

MEETING HELD OCTOBER 21, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, October 21, 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 Brakewood arrived at 6:03 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; Building Inspector and Director of Code Enforcement Peter Miley, Christopher Ameigh Administrative Aide to the Village Manager, Village Planner, Jessica Youngblood and Village Engineer, Dolph Rotfeld.

On motion of Trustee Terenzi, seconded by Trustee Marino the meeting was declared opened at 6:02 p.m.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Brakewood.

DATE: October 21, 2013

MOTION FOR EXECUTIVE SESSION

At 06:03 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Marino the Board adjourned into an executive session for the purpose of interviewing a prospective candidate for appointment to the Port Chester Waterfront Commission.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

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

No action was taken in executive session.

At 6:12 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 21, 2013

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

Board of Police Commissioners to meet with the Acting Chief of Police.

At 06:13 p.m., on motion of Trustee Adams, seconded by Trustee Ceccarelli the Board adjourned into an executive session regarding status of pending investigation.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Labor Council Mr. Terry O’Neil and Acting Police Chief, John R. Telesca

No action was taken in executive session.

At 6:41 p.m., a motion to come out of executive session was made by Trustee Terenzi, seconded by Trustee Brakewood, 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 21, 2013

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION

RE:

The following Public Notices were duly published in the Journal News and the Westmore News on October 11, 2013 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, October 21, 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: October 8, 2013

/s/ JANUSZ R. RICHARDS

JANUSZ R. RICHARDS

Village Clerk

Village of Port Chester, New York

On motion of Trustee Ceccarelli, seconded by Trustee Kenner, the public hearing was declared re-open.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

PUBLIC COMMENTS

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

Ms. Goldie Solomon commented the Amnesty Program violates our Bill of Rights.

Mr. Giangrande commented that what people do not understand that when parents pass on and the children want to sell the house, they find out there is an illegal apartment. That is the amnesty program.

Mr. Gioffre commented that an educational session was held on the Amnesty Program and the importance of educating the public.

Ms. Bea Conetta said she had thanks from residents because they do not know what they need a permit for. The state does not require a permit for some of the things the Village is setting fees to do. The whole idea of the Amnesty Program is to go after the bad guys; we want you to be helpful to people when they sell their homes. Let the Program be open but punish the people who are knowingly building without a permit.

Mr. Richard Abel commented that he hopes that the Amnesty Program passes and is extended for a year.

On motion of Trustee Brakewood, seconded by Trustee Kenner, the public hearing was adjourn to November 4, 2013 meeting.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

PUBLIC COMMENTS

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

Ms. Goldie Solomon commented that all churches must have disable parking spots.

Mr. Richard Kochanowicz of Quintard Drive commented on the condition of his street. It has been 17 years since the street was paved.

Mr. Reavis thanked those who attended the annual NAACP event. Asked that the Board consider using some of the free money to provide support to the after school program for kids. Supports Vita Sileo's appointment to Deputy Village Clerk because she has worked with the Parks Commission.

Mr. Giangrande stated the Kiwanis Club will celebrate its 50th anniversary and in March will have a Breakfast.

Ms. Dina Goren thanked everybody who came out to support the Dog Park benefit. We raised \$2,300. We are about \$10,000 right now. Donations can be made through a website.

Mr. C. Montoya commented on the Amnesty Program. He and his parents are residents of Port Chester. Their house was a 3-family dwelling, purchased and used as a 3-family home until 1984. At that time they were told it was in a single family zone. Choose justice over secrecy. Equitable estoppel should preclude a party from bringing action. Port Chester residents need a defense against justice, a champion of the people.

Village Manager Steers asked Mr. Montoya if he submitted an Amnesty Program. Mr. Montoya said this was done the beginning of last summer.

Mayor Pagano said we are working for the people.

Trustee Brakewood said if there was a prescribed path that we should follow, we would have followed it.

Ms. Bea Conetta commented on Mr. Montoya’s situation. We have a lot of problems in Port Chester: The MTA program never took advantage of the ADA act; the building on Westchester Avenue should come down; the meter case; the police station robbery. The Board of Trustees is responsible for what goes on in this town.

RESOLUTIONS

RESOLUTION #1

APPOINTING OF POLICE LIEUTENANT WITH THE VILLAGE OF PORT CHESTER

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

RESOLVED, that Sergeant Robert Salerno, be and he hereby is promoted to Lieutenant with the Village of Port Chester Police Department.

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 21, 2013

RESOLUTION #2

APPOINTING OF POLICE SERGEANT WITH THE VILLAGE OF PORT CHESTER

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:

RESOLVED, that Police Officer Thomas Fleming, be and he hereby is promoted to Sergeant with the Village of Port Chester Police Department.

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 21, 2013

RESOLUTION #3

APPOINTMENT OF DEPUTY VILLAGE CLERK

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:

RESOLVED, that Vita Sileo, be and he hereby is appointed DEPUTY VILLAGE CLERK for the Village of Port Chester, New York, said appointment to be effective immediately and to expire on April 6, 2015, at an annual rate of compensation of \$7,500.00 or as heretofore adopted by the Board of Trustees, to be paid every two weeks.

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 21, 2013

CORRESPONDENCES #: 6 (Taken out of order)

From the Capitol Theatre Application for Limited Permission to Use Broad Street from October 31, 2013 to November 3, 2013.

Motion to Add-on a Resolution

Mayor Pagano asked for a motion to consider an add-on a resolution to permit for the limited closure of New Broad Street.

On motion of Trustee Brakewood, 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.

DATE: October 21, 2013

ADD-ON RESOLUTION #3A

PERMISSION FOR THE LIMITED CLOSURE OF NEW BROAD 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, in response to correspondence from Anthony R. Tirone, Esq., dated October 17, 2013, the Board of Trustees hereby grants permission to the Capitol Theater, LLC and Capital Enterprises, Inc. so as to provide for the limited closure of New Broad Street to vehicular traffic between Westchester Avenue and Irving Avenue adjacent to the Capitol Theater for purposes of public safety during an event scheduled for October 31, 2013 to November 3, 2013 during the hours of 3:00PM to 11:00 PM each day, subject to such conditions as may be imposed by the Village Manager and Acting Chief of Police; and be it further

RESOLVED, the Board accepts the pledge referred to in such correspondence on such terms as may be later determined.

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 21, 2013

RESOLUTION #4

CONCEPTUAL APPROVAL FOR THE SHOWBOAT RIVERBOAT AT THE PORT CHESTER MARINA

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

WHEREAS, William Frenz of Greenwich Connecticut (the “applicant”) submitted a complete Project Proposal Form to the Office of Planning and Development and subsequently presented a detailed business plan and request for license agreement to the Board of Trustees at the October 7, 2013 meeting; and

WHEREAS, the applicant proposes to operate a 1,584 square foot, two-story riverboat, known as the Showboat, as a restaurant/cabaret that would be permanently moored at the Village Marina adjacent to the pedestrian promenade on the Byram River, also designated as Section 142.31, Block 1, Lot 39.1 on the Tax Map of the Town of Rye (the “Project”); and

WHEREAS, the proposed mooring site is within the C2 Main Street Business District where both restaurant and cabaret are permitted uses; and

WHEREAS, as a permanently moored vessel, the Showboat must comply with all local and state building codes for structures as well as regulations of the United States Army Corp of Engineers and United States Coast Guard; and

WHEREAS, the applicant has submitted proposed license agreement terms for the use of the equivalent of 10 existing boat slips in order to accommodate the mooring of the 92-foot Showboat Riverboat; and

WHEREAS, as further consideration, the applicant has proposed the following enhancements to the Village Marina, such as a pump out station for boaters, ADA accessible bathroom facilities and 80-foot gangway, as well as upgrading existing electric and sewer service; and

WHEREAS, the Project is consistent with economic development recommendation #7 in the Village’s Comprehensive Plan (page 125), to promote the waterfront area as a

commercial, recreational and cultural destination by “encouraging downtown waterfront activities that include incorporating specific venues such as water-dependent entertainment uses and a waterfront performance facility”; and

WHEREAS, the proposed project is also consistent with the Village’s Local Waterfront Revitalization Program (LWRP) update that identifies “opportunities for Port Chester to gain unique waterfront attractions that would enhance downtown activity. Permanent mooring of entertainment-themed vessels could also provide for upgrades to adjacent marina facilities, as well as potential upgrades or extensions to the waterfront pedestrian walkway” (page 89); and

WHEREAS, the Local Waterfront Revitalization Program identifies and maps a potential permanently moored entertainment vessel in the Byram River adjacent to the Village owned promenade just south of Willet Avenue (page 82), at the location identified by the applicant; and

WHEREAS, the application as presented will require numerous approvals from various Village boards and commissions as set forth in the **annexed “Showboat Riverboat: Required Approvals,”** including but not limited to, site plan approval from the Planning Commission, potential variances from the Zoning Board of Appeals, LWRP Consistency Determination from the Waterfront Commission, and approval from the Architectural Board of Review, as well as an entertainment license from the Chief of Police or Village Clerk; and

WHEREAS, upon granting of conceptual approval from the Board of Trustees, the applicant shall schedule a formal pre-submission meeting with the Village Office of Planning and Development staff to coordinate and facilitate subsequent steps and approvals. NOW, THEREFORE, be it

RESOLVED, that the Board of Trustees grants conceptual approval to the Showboat application as presented so as to confer standing on the applicant to further proceed; and be it further

RESOLVED, that such approval is conditioned upon the applicant obtaining all necessary permits and approvals; and be it further

RESOLVED, that such approval is subject to an environmental review under the State Environmental Quality Review Act (SEQRA) and/or National Environmental Protection Act (NEPA); and be it further

RESOLVED, that final Board approval is necessary and subject to the negotiation and execution of a revocable license agreement on terms and conditions satisfactory in form to the Village Attorney, to include, but not limited to: term, compensation, insurance and indemnity, security to ensure faithful performance and potential abandonment, taxes, sewer rent and other user charges, and termination, approved by the Board of Trustees.

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 21, 2013



Showboat Riverboat: Required Approvals

Village of Port Chester Board of Trustees Meeting
October 21, 2013

-  1 Conceptual approval from Board of Trustees
 -  2 Detailed pre-submission meeting with Office of Planning and Development Staff
 -  3 Notice of Intent to Serve as Lead Agency for SEQR review – Board of Trustees
 -  4 LWRP Consistency Determination from Waterfront Commission
 -  5 Site Plan approval from Planning Commission
 -  6 Variances granted from Zoning Board of Appeals
 -  7 Architectural Board of Review approval
 -  8 License Agreement (public hearing) - Board of Trustees
 -  9 Coast Guard permanently moored vessel (PMV)/Potential Army Corps approvals
 -  10 Building Permits
 -  11 Certificate of Occupancy
 -  12 Entertainment License
- Approvals**

BOT
Other Local
Federal/State

RESOLUTION #5

FACILITATING FULL ACCESSIBILITY AT THE PORT CHESTER RAILROAD STATION FOR THOSE WITH DISABILITIES

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

WHEREAS, the Metro-North Port Chester railroad station does not fully provide for those with disabilities;

WHEREAS, the Village has been advised by the Metropolitan Transportation Agency/Metro-North Commuter Railroad that providing accessibility for north-bound passengers would be a significant expense and that disabled passengers may instead depart from the railroad stations in the City of Rye and Town of Greenwich; and

WHEREAS, as a result disabled persons and parents with young children in strollers, who desire to reside, shop, frequent or do business in the Village of Port Chester must suffer unnecessary inconvenience and hardship; and

WHEREAS, in the past decade the railroad has partnered with private developers in the Village; and

WHEREAS, the railroad entered into an agreement with G & S Investors to acquire the second level of the tiered parking facility at Waterfront Place to additional parking capacity; and

WHEREAS, the railroad has most recently contracted with Heartland Brewery to lease the railroad station for a restaurant/brew-pub with a reported figure of \$1.2 million in infrastructure improvements; and

WHEREAS, taken together with the economic revitalization of the Village's downtown, including the reopening of the Capitol Theater as a regional entertainment destination, ridership at the station should be at record-high levels suggesting a strong incentive to make the necessary work at the railroad station; and

WHEREAS, the issue of accessibility at the railroad station has come to light again given public comment in the social media; and

WHEREAS, the Board desires to understand the legal obligations of the M.T.A. so that it may determine how to best proceed. Now, therefore, be it

RESOLVED, that the Board of Trustees finds that full accessibility for the disabled at the Port Chester railroad station is a matter of paramount public concern; and be it further

RESOLVED, that the Village Attorney is hereby directed to make inquiry with the United States Department of Justice to confirm the applicable compliance requirements for accessibility at the Port Chester Railroad Station under the Americans with Disabilities Act of 1990 and to report back to the Board as to his findings by November 18, 2013.

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 21, 2013

RESOLUTION #6

AGREEMENT WITH THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY WITH REGARD TO CONSULTING SERVICES FOR COMMUNITY AND ECONOMIC DEVELOPMENT PROJECTS

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, the Village of Port Chester Industrial Development Agency (“I.D.A.”) issued a Request for Proposals (“R.F.P.”) soliciting proposals for consulting services for community and economic development projects for itself and for the benefit of the Village of Port Chester; and

WHEREAS, after such competitive process, the IDA authorized the retainer of the National Development Council (“Consultant”) as the successful proposer with a term to commence October 22, 2013 and end on October 22, 2014, and compensation to be a flat fee of \$60,000; and

WHEREAS, such retainer was made subject to the Village sharing said fee on a 50/50 basis; and

WHEREAS, the Board has developed a prioritized list of projects that the consultant can work on with the Village during the term of the agreement. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into a cooperation agreement with the Village of Port Chester Industrial Development Agency to provide it assistance in the amount of \$30,000 towards the annual retainer of the National Development Council, 708 Third Avenue, New York, New York 10017 for consulting services for community and economic development programs, and be it further

RESOLVED, that the Board of Trustees authorize the Village Treasurer to modify the FY 2013-14 General Fund budget as follows:

Budget Transfer

From:

Contingency

1.1990.400	Contingency	\$30,000
To:		
Planning		
1.8020.400	Contractual Expense	\$30,000

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 21, 2013

RESOLUTION #7

BUDGET AMENDMENT – DEA FUNDS TO PURCHASE INFORMATION SYSTEM UPGRADE AND 2 APPLE IPAD MINI BLACK

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, the Acting Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase Information Management Upgrade for \$8,350 from Steamboat Data System Inc., 20 Paddlewheel Court, Waterford, NY 12188; and 2 Apple IPAD Mini for \$2,072.29 from CDW Government Inc., 75 Remittance Drive, Suite 1515, Chicago, IL 60675-1515. 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	\$(10,422.29)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$10,422.29
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Appropriations:

001-3120-0200	Police Equipment	\$10,422.29
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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 21, 2013

Motion to Add-on a Resolution

Mayor Pagano asked for a motion to consider an add-on a resolution to appoint a member of the Waterfront Commission.

On motion of Trustee Brakewood, seconded by Trustee Marino, the motion received a unanimous vote of those present.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

ADD-ON RESOLUTION #8

APPOINTMENT OF MEMBER TO WATERFRONT COMMISSION

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

RESOLVED, that ALEXANDER B. LEONZI, residing in Port Chester, New York, be and hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective immediately with said term to expire 12/02/2013.

APPROVED AS TO FORM:

Anthony M. Cerreto
Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

REPORT OF THE VILLAGE MANAGER

Mr. Steers reported to the Board on:

ACTIONS:

1. **Police Vehicles:** The police motorcycles have been received and final outfitting of same underway.
2. **RFP for Technical Assistance, Financial Services, and Economic Development:** the joint RFP process has been completed. The National Development Council has been chosen as the finalist by both the IDA and the BOT. The final cost sharing agreement / resolution with the IDA is on this agenda.

PROJECTS:

1. **Town of Rye Move:** As you are aware the Mayor and staff have been meeting with officials from the Town of Rye relating the relocation of all Town operations to Village Hall. At this time it looks like they will be occupying approximately 4000 square feet or 50% of the third floor and a shared space and operations at the court House. The final details of the agreement are being worked out with a target occupancy date of January 2014.
2. **Street Paving Program:** Street paving has been mobilized and due to be completed by next week (see adjusted attached list). The following streets remained to be paved:
 - North Regent: *Glen Ave to Putnam Terrace*
 - Poingo Street: *Parker to King St*
 - Austin Place: *Hobart to Putnam Ave*
 - Hawley Ave: *King Street to Munson St*
3. **350 North Main Street:** Again all of the violations relating to the initial PESH notice of Violation have been corrected. The Violations enumerated in the secondary notice of violation are being corrected. Steps related to concerns are as follows:
 - *Work Place Violence training:* Training completed. Program being developed.
 - *Right –to- Know program.* Training has been completed. Program being developed.

- *Blood Borne Pathogens program:* Training has been completed. Program being developed.
- *Hepatitis B Vaccination:* RFP completed and Dr. selected. Vaccinations being scheduled within the next few weeks.
- *Hazard Communication Program:* Training has been completed. Program being developed.

Pending Capital Improvements: The proposed capital improvements to the building continue to move forward. The brick probing is being conducted, preliminary results show no ties found. Asbestos and lead survey for evidence room build out completed, no lead or asbestos found. This allows us to move forward with demo and renovation of the space including routing of new drainage work.

Emergency repairs due to closure of Cell Blocks: Again, the project is being approached as a maintenance and repair program based on existing conditions and not an architectural alteration or improvement effort. Steps thus far:

- The BRITEX Universal Combination Toilet Fixture were received.
- Joe Marino of Expert Auto collision and repair, and Welding has completed the initial repair and installation of the corroded steel in the affected cells. Templates and cuts for the plumbing lines are being conducted on site.
- Alan Lee of Alvar Lee Plumbing and Heating has completed all the removal of the old plumbing lines and fixtures, installation and additional drain lines are being conducted in coordination with the placement of the Universal Combination Toilet Fixture.

4. Traffic signal and road improvements located at the intersections of Pearl & Broad at Westchester Ave: The Pending issues regarding the pole siting along have been resolved. The pole being placed in front of El Tio restaurant will be placed 2' from the face of the curb so that there is a 5 foot sidewalk between the building and the pole. Plus sidewalk repair by owner, etc. The project will be completed within the next few weeks.

5. NIXLE 360:

Implementation Status:

- Staff has completed system integration with our phone system, Email system, and Web portal.
- The Emergency Service Listing (ESL) has been received from Verizon and said data has been imported into the system.
- For all intents and purposes the Nixle system is fully functional; however some testing needs to be done before an official “Go Live” date is given. We have a short demo and some Q&A. We intend to do a live test Village Wide within the first two weeks of November.

- 6. Pay Station / Meter Request for Proposals:** Contract is being finalized. Currently 46 Pay Stations being installed: 2 AC powered and the remaining 24 are solar powered. Siting has been completed. Pad preparation for installation underway. Coordination with Comp Plus relating to hand held devices upgrades underway. Significant potential for addition pay station placement and realization of additional revenues identified (see presentation).

PRIORITIES

- 1. Code Enforcement:** The non-discriminatory code enforcement and building code compliance program continues. Significant increases in productivity have been achieved. Demands on resources continue to increase. The follow up to the needs assessment has been completed and results of same will be discussed by the Building Inspector / Code Enforcement Director at the BOT meeting. Follow up to be presented by the Building Inspector at this meeting.
- 2. Amnesty Program:** Final extension of program is on this BOT agenda.
- 3. Sewer Rent:** Again, the Joint Petition was completed and filed with the PSC. Pending 60 days for their review. The 60 day time frame, which is for review / comment, began on or about August 15th. In the interim a joint letter of support relating to the petition was drafted and released to the Public Service Commission by Senator Latimer and Assemblyman Ottis (attached). Mr. Dichter has forwarded the following update:

“We are making substantial progress through the Public Service Commission. The policy questions have ended and the PSC Staff has moved on to accounting questions related to implementation of the billing. We are still pushing for the matter to go before the Commission during November. In the words of the head of Staff for the Water Division of the Commission, there is "momentum" towards approval.

Likewise, we have had several conferences with United Water to finalize terms of the agreement, including addressing the comments of the Board of Trustees, as well as address discovery requests of the Staff. There are no significant differences of the parties on the terms of the agreement. Recognizing we are moving along in the process, we are coordinating with United Water to set up a meeting to get everything in place to commence billing as soon as possible upon Commission review.”

- 4. Bulkhead:** Again, staff has held several meetings regarding the pending replacement permit application / amendment. Staff has reached out to DEC management to request a site visit prior to the submittal of the amended permit in order to educate DEC about the conditions on the ground and the importance of our efforts. DEC has since requested additional documentation including photos of the area to review prior to their site visit. Photo tour from the Byram River conducted on 10/17/13. Follow up report to DEC is being prepared.

UPDATE FROM THE BUILDING INSPECTOR

Building Inspector and Director of Code Enforcement Peter Miley reported Building Department / Code Enforcement Performance Analysis from June 2011, thru Current.



Village of
PORT CHESTER, NEW YORK

Building Department & Code
Enforcement Progress & Report Update
October 2013

October 21st 2013

Prepared by: Peter Miley, Building Inspector & Director of Code Enforcement

▶ 1

Comparative Analysis

Building Department
Performance Update

▶ 2



Building Department Report Building Department Performance

Inspector Workload Sample FY 6-2013 thru 9-2013 1st Qtr.

No. Of Inspectors: One Building Inspector/ Code Director/ One Full-Time Asst. Building Inspector, One Part-Time ABI	2	
Activity	<u>Per Day Average</u>	<u>Average Time</u>
Inspections	5.13 Avg. per day	1.0 hours
Consultations	(631) 1 st Qtr. 5.25 Avg.	1.0 hr. min
Building Permit Applications and Plan Review	(243) Applications, Avg. 2.025 per day	1-3 hrs depends on complexity
Other Types of Permit Applications (Plumbing/Electrical/Sign/Tank Removal, etc.)	(211) Applications, Avg. 1.75 per day	15-30 min

Building Department workload is currently unsustainable. Workload above does not account for paper work, drafting permits and logging inspections. Building Inspector splits time with Code Enforcement Dept, additional staff are recommended to reduce wait times for consultations and inspections.

▶ 3



Building Department & Code Enforcement Progress Report

Building Department Comparative Analysis Consultations
Fiscal Year 6/2011-5/2012 * Fiscal Year 6/2012-5/2013

Consultations Conducted 6-2011 thru 5-2012 & 6-2012 thru 5-2013

- Total Consultations Conducted FY 2011-2012: **1307**
- Total Consultations Conducted FY 2012-2013: **1571**
- Represents an increase of: **264 Consultations in 1 year or
a;**
- Represents a percentage increase of: **20% increase in consultation
activity**
- FY 2013-2014 1st Qtr 2013: **631 Consultations (4) Months**

Numbers do not include walk-in customers

▶ 4



Building Department & Code Enforcement Progress Report

Building Department Comparative Analysis Permits Issued
Fiscal Year 6/2011-5/2012 * Fiscal Year 6/2012-5/2013 *

Total Permits Issued 6-2011 thru 5-2012 & 6-2012 thru 5-2013

- Total Permits FY 6-2011 thru 5-2012: **941**
- Total Permits FY 6-2012 thru 5-2013: **1406**
- Represents an increase of: **465 Permits in 1 year or a;**
- Represents a percentage increase of: **49% increase in permit activity**
- **FY 2013-2014 predictions indicate a larger increase in permit activity**

▶ 5



Building Department & Code Enforcement Progress Report

Building Department Comparative Analysis Certificates of Occupancy Issued
Fiscal Year 6/2011-5/2012 * Fiscal Year 6/2012-5/2013

Certificates of Occupancy (CO's) Issued 6-2011 thru 5-2012 & 6-2012 thru 5-2013

- Total CO's FY 6-2011 thru 5-2012: **111**
- Total CO's FY 6-2012 thru 5-2013: **362**
- Represents an increase of: **251 CO's in 1 year or a;**
- Represents a percentage increase of: **226% increase in CO activity**

▶ 6



Building Department & Code Enforcement Progress Report

Building Department Comparative Analysis Revenues
Fiscal Year 6/2011-5/2012 * Fiscal Year 6/2012-5/2013

Revenues

Fiscal Comparison of FY 2011-2012 & FY 2012-2013

Total Revenues FY 6-2011 thru 5-2012:	\$283,004.53
Total Revenues FY 6-2012 thru 5-2013:	\$555,639.00
Represents an increase in revenue of:	\$272,634.00 in 1 year or a;
Represents an increase of:	96% increase in revenues

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Building Department & Code Enforcement Progress Report

Building Department Comparative Stop Work Orders
Fiscal Year 6/2011-5/2012 * Fiscal Year 6/2012-5/2013

Stop Work Orders

Fiscal Comparison of FY 2011-2012 & FY 2012-2013

SWO's Issued FY 6-2011 thru 5-2012:	37
SWO's Issued FY 6-2012 thru 5-2013:	93
Represents an increase of:	
Represents an increase of:	250% increase in SWO's Issued

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Building Department & Code Enforcement Progress Report

Building Department 1st Quarter Snap Shot
* Fiscal Year 2013 1st Quarter *

Snap Shot

Fiscal 6-2013 thru Current (1st Quarter)

Permits Issued:	592
CO's Issued:	109
1 st Qtr. Revenues:	\$466,953.75
1 st Qtr. Consultations:	631
1 st Qtr. Inspections Conducted:	446
Stop Work Orders Issued:	24

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Building Department Progress and Improvements FY 2013-2014

- **All files have been scanned, files are in the process of indexing**
- **Municipality is scheduled to "Go Live" on October 31st 2013 all Departments**
 - All Permits, Building, Elect/Plumbing are already utilizing Municipality to process.
 - Staff has recently received additional Municipality training.
 - On 10/31/13 All scheduling of consultations, applications, inspections, and results of same will be now be entered Municipality.
 - All CO's including Certificates of Completion for (plumb/elect) will be produced through Municipality, signed/ sealed original copy shall be scanned to Laserfische.
 - All municipal searches will be continue to be scanned into Laserfische and synced with Municipality.
 - Near Future, a kiosk area in original soccer room shall be setup for foil requests and the have the ability to view files of properties utilizing a guest, read only shortcut on a dedicated computer. Available will be Tax assessor information that includes older building card records, a link to laserfische that will contain all planning, zoning, building records. In addition, Code Enforcement records will have a separate link allowing the public to search property complaints, results of fire inspections, notices of violations issued and court appearance tickets.
 - Complete Work-Flow process manual has been completed for staff
 - "All inclusive" New Building Permit Applications are Available on our Website

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Contact: Peter Miller
Building Inspector & Director of Code Enforcement
Norella Salazar
Senior Office Assistant
222 Grace Church Street
Port Chester, NY 10573

Address: 222 Grace Church Street
Port Chester, NY 10573

Phone: (914) 939-5203
Fax: (914) 939-5247
COMPLAINT HOTLINE: (914) 308-2500

Hours: Monday-Friday 9:00 AM-5:00 PM
OPEN TO THE PUBLIC (WALK IN)
Monday - Friday: 9:00AM - 1:00PM

Additional Links:

Building Permit Application Package	Oil Burner or Tank Installation Application	Permit Amnesty Program Information
Plumbing Permit Application	Abandon or Remove Oil Tank Application	Information on the Programs on Amnesty
Electrical Permit Application and Checklist	Sign Permit Application and Checklist	Permit Amnesty Program Application Package
Certification of Occupancy Application	Sewer/Culvert Application	Request Municipal Search Request
Affidavit of Cost	Village Code	Request Full Municipal Search Request
Fee Information	Official Zoning Map of Port Chester	Zoning Verification Form

Building Department Related Boards/Commissions

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New Projects

[Redevelopment of United Hospital Property, "The Gateway"](#)

BUILDING DEPARTMENT HOURS

Until further notice, we will be open to the general public Monday through Friday from 9:00 am to 1:00 pm, after 1:00 pm is by appointment only.

All Building & Plumbing Permit applications must be submitted to the Building Inspector by appointment only. Electrical permit applications may be subject to meeting with the Building Inspector depending on work proposed.

Please call to schedule an appointment and or inspections, 914-939-5203.

You may also request via email to set up an appointment and or inspection rdelmon@portchester-ny.com

For all inspection requests the Building permit's number, property address, and type of inspections requested is required. Thank you.

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Electrical Permit Application and Checklist	Sidewalk Occupancy Application	Standard Municipal Search Request
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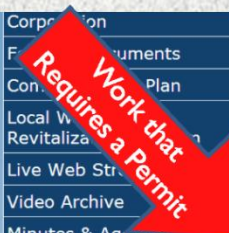
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New Projects





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Local Development

New Projects

Municipal Search Comparative Analysis

Types of Municipal Searches

- Standard Requests
- Zoning Verification
- Expedited Requests
- Permit Amnesty Program

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Building Department & Code Enforcement Progress Report

Building Department Municipal Search Update

Includes: Amnesty, Standard, & Expedited Requests

2011: Total Search Requests

- **Standard Only: 423 Completed**

2012: The Implementation of Expedited and Amnesty Searches Completed

- **Standard: 229 Completed**
- **Expedited: 272 Completed**
- **Amnesty: 154 Submitted**

2013: Standard, Expedited & Amnesty

- **Standard: 75 Completed**
- **Expedited: 326 Completed**
- **Amnesty: 276 Submitted, **Total Completed: 161 (35%)****

◆ **Total Amnesty Applications Submitted to Date: 465** ◆

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Fire Safety Program

Performance Analysis

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Building Department Report Fire Safety Program Progress

Comparative Analysis Fire Safety Program Performance FY 2011-2012-FY 2012-2013

Fiscal Year 6/2011-5/2012		Fiscal Year 6/2012-5/2013		Increase Amount
Certificates of Compliance Issued	6	Certificates of Compliance Issued	198	192
Fees Collected	\$11,600	Fees Collected	\$102,675	\$91,015 (in 1yr)
Fire Inspection Notices Mailed	59	Fire Inspection Notices Mailed	752	693
Fire Inspections Performed	69	Fire Inspections Performed	717	648
Fire Inspections Failed NOV's issued	37	Fire Inspections Failed NOV's issued	502	465

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Building Department & Code Enforcement Progress Report

Fire Safety Program 1st Quarter Snap Shot
* Fiscal Year 2013 1st Quarter *

Snap Shot

Fiscal 6-2013 thru Current (1st Quarter)

Certificates of Compliance Issued:	220	
1 st Qtr. Fees Collected:	\$47,070.00	
1 st Qtr. Inspection Notices Sent Out:	346	
1 st Qtr. Performed Fire Inspections:	376	
1 st Qtr. NOV's Issued:	253	
Re-inspections Conducted:	81	
NOV's Issued, Failure to Respond for a Fire Inspection:		95
Court Appearance Tickets Issued:		42

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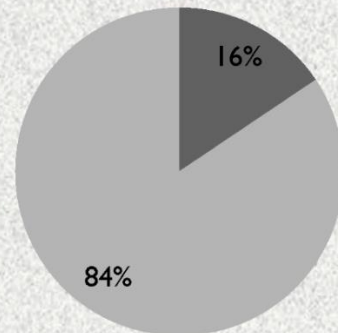


Building Department Report Fire Safety Program Needs

Fire Inspections Required

1,121 Units (Not Parcels) require compliance certification with Fire Code annually to comply with the NYS Uniform Building and Fire Code.

Total Fire Inspection Inventory	1,560 Units
Cases requiring annual certification	243 Public Assembly Units
Cases requiring 18 month certification	1317 Non Public Assembly Units



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Building Department Report Fire Safety Program

Fire Safety Inspections/ Workload Analysis

Required Workload

No. of Active Fire Inspectors	2.5
Total Annual Fire Inspections	1,121+/-
Inspections per Inspector	448.4 (a year)
Average No. of Inspections Req. Per Case (re-inspection)	2.5 (approx) add re-inspections to above avg. (1120) inspections per yr.
No. of Inspections per day, per inspector, this does not include any additional workload. Or re-inspections	4.5 (per inspector) Req. under normal circumstances, add re-inspections and no. jumps to 6.5+

Above workload represents that based on the current staff level, inspectors would need to conduct a minimum 4.5 inspections per day however, there is no consideration for re-inspections, drafting NOV's, Court Appearance Tickets or Testing of Fire Safety Systems, or any other unscheduled event including; Stop Work Orders, Fires, and Referrals by Fire, Police and DPW.

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Code Enforcement/Fire Safety Departmental Improvements 2013-2014

- **All files have been scanned, files are in the process of indexing**
- **Municipality is scheduled to "Go Live" on October 31st 2013 all Departments**
 - Court Tracker, Case Tracker, Complaint Tracker, Overcrowding and Illegal Dwelling Reports are online and available to view, Website has been re-organized so that all reports are easy to locate; reports are updated weekly.
 - A competent and experienced team of Fire Inspectors, Code Enforcement Officers and Support Staff are now in place. Code Enforcement and Fire Safety Personnel continue to work as a team.
 - All Inspections, Notices of Violations, Court Appearance Tickets, Complaints and the results of same are continued to be scanned into Laserfische.
 - Code Enforcement Staff has recently received additional Municipality training.
 - As of 10/31/13 All scheduling of fire inspections will be entered Municipality.
 - Requests to conduct fire inspections continue to be mailed on a regular basis, the response has improved substantially, as a result, fire inspection fees have increased substantially from the previous fiscal.
 - Several new properties were identified and added to the Fire Safety Program.
 - Notice of Violation forms for Fire Inspections are pre-printed on triplicate forms, this allows for additional efficiency, original NOV's were required to be typed.
 - New Notice of Violation forms for Code Enforcement are in the process.

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Building Department, Code Enforcement, Fire Safety Expense to Revenue Report Combined

Detail	1 st Quarter FY 2013-14	FY 2012-13	FY 2011-12
➤ Revenues	429,061	866,421	387,831
➤ Building Dept.	143,123	427,294	473,062
➤ Code Enforc.	<u>187,126</u>	<u>621,067</u>	<u>538,890</u>
➤ Total Expend.	330,249	1,048,361	1,011,952
➤ Rev over/(under)	98,812	(181,941)	(624,121)
Expenditures			
➤ Rev to Exp	130%	83%	38%
➤ Tax Payer Share	0	17%	62%

Budgeted Revenues does not include any Court Fines

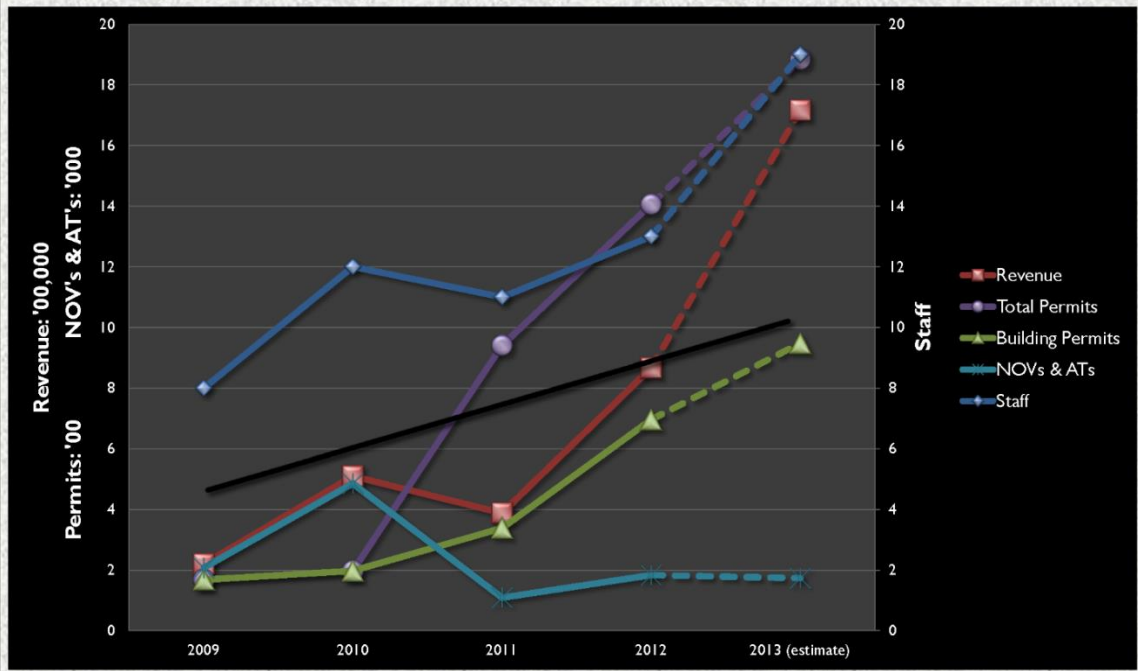
Expenditures does not include fringe benefits of employees

Expenditures including Fringe Benefits are as follows:

<u>\$459,538.00</u>	<u>\$1,412,331.13</u>	<u>\$ 1,333,888.50</u>
---------------------	-----------------------	------------------------

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Building Department & Code Enforcement Performance Analysis





Code Enforcement Performance Analysis

Code Enforcement Performance FY 2013-2014 1st Quarter

Fiscal Year 5/2013-10/2013

Staff: 3 Full Time CEO's 20hrs is dedicated to the Court, reducing code enforcement staff to 2.5	
Complaints 1 st Qtr.	356
NOV's Issued	168
Right of Entry Requests	35
Appearance Tickets	49

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Court, Case and Complaint Tracker Overcrowding & Illegal Dwelling Reports

The Next Slide is a snap shot of the Code Enforcement page on our village website. Scroll down to view 4 separate reports that are updated every Monday afternoon and available for Public viewing.

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Contact: [Peter Milley](#), Building Inspector & Director of Code Enforcement
[Lorraine Cataldo](#), Office Assistant

Address: 222 Grace Church Street, 2nd Floor, Suite 203
Port Chester, NY 10573

Main Line: (914) 305-2552
Fax: (914) 305-2555

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FIRE SAFETY PROGRAM: (914) 305-2501

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Name	Title
Lawrence Chulli	Senior Code Enforcement Officer
Michael Panella	Code Enforcement Officer
Kevin Brennan	Fire Inspector
Joseph Nariso	Fire Inspector
John Reed	Fire Inspector, Part time
Janice Gherardi	Office Assistant, Fire Safety Program

Mission Statement

"The Department of Code Enforcement is dedicated to the education and assistance of our citizens through the effective application of modern Code Enforcement programs; applied to protect the community's health, safety and welfare so that, in cooperation, we may improve the quality of life within our Village."

Additional Links:

ZONES	Carbon Monoxide Alarms	Village Code
Smoke Alarms	Home Heating Fire Safety	Department Overview
Tenant Rights Guide	Hi Rise Fire Safety	Home Safety Checklist
Graffiti Removal Notice	Smoke Alarm & Carbon Monoxide Requirements	Fire Safety Renewal Notice
Amanda's Law	Fire Safety Application Package	Fire Safety Summary Checklist.pdf
Smoke alarm requirements.pdf	SPANISH TRANSLATION of Fire Safety Renewal Notice (Sample).pdf	

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DISCUSSIONS

Overlay Zoning Concepts

Mr. Chris Ameigh gave an update of the meeting held in August 20th at Grace Church Street on the progress of the concepts: Planning Department has been tracking the success of the concepts; Implementation Plan; Improving Land Use “Plan II” Zoning Amendments; achieving “Win-Win” Development innovative zoning tools; explaining an Overlay District on top of an existing zoning map which would include one or more neighboring districts. There might be specific things you want developed.

He covered the Overlay District Benefits. Two proposed in the draft are the Byram Riverfront and the Southern Gateway Mixed Use. There are different rationale to be followed in each of these proposed projects.

Next Steps include a Board of Trustees Workshop to draft local laws for Southern Gateway and Byram Waterfront Overlay Districts, Request for Proposals – school district “tipping study” to support school children mitigation formula, Environmental review and Public hearings, referrals, and local law adoption.

We need to set a workshop as soon as possible.

Mr. Ameigh mentioned that Trustee Brakewood brought up some residential areas in the Overlay that are up for discussion on South Regent Street. This is an M1 District. Kohls shopping center is in the CD District.

Mayor Pagano asked if the Overlay would tell us how much density there is in the school district. Mr. Ameigh said it does not show the impact on the schools. Trustee Terenzi inquired who is in charge of the “Tipping Study.”

Next steps would be to schedule a workshop.

Mr. Ameigh said the mitigation piece is one of the final pieces.

CORRESPONDENCES

From National Alliance on Mental Illness (NAMI) request to tie yellow ribbons to the trees in May 2014.

The Board referred the correspondence to staff.

From the Tamarack Tower Foundation requesting approval for a Turkey Trot to be held November 28, 2013, on Village streets and permission to place a banner across Westchester Avenue near Regent Street.

The Board referred the correspondence to staff.

From the American Legion requesting a donation of \$1,000 for Veterans Day Ceremonies.

The Board referred the correspondence to staff.

From the Park Commission regarding the Village Tree Planting Program.

The Board duly noted the correspondence.

From Putnam Engine & Hose, Company No.2, on the expelling of member Dexter Ambrose and on the resignation of Jose Martin Vasquez.

The Board accepted the correspondence.

From the Capitol Theatre Application for Limited Permission to Use Broad Street from October 31, 2013 to November 3, 2013.

The Board acknowledged the correspondence during the “Add-On Resolution #3A” section of the meeting.

PUBLIC COMMENTS AND BOARD COMMENTS

Public

Mr. Richard Abel commented on the test call. Tell people how to register. Also why Mr. Villanova is still an acting chairman of the Zoning Board. Are the 12-hour meetings going to be replaced? What does the Overlay actually do?

Board

Trustee Brakewood replied that the Overlay actually clarifies the vagueness of the master plan. It allows you to plan proactively.

Trustee Adams said that we lost a retired police officer George Jacobs and want to offer condolences to his family. Whole Foods is opening tomorrow and some of the proceeds are going to the Carver Center.

Trustee Brakewood commented on \$10,000 going to street tree planting. I am shocked on what should be a normal course of replacing trees. Moving this to support schools would give each kid only about \$10. I would rather see us replacing some trees in the park. Village Manager Steers noted that the program is not formalized as it should be.

MOTION FOR EXECUTIVE SESSION

At 10:59 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Adams the Board adjourned into an executive session regarding the Village Manager Evaluation.

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers.

No action was taken in executive session.

At 11:31 p.m., a motion to come out of executive session was made by Trustee Marino, seconded by Trustee Adams, 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 21, 2013

At 11:32 p.m., on motion of Trustee Marino, seconded by Trustee Adams, the meeting was closed.

Roll Call

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

NOES: None.

ABSENT: None.

DATE: October 21, 2013

Respectfully submitted,

Janusz R. Richards
Village Clerk