

## **MEETING HELD AUGUST 18, 2014**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 18, 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.

It should be noted that Trustee Brakewood arrived at 6:07 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 6:30 p.m.); Director of Planning and Development Christopher Gomez (arrived at 7:00 p.m.); Chief of Police, Richard Conway; Building Inspector and Director of Code Enforcement Peter Miley (arrived at 7:00 p.m.); Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood (arrived at 7:00 p.m.); Attorney Justin Miller and Attorney Terry O'Neil.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:00p.m.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** August 18, 2014

### **MOTION FOR EXECUTIVE SESSION**

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

At 6:00 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the Board adjourned into an executive session for the following purpose:

- Interview prospective candidate for the Beautification Commission.
- Involving the promotion of a particular person(s) in the Police Department.
- Consultation with Village Attorney / Labor Council with regard to career fire fighters.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** Trustee Brakewood.

**DATE:** August18, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Attorney Terry O'Neil, and Village Treasurer, Leonie Douglas (arrived at 6:30 p.m.).

No action was taken in executive session.

At 7:08 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, 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:** August18, 2014

**AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**  
**RE:**

The following Public Notices were duly published in the Journal News and the Westmore News on August 8, 2014, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News

**PUBLIC NOTICE**  
**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, August 18, 2014, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider authorizing the Village Manager to enter into a revocable license agreement with Showboat Riverboat, LLC and HotShot Holdings, LLC, 30 Morgan Avenue, Greenwich, Connecticut 06831, so as to allow a vessel known as the "Showboat Riverboat" to be permanently moored at the Village Marina for the operation of a restaurant and jazz bar and for certain improvements to be made thereon.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed law is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com).

Date: August 8, 2014

/s/ JANUSZ R. RICHARDS  
JANUSZ R. RICHARDS  
Village Clerk  
Village of Port Chester, New York

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE TERENCE, the public hearing was declared open.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 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:

Attorney Justin Miller gave an overview of the proposed action to consider the revocable license for the Showboat, a proposed cabaret, jazz bar, restaurant facility located at the Marina adjacent to the parking lot. The costs for improving the marina would be to the licensee.

Mayor Pagano commented the negotiating committee consisted of members of the IDA, Trustees Marino and Terenzi and Billy Frenz.

Billy Frenz commented on the idea of the Showboat and was happy to have a good deal for both the Village and the licensee. This will create new jobs and bring wholesome entertainment. This will draw people from out of town to the waterfront. There will be six transient docs to accommodate larger vessels.

Ms. Goldie Solomon asked the cost of the license agreement. Mayor Pagano commented it is included in the package and the initial investment is about \$450,000 in addition to an annual rental lease fee on the average of about \$17,000 per year. Attorney Miller commented the Marina is owned by the Village and the Village has the right to issue licenses for the use of that land.

Chris Pierro commented that he did title searches on the land under water that was granted by the King of England. You can rent it and gain a fee interest. The Showboat will be a great asset to the Village.

Ms. Beatrice Conetta commented on the previous showboat in Port Chester. This one will be an asset to Port Chester.

Mr. Giangrande commented it's about time we get something in the water so people can go down and have dinner and listen to the music.

Attorney Daniel D. Tartaglia is representing G&S Developers and commented on the licensing agreement and the EAF. He notice there was a breakout of parking spaces. Under Public Lots it listed all the sections owned by the Village; and under mixed lots it listed private lots utilized by the public. The Marina lot is listed as public, but that is really owned by G&S. In the license agreement it will name the Village as additional insured and the licensee is required to carry that insurance. We would like to ask that that insurance be amended to include G&S. What procedures will be followed in the dimension of the size of the structure and whose jurisdiction will be followed by safety inspections? However, the village has jurisdiction over the marina parking lot.

Peter Miley commented the boat will be under the total jurisdiction of the building department. Once it is moved and in place it will be classified as attached property and the code enforcement will be passed on the Port Chester building department. Chris Gomez commented that the Village can make amendments to the plan if needed.

Trustee Brakewood commented on whether there is a timeline to make the public improvements required by the Village. What protects the Village from having to act on Section 25H if there was a revocation of the agreement? Attorney Tartaglia commented there is not a window of time where the Village is going to be exposed for expenditure. There are 120 days after approval under Article 78 will be up well before March. This project is all based on regulatory approvals. If it does not go through, the Village will take over the project.

Trustee Brakewood asked how the "end" is determined if some third party should intervene and the project cannot go forward. Attorney Tartaglia said if the Village is not amendable to keeping the Showboat there the Vessel will have to be relocated within a period of time and leave the marina area in which it was found, minus wear and tear. Trustee Brakewood asked what would happen if the Village is liable. If the Village would terminate without cause there is \$10,000 in there to help him move the boat in additional to the capital expense.

Mayor Pagano thanked all who worked on this very difficult project.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD the public hearing was closed.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

## RESOLUTION

**RESOLUTION OF THE VILLAGE OF PORT CHESTER (i) AUTHORIZING THE ISSUANCE OF A REVOCABLE LICENSE AGREEMENT TO SHOWBOAT RIVERBOAT LLC AND HOT SHOT HOLDINGS LLC IN CONNECTION WITH A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE CONSTRUCTION AND OPERATION OF CERTAIN MARINA IMPROVEMENTS (AS DEFINED HEREIN); AND (iii) ADOPTING SEQRA FINDINGS WITH RESPECT TO THE PROJECT.**

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**, the Village is the owner of a certain waterfront parcel (the “Land”) and related promenade, docking and marina improvements (the “Existing Improvements”) located within the Village of Port Chester, New York (collectively, the “Marina”); and

**WHEREAS**, over time, the Village has issued docking and marina slip rights to private watercraft owners for purposes of docking watercraft within the Marina, which is generally conforming with the Village’s Local Waterfront Revitalization Plan (“LWRP”) and consistent with the Village’s Modified Marina Urban Renewal Plan (“MUR Plan”); and

**WHEREAS**, pursuant to the MUR Plan and Village Law, the Village is empowered to authorize and approve the granting of licenses to locate and operate commercial business operations at and within the Marina, and pursuant to same desires to (i) promote commercial amenities within the Marina through the issuance of non-exclusive, revocable licenses, and (ii) facilitate enhancements and improvements to the Marina for the use and enjoyment of the public; and

**WHEREAS**, the Village has received a proposal from Showboat Riverboat, LLC (the “Boat Owner”) and HotShot Holdings, LLC (the “Operator”) to undertake a certain project (the “Project”) that will include (i) the issuance of a non-exclusive, revocable license agreement by the Village to the Boat Owner and Operator allowing the permanent mooring within the Marina of a certain 90’x32’ vessel owned by the Boat Owner and known as the “Showboat Riverboat” (the “Vessel”) as a Permanently Moored Craft (“PMC”); (ii) the planning, design, construction and maintenance of (a) certain improvements to the Vessel including modifications and improvements to accommodate the operation by the Operator of a commercial restaurant and jazz bar (the “Vessel Improvements”) and (b) certain improvements upon and within the Marina, including subsurface piling, expanded docking improvements, gangway improvements, onshore bathroom facilities, onshore pump-out facilities, and various onshore signage and related improvements (collectively, the “Marina Improvements”); and (iii) the acquisition and

installation in and around the Existing Improvements, the Vessel Improvements, and Marina Improvements of certain machinery, equipment and other items of tangible personal property (the “Equipment”, and collectively with the Existing Improvements, Vessel Improvements and Marina Improvements, the “Facility”); and

**WHEREAS**, in furtherance of the proposal and proposed Project, the Village Board of Trustees declared itself Lead Agency on July 7, 2014 for purposes of reviewing the Project pursuant to Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, “SEQRA”), and has prepared an Environmental Assessment Form (“EAF”) and related materials (attached hereto as Exhibit A); and

**WHEREAS**, in furtherance of the foregoing, the Village has negotiated a License Agreement relating to the Project (the “License Agreement,” a form of which is attached hereto as Exhibit B) that will (i) provide a revocable, non-exclusive license interest in the Marina to the Boat Owner and Operator (collectively, the “Licensee”), and (ii) govern the means by which the Licensee will undertake the construction, operation and maintenance of the Marina Improvements; and

**WHEREAS**, following the scheduling and commencement of a public hearing regarding the Project conducted on August 18, 2014 (the “Public Hearing”), the Village desires to (i) authorize the execution and delivery of the License Agreement, and (ii) pursuant to the terms contained therein, authorize the construction of the Marina Improvements. Now therefore be it

**RESOLVED**, by the Village of Port Chester Board of Trustees as follows:

Section 1. The Village has identified the Project as an “Unlisted Action” as said term is defined pursuant to SEQRA. The Village’s review of the Project is coordinated, with all involved and interested agencies having been sent notices of the Village’s intent to review the Project as lead agency pursuant to SEQRA. Based upon the review by the Village of the proposed Project, design and permitting information prepared and issued by the Licensee and Village, the EAF, and related documents delivered by the Company to the Village and other representations made by the Licensee to the Village in connection with the Project, the Village hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQRA; and (iii) no “environmental impact statement” as such quoted term is defined in SEQRA, need be prepared for this action. This determination constitutes a negative declaration for purposes of SEQRA.

Section 2. The Village, upon review of the Project, including the presentations and statements provided at the Public Hearing, hereby finds that the undertaking of the Project will (i) enhance the Marina area through the establishment of commercial amenities and construction of the Marina improvements at no cost to the Village, (ii) enhance public safety and welfare through establishment of business operations and public amenities within the Marina, (iii) provide the Village with an annual revenue source of license fees and relief of burdens through the Licensee’s provision of operation and maintenance for the Marina Improvements, and (iv) achieve, in part, the original intent of

the MUR district through the provision of enhanced public waterfront recreation and entertainment opportunities within the Village.

Section 3. In furtherance of the foregoing, the Village hereby authorizes the Village Manager to execute and deliver the License Agreement in substantially the form attached hereto, with such revisions as approved by the Village Manager and Village Attorney.

Section 4. The officers, employees and agents of the Village are hereby authorized and directed for and in the name and on behalf of the Village to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Village with all of the terms, covenants and provisions of the documents executed for and on behalf of the Village.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 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. Goldie Solomon commented on the Corpus Christi Carnival and the event at St. Peter's Church concerts. She commented on unleashed dogs at the Marina and at Lyon Park. She thanked the EMTs, firemen, police and DPW for the work they do. She reminded the Trustees of the Adee Street concerts on August 20<sup>th</sup> and 27<sup>th</sup>. Port Chester Day at Lyon Park is on September 6<sup>th</sup>.

Ms. Linda Turturino made a presentation on behalf of the Dog Park committee.

“Good Evening. As you are aware, the Port Chester Dog Park Group was established last year with the goal of creating a dog park within our community. A group of area residents got together and followed a process, which brings us to today's announcement. The process included:

- Petitioning the community to confirm support for a dog park
- Researching locations that would both be suitable for a dog park as well as

have the least impact on other community recreation

- Making numerous presentations to both the Parks Commission as well as to this Board resulting in both concept and location approval for the dog park
- Organizing many fundraising events and participating in community activities to raise both awareness and money for the dog park
- Applying for several grants as well as entering Port Chester into the PetSafe Bark for your Park contest

All of this represents a lot of hard work by area residents truly dedicated to making this concept a reality. And, all of this also represents a community supporting each other and working together to accomplish something that will make Port Chester a better place to both live and visit and the results are clear.

We would first like to announce that because of everybody's support and perseverance, Port Chester came in **FIRST PLACE** in the medium size city category of the PetSafe Bark for your Park Contest and therefore won \$25,000 for the building of our dog park! This is a huge accomplishment. Out of over 1400 nominated communities nationwide, Port Chester ranked 2nd overall and 1st in our population size category! **CONGRATULATIONS PORT CHESTER!**

With the winnings from the PetSafe contest combined with the numerous fundraising efforts of the Port Chester Dog Park Group, we are so pleased to announce that we now have over \$50,000 raised for the building of our dog park and we are ready and eager to begin working with the village to make this dog park a reality in the very near future!

The Port Chester Dog Park Group would like to thank the Mayor and this Board of Trustees, the hard-working village staff, the Parks Commission, Assemblyman Steve Otis, Senator George Latimer, Ken Manning and the Chamber of Commerce, and the many businesses and local organizations that have supported this great community project. And most of all, we would like to thank the large community of supporters that have been cheering us on and who's voting in the PetSafe contest allows us to stand in front of you today with this fantastic announcement and with a clear path to the future Port Chester Dog Park.

Truly, thank you everybody!"

Mr. Giangrande commented on the Village sidewalks. Mayor Pagano said that something is in the works and will be discussed later in this meeting.

Mr. B. Giangrande commented on the traffic lights at Pearl Street. The wires are hanging. Village Manager Steers replied that Con Edison is supposed to start finishing the work on the 25<sup>th</sup>.



Ms. Bailey-Reavis complimented the Dog Park Group. She would like to see a spot at Lyon Park for dogs. She asked how many apartments are going to be in the Castle development. There will be 120 units. She is concerned about the number of apartments, including the United Hospital property, and the number of children who would be in our overcrowded schools.

Mr. Tom Ceruzzi commented on Lyon Park and the number of dogs being walked. He drives by the Castle and it does not fit the character of the neighborhood. A lot of the road cuts are really old and haven't been repaired. Willett Avenue and Regent Street at Westchester are really bad.

Mr. Salcedo congratulated the Dog Park Group. He has a problem that their plan has not gotten across to the neighborhood. They should send their plan to the neighborhood before starting their work. We have a beautiful parking lot and it remains closed. People from other towns come and they have to park at the hospital. It also makes it difficult for residents to find a parking space when others are using the street parking because the lot is closed. This park is not underutilized. About 111 people signed a petition that the park is being used. This park is very busy Tuesday and Thursday with soccer. The soccer players did not know this was going to be turned into a Dog Park. He suggested moving the Dog Park to the bumpy end of the park where there are many trees.

Trustee Adams confirmed that the parking lot is locked. Village Administrator stated this is an issue of staffing and security. Village Manager Steers would like to have Heather and the Park Commission come to the next meeting to discuss this issue. Trustee Brakewood noted we only have two parks with parking lots, Abendroth and Columbus.

Ms. Leticia Salcedo commented on the Dog Park. To say the park is underutilized is an understatement. Two concerns are who will maintain this park and there are potential lawsuits regarding aggressive dogs, physical injury from dog related hazards and dog fights.

Mayor Pagano commented the way the park is to be laid out has to be looked at. It will require neighborhood input.

Ms. Beatrice Conetta commented on the Dog Park. The parking lot used to be open and used by the people in that area. It was closed in because there was a Senior Center and a theater in Abendroth Park. She commented that 70 homes in Port Chester were in or going to foreclosure. The Board of Trustees is enabling the building department to set the fees and fines, and the people of Port Chester are enabling you to do this. You have to work with the people.

Linda of the Dog Park commented that a suggestion would be to have the Auxiliary Police get involved and check the parks and the bathrooms part-time.

Ms. Andrea Granata thanked everybody who worked so hard on the Dog Park. Parasites are everywhere and these are a real concern with pets in the park. Code Enforcement is doing a remarkable job.

Mr. Peter Miley commented that all of Ms. Granata's e-mail questions have been answered. With regard to permits, we have always required a permit. The guides are on the web and it is a mandated New York State building code.

## **PRESENTATION**

1 AGD North Pearl LLC, 120 North Pearl Street, Village of Port Chester, NY  
Special Permit-Density Bonus Application.

Director of Planning and Development Chris Gomez commented this is the first time a developer is trying to take advantage of our density bonus. It includes a reduction in a lot area for a dwelling unit from 750 square feet to 575 square feet. The applicant has been before the Planning Commission. We will set a workshop and a public hearing.

Trustee Terenzi commented that we did not finalize the percentage by which we are going to be multiplying the delta.

Attorney Tony Gioffre of Cuddy and Seder commented on the proposal for a special permit application seeking relief under the density bonus section. The proposal AGD has at 120 North Pearl for a five story 54 foot multi-family building made up of 15 studios, 26 one bedrooms and 9 two bedrooms. We are proposing 46 off-street parking spaces.

Mayor Pagano commented he would like to have the workshop at the same time as a public hearing meeting. We will aim for September 15<sup>th</sup> and if the appraisal is not available we will have the public hearing and the workshop at a later date. Chris Gomez suggested amending the Resolution to: Further Resolved that the Village Board of Trustees will hold a workshop at 6:00 P.M. and a public hearing at 7:00 P.M. on September 15, 2014.

Mayor Pagano asked for a motion on the resolution.

## **RESOLUTION**

### **SCHEDULING A WORKSHOP AND PUBLIC HEARING RELATING TO AN APPLICATION FOR MULTI-FAMILY DEVELOPMENT AT 120 NORTH PEARL STREET IN CONJUNCTION WITH §345-16 BUILDING HEIGHT AND FLOOR AREA BONUS PROGRAM OF THE VILLAGE ZONING CODE**

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

Motion to amend as read by Mayor Pagano.

**WHEREAS**, AGD North Pearl, LLC (the “Applicant”) has submitted an application to the Village Board of Trustees for special permit pursuant to §345-16 Building Height and Floor Area Bonus Program of the Village Zoning Code for the reduction of the minimum lot area per dwelling unit requirement from 750 square feet to 575 square feet in the C2 Main Street Business District; and

**WHEREAS**, the Project entails the construction of a 5-story, 50 dwelling unit market rate rental development (38 units as-of-right) at 120 North Pearl Street with a residential unit mixture of fifteen (15) studios, twenty-six (26) one-bedrooms, nine (9) two bedrooms, and forty-six (46) onsite parking spaces integrated in an internal parking structure; and

**WHEREAS**, the 28,753 square foot project site is within the C2 Main Street Business District where multi-family dwellings are permitted by special exception use permit under §345-61(Q); and

**WHEREAS**, the Project is consistent with the goals and objectives of the Village’s adopted Comprehensive Plan and 2014-2016 Strategic Plan that advocate for small-unit, residential growth and transit oriented development (TOD) in the downtown as a means of relieving development pressures and preserving single family neighborhood character; and

**WHEREAS**, the Project is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review Act (SEQRA) regulations, requiring the Board of Trustees to make a determination of significance prior to issuance of a special permit; and

**WHEREAS**, payment for bonus floor area shall be calculated at a minimum of fifteen (15) percent of the assessed value of the bonus floor space to be dedicated to open space, downtown parking, or housing rehabilitation fund; and

**WHEREAS**, Village staff has coordinated with the Assessor and the applicant to commission an appraisal of both the proposed 50-unit project as well as the as-of-right 38 dwelling units on site to determine the assessed value of the bonus floor area pursuant to §345-16; now therefore let it be

**RESOLVED**, that the Village Board of Trustees will hold a public workshop on September 15, 2014 at 6:00 P.M. to review the application and the results of the property appraisal; and be it

**FURTHER RESOLVED**, that the Village Board of Trustees will hold a public hearing on September 15, 2014 at 7:00 P.M. or thereafter in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York to consider the granting of a special permit pursuant to §345-16 Building Height and Floor Area Bonus Program of the Village Code.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

## **2      *Presentation of NYPA Energy Services Program***

Christopher Ameigh did a presentation on the New York Power Authority Energy Services Program that provides local municipalities with Low rate financing to replace existing equipment with high efficiency modern technology. The financing is organized so that savings generated by lower power bills meet the debt service payments over the life of the loan.

Eric Alemany representative from NYPA gave a presentation and answered questions regarding the program.

Trustee Terenzi commented that when you work with NYPA it is not worth it to do it on a commercial basis. Mr. Alemany commented we are working on economies of scale. Village Manager Steers commented we are looking to work as a group with Rye Brook and Rye. He asked the impact if we decided not to go forward. Mr. Alemany commented we have a standard agreement if you proceed with the project. If you execute the agreement and do not proceed with the project there is no cost impact to the Village. If you do proceed these are the terms and conditions that apply. The second step would be essentially confirmation on the work to be done. We would give an assessment and then gain some sort of approval from the Village saying to proceed with the assessment to determine what the associated costs would be. Depending on the magnitude of the scope for 1800 lights the high end cost would be about \$10,000 to \$15,000.

The next step once the audit is complete would be completion of the design. And then we would tell you the cost of developing the design, get the Village's authorization to proceed and then go ahead. The auditor works for the NYPA..

Trustee Brakewood asked what we could potentially save. Mr. Alemany commented once we do the evaluation we can determine what the savings will be.

Last year it was \$363,000 spent on street lights.

Trustee Ceccarelli asked the difference between NYPA and CERTA. Mr. Alemany said that CERTA can charge customers a surcharge. The Village is not paying into the surcharge.

Village Manager Steers commented we move forward by entering into an agreement and not take any action until we look at the scope of the services that we are asking them to provide for us.

## **RESOLUTIONS**

### **RESOLUTION #1**

#### **DETERMINATION ON APPEAL WITH REGARD TO SEWER RENT**

On the 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, Enrico Ciancio (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 91 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 15 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history.

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby DENIED, and that the water consumption of 0 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

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:** August 18, 2014

**RESOLUTION #2**

**DETERMINATION ON APPEAL  
WITH REGARD TO SEWER RENT**

On the 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, Chester B. Edwards (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 96 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 6 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history, and pool capacity and is

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 8 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

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:** August 18, 2014

## **RESOLUTION #3**

### **ADOPTION OF FINAL SCOPING DOCUMENT FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT WITH REGARD TO THE PROPOSED ACTION OF PC406 BPR, LLC and PC 999 HIGH STREET CORP.**

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

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

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

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

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

**WHEREAS**, the Applicant had submitted a proposed Scoping Outline for the Draft EIS, which was circulated for public review and comment and was the subject of a public scoping session held on June 23, 2014; and

**WHEREAS**, the time to submit comments on the proposed Scoping Outline was extended to July 3, 2014; and

**WHEREAS**, the Village Board has carefully considered comments that it has received on the proposed Scoping Outline.

**NOW THEREFORE BE IT RESOLVED THAT,**

**RESOLVED**, the Village Board hereby adopts the attached Final DEIS Scoping Outline.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

**RESOLUTION #4**

**AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF RYE BROOK FOR THE MUTUAL SHARING OF EQUIPMENT**

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

**WHEREAS**, the Village of Port Chester and the Village of Rye Brook have had a long-standing relationship of inter-municipal cooperation; and

**WHEREAS**, it is the desire of the Port Chester and Rye Brook Board of Trustees to expand such relationship by sharing equipment; and



WHEREAS, the sharing would be on an “as needed/available” individualized basis as authorized by the Village Manager for Port Chester and the Village Administrator for Rye Brook; and

WHEREAS, this cooperative agreement is authorized under Article 5-G of the General Municipal Law; and

WHEREAS, it is expected that the sharing of equipment will result in greater efficiencies and cost-savings to Port Chester and Rye Brook. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an Inter-Municipal Agreement (IMA) with the Village of Rye Brook in the form annexed.

Approved as to Form:

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

### **ROLL CALL**

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

**NOES:** Trustee Brakewood.

**ABSENT:** None.

**DATE:** August 18, 2014

### **RESOLUTION #5**

#### **AWARDING BID FOR ADDITION AND ALTERATIONS TO POLICE AND COURT OFFICES**

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

WHEREAS, the Village of Port Chester has advertised for bids for Addition and Alterations to Police and Court Offices (Bid No. 2014-01); and

WHEREAS, the Village received one bid for this work; and

WHEREAS, through post-bid negotiations with the bidder, the Village Manager has reduced the scope of the work with a corresponding reduction in the contract price; and

WHEREAS, the bid otherwise 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 Addition and Alterations to Police and Court Offices to Peter A. Camilli & Sons, 210 Maple Avenue, Pleasantville, New York 10570 in the amount of \$185,000, 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 Police Building Improvement 13/14 Capital Project 5.3120.400.2013.126

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:** August 18, 2014

## **RESOLUTION #6**

### **AUTHORIZING AGREEMENTS FOR INSTRUCTORS FOR SENIOR CITIZEN PROGRAM FOR 2014-2015**

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

WHEREAS, the Village of Port Chester has an active Senior Citizen program;  
and

WHEREAS, the Village requires qualified persons to provide instruction; and

WHEREAS, the Director of the Senior/Community Center has selected persons to serve the Village for 2014-2015; and

WHEREAS, the expense for same is provided for in the 2014-2015 Village Budget. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into agreements with the following to provide instruction for the Senior Citizen program:

Tai Chi - Domingo Colon, Tai Chi of Westchester, 40 Crestview Street,  
Bronxville, New York 10801, \$75/class (one hour)

Zumba - Wendy Lee Rosa, 8 Highland Place, Greenwich, Connecticut 06831,  
\$50/class (one hour)

Music - Dennis Adinolfi, 115 Pembroke Drive, Yonkers, New York 10710,  
\$100/class (one hour)

Arts and Crafts/ Bingo - Sue Sabato, 26 Linden Street, Port Chester, New York 10573, \$25/hour

Oil Painting - Kathleen Pasquale d/b/a Kathleen Pasquale Design and Illustration, 2946 Quinlan Street, Yorktown Heights, New York 10598, \$100/class (two hours)

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

## **UPDATE FROM THE BUILDING INSPECTOR**

### **The Village of Port Chester Permit Amnesty Program & Overcrowding Illegal Dwelling Update**

#### **Fact is...**

If your home, structure or business was constructed or created on or after November 14th 1927, it required a Certificate of Occupancy (CO). An “in-lieu-of” or any other letter isn't a substitute or a replacement of a Certificate of Occupancy. Building department letters issued in the past indicating that there were no violations were used to facilitate real-estate transactions. If your home doesn't have a CO, Amnesty can help.

#### **Success**

The Permit Amnesty Program has been successful. To date, 649 (12% of all properties) have applied. Out of the 649 applicants, 298 have already attained or are in the process of compliance.

562, (87%) of the Amnesty reports have been completed. Applicants are able to renew old permits, obtain new permits for work completed without a permit and avoid a trip to the Zoning Board for variances and court.

#### **The Truth**

- The program is not a “Cash Cow” the program does not cover the cost to facilitate.
- The intent of the program is to assist homeowners that unknowingly “bought into” the prevalent violations and provide relief for open and expired permits including work that was completed without obtaining a permit.
- Amnesty applicants are not subjected to penalties or are they issued a violation.

- Amnesty substantially reduces the costs to obtain compliance and each phase has provided additional relief.
- Amnesty applicants, with proper documentation, are not required to obtain a zoning variance.
- Amnesty relaxes the requirement of a full, comprehensive set of architectural drawings realizing an approximate 66% savings.
- Amnesty has also helped to identify unlawful occupancies.

### **The Savings are Substantial!**

- The average cost for an amnesty applicant to obtain compliance is \$366.74.
- The average cost to obtain compliance without amnesty is \$1,352.72.
- The average savings of an amnesty applicant is \$985.98.
- Without amnesty, the cost to property and business owners would skyrocket.
- The 298 Amnesty applicants combined saved \$235,650.00. That amount represents what the Village would have collected in fees without a Permit Amnesty Program

### **It's about Confidence & Life Safety!**

Obtaining a Certificate of Occupancy ensures homeowners that their home meets the minimum NY State mandated Uniform Building and Fire Code.

Once a homeowner receives their CO, they can be confident that when they decide to sell their home, they will have a valid, transferable CO.

### **Q & A**

Q. Does my home need to be updated to today's code?

A. NO, a home and or improvement can legally exist without requiring it to be updated to current code unless, there were alterations or significant changes. Even if an improvement was completed without a permit, the State allows for an owner to provide documentation that would verify the time of construction, it would then be required to comply with the code in effect at that time.

Q. Are there any fines imposed or will I be sent to court?

A. No fines or court appearance tickets are issued to an amnesty applicant.

Q. Amnesty implies that I did something wrong?

A. There are many definitions of amnesty. The Village's intent is to provide assistance to property owners so that they can obtain a Certificate of Occupancy.

### **Cost without Amnesty Residential Application**

Example: Permit consists of deck constructed without a permit and other open/ expired permits.

Building Permit for Deck:	\$183.00 (3x fine) cost:	\$549.00 (Doesn't include cost of plans)
Zoning Variance Appl.	\$400.00 (min)	\$400.00
Building Permit Renewals:	\$175.00 (per open permit 6)	\$1050.00
Certificate of Occupancy:	\$100.00 (per open permit 6)	\$600.00
Certificate of Occupancy:	\$100.00 (deck CO)	\$100.00
Plumbing Permit:	\$100 minimum	\$100.00
<u>Electrical Permit:</u>	<u>\$100 minimum</u>	<u>\$100.00</u>
Total Cost:		<b>\$2,899.00</b>

**Commercial costs are higher, costs does not take into account architectural drawings.**

### **Cost with Amnesty**

Building Permit for Deck:	\$183.00 cost of permit	\$183.00 (Doesn't include cost of plans)
Zoning Variance Appl.	No Charge	\$0
Building Permit Renewals:	\$175.00 (per open permit)	\$87.50
Certificate of Occupancy:	\$100.00 (per open permit)	\$50.00
Certificate of Occupancy:	\$100.00 (deck permit)	\$100.00
Plumbing Permit:	\$100 minimum	\$50.00
<u>Electrical Permit:</u>	<u>\$100 minimum</u>	<u>\$50.00</u>
Total Cost:		<b>\$520.50</b>

### **Overcrowding & Illegal Dwelling Update**

To date, the total # of Unlawful Occupancies discovered 2012-2014: 1399

The total # of properties contributing to the unlawful occupancies: 885

20% of all the properties in Port Chester contain an unlawful occupancy.

115 unlawful occupancies were discovered so far during the Permit Amnesty Program process. With proper documentation, some of them may become lawful.

Many of the properties contain multiple unlawful occupancies including:

Attic & basement apartments, split units and single room occupancies (SRO's).

Some properties contain several unlawful occupancies.

Total Unlawful Occupancies Discovered: 241

Total Properties Affected: 139

Includes unlawful attic, basement occupancies and single room occupancies (SRO's).

### **Unlawful Occupancy Breakdown**

1. Unlawful Basement Occupancy: 56
2. Unlawful Attic Occupancy: 27
3. Single Room Occupancy (SRO's) 33
4. Additional Dwelling Units: 125

### **2014 OC/IDW Distribution by Use**

1 & 2 Family: (54) Represents: 39%

Multiple Dwelling (3 or more): (81) Represents: 58%

Mixed Use: (4) Represents: 3%

Multiple dwellings are still the largest contributor of unlawful occupancies.

### **2014 Compliance Obtained**

Full Compliance Achieved: 10.8%

Compliance in Process: 22.3%

No Compliance to Date: 66.9%

Properties that are Part of Amnesty Program: 28%

**41** Notice of Violations were issued (29%) as a result of failing to comply.

**Total Unlawful Occupancies Discovered: 818**

**Total Properties Affected: 304**

Several properties contain both unlawful attic and basement occupancies, split occupancies and a number of properties also contained SRO's.

### **Unlawful Occupancy Breakdown is as Follows:**

1. Unlawful Basement Occupancy: 239
2. Unlawful Attic Occupancy: 96
3. Single Room Occupancy (SRO's) 210

#### 4. Additional Dwelling Units:273

##### **2013 OC/IDW Distribution by Use**

1 & 2 Family:	(115) Represents:	38%
Multiple Dwelling (3 or more):	(160) Represents:	53%
Mixed Use:	(29) Represents:	10%

Multiple dwellings represent the largest contributor of unlawful occupancies.

##### **2013 Compliance Obtained**

Full Compliance Achieved:	21.4%
Compliance in Process:	54.3%
No Compliance to Date:	24.3%
Properties that are part of the Amnesty Program:	9%

**165** Notice of Violations were issued (54%) as a result of failing to comply.

#### **REPORT OF THE VILLAGE MANAGER**

##### **❖ Strategic Planning: Strategic Actions (Opportunity Areas #1-5)**

###### **1. • Facilitating transit oriented development in the downtown**

Staff has had some preliminary discussions with interested parties relating to proposed/potential developments within the downtown.

In particular staff has been working with AGD North Pearl, LLC regarding the proposed project at 120 N. Pearl Street. This proposed project has already obtained site plan approval for 25 residential units and their amended proposal seeks 50 units. At this time the development can achieve 38 units as of right and they are seeking the additional 12 units through the density bonus program. The proposed unit mix is 9 two bedrooms, 15 studios, and 26 one bedrooms.

###### **2. • Creating a new municipal center: (Update from Michael Cucchiara of NDC)**

“Since NDC’s last presentation to the Board of Trustees NDC has undertaken a more substantive design and costing analysis in an effort to pin down a more specific range of total project cost. To that end NDC has requested our design and construction team represented by STV, Inc. and Whiting-Turner, to prepare formal cost estimate range for the building. In order to arrive at a more accurate number it was necessary to finalize a programming of the building that would be consistent with the needs of the various Village departments consulted. To that end STV undertook a final programming investigation with key department heads. To date STV has consulted with these department heads and has now arrived at a

programming of the building which will closely equate with any final facility configuration. This step was necessary in order for STV to be able to provide the construction team with a building configuration that can provide a basis for estimating a final range of cost.

In addition to this programming work, STV and Whiting-Turner have been collaborating on developing a next step budget covering the initial investigative work associated with the proposed building site. This work will allow NDC and the Village to have a better idea of the actual site costs involved in proceeding with the project should the Village request NDC to develop it. In order to move forward with the project the NDC will have to develop a cost range that closely approximates what the final guaranteed maximum price construction cost contract would be. In order to develop this number the Village would have enter into a contract extender with NDC to cover these site and design investigation costs. Once completed this “Costing Phase” analysis will provide the Village with a full picture of the project costs, at which time the Village can make an informed decision about whether or not to induce NDC to undertake the development of the Project.

It is proposed by NDC that the above scope of work be presented to the Village Board of Trustees in September for their approval. NDC’s ability to develop the Project is contingent on the Board’s ability to sign-on to a further cost analysis after which and should the Board seek to proceed, NDC would enter into formal lease negotiations with the Village. The timeline of key Project milestones is as follows:

- September – Presentation of Costing Scope to Board of Trustees
- September – preparation of SEQR with Village as Lead Agency
- September/October – preparation of cost range and site investigation
- Late October – presentation of final project cost range to Board and final lease figure
- November/December- negotiation of lease agreement between NDC and Village
- January 2015 – IDA inducement of project and acquisition activities”

### 3. • **Enhancing and revitalizing waterfront areas**

**LWRP:** We received comments from the Department of State and staff is preparing final response(s) to the comments. Final responses will be completed and forwarded to the Department of State within the next two weeks. Adoption of the LWRP should be completed prior to the end of the year or earlier (depending upon the State’s response time).

**Bulkhead:** Our \$225,000 award for design is pending finalization from the Department of State. We expect to receive the final contract for adoption with the next 30-45 days.

The recent grant application under the Consolidated Funding Application is for construction dollars based on the agreed to conceptual design. We expect to receive award updates from the Regional Economic Development Counsel in mid-September. As you may recall the current grant application contemplates the



creation of two activity nodes and the overall replacement of the bulkhead with steel sheet pile.

The next steps including the letting of an RFP for design of the concept will be on for discussion at the September 2<sup>nd</sup> BOT meeting.

**Show Boat:** Village and IDA staff have worked with the applicant to finalize a license agreement. The public hearing is set for this meeting.

#### 4. • **Redevelopment of Fox Island peninsula**

NDC has made some preliminary recommendations relating to the redevelopment of Fox Island (forming an LDC, performing some preliminary environmental assessment, DPW Programming Study, etc...). We have significant research and other documentation relating to prior attempts at same. The discussion on potential next steps will be at a September BOT meeting.

#### 5. • **Redevelopment of the United Hospital site**

Public hearing was completed on the project, with the additional public comment period ending July 3<sup>rd</sup>. written comments and Trustee comments have been incorporated into the draft scoping document. Resolution for adopting the SEQR scope is on this agenda.

RFP for consulting services relating to the project has been drafted and is scheduled for release the week on August 11<sup>th</sup>. Note: prior consultants notified of being conflicted out.

- ❖ **Property Condition Study RFP:** The RFP has been issued and responses have been received. Selection process and interviews pending special meeting of the BOT.

### **ACTIONS:**

1. **Elections:** As you recall the BOT adopted a resolution requesting the Westchester County Board of Elections to conduct the next mayoral election as authorized by state Law. Staff has been working with the County Board of Elections and the County Attorney's Office regarding the 2015 Mayoral Election. At this time we are waiting for the County's determination. There is a follow up meeting tentatively scheduled for the first week of September.

It is important to note that the results of this meeting will determine if the County is going to conduct the election: and if not we will have no choice but to take it back on. If this is the result of the meeting we must be prepared to begin in earnest the process of securing machines, locations, poll inspectors, notices, etc...

2. **Sidewalk Betterment:**

The funds available for a Sidewalk Betterment Phase 3 is \$179,479 (includes left over from Phase 2). The cost per linear foot of sidewalk is approximately \$40/linear foot (all in). So as a 50/50 program we would have access to approximately \$358,958.00. This would allow us to repair approximately 8,974 linear feet of sidewalk or assist about 180 residential property owners (based on an average of a 50 foot frontage).

I have asked the Village engineer for an estimate relating to conducting a reassessment and prioritization of sidewalks throughout the Village. Once I receive the estimate we will have a formal discussion with the BOT as to the feasibility of the program and the next steps.

3. **Payroll Services:** Staff has met with two payroll service providers. We have reviewed their products and demos. We are arranging for a third demo from a third party. Once that demo is conducted and the program is reviewed we will have a recommendation for the BOT.
4. **Vacant / Abandoned Properties:** Again, 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. Further discussion with the Board is pending the interviews/presentations relating to the Property Condition Study RFP.
5. **Park Signage:** At the BOTs request an inspection of Abendroth Park reveals that signage indicating park rules and regulations is posted at the pedestrian only Eastern entrance of the park. The Western parking Lot side of the park features no such signage. DPW can produce a sign to cover this area and will look into other parks for similar circumstances.

### **PROJECTS:**

1. **Town of Rye Move:** The amended lease has been executed. Permits have been issued for and the construction work has started at 222 Grace Church Street. The occupancy date is on or about November 1<sup>st</sup>.
2. **350 North Main Street:** Again the amended lease has been executed. Sole bidder has negotiated down to within our budgeted parameters (\$185,000 for the addition and interior plumbing and electrical work). The bid award is on this agenda. Once the contract is authorized and executed appropriate timelines will be developed.
3. **Pay Stations / Meters:** As of 8/14/14 Parking Meters have been installed on Midland and Horton Avenues as approved by the BOT. Signage is currently being put in place and is approximately 40% complete. Notice of the parking schedule

changes is being posted and the changes will go into enforcement 10 days after all equipment and signage is erected as is standard PCPD procedure.

Some public concern has been raised on Horton Avenue regarding the 9PM meter time being later than desirable. Staff met with the citizen and Trustee Ceccarelli to discuss their concerns. Staff will monitor the area once the pay stations are activated to determine if any action is warranted.

- 4. Westchester Avenue Intersection Improvements:** Again the completion of the project is pending Con Edison's relocation of some transmission lines. Con Ed is scheduled to perform the final work during the week of the 25<sup>th</sup>. They will be replacing two sections of secondary cable on Westchester Avenue.

### **PRIORITIES:**

- 1. Sewer Rent:** As you are aware the Sewer Rent billing has been successfully released and bills continue to be processed. Staff continues to work very closely with individuals who have questions, concerns, or who wish to undertake an appeal.

The Village Attorney is preparing a draft local law for discussion with the Board to clarify processes and procedures for the adjustment of sewer rents. Water consumption is the most widely used and accepted basis for calculating sanitary sewer user fees. The adjustment process was included to provide some relief from an otherwise rigid application of this formula.

In response to questions posed by the Board, the public and property owners who have come before you on appeal, it appears that some changes should be made to the Sewer Rent Law. I have asked the Village Attorney to prepare a draft local law that would give the Board the option of an administrative process thereby relieving it of the burden of hearing and determining such requests for adjustment, confirm that adjustments are for the time period that was billed by United Water and impose a deadline in which such requests must be made, and afford some discretion in the amount of the adjustment in the appropriate case while mindful of budgetary consequences.

### **INFORMATION:**

- 1. Recruitments:** Actively underway in DPW, Police Department, and Fire Department.
- 2. Follow Up:** Village Attorney follow up report relating to public comments made at the July 21<sup>st</sup> BOT meeting.

## **DISCUSSIONS**

### ***Village of Port Chester 150 years seal. .***

Postponed to future date.

### ***Memo from Chief of Police Richard F. Conway regarding Police Department Promotions.***

#### ***Add-on Resolution***

MAYOR PAGANO asked for a motion to consider an add-on resolution to purchase a 2015 Ford Explorer for \$31,744 for the Detective Bureau.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

## **RESOLUTION ADD-ON**

### **BUDGET AMENDMENT – DEA FUNDS TO PURCHASE 2015 FORD EXPLORER FOR DETECTIVE BUREAU**

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

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase a 2015 Ford Explorer for \$31,744 for the Detective Bureau from The Cruisers Division, 420 Mount Pleasant Avenue, Mamaroneck, NY 10543, Westchester County contract #RFB-WC-11058. 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 2014-15 General Fund Budget as follows:

#### **GENERAL FUND**

##### **Balance Sheet:**

001-001-0695	Deferred Revenue Police DEA	\$(31,744.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$31,744.00
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Appropriations:

001-3120-0203	Police Vehicle	\$31,744.00
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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:** August 18, 2014

IT Committee / Commission on Technology. Trustee Brakewood commented the idea is a citizen's commission on Technology. We would bring in some of our residents who have a background in computer technology or web design. The idea would be to help with strategic direction especially in the Village website. This would give residents a voice.

Village Attorney Cerreto commented on the allegations by Ms. Andrea Granata at the July BOT meeting against the Village staff. She again did that tonight. My concern is that the Village residents know the Board and staff are doing the right thing. There is a report of the timeline between the Building Department and Ms. Granata that should get out. Village Manager Steers commented we hear a lot from a very vocal minority. There is a silent majority we don't hear from and there are people in the community who say they are treated with respect and courtesy.

**CORRESPONDENCES**

***From Lisa DiLeo requesting approval of Block Party on Breckenridge Avenue from Irving Avenue to Irenhyl Avenue on September 13, 2014.***

The Board referred the correspondence to staff without objection.

***From Mellor Engine & Hose Co. No. 3, Inc. on the election of Ernest Tigani.***

The Board accepted the correspondence.

***From Harry Howard Hook & Ladder Co. No. 1 on the election of Brett Atkinson.***

The Board accepted the correspondence.

***Sewer Rent Appeal regarding 33 New Broad St. - 142.22-1-37***

The Board referred the correspondence to staff without objection.

***Sewer Rent Appeal regarding 33 New Broad St. - 142.30-2-64***

The Board referred the correspondence to staff without objection.

***Sewer Rent Appeal regarding 77 Windsor Rd. Rye Brook***

The Board referred the correspondence to staff without objection.

**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 he lost a neighbor, Lee Lauria. About a year ago the Board gave approval for a Popeye's. That has not happened. Can we find out what happened to that? Peter Miley replied that a demolition permit is going to be issued by Friday and demolition will start in the next week or two. We should invite Don Bosco, Open Door Clinic, the Clay Arts Center, and the Port Chester Housing Authority to the September meeting to speak about their loss of funding has affected their agency. He commented about the blocked driveway at 340-350 South Regent Street (Chris Ameigh commented this has been passed on to the Traffic Commission). He would like to get the square footage of 10 Pearl Street, 222 Grace Church and 350 North Main Street. He would like a spreadsheet and the budget allocation for the Boards and Commissions.

Trustee Terenzi commented a letter should also be sent to Mr. Gelfarb. He commented on conversations he had with Mr. Oros. Trustee Terenzi commented his understanding is that Peekskill is not interested in moving forward with this. In his final comments Mr. Oros said if there is anything specific the Village is looking for we could send a request to the County and see if they would incorporate it into their capital projects. Mr. Gelfarb represents us, Rye Brook and Harrison.

Trustee Ceccarelli commented on the apartments coming into the pipeline. Doing a recent count with 100 at Mariner, 120 at Castle, 50 more on North Pearl and 730 at United Hospital, when you look at 1,000 apartments we should see some projections on the number of people. We are congesting the village with traffic and should know the effect on the sewage system.

Village Manager Steers commented we should take a look at a transportation master plan of some type. Mayor Pagano commented the Traffic Commission is waiting for the Village to make a decision on truck lanes.

Mayor Pagano wished a Happy Birthday to Scott Moore. At the request of the deputy Mayor, Mayor Pagano will be appointing a successor to the deputy Mayor.

### **MOTION FOR EXECUTIVE SESSION**

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

At 10:56 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the Board adjourned into an executive session for the purpose of interviewing prospective candidate for the Beautification Commission.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Christopher Ameigh Administrative Aide to the Village Manager.

### ***Add-on Resolution***

MAYOR PAGANO asked for a motion to consider an add-on resolution to appoint Sonia Phillips as a member of the Port Chester BEAUTIFICATION COMMITTEE.

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the motion received a unanimous vote of those present.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

### **RESOLUTION ADD-ON**

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

RESOLVED, that Sonia Phillips, residing in Port Chester New York be and hereby is appointed as a member of the Port Chester BEAUTIFICATION COMMITTEE, effective immediately with said term to expire 07/01/2017.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August 18, 2014

At 11:14 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, 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:** August18, 2014

At 11:17 p.m., on motion of TRUSTEE TERENCE, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** August18, 2014

Respectfully submitted,

Janusz R. Richards  
Village Clerk