

MEETING HELD JULY 15, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 15, 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 Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Daniel Brakewood was absent.

It should be noted that Trustee Gregory Adams arrived at 6:20 p.m.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief, Joseph Krzeminski; Building Inspector, Peter Miley; Administrative Aide, Christopher Ameigh and Village Planner, Jessica Youngblood.

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

Roll Call

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

NOES:

ABSENT: Trustees Adams and Brakewood

MOTION FOR EXECUTIVE SESSION

At 6:06 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board adjourned into an executive session for consultation with Village Attorney regarding code enforcement legal strategy.

Roll Call

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

NOES:

ABSENT: Trustees Adams and Brakewood

Present in addition to the Board of Trustees were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Director of Planning and Development Christopher Gomez; Administrative Aide, Christopher Ameigh and Village Planner, Jessica Youngblood.

No action was taken in executive session.

At 6:24 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Marino, the first executive session was closed.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

At 6:24 p.m., on motion of Trustee Marino, seconded by Trustee Terenzi, the Board of Trustees adjourned into a second executive session to discuss the legal strategy involving the Starwood project.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

Present in addition to the Board of Trustees were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Director of Planning and Development Christopher Gomez; Administrative Aide, Christopher Ameigh; Village Planner, Jessica Youngblood and Attorney, Mr. Chertof.

No action was taken in the second executive session.

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

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

At 6:54 p.m., on motion of Trustee Kenner, seconded by Trustee Ceccarelli, the Board of Trustees adjourned into an third executive session for consultation with Village Attorney regarding the bulkhead.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

Present in addition to the Board of Trustees were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Director of Planning and Development Christopher Gomez; Administrative Aide, Christopher Ameigh and Village Planner, Jessica Youngblood.

No action was taken in the third executive session.

At 6:57 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the third executive session was closed.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

After a short recess, on motion of Trustee Adams, seconded by Trustee Marino, the public portion of the meeting opened at 7:03 p.m.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

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.

Dated: May 21, 2013

JANUSZ R. RICHARDS
Village Clerk

On motion of Trustee Ceccarelli, seconded by Trustee Marino, the public hearing was declared opened.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

Ms. Goldie Solomon commented regarding the residents Bill of Rights.

Ms. Bea Conetta commented regarding 1 Landmark Square, Building Department codes, fees and the Amnesty Program process.

Mr. Terranova commented regarding Building Department permits.

Mr. Giangrande commented regarding sidewalk permits.

Mr. Abel commented about Building Department codes and permits.

Mayor Pagano commented that due to additional materials the Board received from staff, Mayor Pagano asked to close the public hearing and schedule a permit amnesty program workshop on Thursday, August 1, 2013 and to set a new public hearing on Monday, August 19, 2013.

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

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

Add-on Resolution

Mayor Pagano asked to add-on a resolution to set a new public hearing on August 19, 2013 for interim local law modifying the Permit Amnesty Program.

Trustee Kenner made a motion to add-on a resolution to set a public hearing on August 19, 2013 for an interim local law modifying the Permit Amnesty Program.

Roll Call

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

NOES:

ABSENT: Trustee Brakewood

DATE: July 15, 2013

RESOLUTION
SET PUBLIC HEARING TO CONSIDER AN INTERIM LOCAL LAW MODIFYING THE
PERMIT AMNESTY PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF FOR
OWNERS OF ONE AND TWO-FAMILY RESIDENCES AND ADDITIONAL RELIEF FOR
PRE-EXISTING STRUCTURES AND THEIR USES EXISTING PRIOR TO 2010

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:

RESOLVED, that a public hearing is to be held on August 19, 2013 at 7:00 p.m. at the Police Headquarters/Justice Court Courtroom, 2nd Floor, 350 North Main Street, Port Chester, to consider the advisability of a local law modifying the permit amnesty program so as to provide additional relief to owners of one and two-family residences and additional relief for pre-existing structures and their uses existing prior to 2010.

ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

DATE: July 15, 2013

PUBLIC COMMENTS

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

Ms. Goldie Solomon commented about school taxes and thanked Trustee Marino with the Hispanic Cultural Festival.

Ms. Dina Goren commented to the Board that the Port Chester Dog Park Group has partnered up with the Friends of Westchester County Parks and that this group is now their sponsor. Ms. Goren also commented that Port Chester Dog Park Group has a website which is www.portchesterdogpark.com. Ms. Goren commented that the website will provide updates as well as sponsorship donations.

Mr. Terranova commented regarding applying for grants for 201 Grace Church Street.

Mr. Richard Abel commented regarding parking meters changes for residents who attend the Board of Trustees meetings and other public meetings.

Ms. Bea Conetta commented about the Board of Trustees meetings.

RESOLUTIONS

RESOLUTION

INTERMUNICIPAL AGREEMENT WITH THE CITY OF RYE WITH REGARD TO USE OF JAIL CELLS

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 Village of Port Chester is required to make repairs to its jail cells; and

WHEREAS, the City of Rye has offered the use of its jail cells at no charge to the Village should the need arise; and

WHEREAS, General Municipal Law, Section 209-m, municipalities have the ability to call upon each other in times of need for additional police force, equipment and supplies; and

WHEREAS, the City's offer is another example of shared services between the Village and its neighboring municipalities. Now, be, it

RESOLVED, that the Village Manager is authorized to enter into an intermunicipal agreement with the City of Rye with regard to the use of the City's jail cells in the form annexed.

APPROVED:

Anthony M. Cerreto
Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Brakewood

DATE: July 15, 2013

RESOLUTION

RETAINER FOR THIRD-PARTY ADMINISTRATION SERVICES FOR FORMER VILLAGE'S SELF-INSURED WORKERS COMPENSATION PROGRAM

On motion of TRUSTEE MARINO, 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 of Port Chester formerly had a self-insured workers compensation program; and

WHEREAS, such program required the Village to retain a firm to provide third-party administration services ("TPA"); and

WHEREAS, PMA Management Corp. was the last TPA before the Village retained PERMA as its workers' compensation carrier under a conventional insurance program; and

WHEREAS, PMA has been actively managing the "run-off" or claims that were open as of the date of such change; and

WHEREAS, the Village Manager recommends that PMA's agreement be renewed for the 2013-2014 Fiscal Year. NOW, THEREFORE, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with PMA Management Corp., 330 Fellowship Road, Suite 200, Mount Laurel, New Jersey 08054, to continue as Third Party Administrator for the "run-off" claims with regard to the Village's former self-insured workers compensation program for the 2013-2014 Fiscal Year, compensation to be \$12,000 and as further provided in the agreement annexed hereto.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Brakewood

DATE: July 15, 2013

RESOLUTION

RENEWAL OF VILLAGE'S LIABILITY INSURANCE PROGRAM FOR 2013-2014

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

WHEREAS, the Village of Port Chester is a subscribing member of the New York Municipal Insurance Reciprocal (NYMIR) with regard to its liability insurance program; and

WHEREAS, one third of the 1,600 municipalities are also members; and

WHEREAS, the Spain Agency acts as agent to secure coverage with NYMIR; and

WHEREAS, the Village's insurance program has been comprehensively reviewed for the new policy year. Now, therefore, be it

RESOLVED, that the quote from the New York Municipal Insurance Reciprocal for the Village of Port Chester's renewal of its liability insurance program for the 2013-2014 policy year in the amount of \$94,891.50 be and is hereby accepted.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Brakewood

DATE: July 15, 2013

RESOLUTION
RE-APPOINTMENT OF VILLAGE MARSHALL

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

RESOLVED, that ALLEN CARROLL, residing in Port Chester New York be and hereby is re-appointed as Village Marshall, effective immediately with said term to expire 04/06/2015.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Brakewood

DATE: July 15, 2013

RESOLUTION
AGREEMENTS FOR SENIOR CITIZENS PROGRAMS

On motion of TRUSTEE KENNER, 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 of Port Chester Senior Citizen Program requires instructors; and

WHEREAS, such services have been appropriated in the 2013 to 2014 Village Budget; and

WHEREAS, the Director of the Senior Program has selected several providers to facilitate these programs. Now, therefore be it

RESOVLED, that the Board of Trustees hereby authorizes the Village Manager to enter into the following agreements with regard to the Village of Port Chester Senior Citizens Programs;

- Wendy Lee Rosa, 8 Highland Place, Greenwich, Conn. 06831 Zumba Instructor \$50.00 per hour (classes twice a month)
- Susan Sabato, 21 Linden Street, Port Chester, NY. 10573 Arts & Crafts/Bingo Instructor \$25.00 per hour (12 classes a month)
- Dennis Adinolfi, 115 Pembroke Drive, Yonkers, NY 10710, Music Instructor \$100 per class (2x a month)
- Domingo Colon, Tai Chi School of Westchester, 40 Crestview St. Bronxville, NY 10801 \$75 per class (classes twice a month)

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES:

ABSENT: Trustee Brakewood

DATE: July 15, 2013

REPORT OF THE VILLAGE MANAGER

Recruitment of two interns for the Building Department - Mr. Steers said that the Building Department recruitment of the two interns has been completed. One intern is already working and the other will begin in the next two weeks.

350 North Main Street - Mr. Steers said that the emergency repairs are still in progress and the estimated cost at this time is about \$43,420.

PESH NOV - Mr. Steers said that all violations from PESH NOV have been corrected and final inspections are pending from PESH. Mr. Steers said that the secondary NOV issues received are being completed and moving forward.

Traffic signal and road improvements located at the intersection of Pearl and Broad Street at Westchester Avenue – Mr. Steers said that the work has been stalled due the necessary work for the catch basin. Mr. Steers said pending receipt and forming of the catch basin, the process will probably take about four weeks for the catch basin to be casted properly.

NIXLE 360 – Mr. Steers said that they are waiting for the data to be released to them from Verizon. Verizon is drawing up the agreement for execution. The final implementation is pending release of ESL data.

Street Paving Program – Mr. Steers said that the plans and specifications for the current paving contract are being completed and the bid notice for the new street paving program will be placed in the official village newspapers on Friday, July 19, 2013. Bid documents will be available on Monday, July 22, 2013 and the bids will be due on Thursday, August 1, 2013.

Sewer Rent Project – Mr. Steers said that the joint petition was completed and filed with the Public Service Commission (PSC), pending 60 days for their review.

DISCUSSIONS

Policy as it relates to co-sponsoring future events.

The Board and staff discussed the prepared drafted policy to facilitate the Village's co-sponsoring of special events. Trustee Marino asked that the village sponsor no more than five events. There was further discussion with the Board and staff regarding other items listed in the proposed policy. The Board asked staff to prepare a resolution for the next meeting.

201 Grace Church Street.

The Board of Trustees referred to the Park Commission their recommendation regarding the proposed use for 201 Grace Church. The Board also asked staff for a report at the next Board of Trustees meeting.

Providing Police Officer for teaching of life skills.

Chief Krzeminski spoke regarding the request he received from a Port Chester organization requesting for a Police Officer to teach life skills. Chief Krzeminski recommended to the Board not to fulfill the request based on the limited manpower he has. The Board agreed with Chief Krzeminski's recommendation.

Economic Development – Request for Proposals.

Mayor Pagano said that the Industrial Development Agency (IDA) authorized him to address the Board that the IDA will be preparing a request for proposal (RFP) for professional technical assistance and financial services on the proposed municipal center as well as other developments in the village. With further discussion from the Board and staff; the Board asked Mr. Steers to modify the proposal with the requests made by the Board before the RFP goes out to perspective qualified consultants.

CORRESPONDENCES

From Reliance Engine & Hose Company No. 1 on the election of Rashe Campbell and Joshua Evans to active membership.

The Board duly noted the correspondence.

From Emily E. Imbesi requesting re-appointment to the Beautification Commission.

Add-on Resolution

During the correspondence section of the meeting, Trustee Adams asked for a motion to add-on a resolution to reappoint Emily E. Imbesi to the Beautification Committee.

There being no objections, Trustee Adams made a motion to add-on a resolution to reappoint Emily E. Imbesi to the Beautification Committee, seconded by Trustee Terenzi, the motion received a unanimous vote of those present.

ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

Dated: July 15, 2013

RESOLUTION

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

RESOLVED, that EMILY IMBESI, 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 07/01/2016.

ROLL CALL

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

DATE: July 15, 2013

From Centro Cultural Bolivia seeking permission to place a banner across Main Street to advertise the 2nd Bolivian Hispanic parade on August 25, 2013.

The Board referred the correspondence to staff.

From Saint Peter's Episcopal Church request permission for a procession from 136 Smith Street to Westchester Avenue on August 24, 2013.

The Board referred the correspondence to staff.

From the Park Commission regarding dogs in the parks.

The Board accepted the correspondence.

From Jerry Terranova regarding Port Chester Soccer Club, Inc.

The Board referred the correspondence to staff.

From Breaking Aides Ride request permission to travel through the Village of Port Chester on Sunday, September 29, 2013.

The Board referred the correspondence to staff.

MINUTES

Minutes from May 20, 2013, May 29, 2013 and June 3, 2013.

Trustee Ceccarelli made a motion to combine the minutes of May 20, 2013, May 29, 2013 and June 3, 2013 of the agenda for the purpose of casting one vote for all three minutes by the Board of Trustees of the Village of Port Chester, New York. The motion was seconded by Trustee Adams.

Roll Call

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

NOES: None

ABSENT: Trustee Brakewood

Date: July 15, 2013

On motion of Trustee Ceccarelli, seconded by Trustee Adams, the minutes of May 20, May 29, 2 and June 3 of 2013, were adopted.

Roll Call

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

NOES: None

ABSENT: Trustee Brakewood

Date: June 17, 2013

PUBLIC COMMENTS AND BOARD COMMENTS

Public:

There were none.

Board:

Trustee Terenzi commented regarding the fire on Poningo Street and the gas station on Putnam Avenue.

Trustee Marino commented regarding the cultural festival and the fire on Poningo Street.

Trustee Kenner commented about the garbage on Westchester Avenue.

Trustee Ceccarelli commented regarding the fire on Poningo Street, the Board of Trustees packet materials and notices for unsafe residences.

Mayor Pagano commented about the man that was caught dumping in the Village of Port Chester and reminded everyone about the Port Chester Summer Concert Series in Lyon Park and Downtown.

At 9:04 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned into the first executive session to discuss the Police Department.

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 Police Chief Krzeminski.

No action was taken in the first executive session.

At 9:23 p.m., on motion of Trustee Adams, seconded by Trustee Kenner, the first executive session was closed.

Roll Call

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

At 9:24 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned into a second executive session to discuss the collective negotiations involving the PBA pursuant to Article 14 of the Civil Service Law.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner and Mayor Pagano
NOES:
RECUSE: Trustee Ceccarelli
ABSENT: Trustee Brakewood

Present in addition to the Board were Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Clerk, Janusz R. Richards and Police Chief Krzeminski.

No action was taken in the second executive session.

At 9:47 p.m., on motion of Trustee Adams, seconded by Trustee Marino, the second executive session was closed.

Roll Call

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

NOES:

ABSENT: Trustees Ceccarelli and Brakewood

At 9:48 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the meeting was closed.

Roll Call

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

NOES:

ABSENT: Trustees Ceccarelli and Brakewood

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk