

## **MEETING HELD JANUARY 6, 2014**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, January 6, 2014, 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, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Treasurer, Leonie Douglas; Christopher Ameigh Administrative Aide to the Village Manager; Village Engineer, Dolph Rotfeld and Attorney Juel R. Dichter.

On motion of Trustee Adams, seconded by Trustee Marino the meeting was declared opened at 6:04 p.m.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

### **PROPOSED EXECUTIVE/CLOSED SESSION**

#### **MOTION FOR EXECUTIVE SESSION**

At 6:04 p.m. on motion of Trustee Adams, seconded by Trustee Marino the Board adjourned into an executive session for the purpose of contract negotiations with United Water Co. regarding Sewer Rent Project.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Treasurer, Leonie Douglas; Christopher Ameigh Administrative Aide to the Village Manager; Village Engineer, Dolph Rotfeld; Attorney Juel R. Dichter and representatives from the United Water (Lynda B. Dimenna, John T. Dillon and Michael J. Pointing)

No action was taken in executive session.

At 7:19 p.m., a motion to come out of executive session was made by Trustee Ceccarelli, seconded by Trustee Brakewood, the Board of Trustees closed the executive session.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

## **PUBLIC COMMENTS**

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

Mr. Terranova wished all a happy new year and thanked the Trustees for the gathering held for Village employees and commission members. Thanked all who worked on Christmas Eve.

Mr. Ceruzzi commented on Rocky and his crew doing a great job in the snow storm. The new Code Enforcement tool should be "fire". Almost every fire in the last two months has been in illegal housing. Fortunately there has been no tragedy. Isn't there a way we could get warrants on overcrowded homes to prevent tragedies. The overcrowding is spilling over into the schools. Who is going to come up with the money for school budgets next year?

Mr. Abel commented on the Executive Session regarding the Sewer Rent Project. I thought this was a done deal.

Mayor Pagano replied that this is not yet done. We are almost there. Public sessions must be set up. There will be a public session on this Thursday. Village Manager Steers said it is necessary to have a public hearing.

Trustee Terenzi commented that we are going to go over a 5-year budget with no spikes to it. The rate that you see in the first year will rise with the rate of inflation.

## **RESOLUTIONS**

### **RESOLUTION #1**

#### **HOLIDAY PARTY 2013**

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

WHEREAS, on the initiative of the Village Manager, on December 11, 2013 the Village of Port Chester sponsored a Holiday Party for all Village officers, employees and members of the boards and commissions in appreciation of their hard work and dedication; and

WHEREAS, the event was a resounding success in bringing everyone together and will undoubtedly be remembered for years to come; and

WHEREAS, the expense of this event was completely funded by donations from members of the Board of Trustees and management personnel. Now, therefore be it

RESOLVED, that the Board of Trustees duly accepts the generous contributions of \$4,725 to the Village of Port Chester for the 2013 Holiday Party, and authorizes the Village Treasurer to account for same in the Trust and Agency Funds.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

**RESOLUTION #2**

**NEW YORK STATE INDEXED LUMP SUM SNOW AND ICE AGREEMENT  
2014-2015 WINTER SEASON**

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

WHEREAS, pursuant to New York State Highway Law, Section 12, the maintenance and repair of improved state highway in towns and incorporated villages, including control of snow and ice, is under the direct supervision and control of the commissioner of transportation; and

WHEREAS, the commissioner is authorized to enter into an agreement with a municipality for the performance of the work of such control of snow and ice on such terms as the commissioner may determine in the best interest of the public; and

WHEREAS, there are 13.2 lane miles of New York State-owned roads in the Village of Port Chester; and

WHEREAS, the State of New York has historically contracted with the Village of Port Chester for snow and ice removal on these roads; and

WHEREAS, the State has most recently contracted with the Village by agreement dated August 18, 1997 for a term of three years, commencing July 1, 1996 which has been annually extended; and

WHEREAS, such extensions provide for an estimated expenditure determined by the State at the time of extension with an adjustment to the actual payment amount based upon the intensity and severity of the winter season; and

WHEREAS, the State has recently presented to the Village an Agreement to Extend the Indexed Lump Sum Municipal Snow and Ice Agreement; and

WHEREAS, the Village Manager recommends that such long-standing contractual relationship be continued. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to execute the Agreement to Extend the State Indexed Lump Sum Municipal Snow and Ice Agreement for the 2014/15 season, to expire June 30, 2015 with estimated payment to the Village of Port Chester, in the amount of \$19,971.60.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

***Motion to Add-on a Resolution***

Mayor Pagano asked for a motion to consider an add-on a resolution to set a public hearing to consider the advisability of a local law amending the code of the Village of Port Chester with regard to the establishment of sewer rents.

On motion of Trustee Terenzi, seconded by Trustee Ceccarelli, the motion received a unanimous vote of those present.

**Roll Call**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

**ADD-ON RESOLUTION #3**

**SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO THE ESTABLISHMENT OF SEWER RENTS**

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 a public hearing be scheduled for January 21, 2014, at 7:00 p.m. or as soon thereafter, at the Port Chester Justice Court Courtroom, 350 North Main Street, second floor, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, to add provisions to Chapter 269, previously reserved, to be entitled "Sewer Rents."

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

***Motion to Add-on a Resolution***

Mayor Pagano asked for a motion to consider an add-on a resolution to establish a sewer rent rate.

On motion of Trustee Ceccarelli, seconded by Trustee Marino, the motion received a unanimous vote of those present.

**Roll Call**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

**ADD-ON RESOLUTION #4**

**ESTABLISHING A SEWER RENT RATE**

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:

WHEREAS, Article 14-F of the New York General Municipal Law authorizes municipalities to establish a system of user fees, or sewer rents; and

WHEREAS, in the exercise of such authority, the Board has scheduled a public hearing to consider the advisability of adopting a local law establishing a system of sewer rents using water consumption as a basis for calculating same; and

WHEREAS, the Village Manager has provided the proposed sewer rent rate to the Board of Trustees, that being \$1.102014/CCF; and

WHEREAS, the Board is required to set the sewer rent rate after a public hearing; and. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby sets a public hearing on January 21, 2014 at 7:00 p.m. or as soon thereafter, at the Justice Court Courtroom, 350 North Main Street, 2<sup>nd</sup> Floor, 350 North Main Street, Port Chester, to consider the advisability of establishing the sewer rent rate at \$1.102014/CCF of water consumption.

APPROVED AS TO FORM:

---

Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

## **UPDATE FROM THE BUILDING INSPECTOR**

Update from the Building Inspector was postponed until next meeting

## **CORRESPONDENCES**

*From Reliance Engine & Hose Co. No. 1 on the election of Julio Quinde to active membership and on expelling Isaak Martinez.*

The Board accepted the correspondence.

*From Washington Engine & Hose Co. #4 on the resignation of Lorenzo Chiappetta.*

The Board accepted the correspondence.

*From Allen S. Carroll on his resignation from the Traffic Safety Commission.*

The Board accepted the correspondence with regret.

*Request from Linda Agugliaro to Join Traffic Commission.*

Mayor Pagano asked the Clerk to contact Ms. Linda Agugliaro and invite her to come for an interview at our next meeting during an Executive Session.

*From the Board of Ethics requesting the Board of Trustees to appoint a new member to this Board as well as an alternate member and for money to be allocated in the 2014 budget for Ethics training for every Village employee.*

Mayor Pagano asked that we add this to our next agenda.

*From Peck, Shaffer & Williams LLP, Request for Public Hearing in connection with Tax-Exempt Bonds to be issued by the Public Finance Authority for the benefit of Educational Media Foundation*

### ***Motion to Add-on a Resolution***

Mayor Pagano asked for a motion to consider an add-on a resolution to set a public hearing in connection with the issuance by The Public Finance Authority of its Tax Exempt Bonds for the benefit of Educational Media Foundation in the aggregate principal amount of approximately \$30,000,000.

On motion of Trustee Kenner, seconded by Trustee Marino, the motion received a unanimous vote of those present.

## **Roll Call**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

### **ADD-ON RESOLUTION #5**

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

WHEREAS, Educational Media Foundation (the "Borrower") has represented to the Board of Trustees (the "Board") of the Village of Port Chester, New York (the "Village") that it is a California nonprofit corporation which intends to operate a non-commercial radio station (the "Radio Station"), the Federal Communications Commission (FCC) License (the "License") for which is assigned to the Village, and the radio antenna and other related equipment for which is located at 175 Huguenot Street, New Rochelle, New York; and

WHEREAS, the Borrower has requested the Public Finance Authority (the "Authority") to issue its tax exempt obligations (the "Bonds") for the benefit of the Borrower, in one or more series and in the aggregate principal amount of approximately \$30,000,000, a portion of which will be used to refinance (a) the cost of acquiring the License to operate the Radio Station, (b) the cost of acquiring certain related equipment and (c) certain costs of issuing the Bonds (collectively, the "Project"); and

WHEREAS, Section 147(f) of the Internal Revenue Code of 1986, as amended, requires, as a condition to receiving tax exempt treatment of the interest on the Bonds, requires that a public hearing be held in the local area where the project being financed or refinanced with tax-exempt obligations is located, after reasonable public notice in accordance with the Code's requirements; and

WHEREAS, the Borrower has requested that a public hearing be held by the Board in order to comply with federal tax requirements;

WHEREAS, the Board deems it necessary and advisable that this Resolution be adopted. Now, therefore, be it

RESOLVED, that a public hearing shall be held by the Board of Trustees of the Village on Tuesday, January 21, 2014 at or about 7:00 p.m. at the Port Chester Justice Court Courtroom, 350 North Main Street, Second Floor, in Port Chester, New York, for the purpose of complying with federal tax requirements applicable to the Bonds; and



RESOLVED, that this Resolution shall take effect and be in full force immediately after its adoption by the Board.

THIS RESOLUTION HAVING BEEN DULY CONSIDERED AND VOTED UPON WAS PASSED AND APPROVED THIS SIXTH DAY OF JANUARY, 2014.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

*From Howard Ravikoff regarding ETPA in the Village of Port Chester.*

The Board accepted the correspondence.

Village Manager recommended that the Board has discussion in a Workshop or an Executive session.

## **DISCUSSION-Blight Study**

Mayor Pagano commented he would like to get this on the next agenda...

Trustee Terenzi commented this hospital project has been kicked around. We are in our eighth year. The argument seems to be centered around the fact that this will put more children into the school system. Unless we do something that will balance any new construction there is going to be housing built at the United Hospital or there is going to be nothing. With the overlay the property could go up to 600 units. The original was 800 units. The original proposal called for a \$9.5 million profit, which is money they were going to give us based on how many units they build, which will go into the general fund in the Village. The original units also called for \$2.5 million of pilot money that would go to the schools and the county. Maybe it is time to identify areas of the Village that are in disrepair. You can combine a Blight Study with Tax Increment Financing. Something has to be done about the overcrowding.

Trustee Brakewood commented that he agreed there is a little bit of nuance. You don't need to couple this to the United Hospital property or Starwood Development. The two are separate. You basically have five R2F zones that ring downtown that are in disrepair and distress. You can look at two and three family houses that are assessed for less than \$300,000. You can see from some of the fires that some have five and six families. So you are getting the garbage, the kids in the schools, the garbage, and the crime. The question is can an individual buy one of these properties and fix it up and believe they are going to get a return on that investment? Clearly that is not happening. Individuals can't with our current zones and configuration invest in those neighborhoods with confidence. So you are getting absentee landlords who are making money off of slumlords conditions.

We need to do a Blight Study to develop a strategy to bring in a preferred developer who can turn the tide with as little investment as possible. We should county and state dollars as an infrastructure to it. If you want to make it self-funding for every one unit you take out you have to replace it with two units. The question then becomes what type of unit are you putting back (senior housing, studio apartments, apartments that can't easily be converted). We should put out a request for information.

Trustee Terenzi commented you lock in areas of development and lock in the taxes and get a developer with long-term vision.

Trustee Kenner commented on where does this fit in for the priorities set by the Village Manager, the timing issue, resources that need to be allocated, and what are the next steps. I like the concept of the Blight Study, but how does that this fit in to 2014 and 2015.

Village Manager Steers commented on the future of the Village look like, economic development and how do we fix the issue we're having with the school kids. More discussion needs to be had. Part of this needs to fold some of these strategies into our budget process. We will discuss us further on the 28<sup>th</sup>. A Blight Study probably puts us in a better position to have some real data so we can move forward.

Trustee Brakewood commented that if we bring in the developer they may pay for the Blight Study.

Village Manager Steers commented that he would be cautious in having a developer do the Blight Study. We should be as independent as possible. The cost is approximately \$60,000.

Trustee Terenzi commented that Tarantino has done two Blight Studies in the last four years. We should at least have him come in.

Village Manager Steers commented that on the 28<sup>th</sup> we will be talking about priorities again,

Trustee Brakewood commented when we talked about priorities before, with all the activity around the Municipal Center how can we afford one. We just don't have the money. We have to make choices. Because of the cascading effect that it has, we have to address the Blight Study. This will have a huge impact on the future of the Village.

Trustee Terenzi commented that he is not ready to drop the Municipal Center.

Trustee Marino commented that the Blight Study should be the priority. The United Hospital committee had a meeting and has not gotten back to the Board.

Trustee Ceccarelli said it is not up to the Board to pick the Blight Study areas. It should be independent. Let's get things done at the bottom (like parking) before we tackle major projects.

Trustee Terenzi commented that the school system cannot handle the number of students.

Village Manager Steers commented he will draft an RFP for the next meeting.

Trustee Adams commented in the targeted areas we should allow residents to come forward to speak and give their point of view. This Village has not fared well in the area of eminent domain. We could be touching on civil rights violations.

Trustee Brakewood commented on the good work of Code Enforcement.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

### ***Public***

Mr. Abel commented regarding code enforcement as being only three family and up. That would take care of the R2Fs. It should be moved down to 2-family and hire another inspector.

Mr. Ceruzzi commented on the Sewer Rent project and wanted to know if other communities are doing it. Village Treasurer Douglas said that other communities are looking at us. New Rochelle and Dobbs Ferry are doing it. About the Blight Study, where are we going with that? Single family homes are not doing well in this Village. Why are multi-family dwellings assessed lower than single?

### ***Board***

Trustee Adams commented regarding the loss of Bob Izzy of the Carver Center on December 24<sup>th</sup>. The taxi commission needs to work with us and work with getting better rates for seniors. We should be informed when the e-mail system goes down. Commented on the danger in cold weather, residents should not put a lamp extension cord for an electric heater.

Trustee Terenzi commented regarding the Sewer District, the major challenges with the budget, and the passing of Dan Bologna.

Trustee Marino commented regarding the PBA doing a tremendous job at the Willett Avenue fire. The fire department was there for the people at the Senior Center.

Trustee Ceccarelli commented regarding the school board meeting and the school reregistration. The effectiveness comes as a serious question. The Port Chester school district has taken a more solid approach to doing in-district school registering, one of which is doing physical home checks. The route of our overcrowded schools is overcrowded houses.

Mayor Pagano commented on the good work of the department of DPW during the snowstorm. He congratulated the firemen on the good work at the Willett Avenue fire.

## **PROPOSED EXECUTIVE/CLOSED SESSION**

### **MOTION FOR EXECUTIVE SESSION**

At 8:38 p.m. on motion of Trustee Adams, seconded by Trustee Brakewood the Board adjourned into an executive session regarding appointment of new Chief of Police

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Treasurer, Leonie Douglas; Christopher Ameigh Administrative Aide to the Village Manager and Ed Brancati.

No action was taken in executive session.

At 9:08 p.m., a motion to come out of executive session was made by Trustee Kenner, seconded by Trustee Adams, the Board of Trustees closed the executive session.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

***Motion to Add-on a Resolution***

MAYOR PAGANO asked for a motion to add-on a resolution authorizing the Village Manager to notify Westchester County Department of Human Resources with regard to position of Chief of Police.

On motion of Trustee Ceccarelli, seconded by Trustee Kenner, the motion for the add-on did not received a unanimous vote of those present and was defeated.

**ROLL CALL**

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

**NOES:** Trustees Brakewood, Terenzi and Marino.

**ABSENT:** None.

**DATE:** January 6, 2014

At 9:12 p.m., on motion of Trustee Adams, seconded by Trustee Kenner, the meeting was closed.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** January 6, 2014

Respectfully submitted,

Janusz R. Richards  
Village Clerk