

MEETING HELD JULY 18, 2016

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 18, 2016 in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Deputy Mayor Luis Marino presiding.

Present in addition to Deputy Mayor Marino were Trustees Francis Ferrara, Gene Ceccarelli, and Gregory Adams.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, The meeting was called to order at 6:04 p.m.

ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

Trustee Brakewood arrived during Executive Session.

Also present were: Village Clerk, David Thomas; Chief of Police, Richard Conway; Director of Planning, Eric Zamft; Village Attorney Anthony Cerreto, Village Treasurer Leonie Douglas, Legal Assistant, David Kenny; Human Resources Consultant Ed Brancati, Village Engineer Vince Masucci, Building Director Kevin Donahue, Acting Code Enforcement Director Lawrence Chiuli, Grant Writer Andrea Sherman and Assistant Fire Chief Enrico Castarella

A moment of silence was held in memory of the Policemen who lost their lives in Baton Rouge, Louisiana.

EXECUTIVE SESSION

A motion was made by TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, that we combine the following items for Executive Session:

1. Consultation with Labor Counsel regarding the fire department issues.
2. Consultation with Special Counsel regarding Community Benefits Agreements and zoning approval.
3. Interview with candidate for possible appointment to Zoning Board of Appeals or Planning Commission.

ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE DIDDEN, the Board went into Executive Session at 6:11 p.m. to discuss the three combined items with Attorney Cerreto and Planning Director Zamft.

ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

Signing Oaths of Office

PUBLIC COMMENTS

Ms. Goldie Solomon commented on the Police and Fire Departments, our DPW, our EMTs and our military. Give them what they need.

Mr. Rober Marti, a member of the local carpenters' union, commented on Starwood Capital. He commented on the violations Starwood has had on past projects, and requested that the Village get in writing that Starwood have quality work standards and hire quality people. This development will create hundreds of construction jobs. Local workers will give money back to the community.

Mr. Richard Heiman commented on a *Journal News* article on a developer in Ossining who opened up a complex and set aside 10% for affordable housing. The developer on the Good Counsel property in White Plains has set aside 10% for affordable housing. Avalon Developers in Greenburgh has 10% affordable. Port Chester has 10% set aside in its ordinance. All this Village has to do is to add its zoning to include the few extra districts to make it applicable. He commented on the bulkhead. It is a waste of money if you are going to replicate what you did in the past. It was never any benefit to the Village. Just patch it up.

Mr. Anthony Castaglione commented he is a residential building superintendent. The Starwood development needs someone like him for the residential portion. Insist on a concrete and verifiable community benefits agreement for changing your zoning laws. The Village should also get written agreements on what is needed. Starwood's Brooklyn Bridge project has been plagued with lawsuits.

Ms. Blanca Gomez commented on Rev. Baker's comments at the last meeting regarding moderate income housing in the Village. It is time for this Board to revisit housing for working class families.

Mr. Ted Jankowitz commented on his suggestion that the Board charge a fee for using Village vehicles for private construction projects. He commented on a publicity firm to highlight the volunteer fire department's activities. His suggestion was to spend those funds on a volunteer fire department appreciation day. This could be done via social media.

Ms. Joan Grangenous-Thomas commented on the Port Chester Sustainable Alliance. She stressed the importance of the 10% set aside. We need to make sure that the millennials that we are trying to covet as well as the ones at home need workforce housing.

Ms. Bea Conneta commented on the amnesty program. You can take off the expiration date. She commented about cumulative voting. It is a crazy way of voting and we should have one vote for one person. She commented about the Rye Brook case against Port Chester. They tried to work with other

communities and nobody else would take them in. She suggested that the Board service them for two more years and then don't renew the contract. The Police Chief spoke about an emergency services unit and that is good.

Mr. Richard Abel commented about the LED street lights. The AMA warns about LED street lights. The Trustees will sign the Oath Book tonight. All officials should sign in a timely manner. He commented on restricting affordable housing to Village residents.

Ms. Dina Goren commented we are approaching the one-year anniversary of the Dog Park. There will be an event at Abendroth Park. The Group is donating a bulletin board to the Dog Park. This will be for the Village and individuals to post. We are fundraising for building steps going down the slopes in the dog park.

BOARD OF TRUSTEES

PRESENTATION ON MARINA BULKHEAD B BOSWELL ENGINEERING

Mr. John Valentin and Ms. Rebecca Mehaha of Boswell Engineering gave a presentation on the collapsed Bulkhead.

Village Manager Steers commented the Bulkhead Steering Committee needs to meet before the July 29th deadline. The DOS has been very cooperative on this project.

CORRESPONDENCE ON THE GERETY PROPERTY – 28 ½ PILGRIM DRIVE

Attorney Adam Wextein, representing MR. Gerety asked that the Village take over the property and turn it over as a pocket park.

Attorney Cerreto will have a memo prepared for the next Board meeting. Neighbors have an interest in this property. Village Manager Steers commented this should be discussed in Executive Session.

PUBLIC HEARING

ON A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER CH 345 “ZONING” Art. XVIII “WIRELESS TELECOMMUNICATIONS FACILITIES.”

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE DIDDEN, the Public Hearing on a Local Law Amending the Code of the Village of Port Chester chapter 345 “Zoning” Art. XVIII “Wireless Telecommunications Facilities” was opened for discussion.

ROLL CALL

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

NOES: None

ABSENT: None

PUBLIC COMMENTS ON THE PUBLIC HEARING

Mr. Richard Abel commented that the Village receives fees from these being on public property.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, this Public Hearing was adjourned until August 1ST.

ROLL CALL

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

NOES: None

ABSENT: None

PUBLIC HEARING ON THE LED CONTRACT WITH LUMEN LIGHTING

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

A presentation was previously given by Lumen Lighting on replacing the current street lighting with LEDs. The fixtures save a lot of energy and the 4100 kelvin is not so blue. This is the same as moonlight. The high pressure sodium lights with the orange glow used now are the same as 3000 kelvin.

The Village will save \$92,500 by buying rather than leasing. It is anticipated we will save \$190,000 per year. The audit will take approximately two months and then that will be reviewed with DPW. The fixtures take about 6 weeks to install.

ROLL CALL

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

NOES: None

ABSENT: None

RESOLUTION

SETTING A PUBLIC HEARING TO CONSIDER THE ESTABLISHMENT OF A LOCAL IMPROVEMENT AREA TO CONTINUE THE VILLAGE'S SIDEWALK BETTERMENT PROGRAM

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

WHEREAS, the Board of Trustees (“Board”) desires to continue the Village’s Sidewalk Betterment Program whereby benefitted residential property owners have the ability to split the cost of improving the public sidewalk abutting their property on a 50/50 basis and have the option of paying for the expense in installments over a ten year period; and

WHEREAS, the Board directed that a map or plan be prepared to identify a further area for the construction, improvement and financing for the replacement and reconstruction of the public sidewalks, including all necessary labor, personnel, materials, equipment, machinery and apparatus, but excluding curbs, driveways, storm sewer drains and improvements, (the “Project”) ; and

WHEREAS, the Village’s consulting engineer, Dolph Rotfeld Engineering, P.C. has completed and filed with the office of the Village Clerk such map or plan (revision date June 24, 2016) describing the nature of the Project, estimated total cost, benefitted properties, and the estimated cost to be apportioned and assessed to the properties benefitted on a front-footage basis, and that to be borne by the Village at large, as annexed hereto as “Schedule A”; and

WHEREAS, the costs of the Project are expected to be in the aggregate principal amount of \$500,000.00 dollars, with such amount anticipated to be financed with obligations of the Village authorized and issued under the Local Finance Law; and

WHEREAS, the Board wishes to declare its intent to finance the Project on a tax- exempt basis for federal income tax purposes, and

WHEREAS, the Board seeks the view of all interested persons and property owners benefitted from the Project. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby sets a public hearing to be held on August 15, 2016 at 7:00 p.m., or as soon thereafter, to consider the construction, acquisition, improvement and financing of the Project as a Local Improvement Area pursuant to Village Law, Section 22-2200, and be it further

RESOLVED, that the Village Clerk shall publish at least once in the Westmore News with the first publication no less than ten days prior to the public hearing; and be it further.

RESOLVED that the Village Clerk shall mail by first class United States mail, a copy of this resolution to the benefitted owner(s) of record appearing on the latest tax roll; and be it further

RESOLVED, that following the aforementioned meeting and public hearing, the Board shall (i) make a determination as to the approval of the map or plan prepared by the Engineer establishing a local improvement area in and for the Village of Port Chester; and, if so approved, after the work has been completed and the final costs of the work have been ascertained, (ii) apportion and assess that part of the expense of the Project to be raised by assessment upon the benefitted properties and file a copy of such apportionment and assessment with the Village Clerk subject to a further public hearing to hear any objections and complete the same. Said

map or plan and apportionment can be examined by any interested person at the office of the Village Clerk during regular business hours of the Clerk.

ROLL CALL

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

NOES: None

ABSENT: None

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, the amended Resolution to include a Public Hearing Date of August 15th was accepted by the Board of Trustees of the Village of Port Chester, NY.

ROLL CALL

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

NOES: Trustees Didden and Marino

ABSENT: None

DATE: July 18, 2016

RESOLUTION

AWARDING BID FOR BID NO. 2016-03 EDGEWOOD PARK PARKING LOT IMPROVEMENTS TO PETER J. LANDI, INC.

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

WHEREAS, the Village of Port Chester has advertised for bids for the Edgewood Park Parking Lot Improvements (Bid No. 2016-03); and

WHEREAS, the Village received six bids for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid from Peter Landi Inc., of 15 Bradhurst Avenue, Hawthorne, New York in the amount of \$106,835.00 which meets all the specifications as set forth in the bid documents. Now, therefore be it,

RESOLVED, that the Board of Trustees hereby awards the bid for the 2016 Edgewood Park Parking Lot Bid (Bid# 2016-03) to Peter Landi Inc., of 15 Bradhurst Avenue, Hawthorne, New York; and be it further

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

RESOLVED, that the Board authorizes the Village Treasurer to make payment from the Parkland -201 Grace Church Street Capital Project a/c 5.7110.2012.122.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

RESOLUTION

AUTHORIZING THE SUBMISSION OF A NEW YORK STATE CONSOLIDATED FUNDING APPLICATION BY THE VILLAGE OF PORT CHESTER

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

WHEREAS, New York State is accepting applications for the 2016 Funding Round of the New York State Consolidated Funding Application (“CFA”) Program;

NOW, THEREFORE, be it

RESOLVED, by the Village of Port Chester Board of Trustees that the Village Manager be and he hereby is authorized to submit a Consolidated Funding Application for the 2016 Funding Round from New York State for programs including, but not limited to Direct Assistance to Businesses and Other Organizations , Community Development, Waterfront Revitalization, and upon approval of said request to enter into and execute a project agreement with the State for such financial assistance to the Village of Port Chester; and be it further

RESOLVED, that the aforementioned grant agreement application is subject to the approval of the Village Attorney as to form and content.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

DATE: July 18, 2016

RESOLUTION

**APPROVAL AND ENDORSEMENT OF THE SUBMISSION OF A NEW YORK STATE
MAIN STREET-TECHNICAL ASSISTANCE APPLICATION TO NYS HOMES AND
COMMUNITY RENEWAL BY THE VILLAGE OF PORT CHESTER**

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

WHEREAS, the Village of Port Chester desires to apply for \$20,000 in financial assistance through the 2016 Consolidated Funding Application (“CFA”) under the New York Main Street Technical Assistance Grant Program; and

WHEREAS, the application proposes funding to develop new design guidelines for downtown Port Chester to be integrated into a new form-based zoning code; and

WHEREAS, the proposed funding will contribute to on-going community revitalization efforts; and

WHEREAS, the grant application requires that the applicant obtain the approval and endorsement of the governing body of the municipality in which the project will be located.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester approves and endorses the 2016 New York Main Street Technical Assistance Grant Application for assistance prepared and to be submitted by the Village Manager.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

RESOLUTION

CONSIDERING AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, "ZONING", TO DEFINE AND INCLUDE BREW PUB, BREWERY, DISTILLERY, MICROBREWERY, MICRODISTILLERY, MICROWINERY, NANOBREWERY, TASTING ROOM, AND WINERY AS PERMITTED AND SPECIALLY PERMITTED USES WITHIN SPECIFIC ZONING DISTRICTS, DETERMINING THE CLASSIFICATION OF THE PROPOSED ACTION AS AN UNLISTED ACTION UNDER THE STATE ENVIRONMENTAL QUALITY REVIEW ACT (SEQRA), DECLARING THE VILLAGE OF PORT CHESTER BOARD OF TRUSTEES' INTENT TO ACT AS LEAD AGENCY FOR THE PROPOSED ACTION UNDER SEQRA, AND REFERRING THE MATTER TO THE WESTCHESTER COUNTY PLANNING BOARD AND PORT CHESTER PLANNING COMMISSION

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

WHEREAS, the Village of Port Chester is committed to the economic revitalization of Port Chester that is sustainable both environmentally and socioeconomically; and

WHEREAS, based upon national trends and local interest, on May 2, 2016 the Board directed staff to draft zoning text amendments to permit alcohol and micro-alcohol establishments within certain portions of the Village; and

WHEREAS, a local law has been prepared that would amend Chapter 345 "Zoning" of the Village Code to permit such uses, which are currently excluded from locating anywhere in the Village; and

WHEREAS, the draft local law would also:

-add definitions for Brew Pub, Brewery, Distillery, Microbrewery, Microdistillery, Microwinery, Nanobrewery, Tasting Room, and Winery,

-permit Brewery, Distillery, and Winery in the M1 and M2 Districts; permit Brewpub in the C1, C2, C3, C4, C5, C5T, CD, CDS Districts and as a special exception use in the DW and DW2 Districts; and permit Microbrewery, Microdistillery, Microwinery, and Nanobrewery (including Tasting Rooms) in the C2, C5, and C5T Districts and as a special exception use in the DW and DW2 Districts;

-provide specific criteria for such uses that must be satisfied related to odors, water usage, and effluent; and

WHEREAS, such proposed amendment is consistent with the Village's 2012 Comprehensive Plan, notably Economic Development Recommendation #1: Strengthen and expand economic opportunity and the Village's tax base by focusing efforts on retaining and expanding existing businesses and attracting new businesses and Economic Development Recommendation #3: Increase Port Chester's retail capture rate by improving the profitability of commercial businesses and recruiting new establishments based on market demand; and

WHEREAS, the Board's action to consider such a zoning amendment requires a public process of review and comment with regard to potential impacts and mitigation under the State Environmental Quality Review Act (SEQRA); and

WHEREAS, the Board is also required to conduct a public hearing on the advisability of adopting the local law.

NOW, THEREFORE, be it

RESOLVED, that the Village of Port Chester Board of Trustees, on its own motion, hereby desires to advance a local law that would amend Chapter 345 "Zoning" of the Village Code, with regard to new use classifications and regulations for brew pub, brewery, distillery, microbrewery, microdistillery, nanobrewery, tasting room, and winery; and be it further

RESOLVED, the Board finds that the proposed action is properly classified as an Unlisted Action pursuant to NYCRR 617 of the SEQRA regulations; and be it further

RESOLVED, that the Board of Trustees hereby gives notice of its intent to be Lead Agency for the purpose of reviewing the proposed action and any necessary related land use approvals; and that this Notice of Intent, the local law, and exhibits thereto, including the Environmental Assessment Form, be circulated to the following Involved Agencies and Interested Agencies.

Involved and Interested Agencies:

New York State Department of Environmental Conservation, Region 3
ATTN: Daniel Whitehead, Regional Permit Administrator
21 South Putt Corners Road

New Paltz, NY 12561-1620

Westchester County Planning Board
ATTN: Jeremiah Lynch, Chairman
148 Martine Avenue
White Plains, NY 10601

Westchester County Department of Public Works
ATTN: Jay Pisco, Commissioner
148 Martine Avenue
White Plains, NY 10601

Westchester County Department of Health
ATTN: Dr. Sherlita Amler, Commissioner
145 Huguenot St #8
New Rochelle, NY 10801

Westchester County Department of Environmental Facilities
ATTN: Thomas Lauro, Commissioner
270 North Avenue, 6th Floor
New Rochelle, NY 10801

Port Chester Planning Commission
ATTN: Gregg Gregory, Chairman
Port Chester Village Hall
222 Grace Church Street
Port Chester, NY 10573

Port Chester Zoning Board of Appeals
ATTN: William Villanova, Chairman
Port Chester Village Hall
222 Grace Church Street
Port Chester, NY 10573

and be it further

RESOLVED, that this matter be referred to the Westchester County Planning Board and adjoining municipalities, as may be required under the Westchester County Administrative Code, Section 277.61, and/or State General Municipal Law, Sections 239-l, 239-m, and 239-n; and be it finally

RESOLVED, that this matter be also referred to the Port Chester Planning Commission for their study and report.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

RESOLUTION

ACCEPTANCE AND APPROVAL OF DEAN HOLOWACH AS AN ACTIVE MEMBER OF
HARRY HOWARD HOOK & LADDER CO. NO.1

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

WHEREAS, on the July 5, 2016 meeting of Harry Howard Hook & Ladder Co. #1 the company held an election for a new active member; and

WHEREAS, Dean Holowach has been elected to be a new active member.

Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts and approves the election of Dean Holowach to Harry Howard Hook & Ladder Co. #1, as an active member of the Port Chester Fire Department

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

RESOLUTION

AWARDING BID FOR FIRE HOUSE DRIVEWAY APRON REPLACEMENT PROJECT

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

WHEREAS, the Village of Port Chester has advertised for bids for the 2016 Fire House Driveway Apron Replacement Project (Bid No. 2016-02); and

WHEREAS, the Village received three bids for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid of Paladino Concrete Creations, Mount Vernon, New York in the amount of \$208,604.00 which meets all the specifications as set forth in the bid documents; and

WHEREAS, the bid specifications authorize the Village to make changes in the work based on unit pricing. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for the 2016 Fire House Driveway Apron Replacement Project to Paladino Concrete Creations, Mount Vernon, New York; and be it further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and be it further

RESOLVED, that the Board authorizes the Village Treasurer to establish the Fire House Aprons Capital Project account in the Capital Fund as follows:

Capital Fund - Establishing Fire House Aprons

Appropriation:

5.3410.400.2015.164	Fire House Aprons Contractual	\$123,950
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Revenues:

5.5.5731.2015.164	Bond Anticipation Notes	\$123,950.
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and be it further,

RESOLVED that the Village Board of Trustees authorizes the Village Treasurer to make said payments from the Fire House Aprons Capital Project A/c 5.3410.400.2015.164.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

RESOLUTION

RETAINING SPECIAL COUNSEL REGARDING PROPOSED COMMUNITY
RESIDENCE AT REAR OF 51 BETSY BROWN ROAD

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

WHEREAS, pursuant to State Mental Hygiene Law, Section 41.34, Ability Beyond Disability notified the Village that it intended to locate a community residence at the rear of 51 Betsy Brown Road; and

WHEREAS, the Board subsequently determined to oppose the proposed community residence; and

WHEREAS, after a hearing, the State Office for People with Developmental Disabilities (“OPWDD”) rejected the Village’s opposition to the proposed community residence; and

WHEREAS, the law firm of Biedermann, Hoenig & Semprevivo, 60 East 42nd Street, New York, New York 10165 was retained to act as of counsel to the Village Attorney on a pro se, or no-fee basis; and

WHEREAS, the Village commenced an Article 78 proceeding in the Westchester County Supreme Court challenging the OPWDD's determination (Village of Port Chester v. Delaney, et al.) ; and

WHEREAS, after motion by Ability and the New York Attorney General on behalf of OPWDD, the Supreme Court by order and entered on March 11, 2016, transferred the case to the Appellate Division, Second Department for a de novo review and determination; and

WHEREAS, the retainer with counsel does not extend to litigation in the appellate courts; and

WHEREAS, in order to further retain counsel for this aspect of the litigation, a fee proposal dated March 31, 2016 was presented to the Board for consideration;

WHEREAS, the Board desires the continued representation by special counsel so that this matter may be litigated on the merits to a conclusion.. Now, therefore be it

RESOLVED, that the Village Manager is hereby authorized to enter into a retainer agreement with Biederman, Hoenig & Semprevio to act as of counsel to the Village Attorney and assist him in the litigation of the matter in the Appellate Division, Second Department, compensation in an amount not to exceed \$20,000;

and be it finally

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to make payment from Law Department contractual line 1.1420.400.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Didden, Ferrara, Ceccarelli and Marino

NOES: Trustees Brakewood, Adams and Mayor Pilla

ABSENT: None

DATE: July 18, 2016

RESOLUTION

RATIFICATION OF REAPPOINTMENT TO
EMERGENCY MEDICAL SERVICES COMMITTEE

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

WHEREAS, the inter-municipal agreement, between the Village of Rye Brook, City of Rye and Village of Port Chester for emergency medical services provides for an Emergency Medical Services Committee (EMSC); and

WHEREAS, the term of the Port Chester Community Representative on the Committee expired on June 30, 2016; and

WHEREAS, pursuant to Section 3A of the inter-municipal agreement, the community representatives shall be recommended by the contracted emergency services provider, the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps (“Corps”) and thereafter ratified by joint resolution of the municipalities.; and

WHEREAS, by letter dated April 14, 2016 from Scott T. Moore, Administrator, the Corps has recommended John B. Colangelo, Esq. to be reappointed to the EMSC. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies the recommendation of John B. Colangelo, Esq. of Port Chester, New York to be appointed to the Emergency Medical Services Committee for a term of three years, to expire on June 30, 2019.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

RESOLUTION

**RESOLUTION RECOMMENDING THE DENIAL OF A LIQUOR LICENSE RENEWAL
REQUEST WITH THE NEW YORK STATE LIQUOR AUTHORITY**

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

WHEREAS, Restaurant Boca Marina, Inc., (“Boca”) has applied for a liquor license at premises located at 40 Grace Church Street, Port Chester; and

WHEREAS, pursuant to Alcohol Beverage Control Law, Section 64(2-a), an applicant must give a municipality thirty (30) days’ notice prior to the submission of an application for a liquor license; and

WHEREAS, Boca, has requested that the Village waive the 30-day notice requirement in an effort to expedite the granting of the liquor license.

WHEREAS, the Building Inspector found outstanding code violations still exist on this property including no Certificate of Occupancy or up-to-date fire inspections. Now, therefore, be it

RESOLVED, that the Village Board of Trustees of the Village of Port Chester does not waive the thirty (30) day Liquor License notice requirement to Restaurant Boca Marina, Inc. for premises located at 40 Grace Church Street, Port Chester; and it is,

FURTHER RESOLVED, that the Building Inspector is to write a letter to the New York State Liquor Authority recommending that Restaurant Boca Marina, Inc.’s application for a liquor license renewal be denied.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 18, 2016

VILLAGE MANAGER'S REPORT

Acting Code Enforcement Director, Lawrence Chiuli gave a presentation of the monthly report for Code Enforcement.

Building Inspector Kevin Donahue gave presentation of the monthly report for the Building Department. The Amnesty Program expired in June.

Daniel Messplay was introduced as a new Planner in the Planning Department is a recent graduate of Virginia Tech with a Masters in Urban and Regional Planning.

Andrea Sherman is an Assistant Planner and a graduate of Vassar College with a BA degree in Urban Planning.

Mayor Pilla commented on getting a tax exemption on improved multi-family properties - RPTL421F. It applies to vacant unutilized land.

Rules of Procedure

Mayor Pilla would like to set aside one night the week of July 25th to discuss the Board Rules of Procedure. Also set for discussion would be the Third Board Meeting monthly.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARLLI, the discussion items and the remaining agenda items be tabled and the Board go into Executive Session.

ROLL CALL

AYES: Trustees Ferrara, Brakewood, Ceccarelli

NOES: Trustees Didden, Adams, Marino and Mayor Pilla

ABSENT; None

The motion was not carried.

Trustee Adams asked Police Chief Conway to talk about the killing of policemen throughout the country. Chief Conway commented that we try to be part of all public events that take place.

We have also been taking courses on active shooters. We will be there at Port Chester Day on August 27th.

Trustee Didden commented he and the Mayor went to fire companies and preference will be given to volunteers for Village positions. Job openings will be posted in the firehouses. DPW employees will be allowed to leave their positions if an alarm comes in during the day.

APPROVAL OF MINUTES

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the minutes of January 19 were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustees Didden and Ferrara

On motion of TRUSTEE BRAKEWOOD , seconded by TRUSTEE CECCARELLI, the minutes of February 1 were approved by the Board

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustees Didden and Ferrara

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the minutes of February 4 were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustees Didden and Ferrara

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the minutes of February 16 were approved by the Board

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustees Didden and Ferrara

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the minutes of March 7 were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustees Didden and Ferrara

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the minutes of March 21 were approved by the Board.

ROLL CALL

AYES: Trustees Ceccarelli, Adams, Marino and Mayor Pilla

NOTES: None

ABSENT: None

RECUSED: Trustees Didden, Ferrara and Brakewood

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the minutes of April 4 were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustees Didden and Ferrara

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the minutes of April 18 were approved by the Board

ROLL CALL

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

NOTES: None

ABSENT: None

RECUSED: Trustee Marino

On motion of TRUSTEE FERRARA, seconded by TRUSTEE DIDDEN, the minutes of May 2nd were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

On motion of TRUSTEE FERRARA, seconded by TRUSTEE DIDDEN, the minutes of May 16 were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the minutes of the meeting of May 23 were approved by the Board.

ROLL CALL

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

NOTES: None

ABSENT: None

CORRESPONDENCE

Correspondence from Fire Patrol & Rescue Co. No. 1 on the expulsion of James Magone from the department.

Noted.

Correspondence from Washington Engine & Hose Co. #4 on the resignation of Tyler Stewart.

Noted.

From Mark Merker, Che Things, LLC regarding a proposal for an outdoor food festival and craft market in September 2016

This will be referred to staff subject to conditions.

From Fire Patrol and Rescue Co. No. 1 on the resignations of John Giordano, Jason Green, Antonin Salov and Heriberto Virello.

Noted.

PUBLIC COMMENTS AND BOARD COMMENTS AT THE END OF THE MEETING

PUBLIC COMMENTS

Mr. Richard Abel commented on the LED lighting. Rye Brook has three different lights they are testing for color. We don't need an Amnesty Program when the economy is in great shape. Is there a plan in place to collect the money due on the 50/50 program?

BOARD COMMENTS

Trustee Didden congratulated Mike Hay on his 50 years with the Washington Engine & Hose Co. If residents would like to make a difference they can sign up to become an officer. He spoke on the letter received from the residents of May Place.

Trustee Adams commented on August 7th there will be a service at Mt. Zion for the police officers who lost their lives. He offered his condolences to the family of Larry Sally.

Trustee Marino commented on purchasing a new bike for the policeman who was in an accident.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, the Board combined items 1, 2 and 3 for Executive Session:

- 1. Consultation with Village Attorney with regard to Public Officers.*
- 2. Contract Mobility Study terms of agreement*
- 3. Consultation with Labor Counsel regarding litigation with Rye Brook and matters in general with the professional fire fighters.*
- 4. Add On regarding Mr. Gerety and his request from the Board.*

ROLL CALL

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

NOES: None

ABSENT: None

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, the Add-On request was added to the agenda of the Executive Session

ROLL CALL

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

NOES: None

ABSENT: None

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, the Board went into Executive Session at 12:07 a.m. with the Legal Team, Mr. Brancati and Mr. Zamft o discuss the Agenda Items.

ROLL CALL

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

NOES: None

ABSENT: None

The regular meeting was adjourned at 12:07 a.m.

Respectfully submitted,

David Thomas
Village Clerk