

## **MEETING HELD FEBRUARY 4, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, February 4, 2013 at 5:30 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Saverio Terenzi, Bart Didden, and Luis Marino.

It should be noted that Trustee Joseph Kenner arrived at 5:43 p.m. and Trustee Daniel Brakewood arrived at 5:48 p.m.

It should be noted that Trustee 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, Chris Ameigh; Director of Planning and Development Christopher Gomez and Police Chief Joseph Krzeminski.

On motion of Trustee Terenzi seconded by Trustee Marino the meeting was declared opened at 5:39 p.m.

Roll Call

AYES: Trustees Terenzi, Didden, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Brakewood, Kenner and Branca

## **WORKSHOP**

### ***Auditors to present the five (5) Year Operating Budget***

The auditors of Drescher & Malecki LLP spoke to the Board about the financial five year (5) projections for the village.

## **MOTION FOR EXECUTIVE SESSION**

At 6:14 p.m., on motion of Trustee Terenzi, seconded by Trustee Didden, the Board of Trustees adjourned into the first executive for consultation regarding a particular personnel matter.

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 6:22 p.m., on motion of Trustee Kenner, seconded by Trustee Didden, the Board of Trustees closed the first executive.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 6:23p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the Board of Trustees adjourned into a second executive session for consultation with Village Attorney and staff regarding pending Starwood Capital Group/United Hospital Redevelopment application.

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 6:50 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, 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 Marino, the public portion of the meeting was reopened at 7:06 p.m.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

## **AWARD PRESENTATION**

### *Award Presentation to Charles Scopoletti*

Mr. Eddie Eways introduced Mr. Charles Scopoletti to the Board and public.

Mr. Charles Scopoletti spoke to the Board and public about himself as a two time cancer survivor and his upcoming music event at the Capital Theater.

Mayor Pilla presented Mr. Scopoletti a proclamation for his inspiration and accomplishments and proclaimed that March 7, 2013 will be Charles Scopoletti Day in the Village of Port Chester.

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

### *Public Hearing to amend local law Section 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 Didden, seconded by Trustee Brakewood, the public hearing was declared open.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

Mr. Gomez and Mr. Gianfrancesco spoke about the proposed local law and special exception criteria for an automobile dealership service center.

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.

Ms. Goldie Solomon and Ms. Doris Bailey-Reavis commented in regards to the proposed local law.

On motion of Trustee Kenner, 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 Brakewood, seconded by Trustee Didden, Local Law No. 3 of 2013 amending the code of the Village of Port Chester, Chapter 345 with regard to permitting cosmetic reconditioning work on vehicles at automotive

dealership service centers 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:

ABSENT: Trustee Branca

Date: February 4, 2013

LOCAL LAW NO. 3 OF 2013  
A LOCAL LAW AMENDING THE CODE OF THE VILLAGE  
OF PORT CHESTER, CHAPTER 345, WITH REGARD TO PERMITTING  
COSMETIC RECONDITIONING WORK ON VEHICLES AT AUTOMOTIVE  
DEALERSHIP SERVICE CENTERS

SECTION 1: Current provisions of the Village Code, Chapter 345, Zoning Regulation, provide for a use classification of Automobile Dealership Service Center. This use is permitted by grant of special exception solely in the M-2 General Industrial Zoning District. Acknowledging the practical operations of such permitted uses, the Board desires to amend the Code so to permit limited work to be done to vehicles but with effective controls to ensure that no negative or external impacts are presented.

SECTION 2: The Code of the Village of Port Chester, Chapter 345, "Zoning", Section 345-61, is hereby amended as follows:

Section 345-61W Automotive Dealership Service Center

(1) All servicing and repair of automobiles shall take place entirely within the building, and no servicing or repair of vehicles shall be visible from any adjacent public street. No painting or auto body repair work shall be permitted, except for cosmetic reconditioning to such vehicles as defined and to the extent permitted herein. There shall be no outdoor storage of vehicles being serviced or repaired except for temporary parking of such vehicles before and after servicing. On-site storage of vehicles for sale or resale shall be permitted at the site, provided that such storage of vehicles is solely contained within the building.

Cosmetic reconditioning shall be defined as incidental repairs and refinishing limited to plastic and trim parts of the vehicle including bumpers, moldings, mirrors, headlight lenses, and the restoration of alloy wheels. Vehicle side panels may also be refinished on occasion when the bumper scrape may carry into the

fender for a uniform repair. Cosmetic reconditioning shall not include painting of the complete vehicle.

The cosmetic reconditioning equipment and the entire reconditioning operation shall be wholly contained within the existing service building. The applicant shall obtain the requisite exhaust emissions permit for the cosmetic reconditioning equipment from the Westchester County Department of Health. The applicant shall provide a current copy of the County permit and ensuing operating certificate to the Village. Any proposed changes to such operating permit shall require an amendment to the special exception use granted pursuant to this section. Said equipment shall be limited in size to no more than 3,000 square feet and its operation shall be under the direction of the automobile dealership service center to only serve dealership customers during normal business hours and only on the level of reconditioning limitations noted herein as a customary accessory use to the automotive dealership service center.

No traditional collision repair equipment such as frame machines, welders or unibody straightening machines shall be permitted in conjunction with the cosmetic reconditioning operation.

(2) The minimum gross floor area utilized by the facility within the building shall be 80,000 square feet of which portions of such floor area shall be utilized exclusively as office space and/or employee utility space together having a floor area ratio of more than .10 with reference to the total service area, and any area utilized exclusively as a customer service area shall not exceed 70% of the total gross floor area.

(3) A retail accessory use shall be permitted at the site, provided not more than 5% of the gross floor area is utilized for such retail use.

(4) Sign regulations. In addition to the requirements of § 345-15 herein, no flashing, moving or intermittently illuminated advertising devices are permitted. All signs shall be integrated with the architectural design of the structure. No sign shall project above the roof of the structure.

(5) Gas pump. One gas pump may be installed at the site, provided it is used solely for the vehicles being serviced or repaired therein, and it is not utilized for sale to the general public and it is installed as required by the State of New York.

(6) Such facility must be duly licensed as an authorized repair facility as required by the State of New York.

(7) The applicant shall submit a traffic analysis which indicates that the proposed project can be accommodated by the existing roadway system and/or proposed improvements to the roadway system at satisfactory levels of service.

(8) All plots, lots or parcels of land containing 15,000 or more square feet of area or having or proposing a use requiring 20 or more parking spaces, or both, shall comply with the following requirements:

(a) The requirements of § 345-14I(1) shall not apply to this use, except that there shall be provided an accessway running from a public road to the parking area of the lot.

(b) The way and drive contained therein shall be for the exclusive use of the property and parking area.

(c) The way at the curblineline and throughout its length shall be not less than 15 feet from any other way or driveway providing access to a public street and not less than five feet from any lot line, except a street lot line.

(d) Any driveway providing ingress and egress to a public street shall not pass through the parking and/or drive area of any other lot.

(e) Access, but not frontage, may be provided by grant of easement, but the size of the lot impressed with the easement shall be reduced by the area comprising the easement before computing area, setback, and special exception requirements.

(f) The requirements of this section shall be in addition to the frontage and minimum yard dimension requirements of the Code.

(g) Any modification to the curbs cuts at the site shall be approved by the New York State Department of Transportation.

(9) The site must be located no more than .33 mile from an accessway to a New York State or U.S. highway.

(10) Parking, There shall be provided at the site sufficient parking spaces for all vehicles stored or being serviced at any one period of time. In addition, sufficient parking for the office space and any retail space shall be provided in accordance with § 345-14, except that there shall be no parking requirement for any retail space containing less than 500 square feet.

(11) Loading and unloading. Loading spaces shall be provided at the site in accordance with § 345-14. All loading and unloading shall be performed entirely within the lot. Loading units shall be designated to ensure that vehicles serving the lot shall do so without backing into or out of any public street. Loading bay doors shall be appropriately screened from any public street.

(12) Collection and storage of waste. Facilities for the collection and temporary storage of screened from any public street.

(12) Collection and storage of waste. Facilities for the collection and temporary storage of rubbish, garbage, and waste shall be provided within the structure or in secured containers on the site, which are appropriately screened from any public street. Disposal of waste shall be performed in accordance with the standards promulgated by the State of New York.

(13) Fencing. The site shall be fenced or otherwise secured in a manner which prevents unauthorized access by the general public to areas where vehicles are stored; however, no electrified and/or razor ribbon fencing shall be permitted.

SECTION 3: If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

SECTION 4: This local law shall be effective immediately upon filing with the Secretary of State and due publication.

**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 Brakewood, 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

Mr. Gomez spoke to the Board about the January 2013 draft of the Local Waterfront Revitalization Program (LWRP).

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).

Ms. Goldie Solomon and Mr. Gene Ceccarelli commented about the Local Waterfront Revitalization Program.

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

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 to consider a Five (5) Year Fire Protection Agreement with the Village of Rye Brook***

The following Public Notices were duly published in the Journal News and the Westmore News on January 18, 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 Monday, February 4, 2013, at 7:00 P.M., in the Police Station/ Justice Court, 350 North Main Street, Port Chester, New York, to consider a Five (5) year fire protection agreement with the Village of Rye Brook.

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 14, 2013

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

Roll Call

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner, and Mayor Pilla  
NOES: None  
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 on the consideration of a five year protection agreement with the Village of Rye Brook.

Ms. Goldie Solomon commented about the fire protection for the village.

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

Roll Call

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

AGREEMENT CONTINUING FIRE PROTECTION SERVICES  
TO THE VILLAGE OF RYE BROOK

On 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:

WHEREAS, the Village of Port Chester has long since provided fire protection services to the Village of Rye Brook; and

WHEREAS, with the expiration of the current agreement on May 31, 2013, the parties have negotiated a successor agreement; and

WHEREAS, pursuant to General Municipal Law, Section 209-d, the proposed agreement was forwarded to the Port Chester Fire Department for its consent; and

WHEREAS, the Port Chester Fire Department has consented to the agreement; and

WHEREAS, pursuant to Village Law, Section 4-412, subd3(9), the Board of Trustees has conducted a public hearing on the provision of such outside service. Now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Mayor and Village Manager to execute the agreement between the Village of Rye Brook and the Village of Port Chester for the provision of fire protection services, with a term of five years, compensation to be as follows:

June 1, 2013 through May 31, 2014	\$933,292.00
June 1, 2014 through May 31, 2015	\$951,958.00
June 1, 2015 through May 31, 2016	\$970,997.00
June 1, 2016 through May 31, 2017	\$990,417.00
June 1, 2017 through May 31, 2018	\$1,010,225.00

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

Roll Call

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

NOES: None

ABSENT: Trustee Branca

**WORKSESSION**

***Housing Rehabilitation Program.***

Ms. Rose Noonan spoke to the Board and staff regarding Housing Rehabilitation Program. There was further discussion with the Board and staff on this topic. The Board asked for a workshop at the next meeting.

## **PUBLIC COMMENTS**

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

Ms. Solomon commented about property taxes. Mr. Simmons commented about Starwood Capital.

Mr. Abel commented about Starwood Capital and the local law on Dance Halls and Cabarets.

Mr. Gioffre commented about the two resolutions on the agenda about Starwood Capital and stated that the numbers that were said before are inaccurate.

## **RESOLUTIONS**

### RESOLUTION

#### RESCINDING ACCEPTANCE OF PETITION FOR ZONING TEXT AND MAP AMENDMENT WITH REGARD TO UNITED HOSPITAL REDEVELOPMENT

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the following resolution was **tabled** 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 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, by resolution adopted November 19, 2012, the Board accepted the Petition and noticed its intent to be lead agency pursuant to Part 617 of the SEQRA regulations; and

WHEREAS, the requested action is a matter entrusted to the discretion of the Board. Now, therefore, be it

RESOLVED, that the resolution of the Board of Trustees adopted on November 19, 2012 accepting the Petition of the applicant, PC406 BPR, LLC. and noticing the Board's intent to be lead agency pursuant to Part 617 of the SEQRA regulations is hereby rescinded.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

Roll Call

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

NOES: Trustee Brakewood

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
UNITED HOSPITAL REDEVELOPMENT  
CLARIFICATION OF NOVEMBER 19, 2012 ACTION

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENZI, the following resolution was **tabled** 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 a 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 (the “Resolution”); 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; and

WHEREAS, on December 17, 2012, the Village Board of Trustees adopted its “Findings Statement with Respect to Adoption of the Village of Port Chester Comprehensive Plan and Zoning Text and Map Amendments,” in which the Board recognized the importance of completing the Applicant’s pending site-specific review of the Proposed Action involving the former United Hospital site. Now, therefore, be it

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 Applicant or any other interested party with regard to the zoning amendments sought in the Petition; and be it

FURTHER RESOLVED, the November 19, 2012, Resolution did not approve a specific project with 820 residential units, but rather accepted a Petition thereby permitting the Applicant to conduct a site specific study of the Proposed Action as contemplated in the Village’s Comprehensive Plan Draft Generic Environmental Impact Statement together with various alternatives and their related benefits, potential impacts and proposed mitigation strategies, 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.

#### Roll Call

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

NOES: Trustee Brakewood

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT  
CHESTER, CHAPTER 165, DANCE HALLS AND CABARETS, WITH  
REGARD TO LICENSING REQUIREMENTS AND EXEMPTIONS

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the following resolution was **tabled** 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 a local law that would amend the Code of the Village of Port Chester, Chapter 165, Dance Halls and Cabarets, with regard to licensing exemptions and requirements.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

Roll Call

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

NOES:

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT  
CHESTER, CHAPTER 224, NOISE, WITH REGARD TO INCREASING  
PENALTIES AND ESTABLISHING A PENALTY SCHEDULE FOR  
VIOLATIONS

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the following resolution was **tabled** 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 a Local Law amending the Code of the Village of Port Chester, Chapter 224, Noise, with regard to increasing penalties and establishing a penalty schedule for violations.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

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

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
INTERIM RETAINER AGREEMENT FOR LABOR COUNSEL

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:

WHEREAS, the Village Manager has advised of the need for specialized legal services in labor and employment law; and

WHEREAS, the Village's retainer with Bond, Schoeneck & King as Labor Counsel expired on December 31, 2012; and

WHEREAS, the Manager has proposed an interim agreement with the firm pending review of the budget in the upcoming budget process for the new fiscal year. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a retainer agreement with Bond, Schoneck & King, 1399 Franklin Avenue, Garden City, New York 11530 to act as Labor Counsel, compensation to be at a reduced rate of Three Hundred Twenty-Five (\$325.00) Dollars per hour for the time of partner, Terry O'Neil; Two Hundred Ninety-Five (\$295.00) Dollars per hour for other partners' time; between Two Hundred Five (\$205.00) and Two



Hundred Twenty (\$220.00) Dollars per hour for associates' time, and as set forth in the letter from Terry O'Neil dated February 1, 2013; and be it further

RESOLVED that total compensation shall not exceed 10,000.00 without additional authorization.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: Trustee Marino

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
APPOINTMENT OF MEMBER TO  
BOARD OF ETHICS

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

RESOLVED, that JAYMEE ALPERT, residing, Port Chester, New York, be and she hereby is appointed as a member of the Port Chester BOARD OF ETHICS to fill the vacated office formally held by Mike Richie, effective immediately.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, the following resolution was adopted 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, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE TERENZI, the following resolution was adopted 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, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

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 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, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

RESOLUTION  
REAPPOINTMENT OF MEMBER TO  
ZONING BOARD OF APPEALS

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 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, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

## RESOLUTION

### APPOINTMENT OF ADDITIONAL ELECTION INSPECTORS

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

WHEREAS, the Village Clerk has advised of the need for the Board of Trustees to appoint additional election inspectors for the 2013 Village Election; and

WHEREAS, the Clerk has proposed a number of candidates who have been qualified to serve in this capacity. Now, therefore, be it

RESOLVED, that the following named persons are qualified Election Inspectors and are hereby appointed to act as Election Inspectors for the Village of Port Chester with regard to the 2013 Village Election:

Michael R. Borchetta

Maria Cedano

June Ann Borchetta

Matthew Friefeld

Evelyn Brown

Mary M. Haeger

Katheleen M. Buckley

Carlos Santana

Miles Ferderman

Doris Bailey-Reavis

Lisa M. Ferraro

Elaine Russo

David Heller

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

DATE: February 4, 2013

## **DISCUSSIONS**

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

Mr. Steers spoke to the Board about open permits and certificate of occupancies. There was further discussion with the Board and staff on this topic. The Board asked to have a workshop on the topic.

### ***Marina Bulkhead***

Mr. Steers spoke to the Board about the cost estimates for the Marina Bulkhead. The Board asked staff to come back to the Board with more details.

### ***Rules of Procedure of the Board of Trustees Village of Port Chester, New York***

Trustee Didden spoke to the Board regarding the rules of procedures of the Board of Trustees. There was further discussion with the Board on this topic. There was no action taken at the meeting.

## **CORRESPONDENCES**

### ***From Alex Payan to the Board of Trustees for consideration to join the Ethics Board***

The Board acknowledged the correspondence and will schedule an interview in the future.

***Captains of the seven independent companies of Port Chester – Rye Brook Fire Department have ratified Port Chester – Rye Brook fire contract.***

The Board acknowledged the correspondence.

**MINUTES**

***Approval of the Board of Trustees minutes of November 5, 2012***

On motion of Trustee Didden, seconded by Trustee Kenner, the minutes of November 5, 2012 were adopted.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

**PUBLIC COMMENTS AND BOARD COMMENTS**

***Public:***

Mr. Abel commented about the rules of procedures of the Board of Trustees.

***Board:***

Trustee Brakewood commented about traffic issues in the village and the Port Chester School District.

Trustee Didden commented about the Port Chester School District.

Mayor Pilla commented about the Downtown revitalization and the rules of procedure of the Board of Trustees.

At 11:44 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, 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