

**MEETING HELD NOVEMBER 5, 2012**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, November 5, 2012 at 6:45 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Saverio Terenzi, Bart Didden, and Joseph Kenner.

It should be noted that Trustees Luis Marino and John Branca were absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards, Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief Joseph Krzeminski and Mr. Dolph Rotfeld from Dolph Rotfeld Engineering.

On motion of Trustee Brakewood, seconded by Trustee Didden, the meeting was declared opened at 6:47 p.m.

**Roll Call**

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

NOES:

ABSENT: Trustees Marino and Branca

\* \* \* \* \*

**MOTION FOR EXECUTIVE SESSION**

At 6:47 p.m., on motion of Trustee Brakewood, seconded by Trustee Didden, the Board of Trustees adjourned to an executive session to discuss a resident complaint against a Village official that involves the employment history of a particular person or matters leading to the discipline, suspension, dismissal or removal of a particular person or corporation.

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

NOES: None

ABSENT: Trustees Marino and Branca

No action was taken in executive session.

At 7:08 p.m., on motion of Trustee Didden, seconded by Trustee Brakewood, the executive session was closed and the public portion of the meeting was reopened.

**Roll Call**

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

NOES: None

ABSENT: Trustees Marino and Branca

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Mayor Pilla asked for a moment of silence for the passing of former Trustee/Deputy Mayor, Dominick Cicatelli's father and Mr. Peter Rende.

## **PRESENTATION**

### ***Report from Village Manager on Hurricane Sandy response and damage assessment update.***

Mr. Steers spoke about the significant recovery and restoration in the Village. Mr. Steers thanked Verizon, and the two liaisons from Con Edison. Mr. Steers especially thanked the following village staff for their diligent work during and after the storm: Director of Planning and Development, Christopher Gomez, Department of Public Works Foreman, Rocky Morabito, Police Chief Krzeminski, Treasurer, Leonie Douglas, Fire Chief, Kevin McFadden, Administrative Aide to the Village Manager, Chris Ameigh, Recreation Leader, Heather Krakowski, Director of Senior Programs and Services, Carol Nielsen, Senior Code Enforcement Officer, Lawrence Chiulli, Building Department Inspector, Peter Miley, and Ambulance Corps Administrator, Scott Moore.

Mayor Pilla stated that due to Hurricane Sandy, there was no Halloween on October 31, 2012. Mayor Pilla asked the Board for an add-on resolution for Friday, November 9, 2012 to be Halloween in the Village of Port Chester.

### **Add-on Resolution**

Trustee Kenner made a motion to add-on a resolution for Friday, November 9, 2012, to be Halloween in the Village of Port Chester. The motion was seconded by Trustee Brakewood.

### **Roll Call**

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

NOES:

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

## **RESOLUTION**

The following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, inasmuch Halloween on October 31, 2012 in the Village of Port Chester was cancelled due to Hurricane Sandy; Friday, November 9, 2012, will be declared as Halloween in the Village of Port Chester.

### **Roll Call**

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

NOES:

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

Mayor Pilla also thanked Michele Suhre, Laura Wesley, and Joelle Rovello from the Finance Department for donating candy to the Recreation Department.

**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](http://www.portchesterny.com)

Christopher Russo  
Village Manager  
Village of Port Chester

Dated: August 31, 2012

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

Roll Call

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

NOES:

ABSENT: Trustees Marino and 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. Ms. Goldie Solomon commented regarding the current conditions in the Village after Hurricane Sandy. Mr. Abel commented about some of the wording in the proposed local law. Mr. Cerreto and Mr. Gomez addressed Mr. Abel's comments.

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

#### Roll Call

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

NOES:

ABSENT: Trustees Marino and Branca

On motion of Trustee Didden, seconded by Trustee Kenner, the following local law #5 was adopted amending Chapter 345, with regard to site plan review procedures and standards:

#### A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 345, WITH REGARD TO SITE PLAN REVIEW PROCEDURE AND STANDARDS

SECTION 1: The Code of the Village of Port Chester, Chapter 345, "Zoning", Section 345-23, is hereby amended as follows:

...

#### C. Submission Procedures

...

(2)

- (a) Within six months following the presubmission conference, 15 copies of the site plan and all supporting documentation, including a single CD containing same in PDF (Portable Document) format or similar media, shall be submitted to the Planning Commission Recording Secretary, accompanied by the appropriate submission fee. The CD must be labeled with the name of the applicant, project address, submission date and Planning Commission case number if assigned. At the discretion of the Director of the Office of Planning and Development, the applicant may be advised to also provide a digital 3D Model Submission based on the complexity, scale, or potential visual impacts of the application; such determination shall be made at the time of the pre-submission conference. This submission shall be made at least 20 days prior to the scheduled Planning Commission meeting.

SECTION 2: If any section of this local law shall be held unconstitutional, invalid or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

SECTION 3: This local law shall be effective immediately upon filing with the Secretary of State and due publication.

Roll Call

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

NOES:

ABSENT: Trustees Marino and Branca

## **PRESENTATION**

### ***JCJ Architecture***

Mr. Andy Hill and Mr. Dave Jepsen from Desman Associates presented to the Board their preliminary findings and analysis regarding the feasibility of a parking garage to serve the needs of the Police as well as the Downtown area. The Board asked several questions to Mr. Hill and Mr. Jepsen about the presented material. There was further discussion on the topic. Mayor Pilla asked Mr. Steers to furnish the data presented tonight to the Industrial Development Agency (IDA) and said to Mr. Hill and Mr. Jepsen that Mr. Steers will be in touch with them.

## **DISCUSSION**

### ***Bulkhead Repair Bid Response***

Mr. Waller from Halcrow Engineers, PC spoke to the Board about the sole bidder, JT Cleary. Mr. Waller said that he compared JT Cleary's bid to the Village's Request for Proposal (RFP) and did not find any problems. Mr. Waller said that he checked JT Cleary's references and they were all okay. Mr. Waller also commented that in the past, he has dealt with JT Cleary and he does not have any problems with them or their bid price. Mayor Pilla commented that he has concerns with having just one bidder and the low bid. Mr. Steers commented that he thinks the bid is too low and is concerned there will be potential change orders. Mr. Rotfeld also commented about his concerns of only having one bidder. Mayor Pilla asked the Board for an executive session to further discuss the bulkhead repair.

## **RESOLUTIONS**

### **RESOLUTION**

#### **BUDGET AMENDMENT – DEA FUNDS COMPUTER PURCHASE & CONSOLE TO HOUSE ELECTRONIC EQUIPMENT IN POLICE CAR**

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, the Police Department has previously used DEA Asset Forfeiture funds to begin the process of making available wireless access to their record management system for report-writing in police vehicles and

WHEREAS, the Police Chief is recommending that additional DEA Funds be used to continue the process of equipping newly purchased vehicles for report-writing and TRACS as follows: the purchase of computer, wireless printer and cables from CDW- Government, 75 Remittance Drive, Suite 1515, Chicago, IL 60675-151 for \$4,153.16; and for the purchase and installation of a console to house electronic equipment from Metrocom, 31 Plainfield Avenue, Bedford Hills, NY 10507 for \$2,401. 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 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	\$(6,554.16)
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Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$6,554.16
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Appropriations:

001-3120-0200	Police Equipment	\$6,554.16
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Approved as to Form:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

RESOLUTION

INTERMUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER  
FOR USE OF FIRING RANGE FOR FIREARMS TRAINING

On motion of TRUSTEE KENNER, seconded by TRUSTEE

BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the County of Westchester has a firing range facility at the Police Academy in Valhalla, New York, that is available to municipal public safety personnel for firearms training; and

WHEREAS, such facility is available on a cost-recoverable fee basis of \$630.00 per eight-hour tour under the direction of the safety officer or a fee of \$665.44 per tour if firearms instruction is requested; and

WHEREAS, the Chief of Police recommends that members of the Port Chester Police Auxiliary utilize the firing range so as to facilitate their firearms recertification and that there are sufficient funds in the 2012-2013 Budget to accommodate such request. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an intermunicipal agreement with the County of Westchester for the use of its firing range on a fee-recoverable basis and with a term of five years subject to termination by either party on notice.

Approved as to Form:

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Village Attorney, Anthony Cerreto

#### ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

#### **PRESENTATION**

*Presentation by Complus to the Board of Trustees regarding parking ticket management services.*

Mr. Hittman and his associate stated to the Board that Complus is the current vendor for the Village of Port Chester and has been since 1999. Mr. Hittman also stated that Complus has 26 years of experience and is the largest parking ticket management company on the east coast with over 200 clients nationwide.

The Board asked several questions about paying parking tickets online. Mayor Pilla commented that he would like to have a parking ticket analysis. There was further discussion on this topic. Mayor Pilla asked for an executive session regarding the parking ticket analysis as well as have a resolution and proposed contract on the next agenda.

#### **PUBLIC COMMENTS**

Mayor Pilla asked if there was anyone from the audience who would like to make any comments. Mr. Terranova commented to the Board about purchasing the piece of property on Grace Church Street for the park. Ms. Goldie Solomon thanked Mayor Pilla for honoring staff that helped out with the recovery of

Hurricane Sandy. Ms. Solomon thanked the Police Department, Fire Department, EMT, and Department of Public Works for their work during and after the storm. Ms. Solomon commented about the current property taxes and how they should come down. Ms. Solomon also commented about Veteran's Day and also asked the Board not to tear down the Police/Court Building for a parking garage.

## **CORRESPONDENCE**

*Request from American Legion Post 93 for appropriation for the 2012 year.*

Former Mayor Logan spoke in regards to the Veteran's Day program on Sunday, November 11, 2012 beginning at 12 noon. Mayor Logan asked for the Board's support for the program and the event following the program. The Board approved the appropriation for \$1000 and referred the correspondence to staff.

## **PRESENTATION**

*Ribbon campaign with National Alliance on Mental Illness (NAMI) walk.*

A representative from the National Alliance on Mental Illness (NAMI), which is a grassroots organization since 1979, spoke to the Board about NAMI's mission to educate, support and advocate for people and families who are affected with mental illness. As a part of their mission to educate people and raise awareness, NAMI would like to have their first fundraiser walk in Westchester County on May 18, 2013. NAMI is asking the Village of Port Chester, as well as other villages and towns in the month of May, 2013 to tie ribbons around trees to remind residents about NAMI and their mission. NAMI volunteers will put up and take down the ribbons. The Board approved the NAMI request to be referred to staff subject to conditions.

## **PUBLIC COMMENTS**

Mayor Pilla asked if there was anyone else from the audience who would like to make any comments. Mr. Abel commented about the resolution for the mayoral election to be included with early voting for the 2013 Village Election.

## **RESOLUTIONS**

### **RESOLUTION**

On motion of TRUSTEE BRAKEWOOD seconded by TRUSTEE

TERENZI, the following resolution was adopted by the Village of Port Chester, New York:

RESOLVED, that Chapter 319, Vehicle and Traffic, Section 319-66, Schedule V, pursuant to the provisions of Section 319-9 "Prohibited Turns" of the Code of the Village of Port Chester is hereby amended as follows:

<u>Name of Street</u>	<u>TravelTurn</u>	<u>At Intersection of</u>
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Abendroth Avenue          North Left          Driveway of 20-30 Abendroth Avenue

And, be it further

RESOLVED, that Chapter 319, Vehicle and Traffic, Section 319-74, pursuant to the provisions of Section 319-20, "Prohibited Parking", is hereby amended as follows:

<u>Name of Street</u>	<u>Side</u>	<u>Location</u>
Abendroth Avenue	West	From a point measured 172 feet south of the curblines of Mill Street for a distance of 92 feet.
Abendroth Avenue	West	From north curblines of Mill Street south for 41 feet.

Approved as to Form:

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Village Attorney, Anthony Cerreto

#### ROLL CALL

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

NOES: Trustee Didden

ABSENT: Trustees Marino and Branca

DATE:        November 5, 2012

#### **PRESENTATION**

##### ***Election 2013 Update from the Village Clerk and introduction of the Voter Education Coordinator.***

Mr. Richards spoke to the Board about the process and the progress for the 2013 Village Election. Mr. Richards also introduced to the Board the new Voter Education Coordinator, Ms. Priscilla LaMarie. Ms. LaMarie spoke to the Board on the current progress for the March 2013 election. Mayor Pilla commented his concerns regarding having enough space on the existing voting machines and having access to additional machines if needed. Mayor Pilla asked Mr. Richards to look into having the ballot programmed and gave Mr. Richards the names of two companies that can do the programming.

#### **DISCUSSION**

##### ***Accepting Petition of Starwood for zoning amendment and Noticing Intention to Declare Lead Agency with regard to former United Hospital site.***

Mr. Gioffre, from Cuddy & Feder spoke to the Board in regards to the Starwood petition that was filed back on May 18, 2012, seeking to amend Section 345-62(Zoning). Mr. Gioffre asked the Board to accept the petition and adopt a Positive Declaration going through the SEQRA process. The Board asked Mr. Gioffre several questions and there was further discussion on the topic. The Board asked for a motion on the following resolution:

### RESOLUTION

#### ACCEPTANCE OF FILING OF APPLICATION FOR ZONING TEXT AND MAP CHANGE RELATING TO THE PROPOSED REDEVELOPMENT OF THE FORMER UNITED HOSPITAL PROPERTY; AUTHORIZING COMMENCEMENT OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW PROCESS

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

WHEREAS, on or about May 21, 2012, PC406 BPR, LLC (the "Applicant") submitted a Petition to the Village Board of Trustees (the "Board") proposing zoning text and map amendments to the Village Code, Chapter 345, relating to the proposed redevelopment of approximately 14.15 acres of land located at 406 Boston Post Road in the Village of Port Chester, consisting of a portion of the former United Hospital site, which proposed redevelopment would be for mixed residential, office and commercial uses (the "Proposed Action"); and

WHEREAS, the Petition was accompanied by a Site Plan Application and Long-Form Environmental Assessment Form ("EAF") prepared pursuant to the New York State Environmental Quality Review Act ("SEQRA"); and

WHEREAS, the Proposed Action is a Type I Action pursuant to SEQRA and its implementing regulations; and

WHEREAS, subsequent to receipt of the Petition on May 21, 2012, the Board has:

--conducted several public workshops with the Applicant to better understand the Proposed Action; and

--solicited additional information from the Applicant; and

WHEREAS, by letter dated October 12, 2012, counsel for the applicant made a further submission relating to the Petition, which submission contained the Applicants':

- fiscal and socioeconomic impact assessment;
- preliminary traffic analysis; and
- conceptual site plan and rendering; and

WHEREAS, by letter dated October 31, 2012, counsel for the Applicant requested that the Village Board of Trustees place the Petition on the Board's November 5, 2012 meeting agenda for discussion and action; and

WHEREAS, in said October 31, 2012 letter the Applicant recognized the Board's discretionary authority to accept or refuse to accept the Petition. Now, therefore, be it

RESOLVED, that the Board of Trustees accepts the Petition for filing and hereby gives notice of its intent to be Lead Agency for the purpose of reviewing the Proposed Action, including the Petition and necessary related land use approvals; and that this Notice of Intent, the Petition and exhibits thereto, including the EAF, be circulated to the following potential Involved Agencies:

William Hume, Chairman  
Architectural Review Board  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

Michael Scarola, Chairman  
Port Chester Planning Commission  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

Melissa Slater  
New York State Department of Transportation  
4 Burnett Boulevard  
Poughkeepsie, N.Y. 12603; and be it further

RESOLVED, absent objection to such designation, the Board will be the designated lead agency for the Proposed Action and, as such, the Board is prepared to issue a Positive Declaration that the Proposed Action may have a significant impact on the environment and that a Draft Environmental Impact Statement ("DEIS") must be prepared; and be it further

RESOLVED, that in such event, the Board desires that a public scoping session with respect to the contents of the DEIS be scheduled, conditioned upon the applicant first executing an escrow agreement with the Village to reimburse the Village for its retention of independent environmental consultants (including counsel) and placing into escrow the funds required by the escrow agreement.

Approved as to form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

AYES: Trustees Terenzi and Didden

NOES: Trustees Brakewood, Kenner, and Mayor Pilla

ABSENT: Trustees Marino and Branca

Action not carried

DATE: November 5, 2012

## CORRESPONDENCE

*From John B. Colangelo, Attorney for Torosan Realty LLC, with regard to Minetta Place.*

The Board referred the correspondence to staff with a report from the Planning Commission subject to the abutting property.

## DISCUSSION

*Acceptance of zoning map amendment petition and designation of Lead Agency under SEQRA for 2 Osborn Place.*

Mr. Gomez spoke to the Board regarding 2 Osborn Place. The Board made comments regarding the proposed zoning map amendment and subdivision and asked for a motion on the following resolution:

### RESOLUTION

ACCEPTANCE OF FILING OF APPLICATION FOR ZONING MAP CHANGE RELATING TO PROPERTY AT 2 OSBORN PLACE; AUTHORIZING COMMENCEMENT OF THE NEW YORK STATE ENVIRONMENTAL QUALITY REVIEW PROCESS; AND REFERRING THE APPLICATION TO THE PLANNING COMMISSION FOR STUDY AND REPORT

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

WHEREAS, on October 10, 2012, Joseph Kennedy (the “applicant”) submitted a Petition to the Village Board of Trustees (the “Board”) proposing a zoning map change to facilitate a proposed subdivision of an 11,086 square foot parcel of land located at 2 Osborne Place that would create two lots on the border of the Village of Rye Brook; and

WHEREAS, the proposal is that the existing two-family dwelling would remain on one lot and a new two-family residence would be constructed on the second lot; and

WHEREAS, in order to assure that the two lots are conforming to the dimensional requirements of the R2F Two-Family Residential District, the applicant is proposing to transfer a five-foot sliver of land from the adjacent commercial property zoned C-4 General Commercial District, also owned by the applicant to the parcel to be subdivided; and

WHEREAS, such development would also require an amended site plan approval for the commercial property; and

WHEREAS, the proposed Action is an Unlisted Action pursuant to SEQRA and its implementing regulations and

WHEREAS, the applicant agreed to waive any time limitations on the review of his application for subdivision approval pending the Board's determination on the zoning map change. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby gives notice of its intent to be Lead Agency for the purpose of reviewing the proposed action, including the Petition and necessary land use approvals; and that this Notice of Intent, the Petition and exhibits thereto, including the EAF, be circulated to the following potential Involved Agencies:

Michael Scarola, Chairman  
Port Chester Planning Commission  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

William Hume, Chairman  
Port Chester Architectural Review Board  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

William Villanova, Chairman  
Port Chester Zoning Board of Appeals  
Village Hall  
222 Grace Church Street  
Port Chester, N.Y. 10573

Christopher Bradbury  
Village Administrator  
Village of Rye Brook  
938 King Street  
Rye Brook, N.Y. 10573; and be it further

RESOLVED, pursuant to Section 345-34 of the Village Code, the Board hereby refers the Petition to the Planning Commission for its study and report on the said zoning map change.

Approved as to Form:

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Village Attorney, Anthony Cerreto

#### ROLL CALL

AYES: Trustees Terenzi and Didden

NOES: Trustees Brakewood, Kenner, and Mayor Pilla

ABSENT: Trustees Marino and Branca

Action not carried

DATE: November 5, 2012

**RESOLUTIONS**

RESOLUTION

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

On a 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:

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, 2012 for food service establishment regarding the Port Chester Nutrition Program at 220 Grace Church Street.

Approved as to Form:

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Village Attorney  
Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

RESOLUTION

NEW YORK STATE INDEXED LUMP SUM SNOW AND ICE AGREEMENT

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:

WHEREAS, pursuant to New York State Highway Law, Section 12, the maintenance and repair of improved state highway in towns and incorporated villages, including control of snow and ice, is under the direct supervision and control of the commissioner of transportation; and

WHEREAS, the commissioner is authorized to enter into an agreement with a municipality for the performance of the work of such control of snow and ice on such terms as the commissioner may determine in the best interest of the public; and

WHEREAS, there are 13.2 lane miles of New York State-owned roads in the Village of Port Chester; and

WHEREAS, the State of New York has historically contracted with the Village of Port Chester for snow and ice removal on these roads; and

WHEREAS, the State has most recently contracted with the Village by agreement dated August 18, 1997 for a term of three years, commencing July 1, 1996 which has been annually extended; and

WHEREAS, such extensions provide for an estimated expenditure determined by the State at the time of extension with an adjustment to the actual payment amount based upon the intensity and severity of the winter season; and

WHEREAS, the State has recently presented to the Village an Agreement to Extend the Indexed Lump Sum Municipal Snow and Ice Agreement for the 2013/2014 season with an estimated lump sum expenditure of \$1,507.00 per lane mile for a total of \$19,892.40; and

WHEREAS, the Village Manager recommends that such long-standing contractual relationship be continued. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to execute the Agreement to Extend the State Indexed Lump Sum Municipal Snow and Ice Agreement for the 2013/14 season, with estimated payment to the Village of Port Chester in the amount of \$19,892.40.

APPROVED AS TO FORM:

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Village Attorney  
Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

### RESOLUTION

RETAINING FAIRVOTE FOR CONTINUED ASSISTANCE IN  
IMPLEMENTING THE CONSENT DECREE IN THE VOTING RIGHTS  
LITIGATION FOR THE 2013 VILLAGE TRUSTEE ELECTION

On motion of TRUSTEE KENNER, seconded by TRUSTEE

BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, as a result of litigation with the Federal Government in the matter of United States v. Village of Port Chester, the Village's at-large system of electing Trustees was found to have violated Section 2 of the Voting Rights Act; and

WHEREAS, the parties entered into a consent decree that provided for the Village to implement an alternative remedy of cumulative voting with a mandated comprehensive voter education program; and

WHEREAS, FairVote is a national rights advocacy organization with experience in implementing such programs for alternative election systems and assisted the Village for the last Village Election for Trustee in 2010; and

WHEREAS, pursuant to the consent decree the Village is required assign an employee to act as Voter Education Coordinator who shall be bilingual; and

WHEREAS, the Coordinator is under the general supervision of the Village Clerk who is responsible for administering the 2013 Village Election; and

WHEREAS, at the request of the Village Clerk, FairVote has provided a proposal to continue its assistance to the Village of Port Chester on an "as-needed", hourly basis. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to enter into an agreement with FairVote, 6930 Carroll Avenue, Suite 610, Takoma Park, Maryland 20912 for continued assistance to the Village of Port Chester on an "as-needed" basis in the implementation of the consent decree in the Voting Rights litigation for the 2013 Village Election for Trustee, compensation to be \$60/hour for the Executive Director and \$35/hour for other staff, capped at \$10,000.

Approved as to Form:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

RESOLUTION



AUTHORIZING FURTHER ADDENDUM IN UNITED STATES v. VILLAGE  
OF PORT CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE  
2013 VILLAGE ELECTION

On motion of TRUSTEE BRAKEWOOD, second by MAYOR PILLA

, the following resolution was **defeated** by the Board of Trustees of the  
Village of Port Chester, New York:

WHEREAS, the Consent Decree in the above matter "represents the parties' commitment to ensure that all citizens of the Village of Port Chester have an equal right to full electoral and political participation"; and,

WHEREAS, the Consent Decree provides that the Village of Port Chester shall allow for early voting for the term of the Consent Decree, where registered voters shall be permitted to cast their ballot during the one week period prior to election day; and,

WHEREAS, early voting increased the opportunities for 2,500 additional voters in the 2010 election, and therefore seeking to eliminate early voting from the Consent Decree would not be a viable option; and,

WHEREAS, the Consent Decree also provided that the provisions therein may be changed by agreement of the parties; and,

WHEREAS, the parties are required to execute a Second Addendum to the Consent Decree to implement the 2013 Trustee Election; and,

WHEREAS, the 2013 Village election ballot shall consist of 6 Trustee seats and the Mayor's seat; and,

WHEREAS, the Consent Decree did not anticipate the issue of whether to include the Mayor's seat on the 2013 ballot for early voting; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting ballot will not provide early voters with the right to full electoral and political participation; and,

WHEREAS, separating the Mayor's seat from the 2013 early voting will require additional operational changes, and require additional voter and election official education and training, and may create additional voter confusion; and,

WHEREAS, the Board had previously authorized the Mayor, Village Attorney and former Village Clerk, to discuss with the Federal Government the issue of including the Mayor's seat on the 2013 early voting ballot; and,

WHEREAS, both the Federal Government and the Intervenor are not opposed to include the Mayor's seat on the 2013 early voting ballot, in order to facilitate implementing the Consent Decree in the most effective and cost-efficient manner; and,

WHEREAS, the Clerk provided the Board with an analysis detailing that separating the Mayor's seat from the 2013 early voting ballot will require additional cost and personnel resources; and,

WHEREAS, the Village Clerk subsequently identified additional proposed changes to the Voter Education Program so as to minimize taxpayers expense and enable Village resources to be more efficiently provided; and,

WHEREAS, the Federal Government provided a draft Addendum in the form annexed which incorporates the changes proposed and extends the opportunity to include the Mayor's seat on the 2013 early voting ballot for the Board's consideration; and

WHEREAS, the matter of including the Mayor's seat on the 2013 early voting ballot is a policy decision for the Board to determine. Now, therefore, be it

RESOLVED, upon review and deliberation, the Board of Trustees authorizes the Village Attorney to execute the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester; and be it further

RESOLVED, that the Village Attorney make his appearance in substitution for Piscionere & Nemarow as attorney of record in this matter.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

Action not carried

DATE: November 5, 2012

### RESOLUTION

#### AWARDING BID FOR ROOF AND CHIMMNEY WORK WITH REGARD TO THE BUSH HOMESTEAD RESTORATION

On motion of TRUSTEE DIDDEN, 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 has advertised for bids for roof and chimney work with regard to the Bush Homestead Project (Bid No. 12-07); and

WHEREAS, of the four firms that submitted bids, Dennis Adams Contracting/ Don Adams Roofing, 130 Milton Drive, Thornwood, New York 10594 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 specifications as set forth in the bid documents. Now, therefore, be it

RESOLVED, that the Village of Port Chester accepts the bid of \$42,700 from Dennis Adams Contracting/Don Adams Roofing, 130 Milton Drive, Thornwood, New York 10594; 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 Capital Fund –Village Owed Building Improvement A/c 5.1620.400.2007.0068.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Branca

DATE: November 5, 2012

## **DISCUSSION**

### ***No Knock Law***

Mayor Pilla asked Trustee Didden and the rest of the Board to have the No Knock Law on the list of ideas for a future meeting.

## **CORRESPONDENCES**

### ***From Sandra Blanco in reference to Madison Avenue traffic and speeding cars.***

The Board approved the correspondence to be referred to the Police. Chief Krzeminski commented that Sargent Vaccaro made two phone calls leaving messages, as well as leaving his business card at the residence and Ms. Blanco has not responded to either one. The Police Chief also said that when there was a selective enforcement there, they did not see any violations. Mayor Pilla asked for the Police and Department of Public Works coordinate looking into speed bumps.

## **REPORT**

### ***Interdepartmental transfer of funds.***

The Board acknowledged the interdepartment transfer of funds.

## **PUBLIC AND BOARD COMMENTS**

### ***Public:***

Mr. Abel commented about the Starwood proposal, the Board's conduct and early voting.

### ***Board:***

Trustee Brakewood thought it was great to recognize staff as well as Mr. Steers with their help during and after Hurricane Sandy.

Trustee Didden also agreed with Trustee Brakewood that it was great to recognize staff with their help during Hurricane Sandy. Trustee Didden suggested to the Board as a thank you to the staff, he would like to have two catered luncheons for village staff and for the Fire Department. Trustee Didden said that he would be willing to pay the entire bill, but said to the Mayor and Board that he would welcome their support.

Trustee Kenner commended Mr. Steers and staff with their work after Hurricane Sandy. Trustee Kenner also sent his condolences to former Trustee Don Cicutelli on the passing of his father.

Mayor Pilla thanked the staff again for their hard work during and after Hurricane Sandy.

Trustee Kenner made a motion to close the meeting at 1:18 a.m., Trustee Didden seconded the motion.

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

NOES:

ABSENT: Trustees Marino and Branca

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk