

## **MEETING HELD NOVEMBER 19, 2012**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, November 19, 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.

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

It should be noted that Trustee Branca arrived at 7:33 pm.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Treasurer, Leonie Douglas; Administrative Aide, Chris Ameigh; 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 6:02 p.m.

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

NOES:

ABSENT: Trustee Branca

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

The Board of Police Commissioners met with the Chief of Police to discuss priorities and other issues. No action was taken in the meeting, but the Board asked for a recurring monthly meeting with the Chief of Police.

## **MOTION FOR EXECUTIVE SESSION**

At 6:38 p.m., on motion of Trustee Terenzi, seconded by Trustee Brakewood, the Board of Trustees adjourned into the first executive session to discuss a resident complaint.

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 6:50 p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the Board of Trustees closed the first executive.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

At 6:51 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned into a second executive session to discuss the CSEA agreement.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

No action was taken in executive session.

At 7:12 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the second executive session was closed.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

After a five minute recess, the public portion of the meeting was reopened at 7:12p.m.

Roll Call

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

NOES: None

ABSENT: Trustee Branca

## **PRESENTATION**

### ***Audit and introduction to 5 year operating budget.***

Mr. Malecki from Drescher & Malecki LLP., presented to the Board their opinions, financial highlights and observations for the Village's audit for fiscal year end May 31, 2012. Mayor Pilla said that he will plan a budget workshop with the Board and staff early next year before introducing the operating budget to the public.

## **PUBLIC COMMENTS**

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

Mr. Terranova commented regarding the Board passing the resolution for acquiring the property at 201 Grace Church Street.

Ms. Paul also commented regarding the Board passing the resolution for acquiring the property at 201 Grace Church Street.

Mr. John Reavis commented regarding acquiring the property at 201 Grace Church Street, Columbus Park and Starwood Capital and the former United Hospital property.

Ms. Deidra Pasquale commented regarding Starwood Capital and the former United Hospital property.

Ms. Linda Turturino also commented about Starwood Capital and the former United Hospital property and also about the Village acquiring the property at 201 Grace Church Street.

Ms. Tofano commented about acquiring the property at 201 Grace Church Street and Starwood Capital and the former United Hospital property.

Ms. Goldie Solomon commented regarding properties coming off of the current tax rolls.

Mr. Morlino commented regarding Starwood Capital and the former United Hospital property as well as the current overcrowding in Port Chester schools.

Reverend Bruce Baker commented regarding Starwood Capital and the former United Hospital property.

Mr. Steve Stefano commented about acquiring the property at 201 Grace Church Street.

Mr. Abel commented about acquiring the property at 201 Grace Church Street, Starwood Capital and the former United Hospital property, and early voting for the Mayoral seat in the 2013 Village Election.

Mr. Gioffre commented on the proposed resolution accepting the petition of Starwood Capital for the zoning amendment and noticing intention to declare lead agency with regard to former United Hospital site. Mr. Gioffre said that he only learned yesterday that this item was considered as a resolution and not as a discussion item. Mr. Gioffre asked the Board the opportunity to answer any questions the Board may have during the discussion period of the resolution. Mayor Pilla commented that Trustee Terenzi asked for the zoning amendment and noticing intention to declare lead agency with regard to former United Hospital site to be on the agenda as a resolution.

Mr. Ceccarelli commented about Starwood Capital and the former United Hospital property.

## **RESOLUTIONS**

### **RESOLUTION SUBSTITUTION OF COUNSEL OF RECORD IN VOTING RIGHTS LITIGATION**

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 Federal Government brought suit against the Village of port Chester in the United States District Court of the Southern District of

New York claiming that the Village's at-large method of electing Trustees violated Section 2 of the Voting Rights Act; and

WHEREAS, the District Court found against the Village which required a hearing on the matter of the appropriate remedy; and

WHEREAS, after hearing, the parties entered into a Consent Decree that established an alternative method of electing Trustees, cumulative voting, for the 2010, 2013 and 2016 Village Elections and required execution of a subsequent Addendum with regard to the 2010 Village Election; and

WHEREAS, a substitution of counsel is required in this matter; and

WHEREAS, on the recommendation of the Village Manager, counsel is necessary and appropriate on an "as needed" basis to assure the successful compliance with the Village's obligations to the court with regard to the Consent Decree as well as any subsequent addenda that may be presented; and

WHEREAS, that such counsel be also be available as to any litigation that may be required in connection with this matter. Now, therefore, be it

RESOLVED, that Village Attorney be assisted in the matter of United States, et al. v. Village of Port Chester by the retainer of the firm of Sokoloff Stern, 179 Westbury Avenue, Carle Place, New York 11514 to act as attorney of record, compensation to be capped at \$10,000 without further authorization of the Board of Trustees, with rates of: \$160/hour/partners and \$140/hour associates and \$75/hour paralegals.

APPROVED AS TO FORM:

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Village Attorney

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

NOES: None

ABSENT: None

DATE: November 19, 2012

## RESOLUTION

### AUTHORIZING FURTHER ADDENDUM IN UNITED STATES v. VILLAGE OF PORT CHESTER TO IMPLEMENT THE CONSENT DECREE FOR THE 2013 VILLAGE ELECTION AS DRAFTED BY THE UNITED STATES DEPARTMENT OF JUSTICE

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

WHEREAS, the 2009 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 candidates and voters, whereby over 600 citizens voted early, and a "write in" candidate emerged during the early voting period; and

WHEREAS, seeking to eliminate early voting from the Consent Decree is not 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 voters to the full village electoral ballot; and,

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

WHEREAS, separating the Mayor's seat from the 2013 early voting ballot may create additional voter confusion, which may have a greater impact on minority voters; 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, and in order to implement the terms of the 2009 Consent Decree in the most efficient and effective manner, the Board of Trustees authorizes the execution of the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester, as drafted by the DOJ.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

AYES: Trustees Brakewood, Branca, Marino and Mayor Pilla

NOES: Trustees Terenzi, Didden, Kenner

ABSENT: None

DATE: November 19, 2012

RESOLUTION

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

**The following resolution was withdrawn at the request of Trustee Kenner.**

WHEREAS, the Federal Government brought suit against the Village of Port Chester in the District Court of the Southern District of New York claiming that the Village's at-large method of electing Trustees violated Section 2 of the Voting Rights Act; and

WHEREAS, the District Court found against the Village which required a hearing on the matter of the appropriate remedy; and

WHEREAS, after hearing, the parties entered into a Consent Decree that established an alternative method of electing Trustees, cumulative voting, for the 2010, 2013 and 2016 Village Elections; and

WHEREAS, said Consent Decree provided for, among other things, early voting for the week prior to Village Election Day for Trustee; and

WHEREAS, said Decree also incorporated a detailed Voter Education Program that the Village was required to implement; and



WHEREAS, the parties presented to the Court a subsequent Addendum that addressed the terms of the Trustees, ballot design, use of lever machines, etc. specific to the 2010 Village Election; and

WHEREAS, the parties are required to enter into a further or Second Addendum for the administration of the 2013 Village Election for Trustee; and

WHEREAS, the Village Clerk has identified proposed changes to the Voter Education Program so as to minimize taxpayers expense and enable Village resources to be more efficiently provided for consideration by the parties; and

WHEREAS, the Board has been provided a proposed Second Addendum for consideration that does not include early voting for the Mayor's seat. Now, therefore, be it

RESOLVED, upon review and deliberation, the Board of Trustees authorizes the execution of the Second Addendum to the Consent Decree in the form annexed on behalf of the Village of Port Chester.

On the request of Trustee Kenner, no action was taken on this 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 MARINO seconded by TRUSTEE TERENCE, the following resolution was adopted 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

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

DATE: November 19, 2012

**SEQR**  
**Intent to be Lead Agency**

MEMO TO: ALL INTERESTED AND INVOLVED AGENCIES

FROM: Village of Port Chester Board of Trustees  
222 Grace Church Street  
Port Chester, NY 10573

PROJECT TITLE: United Hospital Redevelopment  
Petition to Amend Chapter 345 (Zoning)  
Premises: 406 Boston Post Road (Section 141.052, Block 1, Lot 2)

MAILING DATE: November 20, 2012

This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

**United Hospital Redevelopment**

As set forth in the petition, the United Hospital Site, located on 406 Boston Post Road in the Village of Port Chester, Section 141.052, Block 1, Lot 2, consists of one 14.15 acre parcel. It currently consists of eight abandoned buildings of approximately 600,000 square feet, an interior roadway system, and related parking areas. The current zoning is R2F: Two-family residential.

The current owner of the property wishes to change the current R2F zone to a new PMU, Planned Mixed Use district (see attached zoning amendment petition). This zoning map change will allow the property owners to construct a mixed use development on the site. This new development will take the place of the current vacant hospital. The proposed development consists of approximately 20,000 Square Feet of ground floor retail/commercial uses and 820 multifamily dwelling units (41 Studio, 394 1BR, and 385 2BR) in five and six story structures. Residential amenities are also proposed. Approximately 1,350 parking spaces will be provided by a combination of surface and underground structured lots.

If no written objections are received within 30 days of the above date of this notice, the Port Chester Board of Trustees will assume the role of Lead Agency.

**Contact Person:** Hon. Dennis Pilla, Mayor  
Port Chester Board of Trustees, c/o Village Clerk  
222 Grace Church Street, First Floor  
Port Chester, NY 10573  
T. (914) 939-5202

**Potential**

**Involved Agencies:** Chairman Michael Scarola  
Port Chester Planning Commission  
222 Grace Church Street, Suite 202  
Port Chester, NY 10573

Chairman William Hume  
Architectural Board of Review  
222 Grace Church Street  
Port Chester, NY 10573

Melissa Slater  
New York State Department of Transportation  
Region 8, Eleanor Roosevelt State Office Building  
4 Burnett Boulevard  
Poughkeepsie, NY 12603

**Copy of this Notice of Intent on file with:**

Janusz Richards  
Village Clerk  
222 Grace Church Street  
Port Chester, NY 10573  
T. (914) 939-5202

**RESOLUTION**

**REJECTING BID FOR MARINA BULKHEAD REPAIRS**

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

WHEREAS, the Village of Port Chester solicited competitive bids for the Village Marina Vinyl Bulkhead Repair Project (Bid # 4-12); and

WHEREAS, such bids were returnable on September 28, 2012; and

WHEREAS, J.T. Cleary, Inc. was the single bidder in the amount of \$1,997,700.00; and

WHEREAS, at the request of the Village, the bidder has agreed to hold the bid through November 31, 2012 for the Board to consider the bid; and

WHEREAS, the Village's consulting marina engineer has presented to the Board with respect to the matter. Now, therefore be it

RESOLVED, that the Board of Trustees hereby rejects the bid of J.T. Cleary, Inc., 100 Red Schoolhouse Road, #A-12, Chestnut Ridge, New York 10977; and be it further

RESOLVED, that such action should not be understood as any reflection on the bidder but rather the intention of the Board to advance this matter in a different direction.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

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

NOES: None

RECUSE: Trustee Didden

ABSENT: None

DATE: November 19, 2012

Trustee Didden recused himself because the resolution relates to G&S and he has a standing recusal because of outstanding litigation.

RESOLUTION

PURCHASE OF PREMISES TO ENHANCE EDGEWOOD PARK

On motion of TRUSTEE BRANCA, seconded by TRUSTEE

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

WHEREAS, the Village was made aware that real property located at 201 Grace Church Street was on the market for sale; and

WHEREAS, such premises is currently improved by a one-family residence; and

WHEREAS, the Park Commission has recommended that the Village's acquire said property to enhance Edgewood Park which is adjacent thereto; and

WHEREAS, the Recreation Master Plan has identified the need for additional parkland and open space to serve the needs of Village residents; and

WHEREAS, the Saline family was responsible for giving to the Village the property now known as Edgewood Park; and

WHEREAS, the Board has been advised that given the historical connection between the Saline family and the Village, the premises is being offered at a price below fair market value so long as it is used for parkland; and

WHEREAS, the Village has funds available from accumulated subdivision fees-in-lieu of parkland and a one-time impact fee from the Kingsport refinancing that would defray much of the acquisition cost; and

WHEREAS, the Village commissioned an independent appraisal to provide the basis for negotiations and support any potential acquisition; and

WHEREAS, a purchase price of \$300,000 "as is" has been finally negotiated, subject to approval and ratification by the Board of Trustees. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby approves the purchase of premises located at 310 Grace Church Street Port Chester, in the amount of

\$300,000 “as is” with the present intention that it be land-banked for future use; and be it further

RESOLVED, that the Trust & Agency, and Capital Fund be modify as follows for the purchase:

**From:**

|                                      |         |           |
|--------------------------------------|---------|-----------|
| T/A Parkland Deposit                 | 3.3.37  | \$212,000 |
| Deferred Rev.-Impact Fee (Kingsport) | 5.5.693 | \$88,000  |

**Establish-Capital Fund: Parkland Purchase-310 Grace Church St.**

Revenues:

|                   |                                     |           |
|-------------------|-------------------------------------|-----------|
| 5.5.2772.2012.122 | Misc Revenue (Kingsport Impact Fee) | \$88,000  |
| 5.5.2772.2012.122 | Misc. Revenue (Parkland)            | \$212,000 |

Appropriations:

|                       |                   |           |
|-----------------------|-------------------|-----------|
| 5.5.7110.400.2012.122 | Parkland Purchase | \$300,000 |
|-----------------------|-------------------|-----------|

and be it further

RESOLVED, that the Village Manager be authorized to enter into a purchase and sale agreement and that the Manager and Village Attorney are authorized to execute such other documents as may be necessary and appropriate to accomplish the closing of title.

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

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

NOES: Trustee Terenzi

ABSENT: None

DATE: November 19, 2012



**Village of Port Chester  
Office of Planning and Development**

222 Grace Church Street, rm. 202 Port Chester, New York 10573



To: Hon. Mayor Pilla and Board of Trustees

From: Christopher Gomez, Director of Planning and Development

Re: 201 Grace Church Street Acquisition – SEQRA Negative Declaration

CC: C. Steers, T. Cerreto, L. Douglas, J. Richards

Date: November 14, 2012

The attached SEQRA Negative Declaration has been prepared pursuant to Part 617 of the implementing regulations pertaining to Article 8 of the New York State Environmental Conservation Law. The proposed action is classified as an Unlisted action pursuant to Section 617.2.

This specific negative deceleration relates only to the Village's desire to acquire a .3-acre property at 201 Grace Church Street (Section 142.54, Block 2, Lot 54) immediately adjacent to Edgewood Park for a presently undetermined use. As such, this Negative Deceleration solely relates to the acquisition of real property and not any specific environmental impacts that may be associated with a future use. Any subsequent improvements or actions related to said land-banked property would be subject to additional SEQRA review to analyze the potential for environmental impacts at that time.

It should be noted that Trustee Branca had to leave the meeting at 9:54 p.m.

### **PUBLIC COMMENTS**

Ms. Goldie Solomon thanked Trustee Marino for helping out with Father Steve Shank's wake and funeral. Ms. Solomon commented about property assessments and taxes and wished everyone a happy thanksgiving.

Mr. Terranova thanked the Board for passing the resolution to acquire the property at 201 Grace Church Street and wished everyone a happy thanksgiving.

Mr. Buccieri commented about the marina bulkhead.

RESOLUTION

STIPULATION OF AGREEMENT  
CSEA – RANK & FILE

On motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, the following resolution was **adjourned to December 3, 2012** by the Board of Trustees of the Village of Port Chester,

New York:

WHEREAS, the Village of Port Chester and the CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) have entered into negotiations for a new multi-year labor agreement for the term of June 1, 2011 through May 31, 2015; and

WHEREAS, those negotiations have been successfully concluded; and

WHEREAS, a Memorandum of Agreement reflecting amendments to the existing labor agreement has been signed by the negotiating teams, and subject to the approval of both the Union and Village; and

WHEREAS, the Association has ratified the Memorandum of Agreement. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies and approves the Memorandum of Agreement with CSEA, Local 1000, AFSCME, AFL-CIO, Westchester Local 860 Village of Port Chester Unit (Rank and File) in the form annexed herein; and be it further

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

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

|   |            |                 |
|---|------------|-----------------|
| <b>From:</b>                              |            |                 |
| Contingency – Contractual                 | 1.1990.400 | <b>\$82,487</b> |
| <b>To:</b>                                |            |                 |
| Justice Court – Personnel Services        | 1.1110.100 | \$7,332         |
| Finance – Personnel Services              | 1.1320.100 | \$3,394         |
| Village Clerk – Personnel Services        | 1.1410.100 | \$1,054         |
| Law – Personnel Services                  | 1.1420.100 | \$1,115         |
| Buildings-Village Hall-Personnel Services | 1.1621.100 | \$1,011         |
| Central Garage-Personnel Services         | 1.1640.100 | \$5,194         |
| Police Civilian-Personnel Services        | 1.3127.100 | \$2,735         |
| Building Dept-Personnel Services          | 1.3620.100 | \$2,718         |
| Code Enforcement-Personnel Services       | 1.3989.100 | \$6,242         |
| Street Administration-Personnel Services  | 1.5010.100 | \$1,873         |
| Street Maintenance-Personnel Services     | 1.5110.100 | \$14,183        |
| Street Cleaning-Personnel Services        | 1.5190.100 | \$1,244         |
| Nutrition (SNAP)-Personnel Services       | 1.6730.100 | \$1,735         |
| Nutrition (Transp.)-Personnel Services    | 1.6750.100 | \$918           |
| Parks-Personnel Services                  | 1.7110.100 | \$2,394         |
| Youth Program-Personnel Services          | 1.7310.100 | \$2,314         |
| Refuse/Garbage-Personnel Services         | 1.8160.100 | \$21,170        |
| Social Security-FICA                      | 1.9030.802 | \$4,750         |
| Social Security-Medicare                  | 1.9030.810 | \$1,111         |
| Total                                     |            | <b>\$82,487</b> |

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

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

NOES: None

ABSENT: Trustee Branca

DATE: November 19, 2012

## RESOLUTION

### AWARDING BID FOR PARKING TICKET MANAGEMENT SERVICES

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:

WHEREAS, the Village of Port Chester solicited bids for parking ticket management services through a Request for Proposals process (RFP-2012-4); and

WHEREAS, proposals were returnable on August 10, 2012; and

WHEREAS, the incumbent vendor, Complus Data Innovations, Inc. 560 White Plains Road, Tarrytown, New York 10591, was the single proposer; and

WHEREAS, the parties have since been involved in post-bid negotiations; and

WHEREAS, Complus submitted a revised proposal in correspondence dated November 8, 2012 which the Village Manager recommends be accepted. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the proposal of Complus Data Innovations, Inc., 560 White Plains Road, Tarrytown, New York 10591 included in correspondence dated November 8, 2012 to provide parking ticket management services to the Village of Port Chester, with a two year term and fee schedule as follows:

12% of all in-state parking ticket collections on Village parking ticket revenues up to \$1,300,000 annually; 16 % of all out-of-state parking ticket collections on Village parking ticket revenues up to \$1,300,000 annually and 11% of all in-state and out-of-state parking ticket collections on Village parking ticket revenues in excess of \$1,300,000 annually, and be it further.

RESOLVED, that the Village Manager is hereby authorized to sign an agreement with the vendor consistent with such terms.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

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

NOES: Mayor Pilla

ABSENT: Trustee Branca

DATE: November 19, 2012

RESOLUTION  
DPW HOT BOX PURCHASE

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

WHEREAS, the Village Manager is recommending the purchase of an hot box for street patches during the winter months from Trius Inc, 458 Johnson Avenue, P.O. Box 158, Bohemia, NY 11716 for \$21,500 , and

WHEREAS, the funds are already budgeted in the General Fund Transfer to Capital line, 1.9900.400. 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 Capital Fund Budget as follows:

CAPTIAL FUND

Establish Project Budget– DPW Hot Box

Revenues:

|                   |                            |             |
|-------------------|----------------------------|-------------|
| 5.5.5031.2012.123 | Transfer from General Fund | \$21,500.00 |
|-------------------|----------------------------|-------------|

Appropriation:

|                     |             |             |
|---------------------|-------------|-------------|
| 5.5110.200.2012.123 | DPW Hot Box | \$21,500.00 |
|---------------------|-------------|-------------|

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

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

NOES: None

ABSENT: Trustee Branca

DATE: November 19, 2012

## **DISCUSSIONS**

### ***Housing Rehabilitation***

Mayor Pilla said that Ms. Noonan could not be here tonight but recommended the Board should use the \$600,000 designated fund for the purpose it was intended for. Trustee Didden commented that Ms. Noonan drafted an agreement, but the Board has not seen it. There was further discussion on this topic. Mr. Steers commented that the Village Attorney has been pursuing information for the drafted agreement, but during the process, there were discrepancies, and he is waiting for clarification. Mr. Steers recommended to the Board to have Ms. Noonan come back and present to the Board the drafted agreement. The Board agreed to have staff set up a date to have Ms. Noonan come back to present to the Board the drafted agreement.

### ***Sewer Rent Project***

Mayor Pilla commented that when last met with Mr. Dichter, he was supposed to meet with United Water and as of this date, he has not met with them. As there was further discussion on this topic; Mr. Steers asked the Board to have Mr. Dichter come back at a future meeting to discuss with the Board on the current sewer rent status. The Board agreed to have Mr. Dichter come back for an updated discussion.

### ***The attorney / client privilege for opinions sent to the Board of Trustees by the Village Attorney***

Trustee Didden commented regarding the rules and procedures of privileged documents. There was further discussion with the Board on this topic. Trustee

Didden along with Trustee Terenzi (which will be the required second Trustee), will ask for a request of opinion from the Village Attorney on this matter.

## **CORRESPONDENCE**

### ***From Fire Department Village of Port Chester***

The Board acknowledged from Reliance Engine & Hose Co. No. 1 to expel James Green as a member.

### ***Request from Rosa Castillo to purchase a small piece of village-owned land.***

Trustee Didden said that the piece of property Ms. Castillo is referring to is not owned by the Village of Port Chester and the property is located in the Town of Rye. Mayor Pilla asked staff to send Ms. Castillo a letter regarding this matter.

### ***From Port Chester Rye Brook Rye Town Chamber of Commerce.***

***The Port Chester/Rye Brook/Rye Town Chamber of Commerce is asking for the Village of Port Chester to allow their annual free street parking (with a two-hour limit) on North Main Street, South Main Street, Abendroth Avenue, the lower portion of Willett Avenue from North Main Street to Abendroth Avenue, and Westchester Avenue from December 17, 2012 through December 28, 2012.***

The Board referred the correspondence to staff and to have it as a resolution for the next meeting.

## **MINUTES**

***Approval of the Board of Trustees minutes of July 16, 2012, August 6, 2012 and August 20, 2012.***

On motion of Trustee Didden, seconded by Trustee Marino, the minutes of July 16, 2012, August 6, 2012 and August 20, 2012 were accepted.

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

NOES:

ABSENT: Trustee Branca

## **PUBLIC COMMENTS AND BOARD COMMENTS**

There were no public comments.

### **Board:**

Trustee Brakewood thanked the public for coming out this evening and their comments. Trustee Brakewood also congratulated the Port Chester High School Boys Varsity Soccer team for competing in the New York State championship game. Mr. Brakewood also wished everyone a happy thanksgiving.

Trustee Terenzi commented regarding his purpose as a Village Trustee and the five year operating plan.

Trustee Didden commented regarding service contracts and village properties.

Trustee Marino commented regarding Board packages and the Election Education Coordinator position.

Trustee Kenner commented regarding a person interested as a potential appointment to the Industrial Development Agency (IDA).

Mayor Pilla commented that he will schedule an executive session at the next meeting for the Board to discuss several open vacancies for commissions. Mayor Pilla commented about the office hours in the Building Department and the Village Clerk's office. Mayor Pilla also commented about the Rye Town dissolution, Taxi Commission and thanked the public for coming out and voicing their concerns regarding Starwood Capital.

At 11:01 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the meeting was closed.

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

NOES: None

ABSENT: Trustee Branca

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk