

MEETING HELD OCTOBER 20, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, October 20, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

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

It should be noted that Trustee Joseph Kenner was absent.

It should be noted that Trustee Marino left the meeting at 9:33 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager and Village Planner Jesica Youngblood

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI the meeting was declared opened at 6:04 p.m.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner

DATE: October 20, 2014

WORKSHOP

1. To review appraisal results for 120 N. Pearl Street bonus program application under Village Code §345-16.

Village Director of Planning Chris Gomez commented on the appraisals for the project and for the public hearing. This is a proposed project for 50 dwelling units, consisting of 15 studio, 26 one bedroom and 9 two bedroom units. There will be a parking structure for 46 on-site parking spaces and a parking structure. The appraisals are in the handouts. The units are within the height requirements in the district. This project could be quite different in terms of total bedroom units. The Planning Commission will review any impacts on the schools and on traffic. The building is approximately 66,000 sq. ft. Mr. Gomez commented he has spoken with developers in the downtown area regarding the density bonus.

Attorney Gioffre commented this is a true transit orientation. The location is in proximity to shopping and the train station. We are only providing 46 parking spaces, which is less than one per unit. We received the one variance we needed from the Zoning Board of Appeals, the Planning Commission has two resolutions before it, and we believe they will take action at their next meeting. The only remaining issue is making a right-hand turn when exiting the building.

Trustee Ceccarelli commented on who will be picking up trash. Mr. Gomez commented a private carter is proposed. Again, this will be a Board proposal.

Trustee Brakewood commented about the density program. Neighborhood revitalization includes things around that development like burying the lines around Summerfield Park.

Chris Gomez commented there is a question to the Traffic Commission about removing one parking space at this development.

Trustee Brakewood commented that this development is between two gas stations. Trustee Ceccarelli questioned if this is a safety concern when blasting starts.

Mayor Pagano commented that the assessor of the Town of Rye made two appraisals of the property at 120 N. Pearl Street, one for 50 units and one for 38 units. The 38 unit is assessed at \$4,530,000 and the 50 unit complex assessed at \$5,800,000. There is a \$1,270,000 difference with the 12 additional units.

2. NDC:

Mayor Pagano commented the workshop on NDC precedes the motion that will follow.

Village Manager Steers commented that the packet he submitted to the Board compiles all the information he has gathered since 2009 regarding the study on the municipal center. It is a 17 page summarized study to inform the Board. At the time the estimate was \$24 to \$30+ million with multiple configurations on different sites. That included building for the police and court. It did not include acquisition. The last update cited the Irving Avenue site. It included the police and court and a parking structure and some retail space on the top floor of the structure. As the project grew the village hall was incorporated into it. The vast majority of the expense is for the police station.

Trustee Terenzi commented we take the original cost plus the village hall and then subtract what 222 Grace Church Street will be sold for. Then you have to subtract the tax. So the incremental cost may be a plus in the scheme of things. What is our commitment to the bottom line? And, what is our negative cash flow going to be?

The NDC representative commented he will use the budget developed by NDC as our working budget plus or minus 10%. He had a slide presentation was shown showing the figures for this project.

PRESENTATION OF NEW POLICE APPOINTMENTS

Mayor Pagano made the following opening statement:

“There's a saying that - stripes on a sleeve or brass on a collar don't make one a leader...and from my own personal experience, I can attest that truer words were never spoken.

It's not so much the title means anything...the real power is in the ability and capacity to both influence those who are under you in your position, whether it's Patrolman, Sergeant or Lieutenant, and more importantly to inspire those who are working for you I those positions. That's what promotion is all about.

Tonight, on behalf of the Board of Trustees, I have the honor and very pleasant duty of promoting eight (8) of Port Chester's finest to leadership positions.

Would Chief Richard Conway join me at the podium to help me convey these honors to the 8 police officers.”

Promotions to the Rank of Lieutenant

1. Lieutenant John TenEyck: Lieutenant TenEyck was number one on the promotional list for Lieutenant with a final score of 92. He is an 18 year member of the Port Chester Police Department and has 1 year of experience as a Deputy with the Ulster County Sheriff's Department. He has served this Department as both a Police Officer and a Sergeant. Lieutenant TenEyck holds 3 departmental awards and graduated 1st in his class from the City of Kingston Police Academy. He attended SUNY Stony Brook.
2. Lieutenant Mark Braccio: Lieutenant Braccio was number 2 on the promotional list for Lieutenant with a final score of 90. He is a 19 year member of the Port Chester Police Department. He has served as a Police Officer, Field Training Officer, Firearms Instructor, Patrol Sergeant, and was most recently our Traffic Sergeant and Training Officer. Lieutenant Braccio holds 7 departmental awards, and a Journal News Citation of Merit.

Promotions to the Rank of Sergeant

1. Sergeant Michael Martello: Sergeant Martello was number 1 on the promotional list for Sergeant with a final score of 80. He is a 19 year member of the Port Chester Police Department. He has served as a Police Officer, Traffic Enforcement Officer, and most recently as a Detective. Sergeant Martello holds 9 departmental awards and is a 1992 graduate of Westchester Community College.
2. Sergeant Mieczyslaw “Mitch” Kolc: Sergeant Kolc was number 2 on the promotional list for Sergeant with a final score of 80. He is a 14 year member of the Port Chester Police Department and has served as a Police Officer and Field Training Officer. Sergeant Kolc holds 6 departmental awards. He graduated from Pace University in 1995 with a BA in Business Administration.

3. Sergeant Aaron Conetta: Sergeant Conetta was number 3 on the promotional list for Sergeant with a final score of 79. He is a 19 year member of the Port Chester Police Department and in that time has served as a Police Officer, Field Training Officer, Detective, and was most recently assigned as our Youth Officer. Sergeant Conetta holds 11 departmental awards and 3 awards from other Law Enforcement agencies. He graduated from the University of New Haven with a BA in Sports Management in 1997

Promotions to Detective

1. Detective Richard Grall: Detective Grall is a 7 year member of the Port Chester Police Department. Prior to that, Detective Grall served for 10 years as a Police Officer in the New York City Police Department. Detective Grall is a 1994 graduate of Rockland Community College with an Associate's Degree in Criminal Justice. He holds a combined 19 Departmental awards, and presently serves as President of the Port Chester Police Association.
2. Detective Walter Alcivar: Is a 16 year member of the Port Chester Police Department. For the last 4 years, Detective Alcivar has served as an investigator in the Westchester Drug Enforcement Administration Task Force. He is a veteran of the US Navy, and a 1998 graduate of Iona College with a BS in Criminal Justice. Detective Alcivar holds 7 Department awards.
3. Detective David Valdovinos: Is a 7 year member of the Port Chester Police Department. Prior to that, Detective Valdovinos served 4 years in the New York City Police Department his last assignment being the 52 precinct in the Bronx. Detective Valdovinos is 2002 graduate of Lemoyne College where in addition to achieving a BS in Sociology, was a member of the varsity Baseball Team.

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 22, 2014, 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, September 15, 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 a Special Exception Density Bonus Application on behalf of AGD North Pearl, LLC., to construct a 50-unit multi-family building on property located at 120 North Pearl Street, Port Chester, New

York, also known and designated as Section 142.22, Block 2, Lot 62 on the Tax Map of the Town of Rye.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. A copy of the application and all supporting materials is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: August 22, 2014

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

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

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 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 we don't need any more residential property. This will overload our schools and taxes will be going up. Port Chester needs commercial property.

Ms. Bea Conetta commented about the bonus density. The Mariner was able to build on the sidewalk without a tree. The people of Port Chester don't know enough about what's going on.

Mr. Dominick Raneri commented he does not like the way the village is being expanded. We are taking commercial land and turning it to residential, taking residential land and making it commercial. Now you want to move the police department onto a postage stamp parcel with no room for expansion. We should try to purchase the land around the current police station to expand. We can work with what we have here.

Mr. Richard Abel commented on the square footage of the build. The applicant does have the ability to build 38 units. Rentals can convert to condos, but people who rent typically are gone tomorrow. Mr. Gomez commented the 50 unit proposal could be built on the same footprint. He commented the Board needs to look at the density bonus; he is not sure the density bonus money is worth the money.

Mr. Tom Ceruzzi commented there should be a moratorium on commercial and residential properties. He hopes the Village Board does not think they are obligated to developers. If a parking garage has to be built it needs to be built for the benefit of not only the taxpayers but the merchants; and they should be responsible for it. With the new apartments, we don't know how many children are going to be there.

Attorney Anthony Gioffre of Cuddy and Seder on behalf of AGD, the applicant for the 120 North Pearl project, commented on a few items. Of the 50 units, 38 will be studio, 15 will be one bedroom and 9 will be two bedroom units. There was a previous multi-family building approved by the Planning Commission in 2011. That building was a full story taller than the plan before you this evening. This proposal is consistent with the comprehensive plan recently adopted. Specifically the plan identifies the Metro North Railroad Station as within the plan of the premises and encourages transit oriented opportunities. There are only 46 parking spaces for 50 units, less than one parking space per unit. It is designed for transit and limits impact on the schools and traffic. We request that the Board approve this density request which is for 12 additional units.

Mayor Pagano commented that the bonus would include three additional two bedroom units.

Mr. George Ford commented you have to listen to the public. This Village needs to consider the development and further development of projects. I like to see projects like this come in. The Mariner and the Castle will bring significant revenue to the Village. Residents have to ask themselves if we want to see what was on the properties previously or do we want to see beautiful developments like this. So that comes to thinking about return on investment. The Board should consider does this add up. If the numbers add up we should allow the density bonus. If not, we should leave it as it is.

Mr. Abel commented on the rental range of the project and the ratio of apartments to cars for people in that rental range.

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

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

PUBLIC COMMENTS

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

Comments were made by:

Ms. Goldie Solomon thanked the firemen, DPW, and police. We should have city status. The Trustees should represent the people of Port Chester.

Mr. Abel commented on the cost of running a mayor's election. It costs the Village \$70,000 but if the county runs the election it would be \$15,000. We should hire somebody to challenge the county.

Mr. Ceruzzi commented on a Zoning Meeting where the Capital is applying for variances for parking on Westchester Avenue. The Village allows you to run a business without enough parking spaces. The Village should modify and extend the C2 zone up Westchester Avenue to near the Post Office so they could have their business without going through the variance process.

Trustee Brakewood said they are already in a C2 zone. The Capital is the only one who has to provide parking in that zone.

Mr. Dennis Pilla commented on the plan for a new Village Hall and questioned if there is any return on investment to the taxpayers. We've only been in the present Village Hall for about seven years at a cost of \$18MM. More recently the Town of Rye committed to another \$1MM. As a taxpayer I urge you to slow down. We do need more property for the police station. Something like the municipal building at \$39MM should be a referendum.

Ms. Conetta commented on spending another \$500,000 to NDC to investigate the new municipal building. She commented on the Amnesty program. The Town of Rye should not be moving into the Village Hall. They sold their property and we waived their rent.

Mr. Abel commented on NDC resolution. Trustee Terenzi commented that the first \$150,000 is going to the geological cost to see if the project is to go ahead.

Mr. Ford commented that the general public should respect the time and the Board. Regarding the proposal, we already have a Village Hall. We need a courthouse and a police station. This Village needs to go back to the drawing board and get a cost of a new police station and courthouse. The present Village Hall has a senior center attached and has multiple tenants. We should concentrate on the police department and leave it at that. As a Village taxpayer, I think we should look at all avenues available to us.

Ms. Conetta pointed out that so much money has already been put out and that we will just keep putting in money for more studies. There should be a referendum.

RESOLUTIONS

RESOLUTION #1 APPOINTMENT OF POLICE DEPARTMENT CHAPLAIN

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

RESOLVED, that REV. J. BRUCE BAKER, residing in Port Chester New York be and hereby is appointed as Chaplain for the Port Chester Police Department, effective immediately and to serve at the pleasure of the Board of Trustees.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #2

RESOLUTION AUTHORIZING RETAINER OF NATIONAL DEVELOPMENT COUNCIL TO PROVIDE TECHNICAL ASSISTANCE TO THE VILLAGE OF PORT CHESTER WITH REGARD TO STUDIES AND INVESTIGATIONS RELATING TO PROPOSED MUNICIPAL CENTER DEVELOPMENT PROJECT

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

WHEREAS, current deteriorated conditions at the Port Chester Police Headquarters/Justice Court at 350 North Main Street provided the impetus for the Board to take action in constructing a new facility; and

WHEREAS, JCJ Architecture, Hartford, Connecticut, was retained to undertake a needs analysis and potential alternative locations; and

WHEREAS, the preferred location identified for such facility consists of privately-held parcels in the block bounded by Irving Avenue and Poningo Street; and

WHEREAS, there are operational advantages in relocating Village offices, together with the Village's state legislative representatives, Town of Rye and Port Chester-Rye Brook Chamber of Commerce, from 222 Grace Church Street to such new facility as a Municipal Center Project ("Project"); and

WHEREAS, the opportunity is presented to broaden the focus of the proposed government center at this location so as to include additional properties and thereby incorporate new retail and commercial office space fronting on Westchester Avenue; and

WHEREAS, such alternative development plan would assure that the Project would accommodate municipal administrative needs and act as a vital catalyst for economic development throughout the Village; and

WHEREAS, in collaboration with the Board, the Village of Port Chester Industrial Development Agency retained the National Development Council, New York, New York, to provide consulting services with regard to economic development initiatives; and

WHEREAS, the Village identified the Project as a priority for the National Development Council which, if further studies and investigations determine to be viable, would result in a proposed public-private partnership with the NDC acting as developer; and

WHEREAS, following a public presentation to the Board, the National Development Council, in partnership with STV, Inc., submitted a proposal dated February 27, 2014 to undertake the following: (1) Start-Up and (2) a Facilities Architectural and Operational Program with additional tasks to be determined based on project size and scope; and

WHEREAS, by resolution dated March 14, 2014, the Board authorized the Village Manager to enter into an agreement based on said proposal; and

WHEREAS, NDC has satisfactorily completed these tasks; and

WHEREAS, on September 8, 2014, the Board conducted a workshop with NDC to consider the next steps required so as to determine the viability of the Project; and

WHEREAS, NDC has since made a presentation to the Village of Port Chester Industrial Development Agency with regard to these efforts, including the potential future roles for the IDA and the recently-created Port Chester Local Development Corporation (LDC) in the Project with the NDC; and

WHEREAS, pursuant to and in accordance with a proposed Agreement (the "Agreement, a copy of which is presented before this meeting), the Board has determined to continue to proceed with a further retainer of NDC so as to undertake the following tasks:

-Site investigation

- Environmental Site Investigation
- Site Survey
- Site Geotech Investigation
- Architect ACMEP (Design)
- Constructability Review

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to execute and deliver the proposed Agreement (in substantially the form presented) with NDC working in partnership with STV, Inc. and Whiting-Turner, Inc. to provide additional preliminary architectural and other professional consulting services as set forth in it the agreement annexed hereto with regard to the Municipal Center Development Project, compensation to be a maximum total of \$439,000, such amounts to be disbursed in phases in accordance with the provisions of the Agreement, and be it further

RESOLVED, that the Village has identified the contemplated studies and investigations as a Type II action pursuant to Part 617.5(c)(18) the State Environmental Quality Review Act (“SEQRA”) as information collection, pollution studies, engineering studies, surveys, subsurface investigations and soil studies that do not commit the Village to undertake, fund or approve any action; and therefore no SEQRA review is required, and be it further

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to use \$439,000 from the Mariner Proffer and modify the FY2013-14 General Fund Budget as follows:

Increase General Fund Budget:

Revenues:

1.1.1589	Use of Developers Fees	\$439,000
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Appropriations:

1.8020.400	Planning Contractual	\$439,000
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Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: Trustees Adams and Brakewood.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #3

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

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

Prior to tabling the resolution the Village Attorney was empowered to file Article 78 against Westchester County Board of Election.

On motion of TRUSTEE TERENCE, seconded by TRUSTEE MARINO, to **Table** resolution # 3.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 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 #4

ESTABLISHING DATE FOR 2015 VILLAGE ELECTION

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

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.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #5

AGREEMENTS FOR SENIOR CITIZENS PROGRAMS

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 Village of Port Chester Senior Citizen Program requires food permits; and

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

RESOVLED, that the Board of Trustees hereby authorizes the Village Manager to enter into the following agreement with regard to the Village of Port Chester Senior Citizens Programs;

The Westchester County Department of Health, Permit # 01-K385-A, Port Chester Senior Community Center Food Permit.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #6

SUPPORT FOR DON BOSCO WORKERS INC.

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

WHEREAS, Don Bosco Workers', Inc., 22 Don Bosco Place, Port Chester, is a grass-roots community-organizing group led by Latino immigrant day laborers and other low-income workers in the Village of Port Chester; and

WHEREAS, affiliated with the 100-year legacy of the Don Bosco Community Center, Don Bosco Workers, Inc. advocates for full and fair participation in the labor market through workplace rights education, leadership development and popular education methods for identifying social change goals from within the worker community; and

WHEREAS, by letter dated August 1, 2014 Don Bosco Workers, Inc. to the Mayor, Don Bosco Workers, Inc. requested a meeting with the Board of Trustees to share information about their recent efforts; and

WHEREAS, representatives of Don Bosco Workers, Inc. have since made a public presentation to the Board elaborating on group's mission, goals and lobbying activity for wage theft reform. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby supports the Don Bosco Workers, Inc. in assuring the full integration of Latino immigrant and other low-income workers into the labor force and the greater society.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #7

**RETAINING CONSULTANT FOR PLANNING SERVICES
WITH REGARD TO ENVIRONMENTAL REVIEW OF PROPOSED
REDEVELOPMENT OF FORMER
LOCATION OF UNITED HOSPITAL AND 999 HIGH STREET BY PC406 BPR,
LLC and PC 999 HIGH STREET CORP.**

On motion of TRUSTEE TERENZI, seconded by TRUSTEE MARINO, 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 amended petition of PC406 BPR, LLC. And PC 999 High Street Corp. (together the “Applicant”) for redevelopment of the former location of United Hospital and 999 High Street, located at 406 Boston Post Road and also known and designated as Section 141.52, Block 1, Lot 2 and Section 141.52, Block 1, Lot 2.4 and at 999 High Street, also known and designated as Section 141.52, Block, 1, Lot 2.1, (herein referred to as the “Premises”) seeking a text amendment to Village Zoning Regulations related to a proposed Southern Gateway Mixed Use Overlay District and a modification of the Village's Official Zoning Map, or, in the alternative, to a text amendment modifying Article XI Planned Mixed Use District of the existing Zoning Regulation (Section 345-62); and

WHEREAS, the Applicant seeks to develop the Premises 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 space geared towards accommodating wellness and out-patient medical uses (herein referred to as the “Proposed Action”); and

WHEREAS, the Board of Trustees is the lead agency for the review process under the New York State Environmental Quality Review Act (SEQRA); and

WHEREAS, in such capacity the Board is responsible for ensuring that the Environmental Impact Statement (EIS) prepared by the applicant is adequate and complete in addition to authorizing the retention of qualified, independent consultants to provide expert assistance; and

WHEREAS, the Village has currently on retainer Dolph Rotfeld Engineering, P.C. and Adler Consulting, undertaking review with regard to engineering and traffic matters, respectively, as defined in the EIS Scope; and

WHEREAS, the Village requires the services of a planning consultant to undertake review with regard to the remaining matters of the EIS Scope and released a Request for Proposals (dated September 5, 2014) to solicit proposals; and

WHEREAS, the Village Manager, Village Attorney, Office of Planning and Development Staff and Special SEQRA Counsel, Sive, Paget & Reisel, P.C. have reviewed the several proposals that have been received. Now, therefore, be it

RESOLVED, the Board of Trustees hereby authorizes the Village Manager to enter into an agreement with AKRF, Inc., 440 Park Avenue South, New York, NY, 10016, to provide planning consulting services to the Village of Port Chester with regard to the SEQRA review of the redevelopment of the former United Hospital in the areas of land use and zoning (in concert with Village Staff), visual resources/aesthetics; historic, cultural and archeological resources; soil geology and natural resources; socio-economics; community facilities and services, including fiscal impacts and housing; air quality; noise; and construction impacts for the Village, all as set forth in a proposal dated September 5, 2014, rates of compensation currently as follows:

Key Staff rates

Senior Professional	\$165/hour
Senior Technical Director	\$195/hour
Officer	\$200/hour
Technical Director	\$185/hour
Senior Professional	\$165/hour

Standard hourly rates for additional support staff

Senior Officer	\$210/hour
Officer	\$200/hour
Senior Technical Director	\$195/hour
Technical Director	\$185/hour
Senior Professional	\$164/hour
Professional II	\$135/hour
Professional I	\$125/hour
Technical II	\$115/hour
Technical I	\$90/hour

with all expenses incurred by the Village for such SEQRA review are to be paid from an escrow account funded by the Applicant pursuant to a Reimbursement Agreement established for this purpose.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #8

**YEAR-END BUDGET MODIFICATIONS, ADJUSTMENTS & AMENDMENTS
FOR FY YEAR ENDING MAY 31, 2014**

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, New York State Law requires that all Budget be balance at the end of the fiscal year; and

WHEREAS, certain appropriation line items in the 2013-14 Fiscal Year General Fund Budget have been over expended and others under expended; and

WHEREAS, the Village of Port Chester is required to make all necessary adjustments to the Budget. The actual expenditures exceeded budget by \$843,257 of which \$97,306.59 was for Workers Compensation Section 32 Settlements. Now therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby authorizes the Village Treasurer to reduce the Workers Comp Reserves by the \$97,306.59 expended for workers comp section 32 settlement in the General Fund, and be it further

RESOLVED, that the Board of Trustees of the Village of Port Chester does also hereby authorizes the Treasurer to make all necessary modifications, adjustments and amendments of the FY 2013-14 General Fund Budget. The amendments are as follows:

INCREASE ESTIMATED REVENUES:

1.1.1120	Sales Tax Revenue	\$205,814.00
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1.1.1128	Gross Receipts-Electric	\$ 16,843.00
1.1.1522	Reimb Prisoner Trans. Fee	\$ 48,373.00
1.1.1560	Building Permits	\$290,084.00
1.1.2610	Fines Fees & Forfeited	\$249,099.00
1.1.3005	Mortgage Tax	<u>\$ 33,044.00</u>
Total Estimated Revenues		\$843,257.00

INCREASE APPROPRIATIONS:

Buildings-Village Owned

1.1620.417	Bldg Repairs & Maint.	\$ 69,901.60
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Police Department

1.3120.199	Final Retirement Payout	\$302,107.74
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NYS Employee Benefits-ERS

1.9000.801	State Retirement-ERS	\$258,540.76
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Workers Compensation

1.9040.803	Workers Compensation	<u>\$212,706.90</u>
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Total Appropriations		\$843,257.00
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BUDGET TRANSFERS:

From:

Contingency		
1.1990.400	Contingent A/c	\$155,370.53

To:

Judgments & Claims

1.1930.400	Contractual	\$40,472.65
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Snow Removal

1.5140.101	Personnel O/T	\$43,158.47
1.5140.400	Contractual Exp.	\$16,360.00
1.5140.487	Snow-Sand & Salt	\$14,509.57

Street & Traffic Lighting

1.5180.413	Light & Power	<u>\$40,869.84</u>
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Total Transfers		\$155,370.53
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Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #9

**BUDGET AMENDMENT – DEA FUNDS TO PROVIDE
TACTICAL SURVIVAL TRAINING FOR 60 POLICE OFFICERS
AT POLICE HEADQUARTERS**

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 Police Chief is recommending the use of DEA Asset Forfeiture Funds to provide law enforcement tactical survival training for 60 police officers at Police Headquarters over 2 to 3 sessions for \$6,000 from Paladin Center, 39 Seminary Hill Road, Carmel, NY 10512, a preferred vendor. 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	\$(6,000.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$6,000.00
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Appropriations:

001-3120-0430	Police in Service Training	\$6,000.00
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ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #10

**SUPPORT FOR THE VILLAGE CLERK’S OFFICE APPLICATION FOR A JUSTICE
COURT ASSISTANCE PROGRAM GRANT FOR FY14-15.**

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 state of New York Unified Court System offers financial assistance to Town and Village Justices for the purpose of office and security equipment acquisition and court facility improvements and renovations; and

WHEREAS, The Town of Rye has agreed to lease space currently in use for Village Court Clerk storage and administration; and

WHEREAS, The Village Court is in need of alternative capacity for file storage; and

WHEREAS, The Village Court is undergoing renovations to accommodate new space for the Court Clerk's Office which includes new finishes and security systems NOW, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby supports The Village Court's FY14-15 application for JCAP assistance in the amount of \$30,000.

RESOLVED, that the Mayor be authorized to forward a letter to State Assemblyman Steven Otis and State Senator George Latimer on the Board's behalf.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

RESOLUTION #11

AUTHORIZING AGREEMENT WITH PLAYGROUND MEDIC TO MAKE NECESSARY REPAIRS AND IMPROVEMENTS TO VILLAGE PLAYGROUNDS

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, as follows:

WHEREAS, the Village has engaged in a proactive annual inspection program to identify substandard conditions on the playgrounds in village parks; and

WHEREAS, Playground Medic, Hawthorne, New York, has identified the existence of substandard conditions in five Village parks, e.g. Curtis Park, Abendroth Park, Edgewood Park, Columbus Park and Lyon Park; and has submitted a proposal in the amount of \$34,360.00 to make the necessary repairs and improvements; and

WHEREAS, in relying upon their professional expertise and reputation, the consultant's timely completion of this work will result in the playground equipment being in a safe condition. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with Playground Medic, 146 Broadway, Hawthorne, New York 10532 to make necessary repairs and improvements to the Village's playgrounds as specified in their proposal September 29, 2014, and be it further

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to establish a Playground Equipment Refurbishing Project 5.7110.200.2014.146, and modify the General Fund and Capital Fund Budget as follows:

GENERAL FUND:

Transfer from:

Contingency A/C	1.1990.400
\$34,360	

Transfer to:

Transfer to Capital	1.9900.900
\$34,360	

CAPITAL FUND:

To Establish Playground Equipment Refurbishing Project:

Transfer from General Fund	5.5.5031.2014.146
\$34,360	

Playground Equipment Refurbishing	5.7110.400.2014.146
\$34,360	

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Kenner.

DATE: October 20, 2014

CORRESPONDENCES

From Mark Edward Goldberg regarding decal parking in the Marvin Place lot.

The Board referred the correspondence to staff without objection.

From the Tamarack Tower Foundation regarding the Turkey Trot Event to be held November 27, 2014.

The Board referred the correspondence to staff without objection.

From Fire Patrol & Rescue Co. #1 on the election of Justin P. DiSanto and Juan Morales to active membership.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, The Board of Trustees accepted the election of Justin P. DiSanto and Juan Morales as members to Fire Patrol & Rescue Co. #1 with the Port Chester Fire Department.

ROLL CALL

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

NOES: None.

ABSENT: Trustees Kenner and Marino.

DATE: October 20, 2014

From the Park Commission regarding the temporary t-ball field in Lyon Park.

The Board accepted the correspondence.

From Chief McMinn requesting the closure of Don Bosco Place in front of the Church on Thursday October, 23rd from 6:00 to 7:30 p.m. to stage the Fire Equipment for Inspection.

The Board referred the correspondence to staff without objection.

From the Traffic Commission requesting a change in the Village Code regarding Handicapped Parking.

The Board referred the correspondence to staff without objection.

From the Traffic Commission regarding the Port Chester Rye Brook Public Library parking lot.

The Board duly noted the correspondence.

From Paul Gerardi regarding interest in serving on the Village of Port Chester Taxi Commission.

The Board accepted the correspondence and requested that the Clerk schedule Mr. Gerardi for an interview.

Add-on a Correspondence

Mayor Pagano asked for a motion to add-on a Correspondence.

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

ROLL CALL

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

NOES: None.

ABSENT: Trustees Kenner and Marino.

DATE: October 20, 2014

From Carolina Crespo requesting permission to advertise "Scared By The Sound" on the fence across the street from McDonalds.

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 public comments.

Comments were made by:

Public

Mr. Richard Abel commented on that if the parking spaces on Marvin Place, which is one way, were made at an angle it would prevent people from backing into people parked on the other side. He commented he is glad the Board of Trustees voted to fix the playgrounds in the parks. As a taxpayer it would be nice for the people to know how

much you spent. It appears to be \$34,000, but in the future advise the taxpayers how much you are spending.

Board

Trustee Terenzi extended condolences on behalf of the Board to Tom Lorenzo on the loss of his father.

Trustee Ceccarelli commented on an article in the newspaper on Rye Brook doing a service energy program. He asked if anything was done on the joint venture with Rye Ctiy and Rye Brook in regard to the LED street lighting. Village Manager Steers commented we have been going back and forth regarding some contract language with the Board and with the Village of Rye Brook. Attorney Cerreto said the Rye Brook attorney is also reviewing the same language and we want to agree on a standard language.

Trustee Ceccarelli commented on the 2009 Fair Housing Settlement. As far as the voting went, I feel the same way with HUD. The seven municipalities that were not part of the settlement are all getting penalized. Trustee Ceccarelli feels we are being treated in an unjust manner by the federal government. Attorney Cerreto is reaching out to the attorneys of the other communities; but don't be too hopeful that we have the right to sue HUD.

Trustee Brakewood recognized the DPW, the police, the auxiliary police and the committee that planned the Columbus Day Parade. It was a fantastic event. The Port Chester High School band is undefeated this season in their competitions.

Add-on an Executive Session

Following the Public and Board Comments section of the meeting, Mayor Pagano asked for a motion to add-on an Executive Session for the purpose of consulting with Village Attorney regarding Sewer Rent matter as it pertains to Village of Rye Brook.

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

ROLL CALL

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

NOES: None.

ABSENT: Trustees Kenner and Marino.

DATE: October 20, 2014

At 9:46 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE TERENZI the Board adjourned into an executive session for the purpose of consulting

with Village Attorney regarding Sewer Rent matter as it pertains to Village of Rye Brook.

ROLL CALL

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

NOES: None.

ABSENT: Trustees Kenner and Marino.

DATE: October 20, 2014

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

No action was taken in executive session.

At 10:00 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees closed the executive session.

ROLL CALL

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

NOES: None.

ABSENT: Trustees Kenner and Marino.

DATE: October 20, 2014

At 10:01 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE TEREZI, the meeting was closed.

ROLL CALL

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

NOES: None.

ABSENT: Trustees Kenner and Marino.

DATE: October 20, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk