

MEETING HELD JULY 1, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 1, 2013 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

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

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Administrative Aide, Christopher Ameigh.

On motion of Trustee Ceccarelli, seconded by Trustee Adams the meeting was declared opened at 6:01 p.m.

Roll Call

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

NOES:

ABSENT:

MOTION FOR EXECUTIVE SESSION

At 6:02 p.m., on motion of Trustee Adams, seconded by Trustee Marino, the Board of Trustees adjourned into an executive session for an interview with a particular person with regard to an appointment to the Planning Commission.

Roll Call

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

NOES:

ABSENT:

Present in addition to the Board were Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Clerk, Janusz R. Richards and Administrative Aide, Christopher Ameigh.

No action was taken in the first executive session.

At 6:42 p.m., on motion of Trustee Marino, seconded by Trustee Adams, the first executive session was closed.

Roll Call

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

NOES:

ABSENT:

At 6:42 p.m., on motion of Trustee Marino, seconded by Trustee Brakewood, the Board of Trustees adjourned into a second executive session to discuss the employment history of a particular corporation retained by the Village of Port Chester.

Roll Call

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

NOES:

ABSENT:

Present in addition to the Board were Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Clerk, Janusz R. Richards and Administrative Aide, Christopher Ameigh.

No action was taken in the second executive session.

At 6:54 p.m., on motion of Trustee Marino, seconded by Trustee Brakewood, the second executive session was closed.

Roll Call

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

NOES:

ABSENT:

After a short recess, on motion of Trustee Adams, seconded by Trustee Marino, the public portion of the meeting opened at 7:05 p.m.

Roll Call

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

NOES:

ABSENT:

AWARD PRESENTATIONS

On behalf of Westchester County Executive, Robert P. Astorino, Trustee Kenner presented Mr. Margarito Rivas with a proclamation for his 100th birthday, that June 15, 2013 be declared Margarito Rivas Day in Westchester County. Mr. Rivas also received proclamations presented by Mayor Pagano on behalf of the Village of Port Chester and from New York State Senator, George Latimer, declaring that June 15, 2013 to be Margarito Rivas Day in the Village of Port Chester, Town of Rye and the State of New York.

Mayor Pagano and Trustee Marino congratulated and presented to Fire Captain, Charles Nielsen and to the youth members of the Port Chester Explorer Post 700, the 2013 Youth Group award from the Fireman's Association of the State of New York (FASNY).

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION

The following Public Notices were duly published in the Journal News and the Westmore News on May 24, 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, June 17, 2013 at the Police Headquarters/Justice Court Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider a local law modifying the permit amnesty program so as to provide additional relief to owners of one and two-family residences.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The application and all supporting documents are available at the Village Clerk's office or online at the Village website www.portchesterny.com/Pages/PortChesterNY_Pending/index.

JANUSZ R. RICHARDS
Village Clerk

Dated: May 21, 2013

On motion of Trustee Kenner, seconded by Trustee Adams, the public hearing was declared opened.

Roll Call

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

NOES:

ABSENT:

Mayor Pagano said that the Board of Trustees received clarifying information regarding the proposed local law and due to legal requirements, the public hearing will be adjourned to the July 15, 2013 Board of Trustees meeting.

On motion of Trustee Ceccarelli, seconded by Trustee Kenner, the public hearing was adjourned to the July 15, 2013 meeting.

Roll Call

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

NOES:

ABSENT:

PUBLIC COMMENTS

Ms. Goldie Solomon commented about tax payers' bill of rights and the adjourned public hearing. Ms. Solomon also commented about village taxes, handicap parking, 4th of July festivities and the July 14th cultural festival.

Mr. Terranova commented about the soccer 2013/2014 contract renewal, smoke-free areas in village parks, Mamaroneck Fire Parade, municipal grants and 201 Grace Church Street.

Michelle Baker, Location Manager for the movie, "*God's Pocket*" commented and requested about a movie scene in the village. Mayor Pagano asked that Ms. Baker's request be referred to staff and Sargent Vaccaro.

WORK SESSION

Review Rules of Procedure of the Board of Trustees

Mayor Pagano asked the Board if they had any other changes or comments other than the ones he already received from them. Trustee Adams asked that the civility policy be included with this policy.

Trustee Brakewood commented on Section Rule Number Three: Agendas - paragraph one, sentence number seven, asking to take out the words "*a resolution or*" in that sentence. Trustee Brakewood commented that those words do not have to be in the sentence.

Mayor Pagano asked the Board if they have any other comments to please send them to him by email. Mayor Pagano also asked the Village Clerk, Janusz Richards to update the Rules of Procedures of the Board of Trustees with the current comments from the Board and present the final version at the next meeting.

RESOLUTIONS

RESOLUTION AUTHORIZING TRANSFER TO FUND BUILDING/CODE ENFORCEMENT EFFORTS

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

WHEREAS, the Board has recently ranked code enforcement as its first policy priority; and

WHEREAS, by resolution adopted by the Board of Trustees on June 13, 2013, the Board authorized a budget transfer \$113,672 from Contingency to the Building Department and Code Enforcement Department budget lines in order to fund the purchase of updates to the MUNICIPALITY

software and recruit two additional administrative interns as recommended by the Village Manager;
and

WHEREAS, the Board has since had the opportunity to discuss the use of \$600,000 proffer made in connection with the Mariner Project and determines that these initiatives should appropriately be funded from the proffer. Now, therefore, be it

RESOLVED, that the Village Treasurer is hereby authorized to modify the General Fund FY 2013-14 Budget as follows:

Increase:

Revenues:

Other Public Safety Income from Developer:

1.1.1589	Other Public Safety Income from Developer	\$113,672
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Appropriations:

Contingency:

1.1990.400	Contingency	\$113,672
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APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

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

NOES: Trustee Brakewood

ABSENT: None

DATE: July 1, 2013

RESOLUTION

STRATEGIC USE OF THE PROFFER IN CONNECTION WITH THE MARINER PROJECT

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

WHEREAS, by resolution adopted on April 24, 2013, the Village Board of Trustees authorized the Village Manager to enter into an agreement with Mariner Port Chester LLC with regard to a \$600,000 payment made by its predecessor in title with regard to the Mariner residential project on Abendroth Avenue; and

WHEREAS, as reflected in the resolution, the executed agreement provided that the proffer "...may be used by the Village of Port Chester in any way it deems appropriate..."; and

WHEREAS, the Board desires to clarify the meaning of the resolution so that it is clear that Board action is required to make expenditures from the proffer. Now, therefore, be it

RESOLVED, that the Village Manager may not expend funds from the Mariner proffer without action of the Board of Trustees in the form of a duly adopted resolution that specifies how the funds will be used, which accounts the funds will come from and which accounts the funds will go.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: Trustee Kenner and Mayor Pagano

ABSENT: None

DATE: July 1, 2013

RESOLUTION
RETAINER AGREEMENT FOR LABOR COUNSEL

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, 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 counsel in labor and employment law; and

WHEREAS, the law firm of Bond, Schoeneck & King, Garden City, has been the Village's Labor Counsel for several years;

WHEREAS, the FY 2013-2014 Village Budget provided funding for such specialized expense. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the continued retainer of the law firm of Bond, Schoeneck & King, 1399 Franklin Avenue, Garden City, New York 11530, to act as labor Counsel on an as-needed, hourly basis as set forth in its June 25, 2013 retainer proposal, with no increase in the current rates of compensation of \$325.00/hour for partner, Terry O'Neil; \$295/hour for other partner's time' and between \$205/hour and \$220/hour for associate's time.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 1, 2013

RESOLUTION
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that PETER COPERINE, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 1, 2013

RESOLUTION
RENEWAL AGREEMENT WITH
PORT CHESTER SOCCER CLUB INC.

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:

WHEREAS, the Village of Port Chester has a long-standing relationship with the Port Chester Soccer Club, Inc. to operate its youth and adult soccer program; and

WHEREAS, this partnership is a notable example of a successful public-private partnership in an era of competing budget priorities, citizen demands for continued high levels of municipal services and scarce in-house resources; and

WHEREAS, the contract with the Port Chester Soccer Club, Inc. is up for its annual renewal for FY 2013-2014. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to enter into an agreement with Port Chester Soccer Club Inc., 22 Soundview Street, Port Chester, New York 10573 for the Village's

Recreation Department Soccer Program for fiscal year 2013-2014, compensation in the amount of \$31,000.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

DATE: July 1, 2013

RESOLUTION
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that FRANK CERVINKA, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

DATE: July 1, 2013

RESOLUTION
RE-APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that ANTHONY BAXTER, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2015.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 1, 2013

RESOLUTION
APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that ROBERT ORTIZ, residing in Port Chester New York be and hereby is appointed as a member of the Port Chester PLANNING COMMISSION, and to fill the seat previously held by Michael Antaki, effective immediately with said term to expire 06/16/2016.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 1, 2013

RESOLUTION
APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that SHEILA M. ROGAN, residing in Port Chester New York, be and hereby is appointed as an ALTERNATE member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire 06/16/2014.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

DATE: July 1, 2013

RESOLUTION
COMPLIANCE WITH THE UNIFORM NOTICE OF CLAIM ACT

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

WHEREAS, filing a notice of claim is required before an action may be commenced in tort against the Village of Port Chester; and

WHEREAS, such notice of claim is intended to afford public corporations the opportunity to investigate a matter before litigation ensues; and

WHEREAS, the Uniform Notice of Claim Act amended the General Municipal Law, adding a new Section 53, that requires public corporations to file a certificate with the Secretary of State on or before July 14, 2013 that designates the Secretary of State as agent for service of a notice of claim; and

WHEREAS, prior to the Act, a notice of claim had to be served directly on the public corporation; and

WHEREAS, public corporations that are in compliance with the Act are entitled to one-half of the fee that is charged claimants for the benefit of filing with the Secretary of State. Now, therefore be it

RESOLVED, in accordance with General Municipal Law, Section 53, the Board of Trustees of the Village of Port Chester hereby designates Janusz Richards in his capacity as Village Clerk to receive notices of claims that are served upon the Secretary of State by mail at 222 Grace Church Street, Port Chester, New York 10573 and e-mail at jrichards@portchesterny.com, and be it further

RESOLVED, that the Village Board hereby directs the Village Clerk to file the required certificate with the Secretary of State notifying him of the village's designation and applicable time limitation for filing a notice of claim with the village.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

DATE: July 1, 2013

REPORT OF THE VILLAGE MANAGER

350 North Main Street and Handicap Parking Updates.

350 North Main Street - Mr. Steers updated the Board regarding the current conditions at the Police and Court building. Mr. Steers said that the emergency repairs that have to be done include the following: interior and exterior drainage, painting, possible lead abatement, pointing of the brick around key sites of the building, and repairs to the cell blocks. The Board asked Mr. Steers to keep them updated on the progress of the repairs.

Handicap Parking Updates - Mr. Steers said that additional analysis is needed regarding the additional handicap spaces and making them compliant with ADA requirements. Mr. Steers said that he will follow up with the Board when final recommendations are drafted.

REPORT OF THE VILLAGE ATTORNEY

169 Fairview Avenue Update.

Mr. Cerreto said that the bank took care of the exterior debris, but the house has not come down yet. Mr. Cerreto asked the Board if they will authorize him to go to court and litigate against the bank for house to come down. The Board had no objection about taking the bank to court. Mr. Cerreto also said that staff will now be keeping a list of all abandoned properties in the Village of Port Chester.

Mr. Steers commented to the Board that he established a Quality of Life working group which will include the Building Inspector, staff from Code Enforcement, Police, Fire and Department of Public Works. Mr. Steers said that he will update the Board when he has more details.

DISCUSSION

Placing a crosswalk at Hewlett Place and Putnam Avenue as well as a “stop for pedestrian” signs there and at Austin Place.

Trustee Brakewood spoke regarding the traffic at Hewlett Place and Putnam Avenue. Trustee Brakewood also commented regarding “the stop for pedestrian” request at Austin Place. The Board asked staff to refer the request to the Traffic Commission.

CORRESPONDENCES

From Rolando Escobar, President of Centro Cultural Bolivia and Vladimir Molina, Vice President of Centro Cultural Bolivia asking the Village of Port Chester to co-sponsor the Bolivian Hispanic Parade on Sunday, August 25, 2013.

On motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees accepted to give Centro Cultural Bolivia an in kind contribution of \$1000 in support of the Bolivian Hispanic Parade on Sunday, August 25, 2013.

ROLL CALL

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

NOES: Trustee Terenzi

ABSENT:

DATE: July 1, 2013

From Jerry Terranova and the Park Commission regarding “Smoke-Free Areas” in Village Parks.

The Board acknowledged the correspondence during the “Public Comments” section of the meeting.

Add-on Correspondence

For information purposes, Village Clerk, Janusz Richards announced to the Board about the upcoming public hearing on July 18, 2013 for the Metro North property located on 3 Broad Street with New York State Division of Alcoholic Beverage Control. Mayor Pagano asked staff to see if they can get a copy of the proposed plans and give the Board a copy of those plans.

PUBLIC COMMENTS AND BOARD COMMENTS

Public:

Mr. Abel commented regarding the Board of Trustees executive session.

Board:

Trustee Adams thanked the Police Chief and Village Attorney regarding the memo for the motorcycle noise complaint. Trustee Adams commented regarding handicap parking and pedestrian crossing. Trustee Adams congratulated Post 700 and gave his prayers and condolences to the 19 Firefighters who lost their lives in Colorado.

Trustee Brakewood commented regarding Port Chester cleanup day and the electrical lines that are not buried outside the Mariner and The Castle.

Add-on Resolution

During the Board's Comments section of the meeting, Trustee Brakewood asked for a motion to consider an add-on resolution to re-appoint Catherine Rosenfeld to the Beatification Committee.

There being no objections, on motion of Trustee Kenner, seconded by Trustee Marino, the motion received a unanimous vote of those present.

ROLL CALL

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

NOES: None

ABSENT: None

Dated: July 1, 2013

RESOLUTION

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

RESOLVED, that CATHERINE ROSENFELD, residing in Port Chester New York be and hereby is re-appointed as a member of the Port Chester BEAUTIFICATION COMMITTEE, effective immediately with said term to expire 07/01/2015.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None

DATE: July 1, 2013

Trustee Terenzi commented on the proposed Poningo Street and Irving Avenue Municipal Center.

Trustee Marino commented about the Village Marshals and that the village is in need of a new Police Department, Court and Village Hall.

Trustee Ceccarelli commented regarding the waterfront regulations at the Port Chester Yacht Club and the new design for the Police Department, Court and Village Hall.

Mayor Pagano commented regarding the Police Benevolent Association (PBA) and the resolutions that just passed this evening. Mayor Pagano wished everyone a happy 4th of July.

At 9:40 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Terenzi, the meeting was closed.

Roll Call

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

NOES:

ABSENT:

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk