

**MINUTES OF THE MEETING OF THE
VILLAGE OF PORT CHESTER
INDUSTRIAL DEVELOPMENT AGENCY**

HELD: April 09, 2014

TIME AND PLACE: 6:30 P.M., Village Hall, Conference Room, 222 Grace Church Street, Port Chester, New York

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday April 09, 2014 at 6:30 p.m. at 222 Grace Church Street, Port Chester, New York 10573.

Roll Call

Board member Frank Ferrara led the Board in the Pledge of Allegiance after which the meeting was called to order by Chairman Neil Pagano. On the motion of Board member Dennis Pilla, which was seconded by Board member Frank Ferrara the meeting was called to order with the following Board members being present: Richard Cuddy, Frank Ferrara, John Hiensch, Dennis Pilla and James Taylor.

ROLE CALL

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>			<u>X</u>		
<u>FERRARA</u>		<u>X</u>	<u>X</u>		
<u>HIENSCH</u>			<u>X</u>		
<u>KENNER</u>			<u>Absent</u>		
<u>PILLA</u>	<u>X</u>		<u>X</u>		
<u>TAYLOR</u>			<u>Not present for the vote</u>		
<u>PAGANO</u>			<u>X</u>		

Also in attendance were, Village Manager Christopher Steers, Treasurer Leonie Douglas Village Attorney Anthony Cerreto and Acting Board Secretary Constance Phillips.

Also present from the public were Billy Frenz, representative for the Showboat, Tina Lund of Urbanomics Consulting and Sara Yackel of BFJ Planning.

Chairman Pagano opted to forego the Chairman’s Remarks and suggested that the order on the agenda be changed to accommodate the guests who were there to provide a brief RFP presentation to the Board.

RFP-PC Schools/Urbanomics

Chairman Pagano turned the meeting over to Tina Lund from Urbanomics for a brief overview of Urbanomics and their strategy to fulfill the requirements of the RFP. Ms. Lund said that her presentation would be brief and she thanked the Board for selecting Urbanomics to fulfill their request. She also introduced Sara Yackel from BFJ Planning who would be working on the SEQRA process and co-presenting with her. Ms. Lund said they had developed the scope of work and provided the Board with a handout to support her presentation. Below is a summary of Phases One and Phase Two:

PHASE ONE

- ◆ Enrollment Forecast/Capacity Assessment
- ◆ Child Generation in New Development
- ◆ Soft & Hard Costs of Education
- ◆ Codify Mitigation Formula

PHASE TWO Draft GEIS

- ◆ Part 1 Environmental Assessment Form
- ◆ Part 2 EAF and Positive Declaration (Village)
- ◆ Draft Scope
- ◆ Public Scoping Session/Final Scope
- ◆ Prepare Draft Generic Environmental Impact Statement
- ◆ Revisions, Lead Agency Acceptance, Publication
- ◆ Public Hearing

A brief discussion and question and answer session was also held during and after the presentation.

On the motion of Board member Richard Cuddy, which was seconded by Board member John Hiensch, the Board authorized Chairman Pagano, Vice Chairman Frank Ferrara and Acting Administrative Director/Village Manager to negotiate and execute a contract with Urbanomics not to exceed \$75,000.00.

AUTHORIZING RESOLUTION
(Engagement of Urbanomics)

A regular meeting of the Village of Port Chester Industrial Development Agency was convened on Wednesday April 9, 2014, at 6:30 p.m. at 222 Grace Church Street, Port Chester, New York, 10573.

The meeting was called to order by the Chairman, with the following members being:

PRESENT: Richard Cuddy, Frank Ferrara, John Hiensch, Dennis Pilla, James Taylor

ABSENT: Joseph Kenner

THE FOLLOWING PERSONS WERE ALSO PRESENT:

Village Manager Christopher Steers, Treasurer Leonie Douglas Village Attorney Anthony Cerreto and Acting Board Secretary Constance Phillips.

Also present from the public were Billy Frenz, representative for the Showboat, Tina Lund of Urbanomics Consulting and Sara Yackel of BFJ Planning.

On motion duly made and seconded, the following resolution was placed before the members of the Village of Port Chester Industrial Development Agency:

Resolution No. 2014 -

RESOLUTION OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY AUTHORIZING THE ENGAGEMENT OF URBANOMICS TO CONSULTANT SERVICES FOR THE BENEFIT OF THE AGENCY AND THE VILLAGE OF PORT CHESTER.

WHEREAS, by Title 1 of Article 18-A of the General Municipal Law of the State of New York, as amended, and Chapter 632 of the Laws of 1972 of the State of New York, as amended (hereinafter collectively called the "Act"), the **VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY** (hereinafter called "Agency") was created with the authority and power to own, lease and sell property for the purpose of, among other things, acquiring, constructing and equipping civic, industrial, manufacturing and commercial facilities as authorized by the Act; and

WHEREAS, the Agency previously issued a Request for Proposals ("RFP") soliciting proposals from professional organizations to provide the Agency and the Village of Port Chester (the "Village") with certain defined consultant services (the "Services"); and

WHEREAS, upon review of the responses received, and upon review and consultation with the Village, the Agency desires to engage Urbanomics ("Urbanomics") to provide the Services for the benefit of the Agency and the Village.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY AS FOLLOWS:

Section 1. The Agency hereby authorizes the Chairman, Vice Chairman and/or Executive Director to negotiate and execute a contract for services with Urbanomics, such contract to be reviewed and approved as to form by counsel to the Agency. The Agency hereby authorizes the expenditure of up to \$75,000.00 toward the contract.

Section 2. The members, officers, employees and agents of the Agency are hereby authorized and directed for and in the name and on behalf of the Agency to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Agency with all of the terms, covenants and provisions of the documents executed for and on behalf of the Agency.

Section 3. These Resolutions shall take effect immediately upon adoption.

The question of the adoption of the foregoing Resolution was duly put to a vote on roll call, which resulted as follows:

	<i>YEA</i>	<i>NEA</i>	<i>ABSTAIN</i>	<i>ABSENT</i>
Hon. Neil Pagano	[X]	[]	[]	[]
Frank Ferrara	[X]	[]	[]	[]
Hon. Joseph Kenner	[]	[]	[]	[X]
James Taylor	[X]	[]	[]	[]
John Hiensch	[X]	[]	[]	[]
Richard Cuddy	[X]	[]	[]	[]
Dennis Pilla	[X]	[]	[]	[]

The Resolution was thereupon duly adopted.

STATE OF NEW YORK)
COUNTY OF WESTCHESTER) SS:

I, the undersigned Secretary of the Village of Port Chester Industrial Development Agency, DO
HEREBY CERTIFY:

That I have compared the annexed extract of minutes of the meeting of the Village of Port Chester Industrial Development Agency (the "Agency"), including the resolution contained therein, held on April 9, 2014, with the original thereof on file in my office, and that the same is a true and correct copy of the proceedings of the Agency and of such resolution set forth therein and of the whole of said original insofar as the same related to the subject matters therein referred to.

I FURTHER CERTIFY, that all members of said Agency had due notice of said meeting, that the meeting was in all respects duly held and that, pursuant to Article 7 of the Public Officers Law (Open Meetings Law), said meeting was open to the general public, and that public notice of the time and place of said meeting was duly given in accordance with such Article 7.

I FURTHER CERTIFY, that there was a quorum of the members of the Agency present throughout said meeting.

I FURTHER CERTIFY, that as of the date hereof, the attached resolution is in full force and effect and has not been amended, repealed or modified.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the seal of said Agency this ___ day of _____, 2014.

Secretary

G&S Escrow

Chairman Pagano asked the Treasurer Leonie Douglas to give an update on the G&S Escrow. Ms. Douglas said that the G&S Escrow balance is \$4,875.00 and they owe the village about \$21,000. Village Attorney Anthony Cerreto said that the escrow balance must be kept at \$25,000.00, there are no current bills pending and the only matter that is outstanding is the 701 allowance to Mr. Didden who has taken the case to appeal. Mr. Didden was disappointed with the trial board's decision regarding reimbursement of expenses. No bills have been received from Mr. Watkins who had been reminded to keep his bills current. Mr. Cerreto said that he has spoken to the G&S Attorney Mr. Dan Tartaglia and informed him that G&S is in default on their escrow account. Additional discussions were held regarding the PILOT payments as they pertain to G&S. It was also suggested by the Chairman and agreed upon by the Board that Board Counsel Justin Miller review and identify the outstanding issues in the LADA. (*This was not a roll call vote*)

On the motion of Board member John Hiensch, which was seconded by Board member Frank Ferrara, a default letter will be sent to G&S apprising them that they are in default of their escrow agreement.

ROLE CALL

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>			<u>X</u>		
<u>FERRARA</u>		<u>X</u>	<u>X</u>		
<u>HIENSCH</u>	<u>X</u>		<u>X</u>		
<u>KENNER</u>			<u>Absent</u>		
<u>PILLA</u>			<u>Not present for the vote</u>		
<u>TAYLOR</u>			<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

VOPC Strategic Plan 2014-2016

Chairman Pagano told the Board that a couple of weeks ago along with a Village liaison the Board of Trustees and Village Staff spent a Saturday morning identifying those projects in the Village that are "hot buttons". The workshop was facilitated by John Nolan of the Pace Land Use Law Center. Planning Director Christopher Gomez and Village Manager/Acting Administrative Director Christopher Steers provided a brief presentation highlighting the outcome of the meeting.

Five opportunity areas for focus in the strategic plan were identified:

- ◆ Facilitating transit oriented development in the downtown
- ◆ Creating a new municipal center
- ◆ Enhancing and revitalizing waterfront areas
- ◆ Redevelopment of Fox Island peninsula
- ◆ Redevelopment of the United Hospital site

At the end of the workshop, the staff was asked to formulate a draft strategic plan document to detail potential feasibility, cost-benefit analysis, grant funding sources and availability, sequence and time frames, implementation strategies, and action items relative to each priority area for the next two years. The Board had a lengthy discussion regarding various aspects of the strategic plan. Mr. Gomez also thanked the IDA Board for their assistance and support which enables the Planning Department to provide top notch professional documents and graphics. Another aspect of the strategic plan yet to be addressed is staffing.

The Showboat

Chairman Pagano told the Board that after many years of talk and plans and submissions, the Showboat has finally received approval from the Waterfront Commission and Billy Frenz is here tonight to give a brief overview and provide some insight into the proposed project.

Christopher Gomez, Planning Director said the Waterfront Commission met twice in March; once to review the introduction given by Mr. Frenz and again to vote on its consistency. Any project within the Local Waterfront Revitalization boundary must have a consistency determination review. Mr. Frenz did present to the Village Board a more detailed plan which Mr. Gomez shared with the IDA Board. Mr. Frenz also provided a brief overview of his plan. Below is a replication of the text provided to the Waterfront Commission.

Mooring of an Entertainment vessel at the Village of Port Chester's marina as a Restaurant and Cabaret featuring live entertainment and dancing. The SHOWBOAT is a 92' by 22' Riverboat built by the Todd Shipbuilding Co. The ship will remain docked and open to the public daily for dining and dancing. The SHOWBOAT RIVERBOAT will be an attraction for the Village's many restaurants and merchants near the waterfront. The project is consistent with economic development recommendation

#7 in the Village's Comprehensive Plan (page 125), to promote the waterfront area as a commercial, recreational and cultural destination by 'encouraging downtown waterfront activities that include incorporating specific venues such as water dependent entertainment uses and a waterfront performance facility". The proposed project is also consistent with the Village's Local Waterfront Revitalization Program (LWRP) update that identifies 'opportunities for Port Chester to gain unique waterfront attractions that would enhance downtown activity. The LWRP Identifies and maps a permanently moored entertainment vessel.

The project's purpose is to execute one facet of the concepts developed and adopted in the Master Plan, the Comprehensive Plan and the Local Waterfront Revitalization Program developed and approved by the Village of Port Chester and the State of New York. The marina is already built, the specific dock modifications to berth the showboat Riverboat will be done as soon as possible. Additional docks and pilings will be added to insure the safety of the public and to boater's. As stated in the LWRP. Page 89, "Permanent mooring of entertainment-themed vessels could also provide for upgrades to adjacent marina facilities, as well as potential as potential upgrades or extensions to the waterfront pedestrian walkway". Hopefully we will attract boaters to the village and be able to provide transient dockage as well. We hope this project will be completed, up and running for the spring of 2014. ADA bathrooms will be added on land and a new pump out machine will replace the old unit. An ADA Gangway will be installed to comply with the American Disabilities Act.

Chairman Pagano said that he would like to appoint Board Counsel Justin Miller and two members IDA along with the two members of the Board of Trustees (which were appointed at Monday night's BOT meeting) to negotiate the deal with Billy Frenz and Mr. Miller would draft a licensing agreement for the Showboat. A budget of up to \$5,000 was designated for legal fees associated with this endeavor. The four people appointed are as follows:

- ◆ BOT Deputy Mayor Sam Terenzi - primary; Luis Marino - alternate
- ◆ IDA: Vice Chairman Frank Ferrara - primary; Richard Cuddy - alternate

On the motion of Board member John Hiensch, which was seconded by Board member James Taylor, Frank Ferrara and Richard Cuddy were appointed to work with Board Counsel Justin Miller and two members of the Board of Trustees for the purpose of negotiating a deal with Billy Frenz regarding the Showboat and Mr. Miller drafting a draft licensing agreement. Legal fees are approved up to \$5,000.00.

ROLE CALL

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>			<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>	<u>X</u>		<u>X</u>		
<u>KENNER</u>			<u>Absent</u>		
<u>PILLA</u>			<u>Not present for the vote</u>		
<u>TAYLOR</u>		<u>X</u>	<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

Minutes

On the motion of Board member Richard Cuddy, which was seconded by Board member John Hiensch, the minutes for the February 12, 2014 meeting were approved.

ROLE CALL

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>	<u>X</u>		<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>		<u>X</u>	<u>X</u>		
<u>KENNER</u>			<u>Absent</u>		
<u>PILLA</u>			<u>Not present for the vote</u>		
<u>TAYLOR</u>			<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

Treasurers Report

Invoices

Treasurer Leonie Douglas gave an overview of the current budget, invoices and escrow reports.

The current invoices that were submitted:

\$500.00 Leonie Douglas – Treasurer Services

\$200.00 Constance Phillips – Secretarial Services

\$1,462.19 Harris Beach – General Corporate Matters

Budget

Ms. Douglas gave an overview of the current budget as of March 31, 2014

Port Chester Industrial Development Agency as of 03/31/2014

Cash on Hand	\$314,851.23
Prepaid Expenses	\$ 6,000.00
Cash on Hand & Net Asset @ 2/1/2014	\$320,851.23
Total Revenue/Interest Received Feb – Mar	\$ 73.93
Total Expenses - @ 3/31/2014	\$ 2,002.50
Net Assets @ 01/31/2014	\$318,922.66

Reconciliation of Bank Accounts & Net Assets

JP Morgan Chase @ 02/01/2014	\$170,589.72
Deposits	\$
Interest earned – Feb-Mar	\$ 27.29
Checks Written	\$ 2,002.50
Total JP Morgan Chase 1/31/2014	\$168,614.51

TD Bank @ 02/01/2014	\$144,261.51
Interest earned – Nov - Jan	\$ 46.64
Total TD Bank @ 3/31/2014	\$144,308.15

Total Bank Balance @ 03/31/2014	\$312,922.66
Prepaid Expenses (2 yrs. prepaid rent)	\$ 6,000.00
Total Net Assets @ 03/31/2014	<u>\$318,922.66</u>

Ms. Douglas also provided the Board with a summary of the G&S Escrow and Purdy Avenue cleanup balances. Purdy Avenue Cleanup - \$22, 162.84 and G&S Escrow \$4,875.23. G&S has not replenished their escrow account.

On the motion of Board member John Hiensch, seconded by Board member Frank Ferrara, the Treasurer’s report and the submitted invoices were approved.

ROLE CALL

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>			<u>X</u>		
<u>FERRARA</u>		<u>X</u>	<u>X</u>		
<u>HIENSCH</u>			<u>X</u>		
<u>KENNER</u>			<u>Absent</u>		
<u>PILLA</u>			<u>Not present for the vote</u>		
<u>TAYLOR</u>	<u>X</u>		<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

Ms. Douglas informed the Board that it is time to prepare the new budget. She said that along with the Acting Administrative Director/Village Manager Christopher Steers, a proposed budget has been prepared. Copies of the proposed budget were provided in the Board member packets. A brief review and discussion was held on the proposed budget.

Adjourn

On the motion of Board member John Hiensch seconded by Board member James Taylor the meeting was adjourned at 9:16p.m.

ROLE CALL

<u>MEMBER</u>	<u>MOTION</u>	<u>SECOND</u>	<u>YES</u>	<u>NO</u>	<u>ABSTAIN</u>
<u>CUDDY</u>			<u>X</u>		
<u>FERRARA</u>			<u>X</u>		
<u>HIENSCH</u>	<u>X</u>		<u>X</u>		
<u>KENNER</u>			<u>Absent</u>		
<u>PILLA</u>			<u>Not present for the vote</u>		
<u>TAYLOR</u>		<u>X</u>	<u>X</u>		
<u>PAGANO</u>			<u>X</u>		

Respectfully Submitted,
Constance R. Phillips