

MEETING HELD JANUARY 7, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, January 7, 2013 at 6:30 P.M., in the Village Court Room, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees, Daniel Brakewood, Bart Didden, Luis Marino and Joseph Kenner.

It should be noted that Trustee Saverio Terenzi arrived at 6:46 p.m.

It should be noted that Trustee John Branca was absent.

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 and Administrative Aide to the Village Manager, Chris Ameigh.

On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was declared opened at 6:32 p.m.

Roll Call

AYES: Trustees Brakewood, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustees Terenzi and Branca

MOTION FOR EXECUTIVE SESSION

At 6:33 p.m., on motion of Trustee Marino, seconded by Trustee Brakewood, the Board of Trustees adjourned into the first executive session to interview Ms. Taryn Herbert for the Beautification Committee.

Roll Call

AYES: Trustees Brakewood, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi and Branca

No action was taken in the first executive session.

At 6:40 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the Board of Trustees closed the first executive session.

Roll Call

AYES: Trustees Brakewood, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi and Branca

At 6:41 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the Board of Trustees adjourned into a second executive session to interview Ms. Evelyn Petrone for the Zoning Board of Appeals.

Roll Call

AYES: Trustees Brakewood, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Terenzi and Branca

No action was taken in executive session.

At 6:52 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the second executive session was closed.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

After a short recess, on motion of Trustee Didden, seconded by Trustee Kenner, the public portion of the meeting was reopened at 7:01 p.m.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

AWARD PRESENTATION

Presentation to Port Chester students selected for New York State Honors Band

Mayor Pilla said to the audience that each year the New York State Band Director's Association selects 16 elite students from all of New York State Middle Schools and High Schools to the New York State Honor's Band. Out of the 16 students selected, four students were selected from Port Chester. Mayor Pilla congratulated 10th grader, Emmalie Tello, 10th grader, Isabella Roca, 11th grader, Anthony Pellegrini and 7th grader, William Brakewood. Mayor Pilla presented to each student a proclamation congratulating them on their outstanding achievements and wished them great success in their future endeavors.

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing to consider the advisability of adopting a local law to amend Chapter 345 -61W (1) of the Village Zoning Code, Special Exception Criteria for an Automobile Dealership Service Center Use.

The following Public Notices were duly published in the Journal News and the Westmore News on December 21, 2012, 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, January 7, 2013, at 7:00 P.M. or thereafter in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending Chapter 345, "Zoning", Section 345-61W(1), regarding Special Exception Use criteria for Automobile Dealership Service Center in the M2 Zoning District so as to permit cosmetic reconditioning.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk's office.

Janusz Richards
Village Clerk

Dated: December 18, 2012

On motion of Trustee Brakewood, seconded by Trustee Marino, the public hearing was declared open.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustee Branca

Mr. Richards stated that the public hearing was duly noticed as required by law.

Mr. Gomez spoke regarding the background process to amend Section 345-61W(1) of the Village Zoning Code for DCH, Dent Wizard.

Mr. Gary Gianfrancesco, who represents DCH Dent Wizard, spoke regarding the special exception criteria for the BMW dealership service center use.

Mayor Pilla asked if anyone would like to comment for or against the proposed amended village zoning code.

Ms. Goldie Solomon commented that she is concerned about the residents that live there and the village should be concerned as well.

A resident from 45 Midland Avenue commented that the dealership will take away jobs from the other smaller car shops in the area.

Mr. Malone commented that he is concerned about having more traffic on Midland Avenue.

On motion of Trustee Didden, seconded by Trustee Marino, the public hearing was adjourned to January 22, 2013

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

WORK SESSION

Ethics Reform

Ms. Evelyn Petrone spoke to the Board about the code of ethics reform and precedings. There was further discussion with the Board on this topic. Mayor Pilla asked for an executive session to discuss potential candidates to appoint to the Ethics Board.

Housing Rehabilitation Program

Ms. Noonan from the Housing Action Council spoke to the Board regarding the proposed housing rehabilitation program and drafted agreement. The Board asked several questions to Ms. Noonan and there was further discussion on the topic. The Board asked staff to work with Ms. Noonan in designing the program.

Consultation with staff and Mr. Finkel from Bond, Shoeneck and King for Temporary Certificate of Permitted Use

Mr. Finkel spoke with the Board regarding the revisions for temporary certificate of permitted use. The Board asked several questions to Mr. Finkel and staff on the topic and decided to have a code enforcement workshop with Mr. Finkel and staff on January 22, 2013.

Local Waterfront Revitalization Program (LWRP) Workshop

Mr. Frank Fish from BFJ Planning and Mr. Ceccarelli, Chairman of the Waterfront Commission spoke to the Board regarding the next process for the program. There was further discussion with the Board on this topic and the Mayor asked for an add-on resolution to set a public hearing to consider public comments on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).

Add-On Resolution

TRUSTEE Kenner made a motion to add-on a resolution to set a public hearing on January 22, 2013 to consider public comment on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP), seconded by Trustee Didden.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner, and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

DATE: January 7, 2013

Add-on Resolution

Trustee Kenner made a motion to add-on a resolution setting a public hearing on January 22, 2013 to consider public comments on the January 2013 draft of the Local Waterfront Revitalization Program (LWRP), seconded by Trustee Didden:

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

RESOLUTION
SET PUBLIC HEARING
LOCAL WATERFRONT REVITALIZATION PROGRAM (LWRP)

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

RESOLVED, that a public hearing is to be held on January 22, 2013 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider public comments on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

DATE: January 7, 2013

Comprehensive Plan related Zoning Text & Map Amendments

Mr. Gomez updated the Board on the Comprehensive Plan related Zoning Text & Map Amendments. The Board asked Mr. Gomez and staff for a presentation at the next meeting for the Comprehensive Plan related Zoning Text & Map Amendments.

New York State Legislative Priorities

Mayor Pilla discussed with the Board his priorities for the New York State Legislative. Mayor Pilla asked the Board if they have any requests, to email to him of what they would like to have added to the list of priorities.

PUBLIC COMMENTS

Ms. Goldie Solomon commented about property taxes and assessments. Ms. Solomon also commented about the Police Department, Department of Public Works, Fire Department, EMT, Starwood Capital, the waterfront and the Board of Trustees.

Mr. Abel commented about the tax assessment roll, tax grievances, Ethics Board, Starwood Capital and the 2013 Village Election.

A resident of 45 Midland Avenue commented about the Ethics Board, the Housing Rehabilitation Program, the Comprehensive Plan and related Zoning Text & Map Amendments and property taxes.

Mr. Tony Gioffre commented about the work session for the Comprehensive Plan related Zoning Text & Map Amendments.

RESOLUTIONS

Amend Resolution for SEQR Determination of Significance Positive Declaration and Adoption of Scoping Document for Site-Specific Draft Environmental Impact Statement (DEIS)

Trustee Didden made a motion to amend the following resolution taking out the last paragraph of the resolution, “***BE IT FURTHER RESOLVED, that the Board of Trustees approves said draft scoping document for the purposes of scheduling a public scoping session on 2013***”, seconded by Trustee Terenzi:

Roll Call

AYES: Trustees Terenzi, Didden, and Kenner
NOES: Trustees Brakewood, Marino, and Mayor Pilla
ABSENT: Trustee Branca
DATE: January 7, 2013

Amended motion not carried

RESOLUTION

**SEQR DETERMINATION OF SIGNIFICANCE
POSITIVE DECLARATION AND
ADOPTION OF SCOPING DOCUMENT FOR SITE-SPECIFIC DRAFT
ENVIRONMENTAL IMPACT STATEMENT (DEIS)**

UNITED HOSPITAL REDEVELOPMENT

January 7, 2012

On motion of TRUSTEE TERENZI, seconded by TRUSTEE MARINO, the following resolution as amended **was not adopted** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, on or about May 21, 2012, PC406 BPR, LLC (the “Applicant”) submitted a Petition to the Village Board of Trustees (the “Board”) proposing zoning text and map amendments to the Village Code, Chapter 345, relating to the proposed redevelopment of approximately 14.15 acres of land located at 406 Boston Post Road in the Village of Port Chester, consisting of a portion of the former United Hospital site, which proposed redevelopment would be for mixed residential, office and commercial uses (the “Proposed Action”); and

WHEREAS, the Petition was accompanied by a Site Plan Application, Long-Form Environmental Assessment Form (“EAF”) prepared pursuant to the New York State Environmental Quality Review Act (“SEQRA”) and draft scoping document for the preparation of a site-specific draft environmental impact statement (DEIS); and

WHEREAS, that pursuant to Part 617 of the SEQR Regulations, the Village Board of Trustees accepted the zoning text and map amendment petition on November 19, 2012 in order to commence the SEQRA review process and designated itself as the Lead Agency for the SEQR Review of this Type I Action; and received no objection from any interested and involved agencies; Now, therefore, be it

RESOLVED, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Type I Action will have a significant effect on the environment for the reasons enumerated in the attached Positive Declaration Form and supporting documentation.

BE IT FURTHER RESOLVED, that the Board of Trustees approves said draft scoping document for the purposes of scheduling a public scoping session on 2013.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Terenzi, Didden, and Kenner
NOES: Trustees Brakewood, Marino, and Mayor Pilla
ABSENT: Trustee Branca

DATE: January 7, 2013

Motion not carried

RESOLUTION
SET PUBLIC HEARING
PORT CHESTER RYE BROOK FIRE AGREEMENT

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, February 4, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider public comment on the proposed agreement for continuing fire protection services to the Village of Rye Brook.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

Proposed Agreement for Public Hearing

THIS AGREEMENT, made this _____ day of January, 2013 by and between

THE VILLAGE OF PORT CHESTER, a municipal corporation of the State of New York, having offices at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter sometimes referred to as “Port Chester”), and

THE VILLAGE OF RYE BROOK, a municipal corporation of the State of New York, having offices at 938 King Street, Rye Brook, New York 10573 (hereinafter sometimes referred to as “Rye Brook”).

WITNESSETH:

WHEREAS, by agreement dated August 26, 2010 Port Chester and Rye Brook entered into a fire protection agreement for the period of June 1, 2010 to May 31, 2013; and

WHEREAS, Port Chester and Rye Brook desire to continue their long-standing history of shared services and enter into a successor fire protection agreement; and .

WHEREAS, an agreement for fire protection services is authorized by Village

Law § 4-412(3)(9) relating to fire protection agreements and Article 5-G of the General Municipal Law relating to municipal cooperation agreements.

NOW, THEREFORE, in consideration of the agreements hereinafter set forth, Port Chester and Rye Brook do mutually agree as follows:

FIRST: Port Chester shall make available and provide fire protection services to the Village of Rye Brook. Such fire protection services shall include, but not be limited to, all necessary and appropriate fire apparatus and fire department personnel response to all fire alarms, and calls for fire service, and shall specifically include services in the following areas: (1) Fire Suppression, (2) Hazardous Materials Mitigation, (3) Public Assistance Incidents, (4) Heavy Rescue, (5) Hazardous Conditions, (6) Public fire education for all residents, (7) Carbon monoxide detection and mitigation equipment, (8) Pre-incident deployment for fire apparatus and/or preplanning, and (9) Educational programs and sponsorship opportunities.

Port Chester will use its best efforts to respond to all incidents in accordance with the current Apparatus Response Guidelines of the Port Chester Fire Department, which are attached hereto as Exhibit A, to the extent that those guidelines apply to the services being provided under this agreement. Said Apparatus Response Guidelines are hereby incorporated in and shall become a part of this agreement. Any amendment to such Apparatus Response Guidelines shall be reviewed with and approved by Rye Brook's Village Administrator prior to implementation and the Apparatus Response Guidelines, as may be amended, shall not provide less protection to Rye Brook than the current Apparatus Response Guidelines, a copy of which is attached hereto and made a part hereof.

SECOND: Port Chester and Rye Brook intend, in good faith and so far as practicable, to maintain at a minimum the present level of total career personnel and agree to maintain their apparatus and equipment in good working order. Port Chester and Rye Brook shall each be

responsible for fire inspection services in their respective municipalities. If career staffing levels should change in either Port Chester or Rye Brook it is agreed that the parties will review this agreement and engage in discussions to evaluate such staffing levels in both communities so as to comply with the provisions of this Paragraph SECOND..

THIRD: The fire protection services to be provided under this agreement shall commence on June 1, 2013 and shall terminate on May 31, 2018, subject to the terms and conditions of this agreement.

FOURTH: Rye Brook will pay Port Chester for the fire protection services provided hereunder in accordance with the terms and condition hereof as follows:

- (a) For the period from June 1, 2013 to May 31, 2014, Rye Brook shall pay Port Chester the sum of \$933,292.00.
- (b) For the period from June 1, 2014 to May 31, 2015, Rye Brook shall pay Port Chester the sum of \$951,958.00.
- (c) For the period from June 1, 2015 to May 31, 2016, Rye Brook shall pay Port Chester the sum of \$970,997.00.
- (d) For the period from June 1, 2016 to May 31, 2017, Rye Brook shall pay Port Chester the sum of \$990,417.00.
- (e) For the period from June 1, 2017 to May 31, 2018, Rye Brook shall pay Port Chester the sum of \$1,010,225.00.
- (f) The payments under this agreement shall be made by Rye Brook to Port Chester in three (3) equal amounts on August 31, January 31 and May 10 in each contract year (June 1 to May 31).

FIFTH: Rye Brook may, in its sole discretion, own and maintain fire apparatus and staff a paid fire department that will consist of Rye Brook and Port Chester employees. The Rye Brook Fire Department will report to and be under the command and supervision of the

Port Chester Fire Chief, or Assistant Chief, but, nevertheless, will remain the ultimate responsibility of the Village of Rye Brook. Rye Brook firefighters and apparatus will be regularly stationed at the Rye Brook fire station. The Port Chester Fire Chief, however, may schedule or station the Rye Brook firefighters and fire apparatus as the Fire Chief deems proper in an emergency, or as may be agreed to in writing between the Port Chester Village Manager, Fire Chief and Rye Brook Village Administrator to improve fire protection. After consulting with the Port Chester Fire Chief, Rye Brook may increase, decrease or change the operating schedule of the Rye Brook Fire Department as Rye Brook deems warranted.

SIXTH: The Port Chester Village Manager, Port Chester Fire Chief and Rye Brook Village Administrator, on request of any of them, will promptly meet to discuss personnel issues or other operational issues as they may arise, and such officials shall meet with each other on no less than a quarterly basis to discuss any matter under this agreement. Port Chester and Rye Brook may, as to their respective firefighters, initiate appropriate disciplinary procedures or other such personnel actions, through applicable procedures, as may be deemed warranted by each Village.

SEVENTH: The Port Chester Village Manager and Port Chester Fire Chief will coordinate and consult with the Rye Brook Village Administrator with respect to complaint procedures and personnel matters regarding Rye Brook firefighters and the acquisition and disposal of Rye Brook fire apparatus and equipment. The acquisition and disposal of Rye Brook fire apparatus and equipment shall remain the sole responsibility of the Village of Rye Brook. Leave time will be granted to Rye Brook firefighters in accordance with procedures mutually agreed upon by the Port Chester Fire Chief and the Rye Brook Village Administrator.

EIGHTH: The Port Chester Fire Department agrees to incorporate Rye Brook firefighters and fire apparatus in its training. The Port Chester Fire Training Officer is designated by both Port Chester and Rye Brook as the Municipal Training Officer (MTO)

responsible for providing both career staffs with the required in-service training, i.e. 100 hours per year. A copy of all training records for Rye Brook firefighters shall be provided by the Port Chester Fire Training Officer to the Rye Brook Village Administrator and the Port Chester Fire Chief. If the MTO is required to be exclusively utilized on an overtime basis to train Rye Brook firefighters(s), Rye Brook should assume the cost of such training. If the MTO is conducting training on an overtime basis for both Port Chester and Rye Brook, the cost will be shared 50/50 by each municipality. If other training is required other than that given by the MTO any expense shall be borne by the villages for their own respective firefighters.

NINTH: Port Chester and Rye Brook will each be solely and separately responsible for their respective fire department personnel costs, training mandates, benefits, and for the costs of maintaining, repairing and replacing their respective fire apparatus, equipment and fire stations. Port Chester and Rye Brook will maintain workers' compensation insurance to protect against claims for injury by their respective paid and volunteer firefighters and provide the other village with a certificate of insurance evidencing that said Workers Compensation coverage is in full force and effect

TENTH: The services of the Port Chester Fire Department shall be and remain under the sole discretion of the Chief of the Port Chester Fire Department or Assistant Chiefs designated by the Port Chester Fire Department. Nothing herein shall restrict or limit Port Chester in the internal management of its fire department or company, or limit it in the stationing, acquisition or disposal of its equipment. It is also understood that Rye Brook firefighters may be utilized for additional services within Rye Brook, not inconsistent with fire protection services under this agreement, such as fire inspections or EMS, subject, however, to any written guidelines therefore to be mutually established by the Port Chester Fire Chief and Rye Brook Village Administrator.

ELEVENTH: Port Chester agrees to continue to staff the Rye Brook fire station with a minimum of one (1) career firefighter and fire engine for a minimum of twelve (12) hours per day for the term of this agreement.

TWELFTH: Rye Brook will, at its own cost and expense, defend, indemnify and hold Port Chester, its boards, officials, employees, fire chiefs and firefighters free and harmless from and against any and all suits, proceedings, claims, damages, liabilities, demands, costs and expenses on account of: (1) death or injury of a Rye Brook firefighter(s), while performing services under this agreement; (2) damage to fire apparatus and equipment owned or leased by Rye Brook while performing services under this agreement; and (3) personal injury or property damage claims made by third parties to the extent Rye Brook owned or leased fire apparatus or Rye Brook firefighters are alleged to have been involved, except for such claims arising in connection with fire protection services hereunder where the alleged act or omission was undertaken in compliance with the directive or order of the Port Chester Fire Chief or Assistant Chief.

THIRTEENTH: Port Chester will, at its own cost and expense, defend, indemnify and hold Rye Brook, its boards, officials, employees and firefighters free and harmless from and against any and all suits, proceedings, claims, damages, liabilities, demands, costs and expenses on account of: (1) death or injury of a Port Chester firefighter(s) while performing services under this agreement; (2) damage to fire apparatus and equipment owned or leased by Port Chester while performing services under this agreement; (3) personal injury or property damage claims made by third parties to the extent Port Chester owned or leased fire apparatus is alleged to have been involved; and (4) acts and/or omissions committed in the provision of fire protection services hereunder, under the command and supervision of the Port Chester Fire Chief or Assistant Chief, to the extent they do not involve matters for which Rye Brook is required to indemnify Port Chester under paragraph TWELVE.

FOURTEENTH: Port Chester and Rye Brook shall each provide general liability insurance with minimum limits equal to those currently maintained under their respective insurance program. Port Chester and Rye Brook may maintain umbrella insurance coverage to cover these minimum liabilities. Rye Brook and Port Chester will each be named as an additional named insured on the other's General Liability Policies in relation to matters covered by this agreement. Each Village may choose to satisfy any or all of its obligations hereunder by a program of self-insurance and the amounts of such self-insured retention shall be provided to the other.

FIFTEENTH: An amount representing seven-eighths ($7/8^{\text{ths}}$) of the proceeds of taxes on fire insurance premiums distributed to Rye Brook under Article 91 of the Insurance Law (known as 2% money), accruing after the commencement of services hereunder, shall be paid by Rye Brook to the Port Chester Fire Department promptly after receipt thereof for use and distribution consistent with applicable law.

SIXTEENTH: The "Port Chester – Rye Brook Fire Advisory Board" is hereby continued and consists of six (6) members, of which five (5) members shall be voting members. Of the five (5) voting members, one member shall be the Port Chester Village Manager (or acting Port Chester Village Manager), one member shall be the Rye Brook Village Administrator (or acting Rye Brook Village Administrator), one member shall be appointed by the Port Chester Board of Trustees to serve at its pleasure, one member shall be appointed by the Rye Brook Board of Trustees to serve at its pleasure, and one member shall be appointed by the other voting members for a two (2) year term. The Port Chester Fire Chief shall serve on the Board, ex officio, as a non-voting member. The voting member appointed for the two (2) year term may be removed by a unanimous vote of the other four (4) voting members at any time. The Port Chester-Rye Brook Fire Advisory Board shall act in an advisory capacity to Port Chester and Rye Brook. The governing boards of both villages shall review the Board's

recommendations and, if acceptable, shall cause this Agreement to be amended consistent with applicable law.

- (a.) The Port Chester – Rye Brook Fire Advisory Board shall act by the majority vote of its total voting membership, may adopt and amend rules of procedure, and shall select a chair from among its voting members.
- (b.) The Port Chester – Rye Brook Fire Advisory Board shall:
 - i. Review the proposed fire protection budgets for Port Chester and Rye Brook and may render an advisory recommendation to the Port Chester and Rye Brook Board of Trustees, respectively, as may be deemed warranted; and
 - ii. Study and make recommendations as to the best use of both Village departments' personnel and equipment between the two communities.
 - iii. Meet with the Mayors and/or Board of Trustees of Port Chester and/or Rye Brook to discuss fire protection as may be deemed warranted
 - iv. Study and develop policy recommendations on the management of the fire department, including, but not limited to more efficient allocation of career firefighter personnel and equipment in the fire service response area(s), sharing of resources, joint procurement and other potential cost-efficiencies to be completed no later than one hundred and twenty days prior to the end of the term of this Agreement.
 - v. Approve modifications of the Standard Operating Guidelines (SOG's) based upon recommendations of the Fire Chief.

SEVENTEENTH: The failure of Port Chester or Rye Brook to provide any of the services hereunder shall not be deemed a breach of this agreement, if such failure is caused by "Force Majeure", to wit, acts of God, acts of the public enemy, acts of the Federal, State or

County Government, or other acts and conditions of a similar nature. No person or party, other than the parties hereto, shall be deemed to be a beneficiary under this agreement, nor is this agreement intended, in any manner, to create any rights or cause(s) of action, in favor of or in behalf of any third party against either Port Chester or Rye Brook.

EIGHTEENTH: Service of all written notices to the Village of Port Chester shall be by certified or registered mail address to: Village Clerk, Village of Port Chester, 222 Grace Church Street, Port Chester, New York 10573. Services of all written notices to the Village of Rye Brook shall be by certified or registered mail address to: Village Clerk, Village of Rye Brook, 938 King Street, Rye Brook, New York 10573.

NINETEENTH: Port Chester and Rye Brook each affirm that it has held a public hearing on this agreement prior to the execution of the same.

TWENTIETH: This agreement may not be assigned or subcontracted by either Port Chester or Rye Brook without the prior written consent of the other.

TWENTY-FIRST: This agreement constitutes the entire agreement of the parties and may not be changed except in writing signed by both Port Chester and Rye Brook.

TWENTY-SECOND: The Port Chester Fire Chief will provide a semi-annual written report to Rye Brook setting forth a minimum (a) the status of equipment, (b) personnel assignments, (c) special details, and (d) alarm responses for the quarter. The Port Chester Fire Chief shall report to the Rye Brook Board of Trustees on fire service issues at least annually and at other times upon special request of Rye Brook. The Port Chester Fire Chief shall issue an annual written report to the Rye Brook Board of Trustees.

TWENTY-THIRD: Port Chester and Rye Brook affirm their long-standing contractual relationship and are committed to ensuring that such relationship will continue to the benefit of both communities. The parties agree to perform their mutual obligations under this agreement in good faith. Port Chester and Rye Brook will each endeavor to notify the other of their

intentions regarding negotiation of a successor agreement at least one year prior to the expiration of this agreement.

TWENTY-FOURTH: If any provision of this agreement or the application thereof to any person or circumstance is found to be invalid, the remainder of the provisions of the agreement and the application of such provisions to such persons or circumstances other than those as to which it is found to be invalid shall not be affected thereby.

TWENTY-THIRD: In the event that a dispute arises or the parties are at an impasse during a review period concerning the interpretation or application of the terms of this Agreement, the Villages agree to submit their dispute to mediation. Such mediation shall be conducted in accordance with the applicable rules of the American Arbitration Association. The mediation panel shall consist of three (3) individuals, one mediator to be selected by each of Port Chester and Rye Brook, and the third mediator to be selected by agreement of the other two mediators.

IN WITNESS WHEREOF, after a public hearing held individually by each of the undersigned Villages, the Village of Port Chester has caused this agreement to be signed by its Mayor and Village Manager, and the Village of Rye Brook has caused this agreement to be signed by its Mayor and Village Administrator and they each have caused their respective corporate seals to be hereunto affixed the day and year above written.

RESOLUTION DESIGNATION OF VILLAGE 2013 ELECTION

On a motion of TRUSTEE KENNER, seconded by TRUSTEE DIDDEN, the following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

RESOLVED, that the annual Election for the Village of Port Chester, New York, to be called and held pursuant to the Charter of the Village of Port Chester,

New York, be held on the 19 day of March, 2013, between the hours of 7:00 A.M. and 9:00 P.M., and that such Election shall be called and held at the following polling places within the Village of Port Chester, NY:

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fifth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Sixth Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Seventh Election District** of the Town of Rye shall be in the Don Bosco Center, Don Bosco Place, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eighth Election District** of the Town of Rye shall be in the John F. Kennedy School, Olivia Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Ninth Election District** of the Town of Rye shall be in the John F. Kennedy School, Olivia Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Tenth Election District** of the Town of Rye shall be in the Corpus Christi School, South Regent Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eleventh Election District** of the Town of Rye shall be in the Carver Center, 400 Westchester Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Twelfth Election District** of the Town of Rye shall be in the Park Avenue School, Park Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Thirteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fourteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Fifteenth Election District** of the Town of Rye shall be in St. George Orthodox Church of Westchester, Irving Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Sixteenth Election District** of the Town of Rye shall be in the Antioch Christian Church (formally known as Summerfield United Methodist Church), King Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Seventeenth Election District** of the Town of Rye shall be in the Brooksville Gardens Senior Citizens Apts., Terrace Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Eighteenth Election District** of the Town of Rye shall be in the Edison School, Rectory Street, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Nineteenth Election District** of the Town of Rye shall be in the Park Avenue School, Park Avenue, in said Village.

The Polling Place for the qualified voters of Port Chester who reside within the limits of the **Twenty-Fifth Election District** of the Town of Rye shall be in the King Street School, King Street, in said Village.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

RESOLUTION AGREEMENTS FOR SENIOR CITIZENS PROGRAMS

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

WHEREAS, the Village of Port Chester Senior Citizen Program requires instructors; and

WHEREAS, such services have been appropriated in the 2012 to 2013 Village Budget; and

WHEREAS, the Director of the Senior Program 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 Senior Citizens Programs;

- Wendy Lee Rosa, 8 Highland Place, Greenwich, Conn. 06831 Zumba Instructor \$50.00 per hour (1 weekly class)
- Susan Sabato, 21 Linden Street, Port Chester, NY. 10573 Arts & Crafts Instructor \$25.00 per hour (10 classes a month)
- Ron Mineo, Art Life Studios, PO Box 1544, Port Chester, NY 10573, Art Instructor \$70 per class (1 & ½ hr class)
- Dennis Adinolfi, 115 Pembroke Drive, Yonkers, NY 10710, Music Instructor \$100 per class (2x a month)
- Domingo Colon, Tai Chi School of Westchester, 40 Crestview St. Bronxville, NY 10801 \$75 per class (1 weekly class)

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

RESOLUTION

PARKS FIELD CONDITIONER PURCHASE

On motion of TRUSTEE DIDDEN, 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 Manager is recommending the purchase of a Field Conditioner to maintain the fields in the Parks, and

WHEREAS, the lowest estimated price for a John Deer 1200 Hydro Rake (Field Conditioner) was obtained from Argent and Sons, Inc., One Prospect Avenue, White Plains, NY 10607 for \$14,972.87, and

WHEREAS, the funds are already budgeted in the General Fund Transfer to Capital line, 1.9900.900. 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 2012-13 Capital Fund Budget as follows:

CAPTIAL FUND

Establish Project Budget– Parks Field Conditioner

Revenues:

5.5.5031.2012.124	Transfer from General Fund	\$14,972.87
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Appropriation:

5.7110.200.2012.124	Parks Field Conditioner	\$14,972.87
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Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

**RESOLUTION 7A
CLOSEOUT OF CAPITAL PROJECTS**

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

WHEREAS, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village's independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller's guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital Fund be modified as follows:

<u>Project</u> <u>Balance</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>
005.1620.0400.2007.0070: Parking Lot Imprvmnts-2007/08 \$157,227.44	\$477,000.00	\$477,000.00	\$319,772.56
005.5110.0400.2009.0090: Street Resurfacing-2009/10 \$ 8,634.98	\$600,000.00	\$600,000.00	\$591,365.02
005.7110.0400.2006.0046: Monument Park Imp-2006/07 \$ 58,402.30	\$103,875.00	\$162,321.00	\$103,918.70
005.8020.0400.2005.0033: Comprehensive Plan-2005/06 \$ 26,390.28	\$ 30,000.00	\$ 30,000.00	\$ 3,609.72
005.8120.0400.2007.0057: Storm Sewer Imp-2007/08 \$ 15,472.67	\$265,000.00	\$265,000.00	\$249,527.33
005.8120.0400.2008.0077: Sanitary Swr Line Rehab-2008/09 \$ 34,751.79	\$300,000.00	\$300,000.00	\$265,248.21

\$157,227.44 **From:** Parking Lot Improvements-2007/08
005.1620.0400.2007.0070

\$679,227.44) **To:** Parking Meter Machines-2009/10
005.3320.0200.2009.0096
(Budget Increase from \$522,000.00 to

\$ 8,634.98 **From:** Street Resurfacing-2009/10
005.5110.0400.2009.0090

to \$1,301,505.92) **To:** Road Resurfacing-2010/11
005.5110.0400.2010.0110
(Budget Increase from \$1,292,870.94

\$ 58,402.30 **From:** Monument Park Improvements-2006/07
005.7110.0400.2006.0046

\$564,902.30) **To:** Comprehensive Plan-2006/07
005.8020.0400.2006.0040
(Budget increase from \$506,500.00 to

\$ 26,390.28 **From:** Comprehensive Plan-2005/06
005.8020.0400.2005.0033

\$591,292.58) **To:** Comprehensive Plan-2006/07
005.8020.0400.2006.0040
(Budget increase from \$564,902.30 to

\$ 15,472.67 **From:** Storm Sewer Imp-2007/08 **To:** Sanitary/Storm Sewers-2010/11

005.8120.0400.2007.0057

005.8120.0400.2010.0117

(Budget increase from \$840,500.00 to

\$855,972.67)

\$ 34,751.79 **From:** Sanitary Sewer Line Rehab-2008/09
005.8120.0400.2008.0077

To: Sanitary/Storm Sewers-2010/11
005.8120.0400.2010.0117
(Budget increase from \$855,972.67 to

\$890,724.46)

\$ 13,721.70 **From:** Storm Sewer Rehab-2009/10
005.8120.0400.2009.0093

To: Sanitary/Storm Sewers-2010/11
005.8120.0400.2010.0117
(Budget increase from \$890,724.46 to

\$904,446.16)

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

**RESOLUTION 7B
CLOSEOUT OF CAPITAL PROJECTS**

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

WHEREAS, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village’s independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller’s guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital and Debt Service Funds be modified as follows:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>
<u>Balance</u>			
005.1460.0400.2005.0031: Records Management-2005/06	\$ 95,000.00	\$102,500.00	\$100,481.77
\$ 2,018.23			
005.3320.2138.0000.0000: Dwntwn Pkng Lot Imp-2002/03	\$330,000.00	\$330,000.00	\$150,326.41
\$179,673.59			
005.3410.0400.2009.0100: Fire Dept & Bldg Imp-2009/10	\$100,000.00	\$100,000.00	\$ 99,987.19
\$ 12.81			
005.5110.2099.0000.0000: Beech St Pkg Lot Imp-2000/02	\$200,000.00	\$200,000.00	\$199,999.95
\$ 0.05			
005.8160.0203.2008.0079: 31 Yard Garbage Truck	\$224,000.00	\$224,000.00	\$216,646.05
\$ 7,353.95			
\$189,058.63			

\$ 2,018.23	From:	005.1460.0400.2005.0031 – Records Management – 2005/2006
\$179,673.59	From:	005.3320.2138.0000.0000 – Downtown Parking Lot Improvements – 2002/2003
\$ 12.81	From:	005.3410.0400.2009.0100 – Fire Dept. & Building Improvements – 2009/2010
\$ 0.05	From:	005.5110.2099.0000.0000 – Beech Street Parking Lot Improvements – 2000/2002
\$ 7,353.95	From:	005.8160.0203.2008.0079 – 31 Yard Garbage Truck
\$189,058.63	To:	Debt Service Fund (Transfers from Capital Fund)

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla
 NOES: None
 ABSENT: Trustee Branca

DATE: January 7, 2013

RESOLUTION 7C CLOSEOUT OF CAPITAL PROJECTS

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

WHEREAS, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village's independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to

the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller's guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital and General Funds be modified as follows:

To General Fund:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>
<u>Balance</u>			
005.3120.2095.0000.0000: Local Law Block Police Grant \$ 2,500.00	\$128,807.00	\$131,353.61	\$128,853.61
005.3410.0203.2008.0075: Replace Fire Engine 58 \$ 652.71	\$585,000.00	\$585,000.00	\$584,347.29
005.5110.0203.2010.0116: DPW Vehicles-2010/11 \$ 2,852.15	\$136,621.00	\$136,621.00	\$133,768.85
005.7110.0400.2007.0069: Lyon Park Restroom-2007/08 \$ 50,501.73	\$141,500.00	\$174,456.00	\$123,954.27
005.7110.0400.2009.0102: Edgewood Park Field-2009/10 \$ 23,551.89	\$298,000.00	\$266,853.50	\$243,301.61
 \$ 80,058.48			
 \$ 2,500.00	From: 005.3120.2095.0000.0000: Local Law Block Police Grant		
\$ 652.71	From: 005.3410.0203.2008.0075: Replace Fire Engine 58		
\$ 2,852.15	From: 005.5110.0203.2010.0116: DPW Vehicles – 2010/2011		
\$ 50,501.73	From: 005.7110.0400.2007.0069: Lyon Park Restroom – 2007/2008		
\$ 23,551.89	From: 005.7110.0400.2009.0102: Edgewood Park Soccer Field – 2009/2010		
\$ 80,058.48	To: General Fund (Transfers from Capital Fund)		

From General Fund:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>
<u>Balance</u>			
005.1940.2121.0000.0000: Various Village Contaminations (\$ 2,864.14)	\$ 17,390.63	\$ 17,390.63	\$ 20,254.77
005.3120.2080.0000.0000: PD Vests-1999/00 (\$ 235.13)	\$ 25,842.50	\$ 25,842.50	\$ 26,077.63
005.8020.0400.2005.0042: Multi-Hazard Mitigation Plan (\$ 116.14)	\$ 24,142.00	\$ 21,687.36	\$ 21,803.50
005.7110.0400.2009.0104: Abendroth Pk Grading/Fence (\$ 5,171.73)	\$283,516.80	\$283,516.80	\$288,688.53
 (\$ 8,387.14)			
 \$ 8,387.14	From: General Fund (Transfers to Capital Fund)		

\$ 2,864.14 To: 005.1940.2121.0000.0000: Various Village Contaminations
\$ 235.13 To: 005.3120.2080.0000.0000: PD Vests – 1999/2000
\$ 116.14 To: 005.8020.0400.2005.0042: Multi-Hazard Mitigation Plan
\$ 5,171.73 To: 005.7110.0400.2009.0104: Abendroth Park Grading & Fence – 2009/2010

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

DATE: January 7, 2013

Add-On for Fire Department Correspondence

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

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

DATE: January 7, 2013

CORRESPONDENCE

From the Secretaries of the Fire Companies of the Village of Port Chester certifying the Elections of Chief Engineer and First and Second Assistant Engineers of the Port Chester Fire Department

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the following correspondence was acknowledged by the Board of Trustees of the Village of Port Chester, New York:

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla
NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

Add-On for Fire Department Correspondence

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the following correspondence was added to the agenda by the Board of Trustees of the Village of Port Chester, New York:

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

CORRESPONDENCE

From Fire Patrol & Rescue Company No. 1 on the election of new member Joseph DioDato

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the following correspondence was acknowledged by the Board of Trustees of the Village of Port Chester, New York:

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Kenner, Marino, and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: January 7, 2013

REPORT OF THE VILLAGE MANAGER

FEMA Update

Mr. Steers said that staff processed the paperwork and it looks like the village will be receiving a check for \$200,000 or more.

Update on the condition of 350 North Main Street

Mr. Steers said that the odor from the building was due to dead animals that were in the crawl space of the building due to the opening not properly secured. Mr. Steers also said that there are severe leaks issues in the building due to the storm damage.

MINUTES

Minutes from September 4, 2012; September 18, 2012; October 1, 2012; October 15, 2012; October 17, 2012 and October 22, 2012

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the minutes from September 4, 2012, September 18, 2012, October 1, 2012, October 15, 2012, October 17, 2012 and October 22, 2012, was adopted by the Board of Trustees of the Village of Port Chester New York:

AYES: Trustees Brakewood, Didden, Terenzi, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

CORRESPONDENCES

From Evelyn Petrone

The Board acknowledged receipt of the correspondence.

Zarin & Steinmetz Attorneys at Law

The Board acknowledged receipt of the correspondence

PUBLIC COMMENTS AND BOARD COMMENTS

Public:

Mr. Ceccarelli commented and asked questions to the Board regarding Starwood Capital and the old United Hospital site.

Board:

Trustee Brakewood wished everyone a Happy New Year.

Trustee Didden wished everyone a Happy New Year.

Trustee Marino asked Mayor Pilla for the list of Marshalls. Mayor Pilla said that he will get him the list.

Trustee Kenner wished everyone a Happy New Year.

Mayor Pilla wished everyone prosperity.

Staff:

Mr. Cerreto said to the Board that Ability Beyond Disability is going to withdraw their application for now to work with the village .

At 12:28 a.m., on motion of Trustee Didden, seconded by Trustee Marino, the meeting was closed.

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk