

MINUTES HELD DECEMBER 19, 2016

A Meeting of the Board of Trustees of the Village of Port Chester, New York, was held on December 19, 2016 at 6:00 p.m. in the Village Justice Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, New York

Board Members in attendance:

Mayor Pilla - Present

Trustees:

Didden - Present

Ferrara – Present

Brakewood – Present

Ceccarelli – Present

Adams – Present

Marino – Present

Also present were Village Clerk Dave Thomas, Village Attorney Anthony Cerreto, Village Manager Christopher Steers, Village Treasurer Leonie Douglas, Planning Director Eric Zamft, Human Resources Director Ed Brancati, Police Chief Richard Conway and Assistant Fire Chief Michael DiVittorio.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE DIDDEN, the meeting was declared open for December 19, 2016

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

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PUBLIC COMMENTS

Ms. Micatavich commented about the stop sign at Wesley and Neuton Avenues. When this came up six months ago this was approved immediately. We don't want any children to get hurt.

Mr. Richard Hyman commented on the Starwood report and Affordable Housing. There is an impact on affordable housing. No calculations were shown as to how they came up with the numbers.

Mr. Tom Kichner commented he would prefer 134 as a loss of affordable housing. He is concerned about no changes in the labor of the FEIS.

Mr. Ken Sunderland asked if there is a way you could paint on Regent Street going into King an arrow like there is painted on Putnam. People in the left lane do not always turn onto King Street.

Mr. Richard Smith of Evergreen Avenue reviewed the November 4th version of the FEIS. We need clarity on which streets the construction vehicles will use. The post traffic study for five years out is a good thing. The Board should take a look at the times for blasting.

Mr. Richard Abel commented on accepting and approving police department immigrant status protocol. He commented on Resolution 3 in support of issuing Driver's Licenses to New York State residents regardless of immigration status. This leads back to your Executive Session discussion of December 5th. This is a state decision, not a village decision. This should not be an issue of the Board.

Mr. James Stamboni commented on Sustainable Port Chester Alliance.

RESOLUTIONS

RESOLUTION

AWARDING BID FOR 2016-09 SANITARY SEWER LINING AND MANHOLE REHABILITATION PHASE 4 PROJECT

On motion of TRUSTEE MARINO, 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 has advertised for bids for the 2016 Sanitary Sewer Lining and Manhole Rehabilitation Phase 4 Project (Bid No. 2016-09); and

WHEREAS, the Village received seven 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 Green Mountain Pipeline Services, Slingerlands, New York in the amount of \$2,512,745.00 which meets all the specifications as set forth in the bid documents. Now, therefore, be it

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RESOLVED, that the Board of Trustees hereby awards the bid for the 2016 Sanitary Sewer Lining and Manhole Rehabilitation to Green Mountain Pipeline Services, 1 Bullock Road, Slingerlands, New York 12159; 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 appropriation from the Sewer Improvement Project a/c 5.8120.400.2013.132 in the Capital Fund.

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

RESOLUTION

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO FEES IN THE RECREATION DEPARTMENT

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:

RESOLVED, that the Board of Trustees hereby sets a public hearing for January 3, 2016 to consider the advisability of a local law to amend the Code of the Village of Port Chester by adding a new chapter, Chapter 104, "Recreation Department", with regard to recreation activities administered by the Village.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

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

STARWOOD/UNITED HOSPITAL: ACCEPTING THE FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED REDEVELOPMENT OF THE UNITED HOSPITAL SITE AS COMPLETE AND SCHEDULING A PUBLIC HEARING

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

RESOLUTION

ACCEPTING AND APPROVING POLICE DEPARTMENT IMMIGRANT STATUS PROTOCOL

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 federal government has the exclusive jurisdiction to administer and enforce immigration laws; and

WHEREAS, notwithstanding such federal pre-emption, there remains the question what role, if any, can state and local governments fill with regard to its interactions with undocumented immigrants; and

WHEREAS, the subject of immigration policy is an issue of concern to the residents of the Village of Port Chester; and

WHEREAS, the Port Chester Police Department has promulgated its own protocols that address how it deals with issues surrounding immigrant status in the discharge of their official police functions; and

WHEREAS, the Board has reviewed the annexed protocols and supports the Police Department's proactive approach to this matter. Now, therefore, be it

RESOLVED, the Board of Trustees hereby accepts and approves the Police Department's Immigration Status Protocols as annexed hereto.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

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 MARINO, the following resolution was amended as follows by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE CECCARELLI

RESOLUTION

SUPPORTING THE EXPANSION OF ACCESS TO DRIVER'S LICENSES TO NEW YORK STATE RESIDENTS REGARDLESS OF IMMIGRANT STATUS

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

WHEREAS, it has been reported that New York State bars hundreds of thousands of residents from obtaining driver's licenses solely due to their immigration status; and

WHEREAS, without access to a driver's license, these persons are forced to drive without a license to take care of every-day needs that we take for granted whether it be driving to work, taking the children to school, traveling to appointments, going grocery shopping, getting to the hospital or medical appointments, or attending places of worship; and

WHEREAS, expanding access to driver's licenses will allow more immigrant New Yorkers to fully understand traffic laws and pass a road test, and

WHEREAS, Trustee Marino alerted the Village Manager to the grassroots campaign movement called "Green Light NY: Driving Together!" which advocates for removing barriers that deny immigrant access to driver's licenses; and

WHEREAS, the Manager thereupon directed staff to research and investigate the issues presented; and

WHEREAS, staff found that twelve states have enacted laws expanding access to driver's licenses regardless of immigrant status, including the neighboring states of Connecticut and Vermont; and

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WHEREAS, the Chief of Police has voiced his support; and

WHEREAS, the Village of Ossining has most recently adopted a resolution calling upon the State to enact the legislation necessary to expand access to driver's licenses to residents without regard to immigrant status; and

WHEREAS, the Board supports such legislative initiative that enhances mobility in driver licensing while insuring that the integrity of the voting registration process is protected to citizens in accordance with the National Voter Registration Act of 1993. Now, therefore, be it,

RESOLVED, that the Board of Trustees hereby calls upon State Senator George Latimer and State Assemblyman Steven Otis to propose and support a bill that would change state law so as to expand immigrant access to driver's licenses.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEES CECCARELLI AND ADAMS

RESOLUTION

AWARDING BID FOR TRAFFIC & ENGINEERING PROFESSIONAL SERVICES RFP #2016-07

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

WHEREAS, the Village of Port Chester solicited bids for traffic & engineering professional services through a Request for Proposals process (RFP #2016-07); and

WHEREAS, the Village received 11 responses, all of which were deemed complete; and

WHEREAS, after ranking the 11 responses and interviewing the four top scoring firms, the Village Manager, Village Engineer, Department of Planning & Economic Development and Planning Commission all recommend AKRF as the superior respondent.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees hereby awards the bid to AKRF, 34 South Broadway, Suite 401, White Plains, NY 10601 to provide traffic and transportation engineering professional services to the Village of Port Chester; and be it further

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RESOLVED, that such services shall be for a period of five years, starting from the date of this resolution; and be it further

RESOLVED, that such services shall be provided with compensation as follows, to be confirmed on a yearly basis, with costs to be charged back to applicants:

Officer	\$210/hour
Senior Technical Director	\$205/hour
Technical Director	\$195/hour
Senior Professional	\$175/hour
Professional II	\$140/hour
Professional I	\$130/hour
Technical II	\$120/hour
Technical I	\$95/hour; and be it further

DRAFT

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RESOLVED, that such services shall be provided with compensation as follows, to be confirmed on a yearly basis, with costs to be charged back to the Village of Port Chester when services are rendered for projects generated by the municipality:

Officer	\$205/hour
Senior Technical Director	\$200/hour
Technical Director	\$195/hour
Senior Professional	\$175/hour
Professional II	\$140/hour
Professional I	\$130/hour
Technical II	\$120/hour
Technical I	\$95/hour; and be it finally

RESOLVED, that the Village Manager is hereby authorized to enter into a contract with AKRF and that the form and content of said contract shall be subject to the approval of the Village Attorney.

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

RESOLUTION

RESOLUTION AWARDDING RFP # 2016-08 FOR RADIO FREQUENCY REVIEW PROFESSIONAL SERVICES

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

WHEREAS, the Village of Port Chester solicited bids for radio frequency review professional services through a Request for Proposals process (RFP #2016-08); and

WHEREAS, the Village received one response, which was deemed complete; and

WHEREAS, after evaluating and interviewing the responding firm, Village Staff and

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the
Planning Commission recommends Centerline Communications a qualified
respondent.

NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees hereby awards the bid to Centerline
Communications, 95 Ryan Drive, Suite 1, Raynham, MA 02767 to provide radio frequency
review professional services to the Village of Port Chester; and be it further

RESOLVED, that such services shall be for a period of five years, starting from the
date of this resolution; and be it further

RESOLVED, that such services shall be provided with compensation of \$175/hour, to
be confirmed on a yearly basis, with costs to be charged back to applicants, or to be paid
by the Village when services are rendered for projects generated by the municipality; and be it
finally

RESOLVED, that the Village Manager is hereby authorized to enter into a contract
with Centerline Communications and that the form and content of said contract shall be subject
to the approval of the Village Attorney.

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

On motion of Trustee ADAMS, seconded by Trustee MARINO, the following
Resolutions were combined and approved by the Board of Trustees of the Village of Port
Chester, New York:

RESOLUTION

**REAPPOINTMENT OF JANUSZ RICHARDS TO THE TOWN OF RYE BOARD OF
ASSESSMENT REVIEW**

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

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WHEREAS, the inter-municipal agreement between the Town of Rye, the Village of Rye Brook and the Village of Port Chester dated December 31, 2004 provides for a process of appointing members to the Town of Rye Board of Assessment Review; and

WHEREAS, with the expiration of Dr. Janusz Richards' term on September 30, 2016, the Town has proposed his reappointment for an additional five year term; and

WHEREAS, the Board has duly considered same. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby consents to the proposed reappointment of Dr. Janusz Richards to the Town of Rye Board of Assessment Review with a term to expire on September 30, 2021.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

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

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

WHEREAS, at the Wednesday, December 7, 2016 meeting of Harry Howard Hook & Ladder Co. No. 1 the company held an election for a new active member; and

WHEREAS, Martin Vargas 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 Martin Vargas to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

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

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

WHEREAS, at the Wednesday, December 7, 2016 meeting of Harry Howard Hook & Ladder Co. No. 1 the company held an election for a new active member; and

WHEREAS, Brandon Gonzalez 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 Brandon Gonzalez to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

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

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

WHEREAS, at the Wednesday, December 7, 2016 meeting of Harry Howard Hook & Ladder Co. No. 1 the company held an election for a new active member; and

WHEREAS, David Pena 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 David Pena to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

RESOLUTION

**ACCEPTANCE AND APPROVAL OF THE REINSTATEMENT OF MARCOS
DEMELO AS AN ACTIVE MEMBER OF HARRY HOWARD HOOK &
LADDER CO. NO. 1**

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

WHEREAS, at the Wednesday, December 7, 2016 meeting of Harry Howard Hook & Ladder Co. No. 1 the company held an election to reinstate a member; and

WHEREAS, Marcos DeMelo 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 Marcos DeMelo to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

RESOLUTION

**ACCEPTANCE AND APPROVAL OF THE REINSTATEMENT OF RONALD
GEORGIO AS AN ACTIVE MEMBER OF HARRY HOWARD HOOK &
LADDER CO. NO. 1**

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

WHEREAS, at the Wednesday, December 7, 2016 meeting of Harry Howard Hook & Ladder Co. No. 1 the company held an election to reinstate a member; and

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WHEREAS, Ronald Georgio 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 Ronald Georgio to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

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

RESOLUTION

REQUESTING STATE LEGISLATIVE DELEGATION TO SUPPORT POLICE OFFICER'S TRANSFER IN ENROLLMENT IN THE NEW YORK STATE POLICE AND FIRE RETIREMENT SYSTEM

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, the Village of Port Chester has adopted coverage for the optional 20-year retirement plan for members of the Police Department pursuant to Section 384-d of the Retirement and Social Security Law; and

WHEREAS, Police Officer Michael Sprague ("Sprague") was appointed by the Village of Port Chester on January 7, 2013; and

WHEREAS, due to a clerical error on Sprague's application and miscommunication with the New York Police and Fire State Retirement System, he was not enrolled in the 384-d Plan; and

WHEREAS, Sprague desires to transfer his enrollment to join such Plan; and

WHEREAS, special state legislation is required to reopen the provisions of Section 384-d to allow Sprague to change his enrollment to the 384-d Plan; and

WHEREAS, should such legislation be enacted, the Village would be required to incur the past service cost which estimated expense has been provided to the Board; and

WHEREAS, the Village will be responsible for its annual contribution on behalf of Sprague in the usual course. Now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Mayor on its behalf to request State Senator George Latimer and Assemblyman Steven Otis to propose bills in their respective

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chambers that would accomplish Police Officer Michael Sprague's transfer of enrollment to New York State Police and Fire Retirement Plan 384-d.

Approved as to Form:

Anthony M. Cerreto

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

RESOLUTION

APPROVAL OF THE PORT CHESTER FIRE DEPARTMENT ELECTION OF CHIEF ENGINEER AND FIRST AND SECOND ASSISTANT ENGINEERS

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

WHEREAS, on December 15, 2016, the Port Chester Fire Department held the Election of Chief Engineer and First and Second Assistant Engineers; and

WHEREAS, the Secretaries of the Fire Companies of the Village of Port Chester have certified to the Board of Trustees the results of that election; and

WHEREAS, the results of said election held, Michael Devittorio for Chief Engineer, Enrico Casterella for First Assistant Engineer and Herbert Bocchino for Second Assistant Engineer;

WHEREAS, each office shall be for a term of two years.

Now, therefore, be it

RESOLVED, that the Board of Trustees hereby approves of the results of the Election of Chief Engineer and First and Second Assistant Engineers.

APPROVED AS TO FORM:

Anthony Cerreto - Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

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On motion of TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, the minutes of the November 21, 2016 Board of Trustees meeting were adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, AND MARINO

NOES: NONE

ABSENT: NONE

RECUSED: TRUSTEE ADAMS AND MAYOR PILLA

MINUTES OF BOARD OF TRUSTEE'S MEETING ON NOVEMBER 21, 2016

RESOLUTION

A Meeting of the Board of Trustees of the Village of Port Chester, New York, was held on November 21, 2016 at 6:00 p.m. in the Village Justice Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, New York

Board Members in attendance: Trustee Ferrara has joined the meeting via videoconference from Deland, Florida

Mayor Pilla - Absent

Trustees:

Didden - Present

Ferrara - Present

Brakewood - Absent

Ceccarelli - Present

Adams - Present

Marino - Absent

Also present were Village Clerk Dave Thomas, Village Attorney Anthony Cerreto, Village Manager Christopher Steers, Village Treasurer Leonie Douglas, Planning Director Eric Zamft, Human Resources Director Ed Brancati, Police Chief Richard Conway and Fire Chief Edward Quinn,

Trustee Brakewood arrived at 6:10 PM.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE CECCARELLI, Trustee

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Adams was designated as the Chair for the Executive session for November 21, 2016 meeting.

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI AND ADAMS

NOES: NONE

ABSENT: TRUSTEES MARINO, AND MAYOR PILLA

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE DIDDEN, the meeting was declared open for November 21, 2016

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI AND ADAMS

NOES: NONE

ABSENT: TRUSTEES MARINO, AND MAYOR PILLA

PROPOSED MOTION FOR EXECUTIVE SESSION

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the Executive Session was declared open.

2. Consultation with Special Counsel on 2nd Report
3. CSEA Contract Negotiations

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI AND ADAMS

NOES: NONE

ABSENT: TRUSTEES MARINO, AND MAYOR PILLA

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the Executive Session was declared closed.

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI AND ADAMS

NOES: NONE

ABSENT: TRUSTEES MARINO, AND MAYOR PILLA

Mayor Pilla arrived at 7:04 PM

AWARDS

Mayor Pilla presented the Mayor's Leadership Award to John Zicca.

PRESENTATION

Audit Presentation by Drescher and Malecki LLP

PUBLIC COMMENTS

Mr. Richard Abel commented on Resolution #6 regarding the G&S letter on parking. The Yield Sign on Willett Avenue under the railroad bridge is not very obvious. It is dangerous because people do not know who has the right of way. Also, people do not stop at the stop light on Willett; they just make the right turn without stopping.

RESOLUTIONS

RESOLUTION

**COUNSEL TO MAYOR ARISING OUT OF A CERTAIN CORRESPONDENCE
BETWEEN THE VILLAGE MANAGER AND MAYOR**

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE CECCARELLI, the

following resolution was not adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village Manager, Christopher Steers, directed correspondence dated October 5, 2015 to Mayor Dennis Pilla, and provided copies to the Board of Trustees and the Village Attorney, Anthony Cerreto; and

WHEREAS, the correspondence raised issues arising out of a procurement process with regard to the dog run at Abendroth Park, Marina bulkhead, and grant-writing services; and

WHEREAS the Village Attorney was placed in the position of being a potential witness in certain of these matters; and

WHEREAS, the Board took judicial notice that Section 77-7D of the Village Code provides that “[T]he Board of Trustees shall have the power and duty to investigate the affairs of every department or agency of Village government and the official conduct of every officer and employee.”; and

WHEREAS, the Manager and Mayor are not insulated from such scrutiny; and

WHEREAS, given the unique circumstances presented, the Board elected to delegate its investigatory authority to a special, independent counsel to conduct fact-finding, make conclusions of law and recommend the proper course of action; and

WHEREAS, on November 2, 2015, the Board authorized the retainer of Brian Murphy (“Attorney Murphy”) of, the Matera Law Firm, Melville, New York, who was highly qualified given his past service as an assistant district attorney and prior employment with the Village’s Labor Counsel whose assignments involved several workplace investigations in the various Village Departments; and

WHEREAS; after investigation, which involved considerable time consisting of interviews, reviewing extensive records and legal research, Attorney Murphy presented the Board a written report dated April 3 2016 (“Murphy Report”); and

WHEREAS, at a meeting on April 4, 2016, the Board accepted the Murphy Report which concluded that the Mayor violated the Code of Ethics when he should have (but did not) disclose the full nature and extent of his business relationship with the Laberge Group and recuse himself from participating in the debate and vote over its bid for grant-writing services so as to avoid any appearance of impropriety; and

WHEREAS, Attorney Murphy recommended that the Board counsel the Mayor as to same and his future performance of the mayoral duties in accordance with the Code of Ethics; and

WHEREAS, Attorney Murphy further recommended that the Board counsel the Mayor as to the limited role and minimal independent authority of the office of the mayor; and

WHEREAS, as an alternative to formal action, the Board caused the delivery of a proposed letter prepared by Attorney Murphy for the Mayor to sign that would acknowledge the findings and conclusions of the Murphy report; and

WHEREAS, since that time, the Mayor has made a public statement as to his conduct and that he would not agree to sign any such acknowledgment letter; and

WHEREAS, the Board is therefore left with the recommendation of Attorney Murphy to counsel the Mayor as to his actions in the form of a resolution. Now,

therefore, be it

RESOLVED, that the Board of Trustees hereby counsels the Mayor that he should have complied with the Village's Code of Ethics and proactively disclosed the full nature and extent of his business relationship with the Laberge Group and recused himself from participating in the debate and vote over its bid for grant-writing services so as to avoid any appearance of impropriety; and be it further

RESOLVED, that the Board further counsels the Mayor of the limited role and minimal independent authority of the office of the mayor; and be it further

RESOLVED, it is the expectation of this Board that going forward that the Mayor, and indeed all members should be mindful of their obligation to conduct themselves with the highest of ethical standards to assure the confidence of the public in the discharge of their official duties, and when confronted with a potential ethical issue, all should avail themselves of the Village's Board of Ethics for guidance; and be it further

RESOLVED, that with this resolution, the Board desires that the matter be brought to a close so that it may devote its time to other Village business.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA AND CECCARELLI,

NOES: TRUSTEES BRAKEWOOD, AND ADAMS

ABSENT: TRUSTEE MARINO

RECUSED: MAYOR PILLA

DATE: NOVEMBER 21, 2016

DISCUSSION

1. Establishing a Citizen's Advisory Committee for the Village's Sesquicentennial in 2018

ADD-ON RESOLUTION

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Marino

DATE: November 21, 2016

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, this Resolution was adopted by the Board of Trustees of the Village of Port Chester, NY

Resolved, that the Board of Trustees hereby establishes a Citizen's Advisory Committee for the Village's Sesquicentennial in 2018 consisting of ten (10) members to be initially comprised of Mary Strauch, Joan DiBuono and Denise Quinn.

ROLL CALL

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

NOES: None

ABSENT: Trustee Marino

DATE: November 21, 2016

2. Bulkhead Design Project Update
3. Police/Court Facility Update
4. Parking Study and Short Term Improvements
5. Prior Open permit fees
6. Update on FOIL Request# 2016-034

RESOLUTIONS

RESOLUTION

ACKNOWLEDGING THAT AN EXAMINATION OF THE JUSTICE COURT RECORDS AND DOCKETS WAS CONDUCTED FOR FISCAL YEAR 2015--2016

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

WHEREAS, Uniform Justice Court Act, Section 2019-a sets out, in pertinent part, the following:

“It shall be the duty of every justice, at least once a year and upon the last audit day of such village or town, to present his records and dockets to the auditing board of said village or town; which board shall examine said records and docket or cause same to be examined and a report submitted to the board by a certified public accountant or public accountant and enter into the minutes of its proceedings the fact that such records and docket have been duly examined and that the fines therein collected have been turned over to the proper officials of the village or town as required by law. Any such justice who shall willfully fail to make and enter in such records and docket forthwith, the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his records or docket to the auditing board as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his office.”

WHEREAS, the Village retained the accounting firm of Drescher Malecki

LLP, Buffalo, New York, as independent auditor to conduct an audit of the Village books, including the records and docket of the Justice Court of the Village of Port Chester; and

WHEREAS, the auditors have since presented the Village with the Village's audit its' opinion that the financial statements present fairly in all material respects the cash balances as of May 31, 2016 and the cash receipts collected and cash disbursements paid of the Justices of the Justice Court for the 2015-2016 Fiscal Year ended May 31, 2016. Now, therefore, be it

RESOLVED, that the Village Board of Trustees acknowledges that the required audit was conducted of the records and docket of the Port Chester Justice Court for Fiscal Year 2015-2016 and that the fines therein collected have been turned over to the Village Treasurer; and be it further

RESOLVED, that a certified copy of this resolution together with a copy of the audit for the aforesaid year be provided to the New York State Office of Court Administration.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

2016-2017 FISCAL YEAR BUDGET AMENDMENT

AMENDED RESOLUTION

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

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

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, on May 2, 2016, the Board of Trustees adopted a budget for the 2016-2017 fiscal year; and

WHEREAS, during the budget workshop for the Port Chester Justice Court, there was comment that Acting Justice Jose O. Castaneda should receive the same amount in compensation as Acting Justice Matthew Troy; and

WHEREAS, the adopted budget did not provide for same. Now, therefore, be it

RESOLVED, that effective June 1, 2016, Acting Justice Jose O. Castaneda's annual compensation will be increased from \$25,000 to \$38,110, and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to transfer \$13,110 for General Fund Contingency account 1.1990.400 to Justice Court Personnel line 1.1110.100.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

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

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEEMARINO

DATE: NOVEMBER 21, 2016

**EXTENDING THE SUSPENSION OF PARKING RESTRICTIONS ON
KING STREET**

On motion of TRUSTEE CECCARELLI, 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 suspended overnight parking restrictions on King
Street between Highland Street and Chestnut Street, in response to a request from
Longview Owners, Inc. for the period of October 17, 2016 to November 17, 2016 to
accommodate the residents during their parking lot reconstruction; and

WHEREAS, the construction on the parking lot has gone on longer than first
expected, and Longview Owners Inc., have requested an extension of the suspension
of overnight parking restriction to November 30, 2016 or as such later date as may
be authorized by the Village Manager; and

Now, therefore, be it,

RESOLVED, that the Board of Trustees hereby extends the overnight parking
restrictions on King Street between Highland Street and Chestnut Street until
November 30, 2016 and ratifies such extension by and through this resolution.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

**AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI,
ADAMS AND MAYOR PILLA**

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

ACCEPTANCE AND APPROVAL OF MAX GONZALEZ AS AN ACTIVE MEMBER OF HARRY HOOK & LADDER CO. NO. 1

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

WHEREAS, at the November 1, 2016 meeting of Harry Howard Hook & Ladder Co. No. 1 the company held an election for a new active member; and

WHEREAS, Max Gonzalez 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 Max Gonzalez to Harry Howard Hook & Ladder Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

ACCEPTANCE AND APPROVAL OF JOSEPH TINELLI AS AN ACTIVE MEMBER OF RELIANCE ENGINE & HOSE CO. NO. 1

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, at the November 4, 2016 meeting of Reliance Engine & Hose Co. No. 1 the company held an election for a new active member; and

WHEREAS, Joseph Tinelli 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 Joseph Tinelli to Reliance Engine & Hose Co. No. 1, as an active member of the Port Chester Fire Department, conditioned upon passing the required medical examination.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

2016-2017 FISCAL YEAR BUDGET AMENDMENT TO INCREASE APPROPRIATION FOR OVERTIME IN THE POLICE DEPARTMENT

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

WHEREAS, on May 2, 2016, the Board of Trustees adopted a budget for the

2016-2017 fiscal year; and

WHEREAS, \$512,500 was appropriated for overtime in the Police Department; and

WHEREAS, the Village Treasurer has advised that the overtime account has been significantly depleted; and

WHEREAS, the contributing factors for such situation include the failure to fund three police officers requested by the department, number of members out of work due to on-the-job disability and sickness, an increase in number of parades and processions, protests, protection of street paving work and training; and

WHEREAS, Board action is required to make a supplemental appropriation to this budget line. Now, therefore, be it; and.

RESOLVED, that the FY 2016-2017 General Fund Budget is hereby amended as follows:

Increase:

001.3120.0101 Police-Overtime
\$200,000

Decrease:

1.990.400 Contingency
\$200,000

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

**2016-2017 FISCAL YEAR BUDGET AMENDMENT TO INCREASE APPROPRIATION
FOR PENSION CONTRIBUTIONS ON BEHALF OF MEMBERS OF THE POLICE
DEPARTMENT**

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, on May 2, 2016, the Board of Trustees adopted a budget for the 2016-2017 fiscal year; and

WHEREAS, \$1,769,680 was appropriated for pension contributions for members of the Police Department; and

WHEREAS, the Village Treasurer has advised that the New York State Retirement System invoiced the Village \$1,888,605 for members of the Department that is due by December 15, 2016; and

WHEREAS, Board action is required to make a supplemental appropriation to this budget line. Now, therefore, be it; and.

RESOLVED, that the FY 2016-2017 General Fund Budget is hereby amended as follows:

Increase:

1.9010.801
New York Police and Fire Retirement
\$118,925

Decrease:

1.990.400 Contingency
\$118,925

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

**AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND
MAYOR PILLA**

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

RESOLUTION

AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER WITH REGARD TO PARTICIPATION IN THE STOP DWI PROGRAM FOR 2016-2017

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 Westchester County STOP DWI Program (“Program”) is an overtime, added patrol effort with participating municipal police departments to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving; and

WHEREAS, upon submission of documentation, the County reimburses the participating department for overtime expense not to exceed a prescribed amount; and

WHEREAS, the County has forwarded a proposed Intermunicipal Agreement (IMA) to the Village of Port Chester that would enable the Port Chester Police Department to continue its participation in the Program for the period October 1, 2015 through September 30, 2016, with reimbursement not to exceed \$12,000; and

WHEREAS, the Chief of Police supports the Police Department’s continued participation in the program. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an IMA with the County of Westchester to continue the Port Chester Police Department’s participation in the Stop DWI Program for 2015-2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

Port Chester: 2016-2020-30

THIS AGREEMENT made this _____ day of _____, 20____ by and between:

THE COUNTY OF WESTCHESTER, a municipal corporation of the State of New York, having an office and place of business in the Michaelian Office Building, 148 Martine Avenue, White Plains, New York 10601 (hereinafter referred to as the “County”) Acting by and through its Department of Public Safety Services (hereinafter referred to as the “Department”)

And

**Village of Port Chester
350 N. Main Street
Port Chester, NY 10573**

_____ a municipal corporation of the State of New York having an office and place of business at _____, New York _____ acting by and through the _____ Police Department, (hereinafter referred to as the “Municipality”).

1. In consideration of an amount not to exceed EIGHT THOUSAND FOUR HUNDRED (\$8,400.00) DOLLARS per year to be paid in the manner and at the rates set forth in Schedule “A,” which is attached to and forms a part of this Agreement, the Municipality shall participate in the Westchester County STOP-DWI Patrol/Datamaster Project as described in Schedule “A” (hereinafter the “Work”).

2. The parties recognize and acknowledge that the obligations of the County under this Agreement are subject to the County’s receipt of funds from New York State to operate the Westchester County STOP-DWI Patrol/Datamaster Project.

If, for any reason, the full amount of said funds is not paid over or made available to the County by New York State, the County may terminate this Agreement immediately or reduce the amount payable to the Municipality, in the discretion of the County. The County shall give prompt notice of any such termination or reduction to the Municipality. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

In addition, the parties recognize and acknowledge that the obligations of the County under this Agreement are subject to annual appropriations by its Board of Legislators pursuant to the Laws of Westchester County. Therefore, this Agreement shall be deemed executory only to the extent of the monies appropriated and available. The County shall have no liability under this Agreement beyond funds appropriated and available for payment pursuant to this Agreement. The parties

understand and intend that the obligation of the County hereunder shall constitute a current expense of the County and shall not in any way be construed to be a debt of the County in contravention of any applicable constitutional or statutory limitations or requirements concerning the creation of indebtedness by the County, nor shall anything contained in this Agreement constitute a pledge of the general tax revenues, funds or moneys of the County. The County shall pay amounts due under this Agreement exclusively from legally available funds appropriated for this purpose. The County shall retain the right, upon the occurrence of the adoption of any County Budget by its Board of Legislators during the term of this Agreement or any amendments thereto, and for a reasonable period of time after such adoption(s), to conduct an analysis of the impacts of any such County Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates set forth herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

This Agreement is also subject to further financial analysis of the impact of any New York State Budget (the "State Budget") proposed and adopted during the term of this Agreement. The County shall retain the right, upon the occurrence of any release by the Governor of a proposed State Budget and/or the adoption of a State Budget or any amendments thereto, and for a reasonable period of time after such release(s) or adoption(s), to conduct an analysis of the impacts of any such State Budget on County finances. After such analysis, the County shall retain the right to either terminate this Agreement or to renegotiate the amounts and rates approved herein. If the County subsequently offers to pay a reduced amount to the Municipality, then the Municipality shall have the right to terminate this Agreement upon reasonable prior written notice.

3. All records or recorded data of any kind compiled by the Municipality in completing the Work described in this Agreement, including but not limited to written reports, studies, computer printouts, graphs, charts, and all other similar recorded data, shall become and remain the property of the County. The Municipality may retain copies of such records for its own use and shall not disclose any such information without the express written consent of the Stop-DWI Director or his designee ("Director"). The County shall have the right to reproduce and publish such records, if it so desires, at no additional cost to the County.

4. The Work to be performed pursuant to the terms of this Agreement shall commence January 1, 2016 and continue through December 31, 2020.

The Municipality shall issue progress reports to the County as the Director may direct and shall immediately inform the Director in writing of any cause for delay in the performance of its obligations under this Agreement.

5. The Municipality agrees and shall be subject to the insurance requirements contained in Schedule "B," which schedule is attached to and forms a part of this Agreement. In addition to and not in limitation of the insurance provisions contained in

Schedule "B," the Municipality agrees:

(a) that except for the amount, if any, of damage contributed to, caused by or resulting from the negligent or intentional acts, errors and omissions or willful misconduct of the County, the Municipality shall indemnify and hold harmless the County, its officers, employees, and agents from and against any and all liability, damage, claims, demands, costs, judgments, fees, attorney's fees or loss arising out of the negligent or intentional acts, errors and omissions or willful misconduct of the Municipality or third parties under the direction or control of the Municipality; and

(b) to provide defense for and defend, at its sole expense, any and all claims, demands or causes of action arising out of the negligent or intentional acts, errors and omissions or willful misconduct of the Municipality or third parties under the direction and control of the Municipality and to bear all other costs and expenses related thereto.

6. The Municipality shall comply, at its own expense, with the provisions of all applicable local, state and federal laws, rules and regulations, including, but not limited to, those applicable to the Municipality as an employer of labor or otherwise.

7. Requests for payment to be made shall be submitted by the Municipality on properly executed payment vouchers of the County in accordance with Schedule "A" and paid only after approval by the Director. All payment vouchers must be accompanied by a numbered invoice and must contain the invoice number where indicated. All invoices submitted during each calendar year shall utilize consecutive numbering and be non-repeating. In no event shall payment be made to the Municipality prior to completion of all Work and the approval of same by the Director.

The Municipality shall, at no additional charge, furnish all labor, services, materials, tools, equipment and other appliances necessary to complete the Work, unless specific additional charges are expressly permitted under this Agreement. It is recognized and understood that even if specific additional charges are expressly permitted under this Agreement, in no event shall total payment to the Municipality exceed the not-to-exceed amount set forth in Section 1 above.

All payments made by the County to the Municipality will be made by electronic funds transfer ("EFT") pursuant to the County's Vendor Direct program. Municipalities doing business with Westchester County, who are not already enrolled in the Vendor Direct Program, will be required to fill out and submit an EFT Authorization Form prior to receiving an award or purchase order. The EFT Authorization Form and related information are annexed hereto as Schedule "C." The completed Authorization Form must be returned by the Municipality to the Westchester County Department of Finance ("Finance Department") prior to execution of the contract. In rare cases, a hardship waiver may be granted. For a Hardship Waiver Request Form, please contact the Finance Department.

8. (a) The County, upon ten (10) days notice to the Municipality, may terminate this Agreement in whole or in part when the County deems it to be in its best interest. In such

event, the Municipality shall be compensated and the County shall be liable only for payment for services already rendered under this Agreement prior to the effective date of termination at the rates specified in Schedule "A." Upon receipt of notice that the County is terminating this Agreement in its best interests, the Municipality shall stop work immediately and incur no further costs in furtherance of this Agreement without the express approval of the Director, and the Municipality shall direct any approved subconsultants to do the same.

In the event of a dispute as to the value of the Work rendered by the Municipality prior to the date of termination, it is understood and agreed that the Director shall determine the value of such Work rendered by the Municipality. The Municipality shall accept such reasonable and good faith determination as final.

(b) In the event the County determines that there has been a material breach by the Municipality of any of the terms of the Agreement and such breach remains uncured for forty-eight (48) hours after service on the Municipality of written notice thereof, the County, in addition to any other right or remedy it might have, may terminate this Agreement and the County shall have the right, power and authority to complete the Work provided for in this Agreement, or contract for its completion, and any additional expense or cost of such completion shall be charged to and paid by the Municipality. Without limiting the foregoing, upon written notice to the Municipality, repeated breaches by the Municipality of duties or obligations under this Agreement shall be deemed a material breach of this Agreement justifying termination for cause hereunder without requirement for further opportunity to cure.

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

To the County:

Commissioner - Sheriff of Public Safety
1 Saw Mill River Parkway
Hawthorne, New York 10532

With a copy to:

Director, Drug Abuse Prevention & STOP-DWI
112 E. Post Road, 3rd Floor
White Plains, New York 10601

with a copy to:

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

To the Municipality:

10. This Agreement and its attachments constitute the entire Agreement between the parties with respect to the subject matter hereof and shall supersede all previous negotiations, commitments and writings. It shall not be released, discharged, changed or modified except by an instrument in writing signed by a duly authorized representative of each of the parties.

11. In the event of any conflict between the terms of this Agreement and the terms of any schedule or attachment hereto, it is understood that the terms of this Agreement shall be controlling with respect to any interpretation of the meaning and intent of the parties.

12. Nothing contained herein shall be construed to make either party the agent, employee or co-venturer of the other and the parties hereto expressly disclaim the existence of any such relationship between them.

13. The failure of the County to insist upon strict performance of any term, condition or covenant herein, shall not be considered a waiver of such breach or default or any subsequent breach or default of the terms, conditions and covenants herein. The remedies contained herein are cumulative and shall not limit or restrict any other remedy at law or in equity to which the County may be entitled.

14. Except as provided herein, the Municipality shall not assign, sublet, subcontract or otherwise dispose of this Agreement, or any right, duty or interest herein, without the prior express written approval of the County. Any purported delegation of duties, assignment of rights under this Agreement without the prior express written consent of the County is void. No assignment, subcontracting, subletting or other such disposition of this Agreement, either with or without such consent of the County, shall serve to relieve the Municipality of its obligations under this Agreement.

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

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

IN WITNESS WHEREOF, the County of Westchester and the Municipality have caused this Agreement to be executed.

THE COUNTY OF WESTCHESTER

BY: _____
GEORGE N. LONGWORTH
Commissioner – Sheriff of Public Safety

MUNICIPALITY

BY: _____
Name & Title

Approved by the Westchester County Board of Legislators on the 30th day of March, 2016 by Act No. 39-2016.

Approved by the Westchester County Board of Acquisition and Contract on the 26th day of May, 2016.

Approved as to form and manner of execution

Assistant County Attorney
County of Westchester

ACKNOWLEDGMENT

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 201 _____ before me, the undersigned, personally appeared _____, personally known to me or proved to me on the basis of satisfactory evidence to be the individual(s) whose name(s) is (are) subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their capacity(ies), and that by his/her/their signature(s) on the instrument, the individual(s), or the person upon behalf of which the individual(s) acted, executed the instrument.

Date: _____
_____ Notary Public

RPL § 309-a; NY CPLR § 4538

CERTIFICATE OF AUTHORITY
(CORPORATION)

I, _____,
(Officer other than officer signing contract)

certify that I am the _____ of
(Title)
the _____
(Name of Corporation)

a corporation duly organized and in good standing under the
_____ (Law under which organized, e.g., the New York
Business Corporation Law) named in the foregoing agreement; that

(Person executing agreement)

who signed said agreement on behalf of the _____

(Name of Corporation)

was, at the time of execution _____

(Title of such person)

of the Corporation and that said agreement was duly signed for and on behalf of said
Corporation by authority of its Board of Directors, thereunto duly authorized and that such
authority is in full force and effect at the date hereof.

(Signature)

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

On the _____ day of _____ in the year 201____ before me, the undersigned, a
Notary Public in and for said State, _____ personally
appeared, personally known to me or proved to me on the basis of satisfactory evidence to
be the officer described in and who executed the above certificate, who being by me duly
sworn did depose and say that he/she resides at _____,
_____, and he/she is an officer of
said corporation; that he/she is duly authorized to execute said certificate on behalf of said
corporation, and that he/she signed his/her name thereto pursuant to such authority.

Date

SCHEDULE A

STOP-DWI PATROL PROJECT

The STOP-DWI Patrol Project is an overtime, added, patrol effort to enforce the New York State Vehicle and Traffic Laws against intoxicated and impaired driving (DWI/DWAI) in Westchester County. Each participating municipality, through its police department, must submit the required documentation to claim reimbursement from the STOP-DWI Program. This is described below.

The Patrol Project requires that the STOP-DWI Patrol activity and assignment be in addition to the participating police department's normal and /or routine patrol activity and assignment. It cannot be used to replace any regular, normal or routine patrol. The additional patrol must be conducted during the critical DWI/DWAI hours of evening and nighttime as approved by the STOP-DWI Director. The STOP-DWI Patrol Project vehicle must bear the special logo and markings to increase public awareness of the enforcement effort. A police chief project director is appointed to work with the STOP-DWI Program in the operation of the patrol project. **ALL PATROLS AND SOBRIETY CHECKPOINTS MUST BE SCHEDULED AND APPROVED PRIOR TO CONDUCTING SAID OPERATION. THE MUNICIPALITIES' DWI PROJECT COORDINATOR MUST CALL THE COUNTY'S STOP-DWI OFFICE AND GET AN APPROVED CONTROL NUMBER. ONLY OPERATIONS WITH AN APPROVED CONTROL NUMBER WILL BE PROCESSED FOR PAYMENT.**

THE MAXIMUM AMOUNT PAYABLE UNDER THIS AGREEMENT IS \$8,400.00 PER YEAR.

Sobriety Checkpoints may be conducted with the reimbursable funds and one or more quarters may be combined to fund this particular effort. Coordination with the STOP-DWI Program Director is required before the checkpoint is conducted.

Patrol Project Reimbursement Documentation Packet - The following four items are required for reimbursement under this program and **MUST** be forwarded to the STOP-DWI Office within two weeks of the end of each quarter for payment to be approved. Each Municipality is required to maintain copies of all submitted documents and have them available for examination for a minimum of two calendar years in addition to the current calendar year. This is to facilitate future audits.

- A. **OFFICER Tracking Report:** This is to be completed and signed by the Police Officer assigned to a specific STOP-DWI Patrol. The form must also be signed by the Supervisor in charge for a specific STOP-DWI Patrol. All of the entries must be completed, including the date, times, number of hours, number of stops, tickets issued, arrests made before submission.
- B. **PATROL Tracking Report Summary:** This is to be completed and signed by the Supervisor in charge for a specific STOP-DWI Patrol. The report summarizes the work of each officer assigned to particular STOP DWI patrol duty for a given date. The information

should be a compilation of the individual Officer Tracking Report. Note – Please use this report ONLY if there is more than one officers assigned to the patrol.

- C. **Payment Voucher:** A copy of the overtime report form used by the Municipality to pay each assigned officer must be included. Copy MUST show the assigned officer's name, title, number of hours, and assignment to solely to STOP-DWI Patrol. **AN AUTHORIZED INDIVIDUAL MUST SIGN THE SUBMITTED COPY AS CERTIFICATION THAT IT IS A TRUE AND ACCURATE COPY OF THE ORIGINAL AND THAT THE STOP-DWI PATROL ASSIGNMENTS WERE IN ADDITION TO ROUTINE PATROLS.** The originals are to be kept by the submitting agency.

Vouchers MUST include your municipality's assigned "Vendor number." and "Account number." They must show that they are for the STOP-DWI Patrol Program and include the quarter and dates, officer's name, number of hours worked, officer's actual hourly rate and total payment for officer. The rate of reimbursement for officers assigned to STOP-DWI is the officer's actual hourly rate up to a maximum of \$75.00 per hour.

- D. **Quarterly Summary Report:** For reimbursement, each submission must have a Summary Report included. This Report, which indicates the activity of the Municipality for the quarter, will cover a specific period and should be submitted at the **END OF THE QUARTER.** This is a Summary of the **Patrol Tracking Report Summary** that is filled out for each STOP DWI Enforcement Patrol

Copies of the **OFFICER'S Patrol Tracking Report**, the **PATROL Tracking Report Summary**, as well as the **Payment Voucher** are to be attached to the completed **Quarterly Summary Report**. This complete reimbursement documentation packet is to be forwarded to:

**Director, STOP-DWI
112 E. Post Road
3rd Floor
White Plains, New York 10601**

ANY REIMBURSEMENT DOCUMENTATION PACKET FILED MORE THAN 30 DAYS AFTER THE CLOSE OF A QUARTER WILL NOT BE PAID UNLESS SPECIAL ARRANGEMENTS HAVE BEEN MADE WITH THE STOP-DWI PROGRAM DIRECTOR IN ADVANCE.

SCHEDULE B
STANDARD INSURANCE PROVISIONS
(MUNICIPALITY)

1. Prior to commencing work, the Municipality shall obtain at its own cost and expense the required insurance from insurance companies licensed in the State of New York, carrying a Best's financial rating of A or better, and shall provide evidence of such insurance to the County of Westchester, as may be required and approved by the Director of Risk Management of the County. The policies or certificates thereof shall provide that thirty days prior to cancellation or material change in the policy, notices of same shall be given to the Director of Risk Management of the County of Westchester by registered mail, return receipt requested, for all of the following stated insurance policies. All notices shall name the Municipality and identify the Agreement.

If at any time any of the policies required herein shall be or become unsatisfactory to the County, as to form or substance, or if a company issuing any such policy shall be or become unsatisfactory to the County, the Municipality shall upon notice to that effect from the County, promptly obtain a new policy, submit the same to the Department of Risk Management of the County of Westchester for approval and submit a certificate thereof. Upon failure of the Municipality to furnish, deliver and maintain such insurance, the Agreement, at the election of the County, may be declared suspended, discontinued or terminated. Failure of the Municipality to take out, maintain, or the taking out or maintenance of any required insurance, shall not relieve the Municipality from any liability under the Agreement, nor shall the insurance requirements be construed to conflict with or otherwise limit the contractual obligations of the Municipality concerning indemnification. All property losses shall be made payable to and adjusted with the County.

In the event that claims, for which the County may be liable, in excess of the insured amounts provided herein are filed by reason of any operations under the Agreement, the amount of excess of such claims or any portion thereof, may be withheld from payment due or to become due the Municipality until such time as the Municipality shall furnish such additional security covering such claims in form satisfactory to the County of Westchester.

2. The Municipality shall provide proof of the following coverage (if additional coverage is required for a specific agreement, those requirements will be described in the "Special Conditions" of the contract specifications):

(a) Workers' Compensation. Certificate form C-105.2 (9/07) or State Fund Insurance Company form U-26.3 is required for proof of compliance with the New York State Workers' Compensation Law. State Workers' Compensation Board form DB-120.1 is required for proof of compliance with the New York State Disability Benefits Law. Location of operation shall be "All locations in Westchester County, New York."

Where an applicant claims to not be required to carry either a Workers' Compensation Policy or Disability Benefits Policy, or both, the employer must complete NYS form CE-200, available to download at: www.wcb.state.ny.us (click on Employers/Businesses, then Business Permits/Licenses/Contracts to see instruction manual).

If the employer is self-insured for Worker's Compensation, he/she should present a certificate from the New York State Worker's Compensation Board evidencing that fact (Either

SI-12, Certificate of Workers' Compensation Self-Insurance, or GSI-105.2, Certificate of Participation in Workers' Compensation Group Self-Insurance).

(b) Employer's Liability with minimum limit of \$100,000.00.

(c) Commercial General Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 for bodily injury and \$100,000.00 for property damage or a combined single limit of \$1,000,000.00 (c.s.l.), naming the County of Westchester as an additional insured. This insurance shall indicate the following coverages:

- (i) Premises - Operations.
- (ii) Broad Form Contractual.

(d) Automobile Liability Insurance with a minimum limit of liability per occurrence of \$1,000,000.00 per occurrence for bodily injury and a minimum limit of \$100,000.00 per occurrence for property damage or a combined single limit of \$1,000,000.00 unless otherwise indicated in the contract specifications. This insurance shall include for bodily injury and property damage the following coverages:

- (i) Owned automobiles.
- (ii) Hired automobiles.
- (iii) Non-owned automobiles.

3. All policies of the Municipality shall be endorsed to contain the following clauses:

(a) Insurers shall have no right to recovery or subrogation against the County of Westchester (including its employees and other agents and agencies), it being the intention of the parties that the insurance policies so effected shall protect both parties and be primary coverage for any and all losses covered by the above-described insurance.

(b) The clause "other insurance provisions" in a policy in which the County of Westchester is named as an insured, shall not apply to the County of Westchester.

(c) The insurance companies issuing the policy or policies shall have no recourse against the County of Westchester (including its agents and agencies as aforesaid) for payment of any premiums or for assessments under any form of policy.

(d) Any and all deductibles in the above described insurance policies shall be assumed by and be for the account of, and at the sole risk of, the Municipality.

SCHEDULE "C"

Westchester County Vendor Direct Program Frequently Asked Questions

1. WHAT ARE THE BENEFITS OF THE ELECTRONIC FUNDS TRANSFER (EFT) ASSOCIATED WITH THE VENDOR DIRECT PROGRAM?

There are several advantages to having your payments automatically deposited into your designated bank account via EFT:

Payments are secure – Paper checks can be lost in the mail or stolen, but money deposited directly into your bank account is more secure.

You save time – Money deposited into your bank account is automatic. You save the time of preparing and delivering the deposit to the bank. Additionally, the funds are immediately available to you.

2. ARE MY PAYMENTS GOING TO BE PROCESSED ON THE SAME SCHEDULE AS THEY WERE BEFORE VENDOR DIRECT?

Yes.

3. HOW QUICKLY WILL A PAYMENT BE DEPOSITED INTO MY ACCOUNT?

Payments are deposited two business days after the voucher/invoice is processed. Saturdays, Sundays, and legal holidays are not considered business days.

4. HOW WILL I KNOW WHEN THE PAYMENT IS IN MY BANK ACCOUNT AND WHAT IT IS FOR?

Under the Vendor Direct program you will receive an e-mail notification two days prior to the day the payment will be credited to your designated account. The e-mail notification will come in the form of a remittance advice with the same information that currently appears on your check stub, and will contain the date that the funds will be credited to your account.

5. WHAT IF THERE IS A DISCREPANCY IN THE AMOUNT RECEIVED?

Please contact your Westchester County representative as you would have in the past if there were a discrepancy on a check received.

6. WHAT IF I DO NOT RECEIVE THE MONEY IN MY DESIGNATED BANK ACCOUNT ON THE DATE INDICATED IN THE E-MAIL?

In the unlikely event that this occurs, please contact the Westchester County Accounts Payable Department at 914-995-4708.

7. WHAT MUST I DO IF I CHANGE MY BANK OR MY ACCOUNT NUMBER?

Whenever you change any information or close your account a new Vendor Direct Payment Authorization Form must be submitted. Please contact the Westchester County Accounts Payable Department at 914-995-4708 and we will e-mail you a new form.

8. WHEN COMPLETING THE PAYMENT AUTHORIZATION FORM, WHY

MUST I HAVE IT SIGNED BY A BANK OFFICIAL IF I DON'T INCLUDE A VOIDED CHECK?

This is to ensure the authenticity of the account being set up to receive your payments.

Electronic Funds Transfer (EFT) Vendor Direct Payment Authorization Form

GENERAL INSTRUCTIONS

Please complete both sections of the Vendor Direct Payment Authorization Form and forward the completed form (along with a voided check for the account to which you want your payments credited) to: Westchester County Department of Finance, 148 Martine Ave, Room 720, White Plains, NY 10601, Attention: Vendor Direct. Please see item 14 below regarding attachment of a voided check.

Section I - VENDOR INFORMATION

1. Provide the name of the vendor as it appears on the W-9 form.
2. Enter the vendor's Taxpayer ID number or Social Security Number as it appears on the W-9 form.
3. Enter the vendor's complete primary address (not a P.O. Box).
4. Provide the name and telephone number of the vendor's contact person.
5. Enter the business e-mail address for the remittance notification. THIS IS VERY IMPORTANT. This is the e-mail address that we will use to send you notification and remittance information two days prior to the payment being credited to your bank account. We suggest that you provide a group mailbox (if applicable) for your e-mail address. You may also designate multiple e-mail addresses.
6. Please have an authorized Payee/Company official sign and date the form and include his/her title.

Section II - FINANCIAL INSTITUTION INFORMATION

7. Provide bank's name.
8. Provide the complete address of your bank.
9. Enter your bank's 9 digit routing transit number.
10. Indicate the type of account (check one box only).
11. Enter the vendor's bank account number.
12. Enter the title of the vendor's account.
13. Provide the name and telephone number of your bank contact person.
14. If you are directing your payments to a Savings Account OR you can not attach a voided check for your checking account, this line needs to be completed and signed by an authorized bank official. IF YOU DO ATTACH A VOIDED CHECK FOR A CHECKING ACCOUNT, YOU MAY LEAVE THIS LINE BLANK.

RESOLUTION

ACKNOWLEDGING RECEIPT OF A REVISED PRELIMINARY FINAL ENVIRONMENTAL IMPACT STATEMENT FOR THE PROPOSED REDEVELOPMENT OF THE UNITED HOSPITAL SITE

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

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

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

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

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

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

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

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

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

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

WHEREAS, the Applicant prepared and submitted to the Village a preliminary Final Environmental Impact Statement ("pFEIS"), which includes additional revisions to the PMU Zoning District ("Proposed Revised Zoning") on April 27, 2016; and

WHEREAS, the Board held public hearings on the pFEIS on May 24, 2016 and June 1, 2016 and held a written comment period open until June 17, 2016; and

WHEREAS, the Applicant, on July 25, 2016, submitted a revised pFEIS for consideration by the Village.

WHEREAS, Village staff and its consultants reviewed the July 25, 2016 for completeness, and noted the outstanding issues in an October 13, 2016 memorandum to the Board; and

WHEREAS, the Village has received additional comments on the pFEIS since the July 25, 2016 submittal, including those from NYSDOT, the City of Rye, and public; and

WHEREAS, in response to those reviews and comments, the Applicant has prepared and submitted a revised pFEIS to the Village on November 14, 2016.

NOW, THEREFORE, be it

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

RESOLVED, that the Board directs Village staff and its consultants to review the pFEIS for completeness; and be it finally

RESOLVED, that the Board of Trustees has scheduled a special meeting to discuss the completeness of the pFEIS for November 29, 2016 at 6:00 P.M. or shortly thereafter at the Village of Port Chester Senior Center, 220 Grace Church Street, Port Chester NY 10573.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

APPROVAL OF MINUTES

On motion of Trustee ADAMS, seconded by Trustee CECCARELLI, the Minutes for the Meeting held on August 15, 2016 were accepted and approved by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

RECUSE: TRUSTEE DIDDEN

DATE: NOVEMBER 21, 2016

On motion of Trustee DIDDEN, seconded by Trustee CECCARELLI, the Minutes for the Meeting held on September 6, 2016 were accepted and approved by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

RECUSE: TRUSTEE

DATE: NOVEMBER 21, 2016

On motion of Trustee ADAMS, seconded by Trustee CECCARELLI, the Minutes for the Meeting held on September 19, 2016 were accepted and approved by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

On motion of Trustee ADAMS, seconded by Trustee CECCARELLI, the Minutes for the Meeting held on October 5, 2016 were accepted and approved by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI,
ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

DATE: NOVEMBER 21, 2016

On motion of Trustee ADAMS, seconded by Trustee CECCARELLI, the Minutes for the Meeting held on October 17, 2016 were accepted and approved by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI,
ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

RECUSE: TRUSTEE BRAKEWOOD

DATE: NOVEMBER 21, 2016

On motion of Trustee ADAMS, seconded by Trustee CECCARELLI, the Minutes for the Meeting held on November 7, 2016 were accepted and approved by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI,
ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEE MARINO

RECUSE: TRUSTEE BRAKEWOOD AND MAYOR PILLA

DATE: NOVEMBER 21, 2016

CORRESPONDENCE

	From Fire Patrol & Rescue Co. #1 on the expulsion of Augustine Diaz	Acknowledged
	From Harry Hook & Ladder co. No. 1 on the acceptance of Max Gonzalez	Accepted
	From Harry Howard Hook & Ladder on voting to drop Nick Summa	Acknowledged
	From Putnam Engine & Hose Co. on the resignation of Martin Vargas	Acknowledged
	From Reliance Engine & Hose Co. No. 1 on the election of Joseph Tinelli	Accepted
	11/14/16 Letter to Mayor Pilla re_ Petition to amend Chapter 345 (zoning)	Referred to Staff
	Request for Free Holiday Parking from Chamber of Commerce	Resume to be prepared
	Legislation Delivered to the Governor	Acknowledged

PUBLIC COMMENTS

There were no public comments.

TRUSTEE COMMENTS

Trustee Ferrara commented on the contingency saved from the firefighters has been spoken for. He is looking forward to the strategy session in February. We have to get our property values higher.

Trustee Didden commented about the *Westmore News* article about Seaside Johnny's. He congratulated our President and Vice President elect. We will find the resources needed to support the Fire Department in their efforts.

Trustee Brakewood commented it is important to invest in the Fire Department. He commented he does not have a good feeling about how you grow the assessable with regard to the growth factor. We have to make sure we maximize the revenue. He would like an update on the title searches with regard to water access.

Trustee Ceccarelli was impressed with the fine job done by Dave Thomas for the Veteran's ceremony at the African -American cemetery. Port Chester has a fine working staff. He thanked the Board for all the work that is done.

Trustee Adams commented he appreciated all the staff does.

Mayor Pilla commented we live in a community where we care about each other.

PROPOSED MOTION FOR EXECUTIVE SESSION

On motion of TRUSTEE ADAMS, seconded by TRUSTEE DIDDEN, the Executive Session was declared open.

1. Sewer Rent – Housing Authority

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEES MARINO

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the Executive Session was declared closed.

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEES MARINO

On motion of TRUSTEE ADAMS, seconded by TRUSTEE DIDDEN, the meeting was declared closed.

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: TRUSTEES MARINO

On motion of TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, the minutes of the August 2, 2016 Board of Trustees meeting were adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS AND MAYOR PILLA

NOES: NONE

ABSENT: NONE
RECUSED: TRUSTEE MARINO

SPECIAL MEETING HELD AUGUST 2, 2016

A Special Meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, August 2, 2016 at 7:00 p.m. in the Village Hall Conference Room at 222 Grace Church Street, Port Chester, New York.

Present were Trustees Bart Didden, Francis Ferrara, Daniel Brakewood, Gene Ceccarelli, and Luis Marino.

Also present were Village Clerk David Thomas, Village Manager Christopher Steers, Village Attorney Anthony Cerreto and Assistant to the Village Attorney David Kenny.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE DIDDEN, the meeting was declared opened at 7:00 p.m.

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Marino

NOES: None

ABSENT: Trustee Adams and Mayor Pilla

PROPOSED MOTION FOR EXECUTIVE SESSION

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE FERRARA, the Board went into Executive Session for

1. ***Consultation with Special Counsel regarding Starwood Development*** (with Staff).

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Marino

NOES: None

ABSENT: Trustee Adams and Mayor Pilla

Mayor Pilla arrived in time for Executive Session.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the Board closed the Executive Session.

ROLL CALL

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

NOES: None

ABSENT: Trustee Adams

PUBLIC COMMENTS ON STARWOOD DEVELOPMENT

Mr. John Reavis commented on tonight's Resolution. We are not sure what the Resolution really says. It is general and not specific. People in our community should be afforded the opportunity for the jobs created by the Starwood development, and this should be included in their specs. What services do we have to give to insure that the developers who come into the community are benefiting the community?

Mr. Didden commented that the information on this Resolution is available on the website.

Ms. Blanca Lopez commented that we should be assured that there are going to be

jobs, training and housing for residents.

Mrs. Doris Bailey-Reavis commented her main concern is with the housing and the number of housing units. The location of the project and the traffic are not good and the Board needs to propose some kind of alternative. You are not taking into consideration the effect on our community.

Mrs. Joan Thomas commented we have given the Board the opportunity. We are the people who elected you and we are the people responsible for giving a head's up. You should re-read the document and get the people of the Village involved in negotiations.

Mr. Stiglione of Yonkers commented to beware of policy from the developers. The developer promised a new firehouse when they built a new shopping center, and when the project was sold to a new developer the firehouse did not carry over.

Mrs. Bailey-Reavis commented you are now talking about changing zoning. If they sell the property to the Marriott Corporation they will make a lot of money.

RESOLUTIONS

RESOLUTION

RESOLUTION REGARDING BENEFIT AGREEMENTS PERTAINING TO THE PROPOSED REZONING AND REDEVELOPMENT OF THE FORMER UNITED HOSPITAL SITE BY PC406 BPR, LLC AND PC 999 HIGH STREET CORP.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE CECCARELLI, this motion was tabled by the Board of Trustees of the Village of Port Chester, New York

ROLL CALL

AYES: Trustees Didden, Ferrara and Ceccarelli

NOES: Trustees Brakewood and Marino and Mayor Pilla

ABSENT: Trustee Adams

Mr. Reavis commented that you need a citizen's organization that the Board can fall back on in order to better negotiate.

DISCUSSIONS

1. BOT Rules and Procedures.

Village Attorney Cerreto said the rules determine how effective the Board wants to be.

Trustee Ceccarelli commented that at the end of the night it is counter-productive. Once we identify high priority items we should get them cleared up and let the other things wait. We need to come to the meetings prepared. You should stick to a meeting schedule.

Trustee Brakewood commented the root cause of the problem is that we don't give the Mayor the authority to control the agenda.

Trustee Didden commented we have discussions because they lead to resolutions.

Trustee Marino commented we don't follow the agenda. We jump all over the place.

Trustee Ferrara suggested we change the way we do business. We don't need a third meeting each month. We need to have an agenda meeting and then follow that agenda at the second meeting of the month.

Village Manager Steers commented there is a lot of discussion and interaction with staff. If an issue comes up we should discuss it rather than waiting for the Board

meeting.

Mayor Pilla commented that things that come up would be left undone if we only had one Board meeting a month.

2. Strategic Plan

We have budgeted two new fire trucks.

3. Adding a third Board of Trustees Public Meeting

Mayor Pilla commented it would help a lot to have a consent agenda like they use in White Plains. If we need to have a discussion for every Resolution it takes a lot of time.

Trustee Brakewood commented resolutions do not take that long. We can pass 20 resolutions in about 20 minutes. What takes long are public hearings and public comments.

Trustee Didden commented we should have, after the Pledge to the Flag, an adoption of the consent agenda.

4. Acceptance of offer to visit project site from Streetworks

Mayor Pilla commented you don't need Board authorization if people want to go.

Trustee Brakewood commented height and usage are important. West Hartford would be a three hour ride. Village Manager Steers will arrange a site visit. This could be done on a weekend.

5. Starwood/United Hospital Development Final Environmental Impact Statement and Related Items.

Planning Director Zamft commented this is on the website for everybody to look at. It will take one month to go through the document for completeness. Once the Board notes the document as complete, it will refer it to the Planning Commission and the Westchester County Planning Board for their review and for publication. Once the document is declared complete the Board can hold a Public Hearing.

The different traffic analyses are included in the document. The DOT has received a copy.

6. Correspondence from Gramatan Management.

The correspondence was referred to Staff.

Trustee Ceccarelli commented he liked the idea of a consent meeting.

Mayor Pilla commented he will work with staff to come up with changes to the rules and procedures. The second meeting of the month should be for discussions. Public hearings will be at a third meeting.

Village Attorney Cerreto added on a resolution to go into Executive Session for consultation with Counsel, Human Resources Director Ed Brancati and Village

Manager Steers regarding the Professional Firefighters.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the Board of Trustees of the Village of Port Chester, New York went into executive discussion.

ROLL CALL:

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

NOES: None

ABSENT: Trustee Adams

A motion was made by TRUSTEE DIDDEN, seconded by TRUSTEE CECCARELLI, that the Board go into Executive Session to discuss the appointment of a particular person.

ROLL CALL:

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

NOES: None

ABSENT: Trustee Adams

The meeting was adjourned at 9:05 p.m.

Respectfully submitted,

David Thomas
Village Clerk

PUBLIC COMMENTS

Mr. Richard Abel wished all a happy holiday.

Mr. Ken Sunderland commented on the Parks in Port Chester. You cannot get to Lyons Park when there is a function. We need parking facilities. Regarding the Stop sign on Parkway Drive turning onto Putnam Avenue, this should be moved back another car length.

TRUSTEE COMMENTS

Trustee Didden commented Mr. Hyman speaks about our neighboring communities and what they are doing about affordable housing. Regarding Mr. Smith's comments, there is no way to reduce the number of trucks coming off the highway at the Starwood site. #6 Quintard Drive is being renovated. The New York State Public Service Commission will prohibit ESCOs from selling electric in New York State to low income. A special thank you to the line officers of our volunteer fire department because they are dedicated individuals. He wished all a happy holiday.

Trustee Ferrara wished the entire Village a joyous holiday season. He commented on the Oakland warehouse fire. We need to prepare for the future in urban areas for the middle class. We did not receive any CFA funding. The Village staff works hard.

Trustee Brakewood commented that the Board has a lot to do in the coming year. We will be getting the pro forma for the municipal center and the police station. We need to understand the context of the budget in order to determine where we are going in formulating next year's budget. We have a strategy session planned for the end of January. We have \$500 million worth of investments coming to this Village next year through Starwood, School Board, municipal center, G&S development and sewer investment

Trustee Ceccarelli commented on the middle class individuals who are struggling to continue living in the Village. There are several establishments in the Village that have boards covering windows. He thanked Chris Steers and his staff. He appreciates all the services done by the police, fire, DPW and EMTs. He wished everyone a happy holiday.

Trustee Adams wished everybody a happy holiday. He thanked the staff for all their work. Trustee Marino wished all happy holidays. He thinks the municipal center is too expensive. We should just concentrate on the police station.

Mayor Pilla commented the Village has an incredible working staff. We have a staff that knows how to do more with less. He commented on the volunteer fire department. It is important that we consider having another round of the amnesty program. He wished all residents in Port Chester a happy holiday. Trustee Marino commented on the amnesty program. We have not discussed changes to this program.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE FERRARA, the meeting was declared closed at 9:58 p.m.

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS, MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

Respectfully submitted,

David Thomas
Village Clerk