VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, THURSDAY, November 15, 2012
Special Meeting: 6:30 P.M.
VILLAGE HALL CONFERENCE ROOM
222 Grace Church Street
Port Chester, New York

AGENDA

TIME: 6:30 P.M.

	WORKSESSION	ACTION
1	Workshop to review Village Manager's goals, objectives and priorities.	

Village of Port Chester

Village Manager's Draft Goals and Strategies

Introduction

The Village of Port Chester was incorporated on May 4th, 1868. It is located in the southeastern corner of Westchester County along the Byram River and within one mile of the Long Island Sound. The Village has a total land area of 2.4 square miles and is home to approximately 29,000 residents. The Village's 2010 population has risen by 1,100 persons or nearly 4 percent over 27,867 in 2000. This growth rate is significantly less than that which occurred between 1990 and 2000, when the Village grew by nearly 13 percent.

Port Chester is well situated, accessible to the rest of Westchester County, New York Village and the region. Adjacent municipalities include the Town of Greenwich, Connecticut, located to the northeast across the Byram River, the Village of Rye Brook to the north and west, and Rye Village to the south. Principal arterials serving Port Chester include the New England Thruway (Interstate 95), the Cross Westchester Expressway (Interstate 287) and U.S. Route 1 (Boston Post Road). Countervail service to Port Chester is provided by the New Haven line of the MTA Metro-North Railroad, which runs from New York Village to New Haven.

The shipping, foundry, and agricultural industries were well established in 1868 and were sustaining a strong local economy. The later decline in agriculture and shipping came during the latter half of the 19th century, with the establishment of major railroads: thereafter the community gradually changed from a port and trading center to a manufacturing center. During the 1980s, Port Chester, like many other Northeastern manufacturing towns, struggled as its economic base declined.

Since then, Port Chester has revitalized itself with a growing retail and service economy. Port Chester's downtown Restaurant Row is renowned throughout the region, offering cuisine from around the world in dozens of top-rated establishments. "The Waterfront at Port Chester" retail center has brought a multiplex movie theater to the Byram River shore, Costco Shoppers Warehouse, Bed, Bath & Beyond, Super Stop & Shop, Marshall's and several other stores. Port Chester's prodigious industrial growth during the first half of the 20th Century attracted large numbers of European immigrants, primarily from Italy, Germany, Poland and Ireland. Similarly, newcomers from Central and South America and the Caribbean have helped to fuel the village's recent revival. Latino-owned stores and restaurants have helped bring customers of all ethnic groups back to Main Street and Westchester Avenue.

As the Village continues to establish itself into the 21st century, its greatest assets are its downtown retail and restaurant district; its location along the Byram River; its close proximity to New York Village, as well as its diverse population. Interstate highways 287 and 95 transect the southern end of the Village, and both are heavily used by commuters to New York Village. This volume of traffic presents a tremendous opportunity for the Village to capture a customer base beyond the local population. With a larger customer base, a stronger economic base can be established to provide an even greater number of services and amenities to the Village in the future.

Sample Mission

It is the mission of the Government of the Village of Port Chester, New York, to enhance the quality of life within the community and to provide for the professional delivery of public services to all our citizens. We are committed to open government and public involvement as we promote responsible economic development while being good stewards of all public resources.

Apparent Mandates

- To provide local governance in accordance with the provisions and requirements of all Federal, State, and local laws and guidelines in an ethical manner;
- To protect the governed and provide them with full and accurate governmental information;
- To promote efficient administration and management including a sound financial planning and best practices;
- To deliver public services to our community in the best possible manner;
- To make our local government accountable;
- To insure all persons fair and equitable treatment and equal access to all public services;
- To promote reasonable economic development;
- To undertake Village wide infrastructure improvements;
- To promote safe housing and compliance with the State Uniform Fire Prevention and Building code.
- To promote public safety and community policing;
- To minimize to the greatest extent possible the localized tax burdens.

Vision of Success

The visioning process undertaken during the comprehensive planning process produces a baseline vision for the Village. The plan's overall vision retains the qualities of Port Chester that its people have come to cherish, including a diverse cultural population, quality homes at relatively affordable prices, a vibrant downtown, and its proximity to key employment centers in the region. At the same time, the vision addresses the challenges confronting the Village, including changing socio-economic conditions, unpredictable growth and development patterns, physical constraints limiting waterfront access, and underutilized non-residential properties. The vision establishes the basic challenge of how we capitalize on the Village's physical, social, economic and human capital.

The Comprehensive Plan identifies goals, policies, and guidelines for the immediate and long-range protection, enhancement, growth, and development of Port Chester. The Plan focuses on major elements of the Village's built environment, including maintenance and enhancement of residential neighborhoods; revitalization of commercial areas and the waterfront; strengthening of industrial areas; improvement of transportation and infrastructure facilities; and identifying opportunities for new development. The issues and challenges associated with these elements are often addressed by a variety of entities –governmental and non-governmental, local and extra-jurisdictional–that might or might not be directly coordinating with one another. One of the central purposes of the

Comprehensive Plan, therefore, is to provide a framework for collaboration and coordination among relevant decision -makers and stakeholders. The strategies, once implemented, are intended to guide development and preservation patterns in a proactive and predictable manner and ultimately realize the Village's vision for a sustainable and prosperous future.

Sample Vision Statement:

The Village of Port Chester will be a vibrant community with a first-class quality of life, abundant jobs and leisure activities for its residents, and continued opportunities for economic and cultural growth through well-planned and responsible development and redevelopment. The Village will deliver superior public services designed to enhance the quality of life in the community through open government, public involvement, and good stewardship so that it can fulfill its potential to be the pride of Westchester County.

Values and Guiding Principles

- We are committed to the equitable and fair treatment of all our residents and visitors.
- We are committed to the protection of our citizen's health, safety and welfare.
- We strive to provide economic development and opportunity, enhanced cultural resources, leisure and recreational opportunities, and citizen involvement.

SWOC Analysis

<u>Strengths</u>

- The Village is fiscally sound.
- There is dominant coalition (management and elected officials are united in their commitment to the implementation viable strategies).
- Broad range of knowledge, skills, and abilities (a basic tenant of our recruitment process is to hire knowledgeable and motivated individuals that can be blended into a strong team).
- Dedicated and responsive staff and Board members.
- Effective area planning techniques (the new in house planning department has dedicated extensive resources towards the implementation of best planning and economic development principles).
- Effective management techniques (management strongly applies best efforts to implement transparent government).
- Sound Legal Expertise (our qualified Village Attorney limits Village liabilities while effectively protecting Village interests).
- Directed effort in creating a Village identity
- Well established public presence
- Measurable successes

Weaknesses

- Lack of common mission, vision, goals, and objectives (the lack of these guiding principles allows for the growth of divergent interests that can eventually dilute the organizations efforts and cause a lack of coordination).
- Lack of fully integrated management and information systems; as well as a lack of a comprehensive information technology management plan.
- Lack of strategic thinking (the Village is managing issues as they come up with no real prioritization of issues resulting in crisis management).
- Broad range of knowledge, skills, and abilities; in combination with a lack of team building, a lack of common benchmarking, and a lack of common objectives lends to the development of divergent interests.

Opportunities

- The improvement of community infrastructure and facilities through economic development initiatives and the development of a comprehensive capital improvement program.
- The adjusted focus on long range financial planning through the utilization of five year operating budget.
- Implementation of fully integrated management and information systems; and a comprehensive information technology management plan.
- Community participation and points of contact (to gain input from all stake holders and to continue to promote open government);
- Expansion of the Village's presence in the community through continued outreach and education, particularly with Code Enforcement and Building Department efforts;
- Development of a strategic approach (this is the key opportunity available to the Village and should be a major priority and leads to the creation of a common mission, vision, goals, and objectives).
- Team coordination and the cultivation of strategic thinking; along with the development of benchmarks.

Challenges

- Lack of consistent Board consensus.
- Lack of focused employee development and team building.
- Lack of Performance Management protocols
- The Economy.
- Revenues and Expenditures

Priorities, Goals and Strategies

Apparent Priorities

- Code Enforcement
- 2013 Election
- Sewer Rent Project
- 5 Year Operating Budget
- Capital Plan
- Economic Development
- Municipal Center
- Housing Rehab Program
- Bulkhead Repair / Replacement / Revetment , & District
- Marina Licensing Agreement
- Emergency Preparedness
- Performance Management
- Information Technology Resource Management
- Adoption of the Comprehensive Plan and Zoning Text Amendments

Goals and Strategies

- **Code Enforcement / Goal**: To provide continuing fair and non-discriminatory enforcement of the State Uniform Fire Prevention and Building Code, and Local Zoning codes.

  Strategies:
  - Continue the Comprehensive Code Enforcement Program
  - Continue the Comprehensive Fire Safety Inspection Program
  - Continue the Comprehensive Building Code Compliance Process (pre-submittal conferences, permit processing, inspections, stop work orders, certificates of occupancy, etc…)
  - Continue the integrated inter-departmental coordination
  - Complete the Digital Scanning Project
  - Fully utilize capacity of the Municity Software System
  - Complete Implementation of Building Permit Amnesty Program
  - Develop an existing use permit program

- **2013 Election / Goal:** the successful completion of the 2013 Trustee and mayoral elections in compliance with the DOJ consent decree.

  Strategies:
  - Hire a Village Clerk.
  - Hire an Election Coordinator
  - Hire and/or appoint a new Attorney of record.

- Hire and train Election Inspectors
- Secure Voting Machines
- Secure Voting Machine repair and support technician
- Secure secondary Voter Education support from Fair Vote
- Secure Polling Places
- Finalize Second Amendment to the Consent Decree
- Detail a road map of deadlines and mile stones

➢ **Sewer Rent Project / Goal:** establishment of a sewer rent based upon water usage in order to achieve equity in billing and collection and to more accurately recover costs for operation and maintenance of the Village sewer system.

Strategies:
- Consult with United Water
- Hire outside counsel to help manage process
- Negotiate fees for consumption data, billing and collection functions.
- Draft a formal agreement with United water
- Draft a Joint Petition for a Declaratory Ruling on behalf of United Water and The Village.
- File the Joint Petition with the Public service Commission
- Obtain a favorable response from the PSC
- Implement billing and collections

➢ **5 Year Operating Budget/ Goal:** establishment of a five year Operating Budget.

Strategies:
- Develop forecasting model / database
- Workshop forecasting model /database
- Model out and project budgets based on variable input
- Finalize accepted forecast / model
- Implement

➢ **Capital Plan / Goal:** establishment of a five to ten year Capital Improvement Plan.

Strategies:
- Complete Infrastructure and asset assessment
- Prioritize roads, sidewalks, etc…
- Map and/or illustrate assessment and prioritization
- Develop a comprehensive roadway improvement plan, storm water management plan, public facility improvement plan, asset inventory, fleet maintenance program, and a complaint intake and resolution policy
- Develop base cost assessment / analysis
- Formalize cost assessment / analysis
- Develop repair schedule for prioritized repairs / projects
- Develop associated costs for same

- Analyze best financing options
- Finance
- Implement plan

➢ **Economic Development / Goal:** establishment of a core Economic Development Strategy(s) for the Village.

Strategies:

- Assess Community needs (community development needs)
- Utilize IDA as partner in Economic Development
- Develop a Branding and Marketing strategy.
- Expand Economic Development tools (LDC, BID, Districts, etc…)
- Bring stakeholders/speculators/developers to the table and establish incentives to develop/build with the Village.
- Further enhance the Development Services Department so that it is more accessible and user friendly and so staff encourages innovative solutions to development issues.
- Complete adoption of the Comprehensive Plan addressing which encourages Smart Growth Principles and Practices.
- Continue to implement interim zoning text amendments as necessary to encourage infill and redevelopment for blighted areas.
- Initiate Projects that stir economic development and encourage investment in the community:

  ➢ Municipal Center
  ➢ Housing Rehab Program
  ➢ Bulkhead Repair / Replacement / Revetment , & District
  ➢ Marina Licensing Agreement

➢ **Emergency Preparedness / Goal:** Implementation of a comprehensive Emergency Plan for natural and/or manmade disasters / events in compliance with NIMS.

Strategies:

- Conduct a needs and operational capacity assessment
- Utilize base planning resources from FEMA, OEM, etc…
- Draft plan
- Workshop with Essential Personnel
- Finalize plan
- Conduct table top exercise
- Implement plan

- **Performance Management / Goal:** incorporate basic performance measures in the management of personnel and operations.

  Strategies:
  - Establish HR representative
  - Establish goals, objectives, and measures
  - Develop employee orientation
  - Standardize performance reviews
  - Train appropriate staff
  - Develop policies and procedures
  - Implement

- **Information Technology Resource Management / Goal:** Effectively managed and fully Integrated Information Technologies

  Strategies:
  - Research, plan, and implement state of the art information and technology systems focused on accountability, access, coordination, performance management & measurement, and streamlined service delivery.
  - Maintain and update any established systems and software including; training and certification of staff.

- **Adoption of the Comprehensive Plan and Zoning Text Amendments / Goal**: Adoption and Implementation of the Comprehensive Plan and related Zoning Text Amendments.

  Strategies:
  - Complete Environmental Review
  - Adopt Comprehensive Plan
  - Adopt Zoning Text Amendments

MEMORANDUM FROM THE VILLAGE ATTORNEY

TO: **Christopher D. Steers, Village Manager**

FROM: **Anthony M. Cerreto, Village Attorney**

DATE: **November 14, 2012**

RE: **Authority of the Village Manager vis-à-vis the Board of Trustees**

You have requested an opinion as to the function, powers and duties of the Village Manager ("Manager") vis-à-vis the Board of Trustees.

You have asked, in particular, whether the Mayor has singular authority over the Manager or Village staff in the exercise of the Manager's duties.

Executive Summary

Pursuant to local law adopted in 1975, the Village of Port Chester has a "strong manager/weak-council" form of government. The Manager is the chief administrative officer of Village government operations, responsible to the Board of Trustees for the administration of all Village government operations placed in the Manager's charge. The Manager is also the Chief Fiscal Officer of the Village and has the duty to propose an annual budget estimate, capital improvement program and recommendations for financing them. Although the Mayor is designated as the chief executive officer, his or her authority is limited to some extent, and with regard to such executive powers, he has whatever powers are not specifically entrusted to the Manager and/or given to him by state law. The clear purpose and intent of the Village Manager Law was to lawfully empower the Village Manager to run the entire day-to-day operations of the Village.

Without the power to veto and to make village appointments on his own, the Mayor is an equal position with the rest of the Board of Trustees whose collective purview is making policy. Consistent with such intention, neither the Mayor nor any other member of the Board of Trustees has any singular authority over the Manager. Although the Manager's powers may not have been fully exercised over the years, and the law been the subject of subsequent amendment, the original intention underlying the Village Manager Law remains intact.

Notwithstanding this legislative intent, the administration of the police and fire departments are a potential exception to the professional management of the Manager. This is due to drafters' omission in completely accounting for provisions of special State Law unique to Westchester County and the unique provisions of the Village Charter. However, with small exception, the

Board may still administratively delegate day-to-day operational responsibility to the Manager so as to effectively implement the presumed full reach of the Village Manager Law.

This memo does not involve areas where the Mayor has explicit authority provided by state statute, such as his/her exclusive right to appointment of members to the Port Chester Housing Authority, Public Housing Law, Section 30, subd 2.

I. Background of the Village Manager Law

After a referendum at a special election conducted on January 14, 1975, Local Law No. 1 of 1975 was adopted that amended the Village Charter to establish the office of the Manager. A public hearing had previously been held by the Board of Trustees on November 7, 1974. The prelude to such proceedings was an October 1974 report by a consultant, Donald Spanier Associates, Inc. "Feasibility of a Village Manager: Port Chester, New York". The law was codified in the Village Code, now as Chapter 77.

This local law drastically altered the unique form mayor-council structure of Village Government which had been in place since the 1868 enactment of the Village Charter by special act of the State Legislature. The Mayor and Board of Trustee's practice of appointing semi-autonomous standing committees with Trustees having individual authority over the several Village departments was abolished.

In 1983, the Village Manager Law was amended by Local Law No. 14 of 1983 adopted on October 3, 1983. A "Village Manager Law Review Committee", consisting of four residents and the Corporation Counsel, was appointed by the Board with the stated purpose to "clarify certain ambiguities" and "eliminate contradictions" in the existing law. However, the changes that were proposed by the committee, and ultimately adopted by the Board, were in fact substantive. They involved:

-- eliminating the Citizen's Committee role in recommending Village Manager candidates
-- affording the right to the Manager to be engaged pursuant to a written contract
-- requiring Board of Trustee confirmation and approval over any personnel actions involving department heads
-- changing the status of the Manager with regard to collective bargaining agreement negotiations
-- removing the reference that the Manager was both the chief administrative and the chief executive officer
-- eliminating language that stated that the Mayor was head of the Village government for "ceremonial" purposes.

Local Law No. 2 of 1990, adopted on October 31, 1990, involved the rights of trustees to obtain records from the Manager. Upon request, the Manager is required to provide copies of records sought by a member to all members of the Board.

Local Law No. 3 of 1998, adopted on February 18, 1998, and Local Law No. 2 of 2006 adopted on March 6, 2006, extended the residency requirements for the Manager. The Manager may be granted special permission by the Board to reside outside the Village, but must reside in Westchester County.

Local Law No. 6 of 2004, adopted on March 31, 2004, modified the educational and professional requirements for the Manager. The Manager is required to have the Bachelor's degree from a college or university "and/or" not less than 10 years experience in municipal government or service.

The 2004 local law also established the position of Assistant Village Manager to act in the absence or the inability of the Manager to act.

II.Summary of the Village Manager Law

A summary with specific references to the sections of the Village Code follow:

A. *Functions, Responsibility and Report of the Village Manager*

The Manager "shall be the chief administrative officer" of "Village government operations". (Section 77-1). "He shall have and exercise the administrative powers of the Village, including the appointment and dismissal of all the Village employees, except the Corporation Counsel and the Village Clerk/Treasurer…" (Section 77-5).

The Manager "…shall also be the chief fiscal officer of the Village. (Section 77-5)

"Said Manager shall be responsible to the Mayor and Board of Trustees for the administration of all Village affairs placed in the manager's charge as defined herein." (Section 77-1)

B. *Specific Powers and Duties of the Village Manager*

Section 77-5 enumerates the Manager's specific powers and duties which may be divided as follows:

Direction and Control of Personnel in Village Operations

"He shall direct, coordinate and supervise the operation and administration of all departments, offices and agencies of the Village government. " (Section 77-5A)

"To issue directions, instructions and orders to department heads and require information and compliance from them."(Section 77-5A)

"To prescribe, alter and curtail the duties and powers of department heads, subject to the confirmation and approval of the Board of Trustees."(Section 77-5B)

"To appoint, suspend, and dismiss all Village employees, except that the appointment, suspension and dismissal of department heads shall be subject to the conformation and approval of the Board of Trustees." (Section 77-5C).

"The Manager may authorize the head of a department responsible to him to appoint, suspend and remove such subordinates in such department. The Village Manager shall report each such action to the Board at its next regular meeting." (Section 77-5C).

Budget and Finance

The Manager shall "propose an annual budget estimate, capital improvement program and recommendations for financing them. To have and exercise all other powers and duties of a Village budget officer as prescribed by law." (Section 77-5D)

The Manager shall "control expenditures within the amounts appropriated by the Board of Trustees by enforcing appropriate administrative controls." (Section 77--5E)

The Manager shall "report and interpret the financial condition of the Village to the Board of Trustees regularly and to initiate or recommend such actions as may be necessary to avoid incurring a deficit." (Section 77-5F)

Purchasing and Procurement

The Manager shall "regulate and approve the purchase of all materials, supplies and equipment and the letting of contracts, subject to the general policies and budget appropriations of the Board of Trustees and the requirements of law." (Section 77-5H)

The Manager shall "prescribe and enforce rules and administrative procedures for the central control of specification development, order placement and the obligation of Village purchasing authority." (Section 77-5H)

Labor Relations

The Manager shall "participate on behalf of the Village in collective negotiations with all employee representatives in the manner and to the extent directed by the Board of Trustees." (Section 77-5G)[1]

Execution and Enforcement of Board of Trustees Legislation and Other Laws and Regulations

[1] In a prior memorandum about the Taylor Law, collective bargaining agreements must result from the exchange of promises between the chief executive officer, and the employee organization. See Civ. Serv. Law § 201(12). The Taylor Law does not define who is the chief executive officer in a village and leaves that to local law. The 1983 amendments to the Village Manager Law authorized the Manager to participate in collective bargaining in the manner and to the extent directed by the Board of Trustees. However, although the amendments did provide a role for the Board of Trustees and the Village Manager, they cannot be construed so as to remove from the Mayor his authority in negotiations. Still, the Mayor may delegate such authority to the Manager. Indeed, the practice has been for the Manager to act as lead in such negotiations.

The Manager shall "determine the administrative measures needed to execute and enforce the ordinances and other enactments of the Board of Trustees, as well as federal, state and county laws and regulations applicable to the Village, and to issue appropriate directions to administrative officials and employees subject to his direction and supervision." (Section 77-5L)

Execution and Enforcement of Franchises, Licenses, Permits and Contracts

The Manager shall "oversee the fulfillment of provisions of franchises, licenses, permits and privileges granted to the Village, and contracts to which it is a party, and to recommend remedial action to the Board of Trustees in the event that commitments are not fulfilled." (Section 77-5M)

Service to the Board of Trustees

The Manager shall "attend executive and public sessions of the Board of Trustees and provide information, analyses and evaluations relevant to all agenda items and to Trustees' questions." (Section 77-5I)

The Manager shall "propose to the Board of Trustees such legislative and policy measures as he deems necessary for the health, safety and welfare of the community and that will improve its effectiveness, efficiency and services provided by the Village government or reduce its costs." (Section 77-5J)

The Manager shall "investigate complaints and inquiries by the Mayor and Trustees concerning government operations and services and to report corrective action taken, as well as proposals for any necessary legislative or policy action, to the Board of Trustees." (Section 77-5K)

The Manager shall "make such other reports as the Board of Trustees may require concerning the operations and services of the departments of Village government." (Section 77-5K)

C. *Duties and Responsibilities of the Mayor and Trustees*

The Village Manager Law also separately provides for the duties and responsibilities of the Mayor and Trustees.

The Mayor shall be the chief executive officer of the Village "for all purposes, except for those duties and responsibilities specifically delegated to the Village Manager." (Section 77-6A)

The Mayor "may assume such further responsibilities and duties" but only as the Board of Trustees "may delegate to him from time to time to implement policy decisions of the Board of Trustees."(Section 77-6A)

The Mayor has the authority to "set the agenda" and "schedule such meetings of said Board as he deems necessary." (Section 77-6B)

The Mayor "shall be a member of the Board of Trustees and shall be the chief presiding officer at all meetings of the Board. (Section 77-6B)

The Mayor shall have the same power as a trustee to vote on all matters coming before the Board, but shall not have the power of veto." (Section 77-6B)

All provisions that refer to the Board of to Trustees "shall be deemed to refer to the Mayor in like manner and degree." (Section 77-6C)

The powers and duties of the Board of Trustees "shall be as set forth in the Village Charter, except for those duties and responsibilities specifically delegated to the Village Manager." Thus, it is confirmed that the Board retains the power of appointment of the Village Clerk and Treasurer, Corporation Counsel and appointive officers to boards and commissions. (Section 77-7A)

D. Relationship between the Manager and his/her Staff and the Board of Trustees

The relationship between the Manager and the Board of Trustees with regard to Village Staff is described in detail.

Prohibition on Board Interference in Retention and Dismissal

"Neither the Board of Trustees nor any of its members shall, in any manner, interfere in the appointment or dismissal of any employee whom the Village Manager is empowered to appoint and dismiss, except that the appointment or dismissal of department heads is subject to confirmation and approval of the Board of Trustees." However, the Board "or any of its members" has the right to "express their joint and several views and fully discuss with said Manager anything pertaining to the appointment and removal of such employee. (Section 77-7B) Thus, a Board member's expression of an opinion or suggestion to hire or dismiss an employee is authorized but anything further that could be objectively understood as interference with the Manager's rights with regard to personnel would be prohibited.

Limitation of Board Contact with Village Staff

"Except for the purpose of inquiries and investigations as provided herein, the Board of Trustees and its members shall deal with administrative officers and employees solely through the Village Manager, and neither said Board nor shall its members give orders or instructions to any to any officer or employee, either publicly or privately." (Section 77-7C). Contact with Village Staff, even with regard to the Board's own appointments such as the Clerk and Treasurer, is severely limited.

Board's Oversight and Investigative Powers Retained

"The Board of Trustees shall have the power and duty to investigate the affairs of every department or agency of Village government and the official conduct of every officer and employee." (Section 77-7D)

"Said Board shall have access to all records and papers kept by all Village officers, departments or agencies of Village government, including the Village Manager, and shall have the power to compel the attendance of witnesses and the production of books, papers and other evidence at any meeting of said Board and for such purpose may issue subpoenas signed by the Mayor." (Section 77-7D)

Therefore, balanced against the preceding provisions, the Board retains the right to oversee and investigate. However, such right is not absolute and does not include the power to discipline Village employees who may be subject to the Civil Service Law or a collective bargaining agreement or to infringe or impair the rights of an employee with a contract.

III. LIMITATIONS ON THE AUTHORITY OF THE VILLAGE MANAGER

Police departments in the villages in the County of Westchester are governed by the Westchester Police Act, a special enactment of the State Legislature, and codified as Unconsolidated Laws, Section 5711-q. The Act is exclusive, and states that it controls notwithstanding any law that might otherwise be applicable to the administration of such police departments.[2]

The Act provides that such police departments are under the collective jurisdiction of the Board of Trustees acting as a board of police commissioners. The Act makes repeated reference to the board of police commissioners or separately created board of police commissioners. It makes no provision for the exercise of individual authority by the Mayor over a police department. Nevertheless, pursuant to Section 5711-q (8) of the Act, a board of trustees "may make, adopt and enforce rules, orders, and regulations for the government, discipline, administration and disposition of the police department of such village, and the members thereof." This subsection grants the Board the power to delegate its operational authority over the Police Department to the Manager.

By resolution dated March 28, 1990, a prior Village Board of Trustees adopted the Rules and Regulations of the Village of Port Chester Police Department. These regulations provide that the

[2] An earlier special act of the State Legislature, codified in Chapter 285 of the Village Charter, provides for the organization and establishment of the Port Chester Police Department. In pertinent part, this Act states that the chief of police shall take direction from the Mayor to the extent not otherwise agreed upon by the Board of Trustees. In my opinion, the Westchester Police Act controls over such Act.

Chief of Police reports to the Manager and is subject to his orders. Notably, the resolution has not been rescinded.[3]

Because these regulations appear to have been adopted pursuant to Section 5711-q(8), I believe that the Manager can supervise and direct the Chief of Police. See Port Chester Police Assn. v. Village of Port Chester, Index No. 2039/00 (Sup. Ct. Westchester Co. 2000), aff'd, 291 A.D.2d 389 (2d Dep't 2002) ("The authority for the passage of such Rules and Regulations appears to stem from Unconsolidated Laws § 5711-q at § 8. . . ."). Notwithstanding this statement, which is in the lower court's opinion, the safest course of action would be for the Board to adopt a new resolution, which cites the resolution adopting the 1990 regulations and explicitly states that the regulations are being adopted pursuant to Section 5711-q(8). This proactive approach would alleviate any claim challenging the validity of the regulations on the grounds that: (1) they were not properly adopted under subsection 8 of Section 5711-q and/or (2) past Managers' failure to assert such power amounts to a waiver of same. Furthermore, while the 1990 regulations do not state any statutory basis for their authority, this approach would refute any argument that the regulations were adopted pursuant to the Village Manager Law as opposed to Section 5711-q(8) thereby providing on a going forward basis a secure foundation for management over the Police Department.

However, the power of delegation is not absolute. For instance, Section 5711-q(9) specifically states that a board cannot delegate its power to hear and determine disciplinary charges against a member of the police department. If the Board were interested in delegating its authority over police discipline to the Manager, the Village would need to enact a local law subject to voter referendum.[4] See Gizzo v. Town of Mamaroneck, 36 A.D.3d 162 (2d Dep't 2006), appeal denied, 8 N.Y.3d 806 (2007). Unless and until the Village takes such action, the Board will retain the authority to hear and determine disciplinary charges against members of the police department.

The Port Chester Fire Department, consisting of the several incorporated volunteer fire companies, is also under the jurisdiction of the Board of Trustees. Title VI of the Village Charter, Section 3, provides that "[T]he trustees shall be fire wardens, and shall have power, from time to time, to appoint such other fire wardens as they may deem necessary, and to prescribe their powers and duties." Although the Charter does not specify the Board's authority, the term "warden" suggests oversight and management with the accompanying right to make rules and regulations. Further, the intent is clear that the Board may delegate or extend such authority to others. General Municipal Law, Section 209-l provides for the discipline and removal of volunteers officers and volunteer members of fire departments. In contrast to the

[3] Specifically, Section 301.00 of the regulations provides that the Chief of Police "shall be subject to the orders of the Manager and is subject to his direction and approval of regulation of operations and practices."

[4] The New York Attorney General has also opined that the Board of Trustees has the home rule authority to adopt a local law transferring responsibility for police discipline to the Manager superseding the Westchester Police Act. Op. Atty. Gen. (Inf) 98-7.

Westchester Police Act discussed above, the Charter clearly provides that the Board has the power to entrust disciplinary actions involving members of the Fire Department to the Manager.

IV. CONCLUSION

It is clear from the provisions of the Village Manager Law that the intention was and still is to provide for a clear and distinct separation of authority between the Manager and the Mayor and Board of Trustees. With regard to the office of the Mayor, both the 1975 enactment and the 1983 amendments do not alter the strong executive powers of the Manager at the expense of the Mayor. In fact, despite the seeming attempt in 1983 to give some authority to the Mayor, the Manager still retained preeminent executive power. The Mayor was not given any singular authority over the Manager. Indeed, the changes to the 1975 law confirmed the power of the Board of Trustees, including the Mayor, to act collectively. For example, the Manager's appointment, promotion and discipline of department heads are subject to the confirmation and approval of the Board of Trustees. This change was made not to confer authority to the Mayor, but rather provided a check and balance to the Manager. I provide the attached records obtained from the Village Clerk evidencing the legislative history and intent in 1975 and 1983.

There is no distinction between the Mayor and Trustees in their relationship with the Manager. The authority over day-to-day operations lies squarely with the Manager which includes authority over Village employees and appointive officers. Board interaction shall only occur through the Manager, and neither the Mayor nor Trustees have any singular authority to direct or interfere with Village staff in the performance of their duties.

Finally, with regard to the police and fire departments, the Board of Trustees may delegate its apparent authority to the Manager. The Manager has advised that he does not seek such authority and would defer to the Board.

cc: Mayor and Board of Trustees

Attachment

MEMORANDUM REPORT

Feasibility of a Village Manager:

Port Chester, New York

October, 1974

Introduction.

This Memorandum summarizes the findings, conclusions and recommendations resulting from a project to investigate the feasibility of, and main alternatives to, a village manager for Port Chester. The purpose of the project was to advise and assist the Board of Trustees in planning changes in the organization and general management of Village government that would: increase the responsiveness and accountability of the Village government organization to the Board of Trustees, and; provide improved day-to-day supervision and administration of Village government operations. The project was largely financed by a grant from the U. S. Department of Housing & Urban Development and the New York State Office for Local Government.

Method and Scope of Project.

The Consultant interviewed all elected and appointed officials and selected deputies and assistants in order to analyze their functions, responsibilities, duties, authority and inter-relationships. A limited inspect of records and operations was undertaken in conjunction with the interviews, consistent with the needs and scope of the project. The record was then analyzed to identify strengths, weaknesses and options for change in the management organization that would accomplish the purposes and objectives of the Board of Trustees. The Consultant discussed his findings, conclusions and recommendations with the Board of Trustees in several conferences. He then drafted a local law reflecting the will of the Board of Trustees, for enactment and referendum.

Findings and Conclusions.

The responsibilities, functions, powers and duties of the elected and appointed officers of the Village are prescribed in a charter enacted May 14, 1868. Subsequent amendments have left the basic organization structure largely unchanged. The Village government is headed by a mayor and a board of six trustees, all elected officials serving part-time. The charter prescribes that appointed officials and other employees shall be designated by, and accountable to, the Board of Trustees.

The present Board of Trustees, pursuant to long established practice, is organized into standing committees as shown on Chart I. Committee assignments

are made by the Mayor acting in concert with the majority members of the Board of Trustees. Each committee consists of a chairman from the majority party and two additional members, one from the majority party and one from the minority party. The chairman of a standing committee is referred to as "commissioner." It is the part-time, elected "commissioner" who is viewed as the true "head of the department" by the full-time department head, other employees and trustees alike, rather than his committee or the Board of Trustees as a whole. Additionally, since the chairman is the sole judge of the unwritten rules of procedure under which his committee operates, other trustee-members may find themselves partly or entirely excluded from department supervision and decision making.

The main findings and conclusions concerning the Village government are as follows:

1. Substantial improvements in the effectiveness, efficiency and responsiveness of Village government are attainable by eliminating deficiencies in organization and administration that are found in most villages similarly organized. They are chronic, i.e. have existed over many years, under both Democrat and Republican administrations. They have a substantial direct bearing on: the cost, quality and adequacy of Village government; on the Board of Trustees control of it, and; on the performance of Village government officials and employees.

2. The three major kinds of deficiencies and improvement opportunities are as follows:

   a) Executive, i.e. those relating to the direction, supervision, coordination and control of departments and employees.

   b) Administrative, i.e. those relating to the technical quality and effectiveness of policies, systems, procedures and methods, especially as they affect employees, procurement and finances.

   c) Staff service, i.e. providing the Board of Trustees with necessary reports, research and assistance.

3. Executive deficiencies and improvement opportunities:

   a) There is no executive head of Village government. The executive powers of the Board of Trustees are dispersed among several "trustee-commissioners" and the mayor.

   b) Both "trustee-commissioners" and the mayor are part-time elected officials. They lack the time, information, and generally the skill and experience required to provide executive leadership to the

departments of government.

c) There is no means of coordinating departments, i.e. deciding priorities, meshing plans, schedules and services, sharing employees and equipment, resolving conflicts. An overburdened "trustee-commissioner" deals only with the department(s) under his committee's jurisdiction; the Board of Trustees meets only twice monthly, and is ill-suited to meet day-to-day coordination needs.

d) There is an inherent conflict between the role of a "trustee-commissioner" as department head and advocate, and his role as a member of the Board of Trustees in resolving inter-departmental issues.

e) The full-time department head, under a "trustee-commissioner," lacks key powers needed to run his department. His authority and capacity to direct and control his employees are greatly diminished by the trustee's power to hire, promote, fire and otherwise intervene in the management of employees and administration of the department.

4. Administrative deficiencies and improvement opportunities:

a) There is no position in Village government for an official with training and experience in the public administration skills appropriate for a municipal government spending in excess of $4,000,000 annually and employing over 200 employees.

b) Village government appointed officials and employees generally lack public service experience outside of the Port Chester Village government. They have little opportunity to become familiar with new developments in municipal administration or the systems and practices used successfully by other municipalities.

c) Elected "trustee-commissioners" and a mayor cannot generally be expected to have training or experience related to the processes of government or techniques of public administration.

d) The major impact of this deficiency in professional public administration knowledge is in areas that have a profound effect on costs, i.e. labor relations and personnel administration; procurement and stores; budget and financial administration. For example:

(1) Collective bargaining agreements are negotiated directly by the Board of

Trustees, few of whose members are knowledgeable or experienced in labor relations.

(2) Although the Village government employs over 200 people, it lacks policies, systems, procedures and administrative arrangements to regulate hiring, transfers, promotions, work and shift assignments, discipline, etc. on an effective and consistent basis.

(3) The Village government lacks adequate policies and procedures for the centralized control of procurement and stores. The power to order goods is disbursed among department heads and some lower level employees. Budget administration systems and practices do not adequately safeguard against the incurring of financial obligations grossly in excess of amounts appropriated by the Board of Trustees.

(4) Conditions such as those illustrated above result both from an absence of adequate technical-administrative skill and of centralized executive authority and control of departmental administration.

5. Staff service deficiencies and improvement opportunities:

a) The Board of Trustees lacks a reliable means of assuring that its enactments and instructions are promptly and effectively carried out.

b) The Board of Trustees lacks a professional source of information, analysis and recommendations on policy and legislative matters.

c) The Board of Trustees and Village government lacks continuity of administration, plans, priorities and programs whenever majority control of the Board of Trustees shifts from one party to the other.

6. Corrective measures and improvement opportunities:

The corrective measures required to eliminate the range of deficiencies outlined in this Memorandum are as follows:

a) Provide unified, full-time executive

leadership.

b) Install and enforce effective administrative policies and systems, especially for personnel, procurement and finance.

c) Provide professionally competent staff assistants to the Board of Trustees.

7. Alternatives:

The main alternatives to the present organization of the Port Chester Village government are: Village Manager; Village Administrator; Full-time Mayor. The distinctive characteristics and main strengths and weaknesses of each are as follows:

a) Village Manager: a professionally trained and experienced chief executive and administrative officer of government. Appointed by, and accountable to the Board of Trustees; all standing committees are abolished. Directs and supervises other appointed officials and employees. This alternative addresses the full range of executive, administrative and staff service deficiencies discussed in this Memorandum. It would also have the most extensive impact on the customary functions, responsibilities, duties and powers of the trustees and mayor.

b) Village Administrator: a professionally trained and experienced principal administrative official of government. Appointed by, and accountable to, the Board of Trustees; generally functions in conjunction with standing committees. Responsible for the administrative systems and practices of Village government. Does not direct and supervise other appointed officials and employees. This alternative provides professional administrative skills in cost and performance related areas. It lacks the executive powers to require department heads to comply with instructions. It addresses the administrative and staff service deficiencies discussed in this Memorandum, but not the executive deficiencies.

c) Full-time Mayor: an elected, full-time chief executive and administrative officer of government. Head of an "executive branch" of government; generally functions without standing committees. Directs and supervises appointed officials and employees. This alternative addresses the executive deficiencies discussed in this Memorandum, but not the administrative

and staff service deficiencies. It is unlikely that an elective mayor will possess any particular training or experience in public administration and government operations. Further, the range of potential candidates will be limited by the need to sever all connections with an employer, professional practice or proprietary business.

Recommendations.

It is recommended that the position of village manager be established, and vested with the full range of customary executive and administrative responsibilities, duties and powers. Enclosure 1, FEATURES OF A "STRONG" MANAGER outlines the functions, responsibilities, powers and duties that are fundamental to the position, and identifies variations that modify them. Attachment B, IMPACT ON BOARD OF TRUSTEES analyzes the impact that implementation of a Village Manager plan would have on the direct functions, powers and duties of the Board of Trustees and its individual members. Both of these documents were the basis of discussions between the Consultant and the Board of Trustees. The Consultant then drafted a proposed local law establishing a village manager, Attachment C, pursuant to policy directions issued at the conclusion of those discussions.

ATTACHMENT A

FEATURES OF "STRONG" MANAGER

1. Function and Responsibilities:

   A. Basic:

      I. Functions as chief administrative, executive and operating officer of Village government.

      II. Responsible to Board of Trustees for the operation and administration of all services and departments (unless specifically excluded).

      III. Responsible to Board of Trustees for the execution and enforcement of ordinances and other enactments as well as all laws applicable to the Village.

   B. Variations.

      I. Village Clerk, Village Attorney, Treasurer and/or others are "independent" officers.

      II. Manager also has responsibilities, powers and duties of Village Clerk and/or Budget Officer and/or Treasurer.

2. Powers and Duties.

   A. Executive:

      I. Basic: Manager has the power and duty to direct and supervise the operation and administration of all departments and services.

      II. Specific.

         a) Prescribe, alter and curtail the duties and powers of department heads and other appointed administrative officers, subject to the general direction and regulation of the Board of Trustees.

         b) Issue directions, instructions and orders to department heads and require information and compliance from them.

         c) Appoint, suspend, discipline and remove department heads and other appointed administrative officers.

      III. Other Features.

         a) Trustees, individually and collectively, are prohibited from requiring the appointment or removal of any employee. Trustees are permitted to discuss such individual

personnel actions with the Manager only as a Board, not individually.

b) Trustees are required to channel all dealings with Village employees and officers through Manager. Trustees are prohibited from giving orders or instructions to them officially or otherwise.

c) Employees and officers are prohibited from communicating with Trustees regarding Village affairs or employment-related personal problems, except as directed by Manager.

d) Board of Trustees may investigate any aspect of Village affairs, services and operations at any time. It may require any employee or officer to appear and furnish required information directly to the Board.

IV. Variations.

a) Trustees may seek routine information directly from an employee or officer, but may not issue orders or instructions or otherwise divert him from his regular duties to conduct an investigation or prepare a report.

b) A Trustee commits a misdemeanor or forfeits office by interfering in the appointment or dismissal of employees and officers or in Village government administration.

c) Manager may delegate power to appoint, suspend and dismiss employees to department heads under his supervision, but retains ultimate responsibility and authority.

d) Manager must report appointments, suspensions and removals of employees and officers at the next Board of Trustees' meeting.

e) Manager must confer with Board of Trustees before appointing, suspending or dismissing stipulated officials such as: Superintendent of Public Works, Building Inspector, etc.

f) A department head or other employee who is aggrieved at the Manager, because he alleges unfair or improper treatment, may obtain a hearing by Board of Trustees upon submitting a statement of cause.

B. Administrative.

I. Budget and Finance.

a) Basic:

1) Manager has duty to propose annual budget

and capital improvements program for Village government to Board of Trustees.

2) Manager has duty and power to control expenditures within the amounts appropriated and the funds available to pay claims.

b) Specific:

1) Prescribe and enforce procedures, formats and schedules for compiling annual budget and capital improvements program requests from administrative officials.

2) Analyze future financial requirements and resources, and monitor Federal, State and County financial assistance programs, as a basis for proposing budget and capital improvement policies to Board of Trustees.

3) Present and interpret a consolidated annual budget and capital improvements program request to Board of Trustees and participate in hearings.

4) Establish obligation and other expenditure control systems and procedures to compare expenditure commitments to authorized appropriations.

5) Authorize or restrain administrative officials from incurring financial obligations by "pre-auditing" and certifying whether a sufficient balance is unencumbered in the appropriate budget appropriation and whether funds will be available to pay the claim when due.

6) Analyze, report and interpret the Village's financial condition to the Board of Trustees regularly, and initiate or recommend such actions as may be necessary to avoid incurring a deficit.

II. Personnel Administration and Labor Relations.

a) Basic:

1) Manager has the power and duty to administer all Village employees subject to the general direction and regulation of the Board of Trustees and the provisions of law and collective bargaining agreements.

2) Manager has the duty and power to represent the Village in collective negotiations with all employee representatives and to propose agreements to the Board of Trustees for final approval.

b) Specific.

1) Prepare and present to Board of Trustees for approval, personnel policies, regulations and rules concerning matters such as: hiring, transfers, promotions, work rules, lateness, attendance, disciplinary procedures and penalties, job classification and salary administration, discharges.

2) Establish and administer personnel systems, procedures and controls to enforce policies, rules and regulations uniformly in all departments and consistently among all employees.

3) Evaluate the performance, effectiveness and productivity of all administrative officers and employees and take such improvement measures as may be necessary, including: re-organization; re-assignment; training; discipline; discharge.

4) Propose collective bargaining objectives and guidelines to Board of Trustees based on Village operating requirements and problems, and practices of other employers. Negotiate collective bargaining agreements with employee representatives within authorized guidelines and present to Board of Trustees for final approval.

5) Implement and enforce provisions of all collective bargaining agreements and represent Village in grievance proceedings and all other relationships with employee representatives.

c) Variations:

Trustees may retain an independent professional to negotiate with employee representatives and represent the Village in labor grievance proceedings. The Manager, and sometimes department heads, are included on a negotiating committee.

III. Procurement.

a) Basic: Manager has the duty and power to regulate and approve the purchase of all materials, supplies

and equipment subject to the general policies and budget appropriations of the Board of Trustees and the requirements of law.

b) Specific.

1) Prepare and propose policies and regulations for a centrally administered system of procurement and stores, to Board of Trustees for approval.

2) Prescribe and enforce rules and administrative procedures for the strict central control of specification development, order placement and the obligation of Village purchasing authority.

3) Institute a program to economize procurement expenditures through such measures as: standardized and consolidated purchase and storage of common items; minimum use of sole supplier specifications; maximum use of State contract suppliers; least possible use of specifications for non-standard items; and report results regularly to Board of Trustees.

4) Administer a competitive bidding procedure as prescribed by law and the general direction and regulations of the Board of Trustees.

c) Variations.

1) A purchase obligation incurred without the Manager's authorization is void and payment of such an obligation is illegal.

2) An administrative official who makes or permits a purchase obligation to be made, without the Manager's authorization is subject to removal from office and personally liable for payment of the unauthorized obligation.

3) A trustee commits a misdemeanor or forfeits office by interfering in the procurement of materials, supplies and equipment.

C. Staff Service to Board of Trustees.

I. Basic: Manager has the duty to provide all of the assistance and service needed by the Board of Trustees to legislate, to set policies, and to regulate and control the operation of Village government.

II. Specific.

a) Attend executive and public sessions of the

Board of Trustees and provide information, analyses and evaluations relevant to all agenda items and to trustee's questions.

b) Propose and discuss legislative and policy measures that he deems necessary for the health, safety and welfare of the community, and that will improve the effectiveness, efficiency or services provided by the Village government, or reduce its costs.

c) Report and interpret to the Board of Trustees new Federal, State and County legislation, regulations and programs relevant to Village government affairs, and prepare applications and reports in connection with financial and other inter-governmental assistance.

d) Investigate Trustee complaints and inquiries concerning government operations and services and report corrective actions taken, as well as proposals for any necessary legislative or policy action by the Board of Trustees.

e) Report regularly to the Board of Trustees on the operations, problems and requirements of all departments and services of Village government. Present and discuss annual and other occasional messages analyzing future service, public facility and financial requirements and proposing long-range plans and programs for meeting them.

f) Determine the administrative measures needed to execute and enforce the ordinances and other enactments of the Board of Trustees, as well as Federal, State and County laws and regulations applicable to the Village, and issue appropriate directions, instructions and orders to department heads.

III. Variations.

a) The Manager represents the Village in negotiations, coordination and other relationships with other municipal, county, state or federal government units, as well as in dealings with private corporations and individuals on behalf of the Village.

b) The Manager oversees the fulfillment of provisions of franchises, permits and privileges granted by the Village, and contracts to which it is a party. Recommend appropriate remedial action to the Board of Trustees, in the event that commitments are not fulfilled.

3. Qualifications.

   A. Basic: Education and practical experience in: public administration principles; municipal administration practice; executive leadership responsibility, i.e. "degree in public administration and stipulated minimum amount of directly relevant practical experience."

   B. Other:

      I. Need not be a resident when appointed.

      II. Must become and remain a resident after appointment.

      III. Must be an I.C.M.A. member.

4. Appointment.

   A. Basic: Majority vote of Board of Trustees.

   B. Variations:

      I. Two-thirds of members.

      II. Citizens' Committee may recommend candidates.

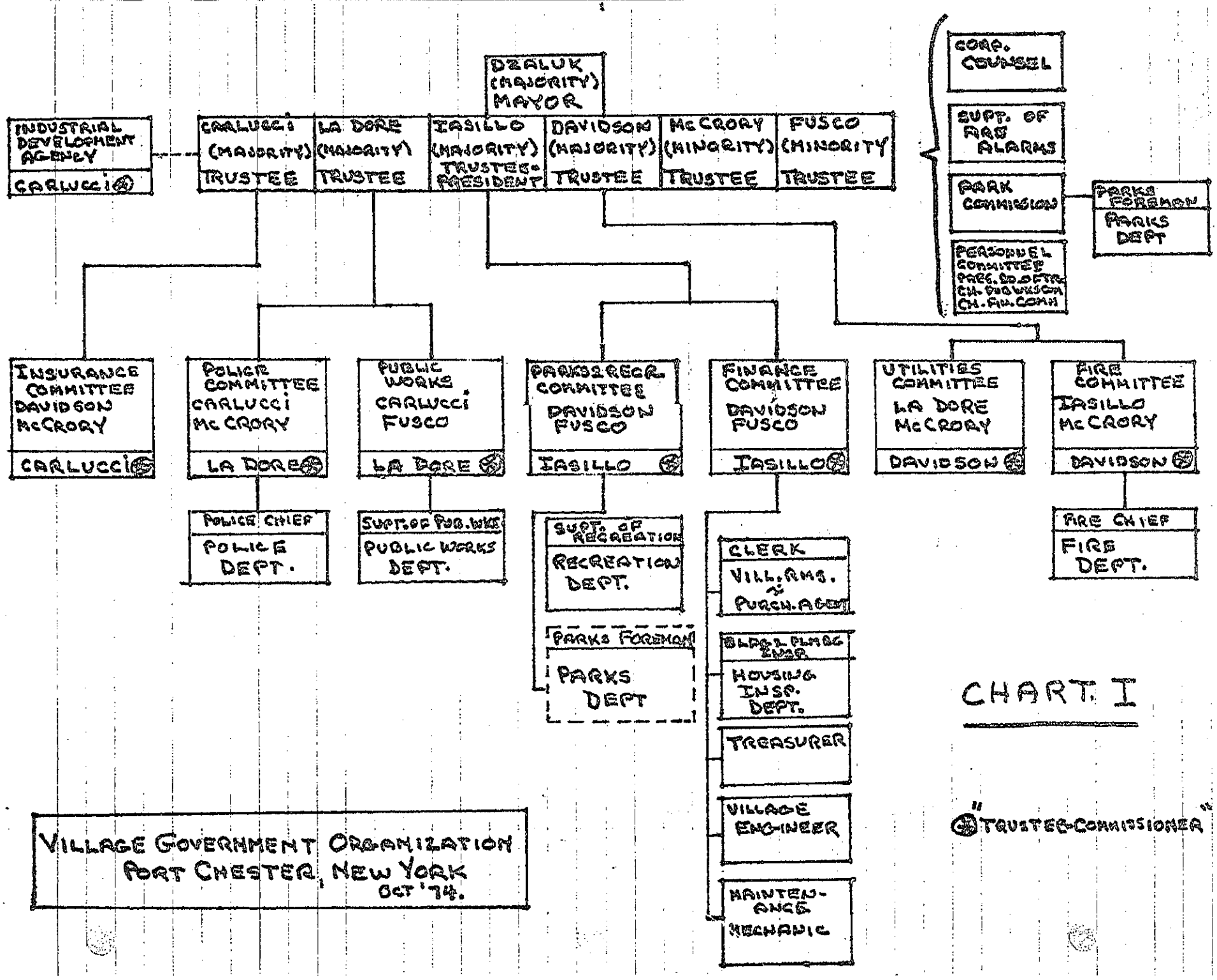
5. Term, Tenure, Dismissal.

   A. Basic: Indefinite term; serves at pleasure of Board of Trustees. Dismissal is not appealable.

   B. Variations:

      I. Entitled to compensation for balance of a one-year appointment if terminated earlier for cause other than malfeasance or misfeasance in office.

      II. Dismissal "at pleasure" of Board of Trustees must be preceded by service of a statement of reasons and opportunity for public hearing.


DZALUK (MAJORITY) MAYOR
INDUSTRIAL DEVELOPMENT AGENCY
CARLUCCI
CARLUCCI (MAJORITY) TRUSTEE
LA DORE (MAJORITY) TRUSTEE
IASILLO (MAJORITY) TRUSTEE-PRESIDENT
DAVIDSON (MAJORITY) TRUSTEE
McCRORY (MINORITY) TRUSTEE
FUSCO (MINORITY) TRUSTEE
CORP. COUNSEL
SUPT. OF FIRE ALARMS
PARK COMMISSION
PARKS FOREMAN
PARKS DEPT
PERSONNEL COMMITTEE PRES. BD. OF TR. CH. PUB. WKS. CH. FIN. COMM.
INSURANCE COMMITTEE DAVIDSON McCRORY
CARLUCCI
POLICE COMMITTEE CARLUCCI McCRORY
LA DORE
POLICE CHIEF
POLICE DEPT.
PUBLIC WORKS CARLUCCI FUSCO
LA DORE
SUPT. OF PUB. WKS.
PUBLIC WORKS DEPT.
PARKS & REC. COMMITTEE DAVIDSON FUSCO
IASILLO
SUPT. OF RECREATION
RECREATION DEPT.
PARKS FOREMAN
PARKS DEPT
FINANCE COMMITTEE DAVIDSON FUSCO
IASILLO
CLERK
VILL. RMS. & PURCH. AGENT
BLDG. & PLMBG. INSP.
HOUSING INSP. DEPT.
TREASURER
VILLAGE ENGINEER
MAINTENANCE MECHANIC
UTILITIES COMMITTEE LA DORE McCRORY
DAVIDSON
FIRE COMMITTEE IASILLO McCRORY
DAVIDSON
FIRE CHIEF
FIRE DEPT.
CHART I
"TRUSTEE-COMMISSIONER"
VILLAGE GOVERNMENT ORGANIZATION
PORT CHESTER, NEW YORK
OCT '74.

IMPACT ON BOARD OF TRUSTEES

A. Basic: Board of Trustees assigns full responsibility and accountability for all Village government operations and services to the Manager and delegates its supervisory powers over other Village officers and employees to him.

B. Specific.

I. Board standing committees and "commissioners", with responsibility for overseeing and supervising specific departments, are eliminated.

II. Board of Trustees may discuss individual appointments, promotions and other pending personnel actions with the Manager as a body, but may not interfere with his decisions or attempt to influence them individually.

III. Board of Trustees may grant a hearing to an officer or an employee who alleges that Manager has acted improperly or unfairly, but officers and employees are otherwise prohibited from communicating with trustees regarding Village affairs and employment-related personal matters.

IV. Board of Trustees may investigate any aspect of Village government operations, but otherwise trustees must channel all dealings with Village employees through the Manager.

V. Trustees may communicate information to, or request it from an officer or employee on their own or a constituent's behalf, but are prohibited from giving orders or instructions to him or otherwise influencing him or diverting him from regularly assigned duties.

VI. Board of Trustees establishes policies and regulations regarding all aspects of administration, including: personnel; procurement; budget; and the enforcement of ordinances, and modifies and approves those proposed by the Manager. Individual trustees, however, are prohibited from interfering in the administration of Village operations, services and regulatory functions or attempting to exert special influence.

VII. Board of Trustees delegates its power to approve or prohibit purchases and/or other expenditures to the Manager and holds him accountable for controlling spending within budget appropriations.

VIII. Board of Trustees delegates its power to supervise and coordinate all other officers and employees in preparing a Village government budget and capital improvements program to the Manager, and holds him accountable for identifying and evaluating public service and facilities needs and for

proposing practical fiscal alternatives for meeting them.

IX. Board of Trustees delegates its power to negotiate collective bargaining agreements with employee representatives to the Manager, and holds him accountable for obtaining a sound agreement within guidelines and limits established by the Board. Board of Trustees approves or rejects settlement negotiated by the Manager, but trustees are prohibited from communicating with employee representatives or otherwise intervening in collective relationships.

X. Board of Trustees receives complete, accurate and timely information from the Manager relative to all Board meeting agenda items, and to any questions they may raise individually and collectively. He investigates and reports in response to trustee inquiries, complaints and requests.

XI. Manager informs the Board of Trustees of Federal, State and County legislative actions and programs relevant to the Village and recommends necessary or advantageous responses.

XII. Board of Trustees delegates its power to execute and enforce ordinances and other policy and legislative enactments to the Manager and holds him accountable for their prompt and effective implementation through appropriate officers and employees.

XIII. Manager informs and advises new trustees on the organization and administration of Village government and on procedures of the Board of Trustees. He also provides information on existing policies, long-range programs, prior commitments and the framework of laws, policies, regulations and practices within which Village government is conducted.

(Type)

WILLIAM C. DAVIDSON
125 NORTH MAIN STREET
PORT CHESTER, N.Y. 10573

This legislation represents a fundamental and far-reaching change in the administration of our Village government. The present Charter as drawn in the 19th century adequately met the needs of the time. However, there are three main problem areas (1) at the executive level; (2) at the administrative level and (3) at the legislative level.

As regards the executive problem, under this charter a committee system of government evolved. Each important department, such as police, fire, public works and finance, are served by a committee of three Trustees, the chairman of the committee being the Commissioner for that department. While authority is delegated to a particular committee, that committee must report back to the whole board as to its recommendations. In practice, this has resulted in a breakdown of the delegation of authority so that all the trustees are now concerned with all matters of the Village government. This is obviously a chaotic and unworkable system.

When you take into account the fact that we have a budget of 4 1/2 million dollars administered by commissioner/trustees having neither experience nor training in public administration, the unworkability of this system is apparent.

This situation is further compounded by the fact that the Trustee/commissioner is then forced to rely upon a department head who does not have adequate executive authority over his subordinates to

effectuate the policies of the department head. As you know, we have had rapid change-overs of administration in resent years. With such changes in administration, there are corresponding changes in policy and direction to the department heads. Under such circumstances, the effective execution of any policy is almost impossible.

At the administrative level, the Trustees, being part time administrators, are, except in special circumstances, unable to see that their orders are carried out. A recent directive of the Board stated most emphatically that the departments were to stay within their budgets, a reasonable approach to administration. However, there is no pre-auditing control of purchases made by the Village. By this I mean, there are a number of employees who can obligate the Village without obtaining an authorized invoice beforehand. The Trustees, therefore, never know at any time how many obligations are outstanding. They only know what the Village must pay at the time of presentation of bills. When a department spends up to its budget before the end of a fiscal year, the Board is then faced with a crisis situation in which either services must be cut or a deficit run. As you can be sure, the latter almost always occurs.

At the legislative level, I can see from expreience that except for this most important legislation, very little time can be spent by the Trustees in considering legislation because so much time must be spent on administration. In addition to this, there is no organized way in which the Board can obtain information on various issues so as to be informed as to policy alternatives when making a decision. Without this information being readily obtainable, decisions are often put off.

One further consideration that I wish to present to the Board today is the problem of the qualified man power to run our Village government. The circumstances in which we live in Port Chester have changed radically in the last 25 years. Until then our community was for the most part self-contained. Most of our citizens lived and worked here. Head offices of various industries were located here. Industry leaders made their residences here. The same was also true for small businesses as well as large. Many of these individuals formed a ready source of supp ly for our Village leadership. They were also concerned with community-wide problems. Now as a result of mergers and moving away of such industries and business, we no longer have such a supply of such individuals. People who live here for the most part don't work here. People who work here, don't live here. We have, in fact, become tremendously inter-dependent on other communities in the metropolitan area. An example of this is the change from a local Community Chest to a county-wide United Way. I am sure many of you can think of many similar examples.

All of the members of the Board recognize the need for change in our present system of government. We as representatives of the Village must take the initiative to respond to the current situation. For us to adequately meet these problems, we must have a full time professional administrator -- a Village Manager. Any other proposal is a half-hearted attempt which will bring no important changes which are so desparately needed by our beleaguered taxpayers.

This is an age of specialization. It is generally recognized that expertise in a particular area is of greatest benefit to those served. Since we, as Trustees, have had so little time to consider new legislation as mentioned above, many of our codes have not been brought up to date to accord to current thinking. Further, since each of us is working at his own job and is only a part-time administrator, we are simply unable to do the job as well as we would like.

Mr. Donald Spanier, the consultant hired by the Board to advise the Board in planning changes in the organization and general management of the Village government, has submitted to us a draft of the legislation for a Village Manager. He has drawn this legislation after many conferences with the Board, individually and as a whole, with a view of reaching the consensus of the Board on this legislation. November 7 has been designated by the Board as the day set for a public hearing to consider the specific provisions and to allow the public to fully consider the same so that any revisions, if needed, can be incorporated in this law before it is enacted. I urge as many of our citizens as possible to come to the Village Board meeting on November 7 to give us the benefit of their suggestions and considered opinions.

I, therefore, move that Local Law #3-1974 amending the Charter to establish the office of Village Manager be set for a hearing on November 7, 1974 at the Village Courtroom at 8 p.m.

(Type)

JOSEPH P. CARLUCCI OCTOBER 21, 1974.

I wholeheartedly endorse the concept of a Village Manager for the Village of Port Chester and for that reason, second Mr. Davidson's motion concerning the proposed local law. I feel that all of the members of the Board ran for office in part because of our concern that things do not seem to be running properly in the Village. Since having been elected, I'm sure that concern has deepened as we have gotten a close look at the hit-and-miss type of administration existing in our Village government, the unworkable and inadequate purchasing and financial procedures which do not allow Village Board members to know the actual financial picture of the Village at any given moment unless that given moment is more than a month or two old and of the almost total lack of research and back-up services available to individual members of the Board.

I believe everyone on the Board feels that the present system is unworkable and unacceptable, and hopefully in the very near future we can all agree on the specific parts of the local law in order that a new, more effective system for running our Village government may be instituted, one which will more effectively meet the needs of the taxpayers and the Board.

To use a trite phrase, Port Chester is at the crossroads, on the brink of making a choice and taking a step that will have a truly substantial and far-reaching impact on the future of Port Chester. The continuation of the Village as a viable, prosperous,

healthy community depends on the decision each Board member will make within the next few weeks and the decision that the residents as a whole will give in the next few months.

There is no question in my mind that everyone wants to see Port Chester move ahead and prosper. Therefore, it is critical that Board members and citizens work together over the next few days and weeks in order to make the final draft of the local law one that reflects all reasonable views, so that it is truly a law for the benefit of the entire Village and one that reflects the thinking of all points of view held by residents throughout the Village.

VILLAGE OF PORT CHESTER, NEW YORK
1110 WILLET AVENUE • PORT CHESTER, NEW YORK 10573

MEMO

TO: Mayor Peter Iasillo and
Board of Trustees

FROM: Ray Hellman, Chairman
Village Manager Law Review Committee

RE: Proposed Revisions to Port Chester's Village Manager Law.

Report on behalf of the full committee as Chairman, I herewith submit the following report of the Village Manager Law Review Committee for consideration by the Board of Trustees.

I. Committee Method of Operation

In addition to the undersigned, the other members which you appointed to this Committee, i.e. Messrs. Paul Brezovsky, Anthony Meloni, Louis Passerelli and Charles Volker, along with Corporation Counsel, Sam Lerner, held a total of six committee meetings between November 23, 1982 and August 11, 1983. During the course of these meetings, all announced well in advance as open to the public, the Committee reviewed the entire existing Village Manager Law to develop proposed revisions for consideration by the Board of Trustees. The proposed revisions are designed to update this Law in the light of experience, since it was first enacted over eight years ago, as well as to clarify certain ambiguities and to eliminate contradictions as perceived by the Committee in the present Law. For the Committee's use as reference guides in their deliberations, each member was provided with copies of similar laws from the neighboring municipalities of Dobbs Ferry, Hastings-on-Hudson, Mamaroneck, New Rochelle, Peekskill, Pelham Manor, Pleasantville and Rye City. Additionally, the Committee was also provided copies of Port Chester's existing law, sections of the Village Charter and the consultant's original report to the Board of Trustees on establishing a manager form of government in the Village.

II. Explanation of Proposed Revisions

Identified with the corresponding section number of the Law, the Committee's rationale for each of the proposed revisions which are already incorporated in the enclosed copy of the Village Manager Law is outlined below:

Section 3-1. The exsiting Law designates the Village Manager as chief administrative and executive officer of the Village, terms which are labeled as synonomous by Websters; therefore, redundant as written. Equally redundant was the balance of this

paragraph in that it repeated many of the Manager's duties which are covered in other sections of the Law. Therefore, the Committee's proposed revision has simplified this section by eliminating the perceived redundancies, and is similar to the corresponding section of the City of Rye Manager Law.

Section 3-2a. The major Committee recommendation in this section is to provide for the possibility of a contract with the Manager, not possible under the existing Law. According to Mike Ritchie who did attend most of our meetings, this is a growing trend among village managers.

Section 3-2b. The Committee's proposed revision clarifies the educational requirements for any future candidates for village manager by requiring the minimum of a Bachelors Degree from a college or university, and not less than 3 years of municipal management experience. The Committee felt that the existing Law is too vague in this section.

Section 3-2c. The Committee recommended deleting the Citizens' Advisory Nominating Committee, since its original purpose was to select Port Chester's first manager, as verified by the fact it was not convened when Mike Ritchie was hired.

Section 3-2d. (Now numbered 3-2c in the attached) The Committee provided for extending the time for a newly hired manager to become a Village resident up to one full year, as opposed to 90 days in the existing law, which the Committee felt was a hardship.

Section 3-3. The major change proposed by the Committee was to provide for a contract with the Manager which also resulted in the deletion of clauses in this section pertaining to the resolutions and public hearings for dismissal which are made superfluous by the existence of a written contractural agreement.

Section 3-5. In addition to deleting the term executive as redundant, consistent with 3-1 above, the Committee also proposed appointment and dismissal of department heads require Board confirmation and approval. Most of the Committee Members hold management positions in major corporations where current personnel policies require several levels of review for such actions. Since department heads are generally long term Village employees, the Committee wanted to provide the safeguard of at least one more level of review for such actions which the existing Law does not provide.

Section 3-5b. Consistent with 3-5 above, the Committee recommended confirmation and approval by the Board of Trustees to alter and curtail the duties of department heads in this section for the same reasons.

Section 3-5c. Consistent with 3-5 and 3-5b, the Committee again recommended confirmation and approval by the Board of Trustees to appoint, suspend or terminate department heads for the same reasons.

Section 3-5g. The major thrust of the Committee's recommendation in this section is to provide for more direct involvement by the Board of Trustees in collective negotiations with Village employee representatives, as well as to delete redundant references to implementation and enforcement of personnel policies by the Manager which were previously covered in Sections 3-5a through 3-5c above.

Section 3-5m. The only Committee recommendation is the addition of the term licenses which was omitted from the original Law.

Section 3-5n. The Committee added this section because the original Law made no reference regarding the Manager taking a public position on policy, which is

clearly the purview of the Board of Trustees as the chief legislative body of the Village. The Committee, therefore, recommended this clause which is similar to a like clause in the City of Rye Manager Law.

Section 3-6a. The existing Law designates the Mayor as head of Village government for ceremonial purposes with no executive or administrative powers. The Committee sharply disagreed with this section and considered it incorrectly written since the Mayor is clearly identified as the chief executive officer of the Village in the Village Charter. As head of the Board of Trustees, the chief legislative body of the Village, the Committee also felt that the Mayor's position was, therefore, not ceremonial. The Committee's proposed revision of this section corrects these inaccuracies in the existing Law.

Section 3-6b. The only change recommended by the Committee in this section was to add the authority for the Mayor to set the agenda and schedule meetings of the Board of Trustees which merely confirms actual long standing practice.

Section 3-7a. The Committee proposed simplifying the language regarding the powers and duties of the Board of Trustees to be as set forth in the Village Charter, except for those powers and duties delegated to the Village Manager under this Law.

Section 3-7b. Consistent with the changes in Section 3-5 above, the Committee added the requirement for Board confirmation and approval to appoint or dismiss department heads in this section also.

Section 3-9. The Committee proposed deleting Hearing of Employee Appeals by the Board of Trustees because department heads have now been provided these safeguards in Section 3-5 above, and the remaining personnel have other safeguards as provided by collective bargaining grievance prodecures and civil service statutes.

Section 3-12 (Now numbered 3-11 in the attached) The language for this section of the existing Law was intended specifically for its original implementation and does not properly relate to revision of an existing law. The Committee's proposed revision simplifies this section by having this Law taking effect upon being duly adopted in the manner provided by law.

It is the Committee's hope that the above explanations clearly explain the reasons for each proposed revision. The Committee unanimously approved all of these proposed revisions and all share the universal conviction that these changes, if approved, will improve the Village Manager Law and make it more effective. The Committee also feels that these changes will certainly preserve the manager form of government in Port Chester which was the entire Committee's overriding objective in all of its activities. Hoepfully, copies of this report and the enclosed proposed revised law can be distributed to the entire Board at our September 1st Agenda Meeting for their review regarding setting a Public Hearing at our regular September 6th Meeting. Separately, I have requested Corporation Counsel, Sam Lerner, to advise the Board regarding the requirement for review by the New York State Controller as to whether a referendum is needed.

In closing, I want to express my sincere appreciation to the other Committee Members for their conscientious efforts on an arduous, but very important assignment. It was a privilege to work with them on this project, and though hard won, our work was performed in the spirit of harmony and cooperation.

cc: Corporation Counsel
Village Clerk
Committee Members

Mayor Iasillo ~~made the following statement~~ made the following remarks in response to Trustee Fusco's statements.

Daily Item--Friday, Oct. 25,1974--Statement of Trustee Fusco

If you have a manager with full power he'll completely control Port Chester. You take an outside man, from Ohio, and he takes over Port Chester.He comes in cold, what does he know about Port Chester, how we are?
I wasn't elected to have someone do my job.
The main thing is that our people lose their voice in government. Why some one can't even come to me with a gripe. I can't do anything about it because I can't interfere. Our people are losing their voice.

Daily Item--Tuesday,Nov. 5,1974--Statement of Trustee Fusco

The village manager concept is misleading, and the public would be grasping at straws if it fell for it. It will reduce elected officials to mere ceremonial decorations and with it the public will have lost its power and its voice.
The Village Manager concept has never proven to be a solution, only a substitution. Further, it will not eleiminate politics from government-on the contrary cities like Yonkers and New Rochelle and others have more problems with a village manager and are looking to eliminate it.
Both McCory and fellow Democrat Nicholas Fusco said they prefer to keep the power in the hands of elected officials chosen by the people.

Daily Item--Tuesday, Jan. 7,1975--Trustee Fusco Statement

Fusco claimed the Village Manager would not be responsive to the electorate but only to the majority memebers of the Bd. of Trustees.
Fusco stated the manager would not be able to offer budgets any more realistic than those prepared by the Board and suggested that budgets be prepared after elections and not before as they are now.

Village Manager, Michel D. Ritchie told the Board that in the 7 years the Village opted for this form of government, it has brought progress to PC. He told the Board that although these changes would deviate from the model law, it was not his expectation that the changes would bring in elected officials to the day to day operations of the Village government.

Mr. Ritchie further stated that the administrative authority would still rest with the VM. Mr. Ritchie added that it has been his practice to introduce top candidates

for department head positions to the Mayor and Board of Trustees, which he ~~left~~ felt was a good procedure to follow because everyone would have to cooperate together.

(1)

10/3/83
Board Meeting
STATEMENT
Non Issue

I don't believe that all six of you are in agreement that we need a weaker form of Village manager government! Don't give me the Bloney that the Mayor manager Committee really told you that these changes are needed and the Mayor needs more Power! Why does the mayor need more Power? With a six man board he's got his way any way he wants it! Has the managers form of government ever stopped now Elected PC in any way? Are we more off now than when the Politicians ran the Village? Half of your board members were not around to hear your Mayor and your Pols give the reasons for bringing a Village

manager to P.C. As a matter of fact Mr Helman was also invited on the Mgr. Committee! Some of the reason were to eliminate the more than a million dollar debt. The Politician part P.C. in/also to eliminate the political appointment of cronies to jobs in the Village instead of qualified people! To have some one run the everyday operations of the Village more efficient and control spending on purchases to get the best Price instead of buying from a Party member or family or friend! I believe our manager did his job well and the proof of the pudding is we are in a much better position today than when the Politicians ran the Village! I am not writing an endorsement for Mr Ritchie, I am talking

for the position no matter who the man is that fills it! Mr Patchin doesn't need any one to talk for him, I know he can do well no matter where he works, here or some where else! This board is also looking for not having a referendum on this matter This board formed many Citizen Committees to give the people a chance to speak and be heard" then why are we asking for an Attorney General opinion ~~and~~ whether we need one yet, Why not just have the referendum and give the people the choice to keep the law the same or change it! After all it was the people who voted for this law and they should decide to change it or not and Keep Patchin

Out of this important decision. Remember one thing you sir board member are going to answer to the people the moment you start dragging P.C. down into a Political fare which we tried so hard to eliminate! One more thing about the mayor committee which he calls a Bi Partisan Committee, just to let the people think both sides agree to this, well I want you to know Mr Nelson & Mr Passonelli spoke for themselves not the Democratic Party!

As for the Contract for the mayor, I don't see upon guaranteeing any man for $50,000 to $70,000 a year salary, what to stop any board in Town who don't like the mayor, fire him

one have to pay the full amount whether he works or not, and a 2 year contract will double the amount! Not counting the new man you have to hire to take his place, it triples the salary! If the manager is a good man like Mr Patrick he would never have to worry about getting fired, if the political forces would let him alone and let him be got without interference!

As a repeat I'd warning let the people decide any changes (don't do it politically) I for one don't want to see P.C. slide back to the old political days; I don't have a short memory I remember our Past Troubles and how hard we worked to get P.C. back on its feet! Thank you Yours Truly

QUESTIONS

1. If CEO is synonymous with Administrative Officer and Mayor will be designated CEO, won't that make the Mayor an administrative official? No

2. Isn't that contrary to the intent of the council-manager form of government and inconsistent with the model law which recommends that the Manager be given all administrative authority? No

3. If the two terms are synonymous, doesn't it create two chief officials who must determine which area of authority a certain decision will refer to? No Won't this likely lead to conflict between the two individuals? No

4. Who will be the Chief Fiscal Officer under the proposed law? Mgr.

5. What authority does the proposed change give to the Mayor that he does not now have? Administrative? Legislative? Policy? What does it take away from the Manager? NOTHING

6. Can the Mayor direct the Manager with regard to policy matters on behalf of the Board of Trustees that have not formally been adopted by the Board? Administrative matters? ~~yes~~ No
NO ~~YES~~

7. What happens when the Mayor is not a member of the majority party on the Board? Does a majority leader assume any responsibility?
~~YES~~ NO

8. The current Manager has lived under the old law that provided for a public hearing in the event of dismissal. The new law deletes the provision for a hearing and adds an option for a contract but no requirement. What is the status of the incumbent? He may have neither the hearing or a contract. WILL HAVE CONTRACT

9. What is the intent of requiring Board approval for hiring or firing of Department Heads? Will it weaken the authority of the Manager with respect to Department Heads? No Will this reduce his effectiveness? No

10. Will the Board request an opinion from The Comptroller's Office whether a referendum is required or not? ~~No~~ Before or after action is taken? ~~No~~ AFTER
Up P.C.C.

D R A F T

The Clerk read the following AOP,.....

On motion of Trustee McMahon, seconded by Trustee Gianfrancesco, the Public Hearing was declared open.

Mayor Iasillo stated that the ~~Commission~~ Local Law No. 1, 1975 Review Committee, under the chairmanship of Trustee Ray Hellman, has submitted their report, which was adopted unanimously by the Committee and forwarded ~~the report~~ to the Board of Trustees for Public Hearing review. Mayor Iasillo asked Trustee Hellman if he would like to comment on this report.

Trustee Hellman told the Board of Trustees that the Committee deliberated at great length, and he believed that the recommended changes to the Village Manager Law were very constructive and would improve ~~this~~ the existing law.

Mayor Iasillo asked if there was anyone in the audience who would like to address the Board of Trustees.

Frank Mokrzycki, 20 Townsend St., told the Board of Trustees that the public should have been more informed about the changes to the Village Manager Law.

Mayor Iasillo explained to Mr. Mokrzycki that all meetings held by this Review Committee were open to the public and that the daily newspaper has highlighted the major changes to the law prior to tonight's Public Hearing.

Anthony Rende, 10 Oakridge Drive, told the Board that the Village voted for the Village Manager form of government because of the political "shenanigans" that were played in the past. Mr Rende further stated that by not giving the Village Manager full responsibility, the Manager could not be held fully accountable for the daily operations. Mr. Rende also stated that he believed the VM should have full control of the employees and that he did not want the everyday operation of the Village to be put back into the political arena.

Mayor Iasillo stated that he does not see politics as part of the everyday operation of the Village government. The Mayor further stated that when hiring any department ~~department~~ heads, the VM would bring his candidates before the Board of Trustees. The Mayor further stated that he believed this would not constitute a change in the way things were being done, but that now this practice was being ~~made part of the~~ put into the law.

Louis DeLago, 75 Glen Ave., stated that the VM should run the everyday operation of the Village government and that he must have the full power on hiring and firing.

Mayor Iasillo told Mr. DeLago that he is in favor of the VM form of government and that this amendment to the law will provide the VM with a contract.

Goldie S., 6 Puritan Dr., questioned if Mr. Ritchie did not agree with these recommended changes, would there be a contract?

Mayor Iasillo explained that if the amendments to this law are passed, the Village would draw up a contract. He further explained that Mr. Ritchie would still be operating

under the old law until such time as a contract is entered into. The Mayor further added that the Board has requested Mr. Ritchie to get copies of other municipal contracts for VMs that the Board can review.

Mrs. Solomon told the Board that in 1975, the people voted for a full time VM. She explained that the BT should not control the powers of the manager and stated that she hopes this law does not change the momentum of the Village. She further stated that it seems that PC is moving forward and that she would be very watchful with regard to this change so that the VM can function in a proper manner.

John Innominato, 84 Putnam Ave., recommended that the BT do away with the VM form of government and stated that the Village should have a fulltime Mayor with an advisor who knows the PC community.

Serafino Guido, Olivia St., told the Board of Trustees that the VM's position was not an easy job. He further stated that the Village has made some great improvements under this form of government. He told the Board that it was his belief that the department heads are not doing their job and following the instructions of the VM and the Bd. He further stated that if these department heads did their job, a lot of the complaints would be taken care of.

Louis DeLago again addressed the Board and stated that he believed the cost of a full time Mayor and advisor would be more expensive than the salary of a VM. He recommended to the Board to leave the law as is.

Mayor Iasillo asked if there were any Board Members who would like to comment.

Trustee Fusco stated that he was disappointed in the small turnout in the audience on such an important issue. Trustee Fusco also stated that he had a list of questions that he wanted answered.

Trustee Fusco asked who would be the Chief Fiscal Officer of the Village.

Trustee Hellman replied, "the Village M."

Trustee Fusco also questioned what happens when the Mayor is not of the majority party, who would be the Chief Executive Officer, the mayor or the majority leader?

Trustee Hellman stated that the mayor would still be the Chief Ex. Officer. Trustee Hellman also stated that the Village would be just formalizing what has been practice, ~~and that there was no~~ need for an opinion from the Comptroller's Office on the recommended changes.

Trustee Fusco read the following statement:

"I can't believe that all six of you are in agreement that we need a weaker form of Village Manager government! Don't give me the baloney that the Mayor's Manager Committee really sold you that these changes are needed and the Mayor needs more power! Why does the Mayor need more power? ~~Wheexdoesxshexmayoxxxx~~ With a six man board, he's got his way any way he wants it! Has the Manager form of government as it stands now hindered P.C. in any way? Are we worse off now than when the politicians ran the Village? Half of you board members were not around to hear your Mayor and your party give the reasons for bringing a VM to PC. As a matter of act, Mr. Hellman was also involved on the Manager Committee!

Some of the reasons were to eliminate the more than one million dollar debt the politicians put PC in. Also to eliminate the political appointment of cronies to jobs

in the Village instead of qualified people, to have someone run the everyday operation of the Village more efficiently and control spending on purchases,to get the best price instead of buying from a party member or family or friend! I believe our Manager did his job well and the proof of the pudding is that we are in a much better position today than when the politicians ran the Village! I am not writing an endorsement for Mr. Ritchie; I am talking for the position no matter who the man is that fills it. Mr. Ritchie doesn't need any one to talk for him, I know he can do well no matter where he works, or or some where else. This Board is also looking for not having a referendum on this matter. This Board formed many citizen committees to give the people a chance to speak and be heard. Then why are we asking for an Attorney General's opinion whether we need one or not? Why not just have the referendum and give the people the choice to keep the law the same or change it. After all, it was the people who voted for this law, and they should decide to change it or not and keep politics our of this important decision. Remember one think, you six Board Members are going to answer to the people the minute you start dragging PC down into a political farce which we tried so hard to eliminate. ~~Rexxx~~

One more thing about the Mayor's Committee which he calls a BiPartisan Committee, just to let the people think both sides agree to this, well, I want you to know Mr. Meloni and Mr. Passerrelli spoke for themselves, not the Democratic Party!

As for the contract for the Mgr., I can't see your guaranteeing any man for $40,000 to $50,000 a year salary. What's to stop any Board in power who doesn't like the Manager from firing him and then have to pay the full amount whether he works or not, and a two year contract will double the amount. Not counting the new man you have to hire to take his plac e, it triples the salary. If the Mgr. is a good man like Mr. Ritchie, he would never have to worry about getting fired, if the political forces would let him alone and let him do his job without interference.

As a repeat warning, let the people decide any changes. Don't do it politically! I, for one, don't want to see PC slide back to the old political days. I don't have a short memory. I remember our past troubles and how hard we worked to get PC back on its feet!.

~~Thank you.~~

~~Nicholas Fusco~~

Mayor Iasillo asked if there were any other Trustees whould like to comment.

Trustee Carmen Talia stated that he would like an opinion from the Comptroller's Office with regard to these changes in the VM law. Trustee Talia also objected to the law in which it states that the Mayor is just a ceremonial head of the Village. Mr. Talia further stated that he felt that the Mayor's position is an important job in the community and should not be termed as just a ceremonial head.

Trustee Gary Gianfrancesco stated that with regard to the article published in the Daily Item, he noted that the VM did not state that there was a problem with regard to these changes, and that if there was, he was sure Mr. Ritchie would have brought this out.

Trustee Gianfrancesco thanked Trustee Hellman and the Review Committee for their time and effort spent on these proposed changes.

Trustee Branca also thank the ~~Rxxxxx~~ Committee and stated that PC cannot have parttime people running government and that he was all for the VM form of governemnt.

He also stated that these proposed changes were practice used by big business, and added that PC is a "business".

Trustee McMahon stated that in 1975, the Village implemented the VM form of government and that this law has not been reviewed or examined since its institution. Trustee McM felt that it is a good practice to reevaluate the law at this time. He stated that there are really no major changes and that this amendment would provide additional time for the manager to move into the community and also provide the vm with a contract that he presently does not have.

WHEREAS, the Board of Trustees, having determined that a parking emergency exists on the residential streets of the Village; and

WHEREAS, the Board of Trustees is considering legislation to address the problem and has scheduled a public hearing on this matter for May 2, 1990. Now therefore, be it

RESOLVED, that a moratorium is hereby declared in all residential zoning districts on the issuance of any building permits for any lot in a residential district which does not fully comply with the requirements of 98-14 of the Village Code, and there is a further moratorium on the consideration of any subdivision applicaton whether pending or hereafter filed during the moratorium period; and be it further

RESOLVED, that this moratortium shall expire on the earlier of May 15, 1990, the effective date of the adoption of the proposed parking limitation scheduled for public hearing on May 2, 1990 or the rejection thereof.

ROLL CALL
AYES: Trustees Terenzi, McMahon, Giorgi, Branca, Rende, Gianfrancesco and Mayor Iasillo
NOES: None
ABSENT: None

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On motion of Trustee Branca, seconded by Trustee McMahon, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, this Board of Trustees has been presented with proposed rules and regulations which, if adopted, are to be applicable to the Port Chester Police Department, effective with this adoption; and

WHEREAS, the Mayor and Board of Trustees had appointed a Public Safety Committee consisting of three Trustees, whose Chairman was Trustee Branca, to review and make recommendations on a set of rules and regulations for the Police Department; and

WHEREAS, these rules and regulations have been submitted to the Police Benevolent Association for their review and comments; and

WHEREAS, the Public Safety Committee reviewed the recommendations of the staff, Police Chief and the PBA and incorporated suggestions they felt desirable into the rules and regulations; and

WHEREAS, after a year of study, the Public Safety Committee reported favorably to the Board of Trustees on the final draft of the rules and regulations. Now, therefore, be it

RESOLVED, that the final revision of the Port Chester Police Department Rules and Regulations favorably reported to the Board of Trustees be, and the same hereby are, adopted effective immediately.

ROLL CALL
AYES: Trustees Terenzi, McMahon, Giorgi, Branca, Rende, Gianfrancesco and Mayor Iasillo
NOES: None
ABSENT: None

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The Board of Trustees then reviewed the Stipulation regarding the Village of Port Chester with Westchester Avenue Marina Realty, Inc.

Bruno Gioffre appearing, on behalf of Westchester Avenue Marina, stated that he has read the stipulation but requested that the Board of Trustees hold