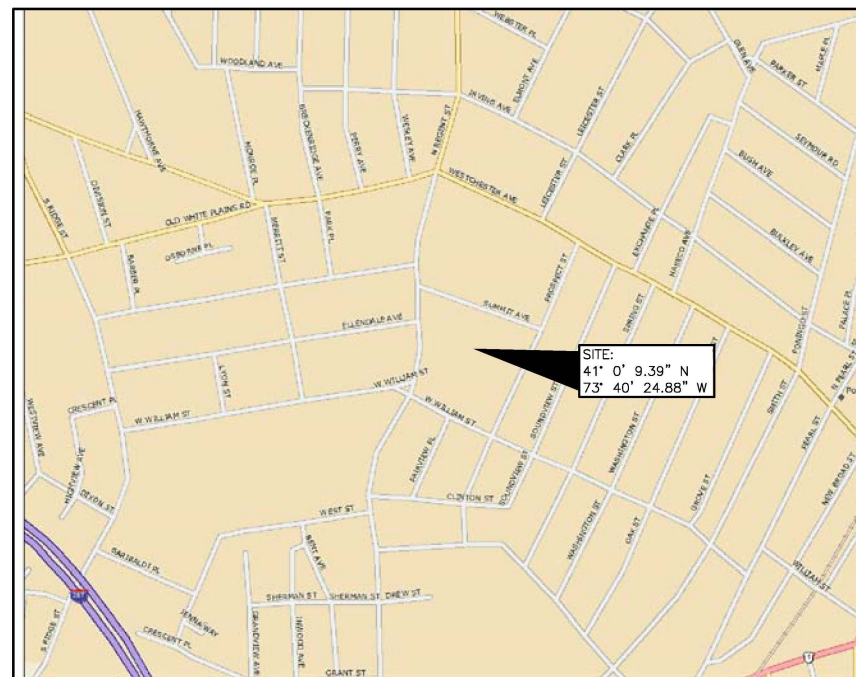
SITE NAME: SUMMIT AVE (PORT CHESTER)
SITE ADDRESS: 22 SUMMIT AVENUE
PORT CHESTER, NY 10573
WESTCHESTER COUNTY
CONSTRUCTION AREA: LIMITED TO ANTENNAS AND CABLE WORK
LATITUDE: 41° 0' 9.39" N (NAD83)
LONGITUDE: 73° 40' 24.88" W (NAD83)
GROUND ELEVATION: 156'± AMSL (NAVD88)

PROJECT DIRECTORY

TOWER OWNER: UNITED WATER CO.
2525 PALMER AVENUE
NEW ROCHELLE, NY 10801
APPLICANT: WESTCHESTER COUNTY
148 MARTINE AVENUE RM B-18-B
WHITE PLAINS, NY 10601
CONTACT: PYRAMID NETWORK SERVICES, LLC
6519 TOWPATH ROAD
EAST SYRACUSE, NY 13057
ERIC VALLETTA
(315) 729-8392
PROJECT MANAGER: MOTOROLA SOLUTIONS
5 PARAGON DRIVE, SUITE 200
MONTVALE, NJ 07645
ROB YOUNG
(914) 420-8188
ENGINEER: EBI ENGINEERING PC
5 CORPORATE DRIVE
CENTRAL VALLEY, NY 10917
DALE PARADISE (908) 433-4664

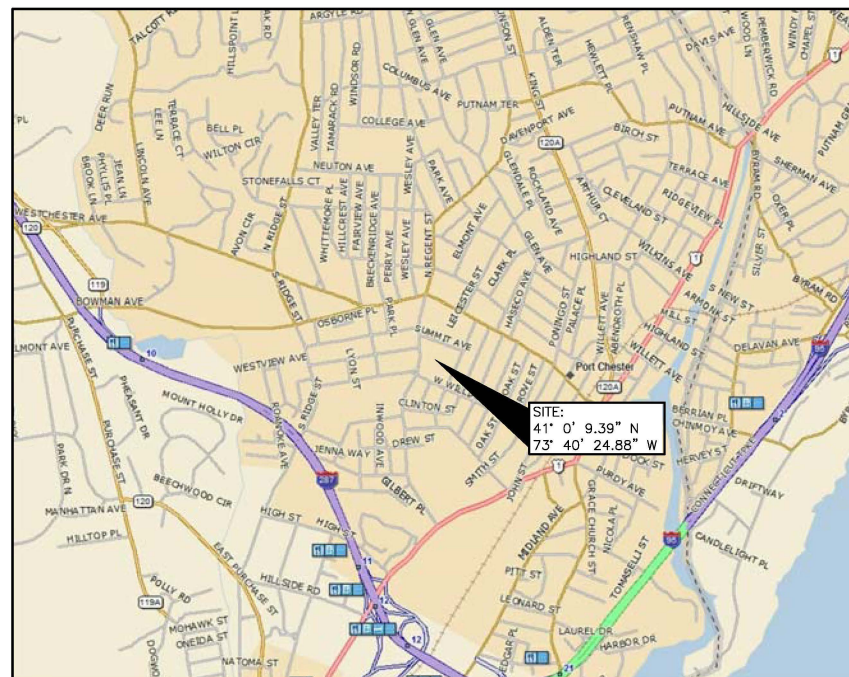
DRAWING INDEX

SHEET NO.	TITLE	REV. NO.	DATE
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VICINITY MAP
N.T.S.

APPROX. NORTH



LOCATION MAP
N.T.S.

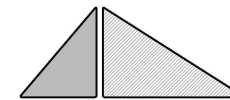
APPROX. NORTH



EBI ENGINEERING PC



MOTOROLA SOLUTIONS



Pyramid Network Services, LLC

GENERAL PROJECT DESCRIPTION:
CONSTRUCTION OF PUBLIC SAFETY COMMUNICATION SYSTEM
CONSISTING OF: ANTENNAS & APPURTENANCES ON AN
EXISTING WATER TANK. NO WATER OR SEWER IS REQUIRED.

UNDERGROUND FACILITIES
PROTECTIVE ORGANIZATION

CALL US TOLL FREE 1-800-962-7962 OR 811
NY INDUSTRIAL CODE RULE 753 REQUIRES NO LESS
THAN TWO WORKING DAYS NOTICE, BUT NOT MORE
THAN TEN DAYS NOTICE.
EMERGENCY
CALL 911

RECEIVED AND ACCEPTED	
WESTCHESTER COUNTY REPRESENTATIVE:	RECEIVED: ACCEPTED:
MOTOROLA:	RECEIVED: ACCEPTED:
PROPERTY OWNER:	RECEIVED: ACCEPTED:

TITLE SHEET

T-1

GENERAL REQUIREMENTS

1. GENERAL

1.1. SUMMARY OF WORK

A. THE WORK MAY CONSIST OF, BUT NOT BE LIMITED TO, THE INSTALLATION OF EQUIPMENT CABINETS, ANTENNAS AND LINES, FUEL TANKS, GROUNDING, ELECTRICAL WORK, ETC., ASSOCIATED WITH THE MOTOROLA EQUIPMENT AS INDICATED ON DRAWINGS AND AS SPECIFIED HEREIN. CONTRACTOR SHALL SUPPLY ALL PERMANENT MATERIALS/EQUIPMENT REQUIRED AND ALL LABOR, EQUIPMENT, TOOLS, UTILITIES, MINOR HARDWARE/MATERIALS, TRANSPORTATION AND FACILITIES NECESSARY FOR PROPER EXECUTION AND COMPLETION OF SERVICES AND INSTALL WORK, WHETHER TEMPORARY OR PERMANENT. CONTRACTOR SHALL BE OBLIGATED TO PERFORM ALL THE WORK OUTLINED IN THESE DRAWINGS IN ACCORDANCE WITH THE CONTRACT AGREEMENT, FEDERAL REGULATIONS, STATE REQUIREMENTS, LOCAL CODES, COMMERCIAL/INDUSTRY STANDARDS, DETAILED SCOPE OF WORK AND THE DOCUMENTS IDENTIFIED BELOW.

1.2. SITE VISIT

CONTRACTOR SHALL VISIT THE SITE AND FAMILIARIZE ITSELF WITH THE SCOPE OF WORK REQUIRED PER THE DRAWINGS AND ALL LOCAL CONDITIONS AND LAWS AND REGULATIONS THAT MAY IN ANY MANNER AFFECT THE PRICE, PROGRESS AND PERFORMANCE OF WORK, INCLUDING ANY COSTS ASSOCIATED WITH IT. THE CONTRACTOR SHALL ALSO VERIFY THAT THE PROJECT CAN BE CONSTRUCTED IN ACCORDANCE WITH THE CONTRACT DOCUMENTS AND NOTIFY THE MOTOROLA REPRESENTATIVE OF ANY DISCREPANCIES OR INTERFERENCES WHICH AFFECT THE WORK OF THIS CONTRACT.

1.3. STANDARDS AND CODES

THE FOLLOWING DOCUMENTS (LATEST REVISION) SHALL BE CONSIDERED TO BE SPECIFICATION AND ARE INCORPORATED HEREIN BY REFERENCE. IN THE EVENT OF CONFLICT BETWEEN THE REQUIREMENTS OF THIS SPECIFICATION AND THE REQUIREMENTS OF THE REFERENCED DOCUMENTS, THE STRICTER SPECIFICATION SHALL GOVERN. WHERE PROVISIONS OF THE CODES AND STANDARDS ARE IN CONFLICT WITH THE BUILDING CODE IN FORCE FOR THIS PROJECT, THE BUILDING CODE SHALL GOVERN.

A. AMERICAN CONCRETE INSTITUTE:

- * ACI 301 - "SPECIFICATIONS FOR STRUCTURAL CONCRETE FOR BUILDINGS".
- * ACI 305 "HOT WEATHER CONCRETING".
- * ACI 306 "COLD WEATHER CONCRETING".
- * ACI 318 "BUILDING CODE REQUIREMENTS FOR REINFORCED CONCRETE."
- * ACI 614 "RECOMMENDED PRACTICE FOR MEASURING, MIXING AND PLACING CONCRETE".
- * ACI 311 "RECOMMENDED PRACTICE FOR CONCRETE INSPECTION".
- * ACI 315 "MANUAL OF STANDARD PRACTICE FOR DETAILING REINFORCED CONCRETE STRUCTURES".
- * ACI 613 "RECOMMENDED PRACTICE FOR SELECTING PROPORTIONS FOR CONCRETE".

B. AMERICAN NATIONAL STANDARDS INSTITUTE:

- * ANSI Z359 REQUIREMENTS FOR PERSONAL FALL ARREST SYSTEMS, SUBSYSTEMS AND COMPONENTS
- * ANSI Z87.1 OCCUPATIONAL AND EDUCATIONAL EYE AND FACE PROTECTION
- * ANSI Z89.1 PROTECTIVE HEADWEAR FOR INDUSTRIAL WORKERS - REQUIREMENTS
- * ANSI/IEEE C95.1 SAFETY LEVELS WITH RESPECT TO HUMAN EXPOSURE TO RADIO FREQUENCY ENERGY
- * ANSI/TIA/EIA STANDARD 222: STRUCTURAL STANDARDS FOR STEEL ANTENNA TOWERS AND ANTENNA SUPPORTING STRUCTURES.

C. AMERICAN INSTITUTE OF STEEL CONSTRUCTION"

- * AISC MANUAL OF THE AMERICAN INSTITUTE OF STEEL CONSTRUCTION: LATEST EDITION

D. AMERICAN SOCIETY FOR TESTING AND MATERIALS:

- * ASTM A615 - "SPECIFICATION FOR DEFORMED AND PLAIN BILLET STEEL BARS FOR CONCRETE REINFORCEMENT"
- * ASTM C94-80 - "SPECIFICATION FOR READY-MIX CONCRETE".
- * ASTM C39-77 - "SPECIFICATION FOR TEST FOR COMPREHENSIVE STRENGTH OF CYLINDRICAL CONCRETE SPECIMEN".
- * ASTM C33 - "SPECIFICATION FOR CONCRETE AGGREGATES".
- * ASTM C150 - "SPECIFICATION FOR PORTLAND CEMENT".
- * ASTM C145 - "SAMPLING FRESH CONCRETE"
- * ASTM C143 - "SLUMP OF PORTLAND CEMENT CONCRETE".
- * ASTM D698-91 - "TEST METHOD FOR LABORATORY COMPACTION CHARACTERISTICS OF SOIL USING STANDARD EFFORT".
- * ASTM D1556-64 - "DENSITY OF SOIL IN PLACE BY THE SAND-CONE METHOD".
- * ASTM D1557 - "TEST FOR MOISTURE-UNIT WEIGHT RELATIONS OF SOILS AND SOIL-AGGREGATE MIXTURES USING 10-LB. HAMMER AND 18-IN. DROP". (PROCEDURE C)
- * ASTM D2487 - "STANDARD CLASSIFICATION OF SOILS FOR ENGINEERING PURPOSES (UNIFIED SOIL CLASSIFICATION SYSTEM)"
- * ASTM D2922 - "DENSITY OF SOIL AND SOIL AGGREGATE IN PLACE BY NUCLEAR METHODS - SHALLOW DEPTH".
- * ASTM D2940 - "STANDARD SPECIFICATION FOR GRADED AGGREGATE MATERIAL FOR BASES OR SUB-BASES FOR HIGHWAYS OR AIRPORTS"

E. AMERICAN WELDING SOCIETY:

- * AWS D12.1 - "RECOMMENDED PRACTICES FOR WELDING REINFORCING STEEL, METAL INSERTS AND CONNECTIONS IN REINFORCED CONCRETE CONSTRUCTION".

F. CONCRETE REINFORCING STEEL INSTITUTE:

- * "MANUAL OF STANDARD PRACTICE"

G. FEDERAL AVIATION ADMINISTRATION:

- * DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION ADVISORY CIRCULAR, AC 70/7460-1G: OBSTRUCTION MARKING AND LIGHTING.
- * DEPARTMENT OF TRANSPORTATION - FEDERAL AVIATION ADMINISTRATION ADVISORY CIRCULAR, 150-5345-43, FAA/DOD SPECIFICATION L-856: HIGH INTENSITY OBSTRUCTION LIGHTING SYSTEMS.

H. FEDERAL COMMUNICATIONS COMMISSION:

- * FEDERAL COMMUNICATIONS COMMISSION - RULES AND REGULATIONS PART 17, CONSTRUCTION, MARKING, AND LIGHTING OF ANTENNA STRUCTURES.

G. STRUCTURAL STEEL PAINTING COUNCIL:

- * SSPC-SP-1-63: SPECIFICATION FOR PAINTING STEEL STRUCTURES.

I. MOTOROLA R56 STANDARDS AND GUIDELINES FOR COMMUNICATIONS SITES (LATEST REVISION).

K. MOTOROLA'S CIVIL WORKS BID SPECIFICATIONS

L. NATIONAL FIRE PROTECTION ASSOCIATION:

- * NFPA 1 - FIRE PREVENTION CODE
- * NFPA 70 - NATIONAL ELECTRICAL CODE
- * NFPA 101 - LIFE SAFETY CODE
- * NFPA 111 - STANDARD ON STORED ELECTRICAL ENERGY, EMERGENCY AND STANDBY POWER SYSTEMS
- * NFPA 780 - STANDARD FOR THE INSTALLATION OF LIGHTNING PROTECTION SYSTEMS

M. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION:

- * OSHA 1926
- * OSHA DIRECTIVES CPL 2-1.29 - INTERIM INSPECTION PROCEDURES DURING COMMUNICATION TOWER CONSTRUCTION ACTIVITIES.

N. NEW YORK STATE BUILDING AND ELECTRICAL CODE.

1.4. NOTICE TO PROCEED

WHEN THE SITE IS READY FOR INSTALLATION, MOTOROLA SHALL ISSUE A NOTICE TO PROCEED TO THE CONTRACTOR. UPON RECEIPT OF THE NOTICE TO PROCEED, THE CONTRACTOR SHALL SUBMIT TO MOTOROLA A SCHEDULE REFLECTING THE WORK PLAN. THE CONTRACTOR SHALL ADVISE THE MOTOROLA REPRESENTATIVE IMMEDIATELY OF ANY SCHEDULE CHANGES. THE CONTRACTOR SHALL ADJUST HIS WORK, AS REQUIRED, TO COORDINATE WITH THE MOTOROLA INSTALLATION TEAM IF THE SCHEDULES OVERLAP.

1.5. MOTOROLA REPRESENTATIVE

MOTOROLA SHALL DESIGNATE A REPRESENTATIVE. THIS PERSON IS THE ONLY CONTACT POINT AUTHORIZED TO MAKE ANY CHANGES TO THE CONTRACT PROVISIONS OR THE PLANS AND SPECIFICATIONS. ANY CHANGES MADE BY THE CONTRACTOR ARE AT THE CONTRACTOR'S RESPONSIBILITY AND RISK.

1.6. CONTRACTORS FIELD REPRESENTATIVE

CONTRACTOR SHALL ASSIGN A FIELD REPRESENTATIVE WHO IS FAMILIAR WITH THESE SPECIFICATIONS AND WILL REPRESENT THE CONTRACTOR AND HAVE THE AUTHORITY TO ACT FOR THE CONTRACTOR AND SUPERVISE ALL CONSTRUCTION ACTIVITIES. THE FIELD REPRESENTATIVE SHALL BE AVAILABLE WHEN CONSTRUCTION ACTIVITIES BEGIN. THE FIELD REPRESENTATIVE SHALL BE THE PRIMARY POINT OF CONTACT FOR MOTOROLA DURING THE CONSTRUCTION PHASE OF THE WORK.

1.7. PROJECT MEETINGS

THE CONTRACTOR SHALL CONDUCT THE INITIAL (PRE-CONSTRUCTION) MEETING (INCLUDING ALL SUB-CONTRACTORS) WITH THE MOTOROLA REPRESENTATIVE WITHIN TWO WEEKS AFTER AWARD OF THE CONTRACT. SUBSEQUENTLY, THE CONTRACTOR SHALL PROVIDE PROGRESS SCHEDULE UPDATES TO MOTOROLA AS REQUESTED.

1.8. MATERIALS

CONTRACTOR SHALL FURNISH AND INSTALL ALL MATERIALS AS REQUIRED FOR COMPLETE SYSTEMS INCLUDING ALL PARTS OBVIOUSLY OR REASONABLY INCIDENTAL TO COMPLETE INSTALLATION. WHETHER SPECIFICALLY INDICATED OR NOT, ALL SYSTEMS SHALL BE COMPLETELY ASSEMBLED, TESTED, ADJUSTED AND DEMONSTRATED TO BE READY FOR OPERATION PRIOR TO MOTOROLA'S ACCEPTANCE.

MATERIALS AND WORKMANSHIP SHALL BE THE BEST OF THEIR RESPECTIVE KINDS (AS DEFINED BY INDUSTRY STANDARDS), FREE OF DEFECTS AND ALL MATERIALS SHALL BE NEW AND UNUSED IN ALL CASES, UNLESS OTHERWISE SPECIFIED. WHERE THE NAME OF A CONCERN OR MANUFACTURER IS MENTIONED ON DRAWINGS OR IN SPECIFICATIONS IN REFERENCE TO A REQUIRED SERVICE OR PRODUCT, AND NO QUALIFICATIONS OR SPECIFICATION OF SUCH IS INCLUDED, THEN THE MATERIAL SPECIFICATIONS, DETAILS OF MANUFACTURE, FINISH, ETC., SHALL BE IN ACCORDANCE WITH MANUFACTURER'S STANDARD PRACTICE, DIRECTION OR SPECIFICATIONS. THE CONTRACTOR SHALL INSTALL ALL EQUIPMENT AND MATERIALS ACCORDING TO THE MANUFACTURER'S VENDOR'S SPECIFICATIONS UNLESS NOTED OTHERWISE OR WHERE LOCAL CODES OR ORDINANCES TAKE PRECEDENCE.

1.9. VERIFICATION OF EXISTING CONDITIONS

BEFORE STARTING ANY OPERATION, THE CONTRACTOR SHALL EXAMINE EXISTING WORK, OR WORK PERFORMED BY OTHERS, TO WHICH ITS WORK IS TO ADJOIN OR BE APPLIED, AND SHALL REPORT TO MOTOROLA PROJECT MANAGER ANY CONDITIONS THAT WILL PREVENT SATISFACTORY ACCOMPLISHMENT OF HIS WORK. PRIOR TO COMMENCING ANY EXCAVATION OR GRADING, THE CONTRACTOR SHALL SATISFY HIMSELF AS TO THE ACCURACY OF ALL SURVEY DATA AS INDICATED IN THE PLANS AND SPECIFICATIONS AND/OR AS PROVIDED BY MOTOROLA. SHOULD THE CONTRACTOR DISCOVER ANY INACCURACIES, ERRORS, OR OMISSIONS IN THE SURVEY DATA, HE SHALL IMMEDIATELY NOTIFY THE MOTOROLA REPRESENTATIVE IN ORDER THAT PROPER ADJUSTMENTS CAN BE ANTICIPATED AND ORDERED. FAILURE TO NOTIFY THE MOTOROLA REPRESENTATIVE OF DEFICIENCIES, ERRORS OR FAULTS PRIOR TO COMMENCEMENT OF WORK SHALL CONSTITUTE ACCEPTANCE THEREOF AND WAIVER OF ANY CLAIMS OF UNSUITABILITY, ERRORS, OMISSIONS OR INACCURACIES.

THE CONTRACTOR SHALL MAKE NECESSARY PROVISIONS TO PROTECT EXISTING IMPROVEMENTS, EASEMENTS, ETC. DURING CONSTRUCTION. UPON COMPLETION OF WORK, THE CONTRACTOR SHALL REPAIR ANY DAMAGE THAT MAY HAVE OCCURRED DUE TO CONSTRUCTION ON OR ABOUT THE PROPERTY. THE CONTRACTOR SHALL ALSO BE RESPONSIBLE FOR PRESERVING ALL ESTABLISHED SURVEY CONTROL POINTS. IF THE CONTRACTOR OR ANY OF HIS SUB-CONTRACTORS MOVE OR DESTROY ANY SURVEY CONTROL POINTS, THE COST INCURRED BY THE LAND OWNER OR MOTOROLA TO RE-ESTABLISH THEM WILL BE BORNE BY THE CONTRACTOR.

1.10. PERMITS

THE CONTRACTOR SHALL GIVE ALL NOTICES AND COMPLY WITH ALL LAWS, ORDINANCES, RULES, REGULATIONS AND LAWFUL ORDERS OF ANY PUBLIC AUTHORITY, MUNICIPAL AND UTILITY COMPANY SPECIFICATIONS, AND LOCAL AND STATE JURISDICTIONAL CODES BEARING ON THE PERFORMANCE OF THE WORK. THE CONTRACTOR SHALL BE RESPONSIBLE FOR OBTAINING ALL PERMITS AND INSPECTIONS WHICH MAY BE REQUIRED FOR THE WORK BY THE STATE, COUNTY OR LOCAL GOVERNMENT AUTHORITY. THE WORK PERFORMED ON THE PROJECT AND THE MATERIALS INSTALLED SHALL BE IN STRICT ACCORDANCE WITH ALL APPLICABLE CODES, REGULATIONS, AND ORDINANCES. THE CONTRACTOR SHALL MEET ALL OF THE REGULATORY REQUIREMENTS OF THE JURISDICTION GOVERNING CONSTRUCTION.

1.11. SITE INSPECTION

THE CONTRACTOR SHALL HAVE THE RESPONSIBILITY FOR ARRANGING WITH MOTOROLA FOR AN INSPECTION PRIOR TO COVERING UP ALL WORK THAT WILL BE COVERED IN FINISHED CONDITION. IT IS THE SITE GENERAL CONTRACTOR'S RESPONSIBILITY TO MANAGE THE SEQUENCE OF WORK AND REQUEST THE INSPECTIONS IN A TIMELY MANNER. THE SITE GENERAL CONTRACTOR SHALL NOT REQUEST AN INSPECTION UNLESS ALL OF THE RELATED WORK HAS BEEN COMPLETED. WORK SHALL NOT PROCEED TO THE NEXT STEP UNTIL THE PREVIOUS STEP HAS BEEN INSPECTED AND APPROVED BY THE LOCAL INSPECTORS AND THE MOTOROLA REPRESENTATIVE. THE PRESENCE OF THE OWNER OR MOTOROLA REPRESENTATIVE ON THE JOB SITE IN NO WAY RELIEVES THE SITE GENERAL CONTRACTOR OF THE ASSOCIATED RESPONSIBILITIES OF THE JOB. ANY WORK WHICH DOES NOT MEET THE REQUIREMENTS OF THE CONTRACT DOCUMENTS WILL BE CORRECTED OR REMOVED SOLELY AT THE SITE GENERAL CONTRACTOR'S EXPENSE.

THE FOLLOWING INFORMATION IS INCLUDED AS A GUIDE TO THE CONTRACTOR TO ASSIST IN DETERMINING THE TYPE AND FREQUENCY OF INSPECTIONS. THE LISTED INSPECTIONS REPRESENT THOSE REQUIRED FOR SMALL OR SIMPLE PROJECTS. LARGE OR COMPLEX PROJECTS MAY REQUIRE ADDITIONAL INSPECTIONS DEPENDING ON THE SEQUENCE OF WORK.

- * FOUNDATION EXCAVATIONS AND REBAR: TO BE MADE AFTER TRENCHES ARE EXCAVATED AND FORMS ERRECTED, REINFORCEMENT PLACED, COMPACTION TESTED, SOIL TREATED, VAPOR BARRIER PLACED, AND ESSENTIALLY READY FOR CONCRETE PLACEMENT.
- * GROUNDING: TO BE MADE AFTER THE BELOW GROUND CADWELDED CONNECTIONS HAVE BEEN COMPLETED, PRIOR TO COVERING UP THE TRENCHES.
- * ELECTRICAL WORK WITHIN WALLS: TO BE MADE AFTER THE ROOF, FRAMING, FIRE BLOCKING AND BRACING IS IN PLACE PRIOR TO THE INSTALLATION OF INSULATION OR

WALL/CEILING MEMBRANES.

AS A GENERAL RULE, THE CONTRACTOR SHALL PROVIDE ADVANCE NOTICE TO MOTOROLA FOR INSPECTION OF ALL WORK PRIOR TO CONCEALMENT. THE CONTRACTOR HAS RESPONSIBILITIES RELATIVE TO ALL TYPES OF INSPECTIONS AND IS RESPONSIBLE FOR CONTACTING ALL OF THE INSPECTING ENTITIES TO DETERMINE HIS RESPONSIBILITIES. ALL OF THESE INSPECTING ENTITIES HAVE UNIQUE AND SEPARATE RESPONSIBILITIES. ONE INSPECTION FROM AN ENTITY WILL NOT SUBSTITUTE FOR AN INSPECTION FROM ANOTHER ENTITY.

1.12. SAFETY

THE CONTRACTOR, HIS EMPLOYEES, ANY SUB-CONTRACTORS, VENDORS, THEIR RESPECTIVE EMPLOYEES AND CONTRACTOR'S VISITORS SHALL COMPLY WITH ALL SAFETY STANDARDS, ACCIDENT PREVENTION REGULATIONS AND ENVIRONMENTAL REGULATIONS PROMULGATED BY FEDERAL, STATE OR LOCAL AUTHORITIES HAVING JURISDICTION AND SHALL AT ALL TIMES CONDUCT ALL OPERATIONS UNDER THE CONTRACT IN A MANNER TO AVOID THE RISK OF BODILY HARM TO ANY PERSONS AND THE RISK OF DAMAGE TO ANY PROPERTY, EQUIPMENT OR MATERIAL. SUCH PARTIES SHALL ALSO COMPLY WITH ANY SAFETY PROGRAMS AND/OR RULES PROMULGATED BY OWNER AND/OR MOTOROLA.

1.13. ELECTRO MAGNETIC EMISSIONS

THE CONTRACTOR SHALL ACKNOWLEDGE ALL OR PORTIONS OF THE WORK MAY INVOLVE POSSIBLE EXPOSURE OF CONTRACTOR, SUB-CONTRACTORS, AND THEIR RESPECTIVE EMPLOYEES, AGENTS, INVEITEES, LICENSEES AND OTHER VISITORS TO THE JOBSITE AND/OR MOTOROLA PREMISES TO ELECTRO-MAGNETIC ENERGY ("EME") WHILE PERFORMING WORK UNDER THIS CONTRACT, ESPECIALLY IF WORK IS PERFORMED ON EXISTING ANTENNA TOWERS WHERE ANTENNAS ARE LOCATED. THE CONTRACTOR REPRESENTS THAT CONTRACTOR, SUBCONTRACTORS, AND ALL OF THEIR RESPECTIVE EMPLOYEES, AGENTS, INVEITEES, LICENSEES, AND OTHER AUTHORIZED REPRESENTATIVES WHO ARE PERFORMING SERVICES UNDER THIS AGREEMENT WILL COMPLY WITH ALL ANSI AND ANY OTHER APPLICABLE EME STANDARDS, RULES OR REGULATIONS, INCLUDING, BUT NOT LIMITED TO THOSE RULES OR REGULATIONS IMPOSED OR SUGGESTED BY MOTOROLA, IF ANY.

THE CONTRACTOR SHALL ADHERE TO ALL OSHA RULES, REGULATIONS AND ADOPTED POLICIES. ALL CONTRACTOR PERSONNEL SHALL HAVE UNDERGONE ELECTROMAGNETIC ENERGY (EME) TRAINING FOR PERSONNEL WORKING IN THE VICINITY OF ACTIVE ANTENNAS. AS SUCH IT IS RECOMMENDED THAT RF MONITORS BE USED BY THE TOWER PERSONNEL TO MONITOR EXPOSURE LEVELS. IF EME LEVELS AT THE SITE EXCEED THE MAXIMUM PERMISSIBLE EXPOSURE LIMITS, THE CONTRACTOR SHALL COORDINATE WITH THE INDIVIDUALS RESPONSIBLE FOR USE OF THE TRANSMITTER TO MAKE SURE THAT THE EQUIPMENT IS DEACTIVATED BEFORE WORK CAN BE RESUMED, WITHOUT CAUSING A SERIOUS DISRUPTION OF THE SERVICE.

1.14. SITE CLEANUP

THE CONTRACTOR SHALL KEEP THE GENERAL WORK AREA CLEAN AND HAZARD FREE AT ALL TIMES DURING CONSTRUCTION AND DISPOSE OF ALL DIRT, DEBRIS, VEGETATION, AND RUBBISH, AND REMOVE EQUIPMENT NOT SPECIFIED AS REMAINING ON THE PROPERTY. WHENEVER THE WORK-SITE IS LEFT UNATTENDED, THE CONTRACTOR SHALL BLOCK THE OPENING WITH WARNING TAPE TO DISCOURAGE TRESPASSING. THE PREMISES SHALL BE LEFT IN CLEAN CONDITION AND FREE FROM PAINT SPOTS, DUST, OR SMUDGES OF ANY NATURE AT THE CONCLUSION OF SITE WORK.

THE CONTRACTOR SHALL BE RESPONSIBLE FOR LANDSCAPE GRADING AND SEEDING OF THE DISTURBED SOIL. THE CONTRACTOR SHALL USE LOCAL GRASS SEED TO STABILIZE SOIL AND SHALL COVER DISTURBED AREAS WITH HAY MULCH TO REDUCE RUNOFF OF SEDIMENT TO DOWNSTREAM AREAS. THE CONTRACTOR SHALL RESTORE THE SITE TO ITS ORIGINAL CONDITION. ALL SLOPES AND DISTURBED AREAS NOT RECEIVING AGGREGATE SURFACING ARE TO BE PREPARED AND BROADCAST SEEDED AND FERTILIZED FOR EROSION PROTECTION. SEEDING FOR AREAS DISTURBED SHALL BE ESTABLISHED SEASONALLY AS REQUIRED BY LOCAL CODES.

THE CONTRACTOR SHALL EXERCISE ALL CARE TO AVOID DAMAGE OR INTERRUPTION OF EXISTING UNDERGROUND OR OVERHEAD ELECTRIC SERVICES, UNDERGROUND GROUNDING AND FUEL LINES, EQUIPMENT AND BUILDINGS ON THE SITE, PLUS OFF SITE SERVICES, BURIED OR OVERHEAD, SURROUNDING THE EXISTING OR EXPANDED COMPOUND. ANY PROPERTY DAMAGE CAUSED BY THE CONTRACTOR OR HIS OPERATIONS SHALL BE CORRECTED AND/OR RESTORED TO THE SATISFACTION OF THE PROPERTY OWNER(S) AND MOTOROLA AT NO ADDITIONAL COST TO THE PROPERTY OWNER OR MOTOROLA.

BURNING WILL NOT BE PERMITTED.

1.15. FACILITY STARTUP & COMMISSIONING

THE CONTRACTOR AND/OR SUB-CONTRACTORS SHALL DEMONSTRATE TO MOTOROLA THAT ALL SYSTEMS AND SUB-SYSTEMS INSTALLED UNDER THIS CONTRACT, OPERATE PROPERLY PRIOR TO THE FINAL ACCEPTANCE INSPECTION AND PROVIDE THE OPERATIONS AND MAINTENANCE MANUALS AT THIS TIME.

1.16. SHOP DRAWINGS/AS-BUILT DRAWINGS

THE MODIFICATIONS TO THE DRAWINGS AFTER CONSTRUCTION START SHALL RECEIVE ENGINEERING AND MOTOROLA APPROVAL PRIOR TO ANY CHANGES BEING MADE. THE ENGINEER OF RECORD SHALL MAKE THE REQUIRED CHANGE AND WILL SUBMIT CHANGES TO MOTOROLA AND ANY JURISDICTION HAVING AUTHORITY.

THE CONTRACTOR SHALL KEEP UP-TO-DATE MARKED-UP PRINTS OF THE PROJECT DRAWINGS. UPON COMPLETION OF WORK AT THE SITE, THE CONTRACTOR SHALL REVIEW THE COMPLETED AS-BUILT DRAWINGS, AND ASCERTAIN THAT ALL DATA FURNISHED ON THE DRAWINGS IS ACCURATE AND TRULY REPRESENTS THE WORK AS ACTUALLY INSTALLED. MARKINGS INDICATING CHANGES TO THE DRAWINGS SHALL BE RED OR GREEN AND CLEARLY VISIBLE. TWO (2) SETS OF "AS-BUILT" DRAWINGS SHALL BE FURNISHED TO THE MOTOROLA REPRESENTATIVE WITHIN 5 DAYS OF THE COMPLETION OF THE PROJECT. THESE DRAWINGS SHALL ALSO SHOW THE FOLLOWING:

- * MODIFICATIONS TO SITE LAYOUT.
- * GROUNDING SYSTEM LAYOUT.
- * UNDERGROUND FUEL LINE RUN.
- * UNDERGROUND TELCO CABLE RUN.
- * UNDERGROUND ELECTRICAL RUN.

WHERE THE CONTRACTOR IS RESPONSIBLE FOR SUPPLYING THE SITE EQUIPMENT (SHELTER, ISOLATION TRANSFORMER, GENERATOR, ETC.) THAT REQUIRES PERIODIC MAINTENANCE, THE CONTRACTOR SHALL INCLUDE ALL OPERATION AND MAINTENANCE MANUALS AND ALL AS-BUILT DRAWINGS WHICH FULLY DESCRIBE THE ACTUAL INSTALLED EQUIPMENT.

1.17. TEST PROCEDURES AND RESULTS

CONTRACTOR WILL CONTRACT WITH A THIRD PARTY "INDEPENDENT" TESTING FIRM TO PERFORM & SUBMIT THE RESULTS OF ALL TESTS REQUIRED BY THE PROJECT SPECIFICATIONS AND DRAWINGS THAT FALL WITHIN THE SCOPE OF WORK. THESE RESULTS SHALL BE SUBMITTED TO THE DESIGNATED MOTOROLA REPRESENTATIVE. IN GENERAL, THE "INDEPENDENT" TESTING FIRM SHALL SUBMIT THE FOLLOWING TEST RESULTS:

- * MIX DESIGN/CONCRETE COMPRESSION TEST FOR ALL CONCRETE WORK.
- * TIME DOMAIN REFLECTOMETER (TDR) WITH PRECISION LOAD / SWEEP TEST FOR ANTENNA AND TRANSMISSION LINE INSTALLATION WORK.
- * FUEL LINE LEAKAGE TEST FOR FUEL TANK AND PIPING INSTALLATION WORK.
- * SLUMP TEST FOR CONCRETE WORK.

- * GROUNDING RESISTANCE TEST FOR GROUNDING WORK.
- * STRUCTURAL STEEL FABRICATION DRAWINGS.
- * ANY OTHER TEST THAT MAY BE REQUIRED.

1.18. CONTRACT CLOSEOUT - IN ACCORDANCE WITH MOTOROLA'S SUBCONTRACT AGREEMENT TERMS AND CONDITIONS

THE MOTOROLA REPRESENTATIVE WILL PROVIDE A CERTIFICATE OF COMPLETION AND APPROVE FINAL PAYMENT WHEN ALL PUNCH-LIST ITEMS HAVE BEEN CORRECTED, RECORD DRAWINGS SUBMITTED, AND ALL SYSTEMS ARE ACCEPTABLE. THE CONTRACTOR MUST ALSO RECEIVE A CERTIFICATE OF COMPLETION FROM THE MUNICIPALITY. AFTER FINAL PAYMENT, CONTRACTOR WILL SIGN A RELEASE OF LIEN.

1.19. WARRANTY

ALL WORK PERFORMED BY THE CONTRACTOR IN COMPLETING THE SCOPE IDENTIFIED ON THE DRAWINGS SHALL BE GUARANTEED BY THE CONTRACTOR FOR A PERIOD OF ONE YEAR FROM THE DATE OF FINAL COMPLETION OF THE PROJECT. THIS GUARANTEE SHALL COVER ALL MATERIALS, EQUIPMENT OR WORKMANSHIP WHICH IN THE OPINION OF MOTOROLA IS RENDERED DEFECTIVE OR INFERIOR OR NOT IN ACCORDANCE WITH THE TERMS OF THE CONTRACT DURING THE GUARANTEE PERIOD. IF, WITHIN THE GUARANTEE PERIOD, REPAIRS OR CHANGES ARE REQUIRED TO CORRECT THE GUARANTEED WORK, THEN UPON RECEIPT OF NOTICE, THE CONTRACTOR SHALL PROMPTLY AND WITHOUT EXPENSE TO MOTOROLA OR THE OWNER, PROCEED TO:

- * PLACE IN SATISFACTORY CONDITION ALL OF SUCH GUARANTEED WORK AND CORRECT ALL DEFECTS THEREIN.
- * MAKE GOOD ALL DAMAGES TO THE STRUCTURE OR SITE OR EQUIPMENT OR CONTENTS THEREOF, WHICH, IN THE OPINION OF THE MOTOROLA, IS THE RESULT OF THE USE OF MATERIALS, EQUIPMENT, OR WORKMANSHIP WHICH ARE INFERIOR, DEFECTIVE, OR NOT IN ACCORDANCE WITH THE TERMS OF THE CONTRACT;
- * MAKE GOOD ANY WORK, MATERIALS OR EQUIPMENT, AND ADJACENT STRUCTURES DISTURBED IN FULFILLING THE GUARANTEE.

1.20. RELATED DOCUMENTS

CONTRACTOR SHALL BECOME FAMILIAR WITH THE INFORMATION AND REQUIREMENTS CONTAINED IN THE FOLLOWING DOCUMENTS RELATED TO THE PROJECT:

- A. TOWER AND TOWER FOUNDATION DRAWINGS BY THE MANUFACTURER.
- B. R-56 STANDARDS AND GUIDELINES FOR COMMUNICATIONS SITES BY MOTOROLA.
- C. ALL OTHER PERTINENT DOCUMENTS.

SYMBOLS & ABBREVIATIONS	
— G —	GROUND WIRE
—	ELECTRIC
— T —	TELCO SERVICE
— OH —	OVER HEAD UTILITY
— X —	FENCE
(E)	EXISTING
(P)	PROPOSED
A.F.F.	ABOVE FINISHED FLOOR
AGB	ANTENNA GROUND BAR
A.G.L.	ABOVE GROUND LEVEL
A.M.S.L.	ABOVE MEAN SEA LEVEL
A.T.S.	AUTOMATIC TRANSFER SWITCH
CB	CIRCUIT BREAKER
EGB	EQUIPMENT GROUND BAR
EQ.	EQUAL
GALV.	GALVANIZED
IPGB	INTERIOR PERIMETER GROUND BUSS
JB	JUNCTION BOX
LTFCM	LIQUID TIGHT FLEXIBLE METAL CONDUIT
MAX.	MAXIMUM
MIN.	MINIMUM
MGB	MASTER GROUND BAR
MW	MICROWAVE
N.T.S.	NOT TO SCALE
O.C.	ON CENTER
SCH.	SCHEDULE
SP	SINGLE POLE
SS	STAINLESS STEEL
SSGB	SECONDARY SHELTER GROUND BAR
TGB	TOWER GROUND BAR
TVSS	TRANSIENT VOLTAGE SURGE SUPPRESSOR
TYP.	TYPICAL
U/G	UNDERGROUND
U/P	UTILITY POLE
V.I.F.	VERIFY IN FIELD
	DETAIL REFERENCE
	DETAIL SECTION REFERENCE
	SURFACE ELEVATION
	SECTION REFERENCE
	ELEVATION REFERENCE

PROJECT:
WESTCHESTER COUNTY
SIGC PROJECT
PUBLIC SAFETY
COMMUNICATIONS SYSTEM

PREPARED BY:
EBI ENGINEERING PC
5 Corporate Drive | Central Valley, NY 10917
Tel: (845) 827-6393 | Fax: (845) 827-6396
www.ebiconsulting.com

PREPARED FOR:
 MOTOROLA SOLUTIONS

PROJECT COORDINATION & MANAGEMENT:

Pyramid Network Services, LLC
6519 TOWPATH ROAD
EAST SYRACUSE, NY 13057
OFFICE: (315) 701-1302



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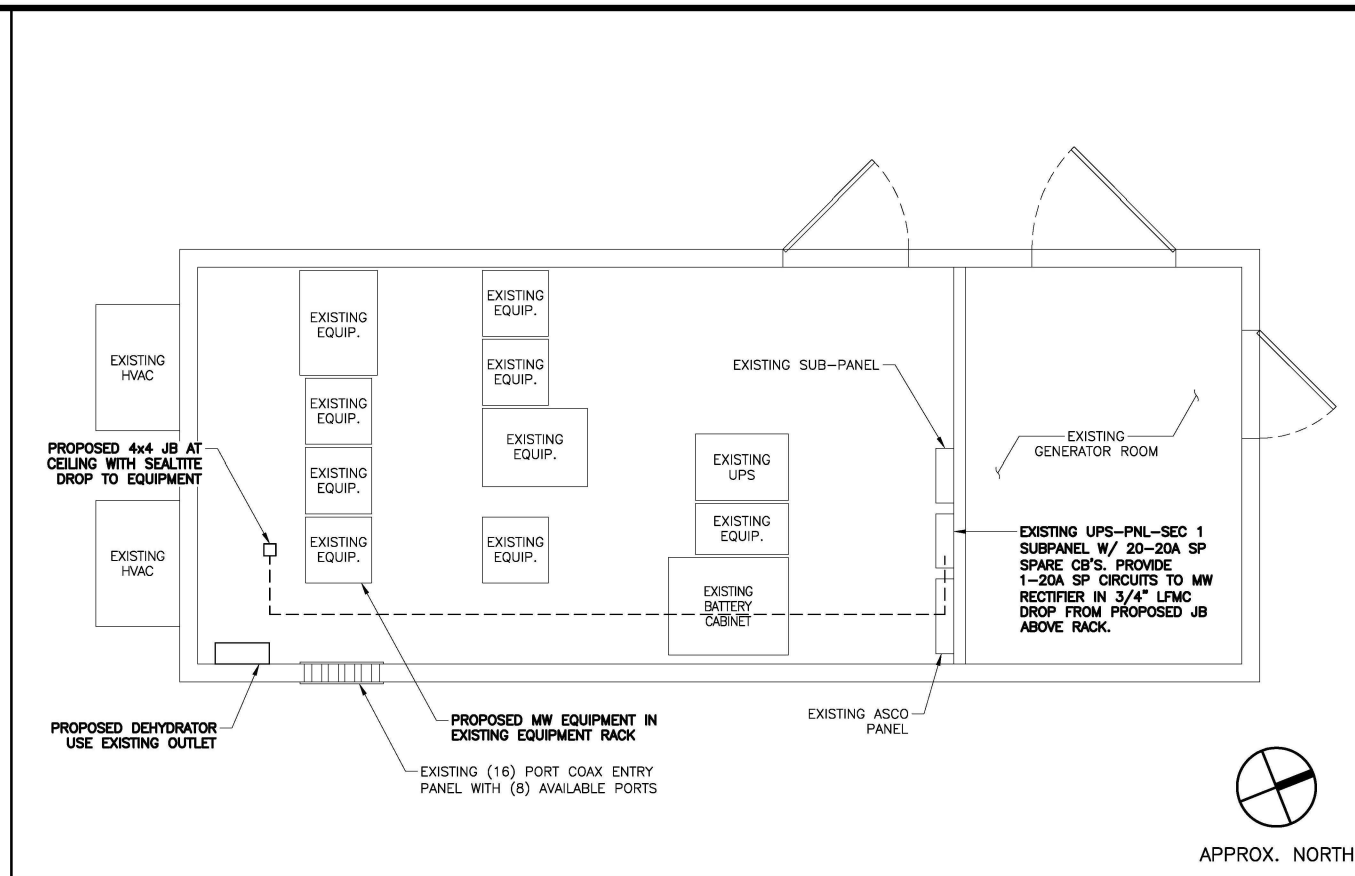
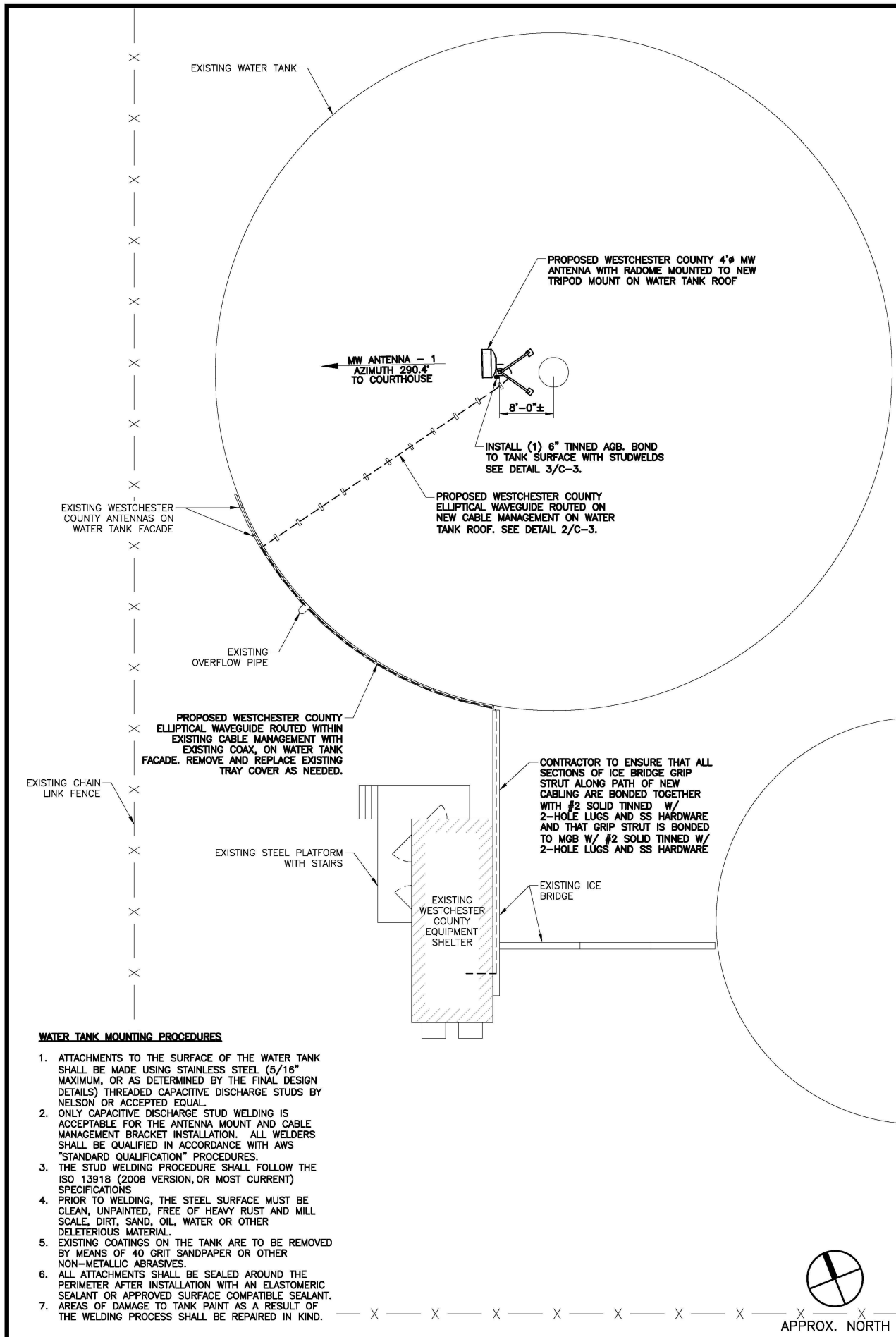
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4	06/24/15	PER COMMENTS	SM

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8115000455

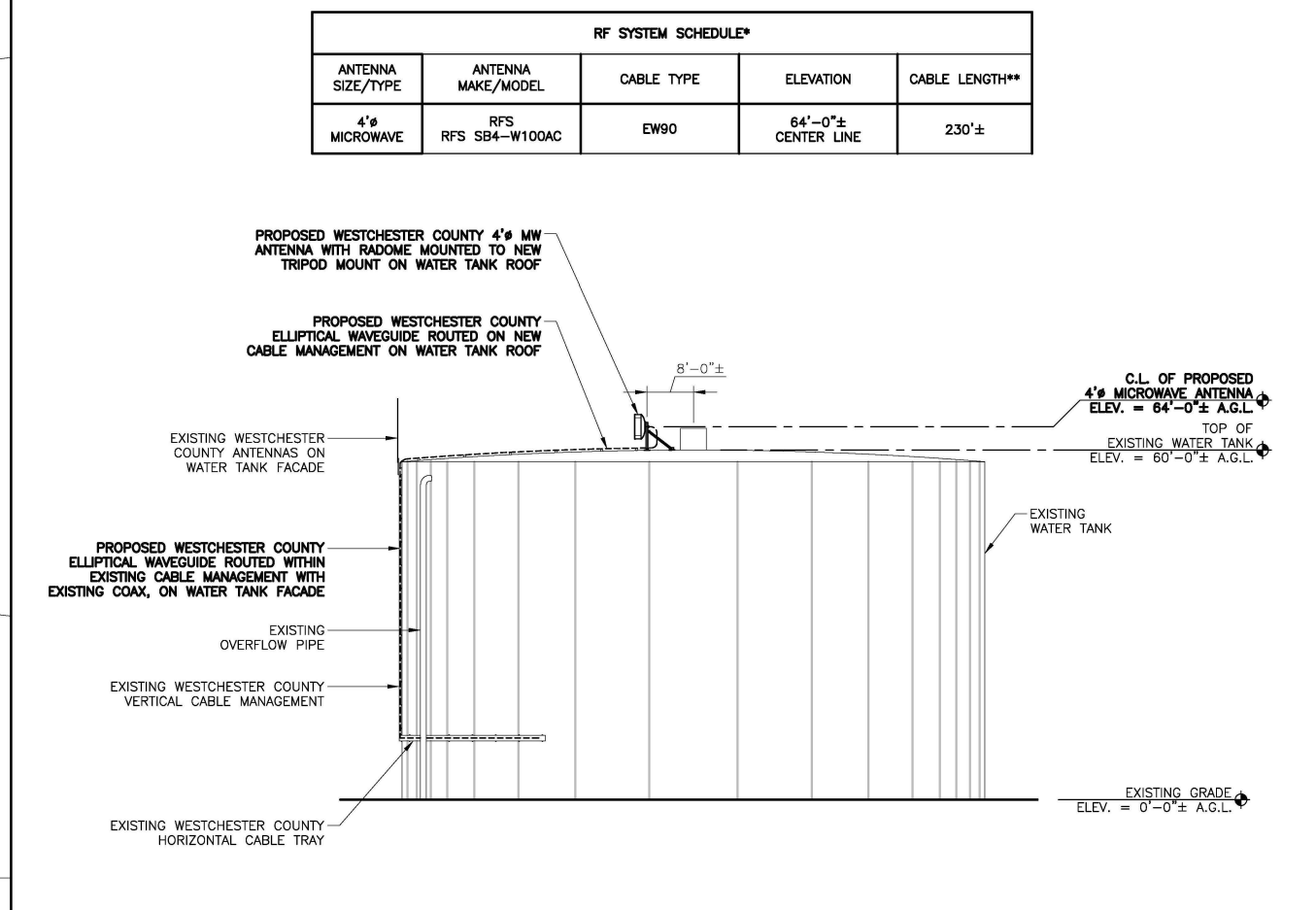
SITE INFO:
SUMMIT AVE (PORT CHESTER)
22 SUMMIT AVENUE
PORT CHESTER, NY 10573

SHEET TITLE:
GENERAL NOTES

DRAWN BY: JM
CHECKED BY: DP
DATE: 05/04/15
SHEET NO: **C-1**



2 EQUIPMENT SHELTER PLAN 11x17 SCALE: 3/16" = 1'-0"
22x34 SCALE: 3/8" = 1'-0"



3 ELEVATION 11x17 SCALE: 1/32" = 1'-0"
22x34 SCALE: 1/16" = 1'-0"

1 PARTIAL COMPOUND PLAN 11x17 SCALE: 1" = 20'
22x34 SCALE: 1" = 10'

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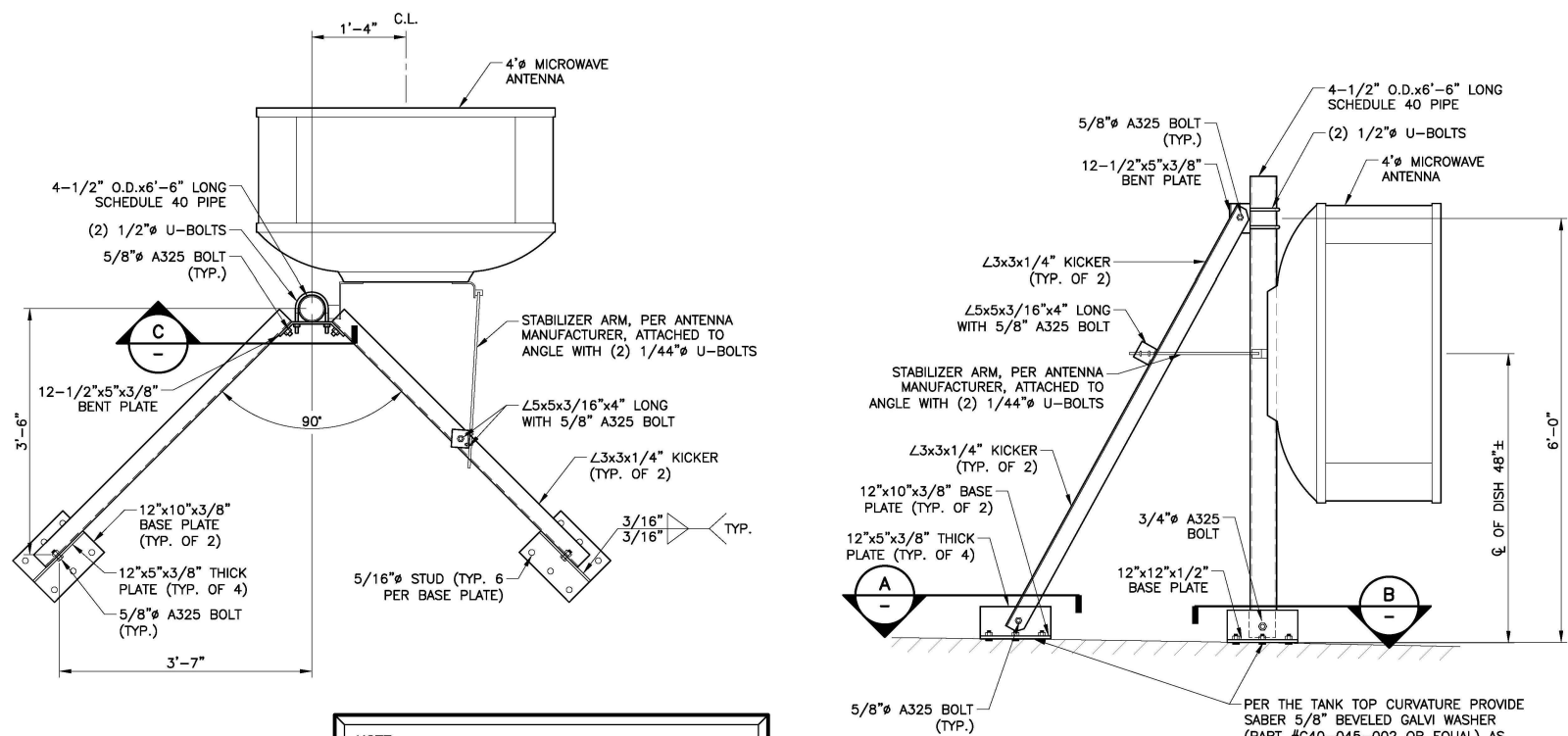
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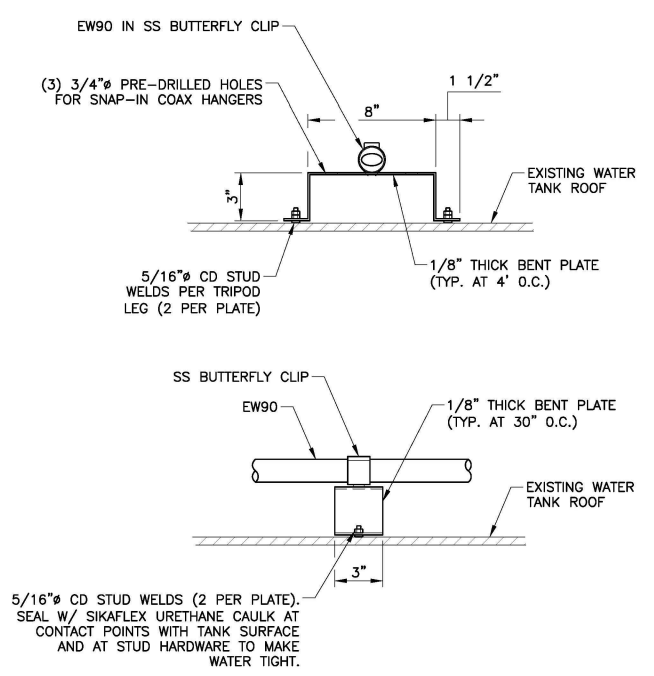
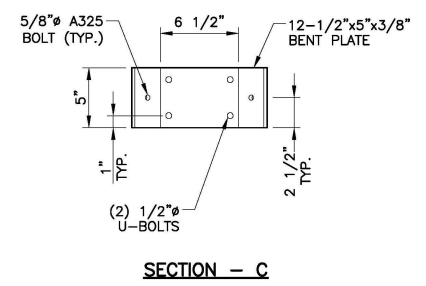
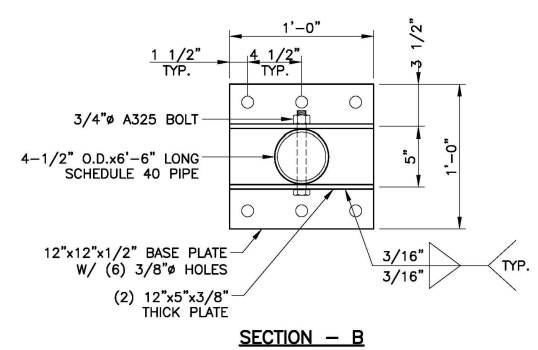
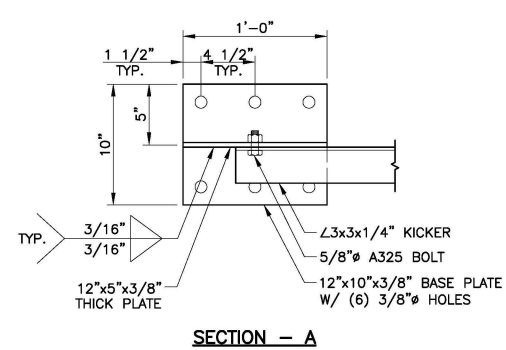
SHEET TITLE:
COMPOUND PLAN, EQUIPMENT PLAN & ELEVATION

DRAWN BY: JM
CHECKED BY: DP
DATE: 05/04/15

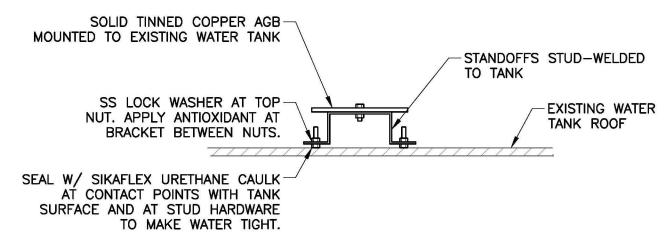
SHEET NO:
C-2



NOTE:
SEAL PLATES AS REQUIRED AT CONTACT POINTS WITH TANK SURFACE AND AT STUD HARDWARE WITH SIKAFLEX URETHANE CAULK TO MAKE WATER TIGHT.



2 CABLE MANAGEMENT DETAIL SCALE: N.T.S.



3 ANTENNA GROUND BAR ATTACHMENT DETAIL SCALE: N.T.S.

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PORT CHESTER, NY 10573

SHEET TITLE:
CONSTRUCTION DETAILS

DRAWN BY: JM
CHECKED BY: DP
DATE: 05/04/15
SHEET NO:
C-3

1 MW ANTENNA MOUNT DETAIL

SCALE: N.T.S.

SPECIFICATIONS FOR STUD WELDING TO EXISTING WATER TANKS:


1. WELDING STUDS SHALL BE FLANGED THREADED LOW CARBON COPPER COATED STEEL STUDS, TFC TYPE AS MANUFACTURED BY NELSON, OR EQUAL. ALL STUDS SHALL BE 1/4" DIAMETER X 2" LONG, UNLESS OTHERWISE NOTED ON THE CONSTRUCTION DRAWINGS. IN ORDER TO PROTECT THE INNER LINING OF THE TANK, NO OTHER WELDING TO THE TANK SHELL WILL BE PERMITTED.
2. STUDS MUST BE WELDED BY THE CAPACITOR DISCHARGE METHOD, NELSON NCD 100 SYSTEM, AS MANUFACTURED AND MARKED BY NELSON STUD WELDING DIVISION, ELYRIA, OHIO (800) 635-9353 OR APPROVED EQUAL. FILLET WELDS ARE NOT ACCEPTABLE.
3. CONTRACTOR SHALL RECEIVE IN WRITING THE OWNERS REQUIREMENTS FOR TANK INSPECTIONS PRIOR TO COMMENCING WITH THE WORK ON THE TANK. UPON THE COMPLETION OF CONSTRUCTION, THE CONTRACTOR IS RESPONSIBLE FOR OBTAINING A WRITTEN RELEASE FROM THE OWNER STATING THAT ALL WORK DONE WAS PERFORMED IN ACCORDANCE WITH THE CONSTRUCTION DOCUMENTS AND THE OWNERS WRITTEN REQUIREMENTS AND RELEASES ALL LIABILITY TO THE CONTRACTOR, THE ENGINEER, AND THE STUD MANUFACTURER.
4. CONTRACTOR SHALL COMPLY WITH AWS D1.1 AND AWS C5.4 FOR PROCEDURES, APPEARANCE AND QUALITY OF WELDS, AND FOR METHODS USED IN CORRECTING WELDING. ALL WELDERS AND WELDING PROCESSES SHALL BE QUALIFIED IN ACCORDANCE WITH AWS "STANDARD QUALIFICATION PROCEDURES." CONTRACTOR SHALL ADHERE TO AWS RECOMMENDED "SAFE PRACTICES FOR WELDING."
5. WELDING PARAMETERS, MACHINE POWER AND DWELL TIME SHALL BE QUALIFIED FOR THE WELDING POSITION, MATERIAL THICKNESS AND STUD SIZE TO BE USED. IF CHANGES IN THE SET-UP OCCUR AS DEFINED IN AWS D1.1, THE PROCEDURE MUST BE REQUALIFIED.
6. CLEANING PROCEDURES SHALL BE VERIFIED AS MEETING THE MINIMUM REQUIREMENTS PER THE AWS WELDING HANDBOOK, VOLUME 2, "QUALITY CONTROL AND INSPECTION" FOR STUD WELDING. IF THE EXISTING COATING SYSTEM CONTAINS LEAD OR OTHER POTENTIALLY HAZARDOUS MATERIALS, SPECIAL PROCEDURES FOR REMOVAL AND DISPOSAL WILL BE REQUIRED.
7. PREPARE SURFACE TO BE WELDED BY SPOT REMOVING PAINT TO BARE METAL USING POWER BRUSHING IN ACCORDANCE WITH SSPC-SP11, (STEEL STRUCTURES PAINTING COUNCIL, SSPC-VIS 1-671). USE A 3M STRIP-N-CLEAN FLEXIBLE WHEEL, ROTARY BURR, END MILL OR APPROVED EQUAL. A WIRE WHEEL OR GRINDER WILL LOAD LOOSE MATERIAL BACK INTO THE SURFACE AND ARE NOT ACCEPTABLE.
8. FOLLOW POWER TOOL CLEANING WITH A NON-FLAMMABLE SOLVENT CLEANING TO REMOVE ANY OILS, CONTAMINANTS, RUST OR DIRT PRIOR TO STUD WELDING. CONFORM TO SSPC-SP1 BY STEEL STRUCTURES PAINTING COUNCIL, SSPC-VIS 1-671 PRIOR TO STUD QUALIFICATION TESTING AND SAMPLING.
9. THE QUALIFICATION OF STUD APPLICATION AND PRE-PRODUCTION TESTING SHALL BE IN ACCORDANCE WITH THE REQUIREMENTS OF CHAPTER 7 "STUD WELDING" OF AWS D1.1. INITIAL QUALIFICATION TESTING SHALL BE PERFORMED UNDER INSPECTION BY THE OWNER'S REPRESENTATIVE.
10. BEFORE PRODUCTION, AT THE START OF EVERY SHIFT AND FOR EACH PARTICULAR SETUP, TESTING SHALL BE PERFORMED ON THE FIRST TWO STUDS THAT ARE WELDED. TESTING MAY BE PERFORMED ON A MATERIAL SIMILAR TO THE PRODUCTION MEMBER IN THICKNESS AND PROPERTIES. TESTING SHALL INCLUDE A VISUAL EXAMINATION OF THE STUD WELD FOR A FULL 360-DEGREE FLASH. IN ADDITION, THE TEST SHALL INCLUDE TORQUE TESTING THE STUDS IN ACCORDANCE WITH THE FOLLOWING CRITERIA:
 - A. 5/16"-20 UNC STUDS TO BE TESTED FOR 6.0 FT-LB OF TORQUE.


IF FAILURE OCCURS, THE PROCEDURE SHALL BE CORRECTED AND TWO MORE STUDS SHALL BE WELDED AND TESTED.
11. ALL PAINTED SURFACES AFFECTED BY WELDING OPERATIONS SHALL BE REPAINTED TO MATCH ADJACENT EXISTING SURFACES. PAINTING SHALL INCLUDE COATING OF THE STUD WELDS BEFORE PLACEMENT OF CONNECTED PART AND A FINAL COAT OF EXPOSED STUD THREADS AFTER PLACEMENT OF CONNECTED PART.

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SITE INFO:
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PORT CHESTER, NY 10573

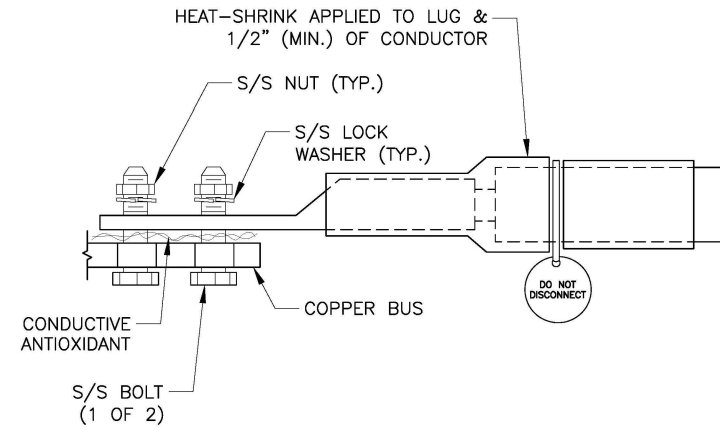
SHEET TITLE:
STUD WELDING NOTES

DRAWN BY: JM	C-4
CHECKED BY: DP	
DATE: 05/04/15	

GENERAL GROUNDING NOTES:

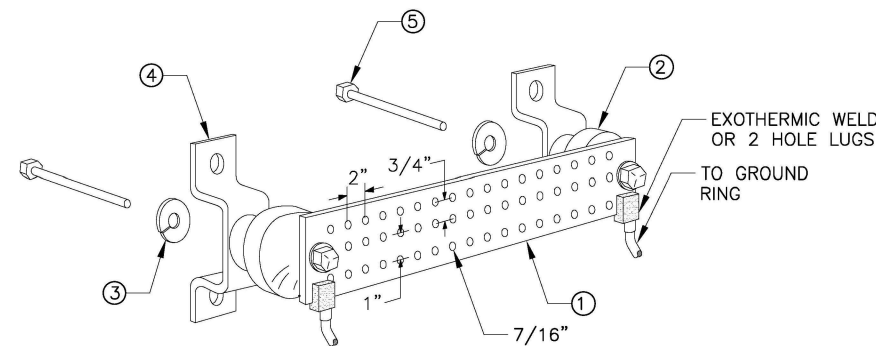
1. ALL GROUND CABLE IN CONCRETE OR THROUGH WALL SHALL BE IN 3/4" PVC CONDUIT. NO METALLIC CONDUIT SHALL BE USED FOR GROUNDING CONDUCTOR SLEEVES.
2. THE CONTRACTOR SHALL NOTIFY THE PYRAMID NETWORK SERVICES, LLC REPRESENTATIVE WHEN THE GROUND RING IS INSTALLED SO THAT THE REPRESENTATIVE CAN INSPECT GROUND RING BEFORE IT IS CONCEALED.
3. ALL EXTERIOR GROUND CONDUCTORS INCLUDING GROUND RING SHALL BE #2 AWG SOLID BARE TINNED COPPER. MAKE ALL GROUND CONNECTIONS AS SHORT AND DIRECT AS POSSIBLE. AVOID SHARP BENDS. THE RADIUS OF ANY BEND SHALL NOT BE LESS THAN 8" AND THE INCLUSIVE ANGLE OF ANY BEND SHALL NOT EXCEED 90°. GROUNDING CONDUCTORS SHALL BE ROUTED DOWNWARD TOWARD THE BURIED GROUND RING.
4. ALL BELOW GROUND EXTERNAL CONNECTIONS SHALL BE EXOTHERMICALLY WELDED. ALL EXOTHERMIC WELDS TO BURIED GROUND RING SHALL BE THE PARALLEL-TYPE, EXCEPT FOR THE GROUND RODS WHICH ARE TEE-TYPE EXOTHERMIC WELDS. REPAIR ALL GALVANIZED SURFACES THAT HAVE BEEN DAMAGED BY EXOTHERMIC WELDING. USE SPRAY GALVANIZED SUCH AS HOLUB LECTROSOL #15-501.
5. WHERE MECHANICAL CONNECTORS (TWO-HOLE OR CLAMP) ARE USED, APPLY A LIBERAL PROTECTIVE COATING OF A CONDUCTIVE ANTI-OXIDE COMPOUND ON ALL CONNECTORS. PROVIDE LOCK WASHERS ON ALL MECHANICAL CONNECTORS. USE STAINLESS STEEL HARDWARE THROUGHOUT. THOROUGHLY REMOVE ALL PAINT AND CLEAN ALL DIRT FROM SURFACES REQUIRING GROUND CONNECTORS, REPAINT TO MATCH EXISTING AFTER CONNECTION IS MADE TO MAINTAIN CORROSION RESISTANCE. ALL GROUND CONNECTIONS SHALL BE APPROVED FOR THE TYPES OF METALS BEING ATTACHED TO.
6. ALL MOUNTING HARDWARE SHALL BE STAINLESS STEEL.
7. THE GROUND CONDUCTORS SHALL BE RUN STRAIGHT FOR MINIMUM INDUCTANCE AND VOLTAGE DROP. SINCE CABLE

8. BENDS INCREASE INDUCTANCE, THE MINIMUM REQUIRED BENDING RADIUS IS 8 INCHES WHEN BENDS ARE UNAVOIDABLE.
9. PAINT, ENAMEL, LACQUER AND OTHER ELECTRICALLY NON-CONDUCTIVE COATINGS SHALL BE REMOVED FROM THREADS AND SURFACE AREAS WHERE CONNECTIONS ARE MADE TO ENSURE GOOD ELECTRICAL CONTINUITY.
10. CONNECTIONS BETWEEN DISSIMILAR METALS SHALL NOT BE MADE UNLESS THE CONDUCTORS ARE SEPARATED BY A SUITABLE MATERIAL THAT IS A PART OF THE ATTACHMENT DEVICE LISTED AND APPROVED FOR USE WITH THE SPECIFIC DISSIMILAR METALS MAY BE USED FOR THE PURPOSE.
11. ALL GROUND WIRES SHALL BE BARE #2 AWG UNLESS NOTED OTHERWISE.
12. EACH EQUIPMENT CABINET OR RACK SHALL BE CONNECTED TO THE MASTER ISOLATION GROUND BAR (MGB) WITH #2 AWG INSULATED STRANDED COPPER WIRE.
13. PROVIDE DEDICATED #2 AWG COPPER GROUND WIRE FROM EACH ANTENNA MOUNTING PIPE TO ASSOCIATED AGB.
14. ALL INTERIOR ELECTRIC AND GROUNDING CONDUITS TO BE EMT WITH COMPRESSION TYPE FITTINGS. GROUND CONDUITS TO BE BONDED TO GROUND BAR/GAR CLAMP OR CONDUCTOR WITH #6 STRANDED GREEN AT BOTH ENDS.
15. PROVIDE GROUND CONNECTIONS FOR ALL NEW METALLIC STRUCTURES, ENCLOSURES, RACEWAYS AND OTHER CONDUCTIVE ITEMS ASSOCIATED WITH THE INSTALLATION OF EQUIPMENT.



- NOTES:**
1. ALL HARDWARE 18-8 STAINLESS STEEL. COAT ALL SURFACES WITH CONDUCTIVE ANTI-OXIDANT BEFORE MATING.
 2. ALL HARDWARE TO BE 3/8" DIAMETER.

1 GROUNDING NOTES

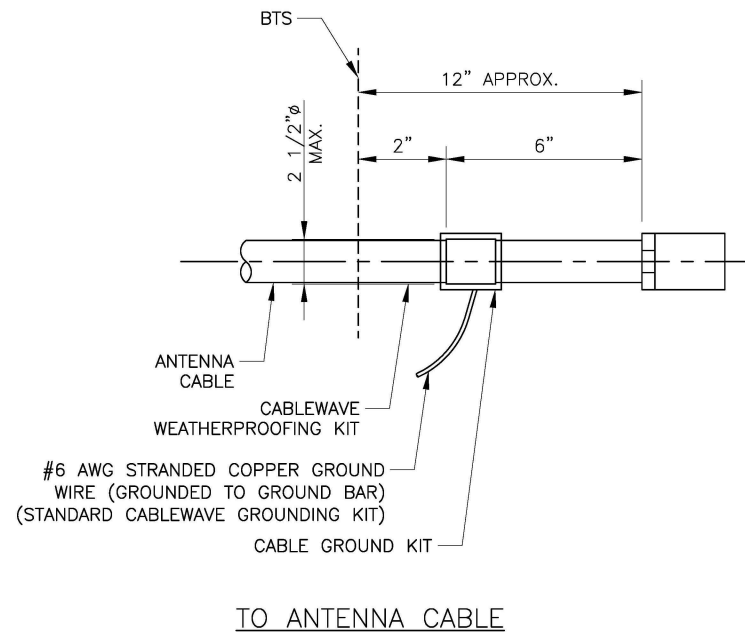


LEGEND:

1. SOLID TINNED COPPER GROUND BAR. 1/4"x4"x24" MIN. NEWTON INSTRUMENT CO. HOLE CENTERS TO MATCH NEMA DOUBLE LUG CONFIGURATION
2. INSULATORS, NEWTON INSTRUMENT PART NO. 3061-4
3. 5/8" LOCKWASHERS, NEWTON INSTRUMENT CO. PART NO. A-6056
4. WALL MOUNTING BRACKET, NEWTON INSTRUMENT CO. PART NO. A-6056
5. 5/8-11 X 1" H.H.C.S. BOLTS, NEWTON INSTRUMENT CO. PART NO. 3012-1
6. GROUND BAR SHALL BE SIZED TO ACCOMMODATE ALL GROUNDING CONNECTIONS REQUIRED PLUS PROVIDE 50% SPARE CAPACITY
7. GROUND BARS SHALL NEITHER BE FIELD FABRICATED NOR NEW HOLES DRILLED
8. GROUND LUGS SHALL MATCH THE HOLE SPACING ON THE BAR
9. HARDWARE DIAMETER SHALL BE MINIMUM 3/8"

3 GROUND BAR DETAIL

2 GROUND LUG DETAIL



- NOTES:**
- DO NOT INSTALL CABLE GROUND KIT AT A BEND & ALWAYS DIRECT GROUND WIRE DOWN TO GROUND BAR

4 CABLE GROUNDING DETAIL

5 SPACE NOT USED

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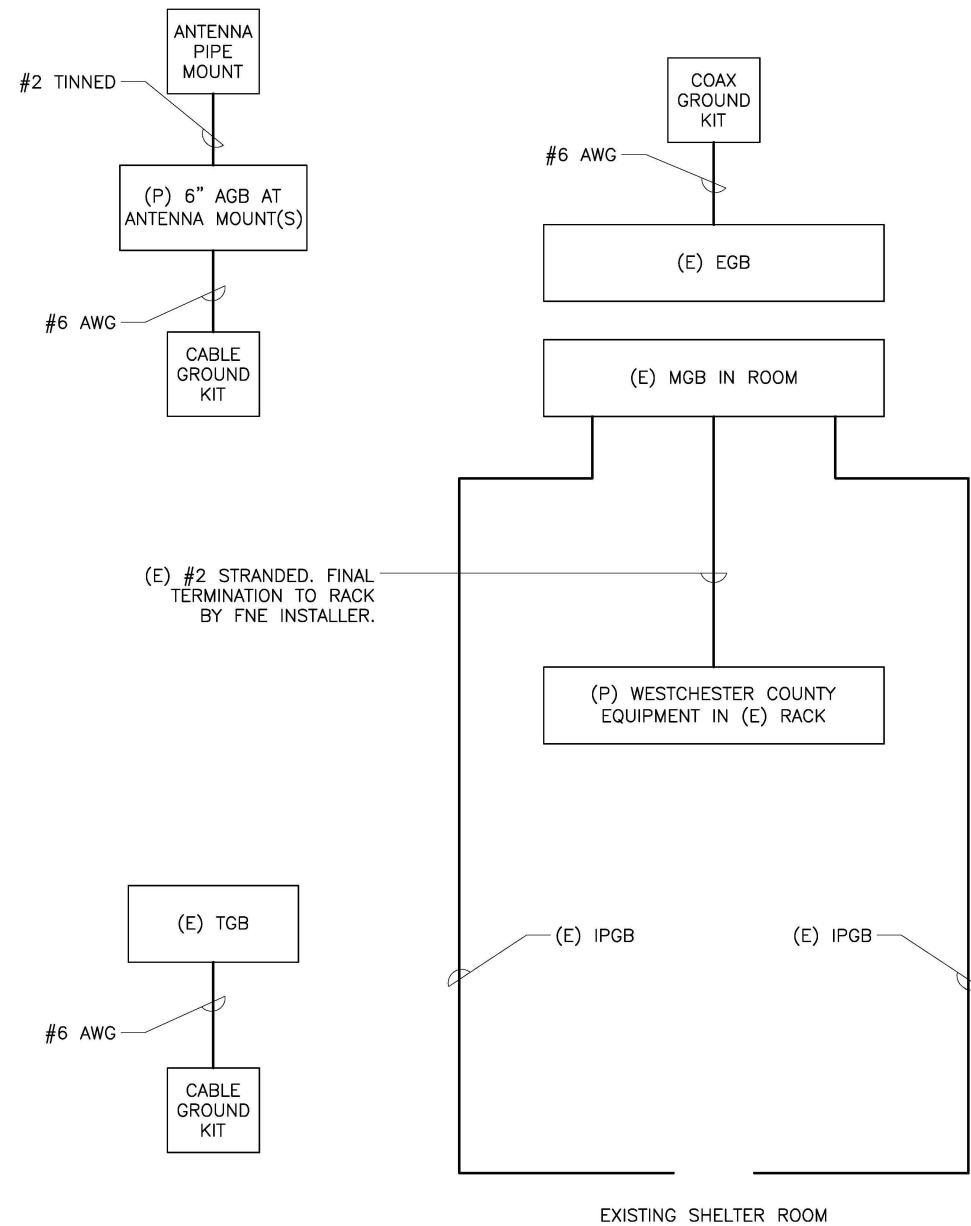
EBI JOB NO:
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SHEET TITLE:
GROUNDING NOTES AND DETAILS

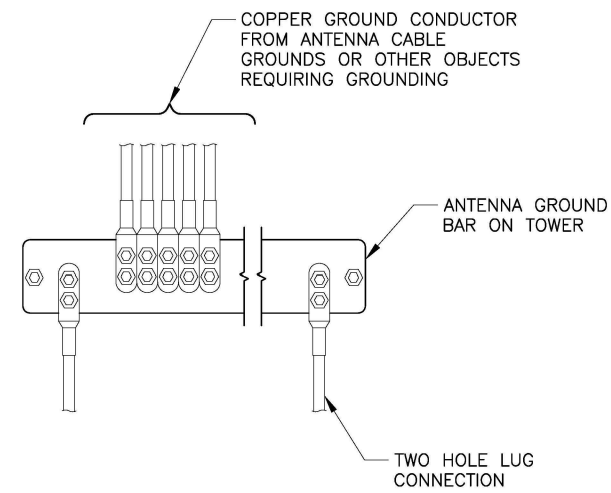
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SHEET NO:
E-1



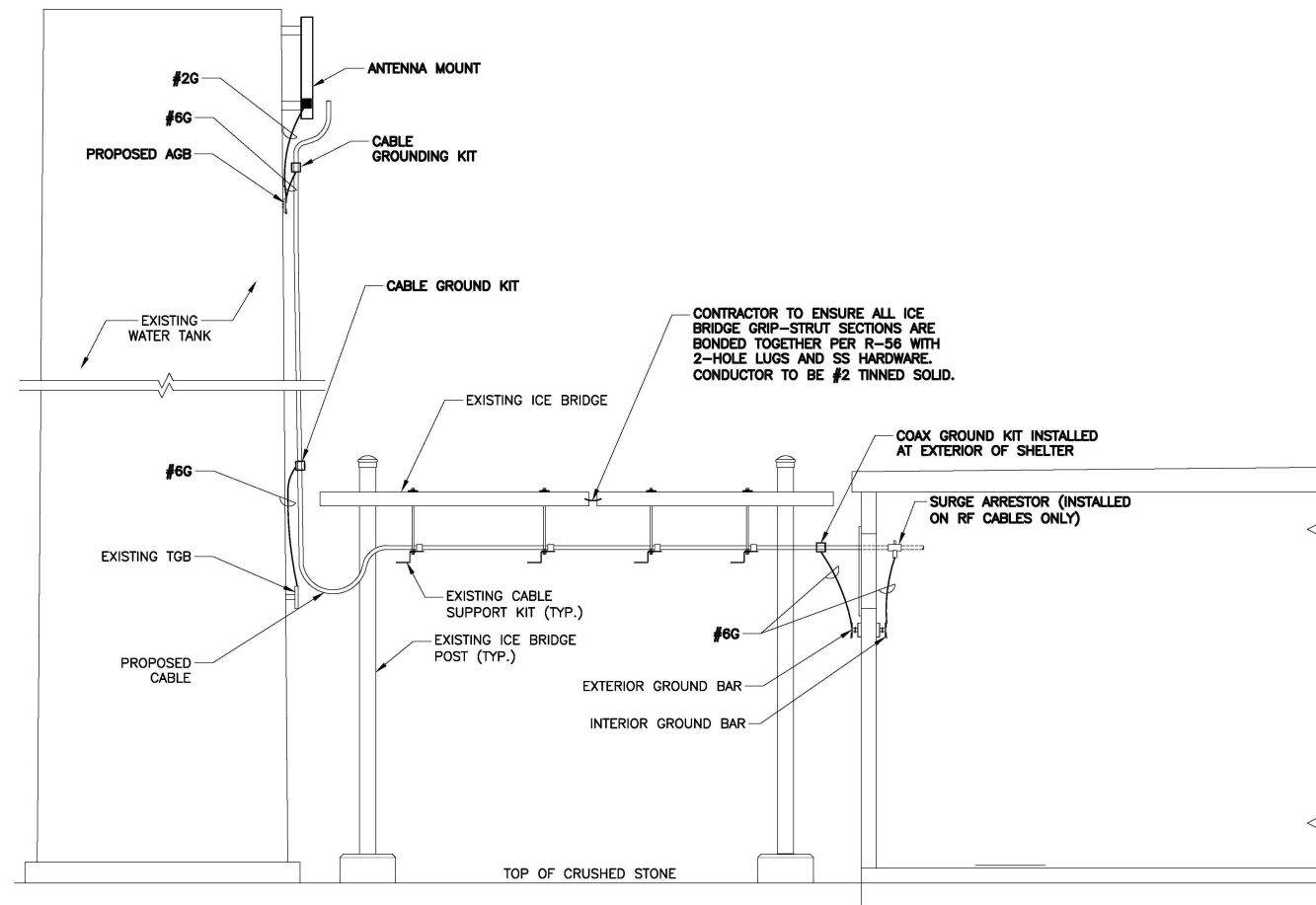
1 GROUNDING RISER DIAGRAM

SCALE: N.T.S.



2 INSTALLATION OF GROUND WIRE TO GROUND BAR

SCALE: N.T.S.



3 GROUNDING RISER DIAGRAM

SCALE: N.T.S.

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SHEET TITLE:
GROUNDING RISER DIAGRAM AND DETAILS

DRAWN BY: JM
CHECKED BY: DP
DATE: 05/04/15

SHEET NO:
E-2

ELECTRICAL SPECIFICATIONS

SECTION 16450 - GROUNDING

1. ALL ELECTRICAL AND GROUNDING AT THE COMMUNICATIONS SITE SHALL COMPLY WITH THE NATIONAL ELECTRIC CODE (NEC). NATIONAL FIRE PROTECTION ASSOCIATION (NFPA) 780 (LATEST EDITION), AND MANUFACTURER'S REQUIREMENTS.
2. THE AC PANEL IN THE POWER CABINET IS WIRED AS A SERVICE ENTRANCE, IF IT IS USED AS SERVICE PANEL THE NEC-250.66 REQUIRED GROUNDING ELECTRODE CONDUCTOR SHALL BE INSTALLED IN THE AC POWER CONDUIT. THE INSTALLATION SHALL BE PER LOCAL AND NATIONAL ELECTRIC CODE (NFPA-70). IN THE CASE THAT MAIN SERVICE DISCONNECT IS SUPPLIED AT THE MAIN METER LOCATION, THE BOND BETWEEN NEUTRAL AND EQUIPMENT GROUNDING CONDUCTOR IN THE AC PANEL SHALL BE REMOVED BY CONTRACTOR.
3. EXOTHERMIC WELDING IS RECOMMENDED FOR GROUNDING CONNECTION WHERE PRACTICAL OTHERWISE. THE CONNECTION SHALL BE MADE USING COMPRESSION TYPE-2 HOLES, LONG BARREL LUGS OR DOUBLE CRIMP "C" CLAMP. THE COPPER CABLES SHALL BE COATED WITH A CONDUCTIVE ANTI-OXIDANT (THOMAS BETTS KOPR-SHIELD) BEFORE MAKING THE CRIMP CONNECTIONS THE CONTRACTOR SHALL FOLLOW MANUFACTURER'S RECOMMENDED TORQUES ON THE BOLT ASSEMBLY TO SECURE CONNECTIONS.
4. THE ANTENNA CABLES SHALL BE GROUNDED AT THE TOP AND BOTTOM OF THE VERTICAL RUN FOR LIGHTNING

PROTECTION. THE ANTENNA CABLE SHIELD SHALL BE BONDED TO A COPPER GROUND BUS AT THE LOWERMOST POINT OF A VERTICAL RUN JUST BEFORE IT BEGINS TO BEND TOWARD THE HORIZONTAL PLANE. WIRE RUNS TO GROUND SHALL BE KEPT AS STRAIGHT AND SHORT AS POSSIBLE.

5. THE MASTER GROUND BAR (MGB) SHALL BE MADE OF BARE 2"x4" COPPER (FOR OUTDOOR APPLICATIONS IT SHALL BE TINNED COPPER) AND LARGE ENOUGH TO ACCOMMODATE THE REQUIRED NUMBER OF GROUND CONNECTIONS. THE HARDWARE SECURING THE MGB SHALL ELECTRICALLY INSULATE THE MGB FROM ANY STRUCTURE TO WHICH IT IS FASTENED.
6. GROUND CONNECTIONS: CLEAN SURFACES THOROUGHLY BEFORE APPLYING GROUND LUGS OR CLAMPS. IF SURFACE IS COATED, REMOVE THE COATING, APPLY A NON-CORROSIVE APPROVED COMPOUND TO CLEAN SURFACE AND INSTALL LUGS OR CLAMPS. WHERE GALVANIZING IS REMOVED FROM METAL, IT SHALL BE PAINTED OR TOUCHED UP WITH "GALVAMOX", OR EQUAL.

PROTECTIVE GROUNDING SYSTEM GENERAL NOTES

- A. AT ALL TERMINATIONS AT EQUIPMENT ENCLOSURES, PANELS, AND FRAMES OF EQUIPMENT AND WHERE EXPOSED FOR GROUNDING. CONDUCTOR TERMINATION SHALL BE PERFORMED UTILIZING TWO HOLE BOLTED TONGUE COMPRESSION TYPE LUGS WITH STAINLESS STEEL HEX BOLTS AND LOCK WASHERS.
- B. ALL CLAMPS AND SUPPORTS USED TO SUPPORT THE GROUNDING SYSTEM CONDUCTORS AND PVC CONDUITS


SHALL BE PVC TYPE (NON CONDUCTIVE). DO NOT USE METAL BRACKETS OR SUPPORTS WHICH WOULD FORM A COMPLETE RING AROUND ANY GROUNDING CONDUCTOR.

- C. ALL BOLTS, WASHERS, AND NUTS USED ON GROUNDING CONNECTIONS SHALL BE STAINLESS STEEL.

PROJECT:
WESTCHESTER COUNTY
SIGG PROJECT
PUBLIC SAFETY
COMMUNICATIONS SYSTEM

PREPARED BY:
EBI ENGINEERING PC
5 Corporate Drive | Central Valley, NY 10917
Tel: (845) 827-6393 | Fax: (845) 827-6396
www.ebiconsulting.com

PREPARED FOR:
 **MOTOROLA SOLUTIONS**

PROJECT COORDINATION & MANAGEMENT:

Pyramid Network Services, LLC
6519 TOWPATH ROAD
EAST SYRACUSE, NY 13057
OFFICE: (315) 701-1302



Matthew C Hykes

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SUBMITTALS

NO.	DATE	DESCRIPTION	BY
1	05/28/15	ISSUED FOR REVIEW	SM
2	06/02/15	ISSUED FOR REVIEW	MK
3	06/22/15	PER COMMENTS	SM
4	06/24/15	PER COMMENTS	SM

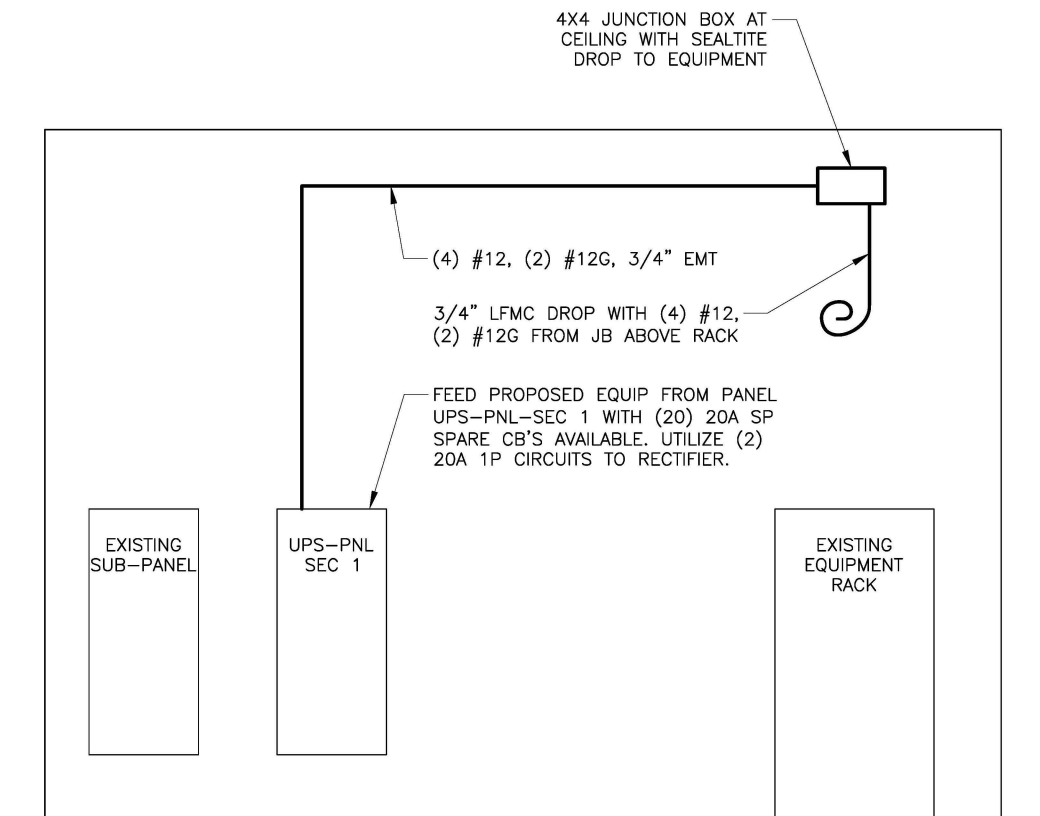
EBI JOB NO:
8115000455

SITE INFO:
SUMMIT AVE (PORT CHESTER)
22 SUMMIT AVENUE
PORT CHESTER, NY 10573

SHEET TITLE:
ELECTRICAL NOTES & ONE LINE DIAGRAM

DRAWN BY: JM
CHECKED BY: DP
DATE: 05/04/15
SHEET NO:
E-3

1 ELECTRICAL NOTES



NOTE: ALL INTERIOR CONDUITS TO USE COMPRESSION FITTINGS

2 ELECTRICAL ON LINE DIAGRAM

SCALE: N.T.S.

3 SPACE NOT USED



Robert P. Astorino
County Executive

John McCaffrey
Chief Information Officer

Adam Epstein
Program Coordinator - Radio

November 24, 2015

Messrs. Miley and Velardo
The Village of Port Chester
Building Department
222 Grace Church Street
Port Chester, NY 10573

Re: Building permit fee waiver request

Gentlemen:

The County of Westchester is in the process of implementing a network of links between critical public safety radio sites in order to enhance first responder and public transportation radio system reliability. These radio systems are used by police, fire, and EMS agencies throughout the County including those in Port Chester. At the same time, the County is working in co-operation with Rockland, Orange, and Putnam to implement a system to improve interoperability between first responders.

The United Water tank at 22 Summit Avenue in Port Chester is a key public safety radio site. The installation of a new antenna and associated cables at this site will enable the County to enhance the reliability of mission critical radio systems and improve first responder radio interoperability in Port Chester and the surrounding area.

The County understands that a building permit is required for this work. A permit application is enclosed along with supporting documentation. We request that any required fees be waived as an inter-governmental courtesy. Thank you for your assistance in this matter.

Sincerely,

Peter A. Johnson

Peter A. Johnson
County of Westchester
DoIT – Radio Group

RESOLUTION
WAIVING PERMITTING FEES FOR THE WESTCHESTER COUNTY EMERGENCY
COMMUNICATIONS REDUNDANCY 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, Westchester County seeks to implement a program to provide an emergency backup communication network/system to be utilized in the event of an emergency across the county; and

WHEREAS, the Summit Avenue Water Tanks owned by United Water/Suez have been designated by the County as a strategic location for the erection of equipment, including a microwave radio dish antenna, for the implementation of this system; and

WHEREAS, an application for erection of said equipment has been submitted to the Port Chester Building Department which describes the work to be completed; and

WHEREAS, Westchester County has requested that the Village waive the applicable permitting fees in light of the emergency services being provided by the aforementioned system, which benefit the whole region. Now, therefore be it

RESOLVED, that the Village Board waives any fees associated with the erection of equipment as stated in the building permit application referred to herein.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-08
 BOT 1-19-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 1/19/2016

Item Type: Resolution

Sponsor's Name: Christopher D. Steers, Village Manager

	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:					
Account #:					
	Yes	No	Strategic Plan Priority Area	N/A	
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

Authorizing the Village Manager to Enter into a Memorandum of Agreement with the Port Chester Police Association with regard to the Staff Services Officer

Summary

Background:

Following a Board policy discussion, the Village Manager has concluded negotiations with the Port Chester Police Association with regard to the Staff Services Officer in the Police Department.

Historically, this function has been performed by a person with the rank of lieutenant.

Board approval is required to authorize the Manager to enter into the proposed Memorandum of Agreement.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments
Memorandum of Agreement Position Duties

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO
A MEMORANDUM OF AGREEMENT WITH THE PORT CHESTER
POLICE ASSOCIATION WITH REGARD TO THE STAFF SERVICES OFFICER

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 Village Manager be and is hereby authorized to enter into a memorandum of agreement with the Port Chester Police Association in the form annexed with regard to the staff services officer.

Approved as to Form:

Anthony M. Cerreto

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (Memorandum) is made and entered into the day of August, 2015, by and between the Port Chester Police Association, Inc. (“the Union”) and the Village of Port Chester (“the Village”).

WHEREAS, the Union and the Village are parties to a collective bargaining agreement; and

WHEREAS, the parties have addressed the issue of the “Staff Services Lieutenant” during negotiations for the current collective bargaining agreement, as memorialized in the Memorandum of Agreement dated November 7, 2014; and

WHEREAS, in view of changed circumstances, the parties have agreed to modify such agreement with respect to the position of the Staff Services Officer.

NOW THEREFORE, the parties hereby stipulate and agree as follows:

1. Paragraph 15 of the November 7, 2014 Memorandum of Agreement shall be modified as follows:

“The position of the Staff Services Officer shall continue to be filled by a member of the bargaining unit who maintains the rank of lieutenant. Such position shall continue to be staffed by a lieutenant for a period of no less than three years from the date of the full execution of this agreement. At the conclusion of the three year period, the Village may elect to staff the position with a member having the rank of sergeant unless the PBA shall object to same. If objection is made, the parties agree to evaluate the position. Upon the agreement of the PBA or expiration of five years from the date of full execution of this agreement, whichever is earlier, the parties agree that the Village may staff the position with a member having the rank of sergeant.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

For the Village of Port Chester

Christopher D. Steers, Village Manager

For the Port Chester Police Association

Richard Grall, PBA President

POLICE DEPARTMENT
PORT CHESTER, NEW YORK

POLICE LIEUTENANT

Examples of Work: (Illustrative Only)

- Directs and monitors the activities of patrol forces and headquarters staff during an assigned shift;
- Assigns tasks to subordinates, and reviews operations;
- Gives instructions to subordinate officers as to methods of correcting faults;
- Directs raids and makes arrests;
- Directs police activities at riots, serious crimes, fires or unusual disorders;
- Investigates crimes where unusual and/or difficult law enforcement problems are likely to occur;
- Prepares or oversees the preparation of complex federal and state clerical reports of the activities of the police department;
- Investigates complaints regarding departmental policies and methods;
- Uses computer applications such as spreadsheets, word processing, calendar, e-mail and database software in performing work assignments.

Staff Services Illustrative Tasks (note: each tasks falls under one or more of the work examples provide above)

- Produce, maintain and submit Uniform Crime Reports
- Direct physical maintenance of the headquarters building
- Maintain training files on members of the service, court officers, auxiliary police and marshals
- Prepare and distribute press releases
- Act as procurement officer for the purchase of supplies and equipment
- Direct in-service training program
- Identify outside agency training opportunities*
- Administer all outside agency training including travel and lodging*
- Recruit, train and administer auxiliary police program*
- Recruit, train, and administer court officer program*
- Recruit, train, and administer marshal program*
- Direct recruitment and exam preparation initiative*

POLICE LIEUTENANT

DISTINGUISHING FEATURES OF THE CLASS: Under general supervision of the Police Chief, the incumbent of this position assumes command and directs the operations of a town, village or City (Rye or Peekskill) Police Department during an assigned shift, and supervises its operation according to established procedures and policies. An incumbent must be able to and must maintain the ability to carry a firearm. Supervision is exercised over a substantial number of subordinate level police officers and the incumbent may assume the duties of Police Chief in his/her absence. Does related work as required.

EXAMPLES OF WORK: (Illustrative Only)

Directs and monitors the activities of patrol forces and headquarters staff during an assigned shift;

Assigns tasks to subordinates, and reviews operations;

Gives instructions to subordinate officers as to methods of correcting faults;

Directs raids and makes arrests;

Directs police activities at riots, serious crimes, fires or unusual disorders;

Investigates crimes where unusual and/or difficult law enforcement problems are likely to occur;

Prepares or oversees the preparation of complex federal and state clerical reports of the activities of the police department;

Investigates complaints regarding departmental policies and methods;

Uses computer applications such as spreadsheets, word processing, calendar, e-mail and database software in performing work assignments.

REQUIRED KNOWLEDGE, SKILLS, ABILITIES AND ATTRIBUTES: Thorough knowledge of modern principles and practices of police work; thorough knowledge of controlling laws and ordinances; thorough knowledge of the geography of the town, village, or city; ability to instruct and direct subordinate officers; ability to effectively use computer applications such as spreadsheets, word processing, calendar, e-mail and database software; ability to read, write, understand and communicate in English sufficiently to perform the essential duties of the position; skill in the use of firearms; familiarity with the operation of radio; ability to deal courteously but firmly with the general public; good judgment; good powers of observation; tact; physical condition commensurate with the demands of the position.

MINIMUM ACCEPTABLE TRAINING AND EXPERIENCE: Eligibility for promotion may be restricted to the next lower rank or ranks:

If open to Sergeant: 1 year of permanent service as a Sergeant.

If open to entire Department: 5 years of permanent service as a Police Officer.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 1/19/2016

Item Type: Resolution

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

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

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

AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERMUNICIPAL AGREEMENT WITH WESTCHESTER COUNTY WITH REGARD TO ILLICIT AND INFILTRATION AFFECTING COUNTY SEWER SYSTEM AND WASTEWATER TREATMENT FACILITIES

SUMMARY

Background:

Westchester County and the Sound Shore municipalities have been in discussion as to the need for an inter-municipal agreement that would address inflow and infiltration issues affecting the County's sanitary sewer system and wastewater treatment facilities.

Village staff has convinced the County that the Village of Port Chester has made efforts in this regard and therefore is in a different position than the other municipalities.

After one-on-one negotiations with the County, the parties have negotiated an Inter-Municipal Agreement tailored to the Village that recognizes these efforts and establishes agreed-upon time-frames for compliance. The agreement will provide a sustaining and sound basis for the County and Village in partnership to protect the Long Island Sound.

Staff has consulted with Dolph Rotfeld, the Village's consulting engineer, with regard to the technical issues, and Sive, Paget & Reisel, special counsel on a related environmental matter, as to the legal issues.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Resolution Proposed Inter-Municipal Agreement
--

THIS AGREEMENT, made the ____ 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 the “County”),

and

THE VILLAGE OF PORT CHESTER, a municipal corporation of the State of New York, having an office and place of business at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter the “Municipality”).

WHEREAS, the Municipality owns and operates tributary sewer system(s) that use the County’s Wastewater Treatment Facility and the County maintains that the Municipality is subject to the provisions of the Westchester County Environmental Facilities Sewer Act set forth in Chapter 824 of the Laws of Westchester County (the “County Sewer Act”); and

WHEREAS, the County Sewer Act limits the use of the County’s Wastewater Treatment Facility to the discharge of sewage, industrial wastewater and other wastewater and specifically prohibits the introduction of groundwater, stormwater and excessive inflow and infiltration into the County trunk sewer system; and

WHEREAS, section 824.77 of the Sewer Act, entitled “Penalties for violation of prohibitions against the introduction of groundwater, stormwater and excessive inflow and infiltration; enforcement”, provides for penalties for violations of sections 824.41, 824.61, 824.71 and 824.72 of the Sewer Act. A copy of section 824.77 is attached hereto as Exhibit “A”; and

WHEREAS, section 824.371 subsection 1 of the County Sewer Act, entitled “Enforcement and penalties”, provides for penalties for violations of Articles III to IX inclusive except for Article VIII of sections 824.381, 824.391 or 824.401 of Article XI of the County Sewer Act. A copy of section 824.371 is attached hereto as Exhibit “B”; and

WHEREAS, section 824.72 of the County Sewer Act states, among other things, that: “(e)xcessive infiltration and inflow means the quantity of flow entering the county sewer system or wastewater treatment facility which is greater than 150 gallons per capita per day

for the population served by the tributary sewer systems located within a municipality's borders"; and

WHEREAS, the County conducted the "Long Island Sound Sanitary Sewer Districts Flow Monitoring Report" (dated September 2012, revised June 2013) in accordance with its obligations under an Order on Consent with the New York State Department of Environmental Conservation entered into in 2004 and amended in 2008, which requires among other things, the reduction of inflow and infiltration into the County trunk sewer system or wastewater treatment facility and its tributary systems (the "Flow Monitoring Report"); and

WHEREAS, the County asserts that its Flow Monitoring Report indicated that the Municipality has excessive inflow and infiltration entering the County's Wastewater Treatment Facility that violates sections 824.41(2), 824.61(4), 824.71(1), 824.71(2), 824.72(5), 824.72(6), 824.72(7), 824.91(7) and 824.391 of the County Sewer Act; and

WHEREAS, the County's NYSDEC issued SPDES Permit for each sewage treatment plant, including the Port Chester WWTP, requires the County to enforce the County Sewer Act requirements to generally limit excessive inflow and infiltration reaching its facilities from municipal sanitary sewage collection systems; and

WHEREAS, the County acknowledges that the Municipality has already taken actions to address, and reduce the excessive inflow and infiltration entering the County's Wastewater Treatment Facility from the Municipality's sanitary sewage collection system; and

WHEREAS, the County and the Municipality enter into this Agreement without admission to contributing to the aforesaid excessive inflow and infiltration and/or to violating the provisions of the County Sewer Act, the SPDES Permit, New York State Environmental Conservation Law and/or any other applicable law or regulation.

NOW THEREFORE, THE PARTIES AGREE AS FOLLOWS:

1. The Municipality has submitted to the Westchester County Department of Environmental Facilities (WCDEF) a proposed work plan for a Sewer System Evaluation Study (SSES) dated September 1, 2015 of their entire sanitary sewage collection system located in a district within the Long Island Sound watershed, and tributary to the County's Wastewater Treatment Facility sufficient to identify sources of inflow or infiltration that when rehabilitated shall allow the Municipality to begin to comply with the flow limits of the County Sewer Act (the "SSES work plan"). The SSES work plan investigative work has

already been partially completed by the Municipality, as its entire sewer system has been TV inspected. Such TV inspections were completed on January 5, 2016. The Municipality plans to perform further investigative work, including dye testing. By February 15, 2017, the Municipality shall submit to WCDEF a report with the results of the SSES work plan investigative work, the analysis of all of the defects in the collection system that cause inflow and infiltration above the 3100 gallons per day per inch of diameter and mile of sewer, and the Municipality's plan/schedule to repair these defects. The Municipality shall also develop a Capacity Management Operation Maintenance (CMOM) Program outline of the components that the Municipality plans to include in its CMOM program for its entire sanitary sewage collection system district within the Long Island Sound watershed.

2. By July 1, 2016, the Municipality will have prepared and submitted to their elected governing body a local law prohibiting stormwater and sump pump connections to sanitary sewers that includes an enforcement program and a requirement that a licensed plumber or professional engineer certify that there are no sump pumps, leaders, gutters or any other stormwater connections to the sanitary sewer collection system and that a video inspection shows the sanitary sewer connection is free from visible defects as a pre-condition to the transfer of title of any real property in the Municipality that has a connection to its sewage collection system.

3. The Municipality shall submit quarterly reports to WCDEF documenting its progress in completing its SSES and CMOM programs, by the twentieth day following the end of a calendar quarter (January 20th, April 20th, July 20th, and October 20th) and ending when the SSES is complete, the CMOM program is in place and operational, all construction has been completed, and all remaining terms of this Agreement are met.

4. The Municipality shall complete the development of the written or computerized CMOM program and provide verification to WCDEF on or before October 1, 2016 that the CMOM program is in place. The Municipality shall commence its CMOM program within one hundred eighty (180) days after submission and approval of same.

5. The Municipality shall submit to WCDEF the status of its remediation program including its projected completion date of the remediation based on the results and conclusions of the completed SSES on or before August 31, 2017.

6. The County reserves the right to act in its sole discretion to take any action(s) necessary, including enforcement actions against the Municipality pursuant to its authority under the County Sewer Act to eliminate excessive inflow and infiltration, should the milestones and

obligations of the Municipality under this Agreement not be met, in order to maintain compliance with the County's SPDES Permit.

7. The Municipality agrees to reimburse the County for that portion of any penalties or fines the County may incur in any NYSDEC enforcement action due to the failure of the Municipality to comply with any of the terms of this Agreement.

8. If necessary, the County agrees to assist the Municipality with the planning of its implementation plan to remove the identified sources of inflow and infiltration sufficient to comply with the County Sewer Act. Notwithstanding the foregoing, this Agreement does not obligate the County to commence an implementation plan, engage in any remedial work including any construction work or fund any portion of the development of the SSES work plan or remediation work in connection therewith.

9. The Municipality agrees:

(a) that it will provide a letter, acceptable to the County, advising that it maintains insurance coverage; and

(b) 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, agents, and elected officials from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorneys' fees or loss arising directly or indirectly out of the performance or failure to perform hereunder by the Municipality or third parties under the direction or control of the Municipality; and

(c) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action directly or indirectly arising out of this Agreement and to bear all other costs and expenses related thereto.

10. The County agrees:

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

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

11. This Agreement will terminate at such time when all required remediation and construction has been completed in order for the Municipality to comply with the inflow and infiltration limits of the County Sewer Act, its CMOM program has been approved, developed and fully operational, and the local law described in paragraph 2 herein has been submitted to the Municipality's elected governing body.

12. All notices of any nature referred to in this Agreement shall be in writing and either sent by registered or certified mail postage pre-paid, or sent by hand or overnight courier, or sent by facsimile (with acknowledgment received and a copy of the notice sent by overnight courier), to the respective addresses set forth below or to such other addresses as the respective parties hereto may designate in writing. Notice shall be effective on the date of receipt.

To the County:

Commissioner
County of Westchester
Department of Environmental Facilities
270 North Avenue
New Rochelle, New York 10805

with a copy to:

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

To the Municipality:

Village Manager
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

with a copy to:

Village Attorney
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

13. This Agreement shall not be enforceable until signed by both parties and approved by the Office of the County Attorney.

14. This Agreement shall be construed and enforced in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on the day and year first above written.

THE COUNTY OF WESTCHESTER

By _____
Commissioner of Environmental Facilities

VILLAGE OF PORT CHESTER

By _____

Approved as to form and
manner of execution:

Senior Assistant County Attorney
County of Westchester

EXHIBIT “A”

Sec. 824.77. - Penalties for violation of prohibitions against the introduction of groundwater, stormwater and excessive inflow and infiltration; enforcement.

1. It shall be a civil violation of this law to violate any of the provisions of sections [824.41](#) 2.; [824.61](#); [824.71](#) and [824.72](#). Any person or municipality which violates these provisions of this chapter or any rule, regulation or standard promulgated thereto, or any order, except an order directing such person or municipality to pay a penalty by a specified date issued by the commissioner pursuant thereto, shall be subject to a penalty of not to exceed \$25,000.00 per day for each violation. It shall be a separate violation under this section for each day that each violation may continue. If a municipality or person has been found to be liable, pursuant to this chapter, for three separate violations, it shall be subject to a maximum penalty of not to exceed \$50,000.00 per day for each violation, upon its being found liable for the fourth, fifth or sixth violation. For each additional group of three subsequent violations, the maximum penalty shall continue to double (e.g. for violations seven through nine—a penalty of not to exceed \$100,000.00). In no event shall a maximum penalty for any single violation exceed \$200,000.00 per day. In addition, such person or municipality may be enjoined from continuing such violation. In any action for injunction brought pursuant hereto, any finding of the commissioner or his or her duly appointed hearing officer shall be prima facie evidence of the fact(s) found therein.

2. Penalties may be sued for and recovered by the county in any court of competent jurisdiction or they may be assessed by order of the commissioner pursuant to his or her authority under [section 824.74](#) 1. of this law.

(Added by L.L. No. 9-1991; amended by L.L. No. 16-1992)

EXHIBIT “B”

Sec. 824.371. - Enforcement and penalties.

1. A violation of the provisions of Articles III to IX inclusive except for Article VIII of this chapter or of sections [824.381](#), [824.391](#) or [824.401](#) of Article XI of this chapter shall be an offense, and each such violation may be punished by a fine not exceeding \$1,000.00 or by imprisonment not exceeding 15 days, or by both such fine and imprisonment. In lieu of, or in addition to, such fine or imprisonment, or both, each such violation shall be subject to civil penalty not exceeding \$1,000.00 for any one violation, to be recovered in an action or proceeding brought by the County Attorney in the name of the county in a court of competent jurisdiction. Each day of a continuing violation shall be subject to a separate fine, imprisonment or civil penalty.

2. In addition to the penalties prescribed in subsection 1. of this section, the County Attorney may maintain an action or proceeding in the name of the county in a court of competent jurisdiction to compel compliance with or restrain by injunction any violation of this chapter.

3. Where any violation of this chapter causes an expense to the county, such expense may, in the discretion of the commissioner, be separately collected by a civil suit against the violator, brought by the County Attorney in the name of the county in a court of competent jurisdiction.

4. The county shall annually publish in the area's largest daily newspaper a list of those significant industrial users which were not in compliance with any pretreatment standards or requirements contained in this chapter at least once during the previous 12 months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12 months.

(L.L. No. 12-1985, § 1; amended by L.L. No. 7-1993)

EXHIBIT “C”

SSES Workplan dated September 1, 2015 to be attached



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-10
BOT 1-19-2016

AGENDA MEMO

Department: Planning and Development Department
Department: Office of the Village Attorney

BOT Meeting Date: 1/19/2016

Item Type: Resolution

Sponsor's Name:	Anthony Cerreto, Village Attorney
Sponsor's Name:	Jesica Youngblood, Asst. Director of Planning & Development

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

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

52 Eldredge Street Zoning Map Change.

Summary

On December 7, the Board heard a presentation by the Applicant ("52 Eldredge Street Reality, LLC") and held a public hearing on January 4, 2016 regarding a single parcel rezoning petition for 52 Eldredge Street, specifically known as Section 142.6, Block 1, Lot 5. The Applicant requests a zoning map change for the parcel from the R2F Two Family Residence District to the C1 Neighborhood Retail District. The Applicant requests this map change in order to alter the subject parcel at 52 Eldredge Street from a residential district to a commercial district, specifically used for office and overnight vehicular storage.

Next Steps

The Board closed the public hearing on January 4, 2016 and requested staff draft the SEQRA approval documents to be combined with the draft local law for consideration at the January 19, 2016 meeting. The Application is considered an Unlisted Action pursuant to the State Environmental Quality Review Act (SEQRA) and requires this analysis *prior* to formal action.

Recommendation

The Board may choose to adopt the draft SEQRA determination of significance by resolution provided as well as the draft local law previously prepared and distributed to the Board.

Attachments
<ul style="list-style-type: none">• Draft resolution for SEQRA determination of significance• Draft determination of significance• Draft Local Law

Local Law No. I-13 of the year 2015

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING", OFFICIAL ZONING MAP, WITH REGARD TO PROPERTY LOCATED AS 52 ELDREDGE STREET AND ALSO DESIGNATED AS SECTION 142.61, BLOCK 1, LOT 5 ON THE TAX MAP OF THE TOWN OF RYE, FROM AN R2F TWO FAMILY RESIDENTIAL DISTRICT TO A C1 NEIGHBORHOOD RETAIL DISTRICT

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

SECTION 1: Purpose and Intent

Port Chester's Village Code establishes Zoning Districts to guide future development and land use patterns in order to implement the most effective and beneficial relationships among residential, commercial, industrial, and public areas within the Village. As stated in Village Code §345-1, the Zoning Code's objectives for land uses include "having regard to their suitability for the various uses appropriate to each of them and their potentiality for such uses" and "protecting the character and the social and economic stability of all parts of the Village and encouraging their orderly and beneficial development."

The subject parcel, 52 Eldredge Street, specifically known and designated as Section 142.61, Block 1, Lot 5 of the Town of Rye Tax Map, presently lies within the R2F Two Family Residential District along the boundary between the R2F and C1 Neighborhood Retail Districts.

This local law implements a Zoning Map change that amends official zoning district boundaries to remove the subject parcel from the R2F District and include it in the C1 District. This action will preserve the commercial character in the Midland Avenue corridor and the established Zoning Districts as well as maintain cohesive district boundaries.

Port Chester's Comprehensive Plan seeks to "strengthen and expand economic opportunity and the Village's tax base by focusing efforts on retaining and expanding existing businesses and attracting new businesses." According to the Village's Route 1 North Main Street Corridor Study, there is significant demand for automobile services that is not met by Port Chester's market, resulting in economic leakage to other communities. Midland Avenue is a long established commercial and industrial corridor that contributes to the Village's economic viability. Encouraging commercial economies along the Midland Avenue corridor will recapture and strengthen the economic benefits gained by Port Chester. The Village seeks to increase opportunities for continued economic growth in this economically productive corridor.

SECTION 2: The Official Zoning Map of the Village of Port Chester is hereby amended as follows:

To permit the following property to be changed from a R2F Two Family Residence District to a C1 Neighborhood Retail District and be thereafter be subject to the requirements and regulations of such latter district as described in the Village Code, Chapter 345, and Zoning Regulation:

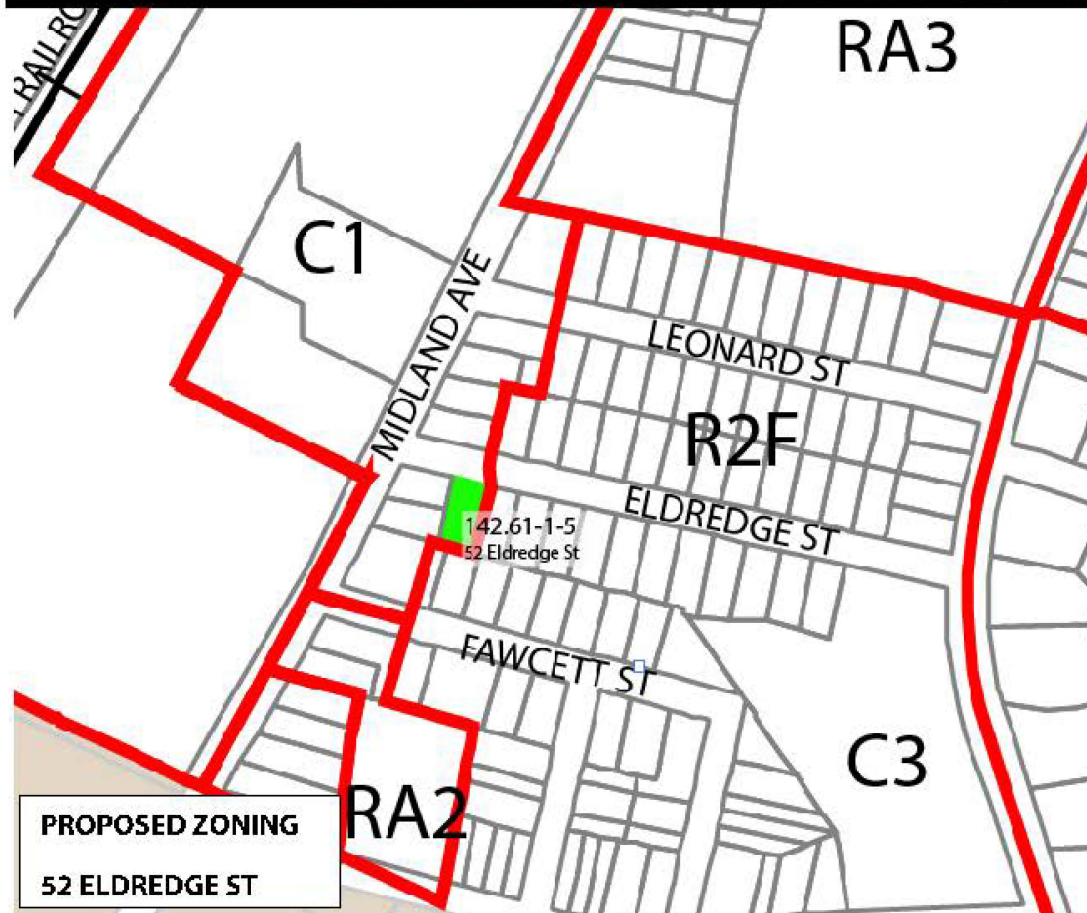
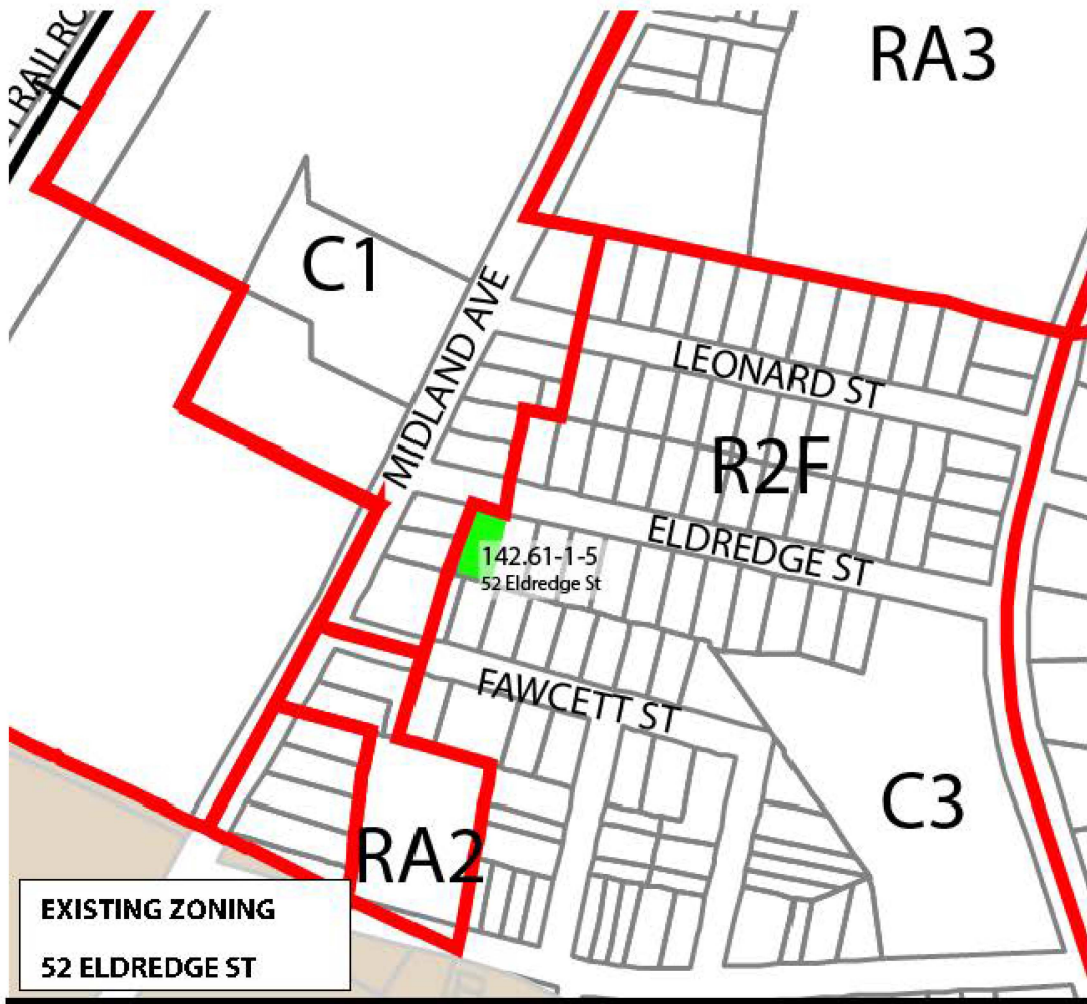
Address	Section, Block, Lot	Existing Zone	Proposed Zone
52 Eldredge Street	142.61-1-5	R2F	C1

SECTION 3: Validity and 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 shall continue to full force and effect.

SECTION 4: Effective Date

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



State Environmental Quality Review
NEGATIVE DECLARATION
 Notice of Determination of Non-Significance

Project Number _____

Date: _____

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The _____ as lead agency, has determined that the Proposed Action described below will not have a significant adverse environmental impact and a Draft Impact Statement will not be prepared.

Name of Action:

SEQR Status: Type 1
 Unlisted X

Conditioned Negative Declaration:

No

Description of Action:

The proposed map amendments would rezone 52 Eldredge Street from existing R2F Two Family Residence District to C1 Neighborhood Retail District, and develop the parcel for an office and vehicular storage building ("the Proposed Action"). The Proposed Action does not include the physical joining of existing and proposed structures at the abutting properties of 312 Midland Ave and 52 Eldredge St.

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

See Attached Map

Reasons Supporting This Determination:

(See 617.7(a)-(c) for requirements of this determination; see 617.7(d) for Conditioned Negative Declaration)

See attached.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed, and identify comment period (not less than 30 days from date of publication in the ENB)

For Further Information:

Contact Person: Christopher Steers, Village Manager

Address: 222 Grace Church Street, Port Chester NY 10573

Telephone Number: 914-939-2200

For Type 1 Actions and Conditioned Negative Declarations, a Copy of this Notice is sent to:

Chief Executive Officer, Town / City / Village of

Other involved agencies (If any)

Applicant (If any)

Environmental Notice Bulletin, 625 Broadway, Albany NY, 12233-1750 (Type One Actions only)

**52 Eldredge Street
Rezoning
PORT CHESTER, NY 10573
WESTCHESTER COUNTY, NY**

**SEQR DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION**

**VILLAGE OF PORT CHESTER BOARD OF
TRUSTEES**

Prepared January 2016

PROPOSED ACTION MAPS



EXISTING CONDITIONS: 52 ELDREDGE ST IS LOCATED IN THE R2F TWO FAMILY RESIDENCE DISTRICT



PROPOSED ACTION: REZONING THE PARCEL TO BE INCLUDED IN THE C1 NEIGHBORHOOD BUSINESS COMMERCIAL DISTRICT

REASONS SUPPORTING THIS DETERMINATION

The proposed map amendments would rezone 52 Eldredge Street from existing R2F Two Family Residence District to C1 Neighborhood Retail District (“the Proposed Action”). The Proposed Action also includes the proposal for an office and vehicular storage building. Note that the proposed amendments would not permit any residential development. The Proposed Action does not include the physical joining of existing and proposed structures at 312 Midland and 52 Eldredge. The Proposed Action is not an extension of an automotive use at 312 Midland Avenue.

The map amendment includes the following details:

Address	Section, Block, Lot	Existing Zone	Proposed Zone
52 Eldredge Street	142.61-1-5	R2F	C1

Potential impacts relating to the rezoning include:

- 1) The single parcel located at 52 Eldredge Street is presently located in the R2F Two Family Residence District. The R2F District permits two family and single family residential uses with some uses by special exception, such as churches, fraternal organizations, and libraries. The existing uses and general character of the immediate vicinity include two-family homes, auto body repair, open storage of materials, and neighborhood retail establishments. The Proposed Action would rezone the parcel to include it into a district generally aligned with the redevelopment purpose for uses permitted in the C1 District. The Proposed Action would also reduce the potential for residential development as the C1 District does not permit this use. The bulk of the area is generally one or two stories and is congruous with the permitted two-and-a-half story heights of both the R2F and C1 Districts. It is clear the Proposed Action is consistent with the aesthetic height and character of the surrounding area and provides for integration of uses with the lower Midland Avenue corridor. For this reason, the Proposed Action will not have significant or adverse impacts on the surrounding land uses/character of the area.
- 2) The Proposed Action does not involve the creation of any new impervious surfaces as the lot is currently vacant and any proposed development will include vegetation or landscaping to reduce stormwater runoff as required by the Village Code. Further, previous stormwater tests and reports were conducted on-site and mitigation measures for improved water runoff management recommendations will be implemented during any future site plan approval process. Additionally,

any future intensification of use may require additional environmental review. For this reason no adverse stormwater impacts will result from the Proposed Action.

- 3) Construction activity for the Proposed Action in its entirety will include minimal excavation work in order to solidify building foundations for the proposed two-story masonry and reinforced steel structure. All activity will conform to all Occupational Safety and Health Act (OSHA) and Village of Port Chester Code standards to ensure safe proceedings. Construction deliveries of materials will vary upon the anticipated work schedule for that day and will occur during Village permitted hours per Village Code. No demolition is required as the site contains a vacant lot. For these aforementioned reasons, no long-term or significantly adverse site disturbance impacts are anticipated from the Proposed Action.
- 4) Short term noise impacts may result from the types of machinery used and from general construction site activity. Any noise impacts resulting from construction will cease upon building completion. Any short-term noise impacts will be mitigated by maintaining construction equipment in good working order in addition to conforming to Village, State and County regulations. All activity will conform to all Occupational Safety and Health Act standards to ensure safe proceedings. All construction activity will conform to all regulations described in Village Code Chapter 224 Noise. As a result of the Proposed Action, no long-term or significant noise impacts to the immediate vicinity are anticipated.
- 5) No adverse impacts to the solid waste or sewer infrastructure network is anticipated by the Proposed Action. The site had previously been a two-family residence (prior to site vacancy) and the conversion of the use to office and vehicular storage will likely reduce any impacts to the sewer system. Solid waste will be carted offsite from a private carting service. A future intensification or change of proposed use may require additional solid waste and sewer impact review.

Further, the Port Chester Waste Water Treatment Plant (WWTP) currently handles 4.3 MGD and is designed at a capacity flow of 6.0 million gallons per day (MGD). The nominal actions on-site that are related to the sewer infrastructure would not negatively impact the plant. For these reasons, the water demand of the Proposed Action is not anticipated to negatively impact the Site or the Port Chester WWTP. For this reason, no significant or adverse impacts will result from the Proposed Action in relation to solid waste or sewer infrastructure.

- 6) The project is not located within a flood zone as designated by FEMA, therefore no adverse impacts will result from the Proposed Action

- 7) No wetlands are located in the vicinity of the site. The Proposed Action will not result in any negative impacts on wetland resources.
- 8) The Proposed Action will not result in the removal of any existing trees or vegetation. The site is intended to be improved with a two-story masonry and steel reinforced structure. Landscaping will be added where appropriate pursuant to Section 345-23 of the Village Code. As the site is currently vacant and possesses no trees, no adverse impacts to vegetation will result from this action.
- 9) The Proposed Action is not designated by the New York State as containing a significant natural community containing a rare, threatened, or endangered species, or a species of special concern. It is anticipated that no significant adverse impacts to habitat areas or areas of threatened or endangered species on or off-site will result from the Proposed Action for the aforementioned reasons according to the NYS Natural Heritage Inventory.
- 10) All parking and loading requirements of the Village Zoning Code (Section 345-14) pertain to proposed uses granted through the site plan application process. As such, any future uses will be subject to use-specific parking and loading requirements regardless of the zoning map amendment. The parcel at 52 Eldredge Street is located on a one-way eastbound street, connecting to both Midland Avenue and Grace Church Street. The street provides two-side parking for land users. Presently, many vehicles related to nearby auto body uses dominate off-street parking, likely forcing other land users to find alternative parking solutions. Further, the Village conducted a preliminary traffic study (Adler Consulting, December 2015) for the rezoning and found that a three-fold increase of traffic movements may occur on-site due to the office (Land Use Code 710) and vehicular storage (~40 vehicular movements per day) uses proposed and their respective trip generation figures (compared against two-family residential trip generators, Land Use Code 210). Note that any future intensification or change in use may require additional traffic study. However, the Proposed Action seeks to remove a portion of stored vehicles parked on the street and relocating them into the proposed storage building. This will likely provide an improvements to the area and reduce traffic impediments on this one-way street. For these reasons, it is anticipated that no adverse parking or traffic impacts will result from the Proposed Action.
- 11) The Action does not create a material conflict with the community's current development plans or goals. The parcel included in the Proposed Action directly abuts the Midland Avenue Corridor, where businesses range from supermarkets, to auto repair shops, to local retailers. Further, the Proposed Action is consistent with the Port Chester Comprehensive Plan Economic Development Recommendation #1 "*Strengthen and expand economic opportunity and the*

Village's tax base by focusing efforts on retaining and expanding existing business..." The Proposed Action will not detract from the commercial setting that is the Midland Avenue Corridor. For these reasons, the Proposed Action will not create a material conflict with the Village's development plans.

- 12) The Proposed Action does not include residential development (i.e. no public school aged child generation) and will contain a commercial use. Commercial uses pay non-homestead taxes, which have higher rates than homestead tax rates. Therefore, the Proposed Action will not negatively or adversely impact the Port Chester Rye Union Free School District.
- 13) The Proposed Action will not affect a building listed on the State or National registers of historic places. It can be concluded that the Proposed Action will not result in any adverse impacts to historic or archaeologically important resources.
- 14) The proposed project does not present any opportunity to adversely affect public safety nor would it create a hazard to human health. Any construction related impacts as previous described will be carefully monitored by the Village Building Department pursuant to the Village Code as well as other county, state or federal regulations. There will be no significant or adverse impacts to public safety from the Proposed Action.
- 15) The action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.
- 16) The Proposed Action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.

RESOLUTION

**SEQRA DETERMINATION OF SIGNIFICANCE
NEGATIVE DECLARATION
ZONING MAP CHANGE
59 ELDREDGE STREET**

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 Board of Trustees is in receipt of a zoning petition as submitted by Anthony Tirone, Esq. on behalf of property owner Frank Testa, to amend the Official Zoning Map of the Village of Port Chester for property known and designated as 52 Eldredge Street (Section 142.61, Block 1, Lot 5) on the Town of Rye Tax Map; and

WHEREAS, the petition involves the rezoning of 52 Eldredge Street from the R2F Two Family Residence District to the C1 Neighborhood Retail District to preserve and extend the commercial character of the Midland Avenue commercial corridor; and

WHEREAS, the project is defined as an Unlisted Action pursuant to Part 617 of the State Environmental Quality Review Act (SEQRA) regulations and requires a determination of significance; and

WHEREAS, the Village of Port Chester Board of Trustees serves as Lead Agency for the environmental review of this Unlisted Action. Now therefore be it

RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

DATE: January 19, 2016




Village of Port Chester

Office of the Village Manager

MEMORANDUM

TO: Mayor and the Board of Trustees

FROM: 
Christopher D. Steers, Village Manager

DATE: January 19th, 2016

RE: Updates

INITIATIVES/PRIORITIES:

- **Strategic Planning: Strategic Actions** (*Opportunity Areas #1 Downtown TOD, #2 Downtown: Municipal Center, #3 Waterfront Redevelopment/Revitalization, #4 Fox Island, #5 United Hospital Site Redevelopment*). We continue to move forward with various strategic planning initiatives (see *Planning and Economic Development activities report* for more detail).

1) Opportunity Area #1:

- **Retail D (Background & Status):** 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”).

The Applicant’s amended zoning petition reduces the total square footage of allowed development to approximately 72,000 square feet (from 90,000 sqft) to include approximately seventy-nine (79) rental dwelling units comprised primarily of studios and one-bedroom units and includes a density bonus provision: specifically, the Applicant requests the following bulk and density regulations applied:

- Maximum building height: 5 stories/70 feet
- Maximum Floor Area Ratio: 3.7;
- Minimum Lot Area per Dwelling Unit: 240 sq. ft.
- Front/Side/Rear Setbacks: None.
- Usable Open Space per Unit: None.

Next Steps:

- The joint public hearing was adjourned until January 19, 2016. Village consultants and staff reviewing additional material submitted regarding potential environmental impacts, as requested. Action anticipated February 2016.
- 2) Opportunity Area #2:** The National Development Council (NDC) has been engaged by the BOT to study the feasibility of developing a municipal center. The scope of work is to be conducted in phases leading up to an indicative Guaranteed Maximum Price for the construction of the building.
- Again, The Appraisals for 222 Grace Church Street and 350 N Main Street came in and are summarized as follows:
 - **222 Grace Church Street**
Fee Simple Interest- Senior Center Building- \$1.28 Million

Fee Simple Interest- Village Office Building- \$6.67 Million
Fee Simple Interest- Assumed Nursing Home Conversion- \$11.9 Million
 - **305 N. Main**
Fee Simple Interest- As though Vacant- \$1.79 Million
Fee Simple Interest- As is- \$1.8 Million

Municipal Center Subcommittee

- Per Board and Committee recommendation Trustee Ceccarelli and I held a conference call with McClaren, Wilson, & Lawrie Architects and Planners relating to the subject study, related programming needs, and construction cost. Mr. McClaren's initial comments on the NDC/STV Programming Analysis and Construction estimates were quite favorable, based upon cursory review.
 - The agreement with McClaren, Wilson, & Lawrie Architects and Planners has been executed and the results are expected within the next 2-3 weeks.
- 3) Opportunity Area #3:** Bulkhead: DOS-LWRP FY2013-2014: awarded \$225,420 for design and construction plans + permits. BOT authorized budget amendment for dedicated fund for grant. The required Steering Committee has been established. Boswell Engineering is now in the data gathering phase including diving and inspections.
- Bulkhead Design Review Committee: The current proposal is to hold the first meeting on January 20th at 6:30 PM in the Village Hall conference room.

4) **Opportunity Area #5:** Redevelopment of the former United Hospital Site (Starwood). The Mixed-use redevelopment proposal for the former United Hospital site located within the Village's PMU Planned Mixed Use District to permit: 500 "Millennial" housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park. The applicant currently preparing draft Final Environmental Impact Statement.

- **AKRF:** reviewed the DEIS pursuant to SEQRA and delivered comments and recommendations regarding the substantive content of the DEIS. Staff has been meeting with AKRF and the applicant routinely (weekly) to keep forward progress. AKRF has completed its preliminary economic analysis and will present preliminary findings to the BOT at this meeting.

ACTIONS:

- **2016-2017 Budget Process:** Budget development for the coming fiscal year has been initiated. Department budget worksheets have been distributed. Meetings with department heads will begin early next month.

I would request that the BOT schedule a workshop in early February to discuss 6 month revenues/expenses and projections for year end.

- **Grant Writing:**

- Assistance to Firefighters Grant (AFG): The Village Grant Writing Group is filing an Assistance to Firefighters Grant (AFG) application for the purchase and installation of 16 mobile computer units in the rigs and other Department vehicles. The computers will grant access to the *IamResponding* software package that was recently implemented in the Department. The software provides details on fire calls, tracks responding volunteers and keeps records for each fire call which will provide better data and simplified reporting. The total request is for approximately \$96,930. This represents 90% of the total project cost of \$107,700 leaving the Village a potential 10% required match of \$10,700. Announcements for the application will begin in late March and roll through October. AFG announces 10 to 15 awards every Friday within that window.

AFG offered \$306,000,000 in grant funding for 2016, 25% of which is reserved for combined career/volunteer departments such as ours. The application is limited to \$1,000,000 for a community our size. Staff chose to limit our application to a single project to focus efforts on our most competitive application.

- With this grant the Village has applied for nearly 1.25 million in dollars since the implementation of our agreement with our grant writing consultants Millennium Consulting LLC.
- **Hazard Mitigation Planning (County-wide Plan):** This relates to our participation in Westchester County's preparation of a county-wide hazard mitigation plan (preparedness for and response to hurricanes, blizzards, flooding, etc.) Our participation ensures eligibility for emergency management funding.
 - Final draft report distributed to municipalities April 2015. Staff presented report at the May 18, 2015 meeting. Draft report reviewed and approved by FEMA and Westchester County. BOT must adopt inclusion into County-wide plan early 2016 to ensure federal funding opportunities for hazard mitigation and/or disaster recovery. Draft approval resolution anticipated February 2016.
- **Local Waterfront Revitalization Program (LWRP):** this relates to the update to the adopted 1992 Village waterfront policy and vision plan including needed updated guidelines for Waterfront Commission project consistency review. DOS Staff and its legal department have worked with staff to develop the policies, based on BOT direction, which will pass muster with state-wide policies. This was the biggest hurdle we have faced. Staff resubmitted the document in Nov 2015. DOS responded that once they had a chance to look at it, they would be back in touch with us.
- **Parking Meter Update:** A report and presentation on our parking meter system is on for this meeting.

DEPARTMENT UPDATES:

- **Treasurer's Office:**
Budget kick off meeting held. Budget Work Sheets are due by January 28th, and rolling stack is due by February 1st. Department Head budget meetings scheduled.
- **Village Attorney: See attached report.**
- **Voter Education Coordinator: See attached report.**
- **Justice Court: See attached report.**
- **Parks and Recreation: See attached Report.**
- **Planning and Economic Development: See Planning and Development Assistant Director's report attached.**
- **Police Department: See Police Chief's report attached.**
- **Senior Center / Nutrition: See report attached**

➤ **Staffing (for information only): Note: Civil Service rules and regulations add an excessive amount of time and energy to the hiring process.**

- Assistant Court Clerk: the assistant court clerk vacancy has been filled.
- Senior Account Clerk (finance): interviews being conducted with an anticipated selection to be made by the end of the month.
- The Village Engineer's position: Again, an offer of employment was made to the preferred applicant however they ultimately declined after a lengthy approval process. Interviews were conducted with the remaining two of the top three candidates. Preliminary selection of a finalist has been made and reference checks are underway. I expect appointment of same prior to the end of the month.
- The Building Inspector List has been received and is currently being canvassed.
- The Code Enforcement Director position has been advertised and resumes are forthcoming.
- Police Promotions: currently two Police Sergeant promotions and two Police Lieutenant promotions are being evaluated. The list had been received and currently being canvassed. Interviews are to follow thereafter. A recommendation to appoint the selected candidates is to occur on or before February 16th.

Attachments

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

Voter Education Plan: Monthly Coordinator Report #4

Reporting Period: December 1- 31, 2015

Narrative by Voter Education Coordinator Belia Gomez-Tagle

The following represents the tasks that I have undertaken in order to meet the requirements set by the Department of Justice Decree. As the Coordinator of the Voter Education program I:

1. Continue to work with the Village Clerk to increase my understanding of the Electoral Process.
2. Continue to oversee and translate documents needed, e.g. voter presentation, informational flyer for the first forum, election dates informational flyer, sample ballot, website information, letter to parents and candidate qualifying power point presentation for the 2nd forum scheduled for January 7th.
3. I have worked closely with the Village Clerk preparing for the forums as the decree mandates.
4. On December 29th the first mandated educational Candidate Qualifying forum was held at the Senior Community Center. The forum presentation was over the Trustees candidacy requirements, dates and the process for people interested in running as candidates.
5. The legal notice for candidate qualification process was published in El Sol News and Westchester Hispano having coverage during December 18th, 2015 until 01/07/16. We kept the ads in our records as the decree mandates.
6. Continue to encourage people, while I distribute flyers, to participate and attend to any of our forums to learn how to qualify as a candidate or just to learn about early voting and cumulative voting system. Most of the people are aware about our program.

7. Posted flyers on almost every window of our commercial area including churches, library, non-for profit organizations and public places where they allowed me to leave flyers.
8. Secured polling places for the voting districts: Don Bosco Community Center, Corpus Christi Church Holy Rosary Church, Carver Center, Brooksville Gardens Senior Citizens Apts, JFK School, Edison School and Middle School, King St School and Park Avenue School and they signed the vouchers to secure these facilities as polling places for the voting districts. St. George's Orthodox Church is pending.
9. Mailed all the communications like flyers or brochures to community leaders, community centers, churches and not-for-profit agencies notifying them of the first Educational Forum on the cumulative voting process.
10. Picked up and delivered flyers with calendar of forums and information on early voting and cumulative voting system to the Library, Village and Town Halls, Carver Center, Don Bosco, Family Services of Westchester, Open Door, Assembly of God World Vision, PC Dental Group, groceries and other business establishments.
11. I reached out by phone and email to El Sol, El Aguila and The Westchester Hispano newspapers to make a request to the editors to write an article on the 2016 Election electoral process. Two of the papers have agreed to send a journalist to cover our forums. I will send them the information contained in brochure about early voting, cumulative voting system and Frequently Asked Questions already approved by the DOJ. See attachment. The article will be published and released by the end of February or beginning of March . I am also hoping to get a response from the other newspapers.
12. Picked up and delivered posters re calendar of forums to the following places: Port Chester Rye Brook Public Library, Open Door Family Medical Center, Family Services of Westchester Senior Community Center, Carver Center, Assembly of God World Vision, Our Lady of Mercy, St. Peter's Church, Holy Rosary Church, PC Dental Group, Several grocery stores and other business establishments on Westchester Avenue and Main Street

13. Met with Teen Center volunteers to record a radio spot with information about early voting, cumulative voting system and important dates for the community of Port Chester. The recording is done so the next step is to edit it and send it to radio stations.
14. Published information on Public Access channel with the dates of our forums.
15. On Dec 17 and Dec 31 2015 two press releases were send to the Media including the Westmore News, the Journal News, Greenwich Times, FIOS1, Cablevision, WGCH Radio, WFAS Radio, WVOX Radio, Chamber of Commerce, G Latimer, S Otis, C Pierro, D Rotfeld,
16. Attended almost all BOE meetings and PTA or PTO meetings where I spoke about our program of Early voting and Cumulative voting system. I will continue distributing flyers and any communication print or via oral.
17. Set up a table during parent-teacher conferences so I was able to approach individually every parent after their meeting.
18. Set up a table during the Bond Referendum on December 22nd and distributed flyers to invite voters to come to our candidate qualifying forums and giving the other dates for the Voter Election Program and remind them our Board of Trustees Election on March 15, 2016
19. Attended prayer groups and services in different churches to keep my engagement with the groups and keep updating them about our forums. I distributed flyers. The next step is to distribute the flyer with information about early voting and cumulative voting system.
20. Secured sites for the educational and qualification process for candidacy forums. The schedule is as follows:

December 29th, Tues @ 6:30 pm · English and Spanish Forum - important information for potential candidates on the candidate qualifying process · Port Chester Senior Center, 222 Grace Church Street, Port Chester, NY 10573

January 7th, Thurs @ 6:30 pm · English and Spanish Forum - important information for potential candidates on the candidate qualifying process · Don Bosco Community Center, 22 Don Bosco Place, Port Chester, NY 10573

January 16th, Sat @1:00 pm - English and Spanish Educational Forum · Assembly of God World Vision Church, 225 King Street, Port Chester, NY 10753

January 20th, Wed @ 6:30pm · English and Spanish Educational Forum · Carver Center, 400 Westchester Avenue, Port Chester, NY 10573

February 9th, Tues @ 6:30pm · English and Spanish Educational Forum · John F. Kennedy Magnet School, 40 Olivia Street, Port Chester, NY 10573

March 2nd, Wed @ 4:30pm · English and Spanish Educational Forum · Library of Port Chester Middle School, 113 Bowman Avenue, Port Chester, NY 10573

March 8th, Tues @ 6:30pm · English and Spanish Educational Forum · Thomas A. Edison Elementary School, 113 Rectory Street, Port Chester, NY 10573

Respectfully submitted,

Belia Gomez-Tagle
Voter Education Coordinator



Port Chester **VOTES**

**Your Board of Trustees
Elections**

MARCH 15, 2016

*"A Third Historic Election for
Port Chester Voters"*

Port Chester VOTES

On March 15, our citizens will participate in an important election to elect the Village Board of Trustees. There are several voting rules that give more power to voters. All members of the Board of Trustees will be elected at the same time. As in 2010, Trustee elections will be held with an election system called "Cumulative Voting. Under cumulative voting, you can cast your 6 votes as you wish, including giving more than 1 vote to your favorite candidates.

This year, voters will have more time to vote. From March 7 - 12, registered voters can go to the Village Clerk's office (located at 222 Grace Church Street) to cast their vote ahead of Election Day on March 15th. Used in many states, early voting allows busy voters to vote at their convenience. Here in Port Chester, early voting hours are from 9 am to 8 pm Monday to Friday and from 9 am to 5 pm on Saturday. Early voting participants will be able to vote on a regular lever voting machine. Early votes will be counted along with Election Day votes after the polls close on March 15th, Election Day.

To find out more about the upcoming election, including how to register to vote, polling locations and demonstrations of the new voting process, please visit www.PortChesterVotes.com.

Our New Voting Method: Cumulative Voting

Cumulative voting is a *proven voting system* used to elect city councils and school boards in several communities, including Port Chester, NY, Peoria, IL and Amarillo, TX. As in previous Village elections, candidates run and are elected village-wide.

As a voter, you have 6 votes to cast for the Board of Trustees and should use them all. You have the freedom to distribute your 6 votes as you please. You may cast more than 1 vote for your favorite trustee candidates.

<input type="checkbox"/> 34A PARTY NAME Adam GOOSE	<input type="checkbox"/> 35A PARTY NAME Ana DUCK	<input type="checkbox"/> 36A PARTY NAME Maria HORSE
<input type="checkbox"/> 34B PARTY NAME Adam GOOSE	<input type="checkbox"/> 35B PARTY NAME Ana DUCK	<input type="checkbox"/> 36B PARTY NAME Maria HORSE
<input type="checkbox"/> 34C PARTY NAME Adam GOOSE	<input type="checkbox"/> 35C PARTY NAME Ana DUCK	<input checked="" type="checkbox"/> 36C PARTY NAME Maria HORSE
<input type="checkbox"/> 34D PARTY NAME Adam GOOSE	<input type="checkbox"/> 35D PARTY NAME Ana DUCK	<input type="checkbox"/> 36D PARTY NAME Maria HORSE
<input type="checkbox"/> 34E PARTY NAME Adam GOOSE	<input type="checkbox"/> 35E PARTY NAME Ana DUCK	<input type="checkbox"/> 36E PARTY NAME Maria HORSE
<input type="checkbox"/> 34F PARTY NAME Adam GOOSE	<input type="checkbox"/> 35F PARTY NAME Ana DUCK	<input type="checkbox"/> 36F PARTY NAME Maria HORSE

Sample
Ballot

How to Vote with Cumulative Voting

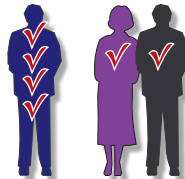
This March, you can use your six votes in any manner you wish:

You might cast one vote for
6 different candidates



Or you may decide to
give *3 votes each*
to *2 candidates*

You can give *4 votes to 1*
candidate and *1 vote each*
to *2 other candidates*



Or you might cast *all 6*
of your votes for your
favorite candidate

Any combination of votes totaling up to 6 votes is acceptable. You should cast 6 votes, but not more than 6 votes. The winners are determined by tallying all the votes for each candidate. The 6 candidates with the most votes will win seats on the Board of Trustees.

Port Chester VOTES

A Historic Election on March 15 For Port Chester Voters

On March 15, Port Chester voters again will make history. You will have a unique opportunity to make a difference with your vote.

- ✓ *On March 15 you will elect every member of the Board of Trustees:* The Board of Trustees approves the budget, oversees land use and sets policies that affect education. In 2010, Port Chester for the first time elected all 6 Trustees in 1 election. This March all Trustee seats again will be elected.
- ✓ *You can vote up to a week before Election Day:* Port Chester is the first community in New York State to allow early voting to increase access. You can vote at Village Hall from 9 am to 8 pm on Monday through Friday and from 9 am to 5 pm on Saturday from March 7th until March 12th.
- ✓ *You have the power to award your six votes as you wish:* You have the power to award your 6 votes as you wish: As in 2010, we will elect the Board of Trustees with cumulative voting. This system gives you the power to cast your 6 vote exactly as you wish. You can give up to 6 votes to a candidate you like instead of only 1 vote per candidate.

Frequently Asked Questions

What will the ballot look like on Election Day?

As in past Village elections, Port Chester will use AVM Lever Machines for the Board of Trustees election on March 15th. The full-face ballot provides a panel of levers that represent choices available to the voter. To place a vote, you simply pull the lever for the preferred candidate. You have 6 votes to cast for Board of Trustees.

Where do I vote on Election Day?

On March 15th, Election Day, Port Chester's ten polling locations will be open from 7 am to 9 pm. You should vote at your usual polling place. If you have moved or are new to voting in Port Chester, please locate your polling place by calling 939-5202 or visiting: www.PortChesterVotes.com.

If I can't make it to the polls on March 15th, can I vote early?

Yes! You can cast your ballot in person from March 7- March 12 at Village Hall (222 Grace Church Street) from 9 am to 8 pm Monday to Friday and from 9 am to 5 pm on Saturday. Registered voters unable to vote in person due to unavoidable travel, illness or disability may request an Absentee Ballot by contacting the Village Clerk at (914) 939-5202. The Clerk must receive applications by March 5th or in person by March 11th. Your completed ballot must be received by Election Day.

Interested in being an election inspector?

Great! Port Chester will be hiring paid election inspector to work full day shifts during Early Voting and on Election Day. Election inspector/poll worker must attend trainings. Bilingual Spanish speakers are encouraged to apply. Please call (914) 939-5202.

How do I register to vote?

All eligible Port Chester citizens may vote in this election, but should be registered at their current address. Eligibility requirements and registration forms are available at www.PortChesterVotes.com and from the Village Clerk's office, 222 Grace Church Street. The County must receive your registration form by March 5th.

***For More Information, contact
Port Chester Votes
222 Grace Church • Port Chester • NY 10573
www.PortChesterVotes.com
(914) 939-5202***



Port Chester VOTES

How to Vote with Cumulative Voting

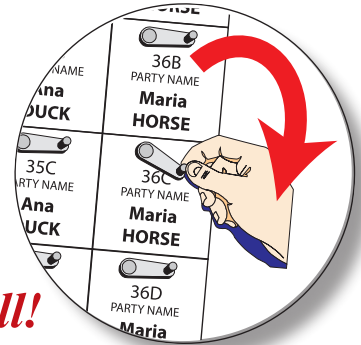
On March 15, Port Chester is electing Six Board of Trustees members

You have six votes for Board of Trustees.

You can give more than one vote to a Board of Trustee candidate. Any combination totaling up to six votes is okay.

You cast a vote by filling flipping the lever beneath a candidate's name.

When voting, you should fill in a total of six boxes for Board of Trustees.



You have Six votes for Trustees. Please use them all!

Here are examples of how you can cast your six votes for Board of Trustees:

If you decide to give *3 votes each to 2 candidates...*



34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
34B PARTY NAME Adam GOOSE	35B PARTY NAME Ana DUCK	36B PARTY NAME Maria HORSE
34C PARTY NAME Adam GOOSE	35C PARTY NAME Ana DUCK	36C PARTY NAME Maria HORSE
34D PARTY NAME	35D PARTY NAME	36D PARTY NAME

...you might vote like this example.

If you decide to give *1 vote for 6 different candidates...*



...you might vote like this example.

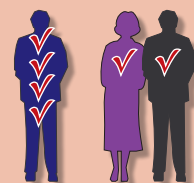
33A PARTY NAME Jane WHALE	33A PARTY NAME Peter MOUSE	33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
33A PARTY NAME Jane WHALE	33A PARTY NAME Peter MOUSE	33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE

If you decide to give *all 6 of your votes to 1 candidate...*



...you might vote like this example.

34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
34B PARTY NAME Adam GOOSE	35B PARTY NAME Ana DUCK	36B PARTY NAME Maria HORSE
34C PARTY NAME Adam GOOSE	35C PARTY NAME Ana DUCK	36C PARTY NAME Maria HORSE
34D PARTY NAME Adam GOOSE	35D PARTY NAME Ana DUCK	36D PARTY NAME Maria HORSE
34E PARTY NAME Adam GOOSE	35E PARTY NAME Ana DUCK	36E PARTY NAME Maria HORSE
34F PARTY NAME Adam GOOSE	35F PARTY NAME Ana DUCK	36F PARTY NAME Maria HORSE



If you decide to give *4 votes to 1 candidate and 1 vote each to 2 other candidates...*

33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE
33A PARTY NAME Joe ROBIN	34A PARTY NAME Adam GOOSE	35A PARTY NAME Ana DUCK	36A PARTY NAME Maria HORSE

...you might vote like this example.

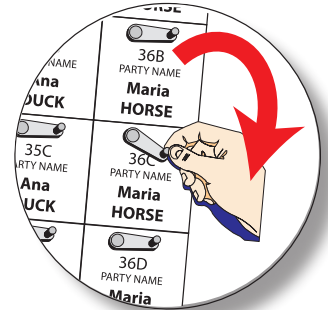


En Port Chester
VOTAMOS

Cómo Votar con el Voto Acumulativo

El 15 de marzo, Port Chester es la elección de un alcalde y seis Junta de Síndicos

- Usted tiene un voto para Alcalde y seis para la Junta de Síndicos.
- Usted puede emitir más de un voto a un candidato Síndicos.
- Cualquier combinación sumando hasta seis votos está bien.
- Usted emite un voto por obscureciendo la caja localizada abajo del nombre del candidato.
- Cuando voto, debe de llenar un voto para Alcalde y seis para la Junta de Síndicos



Usted tiene seis votos para Síndicos. Por favor, use todos!

Estos son algunos ejemplos de cómo se puede emitir su voto por seis Junta de Síndicos:

Si usted decide dar
*3 votos a cada uno
de 2 candidatos...*

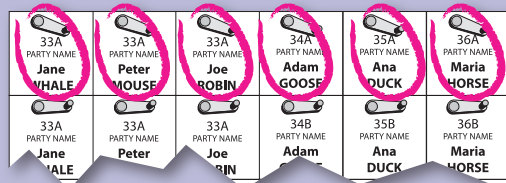


...usted puede votar
como en este ejemplo.

Si usted decide dar
*1 voto a 6 diferentes
candidatos...*



...usted puede votar
como en este ejemplo.



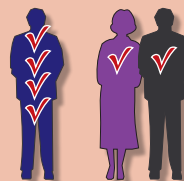
Si usted decide dar
*todo sus 6 votos a
un candidato...*



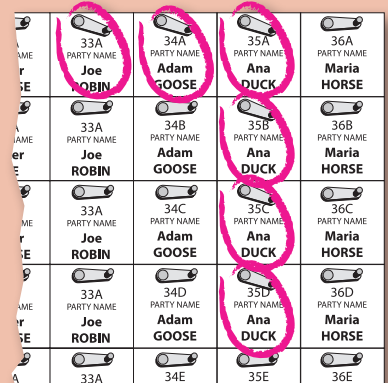
...usted puede votar
como en este ejemplo.



Si usted decide
dar *4 votos a
un candidato y
1 voto a cada
uno de dos otros
candidatos...*



...usted puede votar
como en este ejemplo.



Port Chester Village Court

Regina Hill, Court Clerk

January 13, 2016

- Assist the Judge on the Bench during court sessions on Mondays, Thursdays and Fridays
- Traffic night court 01/05/16, 01/12/16
- Processed Criminal Disposition Reports (CDRs) after court
- Count daily cash taken in by every clerk
- Prepare daily deposits on designated days and take deposit to drop box at the bank
- Completed court paperwork after court sessions
- Update excel spreadsheets with Bail disbursements from court
- Electronically transmitted 231 Criminal Dispositions Reports (CDRs) to New York State Division of Criminal Justices Services as of January 13, 2016
- Reconciled Judge Troy Justice Account. Ending Bank Balance as of 12/31/15 - \$42,217.83
- Prepared December 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Troy - \$40,581.00 to be reviewed and electronically submitted by Judge Troy
- Reconciled Judge Castaneda Account. Ending Bank Balance as of 12/31/15- \$72,539.85
- Prepared November 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Castaneda \$72,672.85 to be reviewed and electronically submitted by Judge Castaneda
- Reconciled Judge Sisca Justice Account. Ending Bank Balance as of 12/31/15 - \$122,210.10
- Prepared December 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Sisca - \$123,407.10 to be reviewed and electronically submitted by Judge Sisca
- Reconciled Tow Account. Ending Bank Balance as of 12/31/15 - \$865.00
- Prepared vouchers and Payroll to be sent to the Finance Department
- Staff Meeting held on December 16
- One person resigned so I have been doing her work for the past month (entering cases, preparing the court calendar and all paperwork, daily deposit, setting up cases, etc.)
- January 11, 2016 began training new hire Keith Eversley

MEMORANDUM

To: Christopher D. Steers
Village Manager

From: Heather Krakowski
Recreation Supervisor

Subject: Monthly Report (December 2015 –January 14, 2016)

Date: January 14, 2016

Please see a list of meetings I have attended and a list of programs that are running or upcoming. This list is usually included in my monthly reports to the Recreation Commission.

Meetings

12/ 16 Payroll system – Time clocks
12/ 16 Agenda review meeting
12/ 18 Park staff
12/ 21 D. Hidalgo – Soccer Club
1/7 Pre Agenda Meeting
1/13 Ariel Edwards, Clay Art Center
1/13 Camp Staff

Programs/Events**Registered/ Attended**

Christmas Tree Lighting/ Santa in the Park
December 10th (Rain Date Dec 11th)

2000

Special Citizens Holiday Lunch

40

After School Reading & Art
Starts November 2015-May 2016

40

After School 3rd – 5th Grade basketball
Starts **November 17th**

35

Drop – in Basketball
(Teens)

25

Coat Drive (starts November)

175 (as of 1/14)

UPCOMING Programs/Events**Registered/ Attended**

Winter Soccer
Starts **January 18th**

Winter Clay Art Classes

Floor Hockey
(1st and 2nd Grades)

Winter Mini Camp
February Break

Super Soccer Stars –Soccer
3, 4 and 5 year olds – March

Spring Youth Tennis
Starts April

Spring Soccer
Starts April

Easter in the Park
Tentative March 19th

From December 15th – January 14th

- **Organized and Overseeing currently running programs listed above**
- **Overseeing the After School Staff & park permits applications**
- **Organizing the upcoming programs (Examples – Winter Mini – Camp, Floor Hockey, Day Camp, Cub Camp, Playground Program)**
- **Completed Winter/Spring/ Summer Activities Brochure**
- **Working on Winter/ Spring / Summer Activities Schedule –Staff, Equipment**
- **Interviewed Seasonal Staff and Upcoming Programs (After School Programs)**
- **Coat Drive (coordinates with local cleaners, organizations and schools) coats distributed throughout Port Chester**
- **Working on Budget 2016-2017**
- **Working on Capitol Projects Budget**
- **Completed Budget paperwork for Office of Children and Family Services**
- **Preparing staffing and schedules for Spring and Summer Programs**
- **Preparing Bus Bid for Summer Programs**



VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING and DEVELOPMENT
 222 Grace Church Street, Rm. 202
 Port Chester, NY 10573
 (P) 914.937.6780
 (F) 914.939-2733

Jesica Youngblood, Assist. Director of Planning & Development
 Andrea Sherman, Assistant Planner
 Constance Phillips, Planning Commission Secretary

ACTIVE PLANNING AND DEVELOPMENT INITIATIVES

PLANNING

INITIATIVE	SUMMARY	STATUS
Redevelopment of the former United Hospital Site (Starwood)	Mixed-use redevelopment proposal for the former United Hospital site located within the Village's PMU Planned Mixed Use District to permit: 500 "Millennial" housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park.	Preliminary DEIS provided by Applicant December 30, 2014. Applicant submitted revised DEIS documentation May, June and July 2015 for consultant and staff review for completeness per SEQRA law. BOT adopted Applicant's DEIS as complete July 20, 2015. First SEQRA public hearing scheduled August 25, 2015, second scheduled September 21, 2015 with time devoted to traffic discussion. Topic specific public hearing Oct 5 for school, fiscal, and community facility impacts. Public comment closing October 30, 2015. Applicant currently preparing draft Final Environmental Impact Statement.
Lot Line Adjustment	Land subdivision law amendment to allow for administrative approval of minor lot line adjustments or apportionments that will not create additional buildable lots or alter zoning districts.	Local law adopted July 6, 2015.
School Children Generation Mitigation Formula (Funded, initiated by the Village IDA)	Development of mitigation formula applicable to multi-family residential development seeking to provide monetary contribution to any additional impact to the school district as a result of the project.	Presentation to BOT, December 2014. Consultant revised final document to include additional multi-family development examples.

Project Proposal Forms	Intake and processing of proposals which may require review by the Planning Commission, Zoning Board, and Waterfront Commission.	Ongoing. Allow for tracking market trends relative to existing zoning provisions.
Planning Workshops	Workshop meetings with the Planning Commission to discuss various topics regarding the implementation of Comprehensive Plan recommendations and zoning amendments for BOT review.	Ongoing.
Village-School District Liaison Meetings	Purposed to provide collaborative forum for projects and initiatives that involve both the school district and Village.	Meetings ongoing since early 2015. Most recent meeting held December 10 at Village Hall.
Redevelopment of "Retail D"	Redevelopment proposal to amend the Marina Urban Redevelopment (MUR) Plan and Section 345-67 of the Village Code to create a mixed use project.	Applicant presented zoning petition to the BOT April 2015 and to the Planning Commission May 2015. Applicant submitted revised petition October 2015 which included incorporation of Planning Commission, Board, and Staff comments. The Board adopted a resolution scheduling a presentation by the Applicant for Oct. 19 with a subsequent joint public hearing with the Planning Commission on November 2, 2015. The joint public hearing was adjourned until January 19, 2016. Village consultants and staff reviewing additional material submitted regarding potential environmental impacts, as requested. Action anticipated February 2016.

GRANTS

INITIATIVE	SUMMARY	STATUS
Grant Writing Services: Millennium Strategies, LLC	A major priority of the village continues to be grant application submissions throughout local, state and federal sources. A professional grant writing firm to augment services provided by village staff bolsters successful applications.	<p>BOT awarded contracted grant writing services to Millennium Strategies, LLC on Sept. 21, 2015.</p> <p>Millennium and Staff submitted application for the ‘Assistance to Firefighter’s Grant’ for additional equipment and training requests based on consultations with the fire chiefs regarding priorities for training and equipment.</p> <p>Pre-planning efforts underway for hazard mitigation and green infrastructure projects under FEMA and New York State. Ongoing work with Village Engineer to solidify project proposals.</p> <p>Millennium and Staff currently assessing anticipated 2016 grants (all sources) in relation to village priorities for best approach for application.</p>
Dept. of State Grant: Bulkhead Design and Construction Documentation + Permits	Application, management and oversight of awarded 2013 Department of State Local Waterfront Revitalization Program grant for the repair of the collapsed bulkhead with new public activity platform: implementation of for final design and construction documentations plus all applicable permits for the collapsed bulkhead. Application, management and oversight of other applicable local, state and federal grant opportunities.	<p>DOS-LWRP FY2013-2014: awarded \$225,420 for design and construction plans + permits. Contract with DOS executed October 2014. BOT selected Boswell Engineering on July 6, 2015. BOT also adopted via resolution a bond to cover the full amount of the grant on November 2, 2015.</p> <p>The BOT established a project advisory committee</p>

		per DOS contract agreement. Staff working with Boswell to structure kick off meeting January 2016.
New York State Regional Economic Development Council (REDC) Grant Funding	<p>The Regional Economic Development Council initiative (REDC) is a key component of Governor Andrew M. Cuomo's transformative approach to State investment and economic development. In 2011, Governor Cuomo established 10 Regional Councils to develop long-term strategic plans for economic growth for their regions. The Councils are public-private partnerships made up of local experts and stakeholders from business, academia, local government, and non-governmental organizations.</p> <p>The Regional Councils have redefined the way New York invests in jobs and economic growth by putting in place a community-based, bottom up approach and establishing a competitive process for State resources.</p>	<p>2015 CFA Process opened May 1, 2015 and closed July 31, 2015. Staff attended June 9, 2015 CFA workshop. The Village submitted applications for waterfront enhancements, downtown revitalization, and transit oriented development strategies to improve economic development.</p> <p>Announced December 11, 2015, the Mid-Hudson Regional Economic Development Council awarded Port Chester a \$10,000 grant under the Empire State Development – Market New York program. Grant focuses on promotional strategies to regionally market Port Chester in light of the village's 150th anniversary in 2018.</p> <p>Village currently discussing strategies for anticipated CFA 2016 program/grants with Millennium Strategies.</p>
New York State Community Development Block Grant Funding	State funding through the Office of Homes and Community Renewal (OHCR) including housing, public infrastructure, public facilities, economic development, etc. Total funding allocated for Westchester Communities is \$4.1 million.	Program announced July 2015. Staff submitted Community Development Block Grant applications for public facilities and public infrastructure (~\$1.15M in total) by October 23 deadline.

		The State anticipates award announcements by year-end 2015.
New York State Environmental Facilities Corporation – State Revolving Fund	New state program to facilitate the replacement and repair of wastewater infrastructure and to fund projects that will result in the greatest reduction in risk to public health. Eligible projects include rehabilitation of wastewater treatment plants, repair/rehabilitation of sanitary sewers, and energy efficiency upgrades to wastewater treatment plants.	Staff consulted with Village Engineer and Dept. of Environmental Conservation plus offices of Senator Latimer and Assemblyman Otis. Staff submitted Intended Use Plan (IUP) applications by Sept. 4 deadline and received confirmation of such projects added to the IUP. Awards anticipated early 2016. Staff continuing working with Village Engineer and Millennium Strategies for anticipated 2016 follow-through.

ENVIRONMENTAL PLANNING

INITIATIVE	SUMMARY	STATUS
FEMA Emergency Management Planning	The Federal Emergency Management Agency aims to build, sustain, and improve our capability to prepare for, protect against, respond to, recover from, and mitigate all hazards. The Village is currently undertaking an action plan for hazard mitigation and resiliency planning, and staff will continue working with FEMA to execute proper procedures concurrent with local, state, and federal objectives.	Village staff have met on multiple occasions with FEMA representatives to provide an overview of village operations. Staff will continue to work with FEMA to execute high standards for public safety as related to disaster mitigation.
Hazard Mitigation Planning (County-wide Plan)	Westchester County preparation county-wide hazard mitigation planning, i.e. hurricanes, blizzards, flooding, etc. Completion ensures eligibility for emergency management funding.	Final draft report distributed to municipalities April 2015. Staff presented report at the May 18, 2015 meeting. Draft report reviewed and approved by FEMA and Westchester County. BOT must adopt inclusion into County-wide plan early 2016 to ensure federal funding opportunities for hazard mitigation and/or disaster recovery. Draft

		approval resolution anticipated February 2016.
MS4 Permit Management	Municipal separate storm sewer system (MS4) permit required by Federal Government under the Environmental Protection Agency (EPA) National Pollutant Discharge Elimination System (NPDES) program to prevent harmful pollutants from being washed or discharged into a waterbody.	Annually. NYSDEC Audit completed June 2 for compliance review. Village Staff provides structure and assistance for future audits.
Local Waterfront Revitalization Program (LWRP)	Update to adopted 1992 village waterfront policy and vision plan. Guidelines for Waterfront Commission project consistency review.	BOT adopted a resolution authorizing new trajectory work on the draft LWRP. Staff working with the NY Department of State (DOS) to make amendments and move towards official 60 Day Document Review. Formal BOT adoption required subsequent to formal review.

VISIONING, BRANDING, AND ECONOMIC DEVELOPMENT STRATEGIES

Economic Development Promotional Material	Economic development promotional materials citing Comprehensive Plan, Strategic Plan, LWRP vision. Coordination with IDA Strategic Planning efforts.	Ongoing. Staff works with the Industrial Development Agency and provides project information where applicable.
150 th Anniversary	Proposed formation of a steering committee to complete specific beautification projects in anticipation of the Village's 150 th anniversary in 2018. Possible projects include: <ul style="list-style-type: none"> • Streetscape improvements • Area branding • Placemaking Charette • Historic preservation designation • New/improved greenspace and/or bike and pedestrian amenities • Area-wide programs/events/initiatives 	Announced December 11, 2015, the Mid-Hudson Regional Economic Development Council awarded Port Chester a \$10,000 grant under the Empire State Development – Market New York program. Grant focuses on promotional strategies to regionally market Port Chester in light of the village's 150 th anniversary in 2018.

ADMINISTRATION

INITIATIVE	SUMMARY	STATUS
Records Management	Maintains and records all planning, zoning files including escrow accounting for active applications	Ongoing
Board/Commission Management	Staff, professional development; professional certification	Ongoing
IDA Management	Records and maintains all IDA files; liaise between Village and IDA.	Ongoing
Web Management	Maintains Planning, Zoning IDA, LDC webpages.	Ongoing

Planning Commission, Zoning Board of Appeals, and IDA Applications

The Office of Planning & Development oversees activities for the Planning Commission, Zoning Board of Appeals, Waterfront Commission, Industrial Development Agency and Board of Trustees. Below are two tables of both active and recently approved applications managed by the Office of Planning & Development. Additional information is available through the Office's website (http://www.portchesterny.com/Pages/PortChesterNY_Planning/index).

ACTIVE PLANNING APPLICATIONS

Address	Project Description	Status of Project
70 Grove Street	Site plan approval for legally non-conforming auto body, office uses.	Public hearing adjourned, February 2016.
314-316 Boston Post Road	New retail and office building of approximately 20,000 sqft.	Adjourned public meeting scheduled for January 2016.
141 Abendroth Ave	Site plan conditions amendments.	Public hearing adjourned to January 2016.
999 High Street	Special Exception use renewal.	Public meeting scheduled January 2016.

APPROVED APPLICATIONS

Address	Project Description
74-78 Fox Island Road	Wireless facility upgrade on DPW smoke stack.
400 N Main Street	Accessory storage structure for restaurant use.
509 Boston Post Road	New boutique health club facility.
14 University Place	New property structures, tenant storage units.
110 Westchester Ave	New dental office.
74, 98 Fox Island Road	Relocation of existing laundry facility at 98 Fox Island Road to 74 Fox Island Road with expansion of existing warehouse at 98 Fox Island Road.
110 Westchester Ave	New dental office.
10 Pearl Street	Demolition of existing building for new restaurant and four floors of office.
29, 37-39 N Main Street	Expansion of existing restaurant into outdoor patio space.
10 Bulkley Ave	Site plan approval for woodworking shop.
141 Willett Ave	New health club.
21 Abendroth Ave	Shared parking approval.
141 Willett Ave	New health club.
120 N Pearl	New multi-family building (50 units) with high-end amenities + parking.
163 N. Main	Tarry Market Alley way.
8 Slater	Warehouse expansion for vehicle storage.
25 Willett Ave	Creation of American Bar & Restaurant.
242 King St	Expansion of existing office building.
264 Boston Post Road	Legalization of freezer at existing drive-thru restaurant.
411 Westchester Ave	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Verizon).

411 Westchester Ave	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
135 S Main Street	Site plan approval for construction of two new two-family residences.
117 N Main Street	Open a family oriented Papa John's pizza restaurant.
999 High Street	Renewal for special exception use permit for wireless telecomm facility (AT&T).
167-169 Terrace Ave	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
999 High Street	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
222 Grace Church St	Modification of existing base station and renew existing special exception use permit for wireless telecomm facility (Sprint).
45 Townsend	Remove an existing two family dwelling and use the parcel for open storage of materials.
126 North Main St	Gastropub styled restaurant featuring weekend acoustic performances.
33 New Broad St	Open micro distillery as part of larger sustainable/farming operation.
152 King Street	Proposed interior renovations to a 1-story building to convert existing repair bays to a convenience store.
96 Perry Ave	Two-lot subdivision
145 Westchester Ave	Expansion of use and operation of the space by annexing it into the adjacent existing overall operations of The Capitol Theatre.
149-151 Westchester Ave	Capitol Theatre expansion of capacity use/increase occupancy from 1,835 to 2,205; add exterior walk in cooler, use of sidewalk hydraulic material lift and addition of mobile stand up bars.
36 Midland Avenue	Installation of sectional overhead doors & relocation of 3 parking spaces.
104 North Main Street	Reconfigure existing takeout restaurant & expand kitchen & dining room into existing adjacent tenant spaces, renovate existing basement for auxiliary use to restaurant on 1st floor, install new NFPA Sprinkler System throughout entire building.
110 Midland Avenue	Installation of a self-contained cosmetic spray booth within open warehouse space in accordance with Westchester County emission permit.
110 North Main Street	Raise existing roof structure to provide habitable space. Existing 2nd floor to be used as an office, storage, private dining and a service kitchen for private dining.
400 Westchester Ave	Construct a rear handicap-accessible rear facility entrance with canopy and fence; Replace playground equipment
275 Boston Post Road	Renovate existing vacant food service establishment into a Popeye's franchise restaurant with drive-thru.
110 Westchester Ave	Provide pedestrian access from Village owned muni parking lot to rear of common property line, install new exit door, walkway with lighting new fencing and new lawn.
26 Putnam Ave	Site Plan approval for continued use of an existing Sign/Graphic Design Shop (2nd fl.) and approval for a change of use (1st fl.) for current non-conforming use as a laundromat.
21 Abendroth	Shared parking approval
411 Westchester Ave	Modification of existing wireless facilities.
500 N. Main Street	Health club approval
110 Midland	Amendment to approved site plan; special exception use.
3 West Street	New two-family home with on-site parking.
528 Willett Ave	Site plan approval for new underground storage tank, site improvements and convenience store.



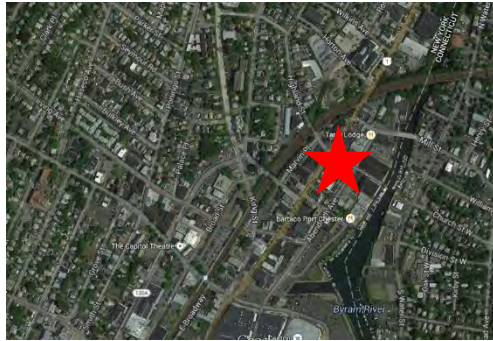
VILLAGE OF PORT CHESTER
DEPARTMENT OF PLANNING &
DEVELOPMENT

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

Jesica Youngblood, Assistant Director of
Planning & Development
Constance Phillips, Planning
Commission Secretary

To: Chairman Gregory and Planning Commissioners
From: Jesica Youngblood, Assistant Director of Planning & Development
Re: December 1, 2015 Planning Commission Meeting Comment Memorandum
CC: C. Steers, T. Cerreto, P. Miley, D. Rotfeld, C. Phillips
Date: November 24, 2015

1. 141 Abendroth Avenue/21 Willett Avenue (Case #2015-0118)
Formerly #679(F113) & 408E(F113)



Section, Block, Lot: 142.23-2-47 (formerly 142.23-2-13, 142.23-2-14, 142.23-2-15)
Zoning District: C2 Main Street Business District
Lot size: 60,559 sqft,
Owner: Mariner Port Chester LLC
Applicant: Anthony Gioffre, Esq. of Cuddy & Feder, LLP o/b/o The Mariner Port Chester, LLC

Project Overview:

The Applicant seeks relief from conditions numbers 16, 22, and 31 of the adopted Site Plan Resolution (dated January 25, 2010):

- **Condition #16:** “*The applicant shall place all overhead utilities underground, shall reconstruct all sidewalks and curbs and shall install street landscaping and associated facilities immediately surrounding the site in accordance with Village standards and specifications, prior to the issuance of a Certificate of Occupancy.*”
- **Condition # 31:** “*All on-site utilities shall be installed underground.*”

- Condition # 22: *“The Applicant shall fund an escrow account of sufficient amount to provide monitoring of the Abendroth Avenue/Willett Avenue intersection at 6 month intervals for a period of two years after 75% of the units in the building are occupied. Said monitoring shall be supplied to the Planning Commission in a timely manner. If, in the sole opinion of the Planning Commission, the Levels of Service or overall traffic conditions are the intersection deteriorate appreciably, the applicant shall install a traffic light at this intersection, at its sole expense, to mitigate this situation.”*

SEORA Classification:

The project is classified as a Type II Action under the State Environmental Quality Review Act and requires no further action.

Required Approvals:

- Site Plan amendment approval (Planning Commission)

Next Steps:

As requested from the Commission, ConEdison representatives Paul Cherian, construction manager, and Jane Solnick, Director of Public Affairs, attended the March 30 meeting to discuss options and alternatives to burying the existing power lines. As a result of the meeting, additional discussion among ConEdison, The Mariner, and the Village occurred on May 4, 2015. The Applicant requested adjournment until the September 28, 2015 meeting, at which the Planning Commission requested the Applicant present an update on consultation(s) with ConEdison related to the requested variances and demonstrate design alternatives and related cost estimates for power line re-wiring feasibility at the October 26, 2015 Planning Commission meeting.

The Applicant hosted a meeting with Village staff on October 13, 2015 and presented two design alternatives as devised by ConEdison. Both the Applicant and representatives from ConEdison (Paul Cherian and Luigi Vingo) will be present to answer questions regarding the design alternatives.

At the October 26, 2015 Planning Commission meeting, the Applicant presented one design to bury ConEdison cables underground and an alternative design proposal to relocate ConEdison cables across the street. The Planning Commission requested the Applicant present more detailed analysis and preliminary plans for the proposed relocation plan and coordinate said efforts with the Village Engineer.

The Applicant requests adjournment until January 25, 2016 in order to continue developing proposed relocation plans and address concerns raised by the Commission during the October meeting. Until then, the Applicant will continue working through engineering/feasibility considerations and provide an updated presentation at the January 2016 meeting.

2. 70 Grove Street (Case #2015-0124)



Section, Block, Lot: 142.30-1-5
Zoning District: R2F Two Family Residence
Lot size: .117 acres
Owner: Colley W. Criss
Applicant: Criss Grove Street

Project Overview:

The Applicant seeks to expand an existing legally non-conforming auto body repair shop at 70 Grove Street (Section 142.30-1-5) located in the R2F Two-Family Residence District. The parcel is mixed-use with a 3-family home at the front of the parcel toward Grove Street, and the auto body shop at the rear of the parcel. The applicant must legalize the expanded ground-floor auto body shop use plus the second-floor storage space.

Proposal includes 1,469 square feet of existing ground-floor auto body repair and 1,469 of expanded second-floor storage space. Applicant proposes no off-street parking.

Zoning Compliance Review:

The Zoning Compliance Form completed and certified by the Village Building Inspector indicates that the proposed expansion of the legally non-conforming auto body garage in the R2F Two Family District requires a use variance from the Zoning Board of Appeals prior to receiving site plan approval from the Planning Commission. Area variances for single and combined side yard setback and rear yard setback are also required.

SEQRA Classification:

The Project is classified as an Unlisted Action under the State Environmental Quality Review Act and requires a determination of significance prior to formal action.

Required Approvals:

- Site plan approval (Planning Commission)
- SEQRA Determination of Significance (Planning Commission)
- Use and area variances (Zoning Board of Appeals)
- Notification to Westchester County Planning Board (Village Staff)

Next Steps:

The Planning Commission referred the Applicant to the Zoning Board of Appeals for the required use and area variances on May 28, 2015. On August 20, 2015 the ZBA adjourned the case until the September 17 meeting due to insufficient presentation of material. On September 17, 2015 the Zoning Board of Appeals directed the Village Attorney to draft favorable findings for the requested use and area variances. At the October 15, 2015 meeting, the Zoning Board of Appeals upheld the September action and granted both use and area variances. The ZBA also discussed compliance considerations extended to the Planning Commission to consider, such as prohibiting auto-body work in the driveway, compliance with County Dept. of Health regulations, etc. The property must adhere to all building and fire code regulations as overseen by the Building Department during the permitting stage.

The Application still requires site plan approval from the Planning Commission to include the relief granted by the ZBA in October. As such, the Planning Commission raised concerns at the May 28 meeting regarding the following items: business operation overview; street parking information; and addressing all Village Engineer comments

The Applicant must fully address all previous comments raised, at minimum, prior to close of a public hearing. Further, the Applicant must submit an amended site plan incorporating all planning and engineering changes made since May.

Continue to Next Page

3. Fox Island Road/DPW Smokestack (Case #2015-0129)



Section, Block, Lot: 142.55-1-3
Zoning District: DW Design Waterfront
Lot size: 374,126 sq ft
Owner: Village of Port Chester
Applicant: Md7 on behalf of AT&T (lessee)

Project Overview: The Applicant seeks to improve cellular service for AT&T by removing and replacing three (3) antennas, collocating three (3) remote radio head (RRH) units; and collocating various cabling to support the aforementioned antennas and RRH units at 82-84 Fox Island Road within the DW Design Waterfront District.

The applicant submitted a special exception use application alongside a site plan application. The applicant also provided an On-Site Radio Frequency Safety Survey Report and demonstrates compliance with FCC rules and regulations for radio emissions.

The Village Wireless Consultant, Ronald Graiff, reviewed the application and deemed it compliant with FCC electromagnetic radio frequency compliance. A copy of his report is included in the Commissions' packets. Upon further review and request, the Applicant submitted a structural analysis of the smoke stack which will be subject to review and certification prior to issuance of a building permit.

Pursuant to 47 U.S.C. § 1455 and Section 6409 of the *Middle Class Tax Relief and Job Creation Act* (2012), the Application meets the requirements as an eligible facilities list for non-substantial modifications. These federal regulations remove discretionary authority from the Planning Commission and preclude the Commission from denying the application. Therefore, this Commission cannot deny special exception use and site plan approval.

Required Approvals:

- Special Exception, Site Plan approvals (Planning Commission)
- Notification to Westchester County Planning Board, Town of Greenwich (Village Staff)

Next Steps:

To comply with FCC regulations, this Commission set the public hearing for the application for December 1st and must accept a resolution of approval for SEQRA, special exception use, and site plan at that time.

POLICE DEPARTMENT
PORT CHESTER, NEW YORK

MONTHLY REPORT, DECEMBER 2015

Training:

On December 18th, 2 Probationary Police Officers: PO Mark Morales, and PO Kevin Munnelly successfully completed the 141th session of the Westchester Zone 3 Basic Recruit Training Course. This 20 week course of study held at the Westchester County Police Academy, included instruction in such areas as legal issues, street encounters, car stops, first aid and physical fitness. Police Officers Morales and Munnelly were paired with Field Training Officers on December 21st to begin the field training component of their training program.

During December, 56 members of the Department successfully completed an 8 hour course of study leading to recertification as a Taser operator. This training covered such areas as use of force, Taser mechanics, contraindication situations, and medical issues.

An 8 hour course of study in Tactical First Aid was held at PCRRB EMS Headquarters over a 2 day period during the month. Fifty six members of the Department successfully completed the course which led to recertification in CPR. Theoretical and hands on training was directed at training members in the use of the latest measures of bleeding control, airway management, and the use of tourniquets.

Welcome Aboard:

On Monday December 7th the Board of Trustees approved the appointment of three Port Chester men to the position of Probationary Police Officer. PPOs Leonard Carriero, Yovani Lago, and Kenneth Manning are scheduled to begin training at the 142nd session of the Westchester County Police Academy on January 11th

Statistics												
FBI Part 1 Crimes	Jan. 1/14	Feb. 2/14	Mar. 3/14	Apr 4/14	May 5/14	June	July	Aug.	Sept	Oct	Nov	Dec
Assault	4 2	4 3	4 6	5 7	5 8	7	6	6	6	6	7	5
Burglary	4 1	1 4	4 2	2 1	1 5	1	5	3	2	3	6	3
Larceny	28 34	31 26	31 37	40 43	41 39	41	41	50	54	42	41	57
Murder	0 0	0 0	0 0	0 0	0 0	0	0	0	0	0	1	0
Motor Veh. Theft	0 1	0 1	0 0	1 1	2 0	0	0	0	1	3	1	3
Rape	0 1	0 0	0 0	1 0	0 0	0	1	1	1	0	0	0
Robbery	1 4	2 0	1 2	1 1	1 5	3	3	4	4	5	7	2

Arrests/Tickets	January	February	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Parking Tickets	5312	3661	4240	4393	4093	3575	4,415 ¹	4,996	4704	4813	4331	4,235
Traffic Tickets	559	433	555	643	582	425	581 ²	376	505	513	265	339
Arrests	161	130	157	140	172	133	145 ³	164	146	157	128	158

Common Calls for Service	January	February	March	April	May	June	July	Aug	Sept	Oct	Nov	Dec
Aided, Medical	192	150	154	144	157	142	150	152	165	170	158	170
Accidents	108	108	116	102	115	122	126	113	97	125	139	119

¹ Average for 2014-4627

² Average for 2014-390

³ Average for 2014-112

Alarms	106	96	80	86	83	86	120		97	70	86	101
Directed Patrols	166	116	101	109	87	51	57	68		14	68	129
Domestic	12	30	22	24	21	10	20	26	14	25	22	29
School Crossings	45	32	17	19	25	55	0	0	7	15	8	8
Total Calls for Service	1637	1401	1556	1525	1611	1551	3436	1626	1647	1711	1443	1506

Monthly Report - Port Chester Senior Center (Nutrition Program)

December, 2015

17,419 Meals served to date: (Nov, 2015-May, 2016)

40 Home Bound Seniors received their meals at home, per day Monday-Friday

60 seniors attend the Saturday Program.

Senior Center Calendar:

Dec. 5th-Holiday Shopping Fair 10-4 p.m., Dec. 8th—Holiday Decorating Contest, Dec. 9th-Trip to Kmart, Dec. 12th- Holiday Party, Dec. 14th-Decorating Gingerbread Houses Dec. 15th-Kwanzaa, Dec. 18th—Westchester Dinner Theatre, Dec. 21st—Hot Chocolate Social Christmas Carol singalong, Dec. 24th-Christmas Eve Breakfast, Dec. 31st-New Year's Eve Party 12-2 p.m.

Every Thursday—Zumba 10:30 a.m. Every other Tuesday Tai Chi—10:30 a.m. Art Class every Friday morning at 10-12, Bingo Wed and Thurs afternoons Mah Jong played every Friday afternoon at 1 p.m. Ang Rubino singers every Friday at 1 p.m.

Dec. 10th.---100 Grocery Bags with fresh produce have been given out on the second Thursday of each month to PC seniors. Bags are prepared by the Food Bank of Westchester.

Community Center Calendar:

Dec. 1st-Planning Commission Meeting, Dec. 3rd-PCYBL meeting, Dec. 6th-Special Citizen's Christmas Party, Dec. 8th-Coast Guard Meeting, Dec. 12th-Senior's Holiday Party, Dec. 13th-PC PBA Children's Christmas Party, Dec. 29th-Port Chester Candidates Forum Jan. 10th—PC Soccer Awards.

Insurance complaints being addressed.

New Westchester County Grant received for \$4,440.for additional transportation money.

One new CDL driver hired with above grant money. Driver will work 3 days a week and Gus will work 3 days. Additional service will be on Saturdays.

submitted—12/14/2015

Carol Nielsen



Village of Port Chester

Office of the Village manager

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Grant Writing Work Group

THROUGH: Christopher D. Steers, Village Manager

DATE: January 14, 2016

RE: Assistance to Firefighters Grant Application

On 1/15/2016 The Village Grant Writing Group will file Port Chester's first ever Assistance to Firefighters Grant application for the purchase and installation of 16 mobile computer units in the rigs and other Department vehicles. The computers will grant access to the IamResponding software package that was recently implemented in the Department. The software provides details on fire calls, tracks responding volunteers and keeps records for each fire call which will provide better data and simplified reporting.

The total request is for approximately \$96,930.

This represents 90% of the total project cost of \$107,700 leaving the Village a potential 10% required match of \$10,700. Announcements for the application will begin in late March and roll through October. AFG announces 10 to 15 awards every Friday within that window.

AFG offered \$306,000,000 in grant funding for 2016, 25% of which is reserved for combined career/volunteer departments such as ours. The application is limited to \$1,000,000 for a community of our size. Staff chose to limit our application to a single project to focus efforts on our most competitive application.

This application represents a new potential grant stream that the village has not tapped in past years. With this grant the Village has applied for nearly 1.25 million in dollars since the implementation of our agreement with our grant writing consultants Millennium Consulting LLC.



VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Christopher W. Ameigh

THROUGH: Christopher D. Steers

DATE: January 15, 2016

RE: Bulkhead Project Update

Staff has continued to work with Boswell Engineering to begin the process of designing the new Village Bulkhead. The kickoff is scheduled for the week of the 18th. Staff has developed and will provide introductory packets of background information for the PAC members.

Staff has also been providing background information to Boswell while they implement their process. Dive inspections of the bulkhead have been underway since December and results of site investigations are due in March.

A schedule of deliverables is attached to this memo.

Full Design and Construction Plans for the Repair of Collapsed Bulkhead Section Along Byram River
Village of Port Chester
Anticipated Schedule


ID	Task Name	Duration	Start	Finish	12/20/15	1/10/16	1/31/16	2/21/16	3/13/16	4/3/16	4/24/16	5/15/16	6/5/16	6/26/16	7/17/16	8/7/16	8/28/16
1	Contract Execution/Notice To Proceed	1 day	1/4/2016	1/4/2016													
2	Task 6: Kick Off Meeting	1 day	1/8/2016	1/8/2016													
3	DOS Approval of Project Approach	14 days	1/11/2016	1/24/2016													
4	Task 7: Site Reconnaissance and Schematic	88 days	1/4/2016	3/31/2016													
5	Task 8: Public Meeting	4 days	4/4/2016	4/7/2016													
6	Task 9: Construction Requirement Analysis	5 days	4/1/2016	4/5/2016													
7	DOS Approval of Construction Requirement Analysis	14 days	4/6/2016	4/19/2016													
8	Task 10: Environmental Quality Review	21 days	4/1/2016	4/21/2016													
9	Task 11: Draft Final Design	35 days	4/22/2016	5/26/2016													
10	DOS Review of Draft Final Design	14 days	5/27/2016	6/9/2016													
11	Task 12: Final Design and Construction Documents	43 days	6/10/2016	7/22/2016													
12	DOS Review of Final Design and Construction Documents	14 days	7/25/2016	8/7/2016													
13	Task 13: Permitting	14 days	8/8/2016	8/21/2016													






















1/5/16

Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Progress	
Milestone		External Milestone		Manual Task		Start-only			
Summary		Inactive Task		Duration-only		Finish-only			

Full Design and Construction Plans for the Repair of Collapsed Bulkhead Section Along Byram River
 Village of Port Chester
Anticipated Schedule

ID	Task Name	Duration	Start	Finish	12/20/15	1/10/16	1/31/16	2/21/16	3/13/16	4/3/16	4/24/16	5/15/16	6/5/16	6/26/16	7/17/16	8/7/16	8/28/16	
14	DOS Review of Applications	14 days	8/22/2016	9/4/2016														



Task		Project Summary		Inactive Milestone		Manual Summary Rollup		Deadline	
Split		External Tasks		Inactive Summary		Manual Summary		Progress	
Milestone		External Milestone		Manual Task		Start-only			
Summary		Inactive Task		Duration-only		Finish-only			



VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Christopher W. Ameigh

THROUGH: Christopher D. Steers

DATE: January 15, 2016

RE: Edgewood Park Parking Lot Project Update

Staff has met with the Contractor awarded the bid for the 201 Grace Church Street house demolition. The asbestos abatement came in at \$10,200 bringing the total for the project to \$32,150. Our initial estimates were \$30-35,000.

The abatement will occur once our contractor provides the required documents for execution of the contract. We are currently waiting on an itemized version of the estimate in order to do our due diligence for the contract.

Once abatement is complete PCFD and PCPD have requested to use the house for limited training purposes. It is anticipated from speaking with all parties that once the contract is executed it will take 6-7 weeks to complete the entire process.

I met with the Parks Commission this past week to discuss the vision for redevelopment of the site into a parking lot. They have requested a bathroom and 30 parking spaces.

Dolph has been asked to develop a plan with the bathroom as an option. We are also debating the merits of placement of the bathroom closer to the ball field or closer to the road. Staff will work with the Parks Commission and Dolph on this issue before bringing a project to the BOT to consider.



Port Chester Parking System Update 1-19-2016

- Meter Revenue review
- Violations Revenue review
- Meter Maintenance Review
- Proposed System Upgrades



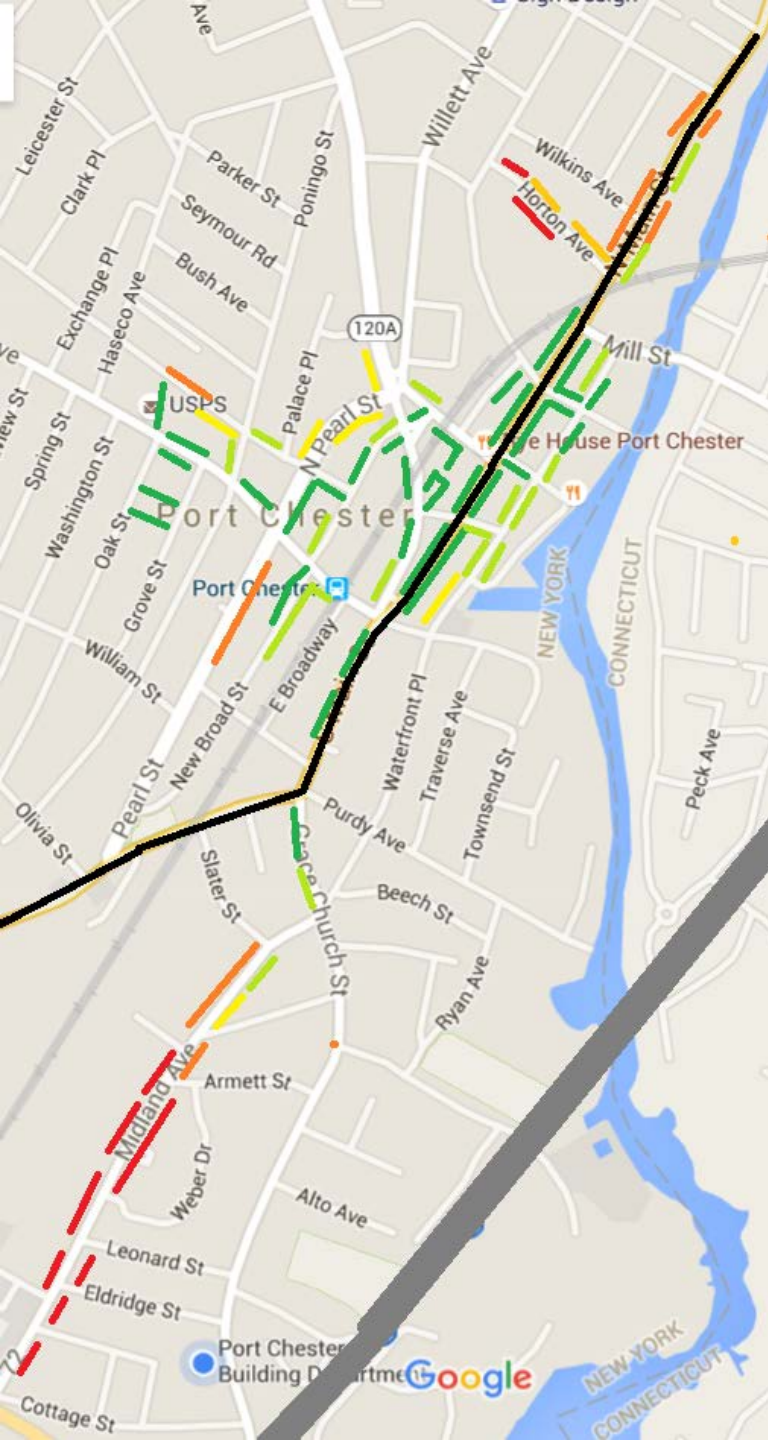


Port Chester Parking System -Meter Revenue Summary

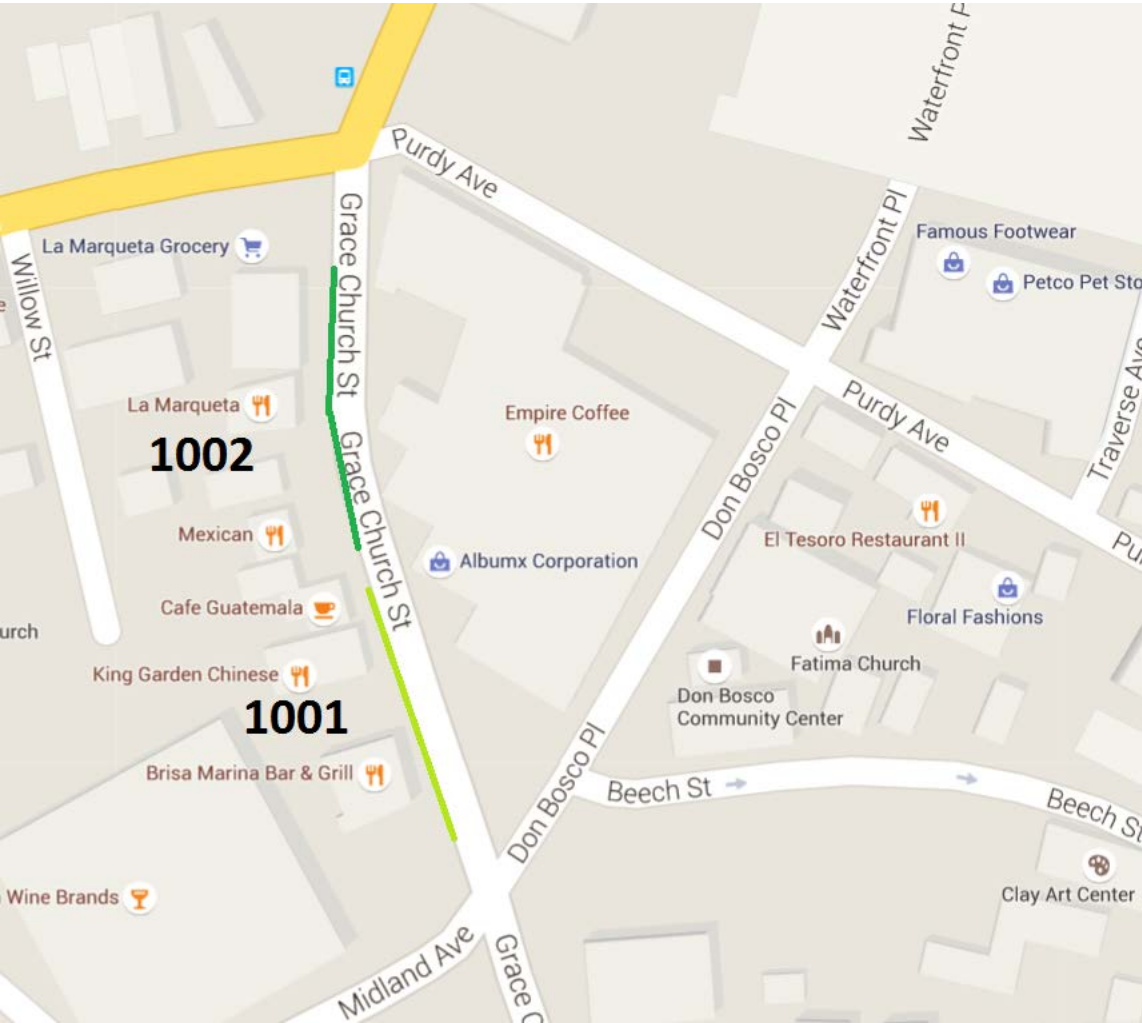


STREETS	Parking Meters	Percent of total
Broad St	\$106,076.25	5.89
Midland Ave	\$29,552.75	1.64
King St	\$122,147.35	6.78
Irving Ave	\$56,627.50	3.14
N. Main St	\$453,995.25	25.21
Abendroth Ave	\$110,258.25	6.12
Adee St	\$10,532.50	0.58
Horton Ave	\$6,345.00	0.35
Marvin Pl	\$30,470.00	1.69
New Broad St	\$151,938.90	8.44
Pearl St	\$39,668.50	2.20
S. Main St	\$106,076.25	5.89
Westchester Ave	\$84,824.75	4.71
Willett Ave	\$28,388.50	1.58
	\$1,336,901.75	74.23
LOTS		
lot 13 Oak+Grove	\$120,777.45	6.71
lot 16 Willet Shoppers	63,674	3.54
lot 17 Adee Shoppers	\$98,078.70	5.45
lot 4 T+Js	\$71,188.85	3.95
lot 11 Highland	\$110,467.50	6.13
	\$464,186.90	25.77
TOTAL	\$1,801,088.65	100.00

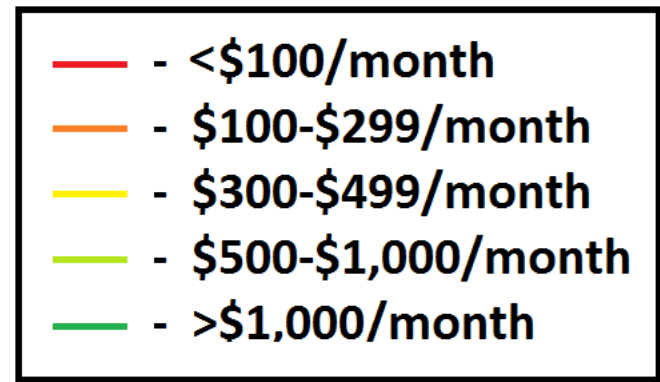
Port Chester Parking System -Revenue mapping



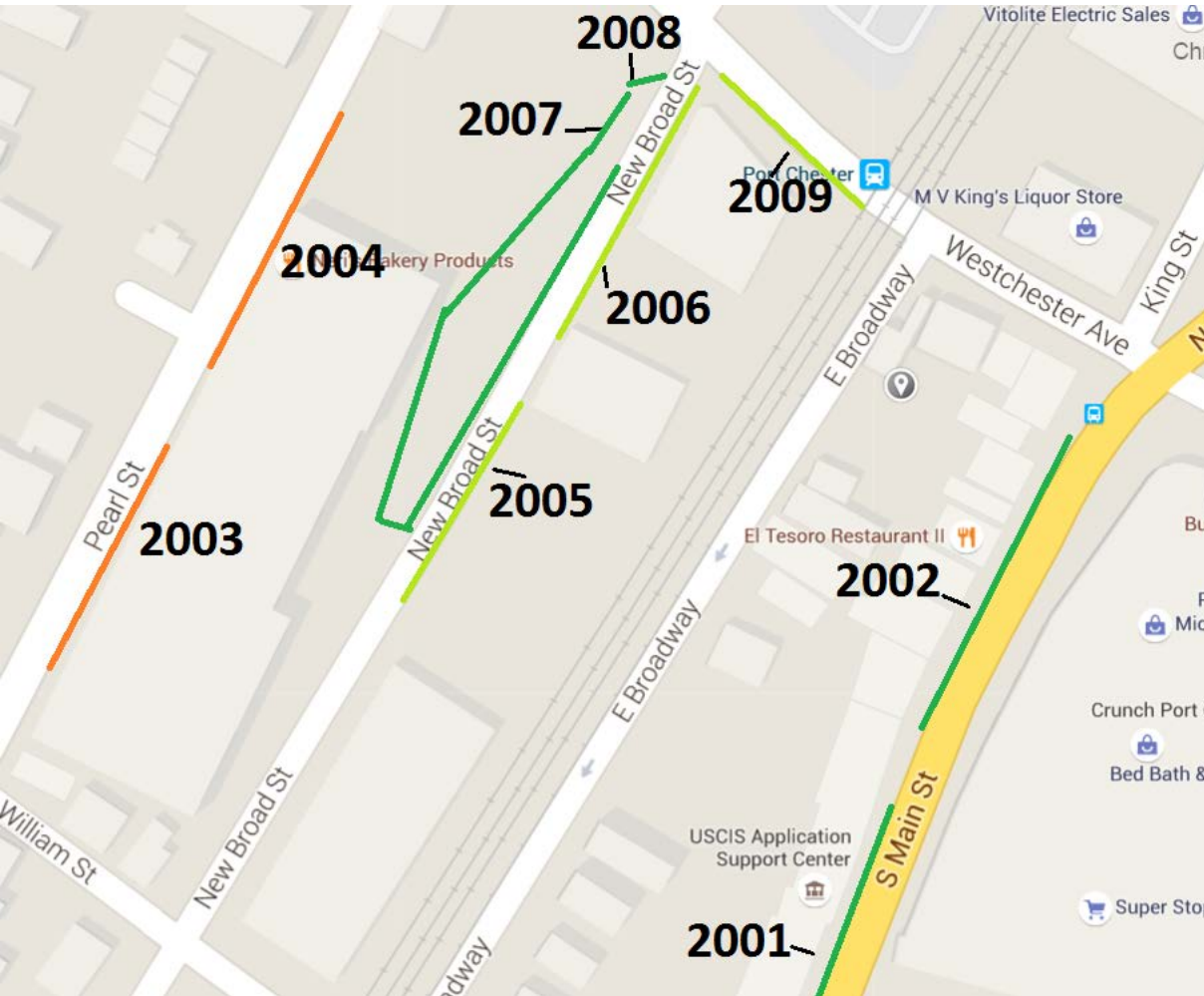
Region 1 South Main



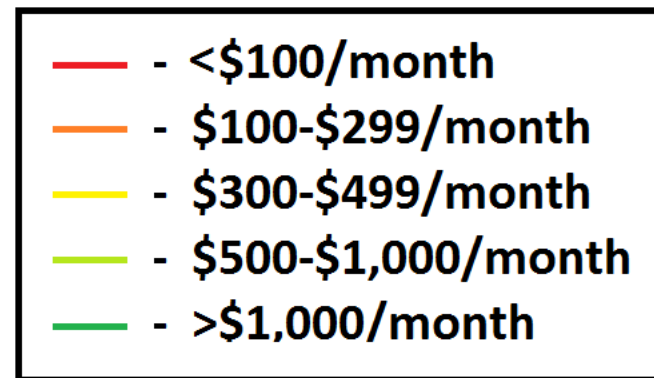
Meter #	Monthly Collections
1001	\$ 938.82
1002	\$ 1,281.12



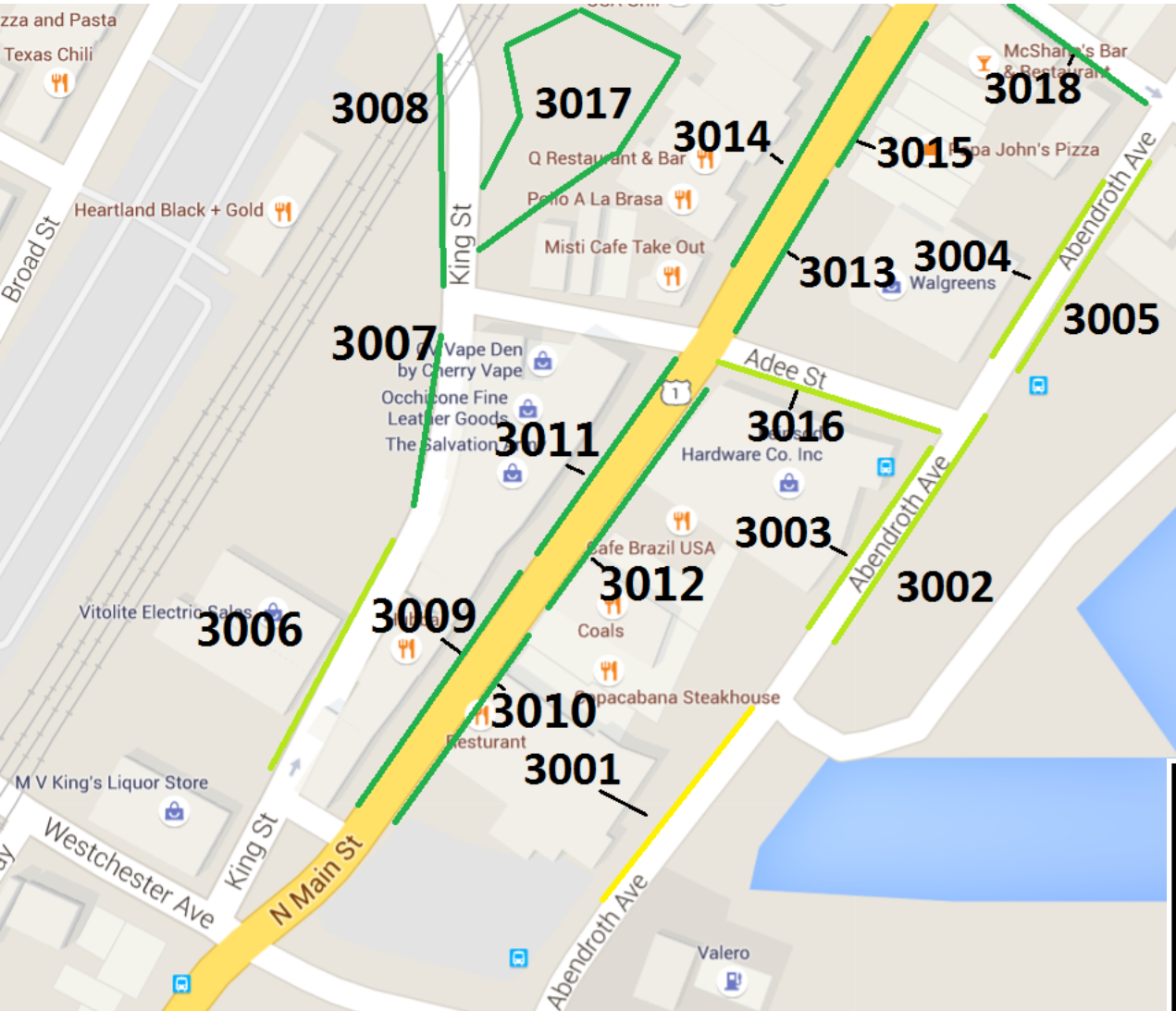
Region 2 Downtown South



Meter #	Monthly Collections
2001	\$1,036.47
2002	\$3,815.35
2003	\$224.72
2004	\$205.42
2005	\$896.68
2006	\$884.62
2007	\$5,280.17★
2008	\$3,067.79★
2009	\$679.23



Region 3 Downtown



Meter #	Monthly Collections
3001	\$455.30
3002	\$831.85
3003	\$934.27
3004	\$515.72
3005	\$728.00
3006	\$1,696.48
3007	\$1,495.80
3008	\$3,025.38
3009	\$1,878.25
3010	\$2,141.13
3011	\$2,184.40
3012	\$2,029.67
3013	\$1,425.88
3014	\$2,056.48
3015	\$1,424.58
3016	\$702.17
3017	\$6,538.58 ★
3018	\$1,126.55

- - <\$100/month
- - \$100-\$299/month
- - \$300-\$499/month
- - \$500-\$1,000/month
- - >\$1,000/month

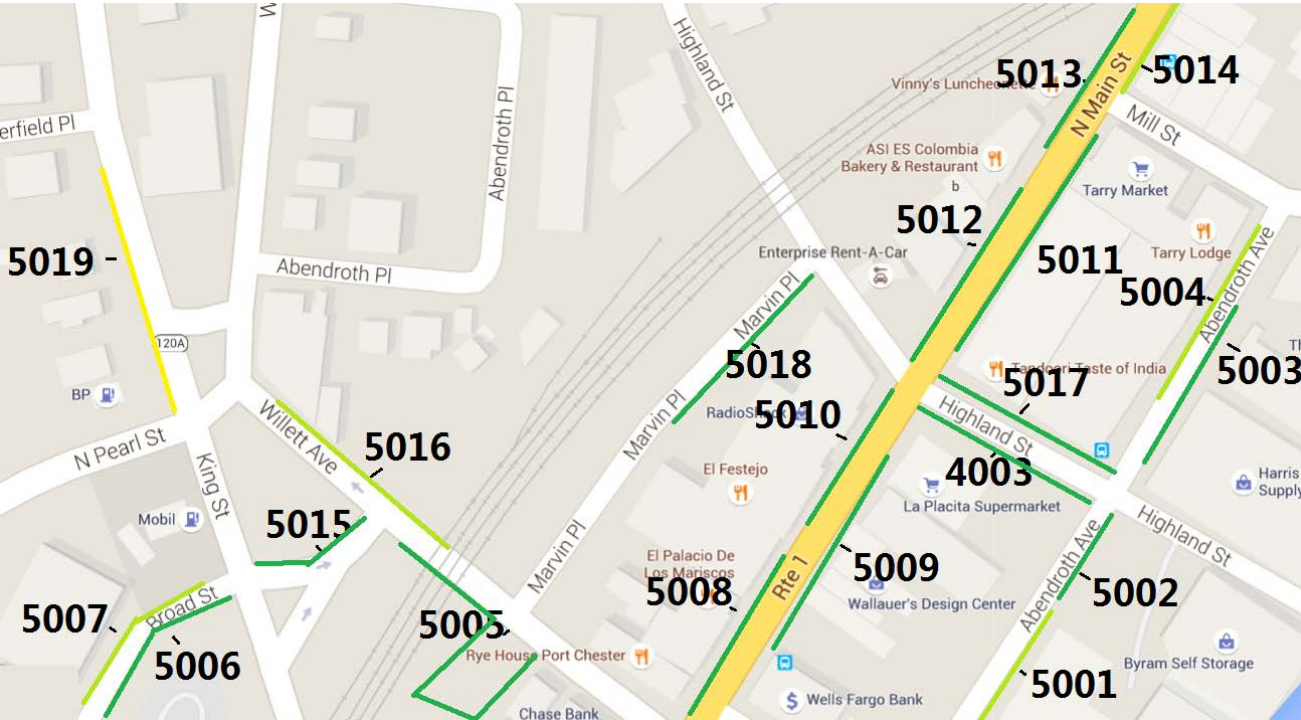
Region 4 Westchester Corridor



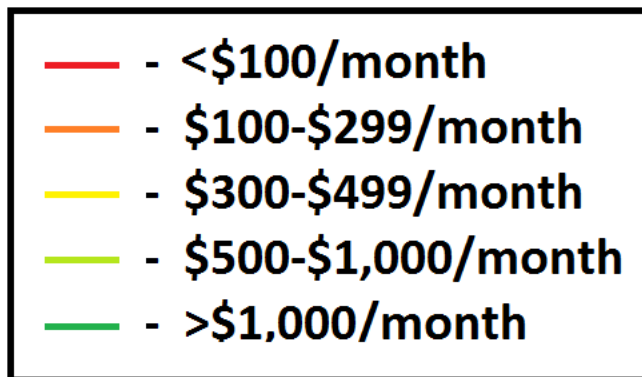
Meter #	Monthly Collections
4001	\$997.80
4002	\$1,508.35
4004	\$2,135.68
4005	\$1,744.08
4006	\$1,775.22
4007	\$4,085.04 ★
4008	\$3,966.79 ★
4009	\$1,302.68
4010	\$435.13
4011	\$476.62
4012	\$1,525.93
4013	\$978.22
4014	\$467.20
4015	\$621.70
4016	\$182.12
4017	\$753.12
4018	\$4,745.92 ★

- - <\$100/month
- - \$100-\$299/month
- - \$300-\$499/month
- - \$500-\$1,000/month
- - >\$1,000/month

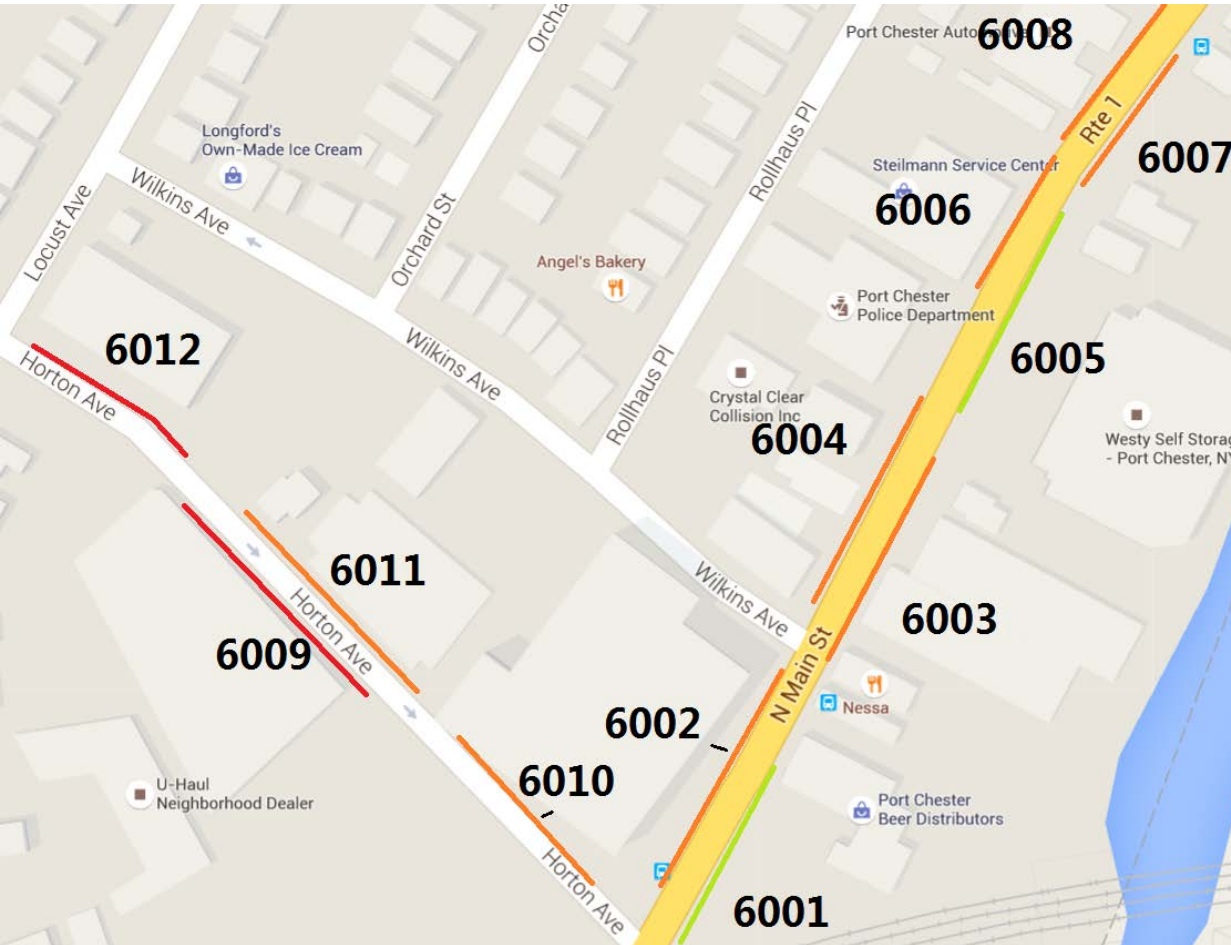
Region 5 Downtown North



Meter #	Monthly Collections
5001	\$914.70
5002	\$1,092.48
5003	\$1,075.18
5004	\$803.05
5005	\$4,244.96 ★
5006	\$1,222.92
5007	\$949.72
5008	\$3,123.77
5009	\$2,599.90
5010	\$2,116.73
5011	\$1,857.93
5012	\$2,248.72
5013	\$1,147.05
5014	\$920.07
5015	\$1,508.14
5016	\$766.02
5017	\$3,968.72 ★
5018	\$2,031.33 ★
5019	\$417.35
4003	\$3,395.78 ★



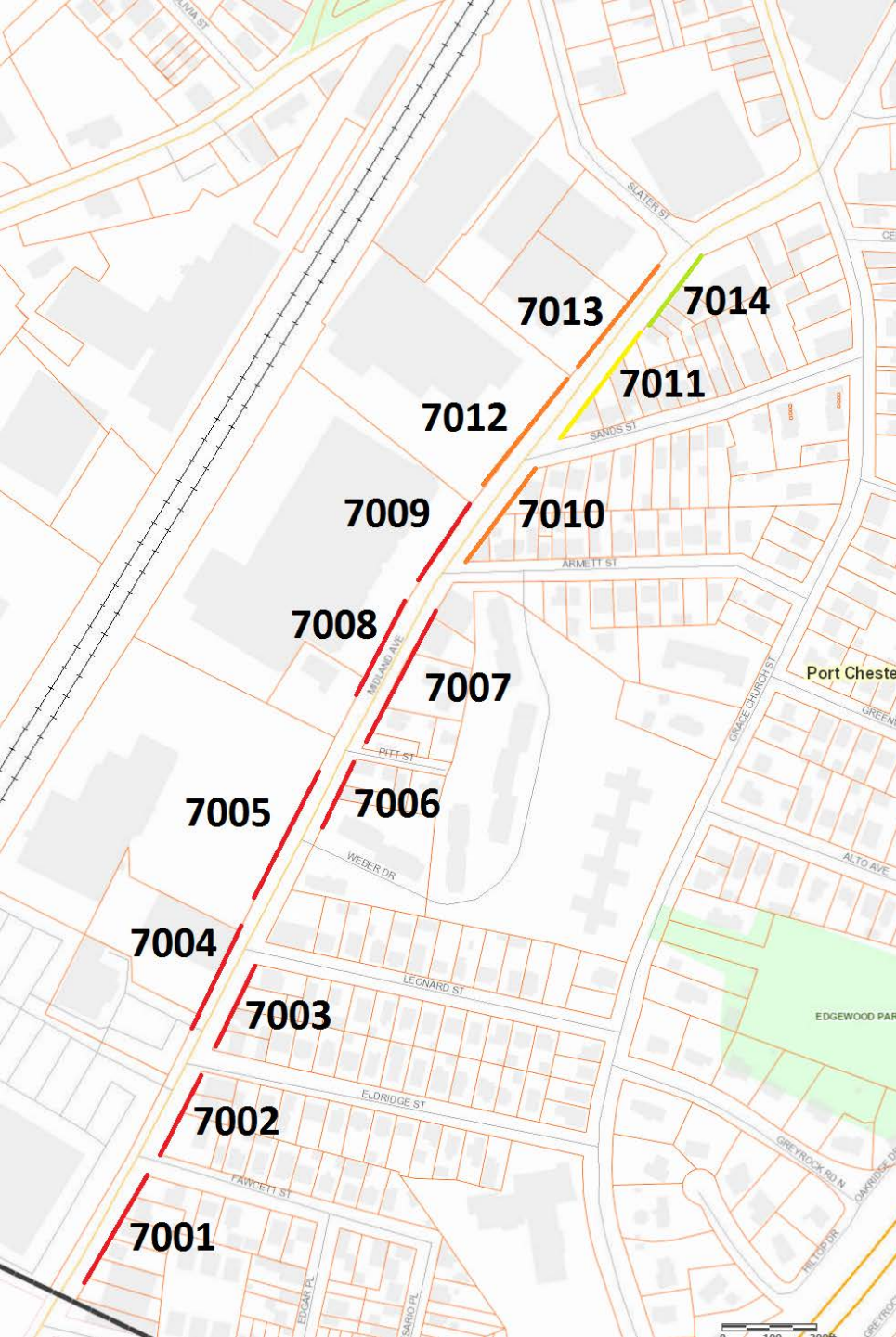
Region 6 Upper Main St



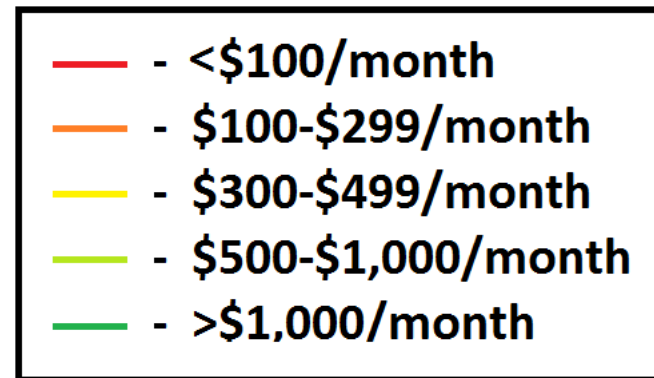
Meter #	Monthly Collections
6001	\$664.47
6002	\$342.57
6003	\$438.00
6004	\$257.30
6005	\$574.80
6006	\$337.97
6007	\$292.87
6008	\$203.82
6009	\$28.75
6010	\$276.47
6011	\$108.38
6012	\$9.40

—	<\$100/month
—	\$100-\$299/month
—	\$300-\$499/month
—	\$500-\$1,000/month
—	>\$1,000/month

Region 7 Midland Avenue



Meter #	Monthly Collections
7001	\$ 52.00
7002	\$ 21.00
7003	\$ 54.03
7004	\$ 30.88
7005	\$ 35.38
7006	\$ 99.50
7007	\$ 71.12
7008	\$ 30.57
7009	\$ 53.67
7010	\$ 114.12
7011	\$ 435.40
7012	\$ 235.88
7013	\$ 200.90
7014	\$ 535.73





What does the data tell us?

- Meters in Lots are our top producers
- Those areas nearest to the edges of the system tend to be poorer producers of revenue
- The majority of our system is profitable.
- The Southern end of Midland and Horton Avenue are producing below acceptable levels.





Conclusions

- There are approximately 10 Parking Meters that could be repurposed across the system.
 - 8 on Midland
 - 2 on Horton
 - Of these staff would recommend
 - 1 additional in T+Js lot
 - 1 additional in the Adee Shoppers lot
 - 1 additional in the Willett Shoppers lot
 - 1 new unit on Adee between King and N. Main (to replace old coin meters)
- Others could be expanded into new areas.





Port Chester Parking System -Violation Revenue Summary



STREETS		Violation Revenue	Percent of total
Broad St	\$	42.94	0.01
Midland Ave	\$	15,909.27	2.88
King St	\$	47,319.88	8.56
Irving Ave	\$	20,697.08	3.74
N. Main St	\$	206,090.53	37.28
Abendroth Ave	\$	472.34	0.09
Adee St	\$	8,223.01	1.49
Horton Ave	\$	8,652.41	1.56
Marvin Pl	\$	11,014.11	1.99
New Broad St	\$	6,204.83	1.12
Pearl St	\$	14,728.42	2.66
S. Main St	\$	28,877.15	5.22
Westchester Ave	\$	33,450.26	6.05
Willett Ave	\$	23,724.35	4.29
	\$	425,406.58	76.94
LOTS			
lot 13 Oak+Grove	\$	21,792.05	3.94
lot 16 Willet Shoppers	\$	27,073.67	4.90
lot 17 Adee Shoppers	\$	42,897.06	7.76
lot 4 T+Js	\$	32,205.00	5.83
lot 11 Highland	\$	3,499.61	0.63
		\$127,467.39	23.06
TOTAL		\$552,873.97	100.00



What does the data tell us?

- Ticket issuance largely correlates to meter revenues. Staff will monitor these numbers for any statistical anomalies.





Meter Maintenance Issues

•Over the past 9 months a relationship was discovered between rainy conditions and coin/bill rejection in meters on N. Main Street.

Our Contractor tried

- Swapping Coin Acceptors
- Swapping Coin Chutes
- Swapping the Back Plane
- Installing Dampers
To keep water out





Meter Maintenance Issues

- Finally a combination of Specially coated coin chutes and “Pacifier Bezels” has seemed to correct the problem.



- “Pacifier Bezel”

- The issue has cropped up in various other meters around town and will be corrected by the manufacturer under warranty. Parts are due by February 1.



Meter Service Issues

- Complaints of queues at parking meter kiosks have continued to be recorded.
- It is hoped that the proposal to move additional meters into these lots will alleviate these concerns.

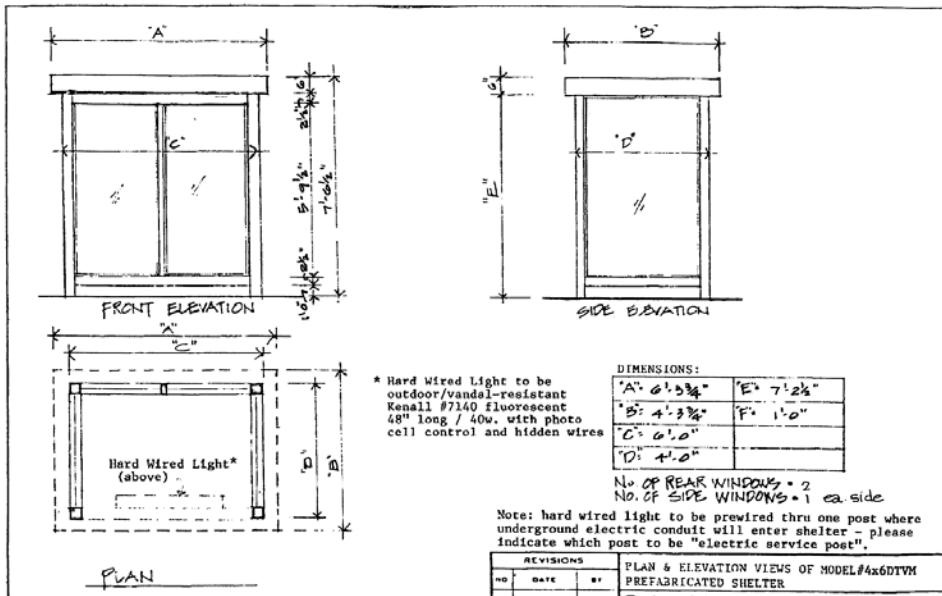




Meter Service Issues

- Parking Meter enclosures have been ordered and should be delivered within 4-8 weeks.
- This should provide additional lighting, and shelter for those using units in lots. The proposed locations:

Highland St. Lot
 T+Js Lot
 Shoppers Lot





Meter Service Issues

- **Signage**



- **Meters are identified from a distance by these pay here signs on tall posts.**
- **By policy every meter should have one posted immediately adjacent.**
- **We will be installing new signs on those boxes that are not in compliance.**



Meter Service Issues

- **Signage**

- **Drivers are currently directed to the Oak and Grove, T+Js, Shoppers, and Marvin Lots by these approx 18"x24".**

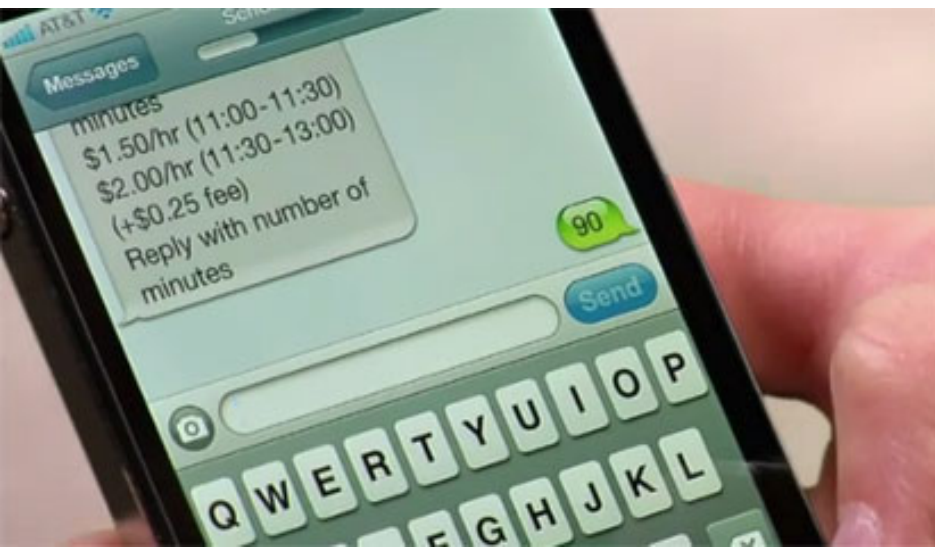
- **An effort to upgrade this system will be made this winter.**





Proposed System Upgrades

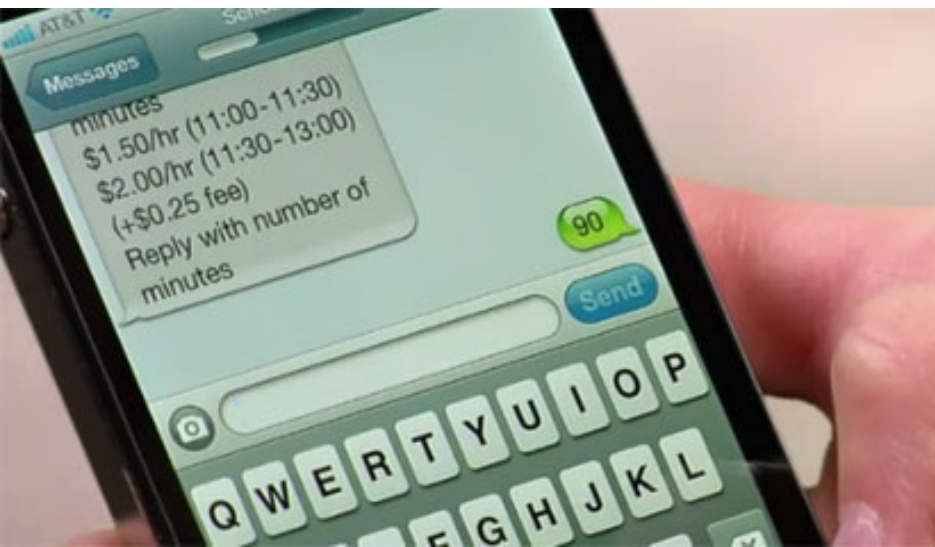
- **Pay By Phone.**
- **Pay By Phone as a system was delayed by the demands of delivering a functioning system after the Phase I and II roll outs of the past two years.**
- **Staff recommends that we are ready for a trial roll out of this system this spring.**





Proposed System Upgrades

- **Pay By Phone.**
- **Pay by phone requires space numbers and will therefore be limited to the village lots initially.**
- **Staff recommends a pilot program in the Oak and Grove lot**





Proposed System Upgrades

- **IRIS Application**

- **ITS is currently rolling out a new user interface for data management. The system will include**



- Personalized dashboards
- Actionable data and analytics
- Interactive metrics and maps
- Real-time monitoring
- Automated reporting



Proposed System Upgrades

- **IRIS Application**

- **The software should allow staff to prepare simplified and more detailed reporting on our system to inform better decision making in the near future.**





Proposed System Upgrades

- **IRIS Application**

- **The software should allow staff to prepare simplified and more detailed reporting on our system to inform better decision making in the near future.**

- **Implementation of the software should occur this winter.**





VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE ATTORNEY

MEMORANDUM

TO: Christopher D. Steers, Village Manager

FROM: Anthony M. Cerreto

DATE: January 15, 2015

RE: Monthly Report December 15, 2015 to January 15, 2016

Board of Trustees

Attended all regular and special meetings of the Board of Trustees.

Drafted and approved all resolutions.

Litigation

Continued Review of complaint, opinion to Board/Manager and development of legal strategy in Save the Sound litigation.

Negotiated and finalized with the County and IMA pertaining to inflow and infiltration.

Received Decision in 1 Betsy Brown Case, and prepared and filed an Order with the Judge per the Judges request. Also prepared and publicly noticed a Bid Package for the demolition of 1 Betsy Brown.

Contracts

Work was done on our Procurement Policy.

Elevator service repair contract was drafted, negotiated and executed.

Inter-Municipal Agreement with the County was drafted, negotiated and executed.

201 Grace Church Street Demolition Contract was drafted negotiated and executed.

ITS Agreement was drafted negotiated and executed

ELQ Agreement

Eastcoast Abstract Agreement for Port Chester Railroad Title Search

Interviews were done for RFP 2015-07 Eminent Domain Legal Services

Planning and Zoning

Attended meetings of the Planning Commission and Zoning Board of Appeals. Prepared proposed findings of facts for ZBA. Prepared memo with regard to recent amendments to federal law with regard to wireless telecommunication facilities. Attended staff planning meetings and telephone conference calls with AKRF, planning staff and special counsel regarding the Starwood development project. Met with planning staff and applicants regarding new planning and zoning applications, North Main Street (former Café Mirage), Retail "D" (G & S), South Main Street (former Willow Motors property), cell tower facility at Fox Island Road (Verizon) and current applications, Mariner and Castle Projects.

Labor

Consultations with Manager and Labor Counsel on several personnel pending matters.

Also negotiated agreement with the PBA

Other Boards and Commissions

Attended meetings Port Chester Industrial Development Agency.

Other

Attended meetings as a Fellow with Hudson Valley Patterns for Progress, Newburgh, New York.

Attended meeting with County with regards to a County Microwave Tower on the Unitedwater Water Tower, to be used in emergency situations

Peace Officer Legislation

Interviews with Planner

Further Work on Boating and Towing- Created Application and did Mailing also contacted state seeking their final approval

PORT CHESTER HOUSING AUTHORITY

2 WEBER DRIVE, P.O. BOX 347

PORT CHESTER, NEW YORK 10573

TELEPHONE: (914) 937-5550

FAX: (914) 937-3214

BLANCA P. LÓPEZ
CHAIRPERSONROBERT J. VYSKOCIL
EXECUTIVE DIRECTOR

January 6, 2016

Mr. Anthony M. Cerreto
Village Attorney
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Village Sewer Rent Fees

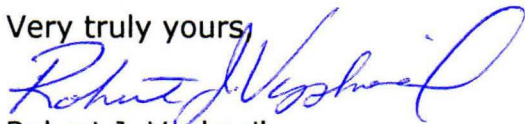
Dear Mr. Cerreto:

As a follow up to my letter to you dated August 14, 2015 (copy enclosed), I am writing to confirm that the Port Chester Housing Authority (PCHA) understands and acknowledges that acceptance by the Village of the payment for \$6,739.97 which was enclosed with that letter does not constitute the Village's waiver of its rights to collect any further amounts which may be determined to be due from PCHA related to the Village Sewer Rent.

The payment that we remitted was sent as a sign and gesture of our good faith efforts to contribute our fair share and to continue negotiations with the Village in an honest, forthright and productive manner. It continues to be our desire and intention to act in good faith, and to negotiate with the Village to arrive at a mutually agreeable outcome that will enable PCHA to do what we are able to do financially to carry our weight and contribute to the good of the Village... we are not looking for a free ride, but instead, a reduced, prorated amount that will enable us to contribute our fair share, while maintaining the vital services we provide to the Village and its residents.

As stated in my previous letter, we respectfully request a meeting with the Village Board of Trustees, the Mayor, the Village Manager and you to continue our discussions and negotiations in an effort to come to an agreement that is fair, reasonable, feasible and equitable to the Village, its residents, and the Authority.

Very truly yours,



Robert J. Vyskocil
Executive Director

cc: Honorable Mayor Dennis G. Pilla
B. Lopez, PCHA Board Chair
PCHA Board Members
Leonie Douglas, Village Treasurer
Christopher Steers, Village Manager
Christopher Ameigh, Assistant to the Village Manager



PORT CHESTER HOUSING AUTHORITY

2 WEBER DRIVE, P.O. BOX 347
PORT CHESTER, NEW YORK 10573
TELEPHONE: (914) 937-5550
FAX: (914) 937-3214

BLANCA P. LÓPEZ
CHAIRPERSON

ROBERT J. VYSKOCIL
EXECUTIVE DIRECTOR

August 14, 2015

Mr. Anthony M. Cerreto
Village Attorney
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Village Sewer Rent Fees

Dear Mr. Cerreto:

Enclosed is a check for \$6,739.97 in response to your recent letter regarding the Village's sewer rent fees and PCHA's balance of \$67,399.67 as of May 31, 2015.

As you are aware, we have been negotiating with the Village (including you and the Village Manager, Mr. Steers) for many months, and have had recent discussions with Mayor Dennis Pilla, in a good-faith effort to come to an agreement regarding the sewer rent, whereby PCHA would pay a prorated portion of the sewer rent (similar to the "PILOT based" approach previously discussed with you and the Village Manager) in exchange for ongoing PCHA policies, programs and services that contribute to the social and economic well-being and betterment of our Village and its residents.

Our request to negotiate a reduced/prorated sewer rent payment stems from our funding and financial situation. As you know, the Authority's funding is fully dependent upon tenants' rents (which are calculated solely on the tenants' household income) and operating subsidies received through the US Department of Housing and Urban Development ("HUD"). Ideally, our annual budget needs are met by these two sources of funds, with the HUD subsidies calculated to make up the difference not covered by tenants' rents. Unfortunately, over the past several years, the HUD subsidies have been significantly under-funded and reduced accordingly, such that they do not meet the Authority's annual budgetary needs. This has put a severe financial strain on the Authority's finances. And, as the Authority cannot simply raise rents to meet our budget needs (as rents per our agreement with HUD are based solely on tenants' incomes and not on the Authority's expenses), we are forced to make whatever reductions in our expenses we can to maintain our buildings and continue to provide necessary services to our tenants. It is worth mentioning that Mayor Pilla is attempting to arrange a meeting between PCHA and HUD, through Congresswoman Lowy's office, to pursue whatever additional financial consideration that may be available from HUD.

Because of our reduced subsidies, tenuous financial situation, and inability to increase income, any additional expenses imposed on the Authority, including the new

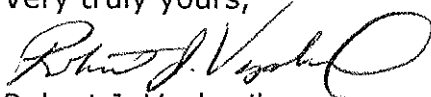


Village sewer rent fees, have serious negative consequences and create significant potential hardship. The imposition of the new sewer rent has created a serious financial hardship for the Authority that is difficult to absorb, given the above mentioned budgetary situation and financial constraints. The Authority cannot raise rents to help cover the additional costs created by the sewer rents, and thus, will be forced to further cut vital services and forego necessary repairs in order to pay such additional expenses. In addition, there is no equivalent reduction in taxes to offset the sewer rent for the Authority, as other Village property owners realize under the sewer rent program.

Our historic relationship with the Village is that the Authority provides decent, safe and sanitary housing to some of the Village's neediest residents, many of whom work in local businesses and in the schools, and we have both enjoyed a long-standing history of mutual cooperation and mutual benefit for our Village and its residents. Further, our cooperation agreement with the Village recognizes and supports the vital services provided by the Authority by creating a PILOT payment based on the Authority's rental income. We are requesting that a similar accommodation be made concerning the sewer rent to provide for a reduced payment that the Authority can meet given its current finances and which helps the Authority to continue to provide housing to those residents who might not otherwise be able to afford to live in the Village. This includes tenants who reside in 124 units of Senior housing and 216 family units. We believe it is a fair and equitable accommodation that recognizes the Authority's ability to pay and the vital services it continues to provide to the Village. We want to act in good faith, and do what we are able to do financially to carry our weight and contribute to the good of the Village... we are not looking for a free ride, but instead, a reduced, prorated amount that will enable us to contribute our fair share, while maintaining the vital services we provide to the Village and its residents.

The enclosed payment is being sent as a sign and gesture of our good faith efforts to contribute our fair share and to continue negotiations with the Village in an honest, forthright and productive manner. To that end, we respectfully request a meeting with the Village Board of Trustees, the Mayor, the Village Manager and you to continue our discussions and negotiations in an effort to come to an agreement that is fair, reasonable, feasible and equitable to the Village, its residents, and the Authority.

Very truly yours,



Robert J. Vyskocil
Executive Director

cc: Honorable Mayor Dennis G. Pilla
B. Lopez, PCHA Board Chair
PCHA Board Members
Leonie Douglas, Village Treasurer
Christopher Ameigh, Assistant to the Village Manager

*Emailed to Village Clerk/VM for
BOT Agenda*

COR-02
BOT 1-19-2016

Denise M. Quinn
219 Neuton Avenue
Rye Brook, NY 10573
914-937-5753 (H)
914-906-5627 (C)

VILLAGE OF PORT CHESTER

December 31, 2015

JAN 04 2016

RECEIVED

VM

Village Manager, Mr. Christopher Steers
Port Chester Village Rooms
220 Grace Church Street
Port Chester, NY 10573

Dear Mr. Steers:

On June 5, 2016 Tamarack Tower Foundation will be holding their 6th annual "Taste of Port Chester". This event has become such a success not only for the foundation put for the participating restaurants, old and new. I already have had a few restaurants contact me for 2016.

Over the past 5 years we have raised over \$70,000 for the Port Chester school system. We have become the biggest scholarship contributor with the last 3 years giving an average of \$70,000. We have increased our grants from \$2,000 to \$4,000 to each of the 7 schools along with replacing the scoreboard in the gym, our tree legacy, the library in the High School, to name a few. This year we were also able to do a special grant for the High School in the form of Robotics thanks to the success of this event.

Once again I am asking permission to hang banners, from May 5th thru June 5th. I know last year some remarks were made in reference to Tamarack Tower having 4 banners up and at a board meeting I was told I could have 3. This year we are asking permission to have one placed at Westchester Avenue at Fire Headquarters, one placed at Lyons Park and the other at North Main and Adee Street. I would also like permission to put up a sign at Messina Park (conforming to Village requirements). Also I would again like permission to have 2 parking spaces in front of Tarry Market coned off so that the bus can drop off and pick up and request you send me whatever forms I need to fill out for this along with the cost. We would also like permission to use the space we had last year at the Marina Parking lot as our registration area for this event. This was on the grass down toward Bar Taco.

Mr. Steers, I also asked that if you, the Mayor or any Board Member has any questions on this to please contact me directly.

I thank you in advance for your time and consideration in this matter.

Sincerely,



Denise M. Quinn
Vice President/Chairperson

From: [Pilla, Dennis \(Mayor\)](mailto:Pilla, Dennis (Mayor))
To: Thomas, David
Cc: Steers, Christopher
Subject: Fwd: Request from Clay Art Center
Date: Wednesday, January 13, 2016 3:37:41 PM

Dave

Please add this as correspondence for our upcoming Tuesday Board meeting and then add it as a presentation by Clay for our Feb 1st BOT meeting.

Thanks
Dennis

Dennis G. Pilla
Mayor, Village of Port Chester
222 Grace Church St.
Port Chester, NY 10573
(914) 939-5201

(Sent from my iPhone - please excuse any typos...)

Begin forwarded message:

From: "Pilla, Dennis (Mayor)" <DPilla@PortChesterNY.com>
Date: January 13, 2016 at 2:58:06 PM EST
To: Leigh Mickelson <leigh@clayartcenter.org>
Cc: "Kenner, Joseph (Trustee)" <jkenner@PortChesterNY.com>, "Ceccarelli, Gene (Trustee)" <GCeccarrelli@portchesterny.com>, "Marino, Luis (Trustee)" <LMarino@PortChesterNY.com>, "Brakewood, Daniel (Trustee)" <DBrakewood@PortChesterNY.com>, "Adams, Gregory (Trustee)" <GAdams@portchesterny.com>, "Steers, Christopher" <CSteers@PortChesterNY.com>, "Cerreto, Tony" <TonyC@PortChesterNY.com>, "Veltri, Maryanne" <mveltri@PortChesterNY.com>, "Nielsen, Carol (Senior Center)" <CNeilsen@PortChesterNY.com>
Subject: Re: Request from Clay Art Center

Hi Leigh,

I would like to invite you and your Clay Art colleagues to present this to the public and our Board on Monday, February 1st at 7pm - that's at our televised Board of Trustees meeting.

The meeting is held at our Justice Court on 350 North Main Street.

We have a projector if you want to bring a presentation, although that's not necessary.

We can put you early in the agenda. Is 15 minutes enough time?

Looking forward to hopefully partnering with you for more great things for Port Chester and beyond.

Best regards
Dennis

Dennis G. Pilla
Mayor, Village of Port Chester
222 Grace Church St.
Port Chester, NY 10573
(914) 939-5201

(Sent from my iPhone - please excuse any typos...)

On Jan 13, 2016, at 2:33 PM, Leigh Mickelson <leigh@clayartcenter.org> wrote:

Dear Mayor Pilla, the Port Chester Village Board of Trustees, and Mr. Steers –

I would like to request that the Port Chester Village be a co-sponsor for an upcoming event, which we would like to host at the Port Chester Senior Community Center on April 16, 2016. We did a similar event last April at that site and it was extremely successful. As with last year, we would need to get into the facility at around 12, which would mean that the senior lunch would need to be turned into a senior breakfast for that day only. We did it last year, and I am requesting that we do it again this year so that we can host this event at the site. We would like the event to run 1-4pm at the center (everyone is then asked to re-convene at Clay Art Center for a gallery talk). We would make the program free to all the seniors and can extend that to Port Chester residents as well. It is a major symposium, with highly esteemed panelists (including the director of the MAD museum), and last year the symposium attracted about 100 people. We expect an even higher turn out this year. I have been in touch with Carole Nielsen and she mentioned that she would need permission to move the senior lunch to a breakfast and then ensure a custodian is on site for our event. Of course, we will pay the required custodian fees as you see fit.

Below is a description of the program, which is in conjunction with our year long focus entitled "IN OUR BACKYARD." All our programs this year are focusing on how clay is at the core of NY art, architecture and design. It will feature 5 exhibitions that include artists from within a 75 mile

radius of Port Chester, this symposium, several lectures and workshops, two group tours into the city, and a catalog which will encapsulate the year's events and focus. I would love to somehow highlight our programs to the PC community, and hope this symposium will be well attended by Port Chester residents. Let me know if the Village will be our co-sponsor. We certainly need a professional facility like this to be able to host such elevated programs. We will be heavily promoting the event, and I would love to name Port Chester Village as a partner in this endeavor! We can put the village logo on our flyers and on our other promotions.

Symposium

CLAY AT THE CORE: New York Art, Architecture and Design

Saturday, April 16, 1 – 5pm

Location: Port Chester Senior Community Center, 222 Grace Church Street, (1/2 mile from Clay Art Center)

Clay has been driving the development of New York for centuries; it has been at the core of architecture, design, and industry like no other media and is still going strong today. While clay is in every museum's holdings from the Museum of Natural History to the MET, it has only recently captured the audience of the fine art culture. CLAY AT THE CORE will focus on how clay has worked its way into every facet of New York and its current trend in fine art. Was New York where this seismic shift took place? Does the acceptance in contemporary art change how we look at clay on the industrial level? We will investigate these subjects with panelists that represent the epitome of art and industry as well as the bridges between the two.

Enjoy an afternoon of immersion in the culture of New York. There will be a brief intermission featuring a tea-tasting with Harney & Sons Fine Teas, and after the symposium all guests are invited to Clay Art Center to view **NY, NY: Clay** and hear a gallery talk with the curator, Judith Schwartz, Ph.D.

Moderated by Judith Schwartz, Ph.D., curator, author and professor, NYU, Head of Sculpture: Craft Media Panelists include: Glenn Adamson, Nanette L. Laitman Director, Museum of Arts and Design; Toby Buonaguardo, New York Artist, Senior Professor Stony Brook University Art Department, Head of Ceramics; James Klein and David Reid, artists/designers, founders KleinReid; Susan Tunick, NYC artist and architectural terracotta historian

Please let us know as soon as possible so we can start promoting this fabulous event to the public!
Thanks so much for your consideration.

Leigh Taylor Mickelson
Executive Director

Clay Art Center
40 Beech Street
Port Chester, NY 10573
914-937-2047 x222
leigh@clayartcenter.org
www.clayartcenter.org



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

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

COR-04

BOT 1-19-2016

January 6, 2016

VIA EMAIL & REGULAR MAIL

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

Attn: Vita Sileo

Dear Ms. Sileo:

As of our January 2016 meeting, the Putnam Engine & Hose, Company No.2, has voted into the company the following two new members:

Jeremy Gonzalez
36 Spring Street
Port Chester, NY 10573

John A. Barrett
28 Hillcrest Avenue
Rye Brook, NY 10573

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

Frank Cervinka
Secretary

Enclosures

1-19-16 AGENDA



Companies:

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

Fire Department

Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Honingo Street

Harry Howard Hook &
Ladder No. 1

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose
No. 4

Brookville Hose No. 5

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

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

held on January 6, 2016 favorable action was taken on the following:

X Elected active members JEREMY GONZALEZ

Elected honorary members _____

Members resigned _____

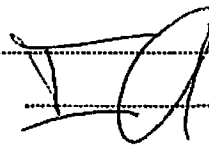
Members expelled _____

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks _____


Frank Cervinka
Putnam E+H Secretary.
P.O. Box 933, Port Chester



Companies:

Reliance Chemical & Hose
No. 1

Putnam Steamer & Hose
No. 2

Fire Department
Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Boningo Street

Harry Howard Hook &
Ladder No. 1

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose
No. 4

Brookville Hose No. 5

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

The Putnam Engine & Hose Co. 2 respectfully reports that at a meeting held on January 6, 2016 favorable action was taken on the following:

* Elected active members JOHN A. BARRETT

Elected honorary members _____

Members resigned _____

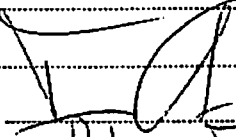
Members expelled _____

Members suspended _____

Members died _____

Badges returned (numbers) _____

Remarks _____


Frank Cervinka
Putnam E+H Co. 2 Secretary.
P.O. Box 933, Port Chester



PUTNAM ENGINE & HOSE CO., NO.2

Organized October 4, 1854

Incorporated May 17, 1954

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

COR-05

BOT 1-19-2016

January 6, 2016

VIA EMAIL & REGULAR MAIL

VILLAGE OF PORT CHESTER

VILLAGE CLERK

222 Grace Church Street

Port Chester, NY 10573

Attn: Vita Sileo


Dear Ms. Sileo:

As of our December 2015 meeting, the Putnam Engine & Hose, Company No.2, has expelled the following member:

Claudio Ocasio
25 Nella Way
Port Chester, NY 10573

According to our records, Mr. Ocasio received badge number 2151.

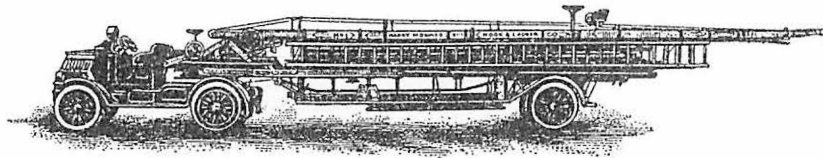
Sincerely yours,
PUTNAM ENGINE & HOSE COMPANY, NO. 2



Frank Cervinka
Secretary

Enclosure

cc: President Robert Gerardi



HARRY HOWARD HOOK & LADDER CO. NO. 1
PORT CHESTER, N.Y. 10573

January 6, 2016

Honorable Mayor Dennis Pilla and
Members of the Village Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573
Attn: Mr. Dave Thomas – Village Clerk

Re: Mark Iannarelli – Badge # 2038
Transfer from Active Status to Honorary Member Status

Dear Mayor Pilla & Members of the Board

The purpose of this letter is to inform you that on January 5, 2016 at a regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 unanimously voted to transfer Mark Iannarelli - who resides at 120 Pump House Road, Brewster, NY 10509 - from "Active" status to that of "Honorary Membership" status in our Company.

Sincerely,

A handwritten signature in cursive script that reads "Neil J. Pagano".

NEIL J. PAGANO

Secretary

cc: Mark Iannarelli

Sileo, Vita

From: Phillips, Connie
Sent: Wednesday, January 06, 2016 3:09 PM
To: Sileo, Vita
Subject: FW: FW: REMINDER EMAIL - RETAIL D - CONTINUED PUBLIC HEARING

See resignation below

From: kevin@dsb-architects.com [<mailto:kevin@dsb-architects.com>]
Sent: Monday, December 21, 2015 3:55 PM
To: Phillips, Connie <cphillips@PortChesterNY.com>; Cerreto, Tony <TonyC@PortChesterNY.com>; Veltri, Maryanne <mveltri@PortChesterNY.com>; Youngblood, Jessica <JYoungblood@portchesterny.com>; Gregg E. Gregory (GreggGrego@aol.com) <GreggGrego@aol.com>; Ameigh, Chris <CAmeigh@PortChesterNY.com>; Steers, Christopher <CSteers@PortChesterNY.com>
Cc: Anthony Baxter (abax@optonline.net) <abax@optonline.net>; Joseph Montesano <jjmonte22@gmail.com>; Michael J. Scarola (MichaelScarola@verizon.net) <MichaelScarola@verizon.net>; Peter Cooperine (Peter.Coperine@UBS.com) <Peter.Coperine@ubs.com>; Summa, Chris <CSumma@portchesterny.com>; Velardo, Steven <SVelardo@portchesterny.com>; Glennon, Regina <RGlennon@PortChesterNY.com>; Dolph Rotfeld <dolph@drepc.com>
Subject: Re: FW: REMINDER EMAIL - RETAIL D - CONTINUED PUBLIC HEARING

Dear fellow Planning Commissioners & Village Staff,

It has been an absolute privilege for me to serve in the planning commission for nearly 6 years and regretfully I must resign at this time. I feel so lucky to have been witness to the transformation the Village is going through.

You have shown me that what is good for the village transcends our differing perspectives and together with staff we help affect change for the positive.

I am so impressed by the efforts of our Village staff who are on the front lines every day and whose guidance steers so many projects in the right direction. They are truly the unsung heroes here.

I'll be around the village to visit my mother and hope I run into you guys individually to say thanks again.

Thank you and warm regards,

Kevin Pellón R.A.

dsb+ architecture & interiors

Business Office: 244 5th Avenue, Suite c37, New York, NY 10001

www.dsbplus.com

tel. (212) 404-6210 ext. 3

fax. (212) 812-5436

cell. (646) 824-6503

Sileo, Vita

From: Krakowski, Heather
Sent: Wednesday, January 06, 2016 10:44 AM
To: Sileo, Vita
Subject: FW: Recreation Commission Appointment

Heather Krakowski

Heather Krakowski
Recreation Supervisor
Port Chester Recreation
222 Grace Church Street
Port Chester, NY 10573
(914) 305-2572

-----Original Message-----

From: Aspasia Tofano [<mailto:siato171@gmail.com>]
Sent: Wednesday, November 11, 2015 8:58 AM
To: Pilla, Dennis (Mayor)
Cc: Krakowski, Heather
Subject: Recreation Commission Appointment

Dear Mayor Pilla,

I am writing you in regards to my Recreation Commission position with the Village of Port Chester. Regretfully, due to both growing work and family circumstances, I can no longer fulfill my Recreation Commission requirements.

Therefore, I am resigning from my position on the Recreation Commission to allow space for a more available and dedicated individual to take my place.

It was a pleasure serving my time with you, Heather Krakowski, and my fellow Commissioners and I wish you all the best for Recreation program.

Respectfully Yours,
Sia Tofano

Ciro Cuono, P.E.

November 23, 2014

Honorable Mayor Neil Pagano
Village of Port Chester, NY
222 Grace Church Street
Port Chester, NY 10573

Reference: Planning Commission
Village of Port Chester, NY

Dear Mayor Pagano;

I write this letter to express my interest in becoming a member of the *Planning Commission* here in Port Chester. Pursuant to your requirements, please accept my resume, along with this, my letter of intent, in that regard.

I am a structural engineer with a small practice located on Main Street here in Port Chester. I have been living in Port Chester, with my wife and 2 children for the last 10 years. In that time I have observed many changes in our community, most of which have been very positive.

I am currently a member of the *Port Chester Architectural Review Board*, where I have served for the last few years. Serving on the architectural review board has been a rewarding experience both professionally and personally through friendships that I have made.

While I enjoy serving on the *Architectural Review Board*, I have always had a greater interest in serving on the *Planning Commission*.

I believe that my professional experience and service on the *Architectural Review Board* would make me an ideal candidate to serve on the planning commission. If appointed to the Planning Commission I would seek to create a greater dialogue with the *Architectural Review Board*, something which most of the *ARB* members feel is needed, and seek to further the goals of positive long term growth for Port Chester.

Please feel free to contact me should you wish to pursue this dialogue.

Regards,



Ciro Cuono, P.E

Address:
325 King Street
Apartment 4i
Port Chester, NY 10573

Telephone: (914) 522-2625
Email: ccuono@optonline.net



Ciro Cuono P.E. LEED AP, Principal

Ciro Cuono is the founding Principal of Cuono Engineering PLLC, a structural engineering firm located in Port Chester, N.Y. Mr. Cuono has a master's degree from Columbia University and an undergraduate degree from Manhattan College. After working for both the Transit Authority of NYC and a small engineering firm in the SoHo district of NYC, he founded Cuono Engineering. In addition, Mr. Cuono is an assistant adjunct professor of structural engineering at the Bernard and Anne Spitzer School of architecture at the The City College of NY and a board member of his local Architectural Review Board.

Mr. Cuono has over 15 years of experience in structural design. His experience includes the structural design of small to medium sized new buildings, historic building restoration and large renovations. Mr. Cuono's various experiences have included designing with reinforced concrete, steel, wood, masonry, and aluminum for residential and commercial buildings, museums and cultural buildings, high end residential and multifamily residential, façade restorations, and historic buildings repairs and restorations.

Currently, with a staff of 5, Cuono Engineering is actively working on many new and historic renovation projects throughout the Tri-State area and beyond.

Sample Project Experience

- **Rodeph Sholom School**, NYC—renovation and addition to an existing 5 story school
- **Noguchi Museum**, Queens, NY – renovation of existing museum
- **NYC School Construction Authority**, NYC– Renovation of façade restorations and modernizations for NYC SCA.
- **Private Residence**, Woodstock, Vermont – renovation and restoration of a former mill building to a new private residence
- **Stamford Hospital**, Stamford, Ct – Analyzed existing floor and designed reinforcement for new C-Arm OR equipment
- **Grace Church**, White Plains, NY – Assessed the existing structural condition of existing historical structure.
- **Bronx Lebanon Hospital**, Bronx, NY – Designed a new 5 story concrete flat plate recovery center
- **105 Rowayton Avenue**, Norwalk Ct – Design of new raised roof structure on existing building
- **Riverton Lofts**, Hastings on Hudson, NY – New 4 story condominium: steel frame with precast planks
- **Stone Barns**, Pocantico Hills, NY – Renovation of existing historic barn converted to a restaurant
- **Botswana Mission**, NYC --Repair and load analysis of the ground floor framing: existing cinder slab system.
- **689 Fifth Avenue**, NY, NY– Design of new hung mechanical dunnage platform from existing structure.
- **Arcade Building**, Bridgeport CT – Renovated existing historic commercial building in downtown Bridgeport, Ct.
- **940 Park Avenue**, NY, NY — Prepared structural assessment report on existing deteriorated structural conditions at sidewalk vault.

Education

Columbia University, New York, NY
 Masters of Science - Civil Engineering & Engineering Mechanics

Manhattan College, Riverdale, New York
 Bachelor of Science: Civil Engineering;

Licenses & Accreditations

Professional Engineer: NY, CT
 LEED Accredited Professional – December, 2008

- Experience** NYC Transit Authority, 1999
Hage Engineering, NYC, 1999-2012
Cuono Engineering, 2012 – Present
- Academic** City University of New York, Bernard and Anne Spitzer School of Architecture
Assistant Adjunct Professor
- Publications** “Renovating Historic Facades”, **ArchPLUS**, Winter 2014
“Demystifying Soils and Deep Foundations”, **ArchPlus**, Spring 2014
“The Relevance of the Structural Engineer”, **ArchPlus**, Summer 2014
“Preserving History While Designing for the future”, **Structural Engineering & Design**, Feb. 2010
Integrated Design: Series of Collaborative Article for **Structural Engineering & Design Magazine**
- “Waterproofing Historic Masonry Walls”, January 2010
 - “Roof Decks on Existing Cinder Slab Buildings”, March 2010
 - “Mechanical Dunnage, Not as Simple as it Seems”, July 2010
 - “Green Roofs: The Future Is Now”, September 2010
 - “Sidewalk Vaults, what lurks below”, November 2010
 - “Structural Innovation and Sustainability”, March 2011
 - “Architecturally Exposed Concrete: A True Collaboration”, July 2011
 - “Architecturally Exposed Structural Steel”, September 2011
 - “Heavy Timber Framing”, November 2011
 - “Glass: An Architectural and Structural Perspective”, March 2012
 - “Adler & Sullivan, The Innovators”, July 2012
 - “Cables In Structures”, November 2012
 - “Fabric For Permanency”, March 2013
 - “Dynamic Structure”, July 2013
 - “The Ingenious NYC Subway”, February 2014
- Lectures** ‘**Structural Renovations of Historic Structural Systems**’
Structural Engineer’s Coalition of Connecticut, May 14, 2014
- Political Affiliations** *Independent*

F. Alexander Chavarria

472 Westchester Ave Port Chester, NY 10573 (914) 557-8156
fachavarria@gmail.com

WORK EXPERIENCE**Port Chester Carver Center, Port Chester NY**

Director of Community and Family Services, October 2014 –Present

- Oversee CFS Programming: Food Pantry, Senior Programming, Volunteering and Mental Health Program, Citizenship program, Computer Classes, Spanish Classes and Couponing Club
- Serve as Carver Liaison for Council of Community Services and Family Services of Westchester
- Responsible for Implementing new programming to better Serve the community
- Maintain and track CFS statistics for Food Pantry, Senior Programming, Volunteering and Mental Health Program, , Citizenship program, Computer Classes, Spanish Classes and Couponing Club
- Provide Weekly Programming update to Executive Director and senior staff
- Responsible for creating new partnerships through community outreach
- Support Executive director and Senior staff for developing, planning, implementing of Carver business
- Report to Executive board regarding Community and family services programming

Port Chester Carver Center, Port Chester NY

Community and Family Services Manager, August 2012 –September 2014

- Responsible for running Food pantry, Senior programming and Couponing Club
- Coordinating with Volunteers to assist with pantry support, senior breakfast, senior homebound food deliveries and event support
- Serve as Liaison with partnering agencies such as Family Services of Westchester and Council of Community Services
- Coordinate with community partners to organize Food drives, Community Baby Showers and Holiday Events
- Provide Pantry tours and support in community days of service
- Implement new programming such as Computer Classes and Immigration Forums
- Serve as Carver spokesperson at community events and community committees aimed to Serve the underprivileged
- Oversee Community and Family Services budget
- Maintain and track CFS statistics such as Pantry Visits, Senior Programming attendance and Food Drive collections

Optinuity Alliance Resources, Armonk NY

Contractor, Collection Maintenance/IT Controller's Support, February 2009 – July 2012

- Fulfill search requests for MBIA analysts utilizing PRM, CCF and Bloomberg
- Prepare documents for imaging and uploading into CCF system
- Assist with the production of documents pertaining to subpoenas, internal and external audits
- Provide Monthly/Quarterly Support for closing of PAM, Summit, Derivatives, MARS, Midas and Currency Rates
- Support in the testing and implementation of changes to AxsOne Reports
- ADD/Edit accounts on HFM Webforms to reflect changes in Balance sheets, P&L and Trial Balance
- Aid business users in the processing of WTF files into HFM

Optinuity Alliance Resources, Armonk NY

Contractor, Various Projects, February 2009 – July 2012

- Identify divisional groups with boxes up for disposal
- Coordinate with divisional representatives for review of boxes up for disposal
- Take action on divisional boxes based on divisional representative's feedback
- Contact divisional reps having files to be inventoried
- Coordinate with divisional reps for inventorying of files
- Upload inventories to SharePoint site to be accessible by divisional reps
- Update and maintain inventories on SharePoint site
- Inventoried company documents dealing with legal matters into south file room/OSS
- Sorted and allocated deal documents into appropriate location
- Organized the retrieval and delivery of processed documents to IRM and Records
- Created Excel Spreadsheets to report and record project tasks, progress and issues to project managers
- Helped organize and prioritize project tasks to meet project deadlines
- Assisted with the development of procedures for Holding Room Project
- Reported daily activities and new project tasks to project managers

UBS Investment Bank, Stamford, Connecticut

Credit Fixed Income Business Unit Controller, April 2007— December 2008

- Analyzed Investment Grade and US Retail Bond profit and loss reconciliation for the syndicate desk
- Prepared credit default swap profit and loss reconciliation for the Investment grade desk
- Interacted with traders and valuation analysts to understand market drivers behind p&l numbers
- Verified postings in the general ledger through the use of SAP
- Ensured balance sheet integrity with accounting and control support
- Provided daily, weekly and monthly commentary to senior management on main drivers influencing business p&l
- Calculated and verified reserves for material changes in price variance and monthly liquidity charges

MBIA Insurance Corporation, Armonk NY

Collection Maintenance Administrator, RMC/CIC, August 2004 – March 2007

- Processed Insured deal files, transcripts and dead deal files into Records Management System
- Utilized RMS Tickler to collect and track deal documents out in circulation
- Fulfilled search requests for MBIA analysts utilizing RMS, MIDAS, Muni-statements, DPC Data, Bloomberg, Standard & Poor's, Moody's Investor Services, and Fitch Ratings
- Prepared documents for off-site storage and imaging
- Assisted with the production of documents pertaining to subpoenas, internal and external audits
- Managed the retrieval of outstanding documents for current, transferred and terminated employees using the RMS Tickler
- Provided training for incoming interns

EDUCATION

Pace University, Pleasantville, NY

Bachelor of Science 2007

Major: Finance

Honors: CAP Program Peer Advisor, Honors List