

## **MEETING HELD JANUARY 22, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, January 22, 2013 at 6:00 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, Saverio Terenzi, Luis Marino and Joseph Kenner.

It should be noted that Trustee Bart Didden arrived at 6:12 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; Administrative Aide to the Village Manager, Chris Ameigh and Police Chief Krzeminski.

On motion of Trustee Terenzi, seconded by Trustee Marino, the meeting was declared opened at 6:06 p.m.

Roll Call

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

NOES:

ABSENT: Trustees Didden and Branca

### **MOTION FOR EXECUTIVE SESSION**

At 6:07 p.m., on motion of Trustee Brakewood, seconded by Trustee Terenzi, the Board of Trustees adjourned into the first executive session for consultation with Village Attorney and staff regarding pending Starwood Capital Group/United Hospital Redevelopment application.

Roll Call

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

NOES: None

ABSENT: Trustees Didden and Branca

No action was taken in the executive session.

At 6:43 p.m., on motion of Trustee Brakewood, seconded by Trustee Marino, the Board of Trustees closed the first executive session.

Roll Call

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

At 6:44 p.m., on motion of Trustee Brakewood, seconded by Trustee Marino, the Board of Trustees adjourned into a second executive session to interview candidate for the Board of Ethics.

Roll Call

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

No action was taken in executive session.

At 6:51 p.m., on motion of Trustee Marino, 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

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

At 6:55 p.m. the Board of Trustees, staff and Police Chief Krzeminski discussed noise and entertainment licensing as well as other issues. No action was taken in the meeting, but the Board asked for a recurring monthly meeting with the Chief of Police.

At 8:05 p.m. the Board ended the discussion with Police Chief Krzeminski and continued into the regular meeting.

## **CORRESPONDENCE**

***From John B. Colangelo, Attorney at Law, requesting Torosan Realty South Main Street Subdivision and 96 Perry Avenue Subdivision.***

Mr. Colangelo requested from the Board to set a public hearing on March, 4, 2013 to consider the subdivisions for South Main Street and 96 Perry Avenue.

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

Trustee Brakewood made a motion to add-on a resolution to set a public hearing on March 4, 2013 to consider the subdivisions for South Main Street and 96 Perry Avenue, seconded by Trustee Terenzi.

### Roll Call

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

NOES: None

ABSENT: Trustee Branca

## **RESOLUTION SET PUBLIC HEARING TO CONSIDER THE SUBDIVISIONS FOR TOROSAN REALTY SOUTH MAIN STREET AND THE ESTATE OF VERA DAVIS, 96 PERRY AVENUE**

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:

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, March 4, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the subdivisions for Torosan Realty South Main Street and the Estate of Vera Davis, 96 Perry Avenue.

Roll Call

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

NOES:

ABSENT: Trustee Branca

DATE: January 22, 2013

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

Public hearing regarding extending/modifying interim local law amending the Code of the Village of Port Chester, "Permit Amnesty Program".

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 Tuesday, January 22, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a local law that would extend the amnesty period set forth in Local Law No. 4 of 2012 establishing a Permit Amnesty Program.

Interested persons will be afforded the opportunity to be heard at this time. The interim local law is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com)

Christopher Steers  
Village Manager

Dated: December 18, 2012

On motion of Trustee Kenner, seconded by Trustee Didden, the public hearing was declared open.

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.

Mayor Pilla asked if anyone would like to comment for or against to extend or modify the permit amnesty program.

Comments were heard from Mr. Reavis, Mr. Abel, Ms. Conetta and another resident.

On motion of Trustee Brakewood, seconded by Trustee Didden, the public hearing was closed

Roll Call

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

NOES:

ABSENT: Trustee Branca

On motion of Trustee Brakewood, seconded by Trustee Didden, Local Law No.1 of 2013 was amended as adopted to modify and extend the amnesty period to May 1, 2013 with regard to Local Law No. 4 of 2012 establishing a permit amnesty program, by the Board of Trustees of the Village of Port Chester, New York.

Roll Call

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

NOES:

ABSENT: Trustee Branca

Date: January 22, 2013

**LOCAL LAW NO. 1 OF 2013  
AN INTERIM LOCAL LAW MODIFYING THE AMNESTY  
PERIOD WITH REGARD TO LOCAL LAW NO. 4 OF 2012  
ESTABLISHING A PERMIT AMNESTY PROGRAM**

SECTION 1: Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the Board of Trustees adopted an interim local law establishing a permit amnesty program to all properties within the Village of Port Chester under certain terms and conditions. The local law provided for an application period from October 1, 2012 to December 31, 2012. The Board of Trustees finds that this period, described under the local law as the Amnesty Period, should be extended to provide more opportunity for individuals to learn and participate in the program thereby more fully satisfying the Board's intentions in establishing the amnesty program. .

SECTION 2. Section 2 of Local Law No. 4 of 2012 is hereby modified so that the application period for the Permit Amnesty Program shall be deemed to expire on May 1, 2013.

SECTION 3: Effective Date

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

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

Public hearing to consider public comment on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).

The following Public Notices were duly published in the Journal News and the Westmore News on January 11, 2013, 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 Tuesday, January 22, 2013, at 7:00 P.M., at the Police Station/Justice Courtroom second floor, 350 North Main Street, Port Chester, New York, to consider public comment on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).

Interested persons are invited to attend. The proposed agreement is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com)

Janusz R. Richards  
Village Clerk

Dated: January 9, 2013

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was declared open.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

Mayor Pilla stated that the public hearing was duly noticed as required by law.

Mr. Fish of BFJ Planning presented to the Board the proposed January 2013 draft of the Local Waterfront Revitalization Program.

Mayor Pilla asked if anyone would like to comment for or against on the proposed January 2013 draft of the Local Waterfront Revitalization Program (LWRP).

Mr. Ceccarelli commented regarding the proposed Local Waterfront Revitalization Program.

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was adjourned to February 4, 2013

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

NOES:

ABSENT: Trustee Branca

**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 Kenner, 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

Mayor Pilla asked if anyone would like to comment for or against on the proposed local law to amend Section 345-61W (1) of the Village Zoning Code, Special Exception Criteria for an Automobile Dealership Service Center.

Mr. Gomez and Mr. Gianfrancesco spoke regarding the proposed amendment to the local law.



A resident of Midland Avenue commented regarding on the automobile dealership service center.

On motion of Trustee Brakewood, seconded by Trustee Marino, the public hearing was adjourned to February 4, 2013

Roll Call

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

NOES: None

ABSENT: Trustee Branca

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

***Public hearing regarding the advisability of adopting a local law amending Chapter 319, “Vehicle and Traffic”, to prohibit parking on North Main Street from 1 a.m. to 6 a.m. from the Railroad Bridge to the Connecticut State line.***

The following Public Notices were duly published in the Journal News and the Westmore News on December 28, 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 Tuesday, January 22, 2013 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, to consider the advisability of adopting a local law amending Chapter 319, “Vehicle and Traffic”, to prohibit parking on North main Street from 1 a.m. to 6 a.m. from the Railroad Bridge to the Connecticut State line.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk’s office or online at [www.portchesterny.com](http://www.portchesterny.com).

Janusz Richards  
Village Clerk

Dated: December 21, 2012

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

Roll Call

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

NOES: None

ABSENT: Trustee Branca

Mayor Pilla asked if anyone would like to comment for or against of adopting a local law amending Chapter 319, #Vehicle and Traffic” to prohibit parking on North Main Street from 1:00 a.m. to 6:00 a.m. from Railroad Bridge to the Connecticut State line.

Mr. Abel and another resident commented on the proposed amendment to local law.

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

Roll Call

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

NOES:

ABSENT: Trustee Branca

On motion of Trustee Didden, seconded by Trustee Kenner, Local Law No.2 of 2013 amending the code of the Village of Port Chester, Chapter 319 Vehicle and Traffic with regard to prohibiting Night-Time Parking was adopted by the Board of Trustees of the Village of Port Chester, New York.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

Date: January 22, 2013

LOCAL LAW NO. 2 OF 2013  
A LOCAL LAW AMENDING THE CODE OF THE  
VILLAGE OF PORT CHESTER CHAPTER 319 VEHICLE AND TRAFFIC  
WITH REGARD TO PROHIBITING NIGHT-TIME PARKING

SECTION 1: The Code of the Village of Port Chester, Chapter 319, Vehicle and Traffic, Schedule XIV, Section 319-75B pursuant to the provisions of Section 319-21B “Nighttime parking prohibited certain hours” (4:30 a.m. -6:00 a.m.) is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
...		
[North Main Street	Both	From Railroad Bridge to Connecticut State line]

SECTION 2: The Code of the Village of Port Chester, Chapter 319, Vehicle and Traffic, Schedule XIV, Section 319-75A pursuant to the provisions of Section 319-21A “Nighttime parking prohibited certain hours (1 a.m. -6 a.m.) is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
...		
North Main Street	Both	From Railroad Bridge to Connecticut State line

SECTION 3: This local law shall be effective immediately upon filing with the Secretary of State.

**PRESENTATION**

*Sewer Rent Project update by Joe Dichter, Special Counsel*

Mr. Dichter said that everything is moving forward and he should hear back from United Water by January 28, 2013.

## **PUBLIC COMMENTS**

Ms. Conetta commented about the group homes in the village and about a letter she received from Governor Cuomo's office. Mr. Ceccarelli commented about the candidate and voter education forums and congratulated the Village Clerk, Mr. Richards and the Voter Education Coordinator, Ms. Priscilla LeMarie on a great job they are doing. A resident from Midland Avenue commented regarding affordable housing. A resident commented regarding about the noise issues in the village. Mr. Abel commented regarding Starwood Capital and the noise law.

## **PRESENTATION**

### *Comprehensive Plan related Zoning Text & Map Amendments*

Mr. Gomez presented to the Board a slide presentation for the comprehensive plan related zoning text and map amendments.

Trustee Terenzi commented that he would like the R2F remain before the change the zoning text.

## **RESOLUTIONS**

### RESOLUTION ZONING TEXT AND MAP AMENDMENTS SETTING OF PUBLIC HEARING AND REFERRAL TO PLANNING COMMISSION AND COUNTY PLANNING BOARD

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

WHEREAS, the Village of Port Chester adopted its first ever Comprehensive Plan ("Plan") on December 17, 2012 to guide future growth and preservation patterns for the protection of the public health, safety and general welfare of its citizens; and

WHEREAS, the proposed related draft zoning text and map amendments will serve to further the adopted vision, objectives and goals set forth in the Plan; and

WHEREAS, pursuant to Village Zoning Regulation 345-34, proposed zoning amendments require a Board of Trustees public hearing before adoption and shall be referred to the Planning Commission and County Planning Board for recommendation; Now, therefore, be it

RESOLVED, that the Village Board of Trustees, hereby schedules a public hearing on the draft zoning text and map amendments, to be held at the Port Chester Village Court, 350 N. Main Street, Port Chester, NY 10573, on February 19, 2013 at 7:00 p.m.; and be it further

RESOLVED, that the Board refers the draft zoning text amendments and map to the Village Planning Commission and the Westchester County Planning Board for review and recommendation.

Approved as to Form

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: Trustees Terenzi, and Didden

ABSENT: Trustee Branca

DATE: January 22, 2013

RESOLUTION

SEQRA DETERMINATION OF SIGNIFICANCE  
AND SITE-SPECIFIC DRAFT ENVIRONMENTAL IMPACT STATEMENT  
(DEIS) POSITIVE DECLARATION AND SCHEDULING OF SCOPING  
SESSION  
UNITED HOSPITAL REDEVELOPMENT

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE TERENZI, the following resolution **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 (the “Petition”), 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 (“EIS”); and

WHEREAS, on November 19, 2012, the Village Board of Trustees accepted the zoning text and map amendment petition and noticed its intent to be lead agency pursuant to Part 617 of the SEQRA regulations; and

WHEREAS, said resolution specifically anticipated that at the expiration of the time for which to object to such lead agency status, the Board would make a determination of significance by the issuance of a positive declaration and schedule a public scoping session on a draft scoping document. 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 Board of Trustees as Lead Agency determines that the Proposed Action is Type I Action and may have a significant impact on the environment for the reasons enumerated in the attached Positive Declaration Form and supporting documentation and thereby directs the applicant to prepare a DEIS; and be it

FURTHER RESOLVED, that the Board has reviewed and accepted a draft scoping document prepared by Village staff and special environmental counsel and schedules a public scoping session on February 2013 to invite public comment and engagement and provide clear direction to the applicant in the preparation of the DEIS that will comprehensively assess all potential impacts and alternatives to the Petition; and be it

FURTHER RESOLVED, and with the recommendation of the Village Manager, the Board intends to select its outside consultants for the SEQRA review which expense is to be assumed by the applicant and that the Manager be and is

hereby authorized to enter into an escrow agreement with the applicant so as to fund all such expense; and be it

FURTHER RESOLVED, so as to allay any possible misapprehension, the Board reaffirms that the resolution adopted on November 19, 2012 was a discretionary action and that it should in no way be construed as conferring any right or expectation on the property owner or any other interested party with regard to the zoning amendments sought in the Petition; and be it

FURTHER RESOLVED, that following the SEQRA process, the Board is not bound to a particular outcome on the zoning for the subject property and any final action on the Petition is completely discretionary.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

Roll Call

AYES: Trustees Terenzi, Didden and Kenner  
NOES: Trustees Brakewood, Marino, and Mayor Pilla  
ABSENT: Branca  
  
DATE: January 22, 2013

**RESOLUTION  
AUTHORIZING RENEWAL AGREEMENT WITH PORT CHESTER YOUTH  
BASEBALL LEAGUE (PCYBL) TO OPERATE VILLAGE'S YOUTH  
BASEBALL PROGRAM**

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, acknowledging the scarcity of Village resources and the need to secure alternative means of delivery of recreational services, the Village announced its intention to designate a not-for-profit operator to provide a portion of same; and

WHEREAS, since 2004, the Village has designated the Port Chester Youth Baseball League as the operator to provide youth baseball programs at Lyon Park for the Village's youth; and

WHEREAS, the Program has proven to be a successful private-public partnership in the delivery of recreational services and is a model for other communities; and

WHEREAS, the parties desire to renew this partnership. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a renewal agreement with the Port Chester Youth Baseball League to operate Tee-Ball (age 5-6), Rookie (age 7-8), Minor (age 9-10) and Major (11-12) Program at Lyon Park with a term of January 1, 2013 and expiring December 31, 2014, payment to be \$12,000per year, from General Ledger, Account Code: 7310-0460 "Youth Baseball".

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

RESOLUTION  
APPOINTMENT OF MEMBER TO  
BEAUTIFICATION COMMISSION

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

RESOLVED, that TARYN HERBERT, residing 17 Wesley Avenue, Port Chester, New York, be and she hereby is appointed as a member of the Port Chester BEAUTIFICATION COMMISSION, effective immediately with said term to expire July 1, 2014.



APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

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

RESOLVED, that WILLIAM VILLANOVA of 73 Hawley Avenue Port Chester New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2015.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

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

RESOLVED, that EVELYN PETRONE, residing at 49 Lafayette Drive, Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2015.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

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

RESOLVED, that RONALD LUISO, 6 Hilltop Drive, Port Chester, New York, is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2014.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

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

RESOLVED, that FRANK STRAUCH of 81 Glendale Place, Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2014.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

## RESOLUTION

### APPOINTMENT OF ELECTION INSPECTORS

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

RESOLVED, that the Election for the Village of Port Chester, New York has been called and will be held on the 19<sup>th</sup> day of March, 2013 between the hours of 7:00 A.M. and 9:00 P.M., and

BE IT FURTHER RESOLVED, that the following named are qualified Election Inspectors and are hereby appointed for said election; TERESA ACUNA, CLOTILDE AGUILAR, HELEN ALBERT, DOLORES M ANSELMO-ISANBERG, INGRID M AREVALO, MICHELLE E BARNETT, ROSEMARIE BARONE, PATRICIA BARR, IGNATIUS J BONANNO, JEFFERY BONDS, WILLIAM R BRESSON, SILVIO V BUCCIERI, LUCY M CABRERA, PATRICIA M CABRERA, JORGE E CACERES SR, CARRIE E CHATMAN, RUTH A COHEN, BEATRICE T CONETTA, BETTY J CRAFT, GLENFORD DAVIS, ANN ROSE DECARLO, ADELE S DIENSTAG, GERALD E DONAHUE, JENNIFER P DOOLEY, ANTOINETTE R FARELLA, FRANCES G FERRETTI, ANNE M GALLETTA, GREGORIA R GAMARRA, ZAKID GAMARRA, THERESA M GENTILE, JOSEPH V GIANDURCO, ALEXANDER J GLENNON JR, FRANCISCO GOMEZ, MARIA D GOMEZ-BARRIGA, BLANCA R HANDAL, WILLIAM HEGEDUS, ANNETTE JAMES, DIANA M KING, LINDA L KOCHANOWICZ, RICHARD B KOCHANOWICZ, GERALDINE KOLOK, JAMES P KOLOK, MARILYN J KOWALCYK, STACEY LEWIN, ETHEL LIVINGSTON, MELORA LUCAS, PAUL R LUCAS, CATHERINE MACKIN, MARIE MALPELLI, ANN MARIE MARINO, COURTNEY MARINO, CONSIGLIA MARSILI, DANIEL MCCOURT, JESSIE MCDUFFIE, MARLENE E MEDINA, NANCY D MEMALE-PEREZ, ANTONIO A MORAN, DOMENICK MORLINO, NINO PALLOTTI, DORIS PEET, JOSE RIOS, THERESA RODRIGUEZ, JOANN ROMANELLO, ELAINE RUSSO, JOYCE S RYTELEWSKI, TERESA SABATINO, DANIEL G STUART, ADRIENNE TROUPE, JOSE R TRUJILLO, ESTHER TURNER, CAROLINE VEINTIMILLA, MARIO VELASQUEZ, JORGE L VIDES,

JOYCEMARIE WASHBURN, DANIEL L WILLIAMS, MARY R YOUNG,  
HANNAH A ZACCAGNINO, ESPERANZA ZARATE.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

### RESOLUTION

#### SERVICE AGREEMENT WITH REGARD TO the VILLAGE DIGITAL PARKING METERS

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:

RESOLVED, that the Village Manager is hereby authorized to enter into a service agreement with Cincinnati Time Recorder New York (CTR/NY) to provide maintenance services to the Village with regard to the digital parking meters, for the term June 7, 2012 and expire on June 6, 2013, unless sooner terminated, compensation to be \$30,885.00 for covered items/services.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Branca

DATE: January 22, 2013

**RESOLUTION  
CLOSEOUT OF CAPITAL PROJECTS**

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:

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>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>
<u>Balance</u>			
005.5110.0400.2009.0090: Street Resurfacing-2009/10	\$600,000.00	\$600,000.00	
\$591,365.02 \$ 8,634.98			
005.8120.0400.2007.0057: Storm Sewer Imp-2007/08	\$265,000.00	\$265,000.00	
\$249,527.33 \$ 15,472.67			
005.8120.0400.2008.0077: Sanitary Sewer Line Rehab-2008/09	\$300,000.00	\$300,000.00	
\$265,248.21 \$ 34,751.79			
005.8120.0400.2009.0093: Storm Sewer Rehab-2009/10	\$300,000.00	\$300,000.00	
\$286,278.30 \$ 13,721.70			
\$ 8,634.98 From: Street Resurfacing-2009/10			To: Road Resurfacing-
2010/11			

005.5110.0400.2009.0090  
005.5110.0400.2010.0110

\$1,292,870.94 to \$1,301,505.92)

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

(Budget Increase from

To: Sanitary/Storm Sewers-

005.8120.0400.2007.0057  
005.8120.0400.2010.0117

\$840,500.00 to \$855,972.67)

\$ 34,751.79 From: Sanitary Sewer Line Rehab-2008/09  
2010/11

(Budget increase from

To: Sanitary/Storm Sewers-

005.8120.0400.2008.0077  
005.8120.0400.2010.0117

\$855,972.67 to \$890,724.46)

\$ 13,721.70 From: Storm Sewer Rehab-2009/10  
2010/11

(Budget increase from

To: Sanitary/Storm Sewers-

005.8120.0400.2009.0093  
005.8120.0400.2010.0117

\$890,724.46 to \$904,446.16)

(Budget increase from

APPROVED AS TO FORM:

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Village Attorney  
Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Trustee Branca

DATE: January 22, 2013

**RESOLUTION  
CLOSEOUT OF CAPITAL PROJECTS TO DEBT SERVICE FUND**

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:

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: Downtwn 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	<u>\$ 7,353.95</u>		
\$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)

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 22, 2013

**RESOLUTION  
CLOSEOUT OF CAPITAL PROJECTS**

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:

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:**

<b><u>Project</u></b>	<b><u>Budget</u></b>	<b><u>Revenues</u></b>	<b><u>Expenditures</u></b>
<b><u>Balance</u></b>			



RESOLUTION  
WESTCHESTER COUNTY FOOD SERVICE PERMIT  
FOR SENIOR NUTRITION PROGRAM  
220 GRACE CHURCH STREET

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

RESOLVED, that the Village Manager be authorized to submit an application to the Westchester County Health Department for renewal of permit number 01-6620-B which expires March 31, 2013 for the Port Chester Nutrition Program at 220 Grace Church Street.

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 22, 2013

**REPORT OF THE VILLAGE CLERK**

*Update on Village Election*

Mr. Richards said that he had a qualifying program presentation and Don Bosco Center on January 3, 2013 and there is another scheduled for January 23, 2013 at 6:30 p.m. at the Carver Center. Mr. Richards thanked the Westmore News for doing a cover story on the candidate qualifying forum. Mr. Richards also spoke about voter education, television and radio commercials. Mr. Cerreto spoke about early voting.

## **DISCUSSIONS**

### ***Additional amendments to amnesty program for one and two bedroom homes***

The Board asked to defer the discussion until the next meeting.

### ***Accepting a donation from Mayor Pilla to be used by the Recreation Department for village resident camper scholarships for the Village's summer day camp program.***

The Board asked to defer the discussion until the next meeting.

### ***Marina Bulkhead***

The Board asked to defer the discussion until the next meeting.

## **CORRESPONDENCES**

### ***From Mellor Engine & Hose Company No. 3, on the election of Harrison Batista to active membership.***

The Board acknowledged the correspondence.

### ***From Mellor Engine & Hose Company No. 3, on the resignation of Mr. Shiloh Mertz from active membership.***

The Board acknowledged the correspondence.

### ***From Reliance Engine & Hose Company No. 1 on the election of Rafael Adolfo to active membership and the passing of Bernard R. Santucci.***

The Board acknowledged the correspondence.

### ***From Evelyn Petrone related to Board of Ethics subpoena powers.***

The Board acknowledged the correspondence.

### ***From Executive Department Division of Alcohol Beverage Control regarding Belgian Brasserie LLC***

***Add-on Resolution***

Trustee Kenner made a motion to add-on a resolution for Village Clerk to write a letter to New York State Liquor Authority regarding Belgian Brasserie LLC, seconded by Trustee Marino

ROLL CALL

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

RECUSE: Trustee Didden

NOES: None

ABSENT: Trustees Branca

DATE: January 22, 2013

RESOLUTION

On a motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, allowing the Village Clerk to write a letter to New York State Liquor Authority regarding Belgian Brasserie LLC was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

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

RECUSE: Trustee Didden

NOES: None

ABSENT: Trustees Branca

DATE: January 22, 2013

**CORRESPONDENCE**

***From KKDC Inc. – John’s of Arthur Avenue regarding liquor license application***

***Add-on Resolution***

Trustee Kenner made a motion to add-on a resolution for John’s of Arthur Avenue regarding their liquor license application, seconded by Trustee Marino:

ROLL CALL

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

NOES: None

ABSENT: Trustees Branca

DATE: January 22, 2013

AUTHORIZING WAIVER OF 30-DAY NOTIFICATION REQUIRED BY THE  
NEW YORK STATE LIQUOR AUTHORITY

On a 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:

WHEREAS, KKDC, Inc., doing business as John's of Arthur Avenue, has applied for a liquor license at premises located at 508 Westchester Avenue, Port Chester; and

WHEREAS, pursuant to Alcohol Beverage Control Law, Section 64(2-a), an applicant must give a municipality thirty (30) days notice prior to the submission of an application for a liquor license; and

WHEREAS, KKDC, Inc. has requested that the Village waive the 30-day notice requirement in an effort to expedite the granting of the liquor license. Now, therefore, be it

RESOLVED, that the Village Board of Trustees of the Village of Port Chester does hereby waive the thirty (30) day Liquor License notice requirement to KKDC, Inc. for premises located at 508 Westchester Avenue, Port Chester.

APPROVED AS TO FORM:

\_\_\_\_\_

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustees Branca

DATE: January 22, 2013

## **PUBLIC COMMENTS AND BOARD COMMENTS**

*Public:* There were none.

### ***Board:***

Trustee Brakewood commented that he is no longer on the School Board Liason Committee. Trustee Brakewood also wanted to recognize the passing of former Trustee Jerry Diroberto and his great work as a Trustee and the work he did in the village.

Trustee Terenzi also recognized the passing of former Trustee Jerry Diroberto and his great work as a Trustee and in the community. Trustee Terenzi also commented about Starwood Capital.

Trustee Didden also commented about the passing of former Trustee Jerry Diroberto and his work as a Trustee and in the community. Trustee Didden also thanked Port Chester and Rye Brook Fire Departments on the great work they did with the most fire in Port Chester.

Trustee Marino also thanked Port Chester and Rye Brook Fire Department on the great work they did with the fire. Trustee Marino sends his condolences to the Diroberto family.

Trustee Kenner sends his condolences to the Diroberto family.

Mayor Pilla sends his condolences to the Diroberto family.

At 12:25 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