

MEETING HELD OCTOBER 7, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, October 7, 2013, 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.

It should be noted that Trustee Kenner arrived at 5:15 p.m. and Trustee Terenzi arrived at 5:16 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; Christopher Ameigh Administrative Aide to the Village Manager.

On motion of Trustee Adams, seconded by Trustee Brakewood the meeting was declared opened at 5:13 p.m.

ROLL CALL

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

NOES: None

ABSENT: Trustees Kenner and Terenzi.

DATE: October 7, 2013

WORK SESSION

On possible projects in the Village of Port Chester utilizing the services of National Council for Community Development, Inc. d/b/a National Development Council.

Village Manager Steers stated he is working with a rep from National Development Council who is working with the Village on development and the cost benefit and analysis and other issues that might come up with economic development.

Michael A. Cucchiara said he is a director of the Director from National Development Council (NDC), selected to help the Village with the economic development and financial advisory. They have a national interest in community development. It also includes a technical assistance division and small business lending. Includes Economic Development Consulting Services, Grow America Fund, HEDC New Markets (a US tax credit program for low-income communities, of which Port Chester is eligible), Corporate Equity Fund (tax credits for historic or low income housing), HEDC Public Facilities Division (lending money for public infrastructures), and Training Division (teaching underwriting skills to non-profits). He commented they are basically an at-cost financier because they are non-profit. NDC has worked with school districts with the City of Hartford in building a magnet school.

NDC consider themselves to be an extension of the municipal client staff. It includes the Grow America Fund, a business lending fund. New Markets is not a competitive process. In terms of their general consulting services there is no limit to that. When projects are being done you have

to think of the time lag process. Presently we are working with Yonkers, New Rochelle and a waterfront redevelopment in Norwalk.

Trustee Kenner asked about the New Rochelle project and if NDC did the financing. Michael stated it involved pilot negotiations with a long term financial agreement over the next 50 years.

Mayor Pagano asked in building a garage who actually owns it during the time the debt is retiring. Michael said NDC are actually the asset manager. The management of the garage can be worked out through the lease.

NDC can help municipalities estimate the costs of maintenance in buildings as far as power. They do not do energy assessments.

Mayor Pagano commented the Municipal Center would be a priority project. NDC is more interested in the implementation stages.

Trustee Terenzi commented on the Sewer Rent Project and how the Village is planning on managing the revenue stream. NDC has worked with this in Pennsylvania and, although they did not do the project, gained much insight.

Trustee Brakewood brought up Starwood and overcrowded schools. NDC works with projects around eminent domain although this is more of a code enforcement.

Mayor Pagano asked Village Manager Steers for the top projects to be considered.

At 6:15 p.m., on motion of Trustee Marino, seconded by Trustee Ceccarelli the Board adjourned into an executive session regarding promotions of particular persons in the Port Chester Police Department.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Acting Police Chief, John R. Telesca and Christopher Ameigh Administrative Aide to the Village Manager.

No action was taken in executive session.

At 7:05 p.m., a motion to come out of executive session was made by Trustee Adams, seconded by Trustee Marino, the Board of Trustees closed the executive session.

ROLL CALL

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

DATE: October 7, 2013

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION
RE:

Public Hearing to consider a local law further modifying the permit amnesty period of the Permit Amnesty Program.

The following Public Notices were duly published in the Journal News and the Westmore News on September 20, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News

PUBLIC NOTICE
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, October 7, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider an interim local law further modifying the Amnesty period with regard to Local Law No. 4 of 2012 establishing a Permit Amnesty Program.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: September 17, 2013

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

On motion of Trustee Adams, seconded by Trustee Ceccarelli, the public hearing was declared open.

ROLL CALL

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

DATE: October 7, 2013

Mayor Pagano commented the Amnesty Program has been extended out to May 2016. There has been a reconsideration of that. He asked Village Manager Steers for his professional opinion on whether or not it is prudent to do that. In the building department there are 4 people handling amnesty staff. We are going to lose 2 of them a year from now. Village Manager Steers maintains his position with the planning board's recommendation that we stick with May 2016. We don't have statistics to indicate what the impact will be.

Village Attorney Cerreto advised it would be necessary to have a hearing on the 21st to change the Amnesty date.

Ms. Goldie Solomon commented that the Amnesty Program violates search and seizure rights of the Bill of Rights.

Ms. Bea Conetta commented the Amnesty Program is the worst thing to happen to Port Chester. Suggested the Village should provide a list of what you need permits for.

Ms. Linda Turturino commented that she understands why the Village wants to do the Amnesty Program, because of the safety issues and such. If you want to give the residents a break there should be no fee to sign up, if anything is found in the home prior to the person's buying the home you should not be found for; and if there is anything found there should be no fee because the homeowner is going to be responsible for the repairs.

Mr. Frank Ferrara spoke in favor of keeping the Amnesty Program May 2016 date in place.

Trustee Marino commented that the problems were created by the people of the Village and they do not deserve to get a free ride.

Trustee Brakewood said that if the enrollment into the program ends in 2014 it does not eliminate the workload of the staff. Village Manager Steers commented that we should have it manageable by that time. If not, we will need to add staff.

Ms. Bea Conetta said people were frightened into joining the program.

Trustee Marino made a motion to change the Amnesty date from May 31, 2013 to September 30, 2014, seconded by Trustee Kenner.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

Trustee Kenner made a motion to adjourn the Public Hearing to October 21st, seconded by Trustee Ceccarelli.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

PUBLIC COMMENTS

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

Ms. Goldie Solomon commented on the National Council of the Community Development and hope they do not touch our waterfront park. Our Village is overtaxed because we are a low income village and have to pay higher taxes. Work for city status and we will have lower taxes.

Ms. Heather Paul commented on the Village Police Department articles in the Westmore News and Journal News. The railroad station is has no walkover with no amenities. The Westmore News has run an article on out of town children in the Port Chester schools.

Village Attorney Cerreto stated we have a very poor relationship with Metro North. Trustee Brakewood said we need to work with the Justice Department on ADA.

Ms. Goldie Solomon noted that there is much trash thrown on the ground around the railroad station, which Metro North ignores.

Mr. Giangrande made a comment that the Port Chester Parks Department has a state mandated charter and we have sole control of parks. Commented on the Dog Park and T-Ball field. The Rec commission should stay out of the Parks commission business.

Village Manager Steers suggested meeting individually with each department and doing a workshop.

Mr. Giangrande thanked George Latimer for getting State money for funding.

Ms. Bea Conetta commented on the Westmore News regarding the Police Department articles regarding Rich Savage and Chief Krzeminski.

Ms. Linda Turturino commented on two dog events and fundraising for the dog park.

A resident commented on the Starwood progress.

Mayor Pagano and Barry Thurman had a meet and greet session to discuss what is going on in the Village. We need to mitigate as to the impact on this community. Starwood can have whoever they want to do the study as long as we have someone on the committee.

Village Manager Steers commented on the mitigation on schoolchildren. There needs to be a study done.

Mr. Morlino commented on Code Enforcement. A challenge for residents to know what's happening. A resident calls up with a complaint or issue, gets a tracking number and the resident can follow it on line. Second point is quality of life issues in Port Chester.

Village Manager Steers said the Village has some new software. We are now working on updating some of our machines to use the Code Enforcement software. We are working with Public Works on the sidewalk issues. Based on the new software it is real time.

RESOLUTIONS

RESOLUTION #1

EAST COAST GREENWAY

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

WHEREAS, after presentation by the East Coast Greenway Alliance ("Alliance"), the Board of Trustees referred to the Traffic Commission a proposed change of route of the East Coast Greenway ("Greenway") using North and South Main Streets, also designated as U.S. Route 1) instead of Abendroth Avenue as originally proposed and approved by the Board; and

WHEREAS, by letter dated August 27, 2013, the Traffic Commission favorably recommended such new route and signage; and

WHEREAS, letter dated September 13, 2013, the New York State Department of Transportation has advised that they have no objection to the new route and would install signage on U.S. Route 1 which is a bicycle route in the 2001 Mid Hudson South Region Bicycle and Pedestrian Master Plan developed by the New York Metropolitan Transportation Council; and

WHEREAS, the Greenway would promote recreational opportunities, attract tourist interest and encourage shopping and doing business in the Village. Now, therefore, be it

RESOLVED that the Board of Trustees hereby affirms its support of the efforts of the East Coast Greenway Alliance and grants any necessary permission for the passage of the East Coast Greenway through the Village of Port Chester along the route recommended by the Traffic Commission.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

RESOLUTION #2

**AGREEMENT WITH WESTCHESTER COUNTY
PRISONER TRANSPORTATION**

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

WHEREAS, pursuant to Sections 500-c and 500-d of the New York Corrections Law, prisoners are required to be transported from municipalities to the Westchester County Jail in Valhalla, New York; and

WHEREAS, the Village of Port Chester has had a long-standing agreement to cooperate in providing such prisoner transportation with reimbursement based on mileage; and

WHEREAS, the current agreement has expired and a renewal agreement has been proposed by the County to continue to receive such services; now, therefore, be it

RESOLVED, that the Village Manager be authorized to execute an agreement in the form annexed with the County of Westchester with regard to reimbursement for prisoner transportation between the Village and the County Department of Correction for the period beginning January 1, 2013 and ending on December 31, 2014.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

RESOLUTION #3

AWARD WITH REGARD TO MEDICAL, DRUG AND ALCOHOL TESTING

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

WHEREAS, through a competitive Request for Proposal ("RFP") process the Village of Port Chester solicited proposals for medical, drug and alcohol testing of prospective and current Village employees and officers; and

WHEREAS, two proposals were submitted to the Village; and

WHEREAS, the retainer of a single vendor to provide these services is an important part of the Village's comprehensive risk management program. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with Partners in Safety, 15 North Broadway, White Plains, New York 10601, for the provision of medical, drug and alcohol testing of prospective and current Village employees and officers, with a term of three years and compensation as provided in the annexed schedule.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

RESOLUTION #4

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

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 authorized to submit an application to the Westchester County Health Department for renewal of permit number 01-K385-A which expires November 30, 2013 for food service establishment regarding the Port Chester Nutrition Program at 220 Grace Church Street.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

RESOLUTION #5

**BUDGET AMENDMENT – DEA FUNDS TO PURCHASE
RADIO'S AND ACCESSORIES FOR THE TWO NEW MOTOR CYCLES**

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

WHEREAS, the Acting Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase radios and accessories for two new police motorcycles for \$5,977.20 from Motorola Solutions, C/o Metrocom, 31 Plainfield Avenue, Bedford Hills, NY 10507, NYS Contract PT62495. 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	\$(5,977.20)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$5,977.20
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Appropriations:
001-3120-0200 Police Equipment \$5,977.20

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

RESOLUTION #6

RETAINING SPECIALIZED COUNSEL WITH REGARD TO A PROPOSED SOUTHERN GATEWAY MIXED USE OVERLAY DISTRICT

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

WHEREAS, by resolution adopted on December 17, 2012, the Village of Port Chester adopted its first-ever Comprehensive Plan which identifies goals, objectives, principles, and policies for the immediate and long-range protection, enhancement, growth and development of the community; and

WHEREAS, by local law enacted on March 18, 2013, the Village adopted related zoning amendments as part of a multi-phased approach to implement the land use and zoning recommendations of the Comprehensive Plan; and

WHEREAS, on August 20, 2013 the Village of Port Chester Board of Trustees hosted a public workshop where planning staff presented overlay concepts purposed to further implement the land use and zoning recommendations of the Comprehensive Plan; and

WHEREAS, staff has since prepared a draft zoning amendment for a “Southern Gateway Mixed Use Overlay District” that includes the CD Design Shopping and PMU Planned Mixed Use Districts on the Boston Post Road; and

WHEREAS, the proposed overlay district is supported by and consistent with the Comprehensive Plan which recommends “...a mix of both residential and non-residential uses to reinforce existing uses and activate underutilized portions of the area as a means to incentivize appropriately scaled economic development opportunities”; and

WHEREAS, staff has recommended the retention of specialized land use/environmental counsel to provide a legal review of the proposed zoning amendment and develop the proper procedures for compliance with the State Environmental Quality Review Act for presentation to the Board of Trustees for subsequent discussion in a workshop format; and

WHEREAS, Starwood Capital, LLC has made a proffer to fund such expense; and

WHEREAS, such work-product will be presented to the Board of Trustees for consideration and discussion in a public meeting/workshop. NOW, THEREFORE, be it

RESOLVED, that the Village Manager is authorized to enter into a retainer agreement with Sive, Paget & Reisel, P.C., to provide legal services with regard to a proposed formulation of a Southern Gateway Project, compensation to be capped at \$26,000 and as otherwise set forth in the proposal dated September 26, 2013, and be it further

RESOLVED, that the proffer of Starwood Capital, LLC to fund such expense is hereby accepted.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

RESOLUTION #7

GRANT APPLICATION FOR THE POLICE JUSTICE COURT

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

WHEREAS, the Village of Port Chester Police Justice Court serves a vital purpose to ensure fair justice in the Village; and

WHEREAS, the Court has one of the heaviest dockets of all local courts in the State of New York; and

WHEREAS, the State of New York Unified Court System invited the Village to apply for a Justice Court Assistance Program (JCAP) Grant, with a maximum award of \$30,000; and

WHEREAS, the Court Clerk has recommended that the Village submit a grant to fund audio and presentation equipment, office furniture, a cash bill counter, storage for old files and painting of the hallways at the Justice Court; and

WHEREAS, the deadline for the 2013-2014 JCAP Grant is October 15, 2013.
Now, therefore, be it

RESOLVED, that the Mayor be and hereby is authorized to submit an application for a Justice Court Assistance Program (JCAP) Grant, requesting \$34,092.09 in funding in accordance with the needs assessment prepared for such purpose by the Court Clerk.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

DISCUSSIONS

Showboat / Riverboat Proposal

Mr. William Frenz commented on Waterfront entertainment. I have been in front of you for the past seven years and have pictures of the waterfront restaurant in back of the Willett House, on the water. I am looking to have a license agreement with the Village. March '09 submitted to the Building Committee plans for the Boat to be considered a structure. April '09 submitted to the Planning Commission with architectural plans. In May '09 U.S. Army Corps of Engineers to insure that all dock plans were in order. In 09 the Coast Guard passed inspections of your restaurant. This would be a permanent structure rather than a floating vessel.

Mayor Pagano asked what benefits it would provide to the Village. It would provide the bathrooms at marina, an ADA gangway, pump out station plus the rental for 10 slips. This would be a year-round operation with live entertainment and a limited menu. Based on the present business model it will employ 28-32 people and can hold up to 149 people. The hours are Mon – Fri 11 a.m.-midnight, Sat 11 a.m. am – 2 am, Sun 2 p.m.-midnight.

Trustee Marino asked what the next steps are. Village Attorney Cerreto said he would make a resolution for the next board meeting. Attorney Cerreto will prepare a checklist for Mr. Frenz.

Trustee Brakewood questioned whether this restaurant would be paying taxes.

CORRESPONDENCES

Mayor Pagano asked for a motion to combine correspondence 1, 2, 3, 4, 5 and 6 of the agenda for the purpose of casting one vote for all of the combine correspondences. There being no objections, on motion of Trustee Marino, seconded by Trustee Kenner, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

From Fire Patrol & Rescue Co. No. 1 on the election of new member Nick Melillo.

From Fire Patrol & Rescue Co. No. 1 on the election of new member Augustine Diaz.

From Fire Patrol & Rescue Co. No. 1 on the election of new member Michael Spadaro.

From Fire Patrol & Rescue Co. No. 1 on the resignation of Ryan Iarocci as a member

From Harry Howard Hook & Ladder Co. No. 1 on the resignation as a member of Eric Snyder

From Harry Howard Hook & Ladder Co. No. 1 on the expelling of member Robert Painter

Mayor Pagano asked for a motion to accept correspondences 1, 2, 3, 4, 5 and 6 of the agenda. There being no objections, on motion of Trustee Marino, seconded by Trustee Kenner, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

Liquor License Renewal for El Palacio

The Board duly noted the correspondence.

From the Traffic Commission regarding the crosswalk in front of 50 South Main Street

The Board duly noted the correspondence.

PUBLIC COMMENTS AND BOARD COMMENTS

Board

Trustee Adams congratulated Trustee Brakewood on his 5K run.

Trustee Brakewood re decal parking permits. He inquired on prepaid decal permits for handicapped.

Trustee Brakewood agreed with the quality of life issues. Had a good meeting with NDC. One of the things they cannot help us with is the planning before we get into the building and financing.

Trustee Terenzi commented on the retirement of Richie Savage and his help with kids in baseball.

Starwood property is going down in value and we need some ideas to make the right decision.

Trustee Ceccarelli commented on the protest of tickets.

At 9:32 p.m., on motion of Trustee Brakewood, seconded by Trustee Marino, the meeting was closed.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 7, 2013

Respectfully submitted,

Janusz R. Richards
Village Clerk