

MEETING HELD OCTOBER 29, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Wednesday, October 29, 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 Terenzi arrived at 7:13 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Attorney Anthony Piscionere (representing a member of Port Chester Police Department); charged Police Officer; Attorney Terry O'Neil, and Attorney Emily E. Harper, Labor Councils.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the meeting was declared opened at 7:06 p.m.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Terenzi.

DATE: October 29, 2014

Mayor Pagano made the following opening statement:

“Ladies and gentlemen, I will be reading from a prepared statement. Please bear with me. We are convening this evening as a board of police commissioners to hear and determine the disciplinary charges that have been preferred by the chief of police against a member of the police department. The legal basis for proceeding as provided under the Westchester Police Act, also known as Section 5711-q of the unconsolidated laws of the State of New York, and the rules and regulations of the Port Chester Police Department.

We have retained a court reporter who will make a verbatim transcript and a true and accurate record of the proceeding.

Counselors, please note your appearances.”

Terrie O'Neil, Bond Schoeneck & King by Terry O'Neil and Emily Harper for the police chief.

Anthony Piscionere, Piscionere & Newmarrow, for the respondent.

“In my view, the outline of these proceedings will be as follows: opening statements will be made first by Mr. O’Neil, and then by Mr.

Piscionere. Mr. O’Neil will present the case for the chief of police. After Mr. O’Neil has rested his case, Mr. Piscionere will make the defense for the officer. Both attorneys have the right of cross and redirect examination of witness. All witnesses will be sequestered and will give their testimony under oath. The formal rules of evidence will not apply. As presiding officer, I will make rulings on evidentiary and other procedural questions as they may arise. Members of the board are encouraged to participate, but I would ask that the questions of counsel or witnesses be made through this chair.

Closing arguments will be made first by Mr. Piscionere then by Mr. O’Neil. Thereafter, this board will then meet to carefully consider the record made by both sides and engage in deliberation before arising at a determination as to whether the officer should be convicted on the charges. In the event that there was a conviction, the board must then decide on the appropriate penalty.

We will likely not complete this process this evening, and I expect this matter will require at least another one or two meetings. One of the matters that has to be settled tonight is whether this hearing will be conducted in public or private. If decided to be private, I will ask that the public leave this courtroom. No one will be permitted to stand outside the door or the hallway or at the top of the stairs.

On the other hand, if decided to be public, I will advise that the public is invited to be present and observe proceeding. However, this is not a meeting with public comment. Please observe good manners and courtesy. Anyone who does not comply, will be asked to leave. We’ll see how the hearing goes, but in no event do I expect the proceedings to go beyond around 10 o’clock this evening. We’ll adjourn the meeting, if necessary, tonight in public and announce the adjourn date at this time.

The first type of business is to decide whether to conduct this hearing in public or private.”

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

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

MOTION FOR EXECUTIVE SESSION

At 7:16 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the Board adjourned into an executive session for the purpose of consulting with Village Attorney.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 29, 2014

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

No action was taken in executive session.

At 7:32 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE KENNER, 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: October 29, 2014

Mayor Pagano asked for a motion to conduct the disciplinary hearing in private.

There being no objections, on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the motion to conduct the disciplinary hearing in private was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 29, 2014

At 7:37 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER the Board adjourned into an executive session to conduct the trial with regard to disciplinary charges brought against a member of the Port Chester Police Department pursuant to the provisions of Section 5711-q of the Unconsolidated Laws of the State of New York.

ROLL CALL

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

DATE: October 29, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Attorney Anthony Piscionere (representing a member of Port Chester Police Department); charged Police Officer; Attorney Terry O'Neil, and Attorney Emily E. Harper, Labor Councils.

Mayor Pagano asked for a motion to recess in order to consult with Village Attorney.

There being no objections, at 8:47 p.m. on motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the motion to recess in order to consult with Village Attorney was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

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

DATE: October 29, 2014

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

No action was taken.

At 9:03 p.m. on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the motion to come out of recess was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 29, 2014

No action was taken in executive session.

At 11:08 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE KENNER, 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: October 29, 2014

The Clerk was asked to poll the Board of Trustees as to their availability to meet and continue the hearing.

Motion to Add-On a Resolution

Mayor Pagano asked for a motion to add-on a supporting resolution welcoming the efforts of Purchase College to establish a creative hub in downtown Port Chester.

On motion of TRUSTEE MARINO, 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: October 29, 2014

RESOLUTION (Add-On)

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

Whereas, the Village of Port Chester Board of Trustees sees the value in animating the center of the Village with collaborative arts projects; and

Whereas, Purchase College's Creative Urban Design Lab will provide tools for sustainable development, offer training via new media/arts projects, help generate job skills, promote economic revitalization, educate residents for citizenship, and promote diversity and broader community relations in Port Chester; and

Whereas, Purchase College's Creative Urban Design Lab will bring community members into contact with art professors and students to learn to tell their stories through creative practices and to brainstorm and accomplish together design solutions for the Village; and

Whereas, the service learning and reciprocal skill exchange model utilized by Purchase College's Creative Urban Design Lab will offer a real chance for mutual growth and for helping the diverse constituents of Port Chester and Purchase find common ground through the arts. Now, therefore be it

RESOLVED that the Board welcomes the efforts of Purchase College to establish a creative hub in downtown Port Chester; and as a result, be it further

RESOLVED, that the Board of Trustees expresses its enthusiasm for Purchase College's Creative Urban Design Lab proposal.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 29, 2014

At 11:15 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 29, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk