

## **MEETING HELD FEBRUARY 17, 2015**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday February 17, 2015, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Daniel Brakewood was absent.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 7:44 p.m.); Chief of Police, Richard Conway; Director of Planning and Development Christopher Gomez; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Heather Krakowski, Recreation Supervisor (arrived at 7:44 p.m.); Edward Quinn, Village Fire Chief - Chief Engineer and Ed Brancati, Human Resources.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENCE the meeting was declared opened at 6:02 p.m.

### **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

### **MOTION FOR EXECUTIVE SESSION**

#### *Executive Session #1*

At 6:02 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE, the Board adjourned into an executive session for the purpose of interviewing candidates regarding Property Condition Assessment and Neighborhood Revitalization Strategies RFP.

### **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Planner Jesica Youngblood; Chief of Police,

Richard Conway; Director of Planning and Development Christopher Gomez and Ed Brancati, Human Resources.

No action was taken in executive session.

At 6:30 p.m., a motion to come out of executive session was made by TRUSTEE TERENCE TERENZI, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

*Executive Session #2*

At 6:31 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI the Board adjourned into an executive session for the purpose Consultation with Village Attorney regarding the career fire fighters.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Chief of Police, Richard Conway and Ed Brancati, Human Resources.

No action was taken in executive session.

At 7:04 p.m., a motion to come out of executive session was made by TRUSTEE TERENCE TERENZI, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

***Executive Session #1 (Continue)***

At 7:06 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE, the Board adjourned into an executive session for the purpose of interviewing candidates regarding Property Condition Assessment and Neighborhood Revitalization Strategies RFP.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Village Planner Jessica Youngblood; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

At 7:34 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER, the Board of Trustees closed the executive session.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**WORK SESSION**

William J. Villanova - Zoning Commission Chairman read the following statement.

**“Zoning Board of Appeals Public Statement**

It appears to us that many people are not knowledgeable as to the procedures and processes required to bring a case before a zoning board, which are substantially similar in each and every municipality in the State, governed by New York State laws under the City, Town or Village Laws, respectively.

We believe that all of the applicants who appear before us receive a carefully considered, well researched and thought-out decision after all of the facts have been presented to us by testimony, in writing, and upon review of existing documentary evidence; and when

necessary, after legal interpretation of the relevant laws by our Village Attorney and Village staff and personal visits to the property.

It should be noted that the Village is part of each case, just as the applicant is, and very often documentary evidence, as well as testimony by the Building Inspector or other members of the Village staff, is necessary for complete presentation of all of the facts of each case. The Village Attorney is on hand to address any legal questions and issues as to procedure and permissible interpretations and determinations. We often seek input, studies and reports from other Village departments, such as Planning, Traffic, Police, Fire, and others to help us weigh the relative impacts that a request for a variance will have on the Village.

Each case brought before this Board for relief from the Village Code zoning requirements is different. Each stands on its own merits, facts, and circumstances. Each member of this Board spends substantial personal time reviewing not only the papers submitted by applicants and other residents, which are sometimes voluminous, but also visiting properties and listening to and often reviewing testimony and previous proceedings.

We apply the relevant Village Code sections and State Law to the evidence presented to us in all cases. We believe that each and every one of our decisions, although not always unanimous, is the proper decision for each case. Sometimes it is necessary for an applicant to return to the Zoning Board multiple times, especially in a complicated case, or where there is conflicting testimony which must be further expanded upon or verified, or where documents and evidence are lacking, thus giving the applicant and the public additional opportunities to make their case. There are no additional fees to be paid to the Village for return appearances before the Zoning Board.

A property owner may apply for a use variance to allow him to use his property in a way that is not in compliance with the requirements of the particular district in which the property is located, for example, a commercial use in a residential district. In such case the applicant must prove that:

- (1) the property is incapable of earning a reasonable return on initial investment if used for any of the allowed uses in the district;
- (2) the property is being affected by unique, or at least highly uncommon circumstances;
- (3) the variance, if granted, will not alter the essential character of the neighborhood; and
- (4) the hardship is not self-created

OR, a property owner may apply for an area variance, for example, to allow him to construct a building closer to a property line than is permitted in the district. In such case the Zoning Board considers:

- (1) whether an undesirable change will be produced in the character of the neighborhood, or a detriment to nearby properties will be created by the granting of the area variance;
- (2) whether the benefit sought by the applicant can be achieved by some method which will be feasible for the applicant to pursue but would not require a variance;

- (3) whether the requested area variance is substantial;
- (4) whether the proposed variance will have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district; and
- (5) whether an alleged difficulty is self-created.

Oftentimes TV and Internet viewers and attendees at our meetings hear only the "Findings", which is the result of the many hours of work that go into making a case by the applicant and hearing the case by the Zoning Board. It may seem as if decisions are made off the cuff, when in reality there is significant study done by all sides, due deliberation by the Board, and determination of the legal and factual issues presented.

In many cases, applicants will return to the Zoning Board one or more times with such additional information, changes, and modifications which greatly benefit not only the applicant, but also the Village, resulting in a reduction of the number or size of the variances required. This brings the property into legal compliance with the least amount of impact on the Village. More often than not, the Zoning Board's efforts to actively engage the applicant results in a superior application, sometimes with a reduction or elimination of a variance request, that is beneficial for all concerned.

The Amnesty Program, sometimes mentioned at our hearings, it is frequently a quick way for many applicants to resolve their issues, which often are the result of missing documentation for their properties, thereby allowing them to avoid a Zoning Board determination altogether.

The Zoning Board is a quasi-judicial body. The purpose of the Zoning Board is to grant relief, where warranted, to a property owner who, for whatever reason, finds that the conditions of their property are outside of the requirements of the Zoning Code. We do not make laws; we apply existing laws to existing conditions. All of our decisions are subject to judicial review and we always undertake our duties with pride and professionalism.”

### **AWARD PRESENTATION**

The following statement was read by Patty Jones prior to presentation of the award.

“Hello, my name is Patty Jones.

I am the Director of Fiscal Operations for the County of Westchester. I am also a board member of the NYS Government Finance Officers' Association, and chair of the downstate region council of the association. With me tonight is Dawn Donovan, Comptroller of the Town of Eastchester and the incoming president elect for the NYS Government Finance Officers' Association. We are here as a representatives to show our support of the fine work done by the village and to extend our congratulations.

I am honored to be here today on behalf of the government finance officers association of the US and Canada to present the distinguished budget presentation award to the Village of Port Chester.

The purpose of the distinguished budget presentation award is to encourage and assist governments to prepare budget documents of the highest quality for the benefit of citizens and

other parties with a vital interest in the budget process.

Over the past 31 years, this program has gained widespread recognition among public-sector budget professionals as an important indicator of a government's commitment to be accountable to its stakeholders.

To earn the distinguished budget presentation award, Port Chester had to substantially conform to the program's demanding criteria, which incorporate the guidelines of the National Advisory Council on state and local budgeting.

It was my great pleasure to present the village with their first award last year and it is an honor to be here again today to present Port Chester with their second distinguished budget award for the fiscal year beginning 2014.

The village's decision to continue to participate in this program is confirmation that Mayor Neil Pagano and the Board of Trustees supports and promotes the development of organizational goals and the allocation of resources through the budget process that are consistent with those goals combined with policies, and long-range plans.

The distinguished budget presentation award also reflects high levels of professionalism and commitment to the residents of the county on the part of Village Manager Christopher Steers, staff member Christopher Ameigh, and Village Treasurer Leonie Douglas. They are to be commended for the hard work that is required to prepare a budget document of this quality for you, the residents.

The government finance officers association hopes that the accomplishment of the village will encourage other local governments to strive for the same best practices in their own budget documents.

On behalf of the government finance officers association, it is my privilege, to present the distinguished budget presentation award to the village of Port Chester.

Congratulations!"



From Left (front row) Mayor Neil Pagano, Village Treasurer, Leonie Douglas, Comptroller of the Town of Eastchester, Dawn Donovan and Director of Fiscal Operations for the County of Westchester, Patty Jones. From Left (2nd row) Christopher Ameigh Administrative Aide to the Village Manager and Village Manager, Christopher Steers.

## **PUBLIC COMMENTS**

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

### ***Public Comments***

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Ms. Goldie Solomon commented on February being Black History Month. She has been showing biographies. We have also honored our Presidents. Our taxes are too high. School taxes should only be for those who have children in school. She thanked the police, firemen, EMTs and DPW for all their work. The people of Port Chester need them.

Richard Kochanowicz commented on the Village Elections and wants to work on the election. The BOT are elected by the people and they should have a vote in projects such as the Municipal Center. The Amnesty Program should not have been brought into play. My original C.O. was approved and now I am told it is not good any more.

Mayor Pagano commented the Village Clerk is in charge of the election and he approved 74 inspectors at the last meeting. The Justice Department has specific rules regarding how many and who should be at each of the polling places.

Paul Cregan, secretary of Washington Engine & Hose Co., commented on the members of the fire department who had to put in their resignations as members of the fire department.

Because they were IAF members they were asked to resign from their membership as a volunteer. This was a pressure position. This is a loss to the fire department and the Village. Mayor Pagano commented that we are looking at the resignations of seven people who are very high quality volunteers. This is a loss to this Village. Trustee Terenzi said the hardball tactics played by the union are weighing upon us. We are going to take this into consideration when we evaluate going forward.

Jim Forest commented he cannot believe what is going on in the Village. The 2015 budget has 11 professional firefighters on the list and we only have five. One is in Afghanistan right now and one is suspended without pay. So they are trying to have three men cover all shifts. What happens when an early morning fire occurs and you don't have a man to respond? The contract with Rye Brook states that from 7 P.M. to 7 A.M. there is to be one career firefighter with one piece of apparatus. That engine responds to all of Port Chester during the night. Who is protecting Rye Brook?

Tom Ferguson commented one of the things that disturbs him. I just became aware of the situation with the professional firefighters. It concerns me that in the event of a major catastrophe we should hire the amount of people we have budgeted to make sure we have enough coverage. It would be a shame if a catastrophe happened and we didn't have coverage.

Todd Camisa of Greenburg, district VP for the state firefighter's organization. The BOT is putting itself and the residents at peril. You need trained interior firefighters in case of a catastrophe.

Richard Kochanowicz commented the BOT should all resign.

Brian Petersen, a career firefighter in Greenburg, asked when the questions raised tonight are going to be answered. Where is the money going; we allow for 11 and three are on duty. You receive funds from Rye Brook; where is the money going? Mayor Pagano answered that we are in negotiation with the union representatives currently so this is not up for discussion at this time.

Matt Guaranga of Rye Brook commented on why are there not two fire engines being allocated to Rye Brook (one stationed at Rye Brook and one stationed in Port Chester) to provide support.

Ms. Goldie Solomon commented on volunteering. She has great respect for volunteer firefighters.

Keith Morlino thanked the BOT for all they do. He commented on the municipal center and the police station. He wanted to clarify the facts to know what is going on. Currently we are now spending about \$400,000 yearly to repair the current police station and Grace Church Street. Village Manager Steers said it is closer to \$600,000. You have to weigh the pros and cons of the municipal center. Just to redo the current police facility would be \$20MM. Mayor Pagano commented it is still too early to make any decision. Mr. Morlino commented on parking during snow time. Some parking should be suspended.

Mr. John McDwyer, a professional firefighter, commented on the BOT's duty to the taxpayers that you are obligated to provide them with the basic services. The BOT is not in compliance of the fire contract with the Village and Rye Brook. You are down to three firefighters. You need to provide adequate protection. If you need to make temporary provisions, so be it.



Ray MaColsagel, a firefighter with the Town of Harrison, commented on the career firefighters. While the career men are at the Rye Brook firehouse you have no one in Port Chester.

Richard Abel commented on the work session. It was a report on the Zoning Board. He commented that we have Add-On Resolutions for tonight's meeting.

## **RESOLUTIONS**

### **RESOLUTION #1**

#### **ADOPTION OF COMMENT ON THE DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT WITH REGARD TO THE PROPOSED ACTION OF PC406 BPR, LLC and PC 999 HIGH STREET CORP.**

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

**WHEREAS**, on April 21, 2014, the Board of Trustees (herein referred to as "Village 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; and

**WHEREAS**, the Applicant seeks to develop 406-408 Boston Post Road and 999 High Street for a mixed multi-family residential and commercial use development, consisting of 500 dwelling units designed to appeal to "Millennial" or young, childless working professionals, together with 230 age-restricted dwelling units, as well as 90,000 square feet of retail space, an approximately 138-room hotel and between 100,000 and 200,000 square feet of market-based office space geared towards accommodating wellness and out-patient medical uses (the "Proposed Action"); and

**WHEREAS**, the Village Board is the designated Lead Agency under the State Environmental Quality Review (SEQR) Act of the State of New York; and

**WHEREAS**, the Village Board determined that the Proposed Action is a Type I Action pursuant to the SEQR 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 Applicant had submitted a proposed Scoping Outline for the Draft Environmental Impact Statement (DEIS), which was circulated for public review and comment and was the subject of a public scoping session; and

**WHEREAS**, the Village Board adopted a Final Draft EIS Scoping Outline on August 18, 2014; and

**WHEREAS**, the Applicant submitted a preliminary DEIS on December 31, 2014 to the Village Clerk; and

**WHEREAS**, the Village Board's independent consultants retained, inter alia, to review the preliminary DEIS have provided the Village Board with a Completeness Review Memorandum, dated January 28, 2015, and annexed hereto as Exhibit A; and

**WHEREAS**, the Village Board has carefully considered the Completeness Review Memorandum; and

**WHEREAS**, members of the Village Board have comments on the preliminary DEIS in addition to those set forth in the Completeness Review Memorandum, some of which are included in the Memorandum from the Village Planning Director, dated February 11, 2015 annexed hereto as Exhibit B, and others of which may be articulated at the Village Board public meeting of February 17, 2015.

**NOW THEREFORE BE IT RESOLVED THAT,**

1. The Village Board hereby adopts the January 28, 2015 Completeness Review Memorandum annexed hereto as Exhibit A.
2. The Village Board hereby adopts the February 11, 2015, Memorandum setting forth comments of certain Board members on the preliminary DEIS annexed hereto as Exhibit B.
3. The Village Board hereby adopts and incorporates herein by reference additional comments made by members of the Village Board on the preliminary DEIS at the February 17, 2015 public meeting that were accepted by the Board.

Approved as to form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**RESOLUTION #2**

REVOCABLE LICENSE AGREEMENT TO ACCOMMODATE

MATERIAL LIFT ELEVATOR AND VAULT FOR THE CAPITOL THEATRE

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

WHEREAS, Capital Enterprises, Inc. and Capitol Theatre LLC d/b/a The Capitol Theatre operates a theater performance venue on real property located at 149-151 Westchester Avenue, Port Chester, New York, also known and designated as Section 142.30, Block 2, Lots 19 and 20 on the Tax Map of the Town of Rye, New York, (the “Subject Premises”); and

WHEREAS, they propose to enlarge the opening and install a material lift elevator in space below the surface of the public sidewalk on Broad Street and rehabilitate a corresponding vault with access panel on Westchester Avenue that are both contiguous to and enter upon the subject premises; and

WHEREAS, such improvements have been reviewed and approved in the final site plan approval granted by the Planning Commission subject to, among other things, authorization for same in the form of a revocable license agreement from the Board of Trustees; and

WHEREAS, the attorney for the theatre and the Village Attorney have negotiated the terms of such license agreement and present same for the Board’s consideration. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a revocable license agreement with Capital Enterprises, Inc. and Capitol Theatre LLC d/b/a The Capital Theatre, 149-151 Westchester Avenue, Port Chester, New York, in the form annexed, for the use and occupancy of the area under the surface of the public sidewalks on Broad Street and Westchester Avenue so as to accommodate a material lift elevator and vault.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**RESOLUTION #3**

REVOCABLE LICENSE AGREEMENT TO ACCOMMODATE STORM WATER RUN-OFF LINES, ETC., FOR NEW RESTAURANT AT 126 NORTH MAIN STREET

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

WHEREAS, Stratmar Equities, Inc. operates a retail/office building on real property located at 126 North Main Street, Port Chester, New York, also known and designated as Section 142.23, Block 1, Lot 33 on the Tax Map of the Town of Rye, New York, (the “Subject Premises”); and

WHEREAS, it has entered into a leasehold agreement with a restaurateur for the first floor and basement space of the Subject Premises with a New York domestic corporation known as Reese Willow LLC d/b/a “Rye House” for the operation of a restaurant/bar facility; and

WHEREAS, it proposes to extend and install storm water run-off lines, culverts, drains, connections and related appurtenances under the surface of the public sidewalk on North Main Street contiguous to the Subject Premises; and

WHEREAS, such improvements have been reviewed and approved in the final site plan approval granted by the Planning Commission subject to, among other things, authorization for same in the form of a revocable license agreement from the Board of Trustees; and

WHEREAS, the attorney for Stratmar Equities and the Village Attorney have negotiated the terms of such license agreement and present same for the Board’s consideration. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a revocable license agreement with Stratmar Equities Inc., 126 North Main Street, Port Chester, New York, in the form annexed, for the use and occupancy of the area under the surface of the public sidewalk and roadway so as to accommodate storm water run-off lines etc. for the new restaurant at said premises.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**RESOLUTION #4**

**AUTHORIZING AGREEMENT WITH SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC. TO PROVIDE A COLLECTIVE PROGRAM FOR CITIZENS WITH DEVELOPMENTAL DISABILITIES AND SPECIAL NEEDS**

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

WHEREAS, the South-East Consortium for Special Services, Inc. provides a special recreation program for citizens with developmental disabilities and special needs through a long-standing agreement with several municipalities in Westchester County; and

WHEREAS, the Village of Port Chester has been a party to this agreement which is up for renewal for calendar year 2015 at the same rate as the 2014 calendar year; and

WHEREAS, the program has successfully provided opportunities to our disadvantaged citizens. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to sign an Inter Agency Agreement with the South East Consortium for Special Services, Inc., with the City of Rye, the Towns of Eastchester, Mamaroneck, Pelham, the Village of Scarsdale, the Town-Village of Harrison, the Villages of Port Chester, Rye Brook and Mamaroneck, to provide a collective program for special recreation services for citizens with developmental disabilities and special needs for the calendar year of 2014; and be it further

RESOLVED, that the contribution in the amount of \$21,829.00 has been appropriated in General Fund line item #001-7310-0455.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

## **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

## **REPORT OF THE VILLAGE MANAGER**

### **INITIATIVES/PRIORITIES:**

- ❖ **Strategic Planning: Strategic Actions** (Opportunity Areas #1 Downtown TOD, #2 Downtown: Municipal Center, #3 Waterfront Redevelopment/Revitalization, #4 Fox Island, #5 United Hospital Site Redevelopment).

- 1) **Opportunity Areas #1:** C1 Neighborhood Retail Zoning Analysis: medical, dental office use Preliminary analysis regarding a potential zoning text change to permit medical in the C1 Neighborhood Retail District either as-of-right or by special exception permit subject to existing special exception criteria as defined in §345-61U.

This action is considered a Type I Action under SEQRA regulations and requires a determination of significance from the Board of Trustees prior to final approval. Presentation to Board of Trustees completed December 2014, January 2015. Referral to Planning Commission to consider pending draft local law, February 2015.

- 2) **Opportunity Area #2:** As you are aware NDC has been engaged by the BOT to begin phase three of the Municipal Center feasibility study. Current status:

Activity #1 Site Investigation – Phase I

- *Federal, state & local records review of environmental database*
- *Evaluation of adjacent parcels and historical usage*
- *Preparation of written report on site investigation*
- *Phase I ESA report according ASTM-1527 Standard*
- *Identify any environmental concerns for Phase 2 review*

NDC has incorporated a separate development entity to undertake the preliminary work as well as act as developer in the event the project proceeds. The Entity is named “Community Development Properties, Port Chester One, Inc.” (“CDP PC”). CDP PC has recently undertaken the following steps as part of the site investigation/geotech phase of the project:

- Negotiated & Contracted Site Access Agreements with several property owners
- Contracted with a Surveying firm to undertake a survey of some disputed property lines
- Contracted with a title search firm to review chain of title issues on a specific property
- Entered into a contract with a geotech boring firm

The next phase of activities involves the geotechnical investigation, including site borings. This process has been slowed due to a disputed property line. Now that the disputed property issue has been resolved and will be surveyed the geotech activities will be able to begin two to three weeks’ time, depending upon the ability of the survey firm to get on site within the next two weeks.

The issues around property access has been the single most difficult issue to resolve from a timing perspective. They have secured Site access to three properties on the proposed project site and have reconfigured the drilling schedule to accommodate the willing property owners (we have Weissman, Knume, and Man Chung Wong). They anticipate that once the survey is completed, the geotech firm will be on site drilling by the first week of March – provided that no weather issues arise.

- 3) **Opportunity Area #3:** Bulkhead; the contract for the bulkhead design grant award in the amount of \$225,000 has been executed. Again, the methodology is to design the bulkhead in two phases, Phase 1 being the first Activity Node and temporary “shoring” up of the vinyl area; Phase 2 being the complete steal replacement and partial bridging of the cove. This approach allows us to first make progress toward re-activation of the waterfront as planned and it also gives us time to build potential funding resources from grants, districts, and/or parking revenues without stalling the entire capital improvement project.

The Final RFP for design and construction plans + permits approved by DOS, January 2015. RFP publically released February 2015; deadline for response by March 2, 2015.

- 4) **Opportunity Area #5:** Redevelopment of the former United Hospital Site (Starwood). The Mixed-use redevelopment proposal for the former United Hospital site located within the Village’s PMU Planned Mixed Use District to permit: 500 “Millennial” housing units, 240 age-restricted housing units, an approx. 138-key limited service hotel, 100,000-200,000 square feet of medical office, approx. 90,000 square feet of retail, ample public and green space, and improved access to Abendroth Park.

Preliminary DEIS submitted by Applicant December 31, 2014. Village consultants and staff reviewing for completeness for BOT to accept document as complete per adopted scope in February/March.

- ❖ **2015-2016 Budget Process:** Budget development for the coming fiscal year has been initiated. Department budget worksheets have been distributed. Met with all department heads. Working with finance on rolling stock, five year capital plan, and budget projections.

I request that the BOT schedule a workshop between, in order to discuss 6 month (now 8 months) revenues/expenses and projections for year end. (5 year operating trends base and current attached).

- ❖ **Property Condition Study RFP:** Again, the RFP has been issued and interviews have been conducted by the BOT. At the recommendation of the Board, Staff has had subsequent discussions with the two final consultants for the neighborhood revitalization strategies RFP. Second interview with the two finalists will be held at this meeting.

## **ACTIONS:**

- **MTA:** Staff continues to discuss a possible settlement to the property maintenance violations issued to the MTA. The context is in the realm of better routine maintenance and possible beautification utilizing existing and potential funds in a collaborative manner between the Village and the MTA.
- **Grant Writing RFP:** The Village of Port Chester (hereinafter “Village”) is seeking professional services from qualified consultants to assist the Village in researching and

identifying potential grants, as well as providing general grant writing services associated with the completion and submission of grant applications, program administration, and delivery. A main focus of the grant writing need will be to fund the elements of the Village's Strategic Plan for 2014-2016 which identifies and prioritizes key economic development projects throughout the Village. These projects each contain a summary of procedures, milestones and key deliverables. The availability and timing of grant funding is critical to the successful implementation of the plan, and is an important component to this RFP. All of the Village's departments, boards and commissions, and related entities such as the Port Chester Industrial Development Corporation and Port Chester Local Development Corporation will benefit from access to the consultant's expertise and technical assistance. The Initial RFP is proposed on a "**contingency basis**". Proposals must be received by the Village until 3:00 pm Eastern on Friday, February 27, 2015.

- **CBDG:** On Monday February 9<sup>th</sup> the Mayor, Deputy Mayor, Trustee Terenzi, and Staff met with Westchester County, George Oros and staff, to discuss the new County Housing Infrastructure Investment Program. The adopted 2015 Westchester County capital budget now has in it authorization for up to \$5 million to fund up to 50% of such local projects through CHIIP. For 2015, projects eligible for County financial support will be selected from those projects previously submitted by local governments to the County under the CDBG program and subsequently recommended for funding. Enclosed with this letter is a complete list of the eligible public infrastructure projects that you have proposed for your community. The deadline for identification of 2015 local projects and updated cost estimates will be Friday, March 13. Staff is updating the requested information including the associated cost estimates (attached is the letter from the County and the Village's initial list.)

### **DEPARTMENT UPDATES:**

- **Treasures Office:** See attached BAN and Bond Ratings, and note bid results.
- **Police Department:**
  - **Training:** On January 23, Police officers Mike Giandurco and William Washington completed High Intensity Drug Trafficking Area, (HIDTA) training. This 40 hour course of study was held at the New York City Police Departments Rodman's Neck facility in the Bronx. Both officers received both classroom and hands on training in area such as; search warrants, surveillance, undercover operations and tactical street encounters.
  - **Evidence Project:** We have received approval to dispose of and/ or return evidence in 83 cases. Of those 83 cases, evidence was returned in 7 cases and 20 cases had the evidence disposed of. In each and every case there is documentation of the evidence being disposed or returned.



- **Vehicles:**
  - In early January, the Department put into service its first 4 wheel drive vehicle dedicated exclusively to patrol (one is assigned to supervisors). A 2014 Ford Explorer was outfitted with radio, striping and emergency equipment by Cruisers in Mamaroneck. The addition of the new RMP was quite timely as it went into service the day before a major snow event on January 19.
  - The vehicle (car 54) replaced by the new Explorer was transformed into a stealth traffic enforcement car. Det. Richard Grall and Police Officer Sal Baldo came up with the idea of removing the overhead lights, push bar, and black and white markings of a traditional police car. Strobe lights were then hidden inconspicuously, and black reflective lettering was placed on the sides of the car. The last touch was a set of passenger license plates. The stealth car has allowed for more effective enforcement of traffic laws particularly in areas of concern such as school zones.
  
- **General:** In January 2015, the Department
  - Responded to 1636 calls for service
  - Issued 5312 parking tickets up 53% from December
  - Issued 559 traffic tickets, up 91% from December
  - Made 161 arrests, up 9% from December
  - Conducted 166 directed patrols of, parks, abandoned buildings, public housing, and places of worship
  - Conducted 19 compliance inspections of licensed liquor establishments
  
- **Detective Bureau:** For the Month of January 2015 the Detective Bureau closed out 16 cases with 12 by arrest. They have assigned the detective division 33 new cases in the month. The detective bureau had a total of 35 arrests. Including the following:
  1. 5 Felony Drug Charges
  2. 3 Misdemeanor Drug Charges
  3. 10 Violation of Possession Charges
  4. 1 Felonies (Non-Drug Related)
  5. 1 Misdemeanors (Non-Drug Related)

Evidence Seized:

1. \$3,402.00 USC
2. 1992 Acura Integra
3. 276 Decks of Heroin
4. 4 zip lock bags of Cocaine/Crack
5. 19 zip lock bags of marijuana
6. 4 Large Bags of Marijuana

7. 23 Pills (assortment of Hydrocodone, Codeine, Floriact, P1, Zolpidem and Suboxone)

➤ **Justice Court**

- Assisted the Judge on the Bench during court sessions on Mondays, Thursdays and Fridays
- Assisted the Judge at Traffic Night Court on February 10
- Processed Criminal Disposition Reports (CDRs) after court
- Completed court paperwork after court sessions
- Update excel spreadsheets with Bail disbursements from court
- Electronically transmitted 310 Criminal Dispositions Reports (CDRs) to New York State Division of Criminal Justices Services since January 9, 2014
- Reconciled Judge Troy Justice Account. Ending Bank Balance as of 01/31/15 - \$78,878.03
- Prepared January 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Troy - \$77,642.00 to be reviewed and electronically submitted by Judge Troy
- Reconciled Judge Sisca Justice Account. Ending Bank Balance as of 01/31/15 - \$161,429.01
- Prepared January 2015 Monthly Report to the N.Y. State Comptroller's Office- Justice Court Fund for Judge Sisca - \$160,209.45 to be reviewed and electronically submitted by Judge Sisca
- Reconciled Bail Account. Ending Bank Balance as of 01/31/15 - \$224,122.92
- Reconciled Tow Account. Ending Bank Balance as of 01/31/15 - \$1,590.00
- Prepared vouchers and Payroll to be sent to the Finance Department
- Monthly Staff meeting held on 1/21/15

➤ **Public Works:**

- Performed Snow removal (list attached).
- We have received three hundred tons of salt.
- Plowing, Brining, Sanding, Salting, continue as needed.
- Applied eight (8) tons of black top to repair pot holes.
- Performed eight (8) sewer jobs.
- Equipment repairs continue as needed.
- Completed Street Paving and associated remediation work.
- Completed Marvin lot sidewalk improvement.
- Completed Village Hall sidewalk improvement.
- Constructed Village salt shed.
- Completed Pilgrim Drive Drainage.
- Worked on and completed the majority of Phase 1 of sewer lining.
- Cleaned 30 Storm Drains.
- Removed 24 tree stumps.
- Trimmed 9 Trees.
- Replaced 3 defective manholes.

- Repaired various potholes.
- General day to day activities.

➤ **Senior Center / Nutrition:**

- 26,469 Meals served to date: (January-February )
- 37 Home Bound Seniors received their meals at home, per day Monday-Friday
- 60 seniors attend the Saturday Program.

**Senior Center Calendar:**

- 
- Feb. 1—Super Bowl Party 6 p.m.
- Feb. 10<sup>th</sup> Arts & Crafts
- Feb. 13<sup>th</sup> Valentine’s Day Party, DJ Anthony Radice 12-3 p.m.
- Feb. 17<sup>th</sup> Mardi Gras Celebration
- Feb. 19<sup>th</sup> Chinese New Year Celebration
- Sat. Feb. 21<sup>st</sup> Trip to Mohegan Sun Casino 8 a.m. to 6 pm.

**Community Center Calendar:**

- Feb 11th—Rec. Commission, Parks Commission, PCYBL, Beautification Commission
- Feb. 15th (Sunday) 9 a.m.-4 p.m. Consulado General De Guatemala mobile services to the Guatemala Community in Port Chester.

**Snow Preparations:**

Meals delivered to homebound seniors on Monday, Jan. 26, Feb. 2, & Feb. 9 in anticipation of storm that was forecast for Monday into Tuesday. This is our most frail and needy population. A hot meal with a cold sandwich was given to each senior. Also, an emergency meal was sent that consisted of: a can of beef stew, powdered milk, crackers, raisins, granola bars, and juice. We also supplied water and extra milk. Telephone messages are monitored for specific needs, seniors have been given written instructions that if they have an emergency to 911. If they need anything else, like food or shoveling to call the center, a message is on the machine with my cell phone number for them to call. Center was closed on 1/27 and 2/3 due to snow and ice.

**GRANT FUNDING:**

The fiscal year for Westchester County Grants is 1/1/14-12/31/2014. All reimbursement vouchers were sent to the Westchester County Dept. Senior Programs & Services in Jan. 2015.

- IIC1—center meals—17,985 reimbursement claimed--\$58,832.
- IIC2—homebound meals—2,487 reimbursement claimed--\$8,771.
- IIB—transportation –1,347 units of transportation to doctor’s and grocery store & 1,345 units of transportation to and from senior center reimbursement claimed--\$13,747.

- WIN—home delivered meal program—fiscal year—4/1/14-3/31/15 reimbursement claimed--\$21,314. 2,650 meals April1 – Sept. 2014

All reimbursement vouchers met revenue claimed for 2014. We over served in each of the programs and claimed all monies due us.

We received 3 emails on the new website and the questions were answered. A question that the heat in the bus was not working was handled in the following manner: Rocky Morabito checked the heating unit, the driver was instructed to let the bus warm up before leaving. The driver has been letting the bus warm up before leaving, but the bus is old, the freezing temperatures and the door being opened and closed all during the pickups still makes it cold.

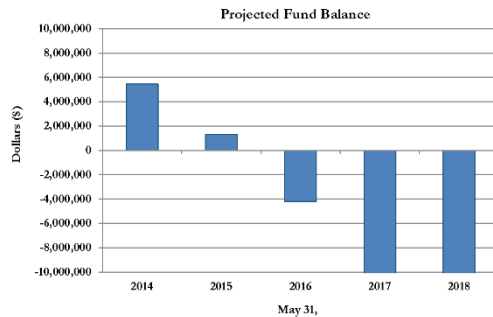
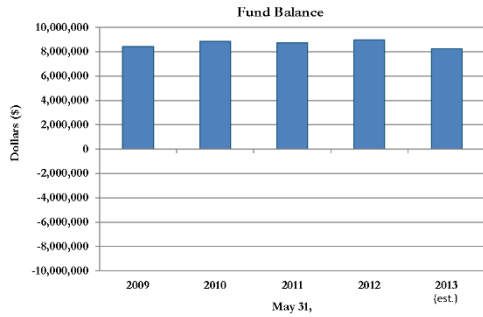
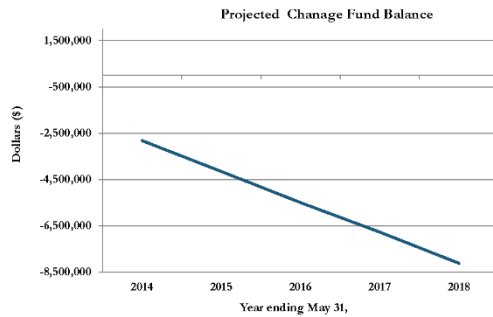
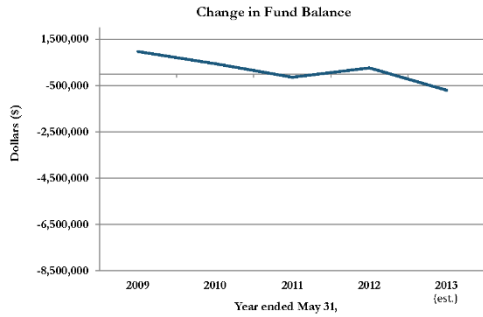
- **Building / Code Enforcement Department:** See Building Inspector/ Code Enforcement Director’s report attached.
- **Planning and Development:** See Planning and Development Director’s reports attached.
- **Recreation:** See Recreation Supervisor’s report attached.

❖ **Achievements**

- The Village was recognized in the Wall Street Journal on January 30<sup>th</sup>, 2015. Article Attached.



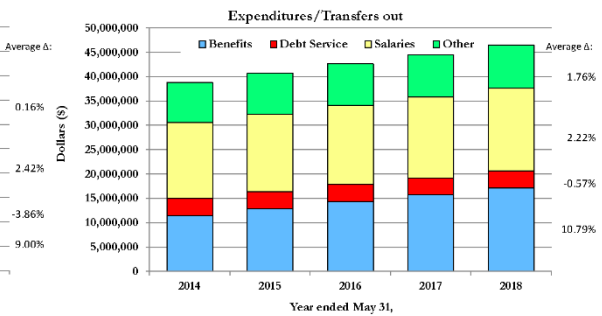
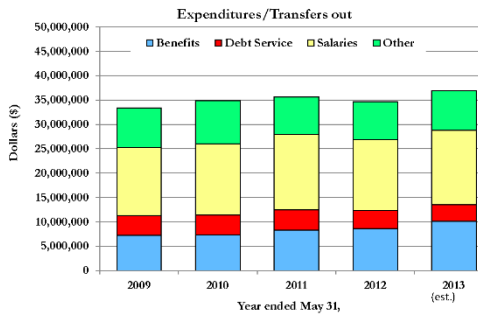
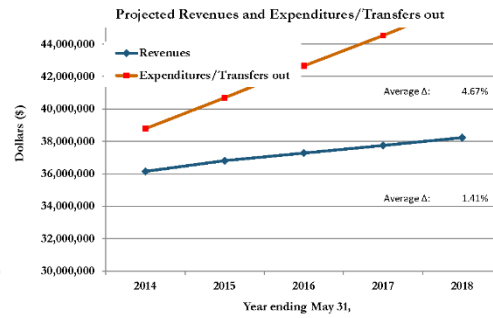
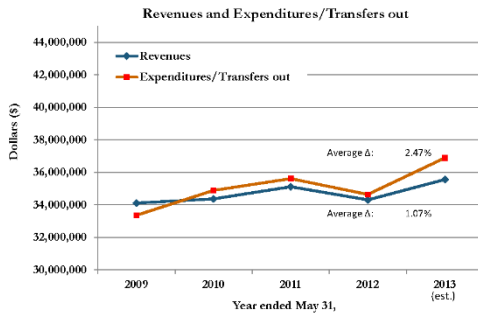
Village of Port Chester  
5-year projections



\*\* Confidential \*\*

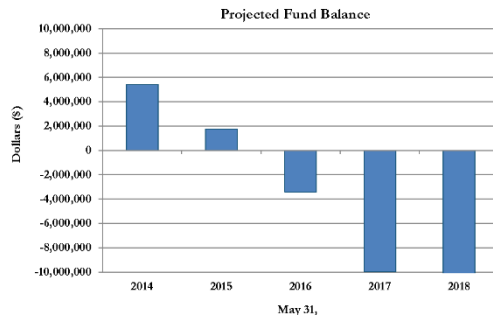
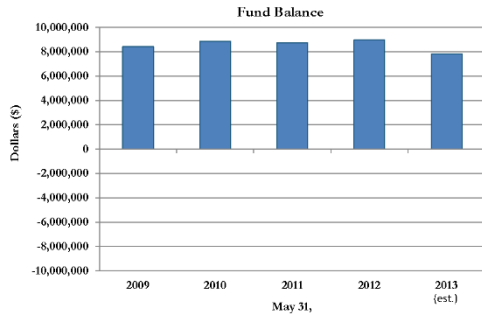
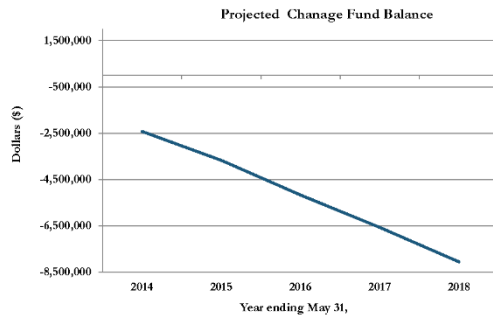
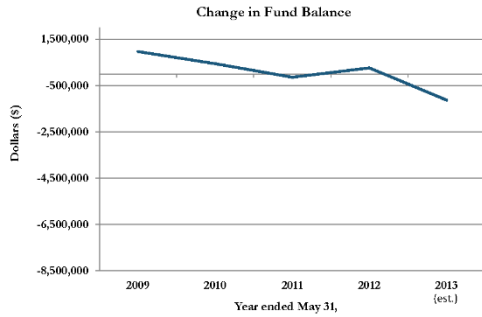
Village of Port Chester  
5-year projections

### Updated 2012-2013 5 Year Operating Trend



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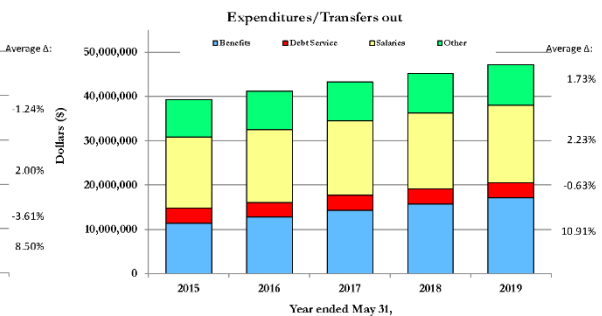
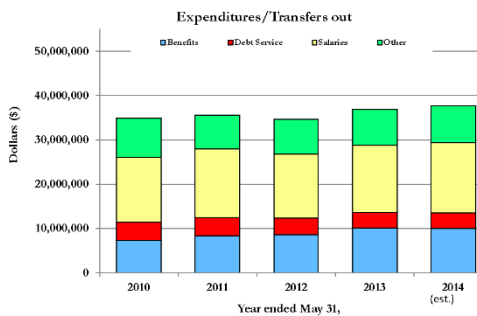
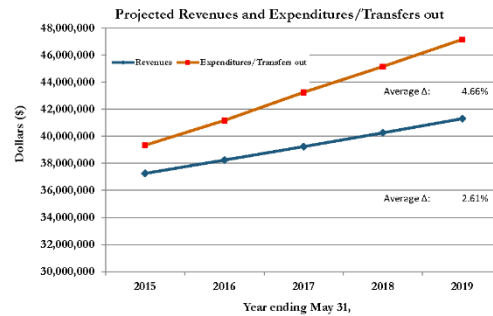
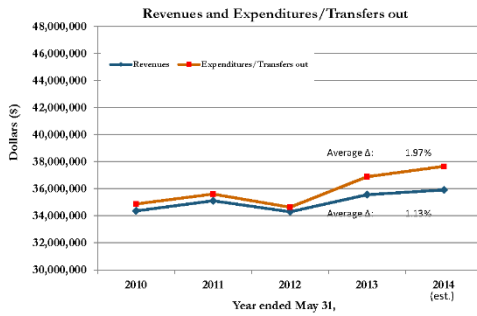
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5-year projections



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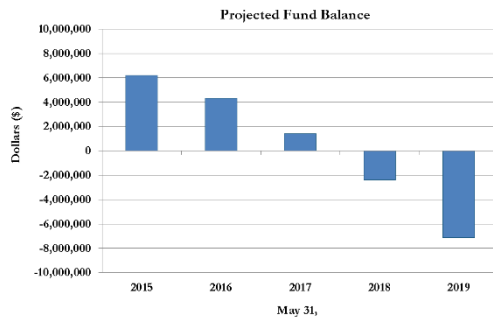
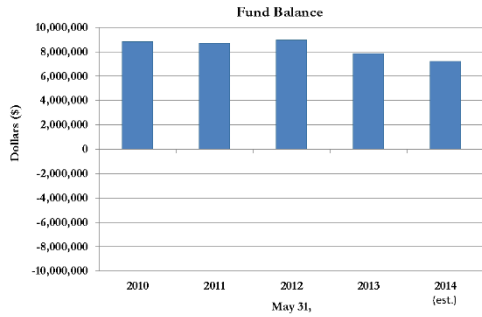
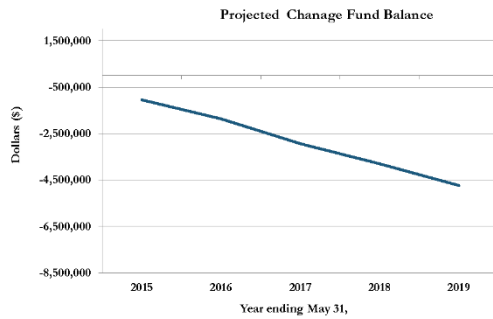
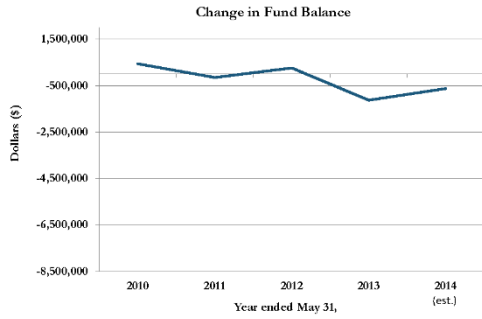
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### Updated 2013-2014 5 Year Operating Trend



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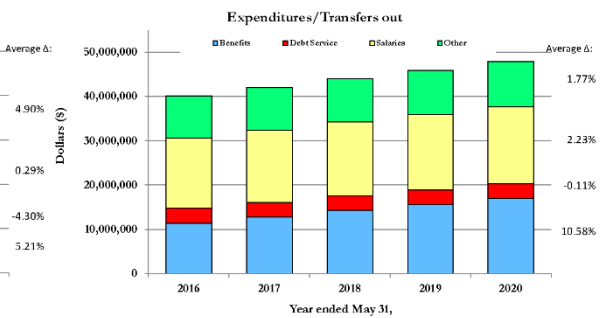
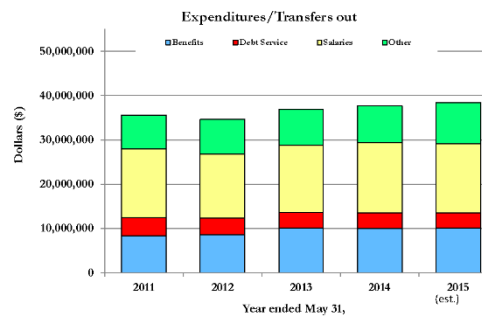
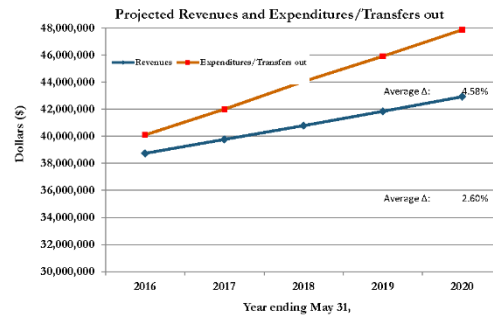
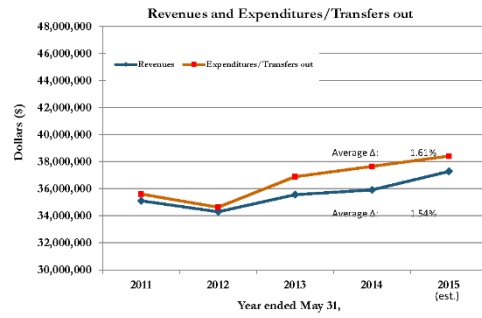
Village of Port Chester  
5-year projections



\*\* Confidential \*\*

Village of Port Chester  
5-year projections

**CURRENT Projections updated February 2015**



\*\* Confidential \*\*



**Add-On Resolution #: 1**

Mayor Pagano asked for a motion to add-on a resolution to Authorizing the Mayor to sign letter on behalf of the Board of Trustees to the Federal Transit Administration requesting that the Metropolitan Transportation Authority provide full accessibility for the disabled at the Port Chester railroad station.

There being no objection TRUSTEE KENNER, made a motion to Authorizing the Mayor to sign letter on behalf of the Board of Trustees to the Federal Transit Administration requesting that the Metropolitan Transportation Authority provide full accessibility for the disabled at the Port Chester railroad station, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood

**DATE:** February 17, 2015



## **RESOLUTION (ADD-ON)**

**AUTHORIZING THE MAYOR TO SIGN LETTER ON BEHALF OF THE BOARD OF TRUSTEES TO THE FEDERAL TRANSIT ADMINISTRATION REQUESTING THAT THE METROPOLITAN TRANSPORTATION AUTHORITY PROVIDE FULL ACCESSIBILITY FOR THE DISABLED AT THE PORT CHESTER RAILROAD STATION**

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

WHEREAS, upon the complaint of the Village of Port Chester, the Federal Transit Administration (“FTA”) conducted an investigation and determined that the Port Chester Railroad Station is not in compliance with the Americans with Disabilities Act and other applicable federal law; and

WHEREAS, the Metropolitan Transportation Authority (“MTA”) responded to the FTA’s determination disputing the agency’s interpretation of the law, but nevertheless stating that it would begin planning and design work and seek to request the expense for an elevator at the north bound platform of the station to be included in its next five-year capital budget; and

WHEREAS, the Board of Trustees deems the MTA’s conditional response to be unacceptable and that it should instead use available contingency funds so that the construction work may proceed and be completed as soon as possible. NOW, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Mayor to sign a letter, in the form annexed, on behalf of the Board of Trustees to the Federal Transit Administration requesting that the Metropolitan Transportation Authority provide full accessibility for the disabled at the Port Chester Railroad Station

### **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

## **UPDATE FROM THE BUILDING INSPECTOR**

### **BUILDING DEPARTMENT**

Workload in all areas continues to increase, staff continues to decrease.

Currently, the department is down 4 positions: 2 PT Assistant Building Inspectors (ABI)

(1) Office Assistant Automated Systems and (1) Office Assistant Automated Systems

“Spanish speaking.” Hiring list(s) have been requested prior to the New Year, still

waiting. Currently, there are no competent inspectors available for hire. ABI Positions

were offered to 2 people, both declined. The reasons given: PT pay is too low and both were offered a position in another municipality. New ABI hire (last on list) is to be terminated on 2/20/2015.

Tasks “not” being completed are as follows:

- Post scanning: new documents requiring scanning and indexing after the date of return regarding the contracted scanning.
- Review of documents for submission to files i.e. property files, code files
- Maintaining files for accuracy. Files require a review, update and maintenance to ensure accuracy for prior to public Municipity viewing.

January, usually the slowest of all months, turned out to be one of the most productive. Permits, consultations, inspections and revenues have all increased in comparison to the same time last year 2014.

**January 2015**

Stop Work Orders	5	\$1,346.00
Certificate of Occupancy	22	\$5,250.00
Building Permits	60	\$58,172.55
Plumbing Permits	27	\$3,990.00
Electrical Permits	22	\$2,250.00
Sign Permits	4	\$400.00
Tank Permit	10	\$560.00
Permit to Occupy Sidewalk	3	\$39,310.00
Temporary Certificate of Occupancy	8	\$3,400.00
Application for Amendment	0	
Searches	59	\$11,670.00
Foils	11	\$89.25
Consultations	94	
Inspections	105	
		<b>\$126,437.80</b>

**CODE ENFORCEMENT**

Staff levels are adequate, workload continues to increase.

Focus during the inclement weather was geared at assisting DPW. Coordination with DPW and Code resulted in the enforcing of the Village code with regard to placing snow in streets. Essentially, code trailed DPW via radio and responded to requests made by DPW to minimize the impact of snow being thrown into the street. The efforts and collaboration by both departments went extremely well.

January too, turned out to be a productive month. Inspections and revenues have all increased in comparison to the same time last year 2014.

<b>January 2015</b>	
<b>Fire Safety Program</b>	
Scheduled Fire Inspections Conducted	87
Fire Inspections Failed - NOV issued	38
Re-inspections Conducted	49
Certificates of Compliance Issued	31
Fees Collected	\$18,350
Request to Conduct Fire Inspection Notices Sent Out	110
NOV's For Failure To Respond to Fire Safety Renewal	41
Appearance Tickets Issued	0
<b>Additional Inspections</b>	
Sprinkler/Flow Inspections	0
Sprinklers - Hydrostatic Inspections	0
Fire Alarm Inspections	0
Kitchen Fire Suppression System Inspections	0
Court Inspections	3
Stop Work Order Issued	0
Fire/Police Referral Inspections	20
Unsafe/Unfit Structure Inspections	0
Knox Box Inspections	1

Fire Inspections	87
Re-inspections	49
<b>Total Fire Inspections</b>	<b>136</b>
Additional Inspections	24
<b>Grand Total</b>	<b>160</b>

<b>January 2015</b>	
<b>Code Enforcement Program</b>	
Complaints Received	112
Inspections Conducted (as a result of complaints)	255
Right of Entry Requests	1
Notice of Violations Issued	74
Illegal Dwelling, Overcrowding Complaints (IDW & OC)	1
Notice of Violations Issued re: (IDW & OC)	0
Appearance Tickets Issued	4
Stop Work Orders	3

Compliance Case Closed	60
Unfounded	7
Referred to PC Building Department	7
Referred to PC Police Department	1
Fire Safety Referral (from PCCE to FS)	0
Referred to PC DPW	5
Referred to Westchester County Department of Health	1
Referred to HUD	0
Referred to PCHA	0
<b>January 2015</b>	
<b>Court Cases</b>	
Number of Current Court Cases	182
Number of Current Court Cases Closed	3

### OVER CROWDING-ILLEGAL DWELLINGS 2015

Identifying overcrowded/ illegal occupancies still remains as a top priority of code enforcement.

### Unlawful Occupancy-Overcrowded Properties Breakdown 2015

Total located: **37**

Affecting **21** properties

- o Unlawful Basement Occupancy: 11
- o Unlawful Attic Occupancy: 10
- o Single Room Occupancy (SRO's): 0
- o Additional Dwelling Units: 16

### Contributors

- o 1 & 2 Family: (5) Represents: 24%
- o Multiple Dwelling (3 or more): (14) Represents: 67%
- o Mixed Use: (2) Represents: 10%

Multiple dwellings still remain the largest contributor to the illegal occupancies.

### Amnesty Update

Amnesty applications continue to be submitted however, at a much slower, infrequent rate.

Below represents the total number of all applications submitted since inception and the number of consultations completed. Consultations are 54% complete.

Total Amnesty Applications Submitted:	733
Amnesty Reports Completed:	721
Percentage of Amnesty Reports Complete:	98%
Amnesty Consultations Completed:	394

### Focus

During the month of February, the building department is in the process of addressing the backlog and returning a number of incomplete applications. Code enforcement has been instructed to perform a full file-review of all properties that each officer has inspected and the owner has failed to comply with an NOV.

In addition, code enforcement has been instructed to take another look at all files that contain a referral to the building department. Those owners that received a referral and have failed to schedule an appointment with the building department shall be issued a court appearance ticket.

During the middle of February through March, the Building and Code Enforcement Departments will focus on the remaining overcrowded and illegal occupancies throughout the Village. The departments will further evaluate properties by proactively canvassing certain locations and conduct a follow-up review of all standard searches that contain an illegal occupancy and have not scheduled a consultation in a timely manner. The Building Department continues to maintain and update a comprehensive list of all properties that have requested a municipal search. If the search indicated that there is a discrepancy in the number of dwelling units, it is duly noted and a notice to remedy is issued. The upcoming months shall include a review of those files and in the event there has been no communication with building or code, proper enforcement shall commence.

## **REPORT OF THE POLICE CHIEF**

Chief Richard Conway commented on the College Avenue traffic situation. We've moved a traffic officer full time into doing traffic enforcement and taking him out of all of his other duties. We have the addition of a police car, increasing traffic violations this past month 91% over the previous month. We will be doing a second car next week. We are awaiting the delivery of two traffic speed signs. Weather permitting, we will get them set up in strategic locations.

## **DISCUSSIONS**

### ***Joseph Gianfrancesco from the Traffic Commission regarding safety issues on College Avenue***

Joe Gianfrancesco, Chairman of the Traffic Commission, reviewed the Fire Chief's letter to the Traffic Commission regarding a safety issue getting in and out of fire headquarters. This cannot be handled by the Traffic Commission. However, the Chief submitted photos showing driveways at headquarters and opposite headquarters where people park because they are not marked out or hatched. There is one sign across from headquarters with a picture of a fire truck on it. You cannot put signage on the sidewalk because when the fire trucks pull up they overhang the sidewalk. The best way to deal with this is we recommend hatching out in big yellow hatch marks. The Village Code already states this is a fire zone so all we have to do is get it painted. Our recommendation is to paint hatch marks on both sides of the street. Since this is a County road we have to apply for a permit.

Regarding the tragedy on College Avenue, at our traffic meeting on January 15<sup>th</sup> we hashed out different ideas in dealing with the speed problem. Traffic humps are not a good idea in this area. We did a survey of the area to see what kinds of accidents are taking place. This is not a continuing problem. We did a car count and radar test. The Village has it covered with the school speed limit. Sgt. Barbara made arrangements on timing of the speed enforcement with Rye Brook. Enforcement and education are the best way to handle the speed problem. The speed signage is really poor at the schools.

Trustee Terenzi commented that Westchester Avenue from Broad Street to Pearl Street is not working. The lines are not there. People don't know they can make a left-hand turn. There is no parking in front of the Capital from Broad Street to Pearl Street. Someone put a line there and people think they can go into the stores. Joe Gianfrancesco commented the line was painted with a temporary paint. The spaces in front of the Capital were moved to Pearl Street.

Joe Gianfrancesco commented the Traffic Commission needs approval for the speed signs at the high school and the hatch marks at the fire house.

### ***Additional municipal parking spaces – as requested by Trustee Adams***

Trustee Adams commented this Village has a parking issue. The Village Hall lot is packed in the day time. When you park at the movie theater it can take up to half an hour to get out of the lot. He is approaching the Board to see if we can get some additional municipal parking. We have so many restaurants and the parking is inadequate. Mayor Pagano commented there are 2700 parking spaces in the Village. Village Manager Steers commented a study showed there was adequate parking. Trustee Terenzi commented that even when the Capital is packed they only need 225 spaces since 35% of the patrons come via train. Anthony Tyrone commented there are 2932 spaces within ½ mile of Liberty Square. The majority of those are public parking spaces. At any given time about 1300 spaces are empty. There is no direction for parking. He suggested brightening up the public spaces and publicizing. When restaurants come into the Village, parking should be a consideration. There is not a lack of parking; it is a lack of knowledge of parking. Village Manager Steers commented the Traffic Commission could expand their role to look at this but they would need the aid of a professional engineer.

### ***Tax Certioraris***

Trustee Terenzi commented that he had perused the numbers given by Village Treasurer Douglas. We only budgeted \$55,000. We were at \$120,000 and there is still \$50,000 in the pipeline. We should have a detailed bill from the Town. Attorney Cerreto said he had some conversations with Denise and with special counsel hired by the Town of Rye. After discussion the Board decided to have a work session at the Conference Room on March 3<sup>rd</sup>.

***Participate with Westchester County regarding New York State Tax Freeze***

Village Manager Steers commented the County is offering the opportunity for us to join in with them and other municipalities to submit as a group to the State relating to the tax free program. If the County makes the 1% and your municipality is not quite making the 1%, you still get the benefit of being under their umbrella. Leonie Douglas noted the 2013-2014 carryover that we use as a tax cap is \$41,895. The 1% percentage is \$225,510. The plan must show a 1% sustained savings of the property tax levy date of 2014-2015. The 1% savings must be achieved 2017, 2018 and 2019.

**Add-On Resolution #: 2**

Mayor Pagano asked for a motion to add-on a resolution to Participation with Westchester County in NYS Property Tax Freeze/Government Efficiency Plan.

There being no objection TRUSTEE CECCARELLI, made a motion to add-on a resolution to Participation with Westchester County in NYS Property Tax Freeze/Government Efficiency Plan, seconded by TRUSTEE MARINO, the motion **did not** received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** Trustee Terenzi.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015.

The motion to add-on a resolution was defeated and will be added to our next regularly scheduled meeting on March 2<sup>nd</sup>, 2015.

**Add-On Resolution #: 3**

Mayor Pagano asked for a motion to add-on a resolution to Support for the enactment of the Abandoned Property Neighborhood Relief Act to facilitate a state-wide effort to assist municipalities in their management of vacant and abandoned properties.

There being no objection TRUSTEE KENNER, made a motion to add-on a resolution to Support for the enactment of the Abandoned Property Neighborhood Relief Act to facilitate a state-wide effort to assist municipalities in their management of vacant and abandoned properties, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015.

**RESOLUTION (Add-On)**

**SUPPORT FOR THE ENACTMENT OF THE ABANDONED PROPERTY  
NEIGHBORHOOD RELIEF ACT TO FACILITATE A STATE-WIDE EFFORT TO ASSIST  
MUNICIPALITIES IN THEIR MANAGEMENT OF VACANT AND ABANDONED  
PROPERTIES**

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

WHEREAS, due to the ongoing national housing crisis, property owners are increasingly burdened with mortgages which exceeds the value of their homes; and

WHEREAS, as a result, owners abandon their properties with no intention to maintain or reoccupy their homes and typically are difficult if not impossible to locate; and

WHEREAS, although mortgagees and loan servicing companies may keep property taxes current, they do not typically assume any obligation to maintain the properties in conformance with state and local codes; and

WHEREAS, mortgagees and loan servicing companies are reluctant to complete the foreclosure process in an attempt to defeat municipal efforts to make them legally responsible; and

WHEREAS, abandoned residences become magnets for crime, are a hazard to emergency response services; creates urban blight, decreases property values for surrounding properties, are a drain on all village services and negatively impacts the quality of life for all residents of the Village; and

WHEREAS, notwithstanding the foregoing, current State Law does not allow for municipalities to require mortgagees and loan servicing companies to maintain property before a judgment of foreclosure is obtained; and

WHEREAS, at the instance of the State Attorney General, bills were introduced in both houses of the state legislature in the 2014 legislative session that were entitled “the New York



State Abandoned Property Neighborhood Relief Act” which would ameliorate the current problems by:

-imposing the duty on mortgagees and loan servicing companies to maintain vacant and abandoned properties in compliance with the State Property Maintenance Code and authorizes a municipality to bring suit in the event that they are in violation.

- requiring the State Attorney General to establish and maintain a state-wide vacant and abandoned property electronic registry imposing disclosure requirements on mortgagees and loan serving companies and a toll-free “hot line” to receive complaints from neighbors of vacant and abandoned properties.

-authorizing municipalities to intervene in any foreclosure action to request an injunction to assure the property is maintained in conformance with the Code and that the foreclosure action is timely prosecuted; and.

WHEREAS, these bills did not advance out their respective committees to the floor for full consideration; and.

WHEREAS, the Board of Trustees has been informed that these bills may be refiled and takes the earliest opportunity to call upon its state elected officials to assure passage of same this year for the benefit of the Village of Port Chester. Now, therefore, be it,

RESOLVED, that the Board of Trustees hereby calls upon State Senator George Latimer and Assemblyman Steve Otis co-sponsor bills in their respective houses that are based on “The New York State Abandoned Property Neighborhood Relief Act”, and to gather support for such important initiative on behalf of the Village of Port Chester to assure its enactment in the 2015 legislative session.

Approved as to form:

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Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

## **Add-On Resolution #: 4**

Mayor Pagano asked for a motion to add-on a resolution to reappoint of a member Ronald Luiso as member of the PORT CHESTER ZONING BOARD OF APPEALS.

There being no objection TRUSTEE TERENCE, made a motion to add-on a resolution to reappoint of a member Ronald Luiso as member of the PORT CHESTER ZONING BOARD

OF APPEALS, seconded by TRUSTEE CECCARELLI, the motion received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015.

**RESOLUTION (ADD-ON)**

**REAPPOINTMENT OF MEMBER TO ZONING BOARD OF APPEALS**

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

RESOLVED, that RONALD LUISO residing in Port Chester, New York, be and is hereby reappointed as member of the PORT CHESTER ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2017.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**Add-On Resolution #: 5**

Mayor Pagano asked for a motion to add-on a resolution to appoint GERARDO ESPINOZA as member to the PORT CHESTER ZONING BOARD OF APPEALS.

There being no objection TRUSTEE MARINO, made a motion to add-on a resolution to appoint GERARDO ESPINOZA as member to the PORT CHESTER ZONING BOARD OF APPEALS, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015.

**RESOLUTION (ADD-ON)**

**APPOINTMENT TO ZONING BOARD OF APPEALS**

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

RESOLVED, that GERARDO ESPINOZA residing in Port Chester, New York, be and is hereby appointed as member of the PORT CHESTER ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2017.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**CORRESPONDENCES**

**Add-on correspondence (two)**

During the correspondences section of the meeting, Mayor Pagano asked for a motion to add-on two correspondences to the Agenda.

There being no objection TRUSTEE MARINO, made a motion to add-on the two correspondences to the Agenda, seconded by TRUSTEE KENNER, the motion received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood

**DATE:** February 17, 2015

***From Reliance Engine & House., Co. No. 1 on the expulsion of: Paul Romanchuck (ADD-ON correspondence)***

The Board duly noted the correspondence.

*From Reliance Engine & House., Co. No. 1 on the resignations of: Daniel F. Hickman  
(ADD-ON correspondence)*

The Board duly noted the correspondence.

*From Clay Art Center respectfully requests use of the Beech Street municipal parking lot in front of the Clay Art Center building for this community event and the rental of Showmobile.*

**Add-on a Resolution**

During the correspondences section of the meeting, Mayor Pagano asked for a motion to add-on a resolution to co-sponsor the Clay Art Center annual Spring Fest celebration.

There being no objection TRUSTEE MARINO, made a motion co-sponsor the Clay Art Center annual Spring Fest celebration, seconded by TRUSTEE KENNER, the motion received a unanimous vote of those present.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood

**DATE:** February 17, 2015

**RESOLUTION (ADD-ON)**

**TO CO-SPONSOR THE CLAY ART CENTER ANNUAL SPRING FEST CELEBRATION**

On motion of TRUSTEE KENNER, 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 Village of Port Chester will co-sponsor the Clay Art Center annual Spring Fest Celebration.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

*From Westchester County Leadership Prayer Breakfast regarding the nomination of Village Manager Christopher Steers as a new committee member.*

The Board duly noted the correspondence.

*From Robert P. Casey, Jr. and Roger Wicker United States Senators inviting Village Manager Christopher Steers to the 63rd Annual National Prayer Breakfast in Washington, D.C.*

The Board duly noted the correspondence.

*From Robert P. Casey, Jr. and Roger Wicker United States Senators inviting Village Treasure Leonie Douglas to the 63rd Annual National Prayer Breakfast in Washington, D.C.*

The Board duly noted the correspondence.

*From Harry Howard Hook & Ladder Co. No. 1 on the expulsion of Frank DiLeo.*

The Board duly noted the correspondence.

*From Harry Howard Hook & Ladder Co., No. 1 on the resignations of:*

- A) *Marcos E. deMelo*
- B) *Timothy G. Hannigan*
- C) *Vincent R. Lyons*

The Board duly noted the correspondence.

*From Washington Engine & Hose Co. No. 4 on the resignations of:*

- A) *John Pugni*
- B) *James Smith and Peter J Zeale*

The Board duly noted the correspondence.

*From Putnam Engine & Hose Co. No. 2 on the reinstatement of Eugene Sciavillo.*

The Board duly noted the correspondence.

*From Fire Patrol & Rescue Co. #1 on the election of Ryan Powers.*

On motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, the Board of Trustees accepted the election of **Ryan Powers** as a member to the Fire Patrol & Rescue Co. #1 with the Port Chester Fire Department.

## **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

*From Joseph Gianfrancesco and the Traffic Commission regarding safety at Fire Headquarters on Westchester Avenue*

The Board referred the correspondence to staff without objection.

**MINUTES**

*Minutes from December 15, 2014, January 5, 2015, January 7, 2015 and January 12, 2015.*

Mayor Pagano asked for a motion to combine the minutes of *December 15, 2014, January 5, 2015, January 7, 2015 and January 12, 2015* of the agenda for the purpose of casting one vote for all minutes.

There being no objection TRUSTEE MARINO, made a motion, seconded by TRUSTEE KENNER to combine the minutes of *December 15, 2014, January 5, 2015, January 7, 2015 and January 12, 2015* of the agenda for the purpose of casting one vote for all the minutes.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER, the Board of Trustees accepted the minutes of *December 15, 2014, January 5, 2015, January 7, 2015 and January 12, 2015.*

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

**PUBLIC COMMENTS AND BOARD COMMENTS**

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

*Public (none)*

## ***Board***

Trustee Adams commented that on Saturday, February 28<sup>th</sup>, there will be a Town Hall meeting at Mt. Zion at 10:00 A.M. He asked that with inclement weather the changes in garbage and recycling collections be posted. Village Manager Steers commented these are posted as quickly as possible.

Trustee Terenzi commented we are in the political season. Next year will be a very interesting and dynamic year. The United Hospital project is going to happen within the next 18 months. Everybody in the community is going to know what is happening with the municipal center. We are going to hone in on our five year financial projections. We have a lot of new restaurants coming on board.

Trustee Marino commented on the MTA maintaining their property, and also the cost of building a new Police Station and Court. Trustee Terenzi said the difference between just building the Police Station and building a municipal center will also include the value of the current Village Hall. He commented about the special parking stickers for the volunteer firemen. Village Manager Steers commented that there is a process to follow.

Trustee Ceccarelli commented on the parking stations. Chris Ameigh said that with the winter weather this has not been done this winter.

Mayor Pagano commented on an article in the Lifestyles section of the Journal News. He recognized village employee Jesica Youngblood on her appointment as Concert Master of the Westchester Symphony Orchestra.

## **MOTION FOR EXECUTIVE SESSION**

### ***Executive Session***

At 10:33 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE TEREZI, the Board adjourned into an executive session discuss Port Chester Youth Baseball League (PCYBL) - Renewal Agreement.

### **ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Heather Krakowski, Recreation Supervisor.

No action was taken in executive session.

At 10:42 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

At 10:42 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the meeting was closed.

**ROLL CALL**

**AYES:** Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** February 17, 2015

Respectfully submitted,

Janusz R. Richards  
Village Clerk