

MEETING HELD APRIL 4, 2016

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, April 4, 2016 in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

Also present were: Village Attorney Tony Cerreto; Village Treasurer, Leonie Douglas; Village Clerk, David Thomas; Chief of Police, Richard Conway; Administrative Aide to the Village Manager, Christopher Ameigh; Director of Planning, Eric Zamft; Legal Intern, David Kenny; Fire Chief, Mike DeVittorio

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was declared opened at 6:07 p.m.

ROLL CALL

AYES: Trustees Brakewood, Ceccarelli, Marino Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Kenner

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the Board of Trustees adjourned into Executive Session to discuss the Final Report by Village Special Counsel Brian Murphy.

ROLL CALL

AYES: Trustees Brakewood, Ceccarelli, Marino and Adams

NOES: None

ABSENT: Trustee Kenner

RECUSED: Mayor Pilla

Trustee Kenner arrived for Executive Session

At 7:16 the Executive Session was closed.

PRESENTATIONS

Presentation Honoring Trustee Joseph Kenner

Trustee Kenner was recognized on his seven years of service to the Village. He worked on the Comprehensive Master Plan. He voluntarily served from 2007 thru 2010 until he was officially elected. He was elected again in 2013. He was Deputy Mayor 2011-2012.

Trustee Kenner thanked Mayor Pilla for the presentation. We've done a lot of great things over the last nine years.

2016-2017 Tentative Budget Presentation

Village Manager Steers has selected a new Village Engineer, Vince Masucci, spoke of his background.

PUBLIC COMMENTS ON THE G&S ZONING TEXT AMENDMENTS

Mr. Joseph Rende commented this is a positive move for the Village of Port Chester to enter into this zoning change. The market value rentals and retail commercial on the first floor is a positive step.

Mr. John Reavis commented on the petition and movement by the Board. Will there be tax abatements on this particular project, and if so how much will the Village lose? Mayor Pilla replied that the Village has a standing agreement with G&S for the commercial portion only. The residential remains to be seen.

Ms. Goldie Solomon commented that she did not know what the zoning petition was. She commented it should be all commercial, no residential.

Ms. Bea Conetta commented that the majority of residents are against having residential in the middle of town. We have a big parking problem. This is not a benefit to Port Chester.

Mr. Frank Ferrara is in support of this project. This matter should wait for the new Board to be seated.

Mr. Richard Abel commented on the parking issue. You can't park after 1:00 A.M. Where will visitors of the residents park?

RESOLUTION

RESOLUTION #4

ADOPTING LOCAL LAW NO. _ OF 2016 AMENDING THE TEXT OF CHAPTER 345 OF THE VILLAGE CODE, MUR MARINA REDEVELOPMENT PROJECT RENEWAL DISTRICT AND CONCEPT DEVELOPMENT PLAN OF THE MODIFIED MARINA REDEVELOPMENT PROJECT

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

WHEREAS, G&S Port Chester LLC (the "Applicant") owns the property parcels known as Section 142.031, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23, and 24 of the Town of Rye Official Tax Map and interstitial Liberty Street Right-of-Way, which consists of approximately 23,138 square feet (the "Property"); and

WHEREAS, on 1999, the Applicant received approval from the Board of Trustees (hereinafter referred to as the "Board") to develop the Property for retail use as part of the Modified Marina Redevelopment Project (MMRP) in 1999; and

WHEREAS, such approval allows use of the Property for 48,000 gross square feet of retail use (approximately 40,000 net square feet of such use); and

WHEREAS, on December 5, 2014, the Applicant submitted a Petition to the Board to amend the zoning map and text amendments to the Urban Renewal Plan for the MMRP, regulations to the MUR Marina Redevelopment Project Renewal District, and Concept Development Plan of the Modified Marina Redevelopment to permit multi-family residential development of the Property and to add a multifamily dwelling parking regulation for the required parking table; and

WHEREAS, on October 1, 2015, the Applicant submitted an Amended Petition to the Board for amendments to (i) the Urban Renewal Plan for the MMRP, (ii) the regulations of the MUR MMRP Urban Renewal District of the Village of Port Chester, and (iii) the Concept Development Plan of the MMRP to permit residential use of the Property, and to amend the MMRP Urban Renewal Plan and MUR District regulations to add a multifamily dwelling parking regulation to the required parking table (the "Proposed Rezoning"); and

WHEREAS, the Applicant plans to develop the Property for a mixed residential and commercial use development, consisting of approximately 12,000 square feet of ground floor retail space and 60,000 square feet of residential space (79 residential dwelling units, primarily studios and one-bedroom units), which includes a density bonus provision for additional floor area (the Proposed Rezoning and proposed development are, collectively, the "Proposed Action"); and

WHEREAS; the Board held a public hearing on the Petition that commenced on January 4, 2016 and was closed on February 1, 2016 upon, among other things, the question of enactment of Local Law No. _ of 2016, being a Local Law amending the official zoning map and the text of Chapter 345, Article XVI of the Village Code (Zoning) as set forth on Exhibit "A" which is on file with the Village Clerk's Office of the Village of Port Chester; and

WHEREAS, the Board of Trustees determined that the Proposed Action will not have a significant adverse impact on the environment as described in the Negative Declaration; and

WHEREAS, the Board of Trustees adopted the Negative Declaration on March 7, 2016. NOW, THEREFORE,

be it

RESOLVED, by the Village of Port Chester Board of Trustees that Local Law No. _ of 2016, is hereby enacted as follows and effective upon its filing with the New York State Department of State:

LOCAL LAW NO. _ of
2016

A local law amending the text of Chapter 345 of the Village Code, MUR Marina Redevelopment Project Renewal District and Concept Development Plan of the Modified Marina Redevelopment project to permit multi-family residential development 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 on the Town of Rye Official Tax Map and an interstitial right- of-way shown on said tax map.

Approved as to Form:

Village Attorney Anthony Cerreto

A motion was made by TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER, to postpone this resolution to a date certain.

ROLL CALL on the MOTION

AYES: Trustees Kenner, Ceccarelli, Adams
NOES: Brakewood, Marino, Mayor Pilla
ABSENT: None

DATE: April 4, 2016

ROLL CALL on the RESOLUTION

AYES: Trustees Kenner, Brakewood, Marino, Adams and Mayor Pilla
NOES: Trustee Ceccarelli
ABSENT: None

DATE: April 4, 2016

PUBLIC HEARINGS:

Port North Main Street Rezoning Public Hearing

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the public hearing was declared open.

ROLL CALL

AYES: Trustees Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla
NOES: None

Village Planning Director Eric commented on the site plan application for 601 North Main Street. The district did not permit retail and they would need to file a petition with the Board to seek retail zoning. Both Planning and Waterfront have weighed in on this. Waterfront found the zoning petition to be consistent with the LWRP.

PUBLIC COMMENTS ON THE PUBLIC HEARING

Ms. Goldie Solomon commented on the property being discussed.

Mr. Richard Abel commented there were already businesses on the property previously. The bank and restaurant are not considered retail. The new development would be looking at parking spaces.

Mr. Joseph Rende commented that the bank building was previously an auto body shop. The Byram River is not navigable in that area.

Trustee Brakewood commented we need to get this approved as soon as possible. We need to look at our Master Plan and update it. We need to look at our zoning laws.

BOARD COMMENTS

Trustee Ceccarelli commented he agrees with Trustee Brakewood. This is calling for special exception retail. Mr. Gary Gianfrancesco commented to meet the special exception requirements, one of which is the parking requirement, if you go through the zoning code there is no parking requirement for retail.

With no further discussion, on motion by TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the Public Hearing was declared closed.

ROLL CALL

AYES: Trustees Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

Budget Public Hearing and Workshop Schedule

On motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, the public hearing was declared open.

ROLL CALL

AYES: Trustees Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

Village Treasurer Leonie Douglas presented the fiscal year 2016-2017 Budget. It is a very flat budget. She showed slides on the Budget at a Glance. She spoke on the 5-Year Operating Trends. We have been proactive in making sure we don't run a deficit. In 2016 if we continue to spend we will have a deficit. If we plan we can bring the revenue and expenses closer together.

On the FY 2016-17 Tax Cap Calculation, the tax levy increased .35 over the last fiscal year. The property tax cap was extended through 2020. The Tax Rate Calculation showed the difference between Homestead and Non-Homestead rates. The tax rate increased because of new building and sale of homes. The average home owner will see a decrease in the tax rate. We get most of our revenue from property tax. She showed the tax levy over the past 11 years.

Ms. Douglas commented on the General Fund Other Major Revenues, which includes Parking (using pay stations instead of meters); Sales Tax and Pilots. Appropriations went up by \$73,000.

The largest appropriations are Police and Public Safety and Employee Benefits. The Pension Cost is at \$2.5MM. The Long Term Debt is decreasing.

The Village has 161 full-time employees, down from 163 last year.

The Sewer Fund and other Revenues are \$1,582,638. The Long Term Sewer Debt Balance is \$2,411,836, the Short Term Sewer Debt Balance is \$6,372,000. A Sewer Improvement Project Summary showed all the completed work. There are five phases to the sewer replacement. One third of the work has been completed.

PUBLIC COMMENTS ON THE PUBLIC HEARING

Mr. Vincent Lyons commented on an article in the Westmore News about the career firefighters. The Village has budget for 12 career firefighters and there are only 8 on staff. Rye Brook pays over \$900,000 for fire coverage and having a firefighter on duty in Rye Brook during the overnight period. There are new apartment buildings going up in Port Chester along with many overcrowded residences. The Village should bring the firefighter staff up to the budgeted level.

Ms. Bea Conneta commented on the length of time taken to go over the Budget. We can get that in the Westmore News. We want to know the Revenues, the expenses and the cuts. You don't have to have such an extensive report on the treasury.

Mr. Richard Abel commented on the Sewer Rent Budget. You don't have the rate for last year. We should have a comparison last year to this year.

BOARD COMMENTS ON THE PUBLIC HEARING

Trustee Ceccarelli thanked Village Treasurer Douglas for the Budget Presentation. It was well-done.

Mayor Pilla commented this kicks off the Budget review. The Board will be meeting over several days, specifically the 11th, 12th, 14th and 18th. We will be having Departmental Reviews for their needs. We will convene on the 25th where we will go through proposed cuts. Regarding the Fire Department situation the Fire Advisory Counsel reconvene and update the Board on their recommendations.

On motion of TRUSTEE KENNER, seconded by TRUSTEE BRAKEWOOD, the Public Hearing was adjourned.

ROLL CALL

AYES: Trustees Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

PUBLIC COMMENTS AFTER THE PUBLIC HEARINGS

Ms. Bea Conetta commented she worked at the poles it was really dismal with the number of people who come out to vote. We have over 845 registered voters in our district and only 245 plus came out to vote. The Mayor must steer the Trustees and Village employees in the right direction. The Board has to work for the good of Port Chester. We have the Bulkhead and also parking problems, the Police Station and the lack of an elevator at the Metro North station. Starwood has to be a fair deal for the people of Port Chester. She thanked Trustee Kenner for all his work.

Mr. Richard Abel thanked Trustee Kenner for his service. He commented on the rest room identifiers in public places. He agreed with Trustee Ceccarelli that the old Board should not be making decisions just before a new Board takes over.

Mr. Frank Ferrara thanked Trustee Kenner for his work on the five year financial modeling.

RESOLUTIONS

RESOLUTION #1

SETTING A PUBLIC HEARING TO ACCEPT THE OFFER OF DEDICATION OF NELLA WAY AS A VILLAGE STREET

On motion of TRUSTEE ADAMS, seconded by TRUSTEE KENNER, the resolution was moved by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

ABSENT: None

RESOLUTION

AUTHORIZE PAYMENT FOR MONITORING 2016 VILLAGE ELECTION IN UNITED STATES OF AMERICA VS. VILLAGE OF PORT CHESTER

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

WHEREAS, on December 15, 2006, the United States of America commenced an action against the Village of Port Chester claiming that the at-large election of Village Trustees violated Section 2 of the Voting Rights Act; and

WHEREAS, by Memorandum and Order dated April 6, 2007, the court granted the application of Mr. Cesar Ruiz to intervene as a plaintiff in this matter; and

WHEREAS, since that date, the Plaintiff/Intervenor has participated by counsel throughout the course of these proceedings, including the monitoring of the 2010 and 2013 Village Elections so as to implement the consent decree and addenda; and

WHEREAS, in all such instances, the Village and Plaintiff-Intervenor have stipulated as to the amount of attorneys fees so as to dispense with unnecessary and potentially costly litigation subject to Board authorization; and

WHEREAS, Plaintiff-Intervenor's counsel and the Village's counsel have likewise agreed to the amount of attorneys' fees for the 2016 Village Election which payment will close this aspect of the case. Now, therefore, be it

RESOLVED that the Village Treasurer is authorized to make payment to Randolph M. McLaughlin, Esq. c/o Newman Ferrara LLP, 1250 Broadway, 27th Floor, New York, New York 10001, attorney for the Intervenor, Cesar Ruiz, with regard to the Village's payment of attorney fees in the amount of \$6,000.00 for the 2016 Village Election.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustee Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

ABSENT: None

DATE: April 4, 2016

RESOLUTION

AUTHORIZING THE SUBMISSION OF A HOME RULE REQUEST TO IMPOSE A HOTEL OCCUPANCY TAX IN THE VILLAGE OF PORT CHESTER

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

WHEREAS, the Village of Rye Brook secured special state legislation to adopt a local law to impose a hotel occupancy tax of three percent; and

WHEREAS, the cities of Rye, New Rochelle and White Plains also have a hotel occupancy tax; and

WHEREAS, a hotel occupancy tax offers the advantage of raising necessary revenue without imposing a regressive and heavier burden on property owners; and

WHEREAS, the Board of Trustees has accepted the petition of PC 406 BPA and PC 999 High Street Corp. which is the subject of a pending environmental review process pursuant to the State Environmental Quality Review Act (SEQRA) to redevelop the former site of United Hospital for a mixed residential/commercial development which includes a proposed hotel; and

WHEREAS, New York State Senator George Latimer has introduced legislation to the Senate with bill number S. 7152 and New York State Assemblyman Steve Otis has introduced legislation in the Assembly with bill number A. 9694 that would authorize the Village of Port Chester to impose such a hotel occupancy tax. Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby approves the submission of a Home Rule Request to the New York State Senate and Assembly for bill numbers S. 7152 and A. 9694 respectively relating to the authority of the Village to impose a hotel occupancy tax; and be it further

RESOLVED, that the Village Clerk is hereby authorized to execute all necessary documents with regard to the Home Rule Request and the Mayor to cause their delivery to the New York State Legislature on behalf of the Board.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustee Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: Trustee Kenner

ABSENT: None

DATE: April 4, 2016

RESOLUTION (ADD ON)

ACCEPTING THE REPORT OF THE SPECIAL COUNSEL BRIAN MURPHY DATED
APRIL 3, 2016

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

WHEREAS the Board of Trustees accepts the report dated April 3, 2016 from Special
Counsel Brian Murphy regarding certain correspondence between the Mayor and the Village
Manager,

ROLL CALL

AYES: TRUSTEES KENNER, BRAKEWOOD, CECCARELLI, MARINO, and ADAMS
AND.

NOES: NONE

ABSENT: NONE

RECUSED: MAYOR PILLA

DATE: April 4, 2015

CORRESPONDENCE

Letters from various members of Human Development Services of Westchester, Inc. re: Redevelopment of the United Hospital Site

From Evarista Perez for Iglasis Adventists del Septirno Dia Spanish Port Chester re Parking the Wellness to Go Van on August 28, 2016 in the municipal parking lot in front of 29 New Broad Street occupying 3 parking spaces.

This was referred to Staff.

From Bart Didden on his resignation from the Waterfront Commission

We should act to fill the vacancies on all the commissions..

PUBLIC COMMENTS AND BOARD COMMENTS AT THE END OF THE MEETING

There were no Public Comments.

BOARD COMMENTS

Trustee Kenner commented it was a pleasure to work on the Board. He wished success to the new Board with the 2016 Budget and with Starwood. He thanked the staff for all their work. He thanked the people of Port Chester for letting him serve for the last nine years.

Trustee Brakewood thanked Trustee Kenner for his service over the last nine years. He has set a great example with the master plan. We do need to work on revising the plan. He thanked all the members of the Board for all the work they have done. We are doing due diligence and keeping an eye on the budget but moving the ball forward on Starwood, the budget and the Police Station.

Trustee Ceccarelli commented it was a pleasure to work with Trustee Kenner and wished him luck in the future.

Trustee Marino said he will miss working with Trustee Kenner.

Trustee Adams commented he enjoyed working with Trustee Kenner.

Mayor Pilla commented that Trustee Kenner always based his words on his impression of the facts rather than personal. Tomorrow we will be swearing in the new Board. On Wednesday we will have a meeting on Starwood to take a deep dive into the traffic from the environmental traffic study. On Thursday we will have the public forum on Ethics at 6:15 in the Senior Center. The IDA will meet next week to talk about a long-term parking strategy.

On motion of Trustee Kenner, seconded by Trustee Adams, the meeting was adjourned at 10:26 p.m.

ROLL CALL

AYES: TRUSTEES KENNER, BRAKEWOOD, CECCARELLI, MARINO, ADAMS and MAYOR PILLA.

NOES: None

ABSENT:

DATE: April 4, 2016

On motion of Trustee Adams, seconded by Trustee Ceccarelli, the meeting was adjourned at 8:31 P.M.

Respectfully submitted,

David Thomas
Village Clerk