

MEETING HELD MAY 2, 2016

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, May 2, 2016 in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Deputy Mayor Gregory Adams residing.

Present in addition to Mayor Pilla were Trustees Bart Didden, Francis Ferrara, Gene Ceccarelli, Gregory Adams and Luis Marino.

Also present were: Village Manager Christopher Steers, Village Treasurer, Leonie Douglas; Director of Planning Eric Zamft, Chief of Police, Richard Conway; Legal Intern, David Kenny; Assistant Fire Chief Mike DeVittorio

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

ROLL CALL

AYES: Trustees Didden, Ferrara, Ceccarelli, Adams, Marino and Mayor Pilla

NOES: None.

ABSENT: Trustee Brakewood

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE CECCARELLI, the Board voted to Add On a special Executive Session consultation conversation with the Village Attorney.

ROLL CALL:

AYES: Trustees Didden, Ferrara, Ceccarelli, Adams, Marino and Mayor Pilla

NOES: None

ABSENT: Trustee Brakewood

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the Board voted to go into Executive Session to discuss:

- 1. Interview with candidate to appoint to recreation commission*
- 2. Interview with candidate to the Board of Ethics*
- 3. Consultation with the Village attorney and interview with prospective special counsel*

ROLL CALL

AYES: Trustees Didden, Ferrara, Ceccarelli, Adams, Marino and Mayor Pilla.

NOES: None

ABSENT: Trustee Brakewood

Trustee Brakewood came into the meeting at 6:29 p.m.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE FERRARA, the Board came out of Executive Session.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla.

NOES: None

At 7:51 the Board came out of executive session. Mayor Pilla called the public meeting to order.

PRESENTATION

Mayor Pilla presented a Certificate of Appreciation to Leonard Sotolongo to publicly recognize him for his resourcefulness and creativity in painting the garbage cans throughout town.

PUBLIC HEARING

1. Nella Way

A motion was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, to accept that Nella Way become a Village street.

ROLL CALL

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

PUBLIC COMMENTS AT THE PUBLIC HEARING

Ms. Goldie Solomon spoke of Louie and of Nella and that they do well for the Village.

Robert Sherm, corporate counsel for Fox Commons, commented this is a three party agreement to provide for affordable housing.

Mr. Richard Abel commented on Nella Way originally was not accessible to fire apparatus. The engineer for Nella commented that the entrance is from Fox Island Road and the gate is for emergency use only.

On motion of TRUSTEE MARINO, seconded by BART DIDDEN, the public hearing was declared closed.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla.
NOES: None

PUBLIC HEARING

2. A Proposed Local Law to Override the Tax Levy Limit Established in General Municipal Law §3-c.

A motion was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the public hearing was reopened.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None.

PUBLIC COMMENTS AT THE PUBLIC HEARING

Ms. Goldie Solomon commented on how this will affect senior citizens and those on Social Security.

Ms. Bea Conneta commented this is just put in for two years. It has to do with the Board of Education and the Village. Anybody in the STAR program gets something back. If you go over the tax cap you are hurting the people of Port Chester.

Mr. John Reavis commented that if the Board overrides this it should be shared with the residents in terms of where you would put that money.

Trustee Didden commented the tax cap is unsustainable over the long run. We have professional staff, police officers and other staff with built-in raises. There are costs in health insurance that go up. You cannot maintain the tax cap indefinitely.

Trustee Adams commented that the police, fire and DPW have to get paid.

Mr. Reavis asked if the intent was for this to go to salary increases. Is there any money going to be set aside to improve the infrastructure?

Village Manager Steers commented that there are always increases in staff operating expenses. We can do something to help the Village move forward.

Mr. Abel commented that you will use those some reasons next year. Leaving it to the last minute is not a good way to do business.

Mayor Pilla commented they have been working hard going through department budgets. Mr. Reavis commented on the capital project, Steve Otis's legislation regarding the sewer project. People should be given a better understanding of what our legislators are doing or are not doing.

Trustee Brakewood commented that he is 100% against overriding the tax cap. We need to focus on how we spend our funds. Homeowners will actually see a reduction in their property taxes.

Ms. Hope Klein commented that they are looking for a donation for the Independence Day Committee. The ceremony will be on July 9th at the John Ryan Stadium.

Mayor Pilla commented that overriding the tax cap will not set us up for the future. We are on a much more sustainable course.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the Public Hearing was closed.

ROLL CALL

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

In order for the tax cap to be legally effective, a motion was made by Trustee Adams. The motion was not seconded. It was the decision of the Board not to override the tax cap.

PUBLIC COMMENTS AFTER THE PUBLIC HEARING:

Ms. Goldie Solomon thanked the Police, Fire, DPW and EMT's. Do not create more residential, we need commercials.

Mr. DelBianco, representing the Beautification Committee, commented on Adopt-An-Island. Since Chris Ameigh is no longer here, he would like to meet with Mr. Steers to keep this on track. The Commission would like to see Adopt-An-Island recognition with signage.

Mr. John Reavis commented the NAACP is concerned about all residents. The mission is to recognize the needs of the community. We are hoping that Starwood will afford people with decent jobs, which includes training. We need to take another look at affordable housing.

Ms. Bea Conneta commented on the issue of Sustainable Westchester. 20 communities surrounding us have opted in. There is no risk. If it comes up again it should be considered.

Mr. Chris Calabrese, representing Sustainable Port Chester Alliance, a community labor group. There should be a community benefits agreement and successorship laws with Starwood. If Starwood sells the property that pilot no longer exists and there should be a new agreement with a future owner.

Mr. Richard Abel commented on the resolution with a change in zoning on the Capitol Theatre. Why change the zone, why not go before the Zoning Board of Appeals?

Mr. Gioffre commented that some of the Resolutions items might go by very quickly. He asked that the Board take the Resolutions out of order to accommodate the people in the audience.

Mr. Vincent Lyons, on behalf of professional firefighters, commented on the Budget set up for Adoption. It includes dangerous cuts to fire protection. It is recommended that the Village Manager consult with an independent fire service consultant to evaluate the lack of adequate career firefighters. The proposed cut is inadequate and does not consider the population of the Village. Are the new developers aware of the lack of fire protection and the costs in the future? Before the adoption of this budget you should review the fire protection for this Village. Mr. Lyons asked if Mayor Pilla spoke to anyone on the Fire Advisory Board.

RESOLUTIONS

RESOLUTION #4

STARWOOD/UNITED HOSPITAL RECEIVING OF PRELIMINARY FINAL ENVIRONMENTAL IMPACT STATEMENT AND PROPOSED REVISED ZONING. REFERRAL TO THE PLANNING COMMISSION AND WESTCHESTER COUNTY PLANNING BOARD, AND SCHEDULING OF A PUBLIC HEARING

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

WHEREAS, on April 21, 2014, the Board of Trustees (herein referred to as “Board”) adopted a resolution accepting the petition of PC406 BPR, LLC and PC 999 High Street Corp. (together the “Applicant”) for consideration of proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District or, in the alternative, to a text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62, with respect to 406-408 Boston Post Road and 999 High Street (the “Subject Property”); and

WHEREAS, the Applicant seeks to develop the Subject Property for a mixed multi-family residential and commercial use development (the proposed zoning amendments and development are, collectively, the “Proposed Action”); and

WHEREAS, the Board of Trustees is the designated Lead Agency under the New York State Environmental Quality Review Act (“SEQRA”); and

WHEREAS, the Village Board determined that the Proposed Action is a Type I Action pursuant to the SEQRA and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that the Proposed Action may have a significant impact on the environmental, and required the Applicant to prepare an Environmental Impact Statement (EIS); and

WHEREAS, the Board accepted as complete the Draft Environmental Impact Statement (“DEIS”) on July 20, 2015; and

WHEREAS, public hearings were held on the DEIS on August 27, 2015 and September 8, 2015; and

WHEREAS, the comment period for the DEIS ended on September 25, 2015; and

WHEREAS, the Board held a public workshop specific to traffic on April 6, 2016; and

WHEREAS, the Board held a public workshop specific to the economic evaluation and zoning on April 26, 2016; and

WHEREAS, the Applicant has prepared a preliminary Final Environmental Impact Statement (“pFEIS”), which includes additional revisions to the PMU Zoning District (“Proposed Revised Zoning”);

NOW, THEREFORE, be it

RESOLVED, that the Village of Port Chester Board of Trustees acknowledges receipt of the pFEIS and proposed zoning; and be it further

RESOLVED, that the Board of Trustees refers the proposed zoning to the Planning Commission pursuant to §345-34D for review and comment in accordance with of the Village Zoning Code; and be it further

RESOLVED, that the Board of Trustees refers the proposed zoning to the Westchester County Planning Board pursuant to §345-34H for review and comment in accordance with of the Village Zoning Code; and be it further

RESOLVED, that the Board of Trustees sets a public hearing on the pFEIS and Proposed Revised Zoning on May 24, 2016 at 6:00 P.M. or shortly thereafter at the Village of Port Chester Senior Center, 222 Grace Church Street, Port Chester NY 10573.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

RESOLUTION #1

RESOLUTION – SUBSTITUTION OF AMENDMENTS

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

To bring the budget to the table of the Board, the 2016-2017 Village Manager’s budget for amendment and adoption.

On a motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, the Board of Trustees agreed to substitute the resolution amendments that were originally placed in their packets and on the agenda with the substitution amendments that were presented to the Board this evening.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla
NOES: None
ABSENT: None
RECUSED: Trustee Marino

DATE: May 2, 2016

On a motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, the Board of Trustees agreed on the expenditure reduction list: to strike the line 1, the intermediate clerk part time, eliminate line 2, Decrease Human Resources went from part-time to full-time, eliminate on page 2, decrease overtime for two new sanitation workers, eliminate decrease overtime for two new sanitation workers, eliminate the line that says, “keep”, eliminate all of the expenditure additions, and eliminate under revenue reductions what is currently listed as reductions in Rye Brook contributions.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli and Mayor Pilla
NOES: Trustee Adams
ABSENT: None
RECUSED: Trustee Marino

DATE: May 2, 2016

RESOLUTION #2

ADOPTION OF BUDGET FOR FY 2016-17

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

WHEREAS, the Board of Trustees of the Village of Port Chester held a public hearing on the proposed Budget for the Village of Port Chester on April 4, and April 18, 2016, for the fiscal year beginning June 1, 2016 and ending May 31, 2017, pursuant to the published notice of such public hearing and has heard all persons who desired to present comments with respect to such Budget; and

WHEREAS, at meetings of the Board of Trustees held on April 4, 2016, April 11, 2016, April 12, 2016, April 14, 2016, April 18, 2016 and May 2, 28, 2016, the Village Manager's tentative budget was read and considered; and

WHEREAS, at a meeting of the Board of Trustees held on May 2, 2016, the Village Manager's tentative budget was amended as reflected in the annexed schedule for a total increase in estimated revenues in the amount of \$291,000 and a total increase in appropriations in the amount of \$291,000. Now, therefore, be it

RESOLVED, that the following Budget is hereby adopted as the Budget for said Village of Port Chester, New York, for the Fiscal Year beginning June 1, 2016 and ending May 31, 2017, and that the several sums in said Budget, as amended, shall be and become appropriated for the several departments, offices and purposes as specified in said Budget:

Budget for the Village of Port Chester, New York for the
Fiscal Year Beginning June 1, 2016 and Ending May 31, 2017

| | |
|---|--------------|
| GENERAL FUND EXPENDITURES | \$38,696,469 |
| GENERAL FUND OTHER REVENUES | \$15,576,639 |
| APPROPRIATED WORKERS COMP. RESERVE | \$50,000 |
| APPROPRIATED DEBT SERVICE RESERVES | \$50,000 |
| AMOUNT TO BE RAISED BY PROPERTY TAXES | \$22,993,840 |
| DEBT SERVICE FUND APPROPRIATION | \$230,000 |
| SPECIAL ASSESSMENT SIDEWALK BETTERMENT PROGRAM PHASE 1 & 2 | \$25,990 |

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: May 2, 2016

ROLL CALL

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

NOES: None

ABSENT: None

DATE: May 2, 2016

A motion was made by TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, that we adopt the Capital Project Plan for the FY 2016-17.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

A motion was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, that we establish a Sewer Rent rate of \$1.0544 per ccf of water consumption.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

A motion was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, to allow the Village Treasurer to include Sewer Rent in the amount of \$113,000 to be in the tax line between June 2016 and May 2017.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

A motion was made by TRUSTEE FERRARA, seconded by TRUSTEE MARINO, to adopt the Capital Budget of the Village of Port Chester for the FY 2016-17

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

A motion was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, to amend the Capital Budget General Expenditures to \$38,696.469; and to amend the Property Tax Levy to \$22,993,840.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

A motion was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, to adopt the amended Capital Budget of the Village of Port Chester for the FY 2016-17 with the amendments to General Expenditures and Property Taxes.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

RESOLUTION #3

ADOPT A NEGATIVE DECLARATION UNDER STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA) WITH REGARD TO THE PETITION OF CAPITOL THEATRE LLC/CAPTIOL ENTERPRISES, INC.

On motion of Trustee Brakewood, seconded by Trustee Didden, the resolution was discussed by the Board of Trustees of the Village of Port Chester, New York:

On motion by TRUSTEE CECCARELLI, seconded by TRUSTEE FERRARA, this Resolution was postponed to the May 16th Board meeting.

ROLL CALL

AYES: Trustees Didden, Ferrara, Ceccarelli and Mayor Pilla
NOES: Trustees Brakewood, Adams and Marino
ABSENT: None

DATE: May 2, 2016

RESOLUTION #5

REAPPOINTMENT OF MEMBER OF THE
PARKS COMMISSION

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

RESOLVED, GERALD DONAHUE, residing in Port Chester, New York, be and he hereby is reappointed a member of the Port Chester PARKS COMMISSION, effective immediately, and to expire December 31, 2020.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla
NOES: None
ABSENT: None

DATE: May 2, 2016

DISCUSSIONS

New York State's Downtown Revitalization Initiative Economic Development Contest

The Governor announced they are going to give 10 awards of \$10MM to selected municipalities who have presented a case on why it would be good for business. Port Chester is well situated to be considered for this award. The application needs to be done by May 27th.

Micro-Breweries

There is no zone in the Village that allows for micro-breweries. Village Manager Steers commented he is working with Planning and they have already been working on zoning changes. This would be wholesale specific to micro-breweries.

Taxis

Trustee Adams commented on a number of senior residents using taxis. He questioned if the Village is in the business of enforcing taxis or if it should this be turned over to the county. Our next steps would be to have a strategic planning session to include Taxis. The Village has a legal right to set rates because of consumer protection.

Board procedures re Minutes of meetings

Village Clerk Thomas proposed the way we do minutes. We should memorialize the discussions in the records.. They should record the business and be annotated. We don't need the correspondence but we do need the discussions. Trustee Didden commented that the process to approve is your ability to amend. Once the minutes are corrected they are accepted or approved. Mr. Thomas commented that basically the public hearing will be a compressed version. We will list the speakers but not all they spoke about. Richard Abel commented that New York State law says that Minutes have to be kept forever, Video and Audio are only for six months.

Exit interview document e-mailed to the BOT by our Village Manager on 4/11/2016

Trustee Ceccarelli asked the Village Manager to provide a summary of the issues raised. Trustee Marino said the letter is self-explanatory. Trustee Didden questioned one thing on page 6 regarding allegations of unlawful activities of BOT members. Mr. Didden commented as Stewards of the Village it is our responsibility to provide a safe workplace for all of our employees. If this has any substance it has to be tracked down. Mr. Steers commented that we should gain trust, show compassion and stability and to create a sense of hope for the future to those who follow us. We should acknowledge the problems and work to make them go away. Trustee Ferrara commented we should use the letter to possibly guide us forward. We should have a strategy session on Board procedures. Staff should have time in advance to prepare. Trustee Didden suggested Ed Brancoti interview the key employees.

CORRESPONDENCE

1, Breaking AIDS Ride

Acknowledged and referred to staff without objection.

2, From the Traffic Commission recommending a stop sign at the corner of Columbus and Newton Avenues.

Referred to staff to bring back to the Board with their recommendations.

3. From the Traffic Commission recommending markings and sign on Abendroth Avenue and Mill Street

Referred to staff to bring back to the Board with their recommendations.

4. Park Avenue School Fun Day 6/10/12 and Moving up Ceremony 6/22/16

Upcoming.

5. From Mercedes Estabridis-Nunez re her interest in becoming a member of the Recreation Committee

Ms. Esabridis-Nunez lives in Rye Brook so her information will be forwarded.

6. From the Port Chester Rye Brook Town of Rye Independence Day Committee re July 4th festivities and the Village donation of \$5,500.00

This was covered earlier.

7. ***From Marie Martin regarding extending her position on the Park Commission.***

We will take action at the next meeting.

8. ***From John M. Grosse on his resignation as the Village Representative for CDBG***

We thank him for his many years of service and as Police Chief.

MINUTES

Minutes of December 21, 2015, January 4, 2016, January 12, 2016.

A motion was made by TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, that the minutes be approved.

ROLL CALL

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

NOES: None

ABSTAIN: None

RECUSED: Trustees Didden, Ferrara.

PUBLIC COMMENTS AND BOARD COMMENTS AT THE END OF THE MEETING

PUBLIC COMMENTS

Mr. Richard Abel commented on the elimination of the paid firemen. This was never brought up at the Budget meeting. The public was not aware of this issue.

BOARD COMMENTS

Trustee Didden commented that he represented the Board at a 50-year celebration for firefighter Peter Potacco, Jr. This Friday at Westchester Burger is the Soccer Booster Event. On Monday, May 9th is the Tamarack Tower Committee for the Taste of Port Chester.

Trustee Brakewood thanked the entire staff for all the time and energy put into the Budget process. Having an all-volunteer fire department is something that has been talked about since the late 90's. We will not cut the service that people in the Village receive. He thanked the professional firefighters who served this Village.

Trustee Ceccarelli commented on the Village population. He asked Planning Director Zamft for help with an analysis.

Trustee Adams thanked the Staff for their hard work on the Budget.

Mayor Pilla thanked Staff for all their hard work during the month of April. We can change the way we do business to ease the burden on Staff. We will continue to receive fine service from the volunteer fire department. He thanked the career firefighters for all their fine work over the years.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, the meeting was adjourned at 11:50 p.m.

Respectfully submitted,

Dave Thomas
Village Clerk