

**MEETING HELD JUNE 1, 2016**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 1, 2016, in the Senior Center, Port Chester Village Hall, 222 Grace Church Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla were Trustees, Gregory Adams, Gene Ceccarelli and Frank Ferrara.

Also present were: Village Clerk, David Thomas; Village Attorney, Anthony Cerreto; Director of Finance Leonie Douglas; Chief of Police, Richard Conway; Intern Assistant to Village Attorney David Kenny; Chief Engineer Vince Masucci and Outside Counsel Feroe.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE FERRARA, the meeting was declared opened at 7:09 p.m.

**ROLL CALL**

**AYES:** Trustees Ferrara, Ceccarelli, Adams, and Mayor Pilla

**NOES:** None

**ABSENT:** Trustees Didden, Brakewood and Marino

**Date:** June 1, 2016

**PUBLIC HEARING**

The following is a verbatim transcript of the re-opened Public Hearing on the Starwood/United Hospital pFEIS and Proposed Revised Zoning transcribed by Marci Loren Dustin:

VILLAGE OF PORT CHESTER, NEW YORK  
VILLAGE OF PORT CHESTER BOARD OF TRUSTEES  
-X

CONTINUED PUBLIC HEARING: STARWOOD/UNITED  
HOSPITAL PFEIS AND PROPOSED REVISED ZONING

Vol. 2

June 1, 2016  
Village Senior Center  
222 Grace Church Street  
Port Chester, New York  
7:09 p.m.

- -X

B E F O R E:

VILLAGE BOARD OF TRUSTEES MEMBERS:

DENNIS G. PILLA, MAYOR

BART DIDDEN, TRUSTEE (NOT PRESENT)

FRANK FERRARA, TRUSTEE

DANIEL U. BRAKEWOOD, TRUSTEE (NOT PRESENT)

GENE CECCARELLI, TRUSTEE

LUIS MARINO, TRUSTEE (NOT PRESENT)

GREGORY ADAMS, TRUSTEE

A P P E A R A N C E S:

FOR THE APPLICANT:

ANTHONY B. GIOFFRE, III

CUDDY & FEDER, ESQ.

455 Hamilton Avenue, 14th Floor

White Plains, New York 10601

Marci Loren Dustin, Court Reporter

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: Good evening, ladies and  
3 gentlemen, and welcome. It's Wednesday June 1st,  
4 2016. We're here in the Port Chester Village Senior  
5 Community Center at 220 or 222 Grace Church Street,  
6 depending where you're coming from, in Port Chester,  
7 New York. And we're assembled as the village board of  
8 trustees. It's about 7:09 in the evening. And can I  
9 please get a motion to call this public meeting to  
10 order.

11 MR. ADAMS: So moved.

12 MAYOR PILLA: Mr. Adams.  
13 Mr. Ferrara?

14 Second.

15 Mr. Clerk, if you can please

16  
17 Trustee Ferrara.

18 Here.

19 Trustee Ceccarelli.

20 Yes.

21 Trustee Adams.

22 Yes.

23 MR. THOMAS: Mayor Pilla.

24 MAYOR PILLA: Yes.

25 Good evening, ladies and gentlemen, and

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 welcome. This is a special meeting of the Port  
3 Chester Village Board of Trustees. Our main agenda is  
4 to reopen the adjourned public hearing on the Starwood  
5 Capital/United -- former United Hospital property  
6 project, their preliminary final environmental impact  
7 statement and the proposed revised zoning.

8 Before we get to that, would you please join me in  
9 rising while Trustee Ferrara, would you please lead us  
10 in the pledge.

11 MR. FERRARA: Thank you, Mr. Mayor.

12

13 (Pledge of Allegiance recited.)

14

15 MAYOR PILLA: Thank you, Mr. Ferrara.

16 Good evening, Board, members of the staff, public, and  
17 the Starwood team.

18 MR. CECCARELLI: Mr. Mayor, before we get  
19 started, I just would ask for a favor. I'd like to  
20 put an ad on after we get through with our business,  
21 and I can go into that when we reach that point.

22 MAYOR PILLA: Certainly, Mr. Ceccarelli. I'll  
23 make a note of that, and we can get to that when we're  
24 done with this public hearing.

25 MR. FERRARA: Thank you.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: Great. Okay. So let's get the  
3 public hearing -- the resumption of the public hearing  
4 underway.

5 Can I please get a motion to reopen the  
6 adjourned public hearing regarding the Starwood/United  
7 Hospital preliminary final environmental impact  
8 statement and the proposed -- their proposed revised  
9 zoning.

10 MR. FERRARA: So moved.

11 MAYOR PILLA: Thank you, Mr. Ceccarelli.

12 MR. FERRARA: Second.

13 MAYOR PILLA: Mr. Ferrara.

14 That was Gene; right?

15 MR. FERRARA: Yeah.

16 MAYOR PILLA: Mr. Clerk, if you could please  
17 call the roll to reopen the public hearing.

18 MR. THOMAS: Trustee Ferrara.

19 MR. FERRARA: Yes.

20 MR. THOMAS: Trustee Ceccarelli.

21 MR. CECCARELLI: Yes.

22 MR. THOMAS: Trustee Adams.

23 MR. FERRARA: Yes.

24 MR. THOMAS: Mayor Pilla.

25 MAYOR PILLA: Yes.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 Thank you very much. Okay.

3 And just for the record, Mr. Marino is unable  
4 to join us, and Trustee Brakewood is going to arrive  
5 late. But we will get this underway, and they assure  
6 me they were going to listen to the audio and the  
7 outcome of the meeting.

8 Okay. Let me turn it over to --

9 UNIDENTIFIED SPEAKER: Mr. Didden.

10 MAYOR PILLA: Oh, and Mr. Didden. I don't  
11 know where he is, to tell you the truth.

12 UNIDENTIFIED SPEAKER: Okay.

13 MAYOR PILLA: But I'm going to turn it over to  
14 Mr. Feroe. Peter Feroe is from the firm AKRF. The  
15 village retained their premier consulting firm to  
16 assist our internal staff with the review of the  
17 applicant's zoning and environmental impact statement.  
18 And the applicant is paying for it pursuant to SEQRA,  
19 the State Environmental Quality Review Act.

20 Good morning, Mr. Feroe.

21 MR. FEROE: Good evening, Mayor. Thank you  
22 very much. Just a quick reminder of why we're here  
23 tonight.

24 This is a public hearing on the preliminary



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 Hospital redevelopment project, as well as a public  
3 hearing on the proposed zoning amendments that the  
4 applicant has included in their preliminary final  
5 environmental impact statement or PFEIS. This is part  
6 of the SEQRA process, which looks at the environmental  
7 impacts of the application that Starwood Capital and  
8 their affiliates has made.

9 This process started back in 2014. It has  
10 gone through numerous steps, including a draft  
11 environmental impact statement, which was adopted by  
12 the village board as complete, July 20th, 2015. And  
13 the applicant has prepared its preliminary final  
14 environmental impact statement in order to respond to  
15 substantive comments that the public and other  
16 agencies have made on that draft environmental impact  
17 statement.

18 This public hearing is your chance to opine  
19 on that preliminary final environmental impact  
20 statement and its thoroughness and adequacy, and will  
21 help inform the board of trustees, who is acting as  
22 the lead agency under this review, on whether or not  
23 to accept the PFEIS in its current state or request  
24 additional information and analysis be provided.  
25 With that, I'll turn it back over to you.



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: Thank you very much, Mr. Feroe.

3 So we want to hear from you on two things, as  
4 Mr. Feroe said: The environmental impact statement,  
5 and issues, concerns, comments with that, and also on  
6 the zoning, two very important parts of this very  
7 large and important project to the Village of Port  
8 Chester.

9 And with that, I have a speaker list. Thank  
10 you, Mr. Feroe. And our first speaker who signed in  
11 is Mr. John Rivas [ph.]. Mr. Rivas, if I could ask  
12 you to come to the podium, please. That's the  
13 makeshift podium.

14 Good evening, Mr. Rivas. Thanks for joining  
15 us.

16 MR. RIVAS: Good evening, Mr. Mayor and  
17 trustees. My name is John Rivas. I am president of  
18 the local NAACP. I'm also involved in quite a few  
19 activities in the community. I'm here tonight to  
20 share a couple of concerns, which was already outlined  
21 in a letter that was published in the Westmore News on  
22 April the 1st.

23 Prior to that, I would just like to say for  
24 the record, that the NAACP was formed in 1909 in New  
25 York City, and the founders of the NAACP were not all

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 African Americans. They were Caucasians and Jewish  
3 people who supported the need for people in our  
4 communities who were being put in a position where  
5 they could not vote. They were being lynched. They  
6 did not get fair treatment in cases involving criminal  
7 activities, and the concern about civil rights,  
8 education, voter education, were all a part of the  
9 initial priority changes that were created back in  
10 1909.

11 Today, we have five game changes, which are a  
12 part of what we are being exposed to with Starwood's  
13 development. And I would like to read a part of the  
14 article that was in the Westmore News on April the  
15 **1st.**

16 I believe we were one of the first agencies  
17 or interest groups in the community that expressed a  
18 serious concern about Starwood's taking a good hard  
19 look at the needs of our community predicated on what  
20 they wanted to do. Our concerns were identified,  
21 similarly, to some elements of the community benefits  
22 agreement, which is being pursued in many areas across  
23 this country. If my memory serves me correctly, Nyack  
24 and New Rochelle have taken parts of the community  
25 benefits agreement and have used it as a part of their

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 discussion with developers that are coming into their  
3 community.

4 Our community has quite a few people in t=lexec.  
5 community who are in need of jobs. Jobs from the Summal, IIA-25, h-27  
6 standpoint of having the ability to be unionized once  
7 they are provided an opportunity with appropriate job  
8 training. They're also in a position to do the work  
9 that's going to be done through construction. And  
10 after construction, there will be many jobs that  
11 people in our community should be participating.

12 If we take a good hard look at the developments that  
13 have occurred in this community over the last 10 or 15  
14 years, most of the people that are working in those  
15 positions, from managerial right down to security,  
16 custodial, are people who do not live in our  
17 community. So we need to be concerned about

18 developing a program that's going to fit well with  
19 Starwood's accepting the concerns that we have within  
20 our own community, and build it into the agreement  
21 that the village is responsible for all of the  
22 taxpayers.

23 I believe, and many other people believe in  
24 our community, that people who have jobs in our  
25 community will be able to do more for our community



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 from the standpoint of morale.

3 we•re also concerned about the need of  
4 education in our community. We take a good hard look  
5 at the pilot estimates that have been provided to you.

III.F 1, F-2  
and -3

6 And according to some people that have analyzed those  
7 pilot suggestions in terms of funding, say that  
8 they•re shorthanded in terms of what we should be  
9 receiving if we•re going to do that type of situation.

10 I think here again, with your consultants and your  
11 responsibility, clearly identifies that we need to  
12 make sure that our people in our community,  
13 irrespective of race, creed, or color, are afforded an  
14 opportunity to participate in the jobs that are going  
15 to be created both during construction and after  
16 construction.

17 we•re also concerned about the retail  
18 activities and the affordable-housing issue. You need  
19 to take a good hard look at that. we•re not in a  
20 position to tell you what you should do, but we•re in  
21 a position to say that you should meet the needs of  
22 our community.

III.A-16

III. F-51 and  
53

23 With that, I don•t think I have to read *my*  
24 article, because I know it up here. Thank you very  
25 much.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: Thank you very much, Mr. Rivas.

3 Mr. Brian Kerr. Good evening, Brian.

4 MR. KERR: Good evening. Brian Kerr, 139  
5 Jensen Avenue, Mamaroneck. Thank you to the Mayor,  
6 the board of trustees, Starwood, and the public for  
7 having this hearing.

8 I just have a few concerns with this project  
9 and the proposed rezoning. There are youth issues,  
10 traffic, and the schools. I am a millennial, and I'm  
11 so proud of that. Of course, there is a lot of talk  
12 about youth, youth, help the youth and future  
13 generations, but this is just politically expedient,  
14 and we all know that. We need to mean what we say  
15 here because doing it and -- saying it and doing it  
16 are two different things.

17 There should be an internship program for high  
18 school students, just like the Town of Rye does, and  
19 the community benefits agreement.

20 Also, young people can't afford to live here  
21 anymore, and I won't be able to once my parents leave III.F-p1  
22 Mamaroneck. And there needs to be mechanisms in plac 3  
23 to make sure that these young people can stay here.  
24 Jimmy Mcmillan [ph.] said it best: The rent is too

25 damn high, and we need to do something about that,



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 especially for me as a young person.

3 Another concern is traffic: The location of  
4 the proposed project on Boston Post Road is how I  
5 always enter Port Chester. It's a disaster already.  
6 I'm a member of the board of traffic commissioners in  
7 Mamaroneck, and in that capacity, I understand that  
8 traffic is a system. One cannot change just one thing  
9 and think everything is going to be okay. The traffic  
10 will find other ways. For example; banning a left  
11 turn from High Street onto Boston Post Road will not  
12 solve the whole world's problems. As a result, the  
13 next traffic light down the road will be -- need to be  
14 a little bit longer to accommodate the extra traffic  
15 from the cars.

16 Then there's the question about noise from 111-J  
17 cars also. Residents from Starwood are going to  
18 complain about traffic, even though it was Starwood's  
19 idea to put a public road into a private property. Is 11-2  
20 this even legal? What about the noise from the trucks  
21 also?

22 I'm also concerned about Port Chester's  
23 already overloaded and overcrowded schools. The F-3  
24 school district is going to need much more extra money  
25 to accommodate the extra children who live at



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 Starwood. Yes, millennials will have kids. That's  
3 common sense. I do not want kids myself, but I know  
4 some millennials will want to start a family, and I'm  
5 not sure that the numbers of school-age children are  
6 accurate at all. How are they even calculated? What  
7 if a millennial starts a family in a one-bedroom  
8 apartment, a studio apartment? This will lead to even F-2  
9 more overcrowding in the schools as a result. These  
10 are some of *my* concerns about the proposed rezoning.  
11 I want Port Chester to become the best village that it  
12 can be. I would also like to be of help to the  
13 village in any way I can, and I will give the board *my*  
14 contact information later. Thank you.

15 MAYOR PILLA: Thank you, Mr. Kerr.

16 Mr. Marcus Serrano, city manager of the City  
17 of Rye. Good evening, Mr. Serrano.

18 MR. SERRANO: Good evening.

19 MAYOR PILLA: And former treasurer of the  
20 Village of Port Chester; right?

21 MR. SERRANO: That's right.

22 MAYOR PILLA: Yeah. Welcome back.

23 MR. SERRANO: Things go around.

24 My name is Marcus Serrano, city manager of the  
25 City of Rye. I'm here on behalf of the city mayor.



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 He could not make it tonight, Joe Sacks; so he wanted  
3 to send his apologies. He had other commitments to do  
4 tonight, but a couple of comments he wanted to say on  
5 behalf of himself and the city counsel.

6 This regarding the FEIS: Just to repeat some  
7 of the concerns they had was the -- there's a meeting  
8 scheduled for this Friday for the DOT with all the  
9 traffic engineers. So he wants to, at least, request  
10 respectfully from the village board to keep the public  
11 hearing open, at least to get the comments back to the  
12 DOT that we can actually absorb some of those  
13 comments, and have the public and the village board  
14 time to digest those, and we'll reply to those  
15 accordingly.

16 Also, the other thing is that we understand  
17 that the traffic engineer for the Village of Port  
18 Chester has not submitted his comments yet or their  
19 comments. We would like to make sure that those  
20 comments are put into the record and have the public  
21 time to respond to those responses also.

22 The other issue is that the -- the FEIS has  
23 been called preliminary or draft. So the concern is  
24 also, will the village board be accepting or  
25 finalizing that draft FEIS at that point? Will there

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 be another public hearing to discuss the final FEIS  
3 versus the preliminary? So that's a concern that our  
4 mayor had.

5 The other thing is that the county is having a  
6 meeting tomorrow morning at 9:00 in the morning to  
7 discuss the project. So they would like to have the  
8 public hearing open to see what comments the county  
9 might have on the project.

10 And then finally, if the village board decided  
11 to close the public hearing tonight, they would like  
12 to see if written comments can be remain open until  
13 the DOT have provided the comments and the traffic  
14 engineer, and maybe have times for us to respond to  
15 those draft reports also. So just to put that on the  
16 record and, hopefully, the village will consider that.  
17 Thank you so much.

18 MAYOR PILLA: Thank you very much,  
19 Mr. Serrano.

20 MR. SERRANO: Thank you.

21 MAYOR PILLA: Appreciate you updating the  
22 board about those meetings too.

23 Okay. Is there anyone else from the public  
24 who would like to speak on this combined public  
25 ~~hearing for the preliminary final environmental impact~~

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1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 statement, the SEQRA, the environmental impacts, and  
3 the proposed zoning provisions?

4 Mr. Able. Good evening, sir.

5 MR. ABLE: Good evening. I realize that the  
6 Starwood project and the zoning can't be directly tied  
7 together, but by allowing the change in zoning, you  
8 are improving the value of the property. And,  
9 obviously, if the property owner is Starwood, that's  
10 not a bad thing. It's not a good thing, but it  
11 doesn't -- it directly relates to what the project is  
12 going to be. And how can I put it? You can't --  
13 since you're relating the -- there's no guarantees  
14 that the project as stated in earlier -- last meeting,  
15 will be what the zoning allows, or what you want. It  
16 will be what the zoning allows. You're allowing, by  
17 changing the zoning, more density, et cetera, et  
18 cetera.

19 I think that there should, or has to be a way  
20 that the project itself, which is the single largest  
21 project in the history of the Village of Port Chester,  
22 should somehow be able to be regulated. When you  
23 change the zoning, you're giving carte blanche to the III A-27  
24 developer. You're saying, we're going to allow more  
25 ~~density, and we're going to allow bigger buildings or~~

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 whatever the change in the zoning is, and I think  
3 that's something that needs to be addressed.

4 And we did have a comprehensive plan, and I realize  
5 it's supposed to be a living document. It should be  
6 able to change, but let's not go through another GNS.  
7 Let's not let the developer make the decisions for us.  
8 Let us make the decisions for what's best for the  
9 community.

10 And on that note, I am also very upset that  
11 being the single largest project in the history of the  
12 Village of Port Chester, this public hearing is being  
13 only attended by four village trustees, and that three  
14 are not here. And to me, that's a disservice to the  
15 people of Port Chester, because they should be here to  
16 listen to whoever else speaks or anybody else that  
17 speaks.

18 And on a public-safety issue -- and I'm not  
19 going to dovetail this in, because you're not actually  
20 supposed to talk about other things except for the  
21 actual things. So somehow I'm going to dovetail this  
22 into Starwood. You're going to have a meeting on  
23 Monday. And from what I've heard, that meeting, with  
24 probably 400 people or more attending, will be held at  
25 350 North Main Street, the courthouse and, to me,

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 that's a disservice to the public as well. You can't  
3 -- it only holds 66 people, and you're going to have  
4 450 people there. So I hope you're going to change  
5 the location of that meeting, because it would be a  
6 disservice to the public and all the people who  
7 attend. Thank you.

8 MAYOR PILLA: Thank you very much.

9 Mayor Pilla agrees with that actually.

10 Is there anyone else from the public who'd like to  
11 speak on the public hearing regarding the Starwood  
12 project, the proposed -- the impact analysis and the  
13 proposed zoning? Okay. Everybody's here to listen.  
14 Is there anything that the applicant wants to say:  
15 Mr. Gioffre, Mr. Smith, or Lucy? I forgot your last  
16 name, Lucy. I'm sorry.

17 MS. WILDRICK: Wildrick.

18 MAYOR PILLA: Thank you. Forgive me for using  
19 your first name.

20 MR. GIOFFRE: Thank you, Mr. Mayor, trustees.  
21 For the record, Tony Gioffre, I'm a member of the law  
22 firm of Cuddy & Feder, 445 Hamilton Avenue, White  
23 Plains, New York, on behalf of the applicant,  
24 affiliates of the Starwood Capital Group.

25 We're at a point right now where there's been



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL  
2 relatively little comment this evening. We do have a  
3 process ahead of us still with respect to this  
4 proposal. I would respectfully request that the board  
5 close the public hearing this evening on this -- on  
6 this procedural element, the public hearing on the  
7 PFEIS, as well as the amended zoning, and keep the  
8 public comment period open so that additional comment  
9 can be included in the record at this stage in the  
10 process.

11 The process will continue, as Mr. Feroe  
12 indicated, and we still need to provide additional  
13 information. But this way, we can get the comment  
14 from -- the comment that's been included by the  
15 public, any additional comments from the board, but we  
16 would ask that you do to close the hearing this  
17 evening.

18 MAYOR PILLA: Thank you, Mr. Gioffre.

19 Are there any further comments?

20 So Mr. Chertok and Mr. Feroe, so we are  
21 talking about -- and Mr. O'Rourke, actually. Thank  
22 you, gentlemen, for being here.

23 So we're talking about having a DOT meeting on  
24 Friday, and the outcome of that -- yeah, why don't you  
25 come up to the mic, if you could, Mr. Feroe. The

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 outcome of that would be written comments, a written  
3 memo, do you expect? What do you expect the  
4 deliverable to be.

5 MR. FEROE: Yeah. The applicant and the City  
6 of Rye and the Village of Rye Brook and the Village of  
7 Port Chester's consultants have met with DOT, I  
8 believe, three times already. This will be the fourth  
9 meeting on this project to discuss technical concerns  
10 and issues within the traffic study, as it is a pretty  
11 technical document. We expect that this will be the  
12 final meeting of that group for now. It's the final  
13 one that scheduled. It will re -- the output of that  
14 will be, kind of, a response to all of the concerns  
15 that have been raised.

16 DOT has indicated that they will prepare  
17 written comments following this meeting. They won't  
18 -- they're not going to summarize the meeting. That's  
19 not what they are doing. But they will be providing  
20 their written comments on the traffic study and any  
21 additional information that's supplied to them, and  
22 they will provide that letter to the village board.

23 MAYOR PILLA: Okay. And that would be  
24 publicly available for

25 MR. FEROE: That will be publicly available.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: -- other interested or involved  
3 agencies or members of the public to --

4 MR. FEROE: Yes. Absolutely.

5 MAYOR PILLA: review.

6 And then if we close this public hearing -- so  
7 this public hearing has two purposes: One is on the  
8 rezoning, and the other on a preliminary final  
9 environmental impact statement, which typically  
10 doesn't have a public hearing.

11 MR. FEROE: That's correct.

12 MAYOR PILLA: But we can keep it open for ten  
13 days to allow written comments.

14 MR. FEROE: Yeah, for members of the public.  
15 And as always, with any EIS, involved agencies are  
16 expected to coordinate with the lead agency during  
17 this review. DOT is an involved agency. The City of  
18 Rye is an involved agency, as they both have approving  
19 authority over various portions of the proposed  
20 project. So it's not uncommon for there to be a  
21 closed hearing or not a public comment period, and  
22 these agencies still communicate. That's pretty  
23 typical.

24 MAYOR PILLA: Right. And we're expecting that  
25 there may be further changes to the preliminary final

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 environmental impact statement.

3 MR. FEROE: Based on your review and staff  
4 review and public comment, there will be additional  
5 changes made to the PFEIS. We know there are some in  
6 the works right now, responding to your previous  
7 comments, and any subsequent comments that you have on  
8 that. And once you've reviewed those changes and  
9 determined that it meets the criteria for acceptance,  
10 you can accept the PFEIS as complete. It then becomes  
11 the FEIS and is published, and then we move on in the  
12 SEQRA process to SEQRA findings.

13 MAYOR PILLA: Gotcha.

14 And we can allow an additional public comment  
15 period, if the board so chooses, once we're at a point  
16 of accepting the FEIS.

17 MR. FEROE: If the board so chooses.

18 MAYOR PILLA: Yeah. Gotcha.

19 Do you think ten days is enough time from  
20 Friday's meeting to have written comments prepared for  
21 the public to have an ability to review it and make  
22 comments? It sounds like they have a further window  
23 really because --

24 MR. FEROE: Yeah, I mean -- I don't know--

25 MR. FERRARA: Ten days from today?

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MR. FEROE: Ten days from today would  
3 basically put us in what; I think a Saturday or  
4 Friday.

5 MR. FERRARA: Saturday.

6 MR. FEROE: I don't know if DOT will be done  
7 by then. We have expressed this potential time frame  
8 to them of the hearing and the comment period, and  
9 they have expressed that they will be able to make  
10 that and submit their comments within that time frame.  
11 But, obviously, I can't speak for DOT.

12 Ten days is pretty standard. I think if you  
13 kept the comment period open until, I think the 13th  
14 is a Monday, that's 12 days from today and -- or the  
15 15th, whatever days are easy to remember, I think  
16 that's acceptable.

17 MAYOR PILLA: Why don't we call it the 20th?  
18 Why don't we just call it June 20th? This

19 MR. FEROE: Yeah. I think that's acceptable.

20 MR. CHERTOK: (Indiscernible) disclose on the  
21 zoning in particular, because this is just a  
22 preliminary final EIS. It's not going to be accepted  
23 tomorrow, and when the final is accepted, the public  
24 is not precluded.

25 MAYOR PILLA: Right. Right. So what's your

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 recommendation on the comment period to accept written  
3 comments, Mr. Chertok.

4 MR. CHERTOK: Why don't we make it like next  
5 Friday, the 16th, I think it is.

6 MAYOR PILLA: 17 then, right, 13 and 5? Yeah.

7 MR. FEROE: Yeah.

8 MAYOR PILLA: Okay.

9 MR. FEROE: So two weeks from this Friday.

10 MR. CHERTOK: I don't think the process  
11 (indiscernible) because DOT is delayed doesn't want an  
12 endless

13 MAYOR PILLA: Okay. Yeah. No. No. Right,  
14 and there'll be other opportunities to come --

15 MR. FEROE: And that way, the hearing for the  
16 zoning is closed, and we have that procedural step  
17 taken care of tonight, even though comments are still  
18 open.

19 MAYOR PILLA: Very good. And that would  
20 comply with Rye's request or honor, shall I say, City  
21 of Rye's request, actually, to have, at least, the  
22 comments open.

23 Let's hear from the board. Are there comments  
24 from the board?

25 MR. FERRARA: I might have a comment or two.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: Mr. Ceccarelli.

3 MR. FERRARA: Yeah. I mean, we can't lose  
4 site of the fact that this FEIS, the key word to me is  
5 environment, you know, the E in that acronym there.  
6 It's important that these things, such as lighting,  
7 you know, high-efficiency-type lighting, LED-type 11-13,  
8 lights, things that will have less impact on the III.F-36,  
9 environment, I would like to see in that. I'm ver appendix  
10 encouraged by the rooftop the type of green roofs  
11 that was discussed. I think maybe Mr. Gioffre had  
12 mentioned it, somebody did, but I had recently been in  
13 New York City, and I observed Carnegie Hall; what a  
14 beautiful 10,000-square-foot green roof. I mean, it's  
15 a great spot. It's amazing to see that. So this is  
16 the kind of thing that would encourage me a lot more  
17 to see that type of thing on the developed site.

18 Also, you know, needless to say, basically,  
19 high-efficiency toilets and that type of thing using  
20 less water, all of this should be really considered  
21 strongly as part of the least impact on resource tglIII.D-c  
22 the environment. of the DEIS

23 So -- and that's all -- the thing that I'm  
24 really watching out carefully for, in addition to  
25 school-age children and the typical things as well.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: Probably 25 other things.

3 MR. CECCARELLI: Yeah. Exactly. Right.

4 That's about it. Thank you.

5 MAYOR PILLA: Any comments from any other  
6 members of the board?

7 MR. ADAMS: I do, Mr. Mayor.

8 MAYOR PILLA: Mr. Adams.

9 MR. FERRARA: I just want to make sure that  
10 there will be a document acknowledging the ideas that  
11 were presented at the public hearing and Starwood's  
12 correction or acknowledging of those points by points  
13 by points. There will be something that will be in  
14 existence. Okay.

15 MR. FEROE: Yes. It's -- the intention and  
16 the reality will be there will be a response to all of  
17 the substantive comments that are raised during this  
18 hearing. It likely won't take the form of a comment  
19 response like it is in the FEIS, but it will be a  
20 response to every single substantive comment, whether  
21 it's annotating a transcript with, This is on this  
22 page of the document; this is where it's discussed, or  
23 you raised a new point, here's or response to that.  
24 Yes, that will happen.

25 MR. FERRARA: Great. Thank you.



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MAYOR PILLA: You're welcome, Mr. Adams. And  
3 I see a hand in the audience. Sir, did you want to  
4 speak?

5 MR. ALLEN: I just have a question.

6 MAYOR PILLA: Come right up to the microphone  
7 actually. So we can capture you on our audio  
8 regarding and everything can hear you. And if you  
9 could please state your name and address for the  
10 record, please.

11 MR. ALLEN: My name is Michael Allen. I'm a  
12 representative of Build Up New York.

13 MAYOR PILLA: Okay. Welcome.

14 MR. ALLEN: And as a representative of that  
15 organization, I attended a shareholder meeting of  
16 Starwood Property Trust. And at that meeting, I asked  
17 the chairman, Barry Sternlicht, a question about  
18 Starwood making a commitment to good jobs, to better  
19 pilot, and things like that. And he said, you know,  
20 the reason why we haven't made those commitment is  
21 that we're going to sell this property, which was news  
22 to me. I just -- I thought Starwood was going to be  
23 building, you know, this property. And I was just  
24 wondering if as you're making this decision, if you  
25 factor in the fact that, you know, he said this at a

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 public shareholder meeting, if you received the news  
3 that Starwood is planning to sell this property, and  
4 that if that's part of your deliberations as you're  
5 considering zoning and the FEIS?

6 MAYOR PILLA: Sure. Generally speaking, our  
7 zoning decisions run with the land. And speaking  
8 personally, and I'm sure for the rest of the board  
9 members, although I don't want to put words in their  
10 mouth, I view this as hundred-year decisions, kind of,  
11 a thing. So, you know, a property can flip ownership  
12 many, many times in the life of the zoning that is  
13 permitted for that particular land use. So it runs  
14 with the land and transcends whoever owns it. Right.  
15 So that's the rule of thumb for zoning in general. So  
16 we're looking beyond who the current owner is in every  
17 zoning decision that we make here and, hopefully, all  
18 throughout New York. So I hope that answers your  
19 question.

20 MR. ALLEN: Thank you, Mr. Mayor.

21 MAYOR PILLA: You know, I would like to invite  
22 the members of the public who are interested in the  
23 CBA to bring forth a draft of some type of what  
24 they're thinking about. I think that would be very  
25 helpful for us to consider the detailed specifics of

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 what you have in mind. I know Mr. Brakewood had asked  
3 for that previously; so that would be helpful. It's  
4 -- I'll just throw that out there.

5 Did I see another hand in the audience?

6 Mr. Rivas and then

7 MR. RIVAS: Mr. Mayor

8 MAYOR PILLA: Can you come to the microphone;  
9 so we can capture you on the recording. Again,  
10 Mr. Brakewood, Mr. Adams, and probably Mr. Didden are  
11 going to listen to this audio recording; so they can  
12 stay up to speed with everything that's going on  
13 tonight.

14 MR. RIVAS: Mr. Mayor and trustees and, also,  
15 Starwood. We've been discussing this issue about  
16 development for quite a few years. And I guess the  
17 serious question that needs to be answered is: What  
18 is a time frame that could possibly be shared with the  
19 public, or is this going to continue forever? I think  
20 it's very important knowing that the information has  
21 been provided to you, many people can't comprehend to  
22 begin with. And I think it's only fair that someone  
23 digests all of the concerns that have been identified,  
24 and be put into a document; so that the general public  
25 can be aware of the progress that is occurring. And

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 if there is no progress, then we need to say there is  
3 no progress. But I think it's only fair to Starwood,  
4 to the public, and to the trustees, and the taxpayers,  
5 that we have a better indication of what direction we  
6 see ourselves going over a certain period of time.

7 Now, I know personally that the school board  
8 has not made a I want to be careful with my words,  
9 because it can be libelous. I think the school board  
10 has a very important responsibility to share their  
11 concerns and have their concerns built into the  
12 document that the community needs to be aware of.  
13 They're talking about building, renovating the schools  
14 and whatnot. That has an impact on the taxpayer.  
15 Many of us are looking forward to Starwood assisting  
16 this community with cutting down the taxpayer's  
17 burden.

18 I think it's very clear that the only way  
19 that's going to occur is for you, the trustees, with  
20 Starwood, to really sit down and say this is where  
21 we're going. And if we can't go in that direction,  
22 then we need to admit it and save some money for the  
23 community, because, right now, we're spending a lot of  
24 money with contractors, negotiators, a task force.  
25 That's all money that's still coming out of our

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 budget; am I correct.

3 MAYOR PILLA: No, respectfully.

4 MR. RIVAS: All right. Where does the money  
5 come from?

6 MAYOR PILLA: Under the State Environmental  
7 Quality Review Act, all of the resources that we need  
8 to review this project in this application are being  
9 paid by the applicant.

10 MR. RIVAS: Thank you very much.

11 MAYOR PILLA: They put money in an escrow  
12 account. We've competitively bid high-quality  
13 resources that we think are amply qualified to assist  
14 us with the legal matters, with the planning, with the  
15 traffic, with sewage, with the different categories of  
16 impacts, and Starwood, under the law, is required to  
17 pay those reasonable costs for us to take that  
18 necessary hard look. So I'm glad you brought this up.  
19 It's not out of the taxpayer's coffers though.

20 MR. RIVAS: I'm hoping that Westmore News will  
21 make sure that that's included in their next article  
22 about what's going on in the community, because people  
23 really don't know, and I think it's important. ■  
24 mean, the environmental studies, yes. They are

25 important to our community, but they also need to be

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 realistic. Okay.

3 The traffic concerns that we all have, you all  
4 need to be realistic in terms of how that corridor is  
5 going to impact on the people that live within the III.E-  
6 area, as well as people who are going to be doing Intro  
7 business in the area. They want to make sure that the  
8 area is going to meet the needs of the community and  
9 also the laws that were created. Thank you.

10 MAYOR PILLA: Thank you, Mr. Rivas. And  
11 actually, time is money, and the applicant is spending  
12 a considerable amount of money, and is taking a  
13 considerable amount of time for us to get there.

14 Can I ask Mr. Chertok or Mr. Feroe, can you  
15 give us somewhat of a road map, please, as to the next  
16 -- major milestones, and when you do think they will  
17 occur? And I realize there's some variability here,  
18 because there's a back and forth. We ask the  
19 applicant for things, and we have to wait for some of  
20 it to come forth.

21 MR. FEROE: Sure, and that's true. I think  
22 the next steps are: We have been -- we, the  
23 consultants and the village staff, have been working  
24 with the applicant over several months on drafts of  
25 ~~this preliminary environmental impact statement, and~~

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 we have requested changes and comments, and they have  
3 done that.

4           You have requested changes. You have made  
5 comments that they are responding to as well, and the  
6 public as well. We believe that all of those comments  
7 are going to be wrapped up within the next month or  
8 two. I wish I could be more definitive than that, but  
9 it is an iterative process, and we want to make sure  
10 that the board is given the opportunity to take that  
11 hard look, and make sure that the changes that are  
12 made are adequate and are responsive to your concerns  
13 and the public's concerns, as that document will serve  
14 as the basis for your SEQRA findings and, ultimately,  
15 your decision on the zoning. And we want to make sure  
16 that you have all the information you need to make  
17 that decision. But we believe, over the next month or  
18 two, everything should be finalized; so that you can  
19 be in a position to make that decision.

20           MAYOR PILLA: Very good. Thank you very much.  
21 So that will put us June, July. That will put us in  
22 the summer. So realistically, after Labor Day, kind  
23 of a thing, we should be where we're wrapped with  
24 public comment to allow people to come back from  
25 ~~vacation and all that other good stuff.~~



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1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MR. FEROE: It's possible. It's possible.

3 MAYOR PILLA: And again, I'm not looking to  
4 prolong this.

5 MR. FEROE: No. I know, It is possible that  
6 it could happen before that. I think many of the  
7 substantive issues that have been raised by the public  
8 and raised by your board have been considered by your  
9 village staff and consultants, as well as the  
10 applicant. And I think the PFEIS does consider those  
11 in a thoughtful manner.

12 I think that what the applicant and the  
13 village staff is now doing is just making that  
14 document a little better and expounding on a couple of  
15 points. I don't think it will take months and months  
16 and months.

17 MAYOR PILLA: Okay.

18 MR. FEROE: I wish I could be more definitive,  
19 but I don't think it will take months and months. ■  
20 think we're getting pretty close, and I think the  
21 applicant would agree.

22 MAYOR PILLA: One to two months sounds pretty  
23 concrete actually.

24 MR. FEROE: Oh, good.

25 MAYOR PILLA: It sounds realistic as well.

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2 Mr. Chertok, anything else you want to add,  
3 sir?

4 MR. CHERTOK: Two things. One: There was a  
5 comment before about whether there should be a hearing  
6 on the final EIS once it's accepted. And that, of  
7 course, is up to the discretion of the board. Just so  
8 that's clear. It's not required, just like the  
9 hearing on the preliminary final EIS is not required.  
10 I agree with Peter. It's hard to be definitive,  
11 because a lot of this depends on the revisions to the  
12 preliminary final EIS by the applicant. And when  
13 Peter Feroe said that we, the staff and outside  
14 consultants are working with the applicant, I would  
15 sort of rephrase that to say, We are reviewing what  
16 the applicant has written and commenting on it and  
17 asking them to do certain revisions. It is somewhat  
18 cooperative, but not always on the same side, and  
19 there are disagreements and some of those may end up  
20 being reflected in the final EIS. It's not unusual  
21 for an EIS to say the applicant's consultants believe  
22 X; other consultants believe Y; the village  
23 consultants believe Z; and the board gets to pick and  
24 chose and select them on competing expert opinions,  
25 and that's subject to the boards' discretion. Just so

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 that's clear.

3           So as you know, on traffic, there had been  
4 several different opinions from the City of Rye's  
5 engineer, the applicant's traffic engineer, from Adler  
6 Consulting. And, ultimately, those disagreements, if  
7 they end up as disagreement are aired in that document  
8 and the board gets -- gets -- has the responsibility  
9 of making the decision among which they believe is  
10 correct, but it may not be this -- it may not be one  
11 versus the other. It may be some amalgam, but just so  
12 it's clear. So that's the process that will be  
13 followed. Also, even once the final EIS is accepted,  
14 there is a requirement for SEQRA findings, which would  
15 memorialize the board's decision, and that will not be  
16 done overnight.

17           So that when -- assuming the draft is  
18 finalized over the next several months, there's going  
19 to be some period where that document, which is  
20 internal to the board initially, is circulated and  
21 discussed -- reviewed by board members and commented  
22 back to the preparers of that, and it's obviously  
23 going to be considered in a public forum.

24           MAYOR PILLA: So the findings are the board's  
25 document.

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MR. CHERTOK: The findings are the board's  
3 document, absolutely. So they're usually drafted by  
4 the village staff and consultants, but frequently  
5 modified considerably by board comments. Just so it's  
6 clear. The ultimate decision is the board's.

7 MAYOR PILLA: Thank you for clarifying all  
8 that detail to you both.

9 Okay. Is there anyone else from the audience?  
10 Ms. Grangenois-Thomas. Did I say that right? Oh, I'm  
11 sorry. You know what, actually, I promised this  
12 gentleman first. I'm sorry. Yeah. Thanks,  
13 Mr. Adams. Sorry about that.

14 MR. CANO: Thank you very much. I'm Felix  
15 Cano. I'm from the City of Yonkers and

16 MAYOR PILLA: Can you say your last name  
17 again, Felix, please.

18 MR. CANO: Cano. C-A-N-O.

19 MAYOR PILLA: Okay. Great thank you.

20 MR. CANO: Okay. So I just wanted to mention  
21 that whenever I come to any one of this meeting, I  
22 always here about how beautiful and wonderful things  
23 are going to be. But, rarely, I hear anybody talking  
24 about what going to happens, let's say, when you have

171

25 at big building, what going to happen with the sewer

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 system? Is that big enough to handle the whole thing?

3 How many more sanitation worker we going to need in

4 the future to take care of this building that is

5 already there, and this is a burden for your city. We

6 have to look into that.

7 The other things, and this is people coming to

8 do work over here. How many people from this

9 community is going to work in the project and receive

10 part of that benefit? The developer are great. ■

11 thank every one of them for being here and doing all

12 this great work. That great work is needed, but

13 they•re not over here for charity. They•re here for a

14 profit, and we all have to look -- look out for the

15 community. Are they going to hand out, let•s say, job

16 application for the resident when they bring it to

17 city hall or to a meeting like this, if the law

18 permit? And this is the sort of thing that I think,

19 when I come to a meeting like this, is us, the

20 community, what•s going to happen.

21 This development -- we can•t stop progress

22 before -- if you look around, I remember having a --

23 this telephone, when you dial. Now, we all have the

24 cell phone. So progress is good. It•s important.

25 ~~But we have to look at it with a prospectus that it~~

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 comes out right, because then we pay the consequence.

3 In New York City, they have this beautiful train  
4 station, but it leaks. It's beautiful and nice. It's  
5 a monument like the Pharaoh of Egypt that they build  
6 this beautiful pyramid, and they lasted forever, but  
7 it leaks, and they have problems.

8 So all I'm saying to you is: I respect what  
9 you guys doing, because you have the responsibility to  
10 make a decision. And I know that sometimes a zoning  
11 law is too old and no longer apply. But do it as  
12 wisely as you can, with whichever God give you the  
13 light to do it; so we wall can get the benefit. Thank  
14 you very much.

15 MAYOR PILLA: Thank you, Mr. Cano.

16 And I want to assure you and everybody that we  
17 are taking a very hard look at this sewer  
18 infrastructure and also municipal impacts, in general.  
19 We have a dedicated special team just on the sewer  
20 infrastructure, in fact.

21 Ms. Grangenois-Thomas; right? I said it right  
22 for once.

23 MS. GRANGENOIS-THOMAS: You said it right.

24 MAYOR PILLA: And my condolences actually to  
25 you and your family on the passing of your dad.



1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 MR. GRANGENOIS-THOMAS: Thank you so much.  
3 Thank you.

4 Joan Grangenois-Thomas, Elm Street here in  
5 Port Chester, part of the Sustainable Port Chester  
6 Alliance, otherwise known as the Inside Agitators.  
7 Just wanted to comment on your question about CBAs and  
8 seeing a draft of it. Wanting to let you know that we  
9 have been working on a draft of the document and,  
10 hopefully, will be able to get that submitted to you  
11 shortly. The CBAs that we're talking about cover  
12 jobs, housing, environmental traffic impact, as well  
13 as schools and -- so we're wanting to make sure that  
14 the document is as comprehensive as we can possibly  
15 make it and clear; so that it's easily understandable.  
16 And I just also wanted to thank Trustee Adams,  
17 Brakewood, and Marino for their recognition and their  
18 suggestions about CBAs and including them into  
19 consideration. So thank you all very much.

20 MAYOR PILLA: And thank you.

21 Anyone else in the public?

22 Okay. What we're going to do: We're going to  
23 close the public hearing. We're going to keep the  
24 public-comment period, the written-comment period open  
25 until Friday, June 17th. The village will accept

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL  
2 comments via email directed to the clerk. That would  
3 be D. Thomas, T-H-0-M-A-S, @portchesterny.com or by  
4 mail, snail mail, to the village clerk, Village of  
5 Port Chester, 222 Grace Church Street, Port Chester,  
6 New York.

7 And with that, can I please get a motion to  
8 close the public hearing.

9 MR. FERRARA: So moved.

10 MAYOR PILLA: Thank you, Mr. Ferrara.

11 MR. ADAMS: Second.

12 MAYOR PILLA: Thank you, Mr. Adams.

13 Mr. Clerk, if you could please call the roll  
14 to close the public hearing.

15 MR. THOMAS: Trustee Ferrara.

16 MR. FERRARA: Yes.

17 MR. THOMAS: Trustee Ceccarelli.

18 MR. CECCARELLI: Yes.

19 MR. THOMAS: Trustee Adams.

20 MR. ADAMS: Yes.

21 MR. THOMAS: Mayor Pilla.

22 MAYOR PILLA: Yes.

23 And once again, we'll continue to keep the  
24 public comment -- the written-comment period open  
25 until June 17th, and we'll make available any

1 PUBLIC HEARING - STARWOOD/UNITED HOSPITAL

2 substantive documents from the county, the Department  
3 of Transportation, or whatever else is publicly --  
4 they're all publicly available documents, pretty much,  
5 and they will be accessible via the village clerk's  
6 office as well, who is the official record-keeper of  
7 the Village of Port Chester. And with that, I want to  
8 thank everybody from coming out and joining us on this  
9 matter whether you spoke or you didn't.

10  
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13 (Time noted: 7:56 p.m.)  
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C E R T I F I C A T E

I, MARCI LOREN DUSTIN, a Certified Court Reporter and Notary Public of the State of New York, do hereby certify that the transcript of the foregoing proceedings, taken at the time and place aforesaid, is a true and correct transcription of my shorthand notes.



MARCI LOREN DUSTIN

Court Reporting

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	<b>140:19;141:7; 143:18</b>	<b>18</b>	<b>answered (1)</b> 162:17	<b>audio (3)</b> 138:6;160:7; 162:11
<b>@</b>	<b>actual (1)</b> 150:21	<b>agenda (1)</b> 136:3	<b>anymore (1)</b> 144:21	<b>authority (1)</b> 154:19
<b>@portchesternycom (1)</b> 174:3	<b>actually (10)</b> 147:12;150:19; 151:9;152:21; 157:21;160:7; 165:11;167:23; 170:11;172:24	<b>Agitators (1)</b> 173:6	<b>apartment (2)</b> 146:8,8	<b>available (4)</b> 153:24,25;174:25; 175:4
<b>[</b>		<b>agree (2)</b> 167:21;168:10	<b>apologies (1)</b> 147:3	<b>Avenue (2)</b> 144:5;151:22
<b>[ph] (2)</b> 140:11;144:24		<b>agreement (4)</b> 141:22,25;142:20; 144:19	<b>applicant (16)</b> 138:18;139:4,13; 151:14,23;153:5; 164:9;165:11,19,24; 167:10,12,21;168:12, 14,16	<b>aware (2)</b> 162:25;163:12
<b>A</b>	<b>ad (1)</b> 136:20	<b>agrees (1)</b> 151:9		
	<b>ADAMS (14)</b> 135:11,12,21; 137:22;159:7,8; 160:2;162:10; 170:13;173:16; 174:11,12,19,20	<b>ahead (1)</b> 152:3	<b>applicant's (3)</b> 138:17;168:21; 169:5	<b>B</b>
<b>ability (2)</b> 142:6;155:21	<b>add (1)</b> 168:2	<b>aired (1)</b> 169:7	<b>application (3)</b> 139:7;164:8; 171:16	<b>back (8)</b> 139:9,25;141:9; 146:22;147:11; 165:18;166:24; 169:22
<b>able (8)</b> 142:25;144:21; 149:4,5,22;150:6; 156:9;173:10	<b>addition (1)</b> 158:24	<b>AKRF (1)</b> 138:14	<b>apply (1)</b> 172:11	<b>bad (1)</b> 149:10
<b>Absolutely (2)</b> 154:4;170:3	<b>additional (7)</b> 139:24;152:8,12, 15;153:21;155:4,14	<b>Allegiance (1)</b> 136:13	<b>Appreciate (1)</b> 148:21	<b>banning (1)</b> 145:10
<b>absorb (1)</b> 147:12	<b>address (1)</b> 160:9	<b>ALLEN (5)</b> 160:5,11,11,14; 161:20	<b>appropriate (1)</b> 142:7	<b>Barry (1)</b> 160:17
<b>accept (4)</b> 139:23;155:10; 157:2;173:25	<b>addressed (1)</b> 150:3	<b>Alliance (1)</b> 173:6	<b>approving (1)</b> 154:18	<b>Based (1)</b> 155:3
<b>acceptable (2)</b> 156:16,19	<b>adequacy (1)</b> 139:20	<b>allow (5)</b> 149:24,25;154:13; 155:14;166:24	<b>April (2)</b> 140:22;141:14	<b>basically (2)</b> 156:3;158:18
<b>acceptance (1)</b> 155:9	<b>adequate (1)</b> 166:12	<b>allowing (2)</b> 149:7,16	<b>area (3)</b> 165:6,7,8	<b>basis (1)</b> 166:14
<b>accepted (4)</b> 156:22,23;168:6; 169:13	<b>adjourned (2)</b> 136:4;137:6	<b>allows (2)</b> 149:15,16	<b>areas (1)</b> 141:22	<b>beautiful (5)</b> 158:14;170:22; 172:3,4,6
<b>accepting (3)</b> 142:19;147:24; 155:16	<b>Adler (1)</b> 169:5	<b>although (1)</b> 161:9	<b>around (2)</b> 146:23;171:22	<b>become (1)</b> 146:11
<b>accessible (1)</b> 175:5	<b>admit (1)</b> 163:22	<b>always (4)</b> 145:5;154:15; 168:18;170:22	<b>arrive (1)</b> 138:4	<b>becomes (1)</b> 155:10
<b>accommodate (2)</b> 145:14,25	<b>adopted (1)</b> 139:11	<b>amalgam (1)</b> 169:11	<b>article (3)</b> 141:14;143:24; 164:21	<b>begin (1)</b> 162:22
<b>according (1)</b> 143:6	<b>affiliates (2)</b> 139:8;151:24	<b>amazing (1)</b> 158:15	<b>assembled (1)</b> 135:7	<b>behalf (3)</b> 146:25;147:5; 151:23
<b>accordingly (1)</b> 147:15	<b>afford (1)</b> 144:20	<b>amended (1)</b> 152:7	<b>assist (2)</b> 138:16;164:13	<b>benefit (2)</b> 171:10;172:13
<b>account (1)</b> 164:12	<b>affordable-housing (1)</b> 143:18	<b>amendments (1)</b> 139:3	<b>assisting (1)</b> 163:15	<b>benefits (3)</b> 141:21,25;144:19
<b>accurate (1)</b> 146:6	<b>afforded (1)</b> 143:13	<b>Americans (1)</b> 141:2	<b>assuming (1)</b> 169:17	<b>best (3)</b> 144:24;146:11; 150:8
<b>acknowledging (2)</b> 159:10,12	<b>African (1)</b> 141:2	<b>among (1)</b> 169:9	<b>assure (2)</b> 138:5;172:16	<b>better (3)</b> 160:18;163:5; 167:14
<b>acronym (1)</b> 158:5	<b>again (5)</b> 143:10;162:9; 167:3;170:17;174:23	<b>amount (2)</b> 165:12,13	<b>attend (1)</b> 151:7	<b>beyond (1)</b> 161:16
<b>across (1)</b> 141:22	<b>agencies (5)</b> 139:16;141:16; 154:3,15,22	<b>amply (1)</b> 164:13	<b>attended (2)</b> 150:13;160:15	<b>bid (1)</b> 164:12
<b>Act (2)</b> 138:19;164:7	<b>agency (4)</b> 139:22;154:16,17,	<b>analysis (2)</b> 139:24;151:12	<b>attending (1)</b> 150:24	<b>big (2)</b>
<b>acting (1)</b> 139:21		<b>analyzed (1)</b> 143:6	<b>audience (3)</b> 160:3;162:5;170:9	
<b>activities (3)</b>		<b>annotating (1)</b> 159:21		

170:25;171:2 <b>bigger (1)</b> 149:25 <b>bit (1)</b> 145:14 <b>blanche (1)</b> 149:23 <b>board (32)</b> 135:7;136:3,16; 139:12,21;144:6; 145:6;146:13; 147:10,13,24;148:10, 22;152:4,15;153:22; 155:15,17;157:23,24; 159:6;161:8;163:7,9; 166:10;167:8;168:7, 23;169:8,20,21;170:5 <b>boards' (1)</b> 168:25 <b>board's (4)</b> 169:15,24;170:2,6 <b>Boston (2)</b> 145:4,11 <b>both (3)</b> 143:15;154:18; 170:8 <b>Brakewood (4)</b> 138:4;162:2,10; 173:17 <b>Brian (3)</b> 144:3,3,4 <b>bring (2)</b> 161:23;171:16 <b>Brook (1)</b> 153:6 <b>brought (1)</b> 164:18 <b>budget (1)</b> 164:2 <b>build (3)</b> 142:20;160:12; 172:5 <b>building (4)</b> 160:23;163:13; 170:25;171:4 <b>buildings (1)</b> 149:25 <b>built (1)</b> 163:11 <b>burden (2)</b> 163:17;171:5 <b>business (2)</b> 136:20;165:7	135:9,16;137:17; 156:17,18;174:13 <b>called (1)</b> 147:23 <b>can (32)</b> 135:8,15;136:21, 23;137:5;144:23; 146:12,13;147:12; 148:12;149:12; 152:9,13;154:12; 155:10,14;160:7,8; 161:11;162:8,9,11, 25;163:9;165:14,14; 166:18;170:16; 172:12,13;173:14; 174:7 <b>CANO (6)</b> 170:14,15,18,18, 20;172:15 <b>C-A-N-O (1)</b> 170:18 <b>capacity (1)</b> 145:7 <b>Capital (2)</b> 139:7;151:24 <b>Capital/United (1)</b> 136:5 <b>capture (2)</b> 160:7;162:9 <b>care (2)</b> 157:17;171:4 <b>careful (1)</b> 163:8 <b>carefully (1)</b> 158:24 <b>Carnegie (1)</b> 158:13 <b>cars (2)</b> 145:15,17 <b>carte (1)</b> 149:23 <b>cases (1)</b> 141:6 <b>categories (1)</b> 164:15 <b>Caucasians (1)</b> 141:2 <b>CBA (1)</b> 161:23 <b>CBA's (3)</b> 173:7,11,18 <b>Ceccarelli (10)</b> 135:19;136:18,22; 137:11,20,21;158:2; 159:3;174:17,18 <b>cell (1)</b> 171:24 <b>Center (1)</b> 135:5	<b>certain (2)</b> 163:6;168:17 <b>Certainly (1)</b> 136:22 <b>cetera (2)</b> 149:17,18 <b>chairman (1)</b> 160:17 <b>chance (1)</b> 139:18 <b>change (6)</b> 145:8;149:7,23; 150:2,6;151:4 <b>changes (8)</b> 141:9,11;154:25; 155:5,8;166:2,4,11 <b>changing (1)</b> 149:17 <b>charity (1)</b> 171:13 <b>Chertok (9)</b> 152:20;156:20; 157:3,4,10;165:14; 168:2,4;170:2 <b>Chester (16)</b> 135:4,6;136:3; 140:8;145:5;146:11, 20;147:18;149:21; 150:12,15;173:5,5; 174:5,5;175:7 <b>Chester's (2)</b> 145:22;153:7 <b>children (3)</b> 145:25;146:5; 158:25 <b>chooses (2)</b> 155:15,17 <b>chose (1)</b> 168:24 <b>Church (2)</b> 135:5;174:5 <b>circulated (1)</b> 169:20 <b>City (16)</b> 140:25;146:16,16, 24,25,25;147:5; 153:5;154:17; 157:20;158:13; 169:4;170:15;171:5, 17;172:3 <b>civil (1)</b> 141:7 <b>clarifying (1)</b> 170:7 <b>clear (6)</b> 163:18;168:8; 169:2,12;170:6; 173:15 <b>clearly (1)</b>	143:11 <b>Clerk (5)</b> 135:15;137:16; 174:2,4,13 <b>clerk's (1)</b> 175:5 <b>close (8)</b> 148:11;152:5,16; 154:6;167:20; 173:23;174:8,14 <b>closed (2)</b> 154:21;157:16 <b>coffers (1)</b> 164:19 <b>color (1)</b> 143:13 <b>combined (1)</b> 148:24 <b>coming (5)</b> 135:6;142:2; 163:25;171:7;175:8 <b>comment (18)</b> 152:2,8,8,13,14; 154:21;155:4,14; 156:8,13;157:2,25; 159:18,20;166:24; 168:5;173:7;174:24 <b>commented (1)</b> 169:21 <b>commenting (1)</b> 168:16 <b>comments (33)</b> 139:15;140:5; 147:4,11,13,18,19, 20;148:8,12,13; 152:15,19;153:2,17, 20;154:13;155:7,7, 20,22;156:10;157:3, 17,22,23;159:5,17; 166:2,5,6;170:5; 174:2 <b>commissioners (1)</b> 145:6 <b>commitment (2)</b> 160:18,20 <b>commitments (1)</b> 147:3 <b>common (1)</b> 146:3 <b>communicate (1)</b> 154:22 <b>communities (1)</b> 141:4 <b>Community (30)</b> 135:5;140:19; 141:17,19,21,24; 142:3,4,5,11,13,17, 20,24,25,25;143:4, 12,22;144:19;150:9;	163:12,16,23;164:22, 25;165:8;171:9,15,20 <b>competing (1)</b> 168:24 <b>competitively (1)</b> 164:12 <b>complain (1)</b> 145:18 <b>complete (2)</b> 139:12;155:10 <b>comply (1)</b> 157:20 <b>comprehend (1)</b> 162:21 <b>comprehensive (2)</b> 150:4;173:14 <b>concern (5)</b> 141:7,18;145:3; 147:23;148:3 <b>concerned (4)</b> 142:17;143:3,17; 145:22 <b>concerns (15)</b> 140:5,20;141:20; 142:19;144:8; 146:10;147:7;153:9, 14;162:23;163:11, 11;165:3;166:12,13 <b>concrete (1)</b> 167:23 <b>condolences (1)</b> 172:24 <b>consequence (1)</b> 172:2 <b>consider (3)</b> 148:16;161:25; 167:10 <b>considerable (2)</b> 165:12,13 <b>considerably (1)</b> 170:5 <b>consideration (1)</b> 173:19 <b>considered (3)</b> 158:20;167:8; 169:23 <b>considering (1)</b> 161:5 <b>construction (4)</b> 142:9,10;143:15, 16 <b>consultants (9)</b> 143:10;153:7; 165:23;167:9; 168:14,21,22,23; 170:4 <b>consulting (2)</b> 138:15;169:6 <b>contact (1)</b>
<b>C</b>				
<b>calculated (1)</b> 146:6 <b>call (6)</b>				

146:14 <b>continue (3)</b> 152:11;162:19; 174:23 <b>contractors (1)</b> 163:24 <b>cooperative (1)</b> 168:18 <b>coordinate (1)</b> 154:16 <b>correction (1)</b> 159:12 <b>correctly (1)</b> 141:23 <b>corridor (1)</b> 165:4 <b>costs (1)</b> 164:17 <b>counsel (1)</b> 147:5 <b>country (1)</b> 141:23 <b>county (3)</b> 148:5,8;175:2 <b>couple (3)</b> 140:20;147:4; 167:14 <b>course (2)</b> 144:11;168:7 <b>courthouse (1)</b> 150:25 <b>cover (1)</b> 173:11 <b>created (3)</b> 141:9;143:15; 165:9 <b>creed (1)</b> 143:13 <b>criminal (1)</b> 141:6 <b>criteria (1)</b> 155:9 <b>Cuddy (1)</b> 151:22 <b>current (2)</b> 139:23;161:16 <b>custodial (1)</b> 142:16 <b>cutting (1)</b> 163:16	<b>days (7)</b> 154:13;155:19,25; 156:2,12,14,15 <b>decided (1)</b> 148:10 <b>decision (9)</b> 160:24;161:17; 166:15,17,19;169:9, 15;170:6;172:10 <b>decisions (4)</b> 150:7,8;161:7,10 <b>dedicated (1)</b> 172:19 <b>definitive (3)</b> 166:8;167:18; 168:10 <b>delayed (1)</b> 157:11 <b>deliberations (1)</b> 161:4 <b>deliverable (1)</b> 153:4 <b>density (2)</b> 149:17,25 <b>Department (1)</b> 175:2 <b>depending (1)</b> 135:6 <b>depends (1)</b> 168:11 <b>detail (1)</b> 170:8 <b>detailed (1)</b> 161:25 <b>determined (1)</b> 155:9 <b>developed (1)</b> 158:17 <b>developer (3)</b> 149:24;150:7; 171:10 <b>developers (1)</b> 142:2 <b>developing (1)</b> 142:18 <b>development (3)</b> 141:13;162:16; 171:21 <b>developments (1)</b> 142:12 <b>dial (1)</b> 171:23 <b>Didden (3)</b> 138:9,10;162:10 <b>different (3)</b> 144:16;164:15; 169:4 <b>digest (1)</b> 147:14	<b>digests (1)</b> 162:23 <b>directed (1)</b> 174:2 <b>direction (2)</b> 163:5,21 <b>directly (2)</b> 149:6,11 <b>disagreement (1)</b> 169:7 <b>disagreements (2)</b> 168:19;169:6 <b>disaster (1)</b> 145:5 <b>disclose (1)</b> 156:20 <b>discretion (2)</b> 168:7,25 <b>discuss (3)</b> 148:2,7;153:9 <b>discussed (3)</b> 158:11;159:22; 169:21 <b>discussing (1)</b> 162:15 <b>discussion (1)</b> 142:2 <b>disservice (3)</b> 150:14;151:2,6 <b>district (1)</b> 145:24 <b>document (14)</b> 150:5;153:11; 159:10,22;162:24; 163:12;166:13; 167:14;169:7,19,25; 170:3;173:9,14 <b>documents (2)</b> 175:2,4 <b>done (5)</b> 136:24;142:9; 156:6;166:3;169:16 <b>DOT (10)</b> 147:8,12;148:13; 152:23;153:7,16; 154:17;156:6,11; 157:11 <b>dovetail (2)</b> 150:19,21 <b>down (4)</b> 142:15;145:13; 163:16,20 <b>draft (9)</b> 139:10,16;147:23, 25;148:15;161:23; 169:17;173:8,9 <b>drafted (1)</b> 170:3 <b>drafts (1)</b>	165:24 <b>during (3)</b> 143:15;154:16; 159:17  <b>E</b>  <b>earlier (1)</b> 149:14 <b>easily (1)</b> 173:15 <b>easy (1)</b> 156:15 <b>education (3)</b> 141:8,8;143:4 <b>Egypt (1)</b> 172:5 <b>EIS (8)</b> 154:15;156:22; 168:6,9,12,20,21; 169:13 <b>element (1)</b> 152:6 <b>elements (1)</b> 141:21 <b>Elm (1)</b> 173:4 <b>else (8)</b> 148:23;150:16,16; 151:10;168:2;170:9; 173:21;175:3 <b>email (1)</b> 174:2 <b>encourage (1)</b> 158:16 <b>encouraged (1)</b> 158:10 <b>end (2)</b> 168:19;169:7 <b>endless (1)</b> 157:12 <b>engineer (4)</b> 147:17;148:14; 169:5,5 <b>engineers (1)</b> 147:9 <b>enough (2)</b> 155:19;171:2 <b>enter (1)</b> 145:5 <b>environment (3)</b> 158:5,9,22 <b>environmental (20)</b> 136:6;137:7; 138:17,19,25;139:5, 6,11,14,16,19;140:4; 148:25;149:2;154:9; 155:2;164:6,24; 165:25;173:12	<b>escrow (1)</b> 164:11 <b>especially (1)</b> 145:2 <b>estimates (1)</b> 143:5 <b>et (2)</b> 149:17,17 <b>even (6)</b> 145:18,20;146:6,8; 157:17;169:13 <b>evening (16)</b> 135:2,8,25;136:16; 138:21;140:14,16; 144:3,4;146:17,18; 149:4,5;152:2,5,17 <b>everybody (2)</b> 172:16;175:8 <b>Everybody's (1)</b> 151:13 <b>Exactly (1)</b> 159:3 <b>example (1)</b> 145:10 <b>except (1)</b> 150:20 <b>existence (1)</b> 159:14 <b>expect (3)</b> 153:3,3,11 <b>expected (1)</b> 154:16 <b>expecting (1)</b> 154:24 <b>expedient (1)</b> 144:13 <b>expert (1)</b> 168:24 <b>exposed (1)</b> 141:12 <b>expounding (1)</b> 167:14 <b>expressed (3)</b> 141:17;156:7,9 <b>extra (3)</b> 145:14,24,25  <b>F</b>  <b>fact (3)</b> 158:4;160:25; 172:20 <b>factor (1)</b> 160:25 <b>fair (3)</b> 141:6;162:22; 163:3 <b>family (3)</b> 146:4,7;172:25
<b>D</b>				
<b>dad (1)</b> 172:25 <b>damn (1)</b> 144:25 <b>Day (1)</b> 166:22				



<b>favor (1)</b> 136:19	169:13	144:13	<b>hand (3)</b> 160:3;162:5; 171:15	149:21;150:11
<b>Feder (1)</b> 151:22	<b>following (1)</b> 153:17	<b>gentleman (1)</b> 170:12	<b>handle (1)</b> 171:2	<b>holds (1)</b> 151:3
<b>FEIS (9)</b> 147:6,22,25;148:2; 155:11,16;158:4; 159:19;161:5	<b>force (1)</b> 163:24	<b>gentlemen (3)</b> 135:3,25;152:22	<b>happen (4)</b> 159:24;167:6; 170:25;171:20	<b>honor (1)</b> 157:20
<b>Felix (2)</b> 170:14,17	<b>forever (2)</b> 162:19;172:6	<b>gets (3)</b> 168:23;169:8,8	<b>happens (1)</b> 170:24	<b>hope (2)</b> 151:4;161:18
<b>Feroe (32)</b> 138:14,14,20,21; 140:2,4,10;152:11, 20,25;153:5,25; 154:4,11,14;155:3, 17,24;156:2,6,19; 157:7,9,15;159:15; 165:14,21;167:2,5, 18,24;168:13	<b>Forgive (1)</b> 151:18	<b>Gioffre (5)</b> 151:15,20,21; 152:18;158:11	<b>hard (8)</b> 141:18;142:12; 143:4,19;164:18; 166:11;168:10; 172:17	<b>hopefully (3)</b> 148:16;161:17; 173:10
<b>Ferrara (27)</b> 135:13,14,17,18, 20,22;136:9,11,15, 25;137:10,12,13,15, 18,19,23;155:25; 156:5;157:25;158:3; 159:9,25;174:9,10, 15,16	<b>forgot (1)</b> 151:15	<b>given (1)</b> 166:10	<b>hear (4)</b> 140:3;157:23; 160:8;170:23	<b>hoping (1)</b> 164:20
<b>few (4)</b> 140:18;142:4; 144:8;162:16	<b>form (1)</b> 159:18	<b>giving (1)</b> 149:23	<b>heard (1)</b> 150:23	<b>HOSPITAL (44)</b> 135:1;136:1,5; 137:1,7;138:1;139:1, 2;140:1;141:1;142:1; 143:1;144:1;145:1; 146:1;147:1;148:1; 149:1;150:1;151:1; 152:1;153:1;154:1; 155:1;156:1;157:1; 158:1;159:1;160:1; 161:1;162:1;163:1; 164:1;165:1;166:1; 167:1;168:1;169:1; 170:1;171:1;172:1; 173:1;174:1;175:1
<b>final (19)</b> 136:6;137:7; 138:25;139:4,13,19; 148:2,25;153:12,12; 154:8,25;156:22,23; 168:6,9,12,20;169:13	<b>formed (1)</b> 140:24	<b>GNS (1)</b> 150:6	<b>HEARING (74)</b> 135:1;136:1,4,24; 137:1,3,3,6,17;138:1, 24;139:1,3,18;140:1; 141:1;142:1;143:1; 144:1,7;145:1;146:1; 147:1,11;148:1,2,8, 11,25;149:1;150:1, 12;151:1,11;152:1,5, 6,16;153:1;154:1,6,7, 10,21;155:1;156:1,8; 157:1,15;158:1; 159:1,11,18;160:1; 161:1;162:1;163:1; 164:1;165:1;166:1; 167:1;168:1,5,9; 169:1;170:1;171:1; 172:1;173:1,23; 174:1,8,14;175:1	<b>housing (1)</b> 173:12
<b>finalized (2)</b> 166:18;169:18	<b>former (2)</b> 136:5;146:19	<b>God (1)</b> 172:12	<b>held (1)</b> 150:24	<b>hundred-year (1)</b> 161:10
<b>finalizing (1)</b> 147:25	<b>forth (3)</b> 161:23;165:18,20	<b>Good (24)</b> 135:2,25;136:16; 138:20,21;140:14,16; 141:18;142:12; 143:4,19;144:3,4; 146:17,18;149:4,5, 10;157:19;160:18; 166:20,25;167:24; 171:24	<b>help (3)</b> 139:21;144:12; 146:12	<b>I</b>
<b>finally (1)</b> 148:10	<b>forum (1)</b> 169:23	<b>Gotcha (2)</b> 155:13,18	<b>helpful (2)</b> 161:25;162:3	<b>idea (1)</b> 145:19
<b>find (1)</b> 145:10	<b>forward (1)</b> 163:15	<b>Grace (2)</b> 135:5;174:5	<b>here's (1)</b> 159:23	<b>ideas (1)</b> 159:10
<b>findings (5)</b> 155:12;166:14; 169:14,24;170:2	<b>founders (1)</b> 140:25	<b>Grangenois-Thomas (5)</b> 170:10;172:21,23; 173:2,4	<b>high (3)</b> 144:17,25;145:11	<b>identified (2)</b> 141:20;162:23
<b>firm (3)</b> 138:14,15;151:22	<b>four (1)</b> 150:13	<b>Great (7)</b> 137:2;158:15; 159:25;170:19; 171:10,12,12	<b>high-efficiency (1)</b> 158:19	<b>important (20)</b> 136:6;137:7; 138:17,25;139:5,11, 14,16,19;140:4; 148:25;151:12; 154:9;155:2;158:8, 21;163:14;165:5,25; 173:12
<b>first (4)</b> 140:10;141:16; 151:19;170:12	<b>fourth (1)</b> 153:8	<b>green (2)</b> 158:10,14	<b>high-efficiency-type (1)</b> 158:7	<b>impacts (4)</b> 139:7;149:2; 164:16;172:18
<b>fit (1)</b> 142:18	<b>frame (3)</b> 156:7,10;162:18	<b>Group (2)</b> 151:24;153:12	<b>high-quality (1)</b> 164:12	<b>important (8)</b> 140:6,7;158:6; 162:20;163:10; 164:23,25;171:24
<b>five (1)</b> 141:11	<b>frequently (1)</b> 170:4	<b>groups (1)</b> 141:17	<b>himself (1)</b> 147:5	<b>improving (1)</b> 149:8
<b>flip (1)</b> 161:11	<b>Friday (6)</b> 147:8;152:24; 156:4;157:5,9; 173:25	<b>guarantees (1)</b> 149:13	<b>history (2)</b>	
<b>followed (1)</b>	<b>Friday's (1)</b> 155:20	<b>guess (1)</b> 162:16		
	<b>funding (1)</b> 143:7	<b>guys (1)</b> 172:9		
	<b>further (3)</b> 152:19;154:25; 155:22	<b>H</b>		
	<b>future (2)</b> 144:12;171:4	<b>Hall (2)</b> 158:13;171:17		
	<b>G</b>	<b>Hamilton (1)</b> 151:22		
	<b>game (1)</b> 141:11			
	<b>Gene (1)</b> 137:14			
	<b>general (3)</b> 161:15;162:24; 172:18			
	<b>Generally (1)</b> 161:6			
	<b>generations (1)</b>			

<b>included (4)</b> 139:4;152:9,14; 164:21		135:2,25	145:14;152:2; 167:14	<b>map (1)</b> 165:15
<b>including (2)</b> 139:10;173:18	<b>J</b>	<b>land (3)</b> 161:7,13,14	<b>live (4)</b> 142:16;144:20; 145:25;165:5	<b>Marcus (2)</b> 146:16,24
<b>indicated (2)</b> 152:12;153:16	<b>Jensen (1)</b> 144:5	<b>large (1)</b> 140:7	<b>living (1)</b> 150:5	<b>Marino (2)</b> 138:3;173:17
<b>indication (1)</b> 163:5	<b>Jewish (1)</b> 141:2	<b>largest (2)</b> 149:20;150:11	<b>local (1)</b> 140:18	<b>matter (1)</b> 175:9
<b>Indiscernible (2)</b> 156:20;157:11	<b>Jimmy (1)</b> 144:24	<b>last (4)</b> 142:13;149:14; 151:15;170:16	<b>location (2)</b> 145:3;151:5	<b>matters (1)</b> 164:14
<b>inform (1)</b> 139:21	<b>Joan (1)</b> 173:4	<b>lasted (1)</b> 172:6	<b>longer (2)</b> 145:14;172:11	<b>may (5)</b> 154:25;168:19; 169:10,10,11
<b>information (6)</b> 139:24;146:14; 152:13;153:21; 162:20;166:16	<b>job (2)</b> 142:7;171:15	<b>late (1)</b> 138:5	<b>look (12)</b> 141:19;142:12; 143:4,19;164:18; 166:11;171:6,14,14, 22,25;172:17	<b>maybe (2)</b> 148:14;158:11
<b>infrastructure (2)</b> 172:18,20	<b>jobs (7)</b> 142:5,5,10,24; 143:14;160:18; 173:12	<b>later (1)</b> 146:14	<b>looking (3)</b> 161:16;163:15; 167:3	<b>MAYOR (81)</b> 135:2,12,15,23,24; 136:11,15,18,22; 137:2,11,13,16,24, 25;138:10,13,21; 140:2,16;144:2,5; 146:15,19,22,25; 148:4,18,21;151:8,9, 18,20;152:18; 153:23;154:2,5,12, 24;155:13,18;156:17, 25;157:6,8,13,19; 158:2;159:2,5,7,8; 160:2,6,13;161:6,20, 21;162:7,8,14;164:3, 6,11;165:10;166:20; 167:3,17,22,25; 169:24;170:7,16,19; 172:15,24;173:20; 174:10,12,21,22
<b>initial (1)</b> 141:9	<b>Joe (1)</b> 147:2	<b>law (4)</b> 151:21;164:16; 171:17;172:11	<b>looks (1)</b> 139:6	
<b>initially (1)</b> 169:20	<b>John (2)</b> 140:11,17	<b>laws (1)</b> 165:9	<b>lose (1)</b> 158:3	
<b>Inside (1)</b> 173:6	<b>join (2)</b> 136:8;138:4	<b>lead (4)</b> 136:9;139:22; 146:8;154:16	<b>lot (4)</b> 144:11;158:16; 163:23;168:11	
<b>intention (1)</b> 159:15	<b>joining (2)</b> 140:14;175:8	<b>leaks (2)</b> 172:4,7	<b>Lucy (2)</b> 151:15,16	
<b>interest (1)</b> 141:17	<b>July (2)</b> 139:12;166:21	<b>least (4)</b> 147:9,11;157:21; 158:21	<b>lynched (1)</b> 141:5	
<b>interested (2)</b> 154:2;161:22	<b>June (5)</b> 135:3;156:18; 166:21;173:25; 174:25	<b>leave (1)</b> 144:21	<b>M</b>	
<b>internal (2)</b> 138:16;169:20	<b>K</b>	<b>LED-type (1)</b> 158:7	<b>mail (2)</b> 174:4,4	
<b>internship (1)</b> 144:17	<b>keep (5)</b> 147:10;152:7; 154:12;173:23; 174:23	<b>left (1)</b> 145:10	<b>main (2)</b> 136:3;150:25	<b>Mcmillan (1)</b> 144:24
<b>into (10)</b> 136:21;142:2,20; 145:19;147:20; 150:22;162:24; 163:11;171:6;173:18	<b>kept (1)</b> 156:13	<b>legal (2)</b> 145:20;164:14	<b>major (1)</b> 165:16	<b>mean (5)</b> 144:14;155:24; 158:3,14;164:24
<b>invite (1)</b> 161:21	<b>Kerr (4)</b> 144:3,4,4;146:15	<b>less (2)</b> 158:8,20	<b>makeshift (1)</b> 140:13	<b>mechanisms (1)</b> 144:22
<b>involved (5)</b> 140:18;154:2,15, 17,18	<b>key (1)</b> 158:4	<b>letter (2)</b> 140:21;153:22	<b>making (4)</b> 160:18,24;167:13; 169:9	<b>meet (2)</b> 143:21;165:8
<b>involving (1)</b> 141:6	<b>kids (2)</b> 146:2,3	<b>libelous (1)</b> 163:9	<b>Mamaroneck (3)</b> 144:5,22;145:7	<b>meeting (21)</b> 135:9;136:2;138:7; 147:7;148:6;149:14; 150:22,23;151:5; 152:23;153:9,12,17, 18;155:20;160:15, 16;161:2;170:21; 171:17,19
<b>irrespective (1)</b> 143:13	<b>kind (4)</b> 153:14;158:16; 161:10;166:22	<b>life (1)</b> 161:12	<b>manager (2)</b> 146:16,24	<b>meetings (1)</b> 148:22
<b>issue (4)</b> 143:18;147:22; 150:18;162:15	<b>knowing (1)</b> 162:20	<b>light (2)</b> 145:13;172:13	<b>managerial (1)</b> 142:15	<b>meets (1)</b> 155:9
<b>issues (4)</b> 140:5;144:9; 153:10;167:7	<b>known (1)</b> 173:6	<b>lighting (2)</b> 158:6,7	<b>manner (1)</b> 167:11	<b>member (2)</b> 145:6;151:21
<b>iterative (1)</b> 166:9	<b>L</b>	<b>lights (1)</b> 158:8	<b>many (10)</b> 141:22;142:10,23; 161:12,12;162:21; 163:15;167:6;171:3, 8	<b>members (7)</b>
	<b>Labor (1)</b> 166:22	<b>list (1)</b> 140:9		
	<b>ladies (2)</b>	<b>listen (4)</b> 138:6;150:16; 151:13;162:11		
		<b>little (3)</b>		

136:16;154:3,14; 159:6;161:9,22; 169:21 <b>memo (1)</b> 153:3 <b>memorialize (1)</b> 169:15 <b>memory (1)</b> 141:23 <b>mention (1)</b> 170:20 <b>mentioned (1)</b> 158:12 <b>met (1)</b> 153:7 <b>mic (1)</b> 152:25 <b>Michael (1)</b> 160:11 <b>microphone (2)</b> 160:6;162:8 <b>might (2)</b> 148:9;157:25 <b>milestones (1)</b> 165:16 <b>millennial (2)</b> 144:10;146:7 <b>millennials (2)</b> 146:2,4 <b>mind (1)</b> 162:2 <b>modified (1)</b> 170:5 <b>Monday (2)</b> 150:23;156:14 <b>money (8)</b> 145:24;163:22,24, 25;164:4,11;165:11, 12 <b>month (2)</b> 166:7,17 <b>months (8)</b> 165:24;167:15,15, 16,19,19,22;169:18 <b>monument (1)</b> 172:5 <b>morale (1)</b> 143:2 <b>more (10)</b> 142:25;145:24; 146:9;149:17,24; 150:24;158:16; 166:8;167:18;171:3 <b>morning (3)</b> 138:20;148:6,6 <b>most (1)</b> 142:14 <b>motion (3)</b> 135:9;137:5;174:7	<b>mouth (1)</b> 161:10 <b>move (1)</b> 155:11 <b>moved (3)</b> 135:11;137:10; 174:9 <b>much (16)</b> 138:2,22;140:2; 143:25;144:2; 145:24;148:17,18; 151:8;164:10; 166:20;170:14; 172:14;173:2,19; 175:4 <b>municipal (1)</b> 172:18 <b>myself (1)</b> 146:3	166:7,17;169:18 <b>nice (1)</b> 172:4 <b>noise (2)</b> 145:16,20 <b>North (1)</b> 150:25 <b>note (2)</b> 136:23;150:10 <b>noted (1)</b> 175:13 <b>numbers (1)</b> 146:5 <b>numerous (1)</b> 139:10 <b>Nyack (1)</b> 141:23	173:24;174:24 <b>opine (1)</b> 139:18 <b>opinions (2)</b> 168:24;169:4 <b>opportunities (1)</b> 157:14 <b>opportunity (3)</b> 142:7;143:14; 166:10 <b>order (2)</b> 135:10;139:14 <b>organization (1)</b> 160:15 <b>O'Rourke (1)</b> 152:21 <b>otherwise (1)</b> 173:6 <b>ourselves (1)</b> 163:6 <b>out (8)</b> 158:24;162:4; 163:25;164:19; 171:14,15;172:2; 175:8 <b>outcome (3)</b> 138:7;152:24; 153:2 <b>outlined (1)</b> 140:20 <b>output (1)</b> 153:13 <b>outside (1)</b> 168:13 <b>over (11)</b> 138:8,13;139:25; 142:13;154:19; 163:6;165:24; 166:17;169:18; 171:8,13 <b>overcrowded (1)</b> 145:23 <b>overcrowding (1)</b> 146:9 <b>overloaded (1)</b> 145:23 <b>overnight (1)</b> 169:16 <b>own (1)</b> 142:20 <b>owner (2)</b> 149:9;161:16 <b>ownership (1)</b> 161:11 <b>owns (1)</b> 161:14	<b>page (1)</b> 159:22 <b>paid (1)</b> 164:9 <b>parents (1)</b> 144:21 <b>part (9)</b> 139:5;141:8,12,13, 25;158:21;161:4; 171:10;173:5 <b>participate (1)</b> 143:14 <b>participating (1)</b> 142:11 <b>particular (2)</b> 156:21;161:13 <b>parts (2)</b> 140:6;141:24 <b>passing (1)</b> 172:25 <b>pay (2)</b> 164:17;172:2 <b>paying (1)</b> 138:18 <b>people (24)</b> 141:3,3;142:4,11, 14,16,23,24;143:6, 12;144:20,23;150:15, 24;151:3,4,6;162:21; 164:22;165:5,6; 166:24;171:7,8 <b>period (11)</b> 152:8;154:21; 155:15;156:8,13; 157:2;163:6;169:19; 173:24,24;174:24 <b>permit (1)</b> 171:18 <b>permitted (1)</b> 161:13 <b>person (1)</b> 145:2 <b>personally (2)</b> 161:8;163:7 <b>Peter (3)</b> 138:14;168:10,13 <b>PFEIS (6)</b> 139:5,23;152:7; 155:5,10;167:10 <b>Pharaoh (1)</b> 172:5 <b>phone (1)</b> 171:24 <b>pick (1)</b> 168:23 <b>PILLA (69)</b> 135:2,12,15,23,24; 136:15,22;137:2,11, 13,16,24,25;138:10,	
	<b>N</b>	<b>O</b>			
	<b>NAACP (3)</b> 140:18,24,25 <b>name (7)</b> 140:17;146:24; 151:16,19;160:9,11; 170:16 <b>necessary (1)</b> 164:18 <b>need (18)</b> 141:3;142:5,17; 143:3,11,18;144:14, 25;145:13,24; 152:12;163:2,22; 164:7,25;165:4; 166:16;171:3 <b>needed (1)</b> 171:12 <b>needless (1)</b> 158:18 <b>needs (7)</b> 141:19;143:21; 144:22;150:3; 162:17;163:12;165:8 <b>negotiators (1)</b> 163:24 <b>New (10)</b> 135:7;140:24; 141:24;151:23; 158:13;159:23; 160:12;161:18; 172:3;174:6 <b>News (5)</b> 140:21;141:14; 160:21;161:2;164:20 <b>next (8)</b> 145:13;157:4; 164:21;165:15,22;	<b>observed (1)</b> 158:13 <b>obviously (3)</b> 149:9;156:11; 169:22 <b>occur (2)</b> 163:19;165:17 <b>occurred (1)</b> 142:13 <b>occurring (1)</b> 162:25 <b>office (1)</b> 175:6 <b>official (1)</b> 175:6 <b>old (1)</b> 172:11 <b>once (8)</b> 142:6;144:21; 155:8,15;168:6; 169:13;172:22; 174:23 <b>one (10)</b> 141:16;145:8,8; 153:13;154:7; 167:22;168:4; 169:10;170:21; 171:11 <b>one-bedroom (1)</b> 146:7 <b>only (5)</b> 150:13;151:3; 162:22;163:3,18 <b>onto (1)</b> 145:11 <b>open (10)</b> 147:11;148:8,12; 152:8;154:12; 156:13;157:18,22;	<b>observed (1)</b> 158:13 <b>obviously (3)</b> 149:9;156:11; 169:22 <b>occur (2)</b> 163:19;165:17 <b>occurred (1)</b> 142:13 <b>occurring (1)</b> 162:25 <b>office (1)</b> 175:6 <b>official (1)</b> 175:6 <b>old (1)</b> 172:11 <b>once (8)</b> 142:6;144:21; 155:8,15;168:6; 169:13;172:22; 174:23 <b>one (10)</b> 141:16;145:8,8; 153:13;154:7; 167:22;168:4; 169:10;170:21; 171:11 <b>one-bedroom (1)</b> 146:7 <b>only (5)</b> 150:13;151:3; 162:22;163:3,18 <b>onto (1)</b> 145:11 <b>open (10)</b> 147:11;148:8,12; 152:8;154:12; 156:13;157:18,22;		
			<b>P</b>		

13;140:2;144:2; 146:15,19,22;148:18, 21;151:8,9,18; 152:18;153:23; 154:2,5,12,24; 155:13,18;156:17,25; 157:6,8,13,19;158:2; 159:2,5,8;160:2,6,13; 161:6,21;162:8; 164:3,6,11;165:10; 166:20;167:3,17,22, 25;169:24;170:7,16, 19;172:15,24; 173:20;174:10,12,21, 22	<b>possible (3)</b> 167:2,2,5 <b>possibly (2)</b> 162:18;173:14 <b>Post (2)</b> 145:4,11 <b>potential (1)</b> 156:7 <b>precluded (1)</b> 156:24 <b>predicated (1)</b> 141:19 <b>preliminary (15)</b> 136:6;137:7; 138:24;139:4,13,19; 147:23;148:3,25; 154:8,25;156:22; 165:25;168:9,12 <b>premier (1)</b> 138:15 <b>prepare (1)</b> 153:16 <b>prepared (2)</b> 139:13;155:20 <b>preparers (1)</b> 169:22 <b>presented (1)</b> 159:11 <b>president (1)</b> 140:17 <b>pretty (6)</b> 153:10;154:22; 156:12;167:20,22; 175:4 <b>previous (1)</b> 155:6 <b>previously (1)</b> 162:3 <b>Prior (1)</b> 140:23 <b>priority (1)</b> 141:9 <b>private (1)</b> 145:19 <b>probably (3)</b> 150:24;159:2; 162:10 <b>problems (2)</b> 145:12;172:7 <b>procedural (2)</b> 152:6;157:16 <b>process (9)</b> 139:6,9;152:3,10, 11;155:12;157:10; 166:9;169:12 <b>profit (1)</b> 171:14 <b>program (2)</b> 142:18;144:17	<b>progress (5)</b> 162:25;163:2,3; 171:21,24 <b>project (18)</b> 136:6;139:2;140:7; 144:8;145:4;148:7,9; 149:6,11,14,20,21; 150:11;151:12; 153:9;154:20;164:8; 171:9 <b>prolong (1)</b> 167:4 <b>promised (1)</b> 170:11 <b>property (9)</b> 136:5;145:19; 149:8,9;160:16,21, 23;161:3,11 <b>proposal (1)</b> 152:4 <b>proposed (11)</b> 136:7;137:8,8; 139:3;144:9;145:4; 146:10;149:3; 151:12,13;154:19 <b>prospective (1)</b> 171:25 <b>proud (1)</b> 144:11 <b>provide (2)</b> 152:12;153:22 <b>provided (5)</b> 139:24;142:7; 143:5;148:13;162:21 <b>providing (1)</b> 153:19 <b>provisions (1)</b> 149:3 <b>PUBLIC (97)</b> 135:1,9;136:1,4,16, 24;137:1,3,3,6,17; 138:1,24;139:1,2,15, 18;140:1;141:1; 142:1;143:1;144:1,6; 145:1,19;146:1; 147:1,10,13,20; 148:1,2,8,11,23,24; 149:1;150:1,12; 151:1,2,6,10,11; 152:1,5,6,8,15;153:1; 154:1,3,6,7,10,14,21; 155:1,4,14,21;156:1, 23;157:1;158:1; 159:1,11;160:1; 161:1,2,22;162:1,19, 24;163:1,4;164:1; 165:1;166:1,6,24; 167:1,7;168:1;169:1, 23;170:1;171:1;	172:1;173:1,21,23; 174:1,8,14,24;175:1 <b>public-comment (1)</b> 173:24 <b>publicly (4)</b> 153:24,25;175:3,4 <b>public's (1)</b> 166:13 <b>public-safety (1)</b> 150:18 <b>published (2)</b> 140:21;155:11 <b>purposes (1)</b> 154:7 <b>pursuant (1)</b> 138:18 <b>pursued (1)</b> 141:22 <b>put (12)</b> 136:20;141:4; 145:19;147:20; 148:15;149:12; 156:3;161:9;162:24; 164:11;166:21,21 <b>pyramid (1)</b> 172:6	159:16 <b>realize (3)</b> 149:5;150:4; 165:17 <b>really (5)</b> 155:23;158:20,24; 163:20;164:23 <b>reason (1)</b> 160:20 <b>reasonable (1)</b> 164:17 <b>receive (1)</b> 171:9 <b>received (1)</b> 161:2 <b>receiving (1)</b> 143:9 <b>recently (1)</b> 158:12 <b>recited (1)</b> 136:13 <b>recognition (1)</b> 173:17 <b>recommendation (1)</b> 157:2 <b>record (7)</b> 138:3;140:24; 147:20;148:16; 151:21;152:9;160:10 <b>recording (2)</b> 162:9,11 <b>record-keeper (1)</b> 175:6 <b>redevelopment (1)</b> 139:2 <b>reflected (1)</b> 168:20 <b>regarding (4)</b> 137:6;147:6; 151:11;160:8 <b>regulated (1)</b> 149:22 <b>relates (1)</b> 149:11 <b>relating (1)</b> 149:13 <b>relatively (1)</b> 152:2 <b>remain (1)</b> 148:12 <b>remember (2)</b> 156:15;171:22 <b>reminder (1)</b> 138:22 <b>renovating (1)</b> 163:13 <b>rent (1)</b> 144:24 <b>reopen (3)</b>
			<b>Q</b>	
				<b>qualified (1)</b> 164:13 <b>Quality (2)</b> 138:19;164:7 <b>quick (1)</b> 138:22 <b>quite (3)</b> 140:18;142:4; 162:16
			<b>R</b>	
				<b>race (1)</b> 143:13 <b>raised (5)</b> 153:15;159:17,23; 167:7,8 <b>rarely (1)</b> 170:23 <b>re (1)</b> 153:13 <b>reach (1)</b> 136:21 <b>read (2)</b> 141:13;143:23 <b>realistic (3)</b> 165:2,4;167:25 <b>realistically (1)</b> 166:22 <b>reality (1)</b>

<p>136:4;137:5,17  <b>repeat (1)</b>  147:6  <b>rephrase (1)</b>  168:15  <b>reply (1)</b>  147:14  <b>reports (1)</b>  148:15  <b>representative (2)</b>  160:12,14  <b>request (5)</b>  139:23;147:9;  152:4;157:20,21  <b>requested (2)</b>  166:2,4  <b>required (3)</b>  164:16;168:8,9  <b>requirement (1)</b>  169:14  <b>resident (1)</b>  171:16  <b>Residents (1)</b>  145:17  <b>resources (3)</b>  158:21;164:7,13  <b>respect (2)</b>  152:3;172:8  <b>respectfully (3)</b>  147:10;152:4;  164:3  <b>respond (3)</b>  139:14;147:21;  148:14  <b>responding (2)</b>  155:6;166:5  <b>response (5)</b>  153:14;159:16,19,  20,23  <b>responses (1)</b>  147:21  <b>responsibility (4)</b>  143:11;163:10;  169:8;172:9  <b>responsible (1)</b>  142:21  <b>responsive (1)</b>  166:12  <b>rest (1)</b>  161:8  <b>result (2)</b>  145:12;146:9  <b>resumption (1)</b>  137:3  <b>retail (1)</b>  143:17  <b>retained (1)</b>  138:15  <b>review (10)</b></p>	<p>138:16,19;139:22;  154:5,17;155:3,4,21;  164:7,8  <b>reviewed (2)</b>  155:8;169:21  <b>reviewing (1)</b>  168:15  <b>revised (2)</b>  136:7;137:8  <b>revisions (2)</b>  168:11,17  <b>rezoning (3)</b>  144:9;146:10;  154:8  <b>right (21)</b>  137:14;142:15;  146:20,21;151:25;  154:24;155:6;  156:25,25;157:6,13;  159:3;160:6;161:14;  163:23;164:4;  170:10;172:2,21,21,  23  <b>rights (1)</b>  141:7  <b>rising (1)</b>  136:9  <b>Rivas (13)</b>  140:11,11,14,16,  17;144:2;162:6,7,14;  164:4,10,20;165:10  <b>Road (5)</b>  145:4,11,13,19;  165:15  <b>Rochelle (1)</b>  141:24  <b>roll (3)</b>  135:16;137:17;  174:13  <b>roof (1)</b>  158:14  <b>roofs (1)</b>  158:10  <b>rooftop (1)</b>  158:10  <b>rule (1)</b>  161:15  <b>run (1)</b>  161:7  <b>runs (1)</b>  161:13  <b>Rye (6)</b>  144:18;146:17,25;  153:6,6;154:18  <b>Rye's (3)</b>  157:20,21;169:4</p>	<p><b>Sacks (1)</b>  147:2  <b>same (1)</b>  168:18  <b>sanitation (1)</b>  171:3  <b>Saturday (2)</b>  156:3,5  <b>save (1)</b>  163:22  <b>saying (3)</b>  144:15;149:24;  172:8  <b>scheduled (2)</b>  147:8;153:13  <b>school (4)</b>  144:18;145:24;  163:7,9  <b>school-age (2)</b>  146:5;158:25  <b>schools (5)</b>  144:10;145:23;  146:9;163:13;173:13  <b>Second (3)</b>  135:14;137:12;  174:11  <b>security (1)</b>  142:15  <b>seeing (1)</b>  173:8  <b>select (1)</b>  168:24  <b>sell (2)</b>  160:21;161:3  <b>send (1)</b>  147:3  <b>Senior (1)</b>  135:4  <b>sense (1)</b>  146:3  <b>SEQRA (7)</b>  138:18;139:6;  149:2;155:12,12;  166:14;169:14  <b>serious (2)</b>  141:18;162:17  <b>Serrano (8)</b>  146:16,17,18,21,  23,24;148:19,20  <b>serve (1)</b>  166:13  <b>serves (1)</b>  141:23  <b>several (3)</b>  165:24;169:4,18  <b>sewage (1)</b>  164:15  <b>sewer (3)</b>  170:25;172:17,19</p>	<p><b>shall (1)</b>  157:20  <b>share (2)</b>  140:20;163:10  <b>shared (1)</b>  162:18  <b>shareholder (2)</b>  160:15;161:2  <b>shorthanded (1)</b>  143:8  <b>shortly (1)</b>  173:11  <b>side (1)</b>  168:18  <b>signed (1)</b>  140:10  <b>similarly (1)</b>  141:21  <b>single (3)</b>  149:20;150:11;  159:20  <b>sit (1)</b>  163:20  <b>site (2)</b>  158:4,17  <b>situation (1)</b>  143:9  <b>Smith (1)</b>  151:15  <b>snail (1)</b>  174:4  <b>solve (1)</b>  145:12  <b>somebody (1)</b>  158:12  <b>somehow (2)</b>  149:22;150:21  <b>someone (1)</b>  162:22  <b>sometimes (1)</b>  172:10  <b>somewhat (2)</b>  165:15;168:17  <b>sorry (4)</b>  151:16;170:11,12,  13  <b>sort (2)</b>  168:15;171:18  <b>sounds (3)</b>  155:22;167:22,25  <b>speak (4)</b>  148:24;151:11;  156:11;160:4  <b>SPEAKER (4)</b>  138:9,12;140:9,10  <b>speaking (2)</b>  161:6,7  <b>speaks (2)</b>  150:16,17</p>	<p><b>special (2)</b>  136:2;172:19  <b>specifics (1)</b>  161:25  <b>speed (1)</b>  162:12  <b>spending (2)</b>  163:23;165:11  <b>spoke (1)</b>  175:9  <b>spot (1)</b>  158:15  <b>staff (8)</b>  136:16;138:16;  155:3;165:23;167:9,  13;168:13;170:4  <b>stage (1)</b>  152:9  <b>standard (1)</b>  156:12  <b>standpoint (2)</b>  142:6;143:2  <b>start (1)</b>  146:4  <b>started (2)</b>  136:19;139:9  <b>starts (1)</b>  146:7  <b>Starwood (20)</b>  136:4,17;139:7;  144:6;145:17;146:2;  149:6,9;150:22;  151:11,24;160:16,18,  22;161:3;162:15;  163:3,15,20;164:16  <b>STARWOOD/UNITED (42)</b>  135:1;136:1;137:1,  6;138:1;139:1;140:1;  141:1;142:1;143:1;  144:1;145:1;146:1;  147:1;148:1;149:1;  150:1;151:1;152:1;  153:1;154:1;155:1;  156:1;157:1;158:1;  159:1;160:1;161:1;  162:1;163:1;164:1;  165:1;166:1;167:1;  168:1;169:1;170:1;  171:1;172:1;173:1;  174:1;175:1  <b>Starwood's (5)</b>  141:12,18;142:19;  145:18;159:11  <b>State (4)</b>  138:19;139:23;  160:9;164:6  <b>stated (1)</b>  149:14  <b>statement (14)</b></p>
	<b>S</b>			

136:7;137:8; 138:17,25;139:5,11, 14,17,20;140:4; 149:2;154:9;155:2; 165:25 <b>station (1)</b> 172:4 <b>stay (2)</b> 144:23;162:12 <b>step (1)</b> 157:16 <b>steps (2)</b> 139:10;165:22 <b>Sternlicht (1)</b> 160:17 <b>still (5)</b> 152:3,12;154:22; 157:17;163:25 <b>stop (1)</b> 171:21 <b>Street (5)</b> 135:5;145:11; 150:25;173:4;174:5 <b>strongly (1)</b> 158:21 <b>students (1)</b> 144:18 <b>studies (1)</b> 164:24 <b>studio (1)</b> 146:8 <b>study (2)</b> 153:10,20 <b>stuff (1)</b> 166:25 <b>subject (1)</b> 168:25 <b>submit (1)</b> 156:10 <b>submitted (2)</b> 147:18;173:10 <b>subsequent (1)</b> 155:7 <b>substantive (5)</b> 139:15;159:17,20; 167:7;175:2 <b>suggestions (2)</b> 143:7;173:18 <b>summarize (1)</b> 153:18 <b>summer (1)</b> 166:22 <b>supplied (1)</b> 153:21 <b>supported (1)</b> 141:3 <b>supposed (2)</b> 150:5,20 <b>sure (14)</b>	143:12;144:23; 146:5;147:19;159:9; 161:6,8;164:21; 165:7,21;166:9,11, 15;173:13 <b>Sustainable (1)</b> 173:5 <b>system (2)</b> 145:8;171:2  <b>T</b>  <b>talk (2)</b> 144:11;150:20 <b>talking (5)</b> 152:21,23;163:13; 170:23;173:11 <b>task (1)</b> 163:24 <b>taxpayer (1)</b> 163:14 <b>taxpayers (2)</b> 142:22;163:4 <b>taxpayer's (2)</b> 163:16;164:19 <b>team (2)</b> 136:17;172:19 <b>technical (2)</b> 153:9,11 <b>telephone (1)</b> 171:23 <b>ten (5)</b> 154:12;155:19,25; 156:2,12 <b>terms (3)</b> 143:7,8;165:4 <b>Thanks (2)</b> 140:14;170:12 <b>there'll (1)</b> 157:14 <b>thinking (1)</b> 161:24 <b>THOMAS (13)</b> 135:17,19,21,23; 137:18,20,22,24; 174:3,15,17,19,21 <b>T-H-O-M-A-S (1)</b> 174:3 <b>thoroughness (1)</b> 139:20 <b>though (3)</b> 145:18;157:17; 164:19 <b>thought (1)</b> 160:22 <b>thoughtful (1)</b> 167:11 <b>three (2)</b> 150:13;153:8	<b>throughout (1)</b> 161:18 <b>throw (1)</b> 162:4 <b>thumb (1)</b> 161:15 <b>tied (1)</b> 149:6 <b>times (3)</b> 148:14;153:8; 161:12 <b>Today (4)</b> 141:11;155:25; 156:2,14 <b>together (1)</b> 149:7 <b>toilets (1)</b> 158:19 <b>tomorrow (2)</b> 148:6;156:23 <b>tonight (7)</b> 138:23;140:19; 147:2,4;148:11; 157:17;162:13 <b>Tony (1)</b> 151:21 <b>Town (1)</b> 144:18 <b>traffic (18)</b> 144:10;145:3,6,8,9, 13,14,18;147:9,17; 148:13;153:10,20; 164:15;165:3;169:3, 5;173:12 <b>train (1)</b> 172:3 <b>training (1)</b> 142:8 <b>transcends (1)</b> 161:14 <b>transcript (1)</b> 159:21 <b>Transportation (1)</b> 175:3 <b>treasurer (1)</b> 146:19 <b>treatment (1)</b> 141:6 <b>trucks (1)</b> 145:20 <b>true (1)</b> 165:21 <b>Trust (1)</b> 160:16 <b>Trustee (12)</b> 135:17,19,21; 136:9;137:18,20,22; 138:4;173:16; 174:15,17,19	<b>trustees (10)</b> 135:8;136:3; 139:21;140:17; 144:6;150:13; 151:20;162:14; 163:4,19 <b>truth (1)</b> 138:11 <b>turn (4)</b> 138:8,13;139:25; 145:11 <b>two (10)</b> 140:3,6;144:16; 154:7;157:9,25; 166:8,18;167:22; 168:4 <b>type (5)</b> 143:9;158:10,17, 19;161:23 <b>typical (2)</b> 154:23;158:25 <b>typically (1)</b> 154:9  <b>U</b>  <b>ultimate (1)</b> 170:6 <b>ultimately (2)</b> 166:14;169:6 <b>unable (1)</b> 138:3 <b>uncommon (1)</b> 154:20 <b>under (3)</b> 139:22;164:6,16 <b>understandable (1)</b> 173:15 <b>underway (2)</b> 137:4;138:5 <b>UNIDENTIFIED (2)</b> 138:9,12 <b>unionized (1)</b> 142:6 <b>United (2)</b> 136:5;138:25 <b>unusual (1)</b> 168:20 <b>up (10)</b> 143:24;152:25; 160:6,12;162:12; 164:18;166:7;168:7, 19;169:7 <b>updating (1)</b> 148:21 <b>upset (1)</b> 150:10 <b>use (1)</b> 161:13	<b>used (1)</b> 141:25 <b>using (2)</b> 151:18;158:19 <b>usually (1)</b> 170:3  <b>V</b>  <b>vacation (1)</b> 166:25 <b>value (1)</b> 149:8 <b>variability (1)</b> 165:17 <b>various (1)</b> 154:19 <b>versus (2)</b> 148:3;169:11 <b>via (2)</b> 174:2;175:5 <b>view (1)</b> 161:10 <b>Village (32)</b> 135:4,7;136:3; 138:15;139:12; 140:7;142:21; 146:11,13,20;147:10, 13,17,24;148:10,16; 149:21;150:12,13; 153:6,6,22;165:23; 167:9,13;168:22; 170:4;173:25;174:4, 4;175:5,7 <b>vote (1)</b> 141:5 <b>voter (1)</b> 141:8  <b>W</b>  <b>wait (1)</b> 165:19 <b>wall (1)</b> 172:13 <b>wants (2)</b> 147:9;151:14 <b>watching (1)</b> 158:24 <b>water (1)</b> 158:20 <b>way (5)</b> 146:13;149:19; 152:13;157:15; 163:18 <b>ways (1)</b> 145:10 <b>Wednesday (1)</b> 135:3
---	---	--	---	--

<b>weeks (1)</b> 157:9	157:2;168:16	141:15
	<b>written-comment (2)</b> 173:24;174:24	<b>2</b>
<b>welcome (5)</b> 135:3;136:2; 146:22;160:2,13	<b>Y</b>	<b>2014 (1)</b> 139:9
<b>Westmore (3)</b> 140:21;141:14; 164:20	<b>years (2)</b> 142:14;162:16	<b>2015 (1)</b> 139:12
<b>whatnot (1)</b> 163:14	<b>Yonkers (1)</b> 170:15	<b>2016 (1)</b> 135:4
<b>what's (4)</b> 150:8;156:25; 164:22;171:20	<b>York (8)</b> 135:7;140:25; 151:23;158:13; 160:12;161:18; 172:3;174:6	<b>20th (3)</b> 139:12;156:17,18
<b>whenever (1)</b> 170:21	<b>young (3)</b> 144:20,23;145:2	<b>220 (1)</b> 135:5
<b>whichever (1)</b> 172:12	<b>youth (4)</b> 144:9,12,12,12	<b>222 (2)</b> 135:5;174:5
<b>White (1)</b> 151:22		<b>25 (1)</b> 159:2
<b>who'd (1)</b> 151:10	<b>Z</b>	<b>3</b>
<b>whole (2)</b> 145:12;171:2	<b>zoning (24)</b> 136:7;137:9; 138:17;139:3;140:6; 149:3,6,7,15,16,17, 23;150:2;151:13; 152:7;156:21; 157:16;161:5,7,12, 15,17;166:15;172:10	<b>350 (1)</b> 150:25
<b>WILDRICK (2)</b> 151:17,17		<b>4</b>
<b>window (1)</b> 155:22		<b>400 (1)</b> 150:24
<b>wisely (1)</b> 172:12		<b>445 (1)</b> 151:22
<b>wish (2)</b> 166:8;167:18		<b>450 (1)</b> 151:4
<b>within (5)</b> 142:19;153:10; 156:10;165:5;166:7	<b>1</b>	<b>5</b>
<b>wonderful (1)</b> 170:22	<b>10 (1)</b> 142:13	<b>5 (1)</b> 157:6
<b>wondering (1)</b> 160:24	<b>10,000-square-foot (1)</b> 158:14	
<b>word (1)</b> 158:4	<b>12 (1)</b> 156:14	<b>6</b>
<b>words (2)</b> 161:9;163:8	<b>13 (1)</b> 157:6	<b>66 (1)</b> 151:3
<b>work (5)</b> 142:8;171:8,9,12, 12	<b>139 (1)</b> 144:4	<b>7</b>
<b>worker (1)</b> 171:3	<b>13th (1)</b> 156:13	<b>7:09 (1)</b> 135:8
<b>working (4)</b> 142:14;165:23; 168:14;173:9	<b>15 (1)</b> 142:13	<b>7:56 (1)</b> 175:13
<b>works (1)</b>	<b>15th (1)</b> 156:15	
	<b>16th (1)</b> 157:5	<b>8</b>

155:6  
**world's (1)**  
145:12  
**wrapped (2)**  
166:7,23  
**written (9)**  
148:12;153:2,2,17,  
20;154:13;155:20;

**17 (1)**  
157:6  
**17th (2)**  
173:25;174:25  
**1909 (2)**  
140:24;141:10  
**1st (3)**  
135:3;140:22;

<b>8:00 (1)</b> 148:6
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Trustee Didden joined the meeting at 8:07 PM.

## **PUBLIC COMMENTS**

## **RESOLUTIONS**

Trustee Ceccarelli requested an Add on Resolution about the upcoming telephone conference with the Department of Justice re the Consent Decree.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE DIDDEEN, an add on resolution was propose to rescind the resolution of Monday, May 23, 2016 pertaining to the meeting with the Department of Justice with the Mayor, Village Attorney and Attorney of Record Brian Sokolov and to prepare a formal communication to the DOJ from our Attorney of Record Brian Sokolov.

Mayor Pilla explained his intentions concerning the call with the DOJ and stated the village's notice to sign the oath was legally insufficient.

Mr. Cerreto suggested the Mayor discuss his recent comments.

Trustee Adams stated that only some Trustees received letters to sign the oath book. Trustee Ferrara asked Trustee Adams to produce proof of his statements.

Trustee Didden arrived at 8:07 PM

The Mayor called for a five minute recess at 8:11 PM.

The Mayor asked to make an apology for the remarks he made previously about his opinions on legal matters.

## **ROLL CALL**

**AYES:** Trustees Didden, Ferrara, Ceccarelli, and Mayor Pilla

**NOES:** Trustee Adams

**ABSENT:** Trustees Brakewood and Marino

Trustee Brakewood arrived at 8:37 PM

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE DIDDEEN, the Board will move into Executive Session to discuss with counsel and special counsel, the Rye Brook Fire Services Agreement litigation and contract negotiations at 8:35 PM.

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Marino

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

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Marino

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE CECCARELLI, the meeting was adjourned at 10:10 PM.

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Marino