

## **MEETING HELD AUGUST 5, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 5, 2013 at 6:30 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, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Saverio Terenzi was absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Administrative Aide, Christopher Ameigh and Village Planner, Jessica Youngblood and Police Captain, John Telesca.

On motion of Trustee Ceccarelli, seconded by Trustee Marino the special meeting was declared opened at 6:30 p.m.

Roll Call

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

NOES:

ABSENT: Trustee Terenzi

### **MOTION FOR EXECUTIVE SESSION**

At 6:30 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Kenner, the Board of Trustees adjourned into an executive session for consultation with Village Attorney regarding pending litigation with Starwood and the Cablevision Franchise Agreement.

Roll Call

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

NOES:

ABSENT: Trustee Terenzi

Present in addition to the Board were Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Clerk, Janusz R. Richards and Director of Planning and Development, Christopher Gomez.

No action was taken in the executive session.

At 7:04 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the executive session was closed.

Roll Call

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

NOES:

ABSENT: Trustee Terenzi

At 7:04 p.m., on motion of Trustee Adams, seconded by Trustee Ceccarelli, the special meeting was declared closed.

Roll Call

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

NOES:

ABSENT: Trustee Terenzi

After a short recess, on motion of Trustee Marino, seconded by Trustee Adams, the regular public portion of the meeting opened at 7:09 p.m.

Roll Call

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

NOES:

ABSENT: Trustee Terenzi

## **AWARD PRESENTATION**

*Presentation of proclamation to Gabriel Erik Escobar who placed second representing the USA in the 7<sup>th</sup> World Culture Taekwondo Competition Expo in Tokyo on July 17, 2013.*

Mayor Pagano and Trustee Marino presented to Gabriel Erik Escobar a proclamation for placing second in the world for the Tae Kwon Do Competition Expo in Tokyo, Japan July 17, 2013.

## **PUBLIC COMMENTS**

Mayor Pagano asked if anyone from the public would like to make any comments.

Mr. Richard Hyman commented regarding Port Chester Affordable Housing, Board of Trustees special meetings, resolutions and minutes.

Ms. Goldie Solomon commented regarding the Board of Trustees, property taxes and bill of rights.

Mr. Jerry Terranova commented regarding 201 Grace Church Street.

Residents of 1 Landmark Square commented regarding certificates of occupancy for their building; code enforcement policy and the amnesty program. The following documents were presented to the Board of Trustees regarding 1 Landmark Square.

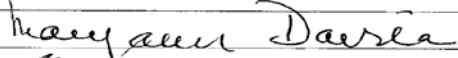

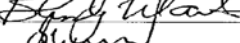

**COALITION OF CONCERNED LANDMARK CONDOMINIUM OWNERS**

For well over one year, many owners of units at The Landmark have seen their applications for loan modification rejected and contracts of sale broken, all due to the seemingly interminable and ever-changing demands being made by the village relative to code enforcement. The damages incurred (personal and financial) have been substantial, providing the impetus for the formation of our coalition.

**We, the undersigned owners of condominiums at The Landmark require from the Village of Port Chester:**

- Clarity and finality in the form of a final and detailed punch list of items our condominium must address in order to secure a permanent Certificate of Occupancy for our building. The punch list is to be printed on village stationery, signed by Mr. Peter Miley and delivered to the Landmark Condominium Association Board of Directors (with a copy sent to Mr. Aldo Vitagliano).
- A level of responsiveness and cooperation from the Building Department and Village Manager sufficient to expeditiously resolve all remaining issues involved in securing a permanent CO for our building.
- Personal involvement by Mr. Peter Miley as the single contact for all communications with our condominium's Board of Directors, property manager and this coalition, pertaining to the securing of a permanent CO for our building.
- Mr. Miley's recognition of Aldo Vitagliano as our coalition's representative.

~~Lastly, we require that Mr. Miley meet with Mr. Vitagliano within the next 5 business days to confirm his understanding and commitment to the above requirements.~~

Owner Signature	Unit Number	Date of Signing
	6011	7/11/13
	506	7/11/13
	530	7/11/13
	512	7/11/13

COALITION OF CONCERNED LANDMARK CONDOMINIUM OWNERS

Signatures continued; page 2 of 3

Owner Signature	Unit Number	Date of Signing
	432	7/11/13
	204	7/11/13
Boch Klein	619	7/11/13
	508	7/11/13
	103	7/11/13
Robert Sundt	114	7/11/13
Tim P. M. Sr.	524	7/11/13
	434	7/11/13
	622	7/11/13
Jean Kuen	430	7-11-13
Robert & Roz Hand	428	7-11-13
James Crick	407	7-11-13
John King	106	7/11/13
Michael Lee	221	7/11/13
	109	7/11/13
Laura D. Dand	229	7/11/13
Harinda Parsons	216	7/11/13
	255	7/11/13
	505	7/11/13

COALITION OF CONCERNED LANDMARK CONDOMINIUM OWNERS  
 Signatures continued; page 3 of 3

Paola Cortona	7/11/13	Real Estate Broker
Ally Mth	<del>7/11/13</del> 414	7/11/13
Gisok Park	223	7/11/13
Luciana Gyano	404	7-11-13
William Ahannon	118	7/11/13
Say Di Santo	625	7/11/13
Frank Troha	411	7/11/13
Millena Leiminger	—	Real Estate Broker
Treas Michals for John Corvick	623	7/12/13
At Lawstry	518	7/12/13

**RYAN P. MCCARTHY**  
1 Landmark Sq., Apt. 227  
Port Chester, NY 10573  
mccarthyryan@hotmail.com

Port Chester Building Department  
Village of Port Chester  
222 Grace Church Street  
Port Chester, NY 10573-914  
Attention: Peter Miley, Chief Building Inspector

July 10, 2013

**Re: Lifesavers Building - Certificate of Occupancy**

Dear Mr. Miley,

This letter relates to the outstanding request by the owners at 1 Landmark Square in Port Chester (the "Lifesavers Building") for the Building Department to issue a certificate of occupancy (a "CO") covering the building.

After having lived and gone to school in Brooklyn for a number of years, it became a dream of mine to settle down in Westchester. Therefore, when I graduated from law school and got my first job in Manhattan, I immediately started searching for an apartment in the area. I remember the day that an agent first showed me the Lifesavers Building in early 2005. I knew right away it was perfect for me. I was thrilled when I finally moved in. I quickly became a regular at the local restaurants and tried to get to know as many people as possible. It seemed perfect and I really thought I would be in Port Chester for a long time.

Unfortunately, my desire to live in Port Chester began to erode before long. While I loved the restaurants and the people I met in the area, there seemed to be some serious flaws with the way the town was being administered.

As an example (which I believe many Port Chester residents can relate to), I remember when the Lifesavers Building was renovating its parking structure. I was required to park on the street for a number of months and I believe I was ticketed no less than 25 times (costing me more than \$1,500 in fines) - many of them for simply leaving my car on the curb next to the building for less than five minutes beyond the morning cut-off time (and no, I'm not exaggerating). It seemed as though the town had determined to milk the residents of the Landmark Building for as much money as possible, without regard for our situation.

After living in the Lifesavers Building and working in Manhattan for approximately seven years, my law firm sent me to Hong Kong for a "temporary" assignment, which ended up lasting almost two years. Since the law firm was paying for my living expenses, I was able to keep my apartment in the Lifesavers Building even though I only visited occasionally. However, two months ago (in May) I started a new job (here in Hong Kong) and my living expenses are no longer covered - so now I have no choice but to sell my apartment in the Lifesavers Building.

Thursday, July 15, 2013

To: Port Chester Board of Trustees and Mayor ,  
Attn: Peter Miley, Chief Building Inspector  
Village of Port Chester  
222 Grace Church St.  
Port Chester, NY 10573

Dear Port Chester Board of Trustees, the Mayor, and Mr. Miley ,

Over a year ago, The Village of Port Chester instituted a Property Amnesty program which triggered a Certificate of Occupancy Inquiry by the Village Building Department for the Landmark building. This inquiry then, by process, nullified our building's common area CO.

Since then, for over a year this action by the Village Building Department has stalled many real estate transactions not only in our building, but ALL OVER the Village of Port Chester.

This program is racking havoc with decent families and property owners; causing untold expense, personal distress with many, and quite possibly insolvency with others.

In my family's case, it has caused uniquely tragic consequences: It is impeding my 91 year old mother's urgently needed move to assisted living because she can't close the sale of her home which is her only asset. The delay and process this program has caused has cost her meager legacy over \$9,000 in the cost of maintaining two residences, and an additional \$5,000 in a concession to the buyer because we couldn't close a full price offer on May 1. That is a total of \$14,000 LOSS, a poor old lady can't count on to help with the cost of maintaining gracefully the remaining years of her life. Because we are still uncertain about the timeline of the approval for the final CO for the Building, our buyer is about to bail. My poor mother is so worried she is losing weight and depressed. All she is motivated to talk about is what can we (meaning I) do to make this night mere end. Please ask yourselves, how would you feel Gentlemen, if this were happening to your own mother and she were coming to you for answers?

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July 17, 2013

Mr. Peter Miley  
Chief Building Inspector  
Village of PC Building Department  
222 Grace Church Street  
Portchester, NY 10573

Dear Mr. Miley,

As a Landmark Building unit owner I have been following the CO issue very closely. Having tried to sell my unit and failed I am at my wits end with how slow this process is taking. I understand the necessity, but have no idea why this would take so long. When I was told to have my unit inspected to retain the CO I immediately made an appointment with an inspector. I was told it would take a couple of weeks, but we were heading into the Holiday season so I gave it more time. Each time I called I was told it was not ready, but should only take another week. This went on for over 8-weeks and when I finally received the 1-page document I was amazed that it took over two months to complete.

My unit #303 is currently in contract and it is my hope that this matter can finally be settled once and for all. Each month it goes on I lose \$1,050 that I need to cover on my mortgage and second mortgage. To-date I have spent \$15,750 in total to keep my unit without being able to sell.

I am urging you to please provide Nardo Associates the specific needs you require to gain the CO for the building so those of us who are in need of selling or refinancing our units can do so in a timely manner.

Sincerely,

Bernard Tuttle  
Landmark Unit Owner  
12 Idlewood Place  
Stamford, CT 06905



Dear William,

I am writing this letter to show support and explain my current situation regarding 1 Landmark Square #525.

I purchased my unit in March of 2011, using The Law Offices of Keith E. Schutzman as my attorney and Wells Fargo as the financial institution for the loan. In early 2012 I went through a divorce and was forced to put my unit on the market in May of 2012. Over those fourteen months I made many improvements to the unit but was informed the COO issue would cause delay/price reductions with selling the property.

On September 10<sup>th</sup> I had finalized an offer on the unit at a lower than expected selling price due to the COO issues with an early November closing. In October I was informed the buyer was not able to secure funding until the COO was resolved, and had to back out of the purchase. This has resulted in eight additional months of payments (loan and common charges) with no clear resolution in sight. To date the COO issue has cost me over \$16,000 based upon not being able to close on the unit last November. I currently reside in Prosper Texas, so the unit provides no meaningful benefit/value to me at this time and is viewed as a pure cost/expense.

My two main points are as follows:

- How can you buy a unit in March of 2011 and a little over a year later find out the COO was not valid when I purchased the unit.
- How much money does an individual have to lose before some type of compensation is requested. Even if an offer was presented today the COO issue is blocking me from selling the unit.

I live in Texas and travel 75% of the time for my job so it is difficult for me to attend the meetings, but I strongly support any and all efforts to drive resolution on this issue.

Regards,

Jeremie Davis  
Unit #525  
214.471.8990 (c)  
817.348.5699 (o)

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To: Port Chester Building Department  
Attn: Peter Miley, Chief Building Inspector  
Village of Port Chester  
222 Grace Church St.  
Port Chester, NY 10573

To Whom it May Concern:

My name is Tracy Maxon. I have owned Unit #226 in the Landmark Building since 2005, using it as my primary residence for the majority of those years. In May I purchased a single-family home in Port Chester. When we went into contact on the home, I put my unit in the Landmark Building on the market, at a very discounted price in the hopes of selling it quickly. In all of the years that I have lived in the building, there has always been a high demand, and therefore a fast turnaround time for any unit that comes up for either sale or rental. This is one of the reasons that, at the time, I felt good about purchasing a condo in the building. I knew that there were potential issues that I would face in terms of selling the unit, however, at the time that I put it on the market, the only issue that I was told I would have to take care of in order to sell the unit would be to get a C.O. for the unit. I spoke to my realtor and an architect, and was given an idea of what this would entail.

I have heard now that we cannot get a C.O. for any individual unit until the building itself receives its C.O. More frustrating, however is that I couldn't begin to start this process until we received the municipal documents on the unit from the Village, which were requested in May and still haven't been received. I understand wanting to make sure of the safety of all buildings in the village, including the Landmark building. However, if it is taking more than two months just to see the municipals of a property, as a taxpayer, I couldn't expect such things as inspections to be done quickly either. This raises questions for me about the marketability of my property. To me, it is not marketable now, even at the heavily discounted price that I have it listed at, since in order to purchase it, someone would have to pay in cash, since banks will not close on units in the building because of the current issues. I would guess that someone looking at condos in the area might also question its marketability, if an issue like this can come up out of nowhere. I purchased my unit without any question as to its legitimacy, and have seen many bought and sold over the years. I have considered renting it out until it can be sold through traditional means, but I would really prefer to sell it, and I haven't had time to look into what

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Port Chester Building Department  
attn. Peter Miley Chief Building inspector  
Village of Port Chester,  
222 Grace Church Street  
Port Chester, New York, 10573 914

Dear Mr. Miley,

We had been in contact well over a year ago when to my surprise you informed me that the Landmark and my unit #327 does not have a valid C of O.(conversation attached) At this time I was in the process of re-financing my loan which would have provided a tremendous savings approximately \$700 a month.

It is now over a year later and this issue has still not been resolved. When I questioned how I was able to purchase my unit, and receive a letter in my closing documents from 2006 from the Port Chester Building department stating, that the unit was suitable for occupancy and also referenced CO #G7466, you informed me that I received this in error? In error??? This to me is unfathomable and quite frankly very suspicious. My family is in a hardship position because of this.

Over this year and a half, many things have changed. We now have a new baby and will need to purchase a larger home, but unfortunately because of this issue I could not refinance at the time therefore could not afford to rent my unit. In total the loss is substantial. With a refinance my savings would have totaled \$12,600. I respectfully urge the Village of Port Chester Building department to develop a final, detailed, punch list of CO demands for the building and respectfully demand they wrap up their case against the LCA. This has been negatively affecting the community for too long and needs to be rectified immediately.

Thank You

Sincerely,

*Jacqueline Lynch*

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BY: LEAH RAE  
WESTCHESTER JOURNAL NEWS 7/4/2013

## Port Chester condo owners can't sell, stalled by code dispute



Patricia Camien Shannon, 91, is among the people held up from selling or refinancing their condos at 1 Landmark Square. / Tania Savayan/The Journal News

[More](#)

**PORT CHESTER** — Patricia Camien Shannon is more than ready to trade in her condominium for an assisted-living arrangement.

An energetic woman of 91, she's held out pretty long.

But sales at the Landmark condominium in Port Chester, a former Life Savers factory, are held up by a year-old dispute between the building management and the village. The condominium faces citations over its sprinkler and fire-safety system. Attempts to sell or refinance over the past year have been stalled for lack of proper building certificates, and transactions have reached a halt.

Shannon, unable to sell and in need of help, moved to a Connecticut apartment so her son can check on her regularly.

"I've run out of money. I didn't expect to live this long, to tell you the truth," she said last month. "I can't borrow anymore. I'm too old, that's what they tell me."

Miley issued what he called a "wake-up call" – a ticket to Nardo Associates and the association to appear in criminal court July 18. A testing company hired by the Landmark found deficiencies in the sprinkler and the pump that operates it, he said.

"Myself in good conscience would not issue a CO with a deficient sprinkler system, a deficient alarm system," Miley said. "Not happening."

The village also is requiring a permit for installation of the laundry facilities, following a minor fire in a dryer ventilation system in May.

For residents, the disruptions are costing real money.

"We all feel like we're being held hostage," said William C. Shannon, who is handling the sale of his mother's unit. The delay is using up the last of her savings, he said. Her buyer needs an occupancy certificate to obtain a loan and close the deal.

Rena Capizzano said she sold her unit at the end of April, but only after delays and concessions that cost her about \$30,000.

Residents are in effect paying the price for the village's problem, said Paola Cortona, the top real estate broker at the building. She said that, after years of normal transactions, she's seen only three sales, all cash, go through in the past year.

Frank Troha said he and his wife lost a buyer and a great bargain on a place they wanted to buy in Connecticut. Like many village residents, he wants Port Chester officials to focus their crackdown on scofflaws that are guilty of repeated violations.

"They justify it by saying this is going to clean up the overcrowding/illegal-housing situation," he said. "When in fact, it's driving every honest property owner nuts."



## Building Department

Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573

Peter J. Miley  
Building Inspector  
Director of Code Enforcement

(914) 939-5203  
Fax (914) 939-8747  
PMiley@portchesterny.com

August 5<sup>th</sup> 2013

Landmark Condominium Association  
1 Landmark Square  
Port Chester, NY 10573

### Landmark Association

*In response to a petition* drafted by the Coalition of Concerned Landmark Condominium Owners thereby requesting a "final and detailed punch list" of items required for the issuance of a permanent Certificate of Occupancy, the follows items below address the request and provide an accurate and detailed list of the balance of items required for the issuance of a Permanent Certificate of Occupancy.

In addressing bullet point no. 2 of the petition: The Building Department has always been responsive and has cooperated since the initial issuance of the renewed building permit and subsequent Temporary Certificate of Occupancy. The Building Department has been consistent with the requirements so that it can issue a permanent Certificate of Occupancy. Provided are copies of the relevant documentation and emails that illustrate and substantiate the building departments willingness to assist and has, from the day the original Building Permit has been renewed (10/22/12) provided clear and unmodified direction from the Building Department since our initial consultation on July 5<sup>th</sup> 2012 over 13months ago.

On August 4<sup>th</sup> 2013 a progress consultation commenced to address the final items required so that a permanent Certificate of Occupancy can be issued, present were Peter Miley and Gary Gianfrancesco of Arconics (by phone).

Results and balance of the CO requirements are as follows:

- As-built plans-provided however, lacks laundry facility design including washer and dryer installation. A recent consultation with Gary G was held on Friday August 2<sup>nd</sup> to review the requirements. The installation and/or change of the mechanical system, gas lines and electrical within said space will require separate permits. Permit application will require (3) sets of engineered drawings, a licensed and insured contractor and a fee based on the cost of installation for the work. A separate plumbing, HVAC and Electrical permit will be required. The permit will be separate from the renewed building permit so that a permanent CO will not be further delayed.
- As-built survey: Provided

- Walkthrough with Building Inspector Peter Miley 3/19/13 conducted however revealed a number of building issues including the safety of the pool i.e. locking gates, pool alarms and cover. Pool protection from children is required prior to the issuance of a permanent CO.
- CO issuance requires that building pass a Fire Inspection and receives a Certificate of Compliance, to date; this has not been completed. Deficiencies are as follows:
  - Sprinkler/ Standpipe System
    1. Sprinkler/ Standpipe system failed and requires multiple modifications as per list generated by William Barnes of Replacement of 6 painted or inoperable sprinkler heads
    2. Class 2 fire house rack & reel hydrostatic testing & replacement of 50 lengths of hose.
    3. Install 24 fire nozzles.
    4. Install fire sprinkler cabinet with spare heads and wrenches.
    5. Install 20 sprinkler gauges.
    6. Perform a 5<sup>th</sup> year hydrostatic test on each standpipe/sprinkler system.
    7. Perform a 5<sup>th</sup> year investigation on the sprinkler check valve assemblies.
    8. Perform a 5<sup>th</sup> year investigation on the sprinkler alarm valve assemblies.
    9. Perform a 5<sup>th</sup> year obstruction/hydrostatic test on the fire department connection.
    10. Perform an annual fire pump test.
    11. 13 new fire sprinkler flow switches were installed and will need to be interlocked by the alarm company @ which time we can witness performance.
  - Fire Pump: annual test required and certification NPFA 20 signed and certified by a licensed testing company. Fire Pump augments the lack of water pressure for the proper operation of the sprinkler system.
  - Fire Alarm test: NFPA 72 Certification signed by the licensed testing company (scheduled for Thursday August 8<sup>th</sup> 2013)
  - Elevator Test and certification, requires proper fire recall during an alarm and to review proper smoke alarms in shaft and penetrations. Certificate of compliance required from a licensed elevator testing company.
  - Emergency Generator: Original test failed; currently building is under temporary power by a temporary generator. Generator supplies back-up power to all of the emergency exit lighting and egress lighting in the corridors and stairwells. NFPA 110 certification signed by a licensed company is required.
  - Electrical Underwrites Certificate indicating that original wiring is adequate and code complaint. Electrical inspection failed, 53 deficiencies exist and require repair. A separate third party inspection is required. CO requires that a valid, satisfactory Underwriters Certificate be issued to the building.
  - Final Plumbing Inspection: Requires the relocation and accessibility of all gas "shut offs" to all gas fired dryers. A gas leak test and the installation of CO detectors are also required.
  - Final Building Department Walkthrough separate of the Fire Inspectors Walkthrough after all items have been completed.

In addition, a separate permit renewal of the Garage: permit renewal G-11156 "replace top level" remains open and in violation. This permit will not hold up the issuance of a CO on the building however, this will need to be addressed in the near future.


A joint consultation with attorney Brandon Sall and architect Gary Gianfrancesco was held on 6/18/2013 whereas the same lists of final items were provided. It's my understanding that Mr. Gary Gianfrancesco is coordinating the balance of inspections, some to be done on August 8<sup>th</sup> 2013. Soon after, contingent on passing the inspection and tests, Mr. Gianfrancesco plans on submitting a complete set of documentation to

substantiate the "passing" of the required life safety systems; this will be part of the application for a permanent Certificate of Occupancy.

As I have in the past, I will be actively coordinating with Gary Gianfrancesco and Building Management to assist and complete the final requirements so that I can issue a permanent CO however, I cannot move forward without the willingness and diligence of Building Management to provide what is the Building's responsibility, the final items as listed above.

I look forward to continue working with the Landmark and will be happy to assist you in any way that I can.

Regards,

  
Peter J. Miley  
Building Inspector  
Director of Code Enforcement

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## **PRESENTATION**

### ***Ed Eways and Charlie Scopoletti regarding the Natalie Crespo kick ball event on August 10, 2013.***

Mr. Eways spoke about the upcoming Natalie Crespo kick ball event which will be held at Port Chester High School on Saturday, August 10, 2013 from 12:00 p.m. to 4:00 p.m. Mr. Scopoletti spoke about Natalie's spirit and sang a song that was written for Natalie.

### ***Planning Commission Applications Update.***

Mr. Gomez and Ms. Youngblood presented to the Board a monthly update of all recent Planning Board applications and the approval progress. Mayor Pagano and the Board asked Mr. Gomez to give them quarterly updates on the Planning Board applications.



## **CORRESPONDENCES**

***From Port Chester High School Soccer Club requesting the use of Columbus Park on Saturday, August 17, 2013 from 12:00 Noon to 4:00 PM.***

The Board referred the correspondence to staff.

***From Port Chester Dog Park Group is requesting the use of Abendroth Park for a tag sale on September 14, 2013.***

The Board referred the correspondence to staff.

## **DISCUSSION**

***Purchase of two new Police Motorcycles.***

During the discussion section of the meeting, Trustee Marino asked for a motion to consider an add-on resolution to purchase two new Police Motorcycles. There being no objections, on motion of Trustee Marino, seconded by Trustee Kenner, the motion received a unanimous vote of those present.

ROLL CALL

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

NOES:

ABSENT: Trustee Terenzi

DATE: August 5, 2013

### **Add-on Resolution**

#### RESOLUTION

BUDGET AMENDMENT – CLOSE OLD POLICE VEHICLE PROJECT TO NEW POLICE DEPARTMENT VEHICLE PROJECT TO PURCHASE 2 NEW HARLEY DAVIDSON MOTOR CYCLES FOR POLICE DEPARTMENT

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

WHEREAS, the Police Chief is recommending the purchase of two new Harley Davison Motor Cycles not to exceed \$50,000, and

WHEREAS, \$20,933.99 would come from the closing of the 2009/10 Police Vehicle Project 5.3120.203.2009.0095 & 5.3120.204.2009.95, and

WHEREAS, the additional funding will come from General Fund Contingency Account 1.1999.400, and

WHEREAS, a new Police Vehicle Project, 5.3120.203.2013.133, for the purchase of the two (2) Harley Davison Motor Cycles would be established. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2013-14 General Fund and Capital Fund Budget.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Terenzi

DATE: August 5, 2013

## **RESOLUTIONS**

### RESOLUTION #1 POLICY OF THE VILLAGE OF PORT CHESTER FOR CO-SPONSORING SPECIAL EVENTS

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:

WHEREAS, the Board of Trustees has received many requests for the Village to co-sponsor special events that are not associated with state legal holidays ; and

WHEREAS, such requests involve the use of Village resources in a challenging fiscal environment and potential claim exposure; and

WHEREAS, there is a need to evaluate such requests in a more comprehensive manner; and

WHEREAS, a formal policy would serve as the basis for the review of future requests. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby adopts the following policy with regard to the Village of Port Chester co-sponsoring special events that are not associated with state legal holidays:

1. The applicant must be a 501(c) (3) corporation that provides services in the Village of Port Chester for village residents.
2. The applicant must have been incorporated for a minimum of two years.
3. The event serves a public purpose.
4. The applicant must register a request no less than 45 days and no earlier than 90 days prior to the date of the event.
5. Any request will require the input of Village staff.
6. The Village's contribution is a maximum of \$1,000 and is in the form of in-kind services.
7. If approved by the Board of Trustees, the applicant must execute an agreement satisfactory in form to the Village Attorney, comply with the Village's insurance requirements and agree to defend and indemnify the Village of Port Chester.
8. The Village will co-sponsor no more than five special events in any given calendar year. Applications will be considered on a first-come, first-serve basis

and, be it further

RESOLVED, that the Village Manager publicly disseminate said policy in a manner that he shall best determine.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Terenzi

DATE: August 5, 201

RESOLUTION #2  
 BUDGET AMENDMENT – DEA FUNDS TO PURCHASE  
 5 PATROL PC MOBILE COMPUTERS WITH CABLES & BLACLIT KEYBOARD  
 5 BROTHER MOBILE PRINTERS, AND 1 BROTHER MOBILE PRINTER & HAVIS MOUNT  
 FOR CAR 54

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:

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase from L-Tron Corporation, 596 Fishers Station Drive, STE 1A, Victor, NY 14564, NYS Contract PT60949, the following items:

5 Patrol PC Mobile Computers with Built in Scanners	\$24,835.80
5 Patrol PC Power Cable and Backlit Keyboard	\$ 1,921.10
5 Brother Mobile Printers, Car Adapter, USB Cables	\$ 1,840.50
1 Brother Mobile Printer and Havis Mount (Car 54)	<u>\$ 926.87</u>
Total	\$29,524.27

Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2013-14 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(29,524.27)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$29,524.27
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Appropriations:

001-3120-0200	Police Equipment	\$29,524.27
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APPROVED AS TO FORM:

\_\_\_\_\_  
 Anthony M. Cerreto  
 Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Terenzi

DATE: August 5, 2013

RESOLUTION #3

MEMORANDUM OF AGREEMENT AND SUCCESSOR COLLECTIVE BARGAINING  
AGREEMENT BETWEEN THE VILLAGE OF PORT CHESTER AND THE  
PORT CHESTER POLICE ASSOCIATION, INC.

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 and the Port Chester Police Association, Inc., entered  
into negotiations for successor agreement to a contract that expired on May 31, 2013; and

WHEREAS, those negotiations have been successfully concluded; and

WHEREAS, the parties have arrived at a tentative agreement covering the period of June 1,  
2013 through May 31, 2014. Now therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies and approves the Memorandum of  
Agreement dated July 23, 2013 annexed hereto with the Port Chester Police Association, Inc.; and be  
it further

RESOLVED, that the Village Manager be authorized to execute the successor agreement when  
it is prepared; and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the General  
Fund Budget as follows:

**GENERAL FUND**

Transfer From:

Contingency

1.1990.0400	Contingency	\$233,914
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Transfers To:

Police Department

1.3120.100	Salaries	\$148,198
1.3120.101	Overtime	\$11,250
1.3120.105	Out of Title	\$525
1.3120.106	Holiday Pay	\$4,375
1.3120.124	Sick Incentive	\$375
1.3120.125	O/T V. Court	\$300
1.3120.125	O/T C. Court	\$625
1.3120.143	In Service Training	\$2,875
1.3120.197	Vacation Buyout	\$1,175

1.3120.198	Super Holiday Pay	\$500
1.3120.199	Final Retirement Payout	\$1,875
1.9030.802	FICA	\$10,669
1.9030.810	Medicare	\$2,495
1.9010.801	NYS Police & Fire Retirement	\$48,677
<b>Total</b>		<b>\$233,913</b>

APPROVED AS TO FORM:

\_\_\_\_\_  
 Anthony M. Cerreto  
 Village Attorney

ROLL CALL

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

NOES:

RECUSE: Trustee Ceccarelli

ABSENT: Trustee Terenzi

DATE: August 5, 2013

RESOLUTION #4  
 SENIOR NUTRITION TITLE III-B

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 the Village Manager be and is authorized to enter into an agreement with the County of Westchester for the Older Americans Act and New York State Community Services for the Elderly Act, for Title III-B for \$15,274.00 to cover the programs provided by the Village of Port Chester for period covered January 1, 2013 through December 31, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
 Anthony M. Cerreto  
 Village Attorney

ROLL CALL

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

NOES:

ABSENT: Trustee Terenzi

DATE: August 5, 2013

## **CORRESPONDENCES**

***From Alex Payán resigning from the Village of Port Chester Waterfront Commission, effective July 13, 2013.***

The Board accepted the correspondence.

***2013 Columbus Day Parade.***

The Board referred the correspondence to staff.

***From Cablevision – Retiring of News 12 Traffic and Weather to Broadcast Basic.***

The Board acknowledged the correspondence.

***From State of New York Department of Transportation – ADA Sidewalks and Ramps Improvements.***

The Board acknowledged the correspondence. The Board asked Mr. Steers for more information regarding Putnam Avenue at the next meeting.

***From U.S. Department of Housing and Urban Development.***

The Board acknowledged the correspondence.

***From Village of Port Chester Justice Court designating Marshal Carroll as the Chief Marshal.***

The Board accepted the correspondence.

***From Nicholas Melillo regarding the first annual Chucky Melillo Sofball Classic and Family Fun Day.***

The Board acknowledged the correspondence.

***From Town of Greenburgh – Complaints about Telephone Poles and Wires.***

The Board asked staff to draft a letter and have a resolution ready for the next meeting.

***From Lisa Dileo requesting permission to block off the street from Irenhyl to Irving Avenue for their annual “Breckenridge Avenue Block Party” on Sunday, September 15, 2013.***

The Board referred the correspondence to staff.

***From Port Chester-Rye Brook EMS requesting the re-appointment of David Byrnes to the EMSC.***

The Board accepted the correspondence.

***From Andrea Winchester requesting permission to block off Linden Street for their annual “Block Party” on Saturday, August 31, 2013.***

The Board referred the correspondence to staff.

***From Harry Howard Hook and Ladder Company No. 1 on the resignation of Nicholas Melillo and Michael Spadaro from membership.***

The Board duly noted the correspondence.

***From the Church of Our Lady of Rosary requesting permission to have a procession on October 6, 2013.***

The Board referred the correspondence to staff.

***From Port Chester Taxi Association.***

The Board acknowledged the correspondence and asked the Village Clerk to post a notice on the village website, open vacancies for the Taxi Association.

## **MINUTES**

***Minutes from June 13, 2013 and June 17, 2013.***

Trustee Adams made a motion, seconded by Trustee Marino, to combine the minutes of June 13, 2013 and June 17, 2013 of the agenda for the purpose of casting one vote for both minutes. The minutes of June 13, 2013 and June 17, 2013 was adopted by the Board of Trustees of the Village of Port Chester, New York.



ROLL CALL

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

NOES:

ABSENT: Trustee Terenzi

Date: August 5, 2013

**PUBLIC COMMENTS AND BOARD COMMENTS**

***Public:***

Mr. Frank Ferraro commented regarding code enforcement and the proposed modification to the amnesty program and communication between the government and residents.

Mr. Richard Abel commented regarding project improvements at Broad and Pearl Street and Westchester Avenue.

***Board:***

Trustee Adams commented about the residents who spoke during the public comments section of the meeting regarding 1 Landmark Square and when Mr. Steers was responding to their comments. Trustee Adams gave his condolences to the Holder and Foust families and congratulated Gabriel Erik Escobar for coming in second place at the Tae Kwon Do Competition Expo in Tokyo.

Trustee Brakewood commented regarding Mr. Hyman's comments during the public comments section of the meeting. Trustee Brakewood commented regarding Columbus Park and the waterfront access. Trustee Brakewood also commented regarding code enforcement policy and the residents of 1 Landmark Square.

Trustee Marino also commented regarding the code enforcement policy and a fundraiser benefit for the son of village employee, Rocky Morabito.

Trustee Kenner gave his condolences to the Holder and Foust families.

Trustee Ceccarelli commented about the residents at 1 Landmark Square and the amnesty program. Trustee Ceccarelli commented regarding the Waterfront Commission and Port Chester Unity Day.

Mr. Steers addressed the Board and the public on some of the comments that were made during the public comments section of the meeting regarding the code enforcement policy.

At 10:15 p.m., on motion of Trustee Adams, seconded by Trustee Marino, the meeting was closed.

Roll Call

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

NOES:

ABSENT: Trustee Terenzi

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

