

MEETING HELD SEPTEMBER 18, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday September 18, 2012 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

It should be noted that Trustee John Branca was absent and Trustee Joseph Kenner arrived at 6:07 P.M.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Saverio Terenzi, Bart Didden, and Luis Marino. Also present were Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development, Christopher Gomez and Police Chief Joseph Krzeminski.

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On motion of Trustee Didden Marino, seconded by Trustee Terenzi, the meeting was opened at 6:05 p.m.

AYES: Trustees Brakewood, Terenzi, Kenner, Marino and Mayor Pilla

NOES: None

ABSENT: Trustees Kenner and Branca,

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MOTION FOR EXECUTIVE SESSION

At 6:05 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for the purpose of a work session with Board of Police Commissioners and Police Chief. Included in the executive session was the Village Attorney and Police Chief, Joseph Krzeminski.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Kenner and Branca

No action was taken in executive session.

At 6:25 p.m., on a motion of Trustee Didden, seconded by Trustee Kenner, the Board came out of executive session.

AYES: Trustees Brakewood, Terenzi, Didden Kenner, Marino and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

At 6:26 p.m., on a motion of Trustee Terenzi, seconded by Trustee Marino, the Board went into a second executive session on the issue of Starwood Capital Group Tax Certiorari Proceedings.

AYES: Trustees Brakewood, Terenzi, Didden Kenner, Marino and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

No action was taken in executive session.

At 6:45 p.m., on a motion of Trustee Marino, seconded by Trustee Didden, the Board came out of executive session.

AYES: Trustees Brakewood, Terenzi, Didden Kenner, Marino and Mayor Pilla
NOES: None
ABSENT: Trustee Branca

At 6:46 pm on a motion of Trustee Marino, seconded by Trustee Terenzi, the Board went into a third executive session on consultation with staff on real property negotiations.

The Village Attorney is directed by the Board of Trustees to take a particular action on its behalf, which is protected by the attorney-client privilege.

AYES: Trustees Brakewood, Didden, Marino, Kenner and Mayor Pilla
NOES: None
ABSTAIN: Trustees Terenzi (accountant for the owner)
ABSENT: Trustee Branca

At 7:10 p.m., on motion of Trustee Marino, seconded by Trustee Brakewood, the executive session was closed and the public portion of the meeting was reopened.

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CORRESPONDENCE

From 110 Midland Avenue zoning text amendment petition.

Mr. Gomez submitted a memo to the Board regarding the automobile dealership service center use (110 Midland Avenue) proposed zoning text amendment. Please see insert "A".

Trustee Didden made a motion to add-on a resolution for the zoning text amendment referral to Planning Commission and County Planning Board. The motion was seconded by Trustee Kenner.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustee Branca

DATE: September 18, 2012

RESOLUTION
ZONING TEXT AMENDMNET
REFERRAL TO PLANNING COMMISSION AND COUNTY PLANNING BOARD

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

WHEREAS, Dent Wizard Int., Corp. has submitted a complete Zoning Text Amendment petition to the Board of Trustees, dated September 4, 2012, requesting amendment to Section 354-61W.(1), Special Exception Criteria for an Automobile Dealership Service Center Use; and

WHEREAS, An Automobile Dealership Service Center is defined as “*A facility that repairs, services and prepares automobiles for sale or resale and is affiliated with an automobile dealership and is duly licensed under the laws of the state of New York.*” which is a permitted use in the Village’s M2 General Industrial District through the grant of a special exception; and

WHEREAS, the proposed amendment would permit cosmetic reconditioning of automobiles, including painting and minor body repair within an Automobile Dealership Service Center. Now, therefore, be it

RESOLVED, that this Board desires to advance the petition for zoning text amendment submitted by Dent Wizard Intl., Corp., to amend Section 354-61W.(1) of the Village Zoning Code, Special Exception Criteria for an Automobile Dealership Service Center Use, and hereby refers the matter to the Village of Port Chester Planning Commission and Westchester County Planning Board for their review and comment.

Approved as to Form:

Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla
NOES:
ABSENT: Trustee Branca

DATE: September 18, 2012

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing to consider the advisability of adopting a local law to amend Chapter 345 “Zoning” of the Village Code with regard to site plan review procedures and standards.

The following Public Notices were duly published in the Journal News and the Westmore News on August 31, 2012, 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 Tuesday, September 18, 2012, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend, Chapter 345 “Zoning” of the Village Code with regard to site plan review procedures and standards.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk’s office or online at www.portchesterny.com

Christopher Russo
Village Manager
Village of Port Chester

Dated: August 31, 2012

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was declared open.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner, and Mayor Pilla
NOES:
ABSENT: Trustee Branca

Mayor Pilla asked if there was anyone who would like to speak in favor or against amending local law, chapter 345, with regard to site plan review procedure and standards.

Several questions and comments were heard from the Board as well as Mr. Dolph Rotfeld, Ms. Goldie Solomon, and Mr. Richard Abel.

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was adjourned to October 1, 2012.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner, and Mayor Pilla

NOES:

ABSENT: Trustee Branca

PRESENTATION

Port Chester Cares Community Coalition and Park Commission recommending Mayor and Board of Trustees ban smoking in designated areas.

Ms. Chelsea Bodansky of Port Chester Cares Community Coalition spoke School gave a presentation on smoke free parks in Port Chester. Several questions and comments were heard from the Board as well as Mr. Terranova, Park Commissioner, Mr. Reavis, Ms. Mikeda James, Westchester County Coalition Coordinator for Power Against Tobacco, Ms. Naomi Butner, School Based Health Coordinator for Open Door and Mr. Philip Mutino, Executive Co-Chairman of Port Chester Cares Community Coalition.

The Board asked Ms. Bodansky to work with the Park Commission in redesigning the signage in the park and to come back to the Board when they have a proposed redesign

Comprehensive Plan and Draft Zoning Amendments/Map Draft Generic Environmental Impact Statement (DGEIS).

Mr. Ferrandino of Ferrandino & Associates Inc. spoke to the Board regarding the Comprehensive Plan and the proposed zoning amendments. Mr. Ferrandino presented to the Board the impact environmental analysis and stated to the Board that the next step would be public comments in a public hearing and 15 days following the public hearing. Mr. Ferrandino stated that they will answer all the questions from the public as well as from other government agencies. Mr. Ferrandino stated that he would present all the questions and answers in a final generic impact statement. Mayor Pilla stated for the record his concerns regarding the DW zone district and the need for additional analysis particularly regarding the setbacks.

The Village Clerk stated that the Village Attorney noticed an overlooked formality regarding the DGEIS on the website and the vote to set the public hearing could not be done until the next meeting and to not take any action until October 1, 2012.

RESOLUTION

**COMPREHENSIVE PLAN AND RELATED ZONING AMENDMENTS
ACCEPTANCE OF DRAFT GENERIC ENVIRONMENTAL IMPACT STATEMENT AS
COMPLETE AND NOTICE OF PUBLIC HEARING THERETO**

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the following resolution of the Board of Trustees of the Village of Port Chester, New York was TABLED to October 1, 2012 as follows:

WHEREAS, the Board of Trustees adopted a Positive Declaration directing that a Draft Generic Environmental Impact Statement (DGEIS) be prepared with regard to the Village's Comprehensive Plan and related zoning amendments; and

WHEREAS, the Board of Trustees adopted a Scoping Document on May 7, 2012 for which a DGEIS was prepared for the Comprehensive Plan and related zoning amendments; and

WHEREAS, the DGEIS was prepared by Ferrandino & Associates Inc. and submitted to the Board of Trustees on September 14, 2012; and

WHEREAS, the Board of Trustees has reviewed the same.

NOW, THEREFORE, BE IT RESOLVED, that the said DGEIS is hereby accepted by the Board of Trustees as complete for public review and comment; and

BE IT FURTHER RESOLVED, that a public hearing on the DGEIS be scheduled for October 15 2012 at 7:00 p.m. at the Port Chester Police Headquarters/Police Justice Court, second floor, 350 North Main Street.

Approved as to Form:

Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustee Branca

DATE: September 18, 2012

PUBLIC COMMENTS

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

Ms. Goldie Solomon commented about the residents of Port Chester, the census figures, taxes and village assessments and the Police DARE program.

DISCUSSION

Starwood Capital Update

Mr. Anthony Gioffre spoke on behalf of Starwood Capital and asked for another work session with the Board in October. Mayor Pilla said that he will ask Mr. Steers to set up a special meeting with Starwood Capital in October.

RESOLUTIONS

RESOLUTION

AWARDING BID FOR CONCRETE SIDEWALKS AND CONCRETE CURBS

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 Village of Port Chester has advertised for bids for the Concrete Sidewalks and Concrete Curbs Project (Bid No. 12-05); and

WHEREAS, of the seven firms that submitted bids, MVM Construction, LLC, 100 Oak Street, Mount Vernon, New York 10550 submitted the lowest bid; and

WHEREAS, the contractor's references have been verified; and

WHEREAS, the Village Manager recommends that the Board accept this bid which meets all material specifications as set forth in the bid documents. Now, therefore, be it

RESOLVED, that the Village of Port Chester accepts the bid of \$148,310,00 from MVM Construction, LLC, 100 Oak Street, Mount Vernon, New York 10550; and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to sign an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Sidewalk/Curb Improvement Project 5.5110.400.2011.120 in the Capital Fund.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla
NOES:
ABSENT: Trustee Branca

DATE: September 18, 2012

RESOLUTION

AWARDING BID FOR STREET RESURFACING 2012

On motion of TRUSTEE DIDDEN, 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 has advertised for bids for Street Resurfacing 2012 (Bid No. 12-06) with the work to be done as identified in the annexed report from the Village's consulting engineer; and

WHEREAS, of the five firms that submitted bids, Bilotta Construction Co. submitted the lowest bid; and

WHEREAS, the contractor's references have been verified; and

WHEREAS, the Village Manager recommends that the Board accept this bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Village of Port Chester accepts the bid of \$466,403.70 from Bilotta Construction Co., Rye, New York

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to sign an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Road Resurfacing Project 5.5110.400.2010.110 and that the Capital Fund be modified to reflect additional CHIPS funding of \$270,037 thereby increasing the project budget from \$1,022,833 to \$1,292,870.

Village of Port Chester
2012 Road Resurfacing

Abendroth Avenue	From the intersection of Mill and Abendroth to 200 feet south
Columbus Avenue	From Leicester Street to Clark Place

Hawley Avenue	From West Glen Avenue to Glen Avenue
Lafayette Drive	From Putnam Terrace to Glen Avenue
Glen Avenue	From Lafayette Drive to North Regent Street
North Regent Street	From Columbus Avenue to Glen Avenue
Mill Street Abendroth Avenue	From North Main Street to 50 feet east of intersection with
Olivia Street	From Spring Street to Boston Post Road
Park Avenue	From Columbus Avenue to North Regent Street
Riverdale Avenue	From Hillside Avenue to the State/Village line (675 feet north of intersection with Hillside)
Rockland Avenue	From Clermont Avenue to Summer Street
William Street	From South Regent Street to Soundview Street
The intersection of Purdy Avenue and Ryan Avenue	

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla
 NOES:
 ABSENT: Trustee Branca

DATE: September 18, 2012

RESOLUTION

AUTHORIZING A REVOCABLE LICENSE AGREEMENT TO FACILITATE WESTCHESTER COUNTY’S EFFORTS TO REDUCE THE LEVEL OF NITROGEN DISCHARGE FROM THE PORT CHESTER SEWAGE TREATMENT PLANT AND PROVIDE ANCILLARY BENEFITS TO THE VILLAGE

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, in response to federal requirements, the County of Westchester has established a program to reduce the levels of nitrogen levels discharged from the County's sewage treatment plants; and

WHEREAS, as part of that program, the County retained Engineers Consortium, LLP; and

WHEREAS, Engineers Consortium, LLP. has subcontracted with In-Pipe Technology (IPT) to provide a technical solution that will assist in making the necessary reductions but without the need for costly major capital intensive upgrades; and

WHEREAS, IPT has requested the Village's participation in this program through the installation of certain devices within the Village's sanitary sewer system at locations identified by the Village Manager or his designee; and

WHEREAS, EPT's installation would provide ancillary benefits to the Village through the digestion and control of fats, oil and greases throughout the system, preventing costly blockages and overflows, reduction of noxious odors and associated sulfide corrosion; and

WHEREAS, permission by the Board of Trustees in the form of a revocable license agreement is required; and

WHEREAS, such license agreement would detail the scope of work, and include provisions for liability insurance and a full indemnity sufficient to protect the Village; and

WHEREAS, the Village Manager recommends that the Board grant such permission, subject to the execution of a license agreement that is satisfactory in form and substance by the Village Attorney.

RESOLVED, that the Village Manager is hereby authorized to enter into a revocable license agreement with In-Pipe Technology, Inc., 100 Bridge Street, Wheaton, Illinois 60187 to permit entry into the Village's sanitary sewer system.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustee Branca

DATE: September 18, 2012

DISCUSSION

Finance Department Manual Journal Entry Procedures.

Ms. Douglas said that she and Trustee Terenzi will have the final details at the next Board meeting.

Add-on Resolution

Trustee Terenzi made a motion to add-on a resolution for the Justice Court Assistance Program. The motion was seconded by Trustee Marino.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustee Branca

DATE: September 18, 2012

RESOLUTION

GRANT APPLICATION FOR THE POLICE JUSTICE COURT

On motion of TRUSTEE TERENZI, seconded by TRUSTEE DIDDEN,

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 for the full amount to fund new computers and furniture. 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 \$30,000.00 in funding in accordance with the needs assessment prepared for such purpose by the Court Clerk.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustee Branca

DATE: September 18, 2012

Add-on Discussion

Trustee Terenzi made a motion to add-on a discussion regarding the housing rehabilitation program. The motion was seconded by Trustee Marino.

AYES: Trustees Brakewood, Terenzi, Didden, Marino, Kenner and Mayor Pilla

NOES:

ABSENT: Trustee Branca

DATE: September 18, 2012

Mayor Pilla updated the Board that Mr. Cerreto is going to have a meeting with Mr. Bocanfuso to discuss broadening the language for the program.

CORRESPONDENCES

The Clerk presented correspondence from Saint Peter's Episcopal Church requesting permission for a procession on September 29, 2012 for the patronage of "Señor de la Exaltación". The Board referred the correspondence to staff.

The Clerk presented correspondence from Seth Bengelsdorf requesting to close off a portion of Puritan Drive from Putnam Drive to Indian Road for a Block Party on Sunday, September 30, 2012 from 10:00am to 4:00pm. The Board referred the correspondence to staff.

The Clerk presented correspondence from the Port Chester-Rye Union Free School District for use of a fire truck at their annual homecoming activities on October 19, 2012 from 6:45pm to 11:00pm. The Board referred the correspondence to staff.

The Clerk presented correspondence from Holy Rosary Church for their 13th year procession and use of Edgewood Park on Sunday, October 7, 2012. The Board referred the correspondence to staff.

MINUTES

Approval of the Board of Trustees minutes of June 18, 2012 and June 25, 2012.

On motion of Trustee Marino, seconded by Trustee Brakewood, the minutes of June 18, 2012 and June 25, 2012 were adopted.

AYES: Trustees Brakewood, Terenzi, Marino, Kenner, and Mayor Pilla

NOES:

RECUSE: Trustee Didden

ABSENT: Trustee Branca

PUBLIC COMMENTS AND BOARD COMMENTS

Public Comments:

Mayor Pilla asked if there was anyone from the audience who would like to make any comments. Mr. Abel commented regarding the Capital Theater and parking meters.

Board Comments:

Trustee Brakewood commented regarding Lyon Park and village resident taxes and tax assessments. Trustee Didden commented regarding the Port Chester High School student's presentation, village resident tax assessments and police and fire retirements. Trustee Marino commented regarding fire fighter retirements. Mayor Pilla commented regarding the emergency management system and the upcoming Town Hall meeting.

At 10:58 p.m., on a motion of Trustee Didden and seconded by Trustee Marino, the Board adjourned into a forth executive session on consultation with Village Attorney and staff to discuss Department of Justice voting rights litigation.

A motion was made by Trustee Terenzi, seconded by Trustee Brakewood to include early voting for the Mayoral March 19, 2013 election.

ROLL CALL

AYES: Trustees Brakewood, Terenzi and Mayor Pilla

NOES: Trustees Didden, Marino, Kenner

ABSENT: Trustee Branca

Motion not carried.

A motion was mad by Trustee Marino, seconded by Trustee Didden requesting the Department of Justice to eliminate the early voting for the Village Trustees.

ROLL CALL

AYES: Trustees Didden, Marino, Kenner

NOES: Trustees Brakewood, Terenzi and Mayor Pilla

ABSENT: Trustee Branca

Motion not carried.

At 11:30 p.m., on motion of Trustee Terenzi, seconded by Trustee Kenner, the executive session was closed.

AYES: Trustees Brakewood, Terenzi, Didden Kenner, Marino and Mayor Pilla

NOES: None

ABSENT: Trustee Branca

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk