

MEETING HELD OCTOBER 6, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, October 6, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

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

It should be noted that Mayor Pagano was absent.

It should be noted that Trustee Brakewood arrived at 6:05 p.m. and Trustee Kenner arrived at 8:42 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 7:00 p.m.); Director of Planning and Development Christopher Gomez (arrived at 7:00 p.m.); Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood (arrived at 7:00 p.m.); Ed Brancati, Human Resources and Village Engineer, Dolph Rotfeld (arrived at 7:00 p.m.).

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENZI the meeting was declared opened at 6:01 p.m.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano, Trustees Brakewood and Kenner.

DATE: October 6, 2014

MOTION FOR EXECUTIVE SESSION

At 6:02 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the Board adjourned into an executive session in regards to the following items.

Concerning a particular person in the Police Department.

Consultation with Village Attorney / Labor Counsel with regard to career fire fighters.

MTA – Consultation with Village Attorney with regard to property conditions at the Port Chester Metro-North Railroad station.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano and Trustee Kenner.

DATE: October 6, 2014

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

No action was taken in executive session.

At 7:06 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE TERENZI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano and Trustee Kenner.

DATE: October 6, 2014

RESOLUTIONS

RESOLUTION #11

(This item was taken out of order)

Deputy Mayor Ceccarelli ask for a motion to move resolution 11 out of order.

There being no objections, on motion of TRUSTEE TERENZI, seconded by TRUSTEE MARINO, the Board of Trustees voted to act on resolution number 11 as listed on the agenda out of order.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano and Trustee Kenner.

DATE: October 6, 2014

Mr. Dolph Rotfeld commented on the sidewalks that have to be reconstructed and repaired. The low bidder was ConTech who did the sidewalks on North Main a few years back and just finished Pilgrim. The price was under budget so we will be able to get that done quickly. We want to get it done before November. We're talking about the sidewalks along the Village Hall and Cottage and several places on Grace Church Street. Also the sidewalk along Marvin Place. We are going to put a wooden barrier there as a stop to have cars coming on to the sidewalk. This will be from Highland Street to

Willett. Trustee Terenzi noted that there is property owned by the Village in back of 222 Grace Church. There is a fence there but it is very difficult to get to. This is a drainage area for the parking lot. Trustee Brakewood asked the cost per square foot. The concrete work was \$10/sq. ft. The simulated brick is \$14.

AWARDING BID FOR VILLAGE SIDEWALK IMPROVEMENTS

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

WHEREAS, the Village of Port Chester has advertised for bids for Village Sidewalk Improvements (Bid No. 2014-06); and

WHEREAS, the Village received five bids for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid of ConTech Construction Technology, Inc. which 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 the Village Sidewalk Improvements Project to Con Tech Construction Technology, Inc., 28 Lakeview Drive, Yorktown Heights, New York 10598 in the amount of \$86,895.00, 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 Sidewalk/Curb Improvement A/c 5.5110.400.2011.120.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 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 September 5, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

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, October 6, 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 adopting a local law further modifying the amnesty period of the permit amnesty program.

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

Date: September 5, 2014

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

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

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano and Trustee Kenner.

DATE: October 6, 2014

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

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano and Trustee Kenner.

DATE: October 6, 2014

Adoption of Local Law No. 6 of 2014

AN INTERIM LOCAL LAW FURTHER MODIFYING THE AMNESTY PERIOD OF THE PERMIT AMNESTY PROGRAM

SECTION 1: Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the prior Board of Trustees adopted an interim local law establishing a permit amnesty program to all properties within the Village of Port Chester under certain terms and conditions. The local law provided for a time period to make application for such amnesty which period has been extended with the last extension being to September 30, 2014. **SECTION 2: Amnesty Period**

Section 2 of Local Law No. 4 of 2012 is further modified so that the amnesty period for the Permit Amnesty Program shall be deemed to expire on September 30, 2015.

SECTION 3: Effective Date

This local law shall be effective upon due publication and filing with the Secretary of State.

On motion of TRUSTEE TERENCE, seconded by TRUSTEE BRAKEWOOD, the following Local Law Number 6 of 2014 was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, and Deputy Mayor Ceccarelli.

NOES: Trustee Marino.

ABSENT: Mayor Pagano and Trustee Kenner.

DATE: October 6, 2014

PUBLIC COMMENTS

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

Comments were made by:

Ms. Goldie Solomon commented on the Columbus Day Parade. This is very good. It is Italian but it should also be Spanish because if Isabella did not give him the money, Columbus never would have gotten here. The Grand Marshall of the parade is Bob Vitti, who is the Port Chester High School band director. We are a diverse community. The sewer rental tax is a horror story. If we have to pay this we should pay in Port Chester and not have to send this money to New Rochelle. We are a low to middle income

community and we have more off the tax rolls than any other village our size. We have to get our taxes down.

Mr. Giangrande commented on what is going to happen if someone has a bad sidewalk and doesn't do anything about it. Trustee Terenzi commented that on the agenda they are going to talk about the sidewalk betterment program. Mr. Giangrande commented on hedges being eight to ten feet. They should be no taller than four feet.

Mr. Tom Ceruzzi commented on the DPW on the beautiful job at the Vietnam Memorial. He commented on parking in the C4 and C5 districts. With so many people coming in where are they going to park. Trustee Terenzi commented we opened up Marvin Place but people don't want to park there. Mr. Ceruzzi commented on the colors of some of the retail buildings and the clutter in the windows.

Ms. Beatrice Conetta commented on how the surrounding communities benefit by our box stores and our restaurants. She commented that Port Chester was on the list of the highest tax communities in Westchester County. The bulkhead has not been addressed and the MTA is getting away with murder. The roads need to be repaved. The stolen money from the meters and police department has never been resolved. The developers have had a field day in Port Chester. The Board may have inherited the problem, but it is still your responsibility to make it right.

Mr. Richard Abel commented on some of the resolutions being discussed tonight. With the mayor's election if the county does not do it, we will have to pay for it. The police promotions list should be included in the resolution.

Ms. Andrea Granata commented that we should try and keep spending down. The utility pole on Burdsall and King is still in the same condition. The utility company did repairs on King Street and passed right by. Also, it is an embarrassment regarding the missing monies. Regarding sewer rent, Chris Ameigh commented there are instructions on the back of the bill on various methods of payment. She commented on various dead trees in Lyon Park near the children's play area. Burdsall Drive needs to be repaved. We do pay high taxes. Trustee Terenzi commented that we are taxed on the value of our houses.

Mr. Ceruzzi commented on whether the BOT has had meetings with the school board. Trustee Terenzi commented he sees Mrs. Capece almost every week and he asks when are we going to start registering the kids. Mr. Ceruzzi commented on the release of sales tax by the State.

Mr. Michael Scarola, Planning Commission Chairman made the following statement:

"On 9/29, the Planning Commission was unable to conduct its scheduled meeting due to lack of quorum. This is an unacceptable situation.

I would be remiss if I didn't offer you my assessment of why it happened and provide you with recommendations for your consideration.

Assessment

The outcome on 9/29/2014 was going to happen given the composition of attendance %

by the Planning Commission members. The Planning Dept. provided me with the Planning Commission attendance records from 1/1/2013 to 9/29/2014. In Table A, I've calculated their attendance % for that time period:

TABLE A	
1/1/2013 - 9/29/2014 Attendance Rates	
91-100%	M. Scarola (100%) P. Coperine (91%) G. Gregory (91%)
81-90%	
71-80%	C. Suma (80%) * S. Rogan (80%) K. Pellon (77%) A. Baxter (73%)
<= 70%	F. Cervinka (64%)

* Note - Chris Suma recently appointed (4/5 meetings attended)

With the 4 of 7* members providing 80% or less attendance % since Jan, 2013, the likelihood of a 'No Quorum' outcome is a matter of when, not if. On 9/29, only 3 of 8 members were present; M. Scarola (100%), Peter Coperine (91%) and Kevin Pellon (77%).

Another factor that contributes to lower attendance rates, and the likelihood of a 'No Quorum' outcome, is the conclusion by some members that if they miss a meeting, it's ok as there are 7 others who will attend and there's no downside to them.

Recommendations

Acknowledging there is a problem is the first step towards fixing the problem. The Planning Commission has a problem and the 9/29/2014 outcome is unacceptable. Immediate action by the Board of Trustees (BOT) is needed which sends a clear signal that the 9/29 'No Quorum' outcome is unacceptable.

- Issue a memo by 11/1, to ARB, Planning and ZBA that expresses:
 - The BOT's expectation, effective 11/1/2014, of minimum attendance % for a 24 month term with monthly meetings. Attendance records will be considered when evaluating re-appointments.

In January, 2016, evaluate and consider increasing to 80%.

# Meetings	# Attended	# Missed	Attendance %
24	18	6	75%

- As of 12/31/2014 - Initiate an annual letter to members of ARB, Planning and ZBA:

- Example: As of 12/31/2014, your attendance rate is x% for your term, which ends dd/mm/yy. The Village Board of Trustees has requested a 75% minimum attendance rate for ARB, Planning and ZBA members. Attendance records will be considered when evaluating re-appointments. Please make every effort to attend scheduled meetings. As always, we appreciate your efforts.
- The BOT to request the resignation of F. Cervinka, effective 10/15.
 - While F. Cervinka isn't the exclusive reason the 'No Quorum' occurred, his attendance record from Jan, 2013 -Sep, 2014 should be considered unacceptable.
 - 67% in 2013, 60% in 2014
 - On 10/20, the BOT to appoint C. Suma as a Planning Commissioner, effective 10/27.
- Solicit questions from each Planning Commissioner to establish standard set of questions when vetting potential appointments.

If you have any additional questions or would like to discuss, please feel free to contact me.

Regards,

Michael Scarola

PS Unfortunately, the 9/29 'No Quorum' event overshadows the process changes that the Planning Commission continues to work on Village Staff. For example, in the pipeline is a Use Variance process improvement. Mr. Gomez can advise the BOT which month he expects it will get referred to the BOT.”

RESOLUTIONS

RESOLUTION #1 (POSTPONED)

RESCINDING AUTHORITY TO THE COUNTY OF WESTCHESTER BOARD OF ELECTIONS TO CONDUCT THE VILLAGE ELECTION

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

On motion of TRUSTEE KENNER, seconded by TRUSTEE TERENCE, to **postpone** the vote on resolution # 1 to the October 20, 2014 meeting.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

WHEREAS, pursuant to New York State Election Law, Section 15-104(c), villages may adopt a resolution, subject to permissive referendum, providing that the village election be conducted by the county board of elections; and

WHEREAS, by resolution adopted on June 16, 2014, the Board of Trustees transferred the Village Election to the Westchester County Board of Elections; and

WHEREAS, the next Village Election is scheduled to be held on Wednesday, March 18, 2015 for the office of Mayor; and

WHEREAS, the County Board of Elections has since advised that it is not authorized to conduct the Village Election based on the unique circumstances of the pending litigation between the Village and the U.S. Department of Justice. Now, therefore, be it

RESOLVED, that the resolution adopted on June 16, 2014 transferring the conduct of Village Election to the Westchester County Board of Elections is hereby rescinded.

RESOLUTION #2 (POSTPONED)

ESTABLISHING DATE FOR 2015 VILLAGE ELECTION

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

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, to **postpone** the vote on resolution # 2 to the October 20, 2014 meeting.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

WHEREAS, pursuant to the Village Charter and State Election Law, the Annual Village Election is held on the third Tuesday of March; and

WHEREAS, the 2015 Village Election would therefore ordinarily be conducted on March 17, 2015; and

WHEREAS, however, since March 17, 2015 falls on St. Patrick’s Day, the Board must adopt a resolution providing that the 2015 Election shall be held instead on Wednesday, March 18, 2015 for the office of Mayor; and

WHEREAS, all other deadlines for the 2015 Election shall be computed from the March 17, 2015 date. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby establishes the date for the 2015 Village Election for the office of Mayor shall be Wednesday, March 18, 2015.

RESOLUTION #3

It should be noted that Trustee Kenner recused himself from the vote and discussion regarding Resolution 3 due to the fact that he works for Westchester County.

Additionally, it should be notice that Trustee Kenner, stepped away from the dais during that time.

REQUESTING ASSISTANCE FROM THE COUNTY OF WESTCHESTER DUE TO CONTINUED IMPASSE WITH REGARD TO COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

WHEREAS, as a member of the Westchester Urban County Consortium (Consortium), the Village of Port Chester participates in the Community Development Block Grant (CDBG) program administered by the Westchester County Department of Planning; and

WHEREAS, through the Consortium, the Village has historically been the largest recipient of CDBG grants in Westchester County; and

WHEREAS, the United States Department of Housing and Urban Development (HUD) and Westchester County are currently at an impasse arising out of the County’s implementation of the affordable housing settlement in the matter of *United States of America ex rel. Anti-Discrimination Center of Metro New York, Inc., v. Westchester County, New York*; and

WHEREAS, as a result of this impasse, communities in need, such as the Village of Port Chester, not-for-profits, and local social services agencies aiding low and moderate income residents in the Village have been denied previously allocated CDBG funding and no further funding has since been awarded; and

WHEREAS, as far back as 2011, the Urban County Council in Westchester County (“Council”) which includes representatives from each of the municipalities in the Consortium, requested that HUD resolve the impasse in an expeditious manner, all to no avail; and

WHEREAS, for 2011 through 2013, the Village of Port Chester, not-for-profits, and local social service agencies were awarded \$1,673,750.00 in CDBG funds to the Don Bosco Community Center, the Open Door Family Medical Center, the Village of Port Chester, the Village of Port Chester Housing Authority, and the Clay Arts Center for vital social service programs and municipal infrastructure projects related to homeless prevention; sidewalk, sewer, and streetscape improvements; and youth development, but these funds have yet to be released, and

WHEREAS, in correspondence from the Deputy County Executive dated May 9, 2014, the County Executive has determined that the County should forego participating in a new qualification period for future CDBG funding and that the Village would be eligible to apply to New York State for participation in the Small Cities CDBG program; and

WHEREAS, such correspondence also stated that the County Executive had proposed the introduction of a Community Housing Infrastructure Program (CHIIP) consisting of a five-year, \$5 million program that would assist those municipalities with the highest percentage of low to moderate income populations that unjustly lost CDBG funding; and

WHEREAS, based on population requirements, the Village is, in fact, not eligible to participate in the Small Cities program; and

WHEREAS, the action of the County Board of Legislators is required to fund same and such approval is far from assured; and

WHEREAS, at a meeting on May 28, 2014, the Urban County Council adopted a resolution requesting that the County Executive timely make application for future CDBG funding in the next funding cycle; and

WHEREAS, the Village of Port Chester, which has done more than its fair share in providing fair housing, has been negatively impacted by the continued impasse. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby supports whatever effort that will provide assistance to the residents of the Village of Port Chester with regard to community development; and be it further

RESOLVED, to that end, the Board authorizes the Mayor to forward correspondence, together with a copy of this resolution, making request on the County of Westchester as follows:

0 That the County Executive timely make application in the CDBG program so as to participate in the next qualification period so as to provide the opportunity for funding to be restored to the Village and local agencies; and

0 That County Legislator, David Gelfarb, support and lead his counterparts on the County Board of Legislators in approving the requisite funding for the proposed CHIIP program so as to provide some recompense to the Village for the loss of CDBG funding.

0 That a copy of this Resolution be forwarded to Congresswoman Nita Lowey, United States Attorney General Eric H. Holder and Westchester County Legislators.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino and Deputy Mayor Ceccarelli.

NOES: None.

RECUSE: Trustee Kenner

ABSENT: Mayor Pagano.

DATE: October 6, 2014

RESOLUTION #4

**APPOINTING OF POLICE LIEUTENANT
WITH THE VILLAGE OF PORT CHESTER**

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

RESOLVED, that Sergeant JOHN J. TENYCK, be and he hereby is promoted to Lieutenant with the Village of Port Chester Police Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

RESOLUTION #5

**APPOINTING OF POLICE LIEUTENANT
WITH THE VILLAGE OF PORT CHESTER**

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

RESOLVED, that Sergeant MARK BRACCIO, be and he hereby is promoted to Lieutenant with the Village of Port Chester Police Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

It should be noted that Deputy Mayor Ceccarelli recused himself from the vote and discussion regarding resolution 6, 7 and 8 due to the fact that his son is a P.C. Police Officer, and was considered among others for a promotion to Sergeant.

Additionally, it should be notice that Trustee Ceccarelli, stepped away from the dais during that time.

Motion to Elect President Pro Tem

TRUSTEE BRAKEWOOD, made a motion to nominate TRUSTEE ADAMS, President Pro Tem for the October 6, 2014 Board of Trustees meeting in the absence of Mayor Pagano and the Recusal of Deputy Mayor Ceccarelli from voting on Resolution 6, 7 and 8, the motion was seconded by TRUSTEE TERENCE. The motion was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

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

DATE: October 6, 2014

RESOLUTION #6

**APPOINTING OF POLICE SERGEANT
WITH THE VILLAGE OF PORT CHESTER**

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

RESOLVED, that Detective/Police Officer MICHAEL C. MARTELLO, be and he hereby is promoted to Sergeant with the Village of Port Chester Police Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

DATE: October 6, 2014

RESOLUTION #7

**APPOINTING OF POLICE SERGEANT
WITH THE VILLAGE OF PORT CHESTER**

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

RESOLVED, that Police Officer MIECZYSLAW S. KOLC, be and he hereby is promoted to Sergeant with the Village of Port Chester Police Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner and Trustee Marino

NOES: None.

RECUSE: Deputy Mayor Ceccarelli.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

RESOLUTION #8

**APPOINTING OF POLICE SERGEANT
WITH THE VILLAGE OF PORT CHESTER**

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

RESOLVED, that Detective/Police Officer AARON M. CONETTA, be and he hereby is promoted to Sergeant with the Village of Port Chester Police Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner and Trustee Marino

NOES: None.

RECUSE: Deputy Mayor Ceccarelli.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

RESOLUTION #9

RECREATION DEPARTMENT

AFTER SCHOOL READING & VISUAL ART PROGRAMS

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, the Village of Port Chester Recreation Program requires instructors; and

WHEREAS, such services have been appropriated in the 2014-2015 Village Budget; and

WHEREAS, the Recreation Supervisor has selected several providers to facilitate these programs. Now, therefore be it

RESOVLED, that the Board of Trustees hereby authorizes the Village Manager to enter into the following agreements with regard to the Village of Port Chester Recreation After-School Reading and Visual Art Programs;

- Mario Coronado as a Reading Facilitator in the amount of \$40.00 per two hour session
- Meghan Loper as a Reading Facilitator in the amount of \$30.00 per two hour session
- Anne Lammers as a Reading Specialist in the amount of \$40.00 per two hour session
- Deirdre McDermott as an Art Specialist in the amount of \$40.00 per two hour session.
- Kathy Loper as an Art & Reading Coordinator in the amount of \$40.00 per two hour session.
- Pam Mickatavage as an Art Specialist in the amount of \$40.00 per two hour session; and
- Cathy Terrana as an Art Specialist in the amount of \$40.00 per two hour session.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

RESOLUTION #10

**BUDGET AMENDMENT – DEA FUNDS
TO PURCHASE AND REPLACE
BODY & SUPPLEMENTAL ARMOR FOR POLICE OFFICERS**

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, 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 and replace 22 units of body armor, 8 units of tactical body armor and ballistic helmets, and 2 ballistic shields for \$44,569.40 from Applied Tactical Technologies, Inc, 171 Eads Street, Unit-D, West Babylon, NY 11704, NYS vendor bid PC64786, PC64787. 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 \$(44,569.40)

Revenues:

001-0001-2613 Use of Deferred DEA Revenue \$44,569.40

Appropriations:

001-3120-0220 Police Service Equipment \$44,569.40

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014.

DISCUSSIONS

Bulkhead

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

We have received the contract for the bulkhead design grant award in the amount of \$225,000. We are reviewing the contract and filling all supporting comments and documents with the expected adoption of the agreement to be on the October 20th BOT meeting. Note it is a matching grant that allows us to capture certain prior expenditures dating back to April of 2013. Preliminary discussions with the department of State relating to the above have taken place. Follow up discussions as to the allowable recapture of said expenses are ongoing. Attached is a copy of the Department of State's "Work Plan" which dictates the steps / tasks throughout the project. It is important to note that the draft RFP for design now being drafted must be approved by the Department of State prior to issuing same.

On removing the exception listed in 345.14 (A) (3); additionally and having our planning staff expand upon the ability of applicants to share parking spaces 345.14 (B) (7).

Trustee Brakewood commented parking has been an issue. Our parking laws in 345-14, off street parking, truck loading and vehicular access subsection (A) (3) clearly defines that for anybody in a C2 Main Street business district, the C5 train station mixed use district and the C5T downtown mixed use traditional district don't have to provide any off street parking for their businesses, except if you are a cabaret, events or catering establishment and theaters located in any of those districts. So the Capital does have to provide parking. When they opened they leased parking for about 400 spaces. Shortly thereafter the train station put up signs for No Event Parking. The Town of Rye parking fell through and now the Capital is looking for a variance to provide zero spaces. The reality is that they were providing zero spaces from the beginning because those agreements really didn't work very well. Most people are probably parking at the Marina anyway. Why are we managing these businesses through a variance process when a zoning board has a choice of either placing a great burden on the Capital (and potentially closing it because they don't have parking) or they are going to issue the variance. These parking regulations are out of date only. People are not going to the Capital exclusively; they are going to dinner or a bar for the night. Trustee Terenzi commented the Embassy only has parking on Marvin. The Capital still rents from the Town of Rye and they have two Ravikov lots. The Capital can make a case that at least 40% of their patrons come by train. Trustee Brakewood commented if there was some analysis or some numbers that we put behind this maybe there are more establishments to be covered than the Capital.

Chris Gomez commented there is a lot of discussion regarding shared parking. Trustee Ceccarella commented that some business do not want to share their parking because of vandalism. Chris Gomez said a typical parking garage would be 300-400 spaces. Trustee Brakewood said the question is whether we should change what is in subsection (7) to allow for shared spaces.

Sidewalk Betterment Program

Village Administrative Aide Chris Ameigh commented the Board asked us to take a look at ways we might be able to simplify or help people who have been cited. We came up

with a pretty basic program. The Board will dedicate a pot of money for the homeowners who have been in violation in the past two years. We put out a bid for a dedicated company not to exceed contracts for pricing for sidewalk repair to help owners. Those issued citations should apply to the program, and then they would be eligible for 30% matching to assist with the repairs. Then the owner would either pay the Village back at a monthly rate or we would recoup those funds by some other means. This is the basic concept of the program. It is similar to the Sidewalk Betterment Program we had in recent years.

Trustee Brakewood asked if it was literally a pot of money. Village Manager Steers replied that it is a very small pot. This is a small program that addresses a specific need. It will be used for those individuals who have been cited either by code enforcement or by trip and falls or by DPW.

CORRESPONDENCES

Sewer Rent Appeal 233-237 Westchester Ave. – H. Ravikoff.

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal 44-48 Poningo Street – H. Ravikoff.

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal 33 New Broad Street – H. Ravikoff.

The Board referred the correspondence to staff without objection.

From Washington Engine & Hose Co. #4, Inc. the election of Kevin Brennan to active membership.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, The Board of Trustees accepted the election of Kevin Brennan as a member to Washington Engine & Hose Co. #4, Inc. with the Port Chester Fire Department.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

From Fire Patrol & Rescue Co. #1 on the resignation of Andrieu Reyes.

The Board accepted the resignation.

From Richard A. Falanka requesting consideration to be appointed to the Taxi Commission.

The Board asked staff to have a resolution ready for the next meeting.

From the Park Commission on the removal of t-ball fields in Lyon Park.

The Board referred the correspondence to staff without objection and to remove the temporary T-Ball field and put back to its original condition.

From Rev. Timothy Zak of Our Lady of the Rosary Church requesting permission to have a procession on October 19, 2014.

The Board referred the correspondence to staff without objection.

From Yvette Solis, Veterans' Day Co-Chair for KSS PTA, regarding Veterans' Day Flag-Raising Ceremony and Continental Breakfast.

The Board acknowledged the correspondence.

From Bill Villanova regarding International Walk to School Day at King Street School on October 8, 2014.

The Board acknowledged the correspondence.

MINUTES

Minutes from September 15, 2014.

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, The Board of Trustees accepted the minutes of September 15, 2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

Minutes from September 22, 2014.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, The Board of Trustees accepted the minutes of September 22, 2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 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:

(There were no public comments)

Board

Trustee Adams thanked Chris Ameigh for getting back to him on the work order for the utility pole on South Regent and Westchester. Last week we attended a discussion on Ethics. I would like at the first or second meeting in November to have as an agenda item the zero dollar acceptance. We could all be in violation of this. On Boards and Commissions, there was a time they were coming before us. I still would like to hear from the Boards and Commissions who have not yet come before us. At the first or second meeting in November I would like to have a meeting with Mike Scarola. He brought up some things tonight that should be discussed in Executive Session.

Trustee Brakewood commented on the municipal center being on the agenda for October 20th. I would like as an alternative for the Board to understand the work that went into the original proposal to build out the gymnasium for the courtroom. There may have been an original design to build that out. I voted against it at that time, so now I would like to see it again. All of a sudden the million dollars for building out a courtroom and a meeting room seems better than 40 million dollars for a new municipal center.

Trustee Terenzi commented that the cost of eminent domain in the building of the new municipal center would be approximately \$2.6MM. That is what the properties are paying taxes on right now. This police station and courthouse property may be worth \$3MM. The property on Grace Church may be worth \$7MM to \$8MM. Now, by trading assessments you have \$120M in taxes. He asked Village Treasurer Douglas to show the auditor's predictions. I also want appraisals on what the properties are worth.

Trustee Marino commented that he does not want to put any more money into the police building. I also can't see building a courthouse on the other side of town. It makes sense to have everything in one place.

Deputy Mayor Trustee Ceccarelli commented on the J. C. Span report there was a figure of \$30MM. The numbers go from \$24MM up to \$30MM. He has some concerns about

the population spike and new development. Down the road we will have to pay for new sewage development. He thanked the Board of Ethics for putting together the ethics training. He congratulated the police promotes.

At 11:06 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Deputy Mayor Ceccarelli.

NOES: None.

ABSENT: Mayor Pagano.

DATE: October 6, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk