MEETING HELD MARCH 3, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, March 3, 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 and Gene Ceccarelli.

It should be noted that Trustee Kenner was absent.

It should be noted that Trustee Ceccarelli left at 8:02 p.m.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Acting Police Chief, John R. Telesca and Christopher Ameigh Administrative Aide to the Village Manage.

Additionally, Representatives from STV and NDC.

On motion of Trustee , seconded by Trustee the meeting was declared opened at 6:34 p.m.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: March 3, 2014

MOTION FOR EXECUTIVE SESSION

At 6:34 p.m., on motion of Trustee Terenzi, seconded by Trustee Ceccarelli, the Board adjourned into an executive session for the purpose of reviewing NDC/STV consideration of their proposal.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: March 3, 2014

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer,

Leonie Douglas; Director of Planning and Development Christopher Gomez and Christopher Ameigh Administrative Aide to the Village Manager.

Additionally, Representatives from STV and NDC.

No action was taken in executive session.

At 7:08 p.m., a motion to come out of executive session was made by Trustee Marino, seconded by Trustee Brakewood, the Board of Trustees closed the executive session.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: March 3, 2014

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. G. Solomon commented on the good work of the Department of Public Works during the storms. Our taxes are too high; we should have been a city. We have the sewage treatment plant and there is no elitist who is going to live next to a sewage treatment plant. Consider the people of Port Chester and try and get our taxes down in some way.

Ms. B. Conetta commented that the Board of Trustees can do anything it wants. Parking here for the meetings should be free. The MTA is getting away with not taking care of their property, and the building has been renovated. You are willing to put a complex on Irving Avenue that will cost taxpayers money. Don't let Starwood get away with not complying with their original contract. Where was the architectural board in the planning of the Mariner and the Castle? Don't put meters on Midland Avenue. The Amnesty program is still a thorn in the side of many people.

Ms. A. Granata commented that her request for boundaries and setbacks was not on the agenda. She commented on FOIL requests. There should be a dialogue with the code enforcer who is on the case.

Mr. Morlino commented on the ISIP Law challenge; one is if there was an inspection before issuing the actual permit; the other is how this affects everybody. Where are we with this?

Mayor Pagano commented the Board would have a work session on this because it will affect every rental unit in the Village.

Mr. Morlino commented on the Sewer Rent. This will affect non-profits and schools.

Mr. Abel commented that everybody pays the Sewer tax, even the municipality.

RESOLUTIONS

RESOLUTION #1

BUDGET AMENDMENT – DEA ASSET FORFEITURE FUNDS TO PURCHASE TWO NEW COMPUTER SERVERS, & FOUR NEW COMPUTER WORKSTATIONS

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

WHEREAS, the Acting Police Chief recommended the use of DEA Funds for these items and that it is a proper use of such funds to purchase the following items from Dell Marketing L.P., P.O., Box 643561, Pittsburgh, PA 15264-3561:

- 1. To replace two (2) computer servers; one server that support records management system and another server that supports all other computer services in the Police Department that are both eight years for \$13,815.14, NYS contract PT64100, and
- 2. To replace four (4) computer workstations that are between four and five years old and does not function properly with the improved RMS for \$4,391.12, NYS contract PT65340. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2013-14 General Fund Budget as follows:

GENERAL FUND

Balance Sheet: 001-001-0695 Deferre

Deferred Revenue DEA \$(18,206.26)

Revenues:

001-0001-2613 Use of Deferred DEA Funds \$18,206.26

Appropriations:

001-3120-0200 Police Equipment \$18,206.26

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: March 3, 2014

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to secure the services of NDC through STV in consideration of proposal in connection to Municipal Building.

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENZI, the motion did not receive a unanimous vote of those present and was defeated.

ROLL CALL

AYES: Trustees, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: Trustees Adams and Brakewood.

ABSENT: Trustee Kenner.

DATE: March 3, 2014

DISCUSSIONS

Debt refunding

Village Treasurer Leonie Douglas commented that a few months ago while we were discussing our short-term borrowing a question came up whether or not we have some long-term debt that could be refunded. This is a good time for us to refund corporate debt which would give us a savings over the life of the debt of about \$223,000. At the next Board meeting we will develop a resolution to do the refinancing of the debt.

Traffic Commission parking recommendations

Administrative Aide Chris Ameigh presented a slide show showing the recommendations: Abendroth and Willett Avenue, Abendroth Avenue and Mill Street with "No Right on Red", Central Avenue Winter Parking regulations, Codifying Down Town Loading Zones, Increasing Parking Availability on Fawcett Street, Create Glen Avenue overnight parking for residents and create Glen Ave no parking zones for public safety, Create metered parking on Westchester Avenue, Firefighter Parking on Poningo, Create no parking zone on Upland Street to alleviate crowding during school days, Creating free parking near Village Court for Board Meetings.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to set a Public Hearing regarding to consider the advisability of adopting a local law that would amend the Code of the Village of Port Chester, Chapter 319, "Vehicles and Traffic" regarding the elimination of meter parking hours 6-9PM Monday through Thursday .

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENZI, the motion received a unanimous vote of those present and was approved.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

RESOLUTION #2 – ADD-ON

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF A LOCAL LAW AMENDING THE CHAPTER 319, "VEHICLES AND TRAFFIC", OF THE VILLAGE OF PORT CHESTER WITH REGARD TO PARKING HOURS

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, 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 March 17, 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 that would amend the Code of the Village of Port Chester, Chapter 319, "Vehicles and Traffic", that would change existing parking regulations on both sides of North Main Street between the Rectory Street intersection and the Port Chester Police Station Parking Lot to eliminate meter parking hours 6-9PM Monday through Thursday.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

UWW Westchester / New Rochelle water rate increase.

Village Manager Chris Steers commented on a letter from United Water requesting a rate increase and a merger that would affect United Water users in the area, with rate increases up to 28%. The Village of Rye Brook has told us they are in the process of challenging the rate increase and is asking us to join in that challenge. The city of Rye is also affected by it. Our share would be approximately \$21,250.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to join with the City of Rye and Village of Rye Brook in retaining Dichter Law firm as proposed to his proposal of February 28, 2014 and terms and conditions as stated in the proposal.

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENZI, the motion did not receive a unanimous vote of those present and was defeated.

ROLL CALL

AYES: Trustees Adams, Marino, and Mayor Pagano

NOES: Trustees Brakewood and Terenzi. **ABSENT:** Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

Zoning Map Amendment, 140 Midland Avenue.

Director of P&D Chris Gomez commented on the existing zoning map and a proposed zoning map with a couple of amendments on the west side of Midland Avenue to set up for a local law on this issue. This is actually the Pathmark Shopping Center, 140 Midland which has a catering and other uses, Super Suds at 142 Midland and the large Home Depot parcel at 152 Midland. Some of the uses there are lighter industry. There was a zoning change for the indoor sports facility. Home Depot is in three different zoning districts.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to set an April 7th Public Hearing regarding to consider the advisability of adopting a local law that would amend the Code of the Village of Port Chester, to change the official zoning map.

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENZI, the motion received a unanimous vote of those present and was approved.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

RESOLUTION #3 – ADD-ON

SETTING PUBLIC HEARING FOR AMENDMENTS TO THE OFFICIAL ZONING MAP

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the

following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

WHEREAS, the Village of Port Chester Board of Trustees is authorized to amend the Official Zoning Map of the Village of Port Chester; and

WHEREAS, on December 17, 2012 the Board of Trustees adopted the Village's first Comprehensive Plan and subsequently on March 17, 2013 adopted related zoning text and map amendments in furtherance of the Comprehensive Plan; and

WHEREAS, during the Comprehensive Plan process it was anticipated that additional zoning map amendments would be required to ensure consistency between the newly adopted plan and the official zoning map; and

WHEREAS, Village Staff has identified the need to make certain zoning map amendments stated herein along the Midland Avenue corridor in order to reflect existing and desired land uses and achieve the objectives described in the Comprehensive Plan:

Address	Section, Block, Lot	Existing Zone	Proposed Zone
Metro North Right-of-Way	142.53-1-2	M2	C1
142 Midland Avenue	142.53-1-3	M2	C1
140 Midland Avenue	142.53-1-4	M2	C1
130 Midland Avenue	142.53-1-5	C1/M2	C1
150 Midland Avenue	142.61-1-2	CD/C1/M2	CD

WHEREAS, proposed zoning map amendments are classified as Unlisted Actions under SEQRA and will require determination of significance of potential environmental impacts prior to adoption; and now therefore let it be

RESOLVED, that the Board of Trustees sets a public hearing on this matter on April 7, 2014 at 7:00pm at the Village Court House, 350 N Main Street, Port Chester, NY, 10573; and be it further

RESOLVED, that the Board of Trustees refers the proposed zoning map amendments to the Village of Port Chester Planning Commission in accordance with §345-34 of the Village Zoning Code and to the Westchester County Planning Board in accordance with §239 L, M and N of the New York State General Municipal Law and §277.61 of the County Administrative Code for review and comment.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Mayor Pagano

NOES: None.

ABSENT: Trustees Kenner and Ceccarelli.

DATE: March 3, 2014

ETPA

Village Attorney Cerreto commented that he and Chris Gomez are working on providing the Board options to confirm and ascertain our vacancy rate. We talked about an alternative to commissioning a separate agency study as there may be census data available. We would like to have this discussion postponed to the April monthly meeting. This involves 12 units and up built before 1974.

RFP for Property Condition Study and Revitalization Study

This was drafted at the Board's request. Village Manager Steers commented the Board directed we develop this RFP. We have looked at the various RFP's that are out there and consulting with Mr. Nolon. We have a draft and there is progress being made on it. Director of P&D Chris Gomez commented this is a follow-up to meeting with Prof. Nolon on property rehabilitation and condition assessment. What we come out with here is really trying to be flexible and realistic enough in our strategies for revitalizing certain areas. A consultant will be retained. The real approach is to have the proper data collected we will move to rehabilitation or revitalization depending on what the data shows. Key to this issue is the legal mechanism.

We want to have the data for property assessment. Once that data is collected we can generate maps for certain areas. From there we can do demographic existing data. Whoever we retain will need that understanding of existing building codes. We have to get enough data from this to go in a certain direction.

Trustee Adams commented on the people who live in the pocketed areas –are they going to have any say in this? Mr. Gomez commented that the areas that are targeted for revitalization will be determined with this analysis. At this point there are no targeted neighborhoods.

G & S Request - Crunch Gym

Attorney Tartaglia commented on a request by G & S Investors regarding a Crunch Gym which is an MUR zone. The building inspector said this is not a use within the district. At the original approval this was not mentioned as a health club. Village Attorney Cerreto commented this is strictly up to the Board of Trustees. The building has two floors and each is 17,000 sq. ft. Crunch Gym will occupy the upper floor and a major portion of the lower floor. They will have two store fronts that will be retail. The total used by Crunch will be 24,000 sq. ft.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to set a Public Hearing regarding to consider the advisability of adopting a local law that would amend the Code of the Village of Port Chester, to change the official zoning map.

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENZI, the motion received a unanimous vote of those present and was approved.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

RESOLUTION #4 – ADD-ON

DETERMINATION OF PORT CHESTER BOARD OF TRUSTEES PURSUANT TO §345-67 F (1)(b) OF THE VILLAGE OF PORT CHESTER CODE INTERPRETING "PERSONAL SERVICES" USES WITHIN THE MUR ZONING DISTRICT.

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

WHEREAS, The Village of Port Chester Board of Trustees ("Village Board") has been petitioned to adopt a minor amendment to the zoning regulation provisions for the MUR Marina Redevelopment Project Urban Renewal District pursuant to §345-67 F(1)(b) of the Village Code (the "Code"), by interpreting whether the definition of "Personal Services" as a permitted use within §345-67 B (1)(a)[1][a] of the Code includes health club and fitness facility uses; and

WHEREAS, The Village Board has reviewed and considered Chapter 345 of the Code, and after such review has determined that the legislative intent of Chapter 345 as set forth in §345-67 B (4)(h)[2] includes "...health clubs and family entertainment centers and general office uses," as permitted uses within the MUR Zoning District; and

WHEREAS, a health club is consistent with many of the personal service uses already operating within the MUR Zoning District. Now, therefore, be it

RESOLVED, that the Village Board hereby adopts a minor amendment to Chapter 345 of the Code pursuant to \$345-67 F(1)(b) by interpreting the definition of "Personal Services" as a permitted use within \$345-67 B (1)(a)[1][a] of the Code to include health clubs and fitness facility uses such as that proposed by the applicant.

Approved as to Form:	
A d. M.C. Will Adv	
Anthony M. Cerreto, Village Attorne	y

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Mayor Pagano

NOES: None.

ABSENT: Trustees Kenner and Ceccarelli.

DATE: March 3, 2014

Booting -Towing of Vehicles from Private Parking Lot

Village Attorney Cerreto commented this started a few weeks ago with a vehicle being towed from a Midland Avenue lot. The Village has gotten a number of complaints about vehicles being towed from private property. There are very good arguments for private property owners and there are very good arguments for the people who have had their car towed. We have the authority under State law to draft our own local legislation. If the Board wants me to draft up our own legislation, I will provide it. This requires very basic changes to our Code. It requires notice and opportunity to the person whose car is being seized. While we are sympathetic to the people having their cars towed there is nothing we can do about it. The city of Yonkers has a program that we can imitate.

Mayor Pagano commented that with the new restaurants coming on line the traffic is going to be tremendous and the parking is going to be horrendous.

Boards & Commissions

Mayor Pagano commented on a request from Trustee Kenner, who had a request from Sheila Rogan has been on as an alternate and has moved to a full time slot filling a vacancy. Trustee Adams thanked those who serve on the boards and commissions, they save the Village a lot of money. We've received complaints that some of the board members have not been treated fairly. At the beginning of the year we should have each board chairman give us a 5-minute presentation of what their board does and also let us know if they have any openings. This also gives the Board of Trustees the opportunity to keep their pulse on what the boards and commissions are doing. There should also be a list of what the members should have, i.e. parking decals etc. Let's have consistent rules so at the beginning of the year we will have them in place.

Village Website

Trustee Adams commented that if you go to the Village website the Board of Trustees is not listed and we are the governing body of the Village. Village Manager Steers said that is one of the things that will be posted once we have the new format posted. There is a sub-page that lists all the boards and commissions. If you go back to the left column you will see the LDC and IDA – why are they listed? Mayor Pagano commented you have to show that you have the LDC and IDA. Mr. Steers said we have worked an agreement with the current website designer to make the website more modern and up to date and friendlier to use.

Tom Lorenzo commented we will clean everything up. We will try and get away from the side bar because residents don't like it. Trustee Brakewood commented we need to make it easier for our residents. It needs to be a working website. Part of our working group includes the Chris Steers, Tom, Chris Ameigh and the Village Clerk. This is an investment we should make. Village Manager Steers commented we will have one more presentation before we go live.

CORRESPONDENCES

From Lou Del Bianco requesting to join the Beautification Commission.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to appoint Lou Del Bianco to the Beautification Commission and to expire on July 1, 2016.

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present and was approved.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

RESOLUTION #5 – ADD-ON

APPOINTMENT OF MEMBER TO BEAUTIFICATION COMMISSION

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

RESOLVED, that LOU DEL BIANCO, residing in Port Chester, New York, be and he hereby is appointed as a member of the Port Chester BEAUTIFICATION COMMISSION, effective immediately with said term to expire July 1, 2016.

From Port Chester Cares requesting the use of Port Chester Senior Center one night to show a movie.

The Board referred the correspondence to staff.

From Council of Community Services seeking the co-sponsorship of the Village of Port Chester regarding the 6th annual "Port Chester Fest."

The Board of Trustees agreed to co-sponsor the "Port Chester Fest." We are gathering co-sponsors to make this a success. The date is June 7th from 12 to 6; and we would like to see if the Village could support us. We will also seek other businesses and individuals to help in the planning of the Festival. The location will be the Marina parking lot. Village Attorney Cerreto said he will have to look into legal issues and asked that this be postponed until the next Board meeting on March 17th.

MINUTES

Minutes from 2013.

Mayor Pagano asked for a motion to combine the minutes of 10/07/2013, 10/810/2013, 10/21/2013, 10/31/2013, 11/04/2013, 11/12/2013, 11/18/2013 12/03/2013, 12/10/2013, 12/16/2013, 01/06/2014, 01/09/2014, 01/28/2014, 02/03/2014 02/12/2014 and 02/18/2014, the agenda for the purpose of casting one vote for the submitted minutes.

There being no objection TRUSTEE ADAMS, made a motion, seconded by TRUSTEE BRAKEWOOD to combine the minutes of 10/07/2013, 10/810/2013, 10/21/2013, 10/31/2013, 11/04/2013, 11/12/2013, 11/18/2013 12/03/2013, 12/10/2013, 12/16/2013, 01/06/2014, 01/09/2014, 01/28/2014, 02/03/2014 02/12/2014 and 02/18/2014 of the agenda for the purpose of casting one vote for all the minutes.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the minutes of 10/07/2013, 10/810/2013, 10/21/2013, 10/31/2013, 11/04/2013, 11/12/2013, 11/18/2013 12/03/2013, 12/10/2013, 12/16/2013, 01/06/2014, 01/09/2014, 01/28/2014, 02/03/2014 02/12/2014 and 02/18/2014.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

PUBLIC COMMENTS AND BOARD 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:

Board

Trustee Adams commented that if there are any meetings about the Tappan Zee Bridge. At the end of the diagram it shows Port Chester. We should be invited to the table in decision making.

Chris Gomez commented that Mr. Astorino had a meeting last week and Mayors across the corridor were invited. We are more than at the table.

Trustee Brakewood commented on automatic ticketing at intersections. Village Attorney commented this is a due process issue. Trustee Brakewood commented on the accessibility of computers to review their property records. Administrative Aide Ameigh said this room is available upon request.

Trustee Brakewood commented that we had only one resolution on the agenda and everything else was an add-on. Attorney Cerreto commented we should have a workshop prior to a Board meeting so that only the agenda items are discussed at the Board meetings.

Trustee Terenzi commented on the parking kiosks spitting out the wrong dates. Also, the storms have created havoc with the solar panels.

Trustee Terenzi commented on the municipal center project.

Trustee Marino commented on Westchester Avenue and Pearl Street.

At 10:32 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees, Adams, Brakewood, Terenzi, Marino, and Mayor Pagano

NOES: None.

ABSENT: Trustees Ceccarelli and Kenner.

DATE: March 3, 2014

Respectfully submitted,

Janusz R. Richards Village Clerk