

## **MEETING HELD JUNE 16, 2014**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 16, 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, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Saverio Terenzi was absent.

Also present were:

Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 7:05PM); Chief of Police, Richard Conway; Building Inspector and Director of Code Enforcement Peter Miley (arrived at 7:00PM); Christopher Ameigh Administrative Aide to the Village Manager; David Kenny, Law Student-Intern; Ed Brancati; and Village Engineer, Dolph Rotfeld (arrived at 7:43PM).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:09 p.m.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

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

The Board of Trustees proposed a motion for executive session regarding the appointment of the new Chief of Police.

Mayor Pagano commented that before going into Executive Session he would like Attorney Cerreto to explain to the public what can and cannot be discussed during Executive Session regarding the selection process for any candidates who will be in line for Police Chief. Attorney Cerreto commented we can talk about particular candidates during executive session. Other things, such as the selection process and salary should be discussed at an open session. Mayor Pagano commented that he would like the processes open for discussion.

Trustee Brakewood commented we will be interviewing each of the three candidates and I think it would be a good idea to give the candidates prewritten questions. We can couple this with some of the strategic planning approaches we've taken for the Village as a whole. I've asked for a written plan that goes over their 3, 5, 10-year goals for the Department that looks at their view on the physical planning for the department, for the use of technology in order to drive productivity enhancement, and their view on how they

would intend to build a diverse and inclusive culture within the Department. They should provide this in writing so that we can look at not only the person but at their plan and envision on where they intend to be take the Department in the long run.

Mayor Pagano would also like to see more basic items like sick day history, when they joined the Department, their advancement history, their awards and education; basically a good bio on each of the candidates.

Trustee Ceccarelli commented the bio on each candidate is something that we should see. They should put together a resume. We should get the interviews set up as soon as possible. We have three established candidates.

Village Manager Steers said there are a couple of steps first before we start the interviews. We need to establish a salary range, then we have to request a list. Once we get the list we can go from there. You have 60 days after we receive the list to make a selection. The last chief had a salary of approximately \$160,000, so our range would be around that or higher. It is the board's choice to set the range. We will look at the salaries of the other chiefs in Westchester County. A range would be about \$135,000 - \$170,000. There is a good chance we will have the list tomorrow.

You are required to select from the top three candidates who accept.

The Board of Trustees did not go into an executive session as listed on the Agenda.

Mayor Pagano asked for a motion to recess the meeting until 7:00 PM.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, to recess the meeting until 7:00 PM was adopted by the Board of Trustees of the Village of Port Chester, New York.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

## **AWARD PRESENTATION**

Mayor Pagano made the following statement regarding the Port Chester Beautification Commission Essay Awards and appreciation to John Reavis for many years of dedicated service, devotion and commitment to our Village.

*Award Presentation to Beautification Commission essay winners*

“The mission of the Port Chester Beautification Commission is to work with the community to take a greater initiative towards improving the aesthetics and the perception of the village. The Beautification Commission, through public events, programs and services, strives to make Port Chester a beautiful, healthy and safe place to live.

The commission members are Taryn Hubert, Emily Embesi, Catherine Rosenfeld and Lou DelBianco

Tonight, we have the very pleasant task of recognizing 4 young students who were winners in an essay competition sponsored by the Port Chester Beautification Commission. The contest was open to the entire Port Chester School system including the parochial schools. The topic of the essay involved asking the students to express pride in the Village and indicate an area where improvement is needed and why it is needed and how to make the improvement.

46 essays were returned and the 4 winners are being honored tonight.”

Village of Port Chester Beautification Commission essay winners.

- 1st Place - Esther Magana
- 2nd Place - Daphne Sullivan
- 3rd Place - Nicholas Loiaconi
- 4th Place - Eddie Del Monte



From the left: Eddie Del Monte, Nicholas Loiaconi, Esther Magana and Daphne Sullivan

***Award Presentation to John Reavis – In Appreciation for many years of dedicated service, devotion and commitment to our Village.***

“John is a former president & life-member of the NAACP. Mr. Reavis was also the Executive Director of Carver Center from 1990-1999 and was the past president of the Port Chester Branch of the NAACP. He is currently a member of several organizations including the St Francis AME Zion Church and a board member of the Port Chester/Rye Town Council of Community Services.

But did you also know that John is a certified ski instructor and in the late 1990s he was the national youth racing director for the National Brotherhood of Skiers. The Brotherhood is a confederation of black ski clubs throughout the United States. In August 1997, he took 11 young black skiers to La Parva, Chile, 27 miles northeast of Santiago, to train with top skiers from around the world, including the United States Ski Team.

In addition, he along with his wife Doris are currently officials with the Sno-Burners Ski & Sports Association out of NYC

In 2010 -during Black History & Heritage Month the County Board of Legislators awarded him the "Unsung Heroes" award selected from those who represent the best and brightest in the African American Community in Westchester.

John has dedicated himself to reaching out to help the young people in our community and the greater metropolitan area and has devoted many hours as a member of the Port Chester Parks Commission nearly a decade, from which he now desires to retire.

It is with a sense of gratitude and thanks that I, on behalf of the Village of Port Chester Board of Trustees, thank John for his dedication and all of his efforts for the Village of Port Chester and present him with this Certificate of Appreciation.”



Mayor Neil Pagano and John Reavis with Certificate of Appreciation

## **WORK SESSION**

William J. Villanova - Zoning Commission Chairman who was scheduled to update the Board on Zoning Commission was not able to attend today's meeting.

## **PUBLIC COMMENTS**

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

Comments were made by:

Ms. Dina Goren commented on the Dog Park updates. The grant application was submitted and Dina thanked all who supported the dog park. Port Chester is entered in a contest by PetSafe and Port Chester is in the top 15 competitors. The Port Chester Dog Park is holding a raffle to raise money. This will be held on July 31<sup>st</sup>.

Ms. Bailey-Reavis thanked the Trustees for recognizing her husband for his service to the community. She commented in her recent travels she noticed solar panels attached to poles and roofs that aid in reducing the amount of energy used. Maybe the village could get solar panels around town to reduce energy in Port Chester.

Ms. Goldie Solomon commented on too many residential properties since the schools are overcrowded. The hospital property should be a hotel. T&D Bank is sponsoring a free barbeque on June 18<sup>th</sup> from 6 to 8 p.m.

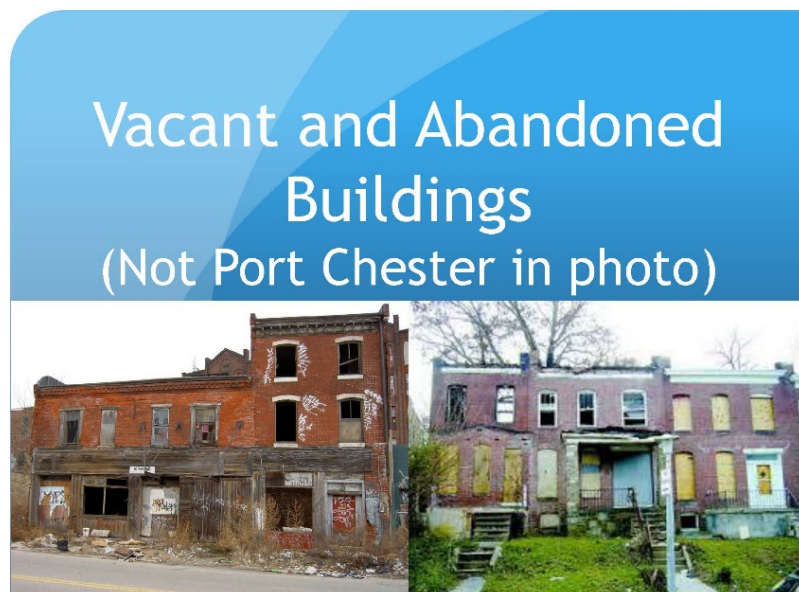
Ms. Bea Conetta commented on her meeting with Peter Miley. She suggested getting rid of the name “Amnesty”. She suggested Housing Inspection Program. She suggested that you get rid of the expiration date and make the fees the same whether or not you sign up. The Town of Rye is still undecided whether or not they will move to Grace Church Street. We have to get rid of cumulative voting.

Mr. Bill Giangrande commented on Putnam Avenue and King Street. People who are in the right hand turning lane sometimes go straight. There should be a sign.

Mr. John Reavis addressed the issue of traffic congestion. We continue to see congestion at the Westchester, King Street, Main Street area especially when trains get in. You have people who do not honor keeping the thoroughfare open. We should have at least one policeman available in the area to alleviate that situation.

## **PRESENTATION**

David Kenny, Law Student-Legal Intern, provided the Board with presentation on vacant / abandoned properties.







## Zombie Properties

The housing bubble burst of 2009 has created a National Housing Crisis that is still ongoing.

- Property owners are increasingly burdened with mortgages which exceed the value of their homes
- As a result, Owners are abandoning their properties with no intention to maintain or reoccupy them



## Zombie Properties Cont.

- Once removed from the property, owners are difficult if not impossible to locate
- Mortgagee or loan servicing company may keep property taxes current but do not physically maintain property unless they have a judgment of foreclosure
- Lenders don't complete foreclosure because current state law gives them no incentive



## The Problems That Vacant and Abandoned Properties Create

- Visual Blight
- Accumulation of trash and debris creating unsanitary conditions
- Attracts children, as well as vagrants and squatters, and other persons with criminal intent



## The problems that Vacant and Abandoned Properties Create

- Diminishes neighboring prop values
- Increases the risk of fire and criminal activity
- Burdens all Village departments that are required to respond to calls for service





# Alternative approaches in dealing with Vacant and Abandoned Property

- Land Banks: non-for-profit corps created to take title and redevelop, convey to third parties Abandoned & Vacant property
- Condemnation: using the power of eminent domain to take title
- Vacant/abandoned building registries.



## Land Bank For Port Chester?

- Art 16 of NYS Not-For-Profit Corporation Law allows certain municipalities to create Land Banks for upon approval of Empire State Development.
- New York State can only have 10 land banks and there are currently 5 have been approved. Competitive selection process for remaining. Village's issues do not rise to the top.





## Condemnation

- Uses Eminent Domain law to acquire the properties, not often used.
- Municipality becomes responsible for the property and must redevelop the property. They also must eventually sell or convey the property to a third party
- While this strategy would remove the problems of mortgages and liens on the property, the municipality would still have to pay fair market value



## State Law Limitations

- A significant road-block
- Only an owner or a Bank that has obtained a foreclosure judgment has a duty to maintain a property under NY State law (RPAPL § 1307) (Town of Huntington v. Lagone)
- We can only enforce code violations on owners as a criminal matter, but cannot obtain an injunction in the Justice Court
- Reform state legislation is necessary if municipalities are to make any real headway.



## State Law Limitations

- A significant road-block
- Only an owner or a Bank that has obtained a foreclosure judgment has a duty to maintain a property under NY State law (RPAPL § 1307) (Town of Huntington v. Lagone)
- We can only enforce code violations on owners as a criminal matter, but cannot obtain an injunction in the Justice Court
- Reform state legislation is necessary if municipalities are to make any real headway.



## NY Abandoned Property Neighborhood Relief Act of 2014

- Powerful bills have been introduced in the State Legislature.
- Imposes duty on mortgages and loan servicing companies to maintain vacant property and authorizes municipality to bring suit for violations of this duty
- State Attorney General directed to establish and maintain a state-wide vacant and abandoned property registry which will provide necessary information on these properties as well as set up a toll-free hot line for neighbors to make complaints.
- Authorizes municipalities to intervene in any foreclosure action to request an injunction to assure the property is maintained in conformance & action is timely prosecuted





## Working Together

- Corporation Counsel Roundtable- The Pace Land Use Land Center has established a Corporation Counsel Roundtable - periodic meetings of the municipal attorneys for the cities in Westchester and Putnam Counties as well as village attorneys from Port Chester, Brewster and Ossining. Recent roundtable on code enforcement strategies.
- Pace Land Use Law Center- in contract with cities of Newburgh and Poughkeepsie on the subject. The Village Attorney's legal intern worked with Pace in this work.
- The New York Conference of Mayors is actively involved in assisting cities and villages on the subject both as shaping their legislative agenda and in individual consultations.



## Targeted, Coordinated, Prioritized Effort

- The Department of Code Enforcement has identified vacant and abandoned properties in the Village that are targeted and prioritized for enforcement.
- Working with Village Attorney and Village Prosecutor, coordinated inter-departmental effort.
- Spread Sheet- List will be a dynamic list, consistently updated (List To Be Provided by Building Inspector prior to meeting)



## For the Board of Trustee's Consideration

- Support Resolution of “New York State Abandoned Property Neighborhood Relief Act of 2014”
- Blanket Resolution empowering Village Attorney to commence appropriate legal action with regard to vacant and abandoned properties



## 169 Fairview Avenue Today



Building Inspector and Director of Code Enforcement Peter Miley updated the Board on vacant / abandoned properties.



**Vacant / Abandoned Property Complaint Report - 2014**

In 2013 there were 17 vacant and abandoned "high profile" properties located in the Village.

As a result of aggressive Code Enforcement, the list is reduced to 7 "high profile"

vacant/abandoned properties located in the Village.

Today, 2014 there are 11 total, 4 of them recently identified. All are under continuous monitoring

<u>Address</u>	<u>Owner Name</u>	<u>NOV ISSUED</u>	<u>CAT ISSUED</u>	<u>Unfit for Occupancy</u>	<u>Unsafe Structure</u>	<u>Last Action Taken</u>
1 23 Washington St.	Charlotte Garcia	NOV(s) Issued	CAT(s) Issued	Issued/Posted	Issued/Posted	Enforcement - Filing in Westchester Supreme Court
2 169 Fairview Ave.	Edixon Galindo & Myra Rojas	NOV(s) Issued	CAT(s) Issued	Issued/Posted	Issued/Posted	Court Order Obtained, Unsafe Structure Removed
3 457 West St.	Natacha Saintil	NOV(s) Issued	CAT(s) Issued	Issued/Posted		Enforcement - Commenced Title Search, Ownership Verification, Service Address
4 48 Irenhyl Ave.	Nalini Singh	NOV(s) Issued	Passed CAT Issued Compliance attained - Under new enforcement			Under Enforcement
5 47 Clark Pl.	Richard & Mary Young	NOV(s) Issued				Enforcement - Commenced Title Search, Ownership Verification, Service Address
6 63 Purdy Ave.	Brunilda Cruz	NOV(s) Issued	CAT(s) Issued			In VOPC Justice Court
7 51 Purdy Ave.	Briga Realty Inc. c/o Robert Capolongo	NOV(s) Issued	CAT(s) Issued			In VOPC Justice Court
8 78 Glendale Pl	Rose Cumming	NOV(s) Issued - New				Enforcement - Commenced Title Search, Ownership Verification, Service Address
9 72 Glendale Pl	Jeanette Anello	NOV(s) Issued - New				Enforcement - Commenced Title Search, Ownership Verification, Service Address
10 62 Leicester St	Anthony Casterella	NOV(s) Issued - New				Enforcement - Commenced Title Search, Ownership Verification, Service Address
11 416 Elm St	416 Elm Street Corp.	NOV(s) Issued - New	Passed CAT Issued Compliance attained - Under new enforcement			Enforcement - Commenced Title Search, Ownership Verification, Service Address

**RESOLUTION**

**AUTHORIZING VILLAGE ATTORNEY TO COMMENCE APPROPRIATE LEGAL PROCEEDINGS TO REMEDY CONDITIONS WITH RESPECT TO VACANT AND ABANDONED PROPERTIES WITHIN THE VILLAGE OF PORT CHESTER**

On motion of TRUSTEE KENNER, seconded by TRUSTEE CECCARELLI, 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 are abandoning their residences with no intention to maintain or reoccupy the property; and

WHEREAS, although the Village has been affected to the same extent and severity as other municipalities throughout the State, the Board has been advised that there are a number of residential properties that are vacant and abandoned; and

WHEREAS, the Building Inspector has provided a listing of such properties that are targeted for attention, the names of responsible parties, status of enforcement efforts and strategy for abatement; and

WHEREAS, the Board finds that vacant and 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, the Board further finds that such properties are a public nuisance that must be abated to protect the public health, safety and welfare; and

WHEREAS, the Board desires to provide all necessary resources to the problem and empower the Village Attorney to take appropriate legal action without the need for individual authorization. Now, therefore, be it,

RESOLVED, that the Board of Trustees hereby authorizes the Village Attorney, upon request of the Village Manager, to commence appropriate legal action to remedy the public nuisance conditions associated with respect to vacant and abandoned properties in the Village of Port Chester.

Approved as to Form:

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

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION**

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 KENNER, 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 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, the Village of Port Chester is aware that there are bills pending in the New York State Legislature, entitled the New York State Abandoned Property Neighborhood Relief Act”, A09341 and S 07350, that would work to ameliorate this current situation by:

--imposes 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.

- requires 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.

-authorizes 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. 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 entitled “The New York State Abandoned Property Neighborhood Relief Act of 2014”, and to gather support for such important initiative on behalf of the Village of Port Chester to assure its enactment.

Approved as to Form:

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

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTIONS**

**RESOLUTION #1**

**RETAINING CONSULTANT TO PERFORM UTILITY, CABLE TELEVISION  
FRANCHISE FEE AND MUNICIPAL GROSS RECEIPTS TAX AUDIT SERVICES**

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

WHEREAS, Michael T. Caton, d/b/a Computel Consultants has presented to the New York Conference of Mayors that he performs utilities, cable television franchise fee and municipal gross receipts tax audit services on behalf of New York municipalities; and

WHEREAS, the Village of Rye Brook has most recently engaged Computel; and

WHEREAS, Computel proposes to likewise provide such services to the Village, with compensation to be a one-time fee representing a percentage of any recovered funds. Now, therefore, be it

RESOLVED, the Village Manager is hereby authorized to enter into an agreement with Michael T. Caton, Computel Consultants, P.O. Box 35, 5 East Main Street, Earville, New York 13332 in the form annexed to perform utility, cable television franchise fee and municipal gross receipts tax audit services, compensation to be thirty-five percent of any recovered funds.

Approved as to Form:

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



**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #2**

**AUTHORIZING THE COUNTY OF WESTCHESTER  
BOARD OF ELECTIONS TO CONDUCT THE VILLAGE ELECTION**

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

WHEREAS, pursuant to New York State Election Law, Section 15-104(c), the Board of Trustees may adopt a resolution, subject to permissive referendum, providing that Village of Port Chester ("Village") Election shall be conducted by the County of Westchester Board of Elections; and

WHEREAS, the next Village Election is scheduled to be held on Tuesday, March 17, 2015 for the Mayor; and

WHEREAS, the Board of Trustees believes it is in the best interest of the Village for the County of Westchester Board of Elections to conduct the Village Election. Now, therefore, be it

RESOLVED, that pursuant to New York State Election Law, Section 15-104(c), the Village of Port Chester transfers the conduct of Village Election to the County of Westchester Board of Elections, subject to a permissive referendum pursuant to the provisions of Article 9 of the Village Law of the State of New York.

Approved as to Form:

---

Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #3**

**REQUEST FOR SPECIAL STATE LEGISLATION  
REGARDING HOTEL OCCUPANCY TAX**

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:

WHEREAS, the Village of Rye Brook recently secured special state legislation to adopt a local law to impose a hotel occupancy tax of 3 percent; and

WHEREAS, the cities of Rye, New Rochelle and White Plains also have a hotel occupancy tax; and

WHEREAS, a hotel occupancy tax offers the advantage of raising necessary revenue without imposing a regressive and heavier burden on property owners; and

WHEREAS, the Board of Trustees has accepted the petition of PC 406 BPR and PC 999 High Street Corp. to redevelop the former site of United Hospital for mixed residential/ commercial use which includes a proposed hotel. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby supports the need for special state legislation that would authorize and empower the Village of Port Chester to impose a hotel occupancy tax of 3 percent; and be it further

RESOLVED, that the Mayor is hereby authorized to forward correspondence, together with a copy of this resolution, State Senator George Latimer and Assemblyman Steven Otis Latimer so that that the necessary legislation may be prepared and introduced in the next legislative session.

Approved as to Form:

Approved as to Form:

---

Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** Trustee Kenner.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #4 (POSTPONED TO 7/7/2014 BOT MEETING)**

**AWARDING BID FOR SANITARY SEWER LINING AND MANHOLE  
REHABILITATION**

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:

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE KENNER to **postpone** the vote on resolution Number 4 to the July 7, 2014 meeting.

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

WHEREAS, the Village of Port Chester has advertised for bids for Sanitary Sewer Lining and Manhole Rehabilitation 2014 (Bid No. 14-03); and

WHEREAS, of the three bidders, the bid of Allstate Power Vac. Inc. is the lowest responsible bid and the contractor's references have since been verified; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept this bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Sanitary Sewer Lining and Manhole Replacement 2014 to Allstate Power Vac. Inc., 928 East Hazelwood Avenue, Rahway, New Jersey 07065 in the amount of \$879,350.00; and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Sewer Improvement 13/14, Project Account 5.8120.400.2013.132 in the Capital Fund.

**RESOLUTION #5**

**AUTHORIZING AGREEMENT TO CONTINUE LONG-STANDING PUBLIC-  
PRIVATE PARTNERSHIP WITH PORT CHESTER COUNCIL OF THE ARTS, INC.  
FOR FY 2014-2015**

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, through a long-standing agreement with the Port Chester Council of the Arts, the Village of Port Chester has provided a theater and arts program; and

WHEREAS, such agreement provides a cross-generational opportunity for talented individuals to participate in programming that is given for the benefit of all Village residents; and

WHEREAS, the Council has submitted a budget and programming to renew the program for FY 2014-2015. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with the Port Chester Council of the Arts, Inc., P.O. Box 15, 211 South Ridge Street, Rye Brook, New York 10573, to provide theater and arts programming for the benefit of the residents of the Village of Port Chester for FY 2014-2015, compensation to be in the amount of \$32,000.

Approved as to Form:

---

Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None

**RECUSE:** Trustee Brakewood.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #6**

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, to combine resolution 6, 7 and 8 as listed on the agenda for the purpose of casting one vote for all of the combine resolutions was adopted by the Board of Trustees of the Village of Port Chester, New York.

**ROLL CALL**

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



**NOES:** None  
**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**APPOINTMENT OF MEMBER TO PLANNING COMMISSION**

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

RESOLVED, that CHRIS SUMMA, residing in Port Chester New York, be and hereby is appointed as an ALTERNATE member of the Port Chester PLANNING COMMISSION, effective June 17, 2014 with said term expiring on 06/16/2017.

Approved as to Form:

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

**ROLL CALL**

**AYES:** Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.  
**NOES:** None  
**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #7**

**REAPPOINTMENT TO THE ZONING BOARD OF APPEALS**

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

RESOLVED, that ART D'ESTRADA, of Port Chester, New York, be and he hereby is reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately, with said term to expire December 31, 2016.

Approved as to Form:

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

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #8**

**REAPPOINTMENT TO THE ZONING BOARD OF APPEALS  
AS AN ALTERNATE MEMBER**

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

RESOLVED, that GERARDO ESPINOZA, of Port Chester, New York, be and he hereby is reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately, with said term to expire December 31, 2016.

Approved as to Form:

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

**ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

**RESOLUTION #9**

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

WHEREAS, the Village of Port Chester Recreation Department conducts an outdoor entertainment program; and

WHEREAS, the Village selects groups to perform over the course of the year; and

WHEREAS, an agreement is required to support payment for such groups. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into the following agreements to provide entertainment for FY 2014 – 2015 as indicated;

- Angie Rubino & Band, compensation to be \$1,100.00 for Lyon Park Concert
- Sly Gerald's Band, compensation to be \$1,000.00 for Lyon Park Concert
- Blues Patrol, compensation to be \$900.00 for Lyon Park Concert
- Rich Bobinski Orchestra, compensation to be \$720.00 for Lyon Park Concert
- The Bookends, compensation to be \$900.00 for Lyon Park Concert
- Markx Laiko Bolivian, compensation to be \$850.00 for Downtown Concert
- Back to the Garden 1969, compensation to be \$1,000.00 for Downtown Concert
- Juarez-Show Mariachi, compensation to be \$625.00 for Port Chester Day
- Rave-On Band, compensation to be \$500.00 for Port Chester Day
- Kathy Casey, compensation to be \$800.00 for Port Chester Day
- Soul Train, compensation to be \$750.00 for Port Chester Day
- The Greyhounds, compensation to be \$500.00 for Port Chester Day
- Curtis Winchester, compensation to be \$500 for Port Chester day
- Mark Rudzinski –Sound System, compensation to be \$1,200.00 for Port Chester Day.

Approved as to Form:

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

## **ROLL CALL**

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

**NOES:** None

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

## **REPORT OF THE VILLAGE MANAGER**

Village Manager Christopher D. Steers, updated the Board on the following items:

### **INITIATIVES:**

- 1. National Development Council:** NDC and their partners at STV, Inc. have completed their analysis, pending final review. The proforma and project layout has progressed with a recommendation to eliminate the 3-4 story parking deck and alternatively program parking at the existing oak and grove lot with a proposed decking of same. This eliminates about \$4 million dollars from the project. There will be a full presentation at the July 7<sup>th</sup>, BOT meeting.

## **2. Strategic Planning: Strategic Actions**

Opportunity Areas #1-5: Grant Writing Taskforce: Over the past three months, the Grant Writing Taskforce prepared seven grants on behalf of the Village through the 2014 Consolidated Funding Application (CFA) process for the June 16, 2014 submission date. The group attended the annual CFA Kick-Off meeting at Manhattanville College and met with a representative from Empire State Development on April 30<sup>th</sup> to discuss grant funding availability.

The seven grants submitted include: construction financing to repair the failed bulkhead and provide new waterfront public space; a feasibility/strategic planning study for land acquisitions associated with the creation of a new municipal center; feasibility planning/study for the redevelopment of Fox Island; conditions analysis and programming study for the repurposing of Bush-Lyon Homestead; construction for a dog park in Abendroth park; feasibility/strategic planning study for non-motorized, recreational watercrafts; and construction of permeable parking lot at Edgewood Park to increase improved public access. All grants applied for align with recommendations and policies described in the Comprehensive Plan, Strategic Plan, and Local Waterfront Revitalization Program. Staff anticipates receiving word from New York State about grant funding awards towards the middle of September and will provide an updated report at that time.

- 3. Property Condition Study RFP:** The RFP has been issued with a return date of June 20<sup>th</sup>, 2014. Again, the selected consultant will conduct a general neighborhood condition survey and utilize existing census and crime data to delineate specific Areas of Rehabilitation/Redevelopment Opportunity (ARO) within the village. Once specific areas are identified, the selected consultant will complete the following tasks for existing parcels located within each ARO and provide supportive data and recommendations in a narrative report format:
  - Create a parcel-based database, indexed by Section, Block, and Lot, identifying all existing building and health code violations, structural deficiencies, substandard, insanitary, or deteriorated conditions, tax delinquencies, judgment and mechanics liens, mortgage defaults, vacancy, abandonment, and zoning code violations. Existing structural integrity should be rated Good, Fair, Poor, or Deteriorated based on field reconnaissance, exterior observation, and generally accepted criteria for property condition assessment.

- Generate existing land use and thematic maps for each Area of Rehabilitation/Redevelopment Opportunity illustrating concentration and salient trends of attributes identified above.
- Utilize appropriate census geographies (census tract, block group or block) and parcel-based database to provide demographic tables and charts for each Area of Rehabilitation/Redevelopment Opportunity extrapolating population density, vacancy rate, age of housing stock, property condition, and crime rate relative to the Village and Westchester County as a whole.
- Based on all quantitative data collected, provide specific recommendations for each Area of Rehabilitation/Redevelopment Opportunity (ARO) to leverage the powers of the Port Chester Board of Trustees, Port Chester Industrial Development Agency (PCIDA), Port Chester Local Development Corporation (LDC), existing state and federal resources, loans, subsidies, grant funding, public/private partnerships, condemnation powers of the village etc. as a means to facilitate viable rehabilitation/redevelopment opportunities. Recommendations should provide short, medium, and long term neighborhood enhancement strategies aligned with the goals and objectives of the village comprehensive plan and local waterfront revitalization program.
- Provide detailed process and legal framework for implementation of recommended revitalization strategies.
- Attend, upon request, Port Chester Village Board of Trustees meetings and other public meetings to discuss work in progress or to present findings and recommendations on completed tasks.

#### **ACTIONS:**

- 1. Payroll Services:** Staff has contacted two payroll service providers and will connect at least two other P/R services. We are in the process of reviewing their products and demos.
- 2. Vacant / Abandoned Properties:** the Village Attorney has developed an action plan to deal with vacant and abandoned properties. The first “pilot” strategy involved 169 Fairview which after a lengthy but necessary process has been successfully remediated (demolished) under a court order. David Kenny, Legal Intern will be discussing the action plan and related strategies at the meeting.

**Context:** the national housing crisis has caused an influx of vacant and abandoned properties and also the problems that vacant and abandoned properties cause municipalities like Port Chester. The current state laws have allowed banks to escape their duty to maintain these abandoned properties and how difficult it currently is to go after owners/responsible parties when trying to abate the nuisance these abandoned properties create. A creative approach is required to successfully deal with these properties and many local



municipalities are formulating similar strategies, however there is a need for support at the State level as well. There is a currently a new state law before the State Legislature that would help drastically.

The new law is supposed to expand the duty on the banks making them responsible for maintaining abandoned properties they are the mortgagees of, and authorizes municipalities to intervene in any foreclosure to request an injunction to assure property is up to code and that bank is timely prosecuting the foreclosure action. The new law also creates a statewide vacant property registry that the Attorney General will head/run.

## **PROJECTS:**

- 1. Town of Rye Move:** the project continues to move forward. Follow up meeting was held on 6/12/14. Renegotiation of lease terms, contributions, credits, and amortization finalized with recommendations to be presented to the BOT at the next regular meeting.
- 2. 350 North Main Street:** The proposed capital improvements to the building continue to move forward. Work has stalled relating to the build out of the shared court are pending renegotiation of lease terms and authorization from the Town of Rye to contribute an additional \$50,000 to the cost of the project.
- 3. Pay Station / Meters:** Service update as follows:
  - Battery life issues- Batteries in shaded areas are achieving about a week of life in the worst cases. Staff are able to keep up with changing these batteries as needed. We have identified a process for in-house hard wiring of the worst offenders to remove the solar variable from charging issues. This work will be completed this summer, prior to the return of weather conditions that reduce effectiveness of solar panels.
  - All delayed machines from phase one have been installed upon the successful completion of needed site work.
  - Phase 2, Midland and Horton Ave machines are on their way. Signage has been ordered. Current anticipated delivery of both items July 1.
  - Training of a backup meter staff member is ongoing. This staff member will allow 7 day a week service to keep machines operating on weekends etc.
  - Meter shelters for major lots have been priced out. Each shelter can cover two machines and are constructed of glass walls with aluminum frames. Again, they are \$5,156 each with delivery and installation. The two lots currently are the Highland lot and the Irving Ave Lot (see below).

Quotation



4/24/2014

**Village of Port Chester**  
222 Grace Church Street  
Finance Dept - Suite 220  
Port Chester, NY 10573  
Attn: Chris Arneigh  
[chris.arnigh@portchester.org](mailto:chris.arnigh@portchester.org)

Integrated Technical Systems, Inc. is pleased to submit the following proposal:

**4'x6' DTVM Shelter - Two Meter Shelter**

Qty	Vendor	Model	Description
1	CEC		4'x6' DTVM Shelter Roof: Flat Opaque White FRP Sandwich Panel in 8" Fascia Windows: 1/4" clear tempered safety glass Aluminum Alloy: 6063T52 Aluminum Finish: #215R1 satin silver clear anodized Base Detail: 4" external adjustable Base Flanges w/exp. Bolts Accessories: Fluorescent Light (hard wired) K7140 outdoor/vandal resistant fixture - premounted and prewired for underground electrical hookup

**PRICE (Incl. Freight & Installation) \$5,156**

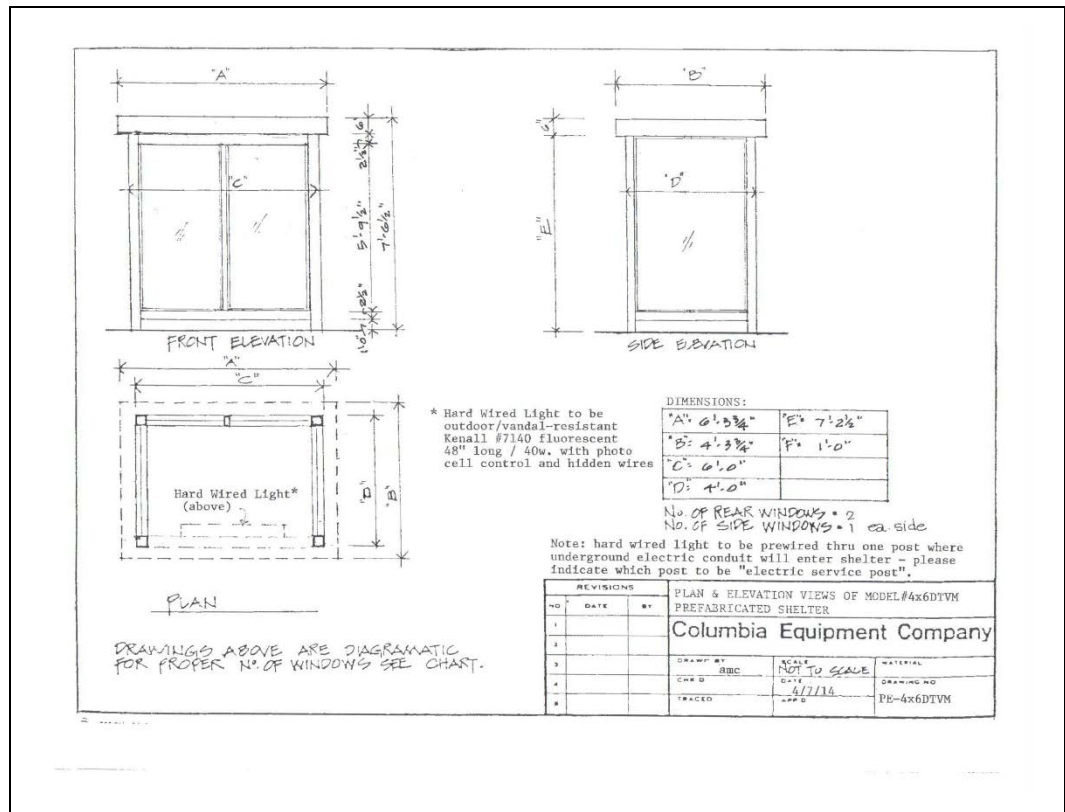
**NOTES:**

Quotation subject to applicable taxes  
Quotation is not valid if this is a Capital Improvement  
Quotation valid for 30 days  
**Shipping & Handling Included**  
Required Computer Hardware is to be provided by customer

ACCEPTED BY: \_\_\_\_\_

Quote by Joe Yortano

Integrated Technical Systems, Inc.  
8 Capital Drive · Wallingford, CT 06492 · Tel: (203) 265-8100 · Fax: (203) 949-4710  
[www.integratedts.com](http://www.integratedts.com)



**4. Westchester Avenue Intersection Improvements:** Again the completion of the project is pending Con Edison's relocation of some transmission lines. There is an additional expenses related thereto that shall be borne by the developer.

## PRIORITIES

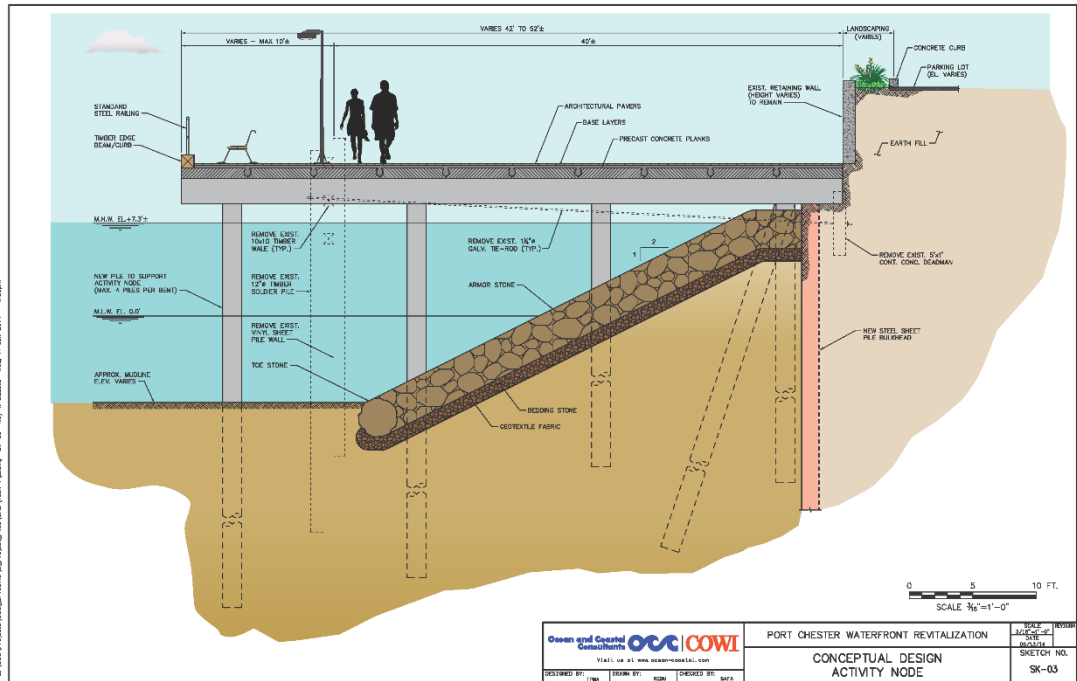
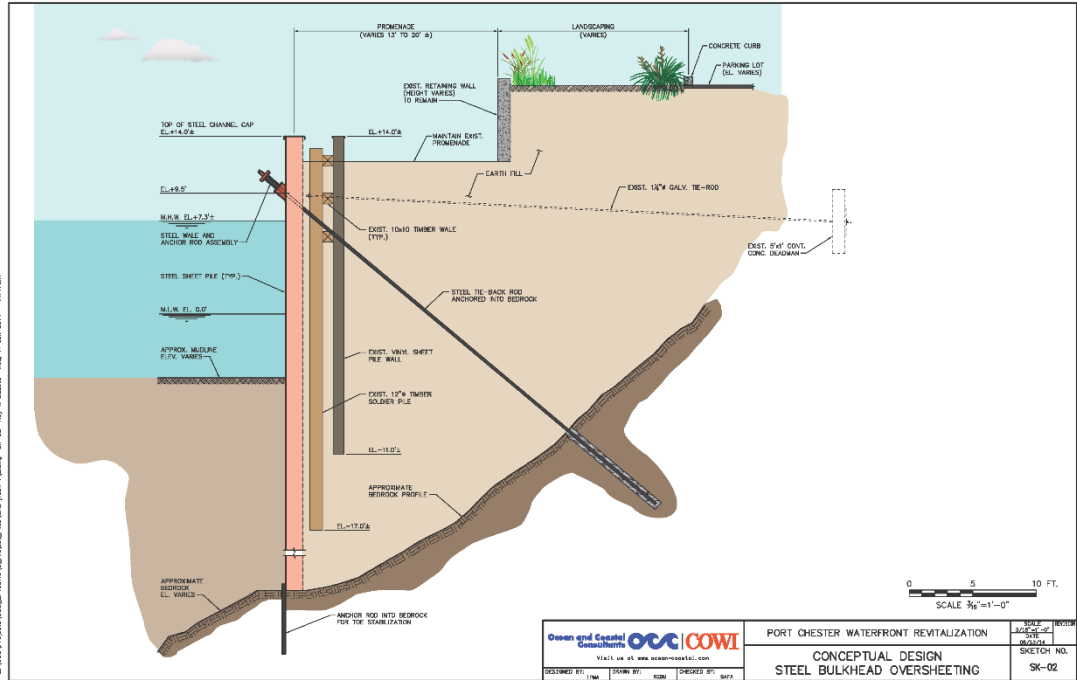
**1. Sewer Rent:** As you are aware the first Sewer Rent billing has been successfully released and bills are being processed. Staff continues to work very closely with United Water on the implementation and we maintain almost daily contact in order to address all customer service issues. My office has been and will continue to be the point of contact for the Village to continue to field errant calls, questions, or issues not in the purview of United Water.

- The village is receiving 4-5 sewer rent calls a day. United Water is receiving between 10-20 calls a day, mostly for information on the program.
- Around .01% of the bills were bounced back to UW as return to sender mail. Of these 4 or 5 cases could not be rectified by UW and are being rectified by the Village on behalf of UW.

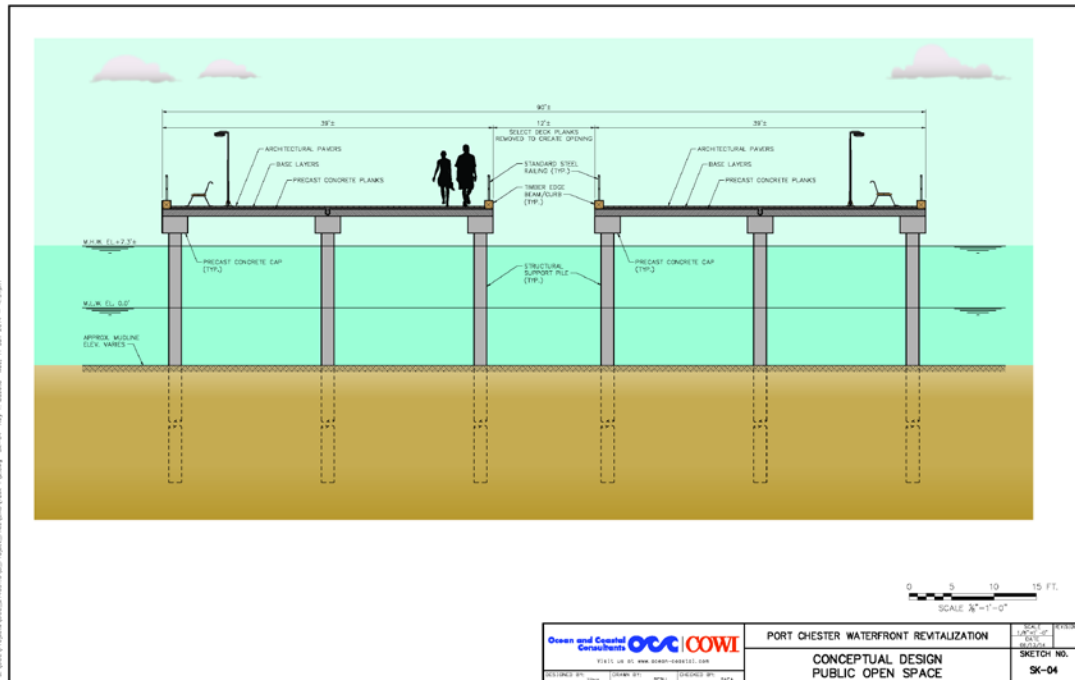
- About 10 people have contacted the Village contesting their connections to the Port Chester Sewer System. We are identifying them one at a time and verifying their sewer connections as needed.
- The Village has received four grievances. Three of these can be handled internally. Only one grievance was for a valid issue which requires the input of the board. That grievance is on for correspondence today. The board has the option to decide how to hear applications from those owners who feel they are not being charged a fair rate for Sewer Rent.
- At this point, every sewer rent paying property has been sent a bill so future call volume should decrease as the program becomes normalized.

2. **Bulkhead:** we have moved forward with the completion of a conceptual design that includes a wharf type activity node that includes revetment and “habitat creation” along with the decking of the cove. The concept has firmed up design constraints relating to topography and other existing conditions specifically calling for steel sheet pile replacement in all areas with the exception of the activity node. The Conceptual design will be being drafted for submittal with Consolidated Funding Application (see below).









- ❖ Staff has also met with representatives of G&S relating to the potential funding of the debt service for the bulkhead replacement with funds from establishing paid parking in the marina lot. G&S has concerns with existing requirements for free parking contractually owed to their tenants. The issue of “control” of the parking surrounds the ability to validate parking for said customers patronizing their tenants. Discussions included rough concepts of a manned gate, splitting the lot, or having a validation system at point of service in control of each tenant (either a credit or a pre-validated card that could be submitted at time of departure). I recommend further discussion on this important topic with G&S and the BOT or assigned representatives of the BOT As soon as possible.
- ❖ Also up for discussion are the previous complaints about booting of vehicles and recent complaints relating to the closure of the Walgreen’s Parking lot at night (see attached email).

## INFORMATION

1. **Recruitments:** Actively underway in DPW, Planning, Legal, Police Department, and Fire Department.
2. **Police Chief Exam:** discussion on same will be held at this meeting.

## **DISCUSSIONS**

### **GASB 45 actuarial valuation:**

Village Treasurer Leonie Douglas commented that Trustee Terenzi recommended she try to get some proposals. She received two proposals, one with our current actuarial company and a second one from Aquarius Capital. Right now our current actuarial company is in their mid-cycle so their cost would be \$1,500. Aquarius gave a full year cost proposal of \$3,500 and a mid-cycle cost of \$1,500. Recommendation would be to continue to use the current company since it is \$1,500, and then the following year we switch over to Aquarius Capital. This is a requirement by the government of post-employment benefits. This is a valuation of costs.

## **CORRESPONDENCES**

*From Brenda M. Crandell regarding a Sewer Rent Appeal.*

The Board referred the correspondence to staff without objection.

*From The Natalia Crespo Eirin Foundation regarding Co-Sponsorship.*

The Board referred the correspondence to staff without objection.

*From Putnam Engine & Hose Co., #2 on the election of Andres Martinez, Leonardo Hernandez-Gomez and Miguel A. Coyt to membership.*

The Board accepted the correspondence.

*From Melissa Doherty requesting permission to close off Browndale Place on Saturday, September 13th from 3:00pm - 11:00pm.*

The Board referred the correspondence to staff without objection.

*From Mathew John, Jr. regarding his interest in serving on the Board of Ethics.*

The Board referred the correspondence to staff without objection.

*From African Methodist Episcopal Zion Church requesting the use of the Grove Street parking lot for their annual bazaar on July 12, 2014 from 12:00 PM - 5:00PM.*

The Board referred the correspondence to staff without objection.

*From Nicholas Melillo regarding Chuck Melillo Softball Classic requesting that Park Avenue be closed to public traffic on the day of the tournament (July 19, 2014) from Neuton to College.*

The Board referred the correspondence to staff without objection.

### **Add-On Correspondence**

During the correspondence section of the meeting, Mayor Pagano asked for a motion to add-on a correspondence from Maria Amado regarding the rental of the Village's Showmobile Stage.

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

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

### **MINUTES**

#### ***Minutes from June 2, 2014.***

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees accepted the minutes of June 2, 2014.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014

### **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***

Mr. R. Abel commented on the Village Manager's report that the signage has been ordered for Midland Avenue and Horton Avenue for the parking meters. Was the

signage for 350 Main Street ever ordered? Village Administrative Aide Chris Ameigh commented the signs are incorrect and should be replaced shortly. On one woman's appeal for the Sewer Rent bill, this can only be reduced 10%. Village Manager Steers commented this is one of the things we are looking at - it will be discussed with the Village Attorney going forward.

### ***Board***

Trustee Adams congratulated the children who won the beautification awards. Their spirit was phenomenal. He thanked John Reavis for his years of service to the Village. We would like to talk to John about how we can make things better. Next Monday we will have an open public hearing starting at 6:00 p.m. regarding the Starwood Capital project.

Trustee Brakewood commented on the essays. They were great. Some of the things should be addressed like care of some of the traffic islands. The Brown family cemetery does not belong to the Village. The last time it was touched was during an Eagle Scout project five or six years ago. We got the memo re the EPTA and are wondering about our next steps. How are we researching it? Village Attorney Cerreto commented he called and has not received a reply regarding our vacancy rate. He suggested having a public hearing if you want to get pros and cons.

Trustee Marino commented on when the audits will take place for the DPW, fire departments and police department. Village Treasurer Douglas commented next month we will be going over the financing. We cannot purchase anything until the financing is in place. Next meeting we will have a financial advisor here to go over ways to borrow the money. Then we will get the Board resolutions for the financing and we then we can proceed. Once a resolution is in place we can proceed with the borrowing.

Trustee Ceccarelli commented on the Westmore News articles on the events in the Village over the weekend. The police department did a great job. He complimented the Tamarack Towers association for a good job.

Mayor Pagano congratulated the kids on their essays. Our Beautification committee did a fine job. It would be incredible to follow up on the suggestions in the essays. Regarding the booting of cars in Walgreens we need a legal opinion. Village Attorney Cerreto has researched this. The trustees should coordinate their calendars so that there is a quorum to hold a meeting during the next month. Regarding the police department, the downtown property owners miss the guy on the bike. He kept the traffic moving.

At 9:53 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Terenzi.

**DATE:** June 16, 2014.

Respectfully submitted,

Janusz R. Richards  
Village Clerk