

VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES

Meeting, MONDAY, MARCH 19, 2012

**7:00 P.M.**

VILLAGE JUSTICE COURTROOM  
350 North Main Street  
Port Chester, New York

***AGENDA***

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I. **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

1. Public Hearing to consider the advisability of amending the Code of the Village of Port Chester, Chapter 319 "Vehicle and Traffic" with regard to the parking scofflaw program.
  - Proposed Local Law

II. **PUBLIC COMMENTS:**

III. **RESOLUTIONS:**

Police

1. Budget amendment for use of DEA Funds for the purchase of police bicycle.
2. Authorize the Village Manager to enter into an inter-municipal agreement with the County of Westchester regarding Selective Traffic Enforcement Program Grant.

Vehicle and Traffic

3. Amendment to Chapter 319 "Vehicle and Traffic" Section 319-73, Schedule XII in reference to School Speed Limits.

Board of Trustees

4. Rules of Procedures amendment regarding requests by the Board.

Assessments

5. Adoption of Local Adjustments for Homestead and Non-Homestead Base Proportions for 2012-2013.

Grant

6. Support of an application for a Local Government Efficiency Grant supporting Shared Development Services Program of the Mayors Redevelopment Roundtable.

Sanitary Sewer Rent Project

7. Authorize the Village Manager to enter into an interim agreement with United Water Resources, Inc., regarding the Sanitary Sewer Rent Project.

**IV. DISCUSSIONS:**

1. Budget process

**V. REPORTS:**

1. From Brooksville Engine & Hose Co. #5 on the election to active membership of Joaq Lucas Della Marta Santana.
2. From Harry Howard Hook & Ladder Co. #1 on the election to active membership of Robert Longo.

**VI. CORRESPONDENCE:**

1. From Our Lady of the Rosary requesting the use of the Show Mobile on April 6, 2012 in conjunction with their annual Good Friday activity.
2. From the Caring & Loving Foundation requesting the use of Lyon Park and the Village Show Mobile on July 29, 2012 for their cultural festival.
3. From the Bolivian Cultural Center requesting permission for a parade on August 26, 2012 beginning at 1:30 p.m. on Westchester Avenue from Regent Street to Pearl Street at St. peter's Episcopal Church.

**VII. MINUTES:**

1. Board of Trustees minutes of February 6, 2012, February 21, 2012, February 28, 2012 and March 5, 2012.

**VIII. PUBLIC COMMENTS AND BOARD COMMENTS:**

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
PH #1	<input type="checkbox"/> Defeated
Intro Local Law # <u>3, 2012</u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>2</u>	<input type="checkbox"/> Amended

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
 41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate a new matter.

County  
 City of Port Chester, New York  
 Town  
 Village

Local Law No. \_\_\_\_\_ of the year 2012

A local law amending the CODE OF THE VILLAGE OF PORT CHESTER,  
 CHAPTER 319, SECTION 319-55.1.

Be it enacted by the Board of Trustees of the  
 (Name of Legislative Body)

County  
 City of Port Chester, New York as follows:  
 Town  
 Village

A LOCAL LAW AMENDING CHAPTER 319 OF THE CODE  
 OF THE VILLAGE OF PORT CHESTER WITH REGARD TO  
 THE PARKING SCOFFLAW PROGRAM

SECTION 1: Purpose and intent.

The Village of Port Chester has established a parking scofflaw program that authorizes the towing and/or impoundment of motor vehicles which have three or more outstanding, unpaid parking violations against them which are found parked on the street or public way of the Village. The Board of Trustees finds that a number of registered owners of motor vehicles who fail to respond to parking violations are not only persistent violators, but by reason of out-of-state

registration , the transfer of ownership and/or registration of such vehicles are able to evade existing means of collecting fines on parking tickets. The Board finds that there is a need to deter such evasive practices and hold registered owners of motor vehicles responsible for all such parking violations.

SECTION 2: Section 319-55.1 of the Code of the Village of Port Chester, entitled "Authority to impound vehicles for delinquent parking tickets" is hereby repealed and new provisions are provided for in place and stead to read as follows:

A. Any unattended motor vehicle found parked on a public street, highway or parking lot or any parking lot operated by the Village of Port Chester which is owned by or registered to a person against whom has been issued three (3) or more parking violations issued by the Village that remain uncontested, unpaid or unsatisfied may be immobilized and/or towed and impounded under the provisions of this section.

B. Notwithstanding the provisions of Subsection A, any unattended motor vehicle bearing out-of-state license plates found parked on a public street, highway or parking lot or any parking lot operated by the Village of Port Chester which is owned or registered to a person against whom has been issued three (3) or more parking violations that remain uncontested, unpaid or unsatisfied may be immobilized and/or towed and impounded.

C. No such vehicle may be immobilized and/or towed and impounded for any parking violation that is less than thirty (30) days since the date of issuance.

D.No such vehicle may be immobilized and/or towed and impounded unless:

(1) the violations were issued after the effective date of this section, or

(2) the Violations Bureau has provided the owner or registrant of the vehicle by regular first class mail with a notice containing the following information: advising the person of the provisions of this section that the person has three (3) or more parking violations that remain uncontested, unpaid or unsatisfied and giving direction as to what action the owner or registrant needs to take to avoid having the owner or registrant's vehicles being immobilized and/towed and impounded without the need for further notice.

E. Subject to the authorization and direction of a police officer or parking enforcement officer, any such vehicle may be towed and impounded by a licensed, commercial towing or wrecking company in a safe place until claimed by the owner.

F. In addition to, or in lieu of towing and impoundment, any such vehicle may be immobilized in such a manner as to prevent its operation, except that no such vehicle shall be immobilized by any means other than by the use of a device or other mechanism which will cause no damage to such vehicle unless it is moved while such device or mechanism is in place. In any case involving immobilization of a vehicle pursuant to this subsection, such officer shall cause to be

placed on such vehicle, in a conspicuous manner, notice sufficient to warn any person that any attempt to remove such vehicle will result in damage to same.

G. Within twenty-four (24) hours after immobilization and/or towing and impoundment of such vehicle, the Village shall give notice to the owner or registrant as evidenced in the records of the New York Department of Motor Vehicles of same, the place where it may be recovered and the conditions under which it will be released.

H. Release of vehicle:

(1) Before the owner or person in charge of any vehicle immobilized and/or towed and impounded as above provided, shall be allowed to repossess or to secure the release of said vehicle the owner or his/her agent shall pay, the following:

(a) To the Village of Port Chester, all sums legally due for all parking violations issued to the owner that are uncontested, unpaid or unsatisfied as provided herein.

(b) To the Village of Port Chester, an administrative fee set out in Chapter 175, Fees, for the village's expense in securing the tow service, if applicable.

(c) To the Village of Port Chester, a fee as set out in Chapter 175, Fees, for the application and removal of said immobilization device placed on such vehicle.

(d) To the towing service, the cost of towing and impoundment as established in Chapter 175, Fees.

(2) No such vehicle shall be released until the owner or his/her agent has established identity and right to possession and has signed a receipt therefore.

I. If, after a vehicle has been towed or immobilized, any person shall move or attempt to move such vehicle and/or do any damage to the immobilization device, the owner of such vehicle and the person removing such vehicle or doing such damage shall be additionally liable for any damage done to the immobilization device or mechanism and subject to criminal prosecution under the Penal Law.

(1) That the owner of such vehicle may plead and prove as a defense that at the time of such immobilization or damage, the vehicle was stolen and notice of same was given to the applicable police authority.

J. Failure of the owner to secure the release of such vehicle shall subject its disposition pursuant to the provisions of Vehicle and Traffic Law, Section 1224.

SECTION 3: If any section of this local law shall be unconstitutional, invalid or ineffective, in whole or in part, such determination shall be deemed to affect, impair or invalidate the remainder of this local law.

SECTION 4: This local law shall take effect sixty (60) days upon filing in the Secretary of State.

<b>Vote:</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
<b>Police</b>	<input type="checkbox"/> Defeated
Resolution # <u>  1  </u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>  2  </u>	<input type="checkbox"/> Amended

RESOLUTION  
 BUDGET AMENDMENT – DEA FUNDS  
 BICYCLE PURCHASE FOR POLICE DEPT.

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

WHEREAS, The Police Chief recommends the use of DEA Funds assist in the purchasing of one (1) Cannondale Law-Enforcement Police bicycle in the amount of \$1,200 from Pawling Cycle & Sports Inc., 12 West Mains Street, Pawling, NY 12564. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2011-12 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695            Deferred Revenue DEA            (\$1,200)

Revenues:

001-0001-2613            Use of Deferred DEA Funds            \$1,200

Appropriations:

001-3120-0200            Police Equipment            \$1,200

Vote:	Aye	Nay	Abstain	Absent
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
<i>Police</i>	<input type="checkbox"/> Defeated
Resolution # <u>  2  </u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>  2  </u>	<input type="checkbox"/> Amended

RESOLUTION  
 AGREEMENT WITH THE COUNTY OF WESTCHESTER  
 SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_, the

following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

RESOLVED, that the Village Manager be and is hereby authorized to enter into an inter-municipal agreement with the County of Westchester for the Selective Traffic Enforcement Program Grant with a term of October 1, 2011 to September 30, 2016 with the 2012 Step Grant for the Village of Port Chester to be in the amount of \$2,680.00.

Vote:	Aye	Nay	Abstain	Absent
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
<i>Vehicle &amp; Traffic</i>	<input type="checkbox"/> Defeated
Resolution # <u>  3  </u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>  2  </u>	<input type="checkbox"/> Amended

RESOLUTION  
VEHICLE & TRAFFIC AMENDMENT  
SCHEDULE XII, SECTION 319-73 "SCHOOL SPEED LIMITS"

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

RESOLVED, that the Village Code on Vehicle and Traffic, Schedule XII, Section 319-73 and pursuant to Section 319-15A(2) regarding "School Speed Limits", be amended as follows:

	<u>Name of Street</u>	<u>Speed Limit</u>	<u>Hours</u>	<u>Location</u>
<b>ADD</b>	Rectory Street	15 Mph	7:00 a.m. to 6:00 p.m.	300 feet in each direction from the building line of the Edison School abutting on Rectory Street
<b>ADD</b>	Locust Avenue	15 Mph	7:00 a.m. to 6:00 p.m.	300 feet in each direction from the building line of Edison School abutting on Locust Avenue
<b>ADD</b>	Orchard Street	15 Mph	7:00 a.m. to 6:00 p.m.	300 feet in each direction from the building line of Edison School abutting on Orchard Street

**ADD**

Spring Street                      15 Mph                      7:00 a.m. to 6:00 p.m.                      300 feet in each direction from the building line of 17 Spring Street abutting on Spring Street

**DELETE**

King Street                      25 Mph                      8:00 a.m. to 4:00 p.m.                      300 feet in each direction from the building line of the King Street School abutting on King Street

**ADD**

King Street                      20 Mph                      7:00 a.m. to 6:00 p.m.                      300 feet in each direction from the building line of King Street School abutting on King Street

<b>Vote:</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

**Port Chester Police Department  
Traffic Bureau  
350 North Main Street  
Port Chester, New York 10573**

**To:** Joseph M. Krzeminski, Chief of Police  
**From:** Charles Vaccaro, Traffic Sergeant  
**Date:** March 12, 2012  
**Re:** School Speed Limit – Additions and Amendment

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At the February 6<sup>th</sup> Board of Trustee meeting Trustee Didden fostered the discussion regarding a lapse of school zone and reduced speed limits surrounding two locations and it was forwarded to staff. I have had conversations and worked along with Village Attorney Cerreto regarding the necessary additions and amendment.

Edison School currently does not have a school zone or reduced speed limit surrounding the school. Edison School is bordered by three separate streets, with Rectory Street to the north (front), Orchard Street to the east and Locust Avenue to the west. I recommend the installation of a 15 Mph speed limit within 300 feet of the building line on each street abutting Edison School. Contact was made with Edison School as to the time that children are in the building. I was informed that beyond the regular school day there is an afternoon program called "Oasis" which has children released up until approximately 5:30pm. Therefore, I recommend the school speed limit hours to be in effect from 7:00am to 6:00pm on the three streets abutting Edison School.

Spoke with Madelaine Pilpel the Director of the Port Chester Head Start and Day Care Center located at 17 Spring Street regarding the proposed addition of a school zone with a 15 Mph school speed limit within 300 feet of their building. Ms. Pilpel agreed that the reduced speed limit would assist with safety of the children and the loading and unloading of buses on Spring Street. There is no need to include Washington Street as no children are released on that side and the children are always accompanied by an adult due to their age. I also inquired as to the programs continued use of the facility at 17 Spring Street (Our Lady of Mercy School) and Ms. Pilpel confirmed the continued use of the facility with no changes in the foreseeable future. The program hours are from 7:00am to 5:30pm Monday through Friday and therefore I recommend the school speed limit hours in effect from 7:00am to 6:00pm on Spring Street school days.

While reviewing "school speed limits" in the Village Code I noticed a discrepancy. The Code and the NYS DOT signage on King Street are conflicting. In order to coincide with the State school speed limit directives for King Street a State roadway I recommend amending the school speed limit to 20 Mph and the time as prescribed by New York State DOT 7:00am-6:00pm..

The necessary additions and amendments to the Code are as follows:

Village Code on Vehicle and Traffic, Section 319-73, Schedule XII, and pursuant to the provisions of Section 319 – 15A (2): School Speed Limits

	<u>Name of Street</u>	<u>Speed Limit</u>	<u>Hours</u>	<u>Location</u>
ADD	Rectory Street	15 Mph	7:00am-6:00pm	300 feet in each direction from the building line of Edison School abutting on Rectory Street
ADD	Locust Avenue	15 Mph	7:00am-6:00pm	300 feet in each direction from the building line of Edison School abutting on Locust Avenue
ADD	Orchard Street	15 Mph	7:00am-6:00pm	300 feet in each direction from the building line of Edison School abutting on Orchard Street
ADD	Spring Street	15 Mph	7:00am-6:00pm	300 feet in each direction from the building line of 17 Spring Street abutting on Spring Street
DELETE	King Street	25 Mph	8:00am-4:00pm	300 feet in each direction from the building line of the King Street School abutting on King Street
ADD	King Street	20 Mph	7:00am-6:00pm	300 feet in each direction from the building line of King Street School abutting on King Street

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
<i>Board of Trustees</i>	<input type="checkbox"/> Defeated
Resolution # <u>4</u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>2</u>	<input type="checkbox"/> Amended

RESOLUTION AMENDING THE RULES OF PROCEDURE OF THE  
BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER  
WITH REGARD TO AGENDAS

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

WHEREAS, the Board of Trustees has adopted Rules of Procedure for many purposes, including operating effectively; and

WHEREAS, scarce staff resources dictate that there be a formalized process for the placement of agenda items by the members of the Board ; and

WHEREAS, notwithstanding the foregoing, the rules also clearly intend that minority rights of Board members be protected. Now, therefore, be it

RESOLVED, that Rule Three: Agendas of the Rules of Procedure of the Board of Trustees of the Village of Port Chester be and is hereby amended as follows:

...

3. Agenda items that involve the preparation and review of a resolution or local law shall be a matter of Board discussion in the first instance and upon the request of any two members. This will facilitate group thought early in the legislative process, a more collaborative approach and the efficient use of scarce Village resources.

Vote:	Aye	Nay	Abstain	Absent
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
<i>Assessments</i>	<input type="checkbox"/> Defeated
Resolution # <u>  5  </u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>      </u> 2 <u>      </u>	<input type="checkbox"/> Amended

RESOLUTION

ADOPTION OF LOCAL ADJUSTMENTS FOR HOMESTEAD AND  
NON-HOMESTEAD BASE PROPORTIONS

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_, the

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

**WHEREAS**, on February 2, 2005, the Board of Trustees adopted Local Law #2-2005 relating to the adoption of the provisions of Section 1903 of the Real Property Tax Law regarding Homestead Base Proportions; and

**WHEREAS**, the Town of Rye Assessor has prepared Homestead and Non-Homestead base proportions for the Village of Port Chester; and

**WHEREAS**, the Board of Trustees of the Village of Port Chester wishes to adopt local adjustments to these base proportions that will be used to establish a Homestead tax rate and a Non-Homestead tax rate for the 2012-2013 Village Budget and tax rates.

**NOW THEREFORE BE IT RESOLVED**, that the Board of Trustees of the Village of Port Chester hereby adopts for the 2012-2013 Village tax, Homestead Base Proportions of 60.588835% and Non-Homestead base proportions of 39.411165%; and

**BE IT FURTHER RESOLVED**, that the Village Manager is authorized to sign all necessary documents to implement the purposes of this resolution; and

**BE IT FURTHER RESOLVED**, that the Town Assessor and Tax Collector are authorized and directed to make any filings on behalf of Port Chester, and to take any additional actions necessary to implement the purposes of this resolution.

Vote:	Aye	Nay	Abstain	Absent
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

B/T Mtg. Date March 19, 2012	Action: <input type="checkbox"/> Adopted
<i>Grant</i>	<input type="checkbox"/> Defeated
Resolution # <u>6</u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 _____ 2 _____	<input type="checkbox"/> Amended

RESOLUTION IN SUPPORT OF AN APPLICATION FOR A  
LOCAL GOVERNMENT EFFICIENCY GRANT SUPPORTING THE  
*SHARED REDEVELOPMENT SERVICES PROGRAM OF THE  
MAYORS REDEVELOPMENT ROUNDTABLE*

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_, the

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

WHEREAS, for the past four years, the Village of Port Chester has been participating in the Mayors' Redevelopment Roundtable (Roundtable) to develop strategies for making the participating municipalities redevelopment-ready in order to increase their tax base and stimulate sustainable economic development;

WHEREAS, the Mayor's Redevelopment Roundtable consists of the mayors from the cities of Mount Vernon, Yonkers, New Rochelle, White Plains, Beacon, Poughkeepsie, Newburgh, Peekskill and the Village of Port Chester; and

WHEREAS, the Village of Port Chester has the distinction of being included in the Roundtable because of it confronts many of the same issues that are faced by the region's cities; and

WHEREAS, the Mayors' Redevelopment Roundtable creates a vehicle and implements a program for sharing expert development staff and professional services of the Land Use Law Center among the Roundtable communities; and

WHEREAS, this value-added and shared services approach to developing redevelopment strategies has resulted in significant tangible and intangible benefits to the participating municipalities; and;

WHEREAS, the Roundtable has been effective in working with the Mid-Hudson Regional Economic Development Council to create an urban redevelopment policy in its five year strategy so that the Roundtable communities may be as competitive as possible for State funding; and

WHEREAS, the Village of Port Chester's participation in the Roundtable reflects the value of inter-municipal cooperation that it places on a regional redevelopment strategy to further identified state policies;

WHEREAS, the Village has executed a Memorandum of Agreement which constitutes an inter-municipal agreement with the other Roundtable communities and formalizes a regional, cooperative approach in developing redevelopment strategies that respond to common critical policy issues; and

WHEREAS, there has been identified a grant opportunity from the State of New York under the Local Government Efficiency Grant Program for a two-year \$200,000 grant that would continue the shared services initiative of the Roundtable with the City of Peekskill acting as the fiscal agent in administering the grant on behalf of the Roundtable communities; and

WHEREAS, the Grant requires a ten (10) percent local share, which can be contributed by any of the cooperating communities in the Roundtable through any projects that it funds that are part of the Shared Redevelopment Services Program, such amount represents an average yearly local commitment of approximately \$1,120 per Roundtable community. Now, therefore, be it

RESOLVED, that the Mayor is hereby authorized on behalf of the Village of Port Chester is hereby authorized to submit an application for a \$200,000 Shared Redevelopment Services Program of the Mayors' Redevelopment Council and to execute all financial and administrative processes related to the implementation of the program; and be it further

RESOLVED, that the Village Board of Trustees supports this Shared Development Services initiative and pledges, if necessary, to provide its share of the required \$20,000 local share required, an average of \$1,120 per year, in conjunction with the other nine Roundtable communities as co-applicants.

Vote:	Aye	Nay	Abstain	Absent
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

B/T Mtg. Date <b>March 19, 2012</b>	Action: <input type="checkbox"/> Adopted
<i>Sanitary Sewer Rent Project</i>	<input type="checkbox"/> Defeated
Resolution # <u>  7  </u>	<input type="checkbox"/> Tabled
	<input type="checkbox"/> No Action
Motion 1 <u>      </u> 2 <u>      </u>	<input type="checkbox"/> Amended

RESOLUTION AUTHORIZING THE VILLAGE MANAGER TO ENTER INTO AN INTERIM AGREEMENT WITH UNITED WATER RESOURCES, INC.

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

WHEREAS, the Village of Port Chester has an aged public infrastructure which requires a systematic and sustained capital program over approximately the next five to ten years; and

WHEREAS, currently the funding for improvements to public infrastructure has traditionally been through the Village property tax; and

WHEREAS, although tax-exempt properties are benefitted by the public infrastructure, owners of such properties do not contribute towards their maintenance, repair or replacement; and

WHEREAS, as a result the property taxpayer is further burdened; and

WHEREAS, communities are most recently considering alternative methods of funding sanitary sewer work; and

WHEREAS, the Board of Trustees has identified the alternative and more equitable method of funding the cost of maintenance, repair and replacement of the sanitary sewers as a policy priority; and

WHEREAS, villages and cities are authorized to establish and impose sewer rents pursuant to General Municipal Law, Article 14-; and

WHEREAS, sewer rents involve a schedule of annual user charges established by a local legislative body in the form of a local law for the use of a municipal sewer system; and

WHEREAS, the formula for sewer rents are set forth in the statute, and include the consumption of water on the subject premises that is served by the sewer system; and

WHEREAS, water consumption has been the most widely accepted formula for the imposition of such charges; and

WHEREAS, residents in the Village of Port Chester are served by United Water Company, 2525 Palmer Avenue, New Rochelle, New York; and

WHEREAS, therefore such waster consumption information is available from this company; and

WHEREAS, due to limited and scarce Village resources, the company offers a more efficient and effective method of billing and collecting such sewer rents; and

WHEREAS, the Village and United Water Company have been engaged in positive discussions and are committed to working cooperatively in this matter to accomplish the Board's policy objective as soon as possible; and

WHEREAS, in undertaking the necessary due diligence during this preliminary period, the company has advised that it requires the execution of an interim "Mutual Confidential Information and Non-Disclosure Agreement" with United Water Resources, Inc., a related entity of United Water Company, said agreement having been recently presented to the Village; and

WHEREAS, it is mutually beneficial for the parties to formalize their relationship during this interim period with regard to the exchange of information. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an interim agreement with United Water Resources, Inc 200 Old Hook Road, Harrington, New Jersey 07640 to facilitate a potential business relationship whereby the company would provide the Village of Port Chester with sanitary sewer billing, customer service and collection services, subject to approval by the Village Attorney that same conforms to applicable law.

<b>Vote:</b>	<b>Aye</b>	<b>Nay</b>	<b>Abstain</b>	<b>Absent</b>
Brakewood				
Terenzi				
Didden				
Branca				
Marino				
Kenner				
Pilla				

Corres. #1  
BIT mta. 3/19/12

**Mancuso, Joan**

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**From:** Veltri, Maryanne  
**Sent:** Tuesday, March 13, 2012 3:54 PM  
**To:** Mancuso, Joan  
**Subject:** REQUEST FOR BOT - Fr. Rich: Holy Rosary/Don Bosco

Joan, below is the request from Father Rich to use the Village Showmobile for an outdoor show on April 6, 2012.

Thanks,  
Mary Anne

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**From:** Richard Alejunas [<mailto:alejunas@hotmail.com>]  
**Sent:** Monday, March 12, 2012 4:22 PM  
**To:** Veltri, Maryanne  
**Subject:** Fr. Rich: Holy Rosary/Don Bosco

Office of the Village Manager  
Port Chester, New York

March 12, 2012

Dear Ms. Veltri,

On Friday, April 6, 2012, Don Bosco Place (between Beech Street and Purdy Avenue) will be closed from 6-9pm for our annual Good Friday Passion Play. About **3000** Port Chester residents attend!!! It is a wonderful cultural event!

We would like to borrow or rent the Village Showmobile for this outdoor show.

The showmobile would need to be set up by 4pm and parked right on the street in front of the Holy Rosary Church rectory/parish office (between the Church building and the Don Bosco Community Center). It could be ready to return to its night time home by 9pm.

Please let me know if this possible.

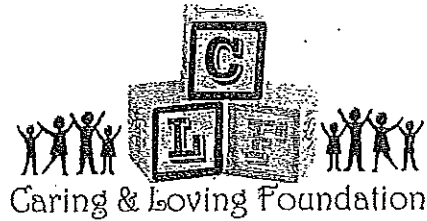
God Bless,  
Father Rich

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Fr. Richard P. Alejunas, SDB  
Executive Director  
**DON BOSCO COMMUNITY CENTER**  
*Don Bosco Boys & Girls Club--Salesian Summer Day Camps*  
22 Don Bosco Place  
Port Chester, New York 10573

Tel: 914-939-0323  
Fax: 914-939-3490  
Facebook: Don Bosco-Port Chester  
[www.DonBoscoCenter.com](http://www.DonBoscoCenter.com)

Parochial Vicar/Coordinator of Youth Ministry  
**CHURCH OF OUR LADY OF THE ROSARY, PORT CHESTER**  
*Salesians of St. John Bosco/Don Bosco (SDB)*



February 13, 2012

RECEIVED  
FEB 14 2012  
VILLAGE OF PORT CHESTER

The Honorable Mayor Dennis Pilla  
222 Grace Church Street  
Port Chester, NY10578

Dear Mayor Pilla,

The Caring & Loving Foundation would like to thank The Town of Port Chester for the use of Lyon Park last year on July 31, 2011 to hold our very successful 1st annual cultural festival.

At this time the foundation respectfully requests the town of Port Chester to reserve Lyon Park for our 2nd annual cultural festival held on Saturday July 29, 2012 from 12 noon to 7 pm, similar to last years festival we anticipate approximately, twenty merchant vendors and ten food vendors with 300 people attending. We would also request the use of the Show mobile Stage for the musical entertainment. We will provide the town with the required certificate of insurance. The Foundation will be responsible to clean the park and remove refuse as we did last year.

We look forward to working with you and the park staff again to provide our town with this exciting event. Please contact Sady Palma at (914) 720-6668 or email at [sadywodraska@aol.com](mailto:sadywodraska@aol.com) to set up a meeting with your office and the park staff.

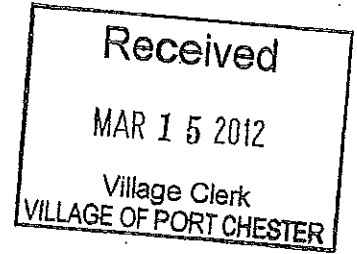
Thank you in Advance,

Sady M: Palma Wodraska  
Executive Director CLF

cc: Rec & Park Commission

CORRES #3  
BIT MTA 3/19/12

**Centro Cultural Boliviano**  
Bolivian Cultural Center  
Port Chester, NY



March 14, 2012

Mayor Dennis Pilla and the Board of Trustees  
Village of Port Chester  
222 Grace Church Street  
Port Chester, NY 10573

Dear Mayor Pilla and Board of Trustees:  
REF: Bolivian Parade

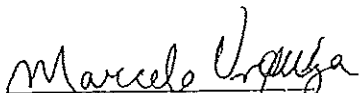
The Bolivian Cultural Center would like to sponsor a parade in the Village of Port Chester to celebrate Bolivian Culture on Sunday, August 26, 2012 beginning at 1:30 p.m.

The participants of the parade will assemble at the intersections of Regent Street @ Westchester Avenue marching down to Pearl Street into St. Peter's Episcopal Church parking lot. A request will be made to St. Peter's Episcopal Church for permission to enter their lot for disassembly.

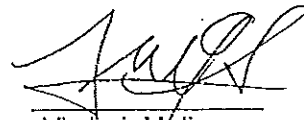
Upon consideration, the Bolivian Cultural Center would be pleased to cover any cost incurred.

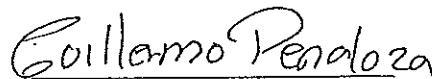
We look forward to the opportunity to share our Bolivian culture with the multi-cultural community of Port Chester. Should you have any questions, please do not hesitate to contact us @914-774-4136. Thank you for your attention to this request.

Sincerely,

  
Marcelo Urquiza

  
Rolando Escobar

  
Vladimir Molina

  
Guillermo Penaloza

cc. Arch.  
Centro Cultural Boliviano  
147 Terrace Ave.  
Port Chester, NY 10573

MEETING HELD FEBRUARY 6, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, February 6, 2012 at 6:00 P.M., in the Village Justice Courtroom, at 350 North Main Street, Port Chester, New York.

Present were Deputy Mayor Joseph Kenner and Trustees Saverio Terenzi, Bart Didden and Luis Marino.

It should be noted that Trustees Daniel Brakewood and John Branca arrived at 6:10 p.m. and Mayor Dennis Pilla arrived at 6:45 p.m.

Also present were Village Manager, Christopher Russo; Assistant Village Manager / Director of Code Enforcement, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Village Clerk, Joan Mancuso; Police Chief Joseph Krzeminski; Director of Planning & Development, Christopher Gomez; Fire Chief Kevin McFadden; 2<sup>nd</sup> Assistant Fire Chief, Edward Quinn; General Foreman, Rocky Morabito and Recreation Leader, Heather Krakowski.

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On motion of Trustee Didden, seconded by Trustee Marino, the meeting was opened at 6:07 p.m.

**ROLL CALL**

AYES: Trustees Terenzi, Didden, Marino and Deputy Mayor Kenner

NOES: None

ABSENT: Trustees Brakewood, Branca and Mayor Pilla

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**Presentation:**

Christopher Russo, the Village Manager introduced John Nolon, Esq., a professor and head of the Land Use Law Center at Pace University and J. Michael Divney, P.E., AICP who is a planner. He said that we initiated contact with Mr. Nolon and Mr. Divney for them to make a proposal for the expediting and to resolve issues pertaining to planning, zoning and building code violations. Mr. Russo noted that there are two issues to be considered the matters regarding the building codes and fire safety and the other zoning code issues.

Mr. Divney told the Board his firm is located in White Plains and the scope of planning that they provide. He said as Mr. Russo has indicated that the Village has asked Mr. Nolon and himself to explore the issues that are affecting the Village regarding the process of planning, zoning and building code violations.

Mr. Nolon spoke about the PACE Land Use Law Center which provides training to local leaders on land use issues. He explained to the Board that they can listen to the local leaders and that the university with the students research into the law(s) and the best practices of communities to determine the best approach for the Village.

Mr. Divney spoke about zoning tools and that what they are proposing is for them to provide to the Village is a role of support to review the issues, research the laws and provide the best practices for the Village's consideration.

Trustee Terenzi asked how this would dovetail with the Comprehensive Plan or is it more of an oversight of what the Building Department is doing.

Christopher Steers, the Assistant Village Manager who oversees the Building Department, Code Enforcement and Planning and Zoning spoke on that question.

Trustee Terenzi said then it seems to be a parallel course and comparing notes. He asked what are we trying to accomplish and are we duplicating the planning services.

Trustee Brakewood also inquire what is the goal for these services.

Trustee Didden said that Mr. Divney spoke about tools and inquired if the Village is in this situation because the State Laws are broken are deficient so that a resident cannot get their fair process.

Mr. Steers said that residents do get a fair process but that it is very cumbersome so part of this conversation is would there be some relief in between.

Trustee Kenner asked what are we trying to accomplish.

Mr. Nolon said that they did not think they were being engage for the Comprehensive Plan but that their conversation with Village staff was focused on the properties in violation of the codes.

Trustee Terenzi spoke about noncompliance issues and issues that were before certain zoning codes and the grandfathering of those particular matters.

Mr. Nolon spoke about the Zoning Board of Appeals process and that this process takes three months.

Trustee Didden asked if there is relief for the Zoning Board of Appeals variances issues and Mr. Nolon spoke further on that. Trustee Didden said that Port Chester's problems and approach is unique. Mr. Nolon said that they think they can find communities with problems that are similar or worse than Port Chester and report on how their codes could relate.

Trustee Brakewood said that he understands what is being discussed and provided an example of a deck with a setback violation now that would not have been a violation when it was constructed based on prior codes. Mr. Steers spoke further on that type of example. Trustee Brakewood said that what is being proposed is the legal structure and asked how long this process would take because it would require data analysis and the cost.

Mr. Divney said that when they first talked to staff it was envision that it would be a ninety day process and spoke further on the analysis and the process. Trustee Brakewood and Mr. Divney spoke further on this analysis and process and that solutions for the Village could be provided sometime in May. Mr. Steers noted that right now there are no alternatives then the process that we are proceeding with.

Trustee Terenzi commented on the prior zoning codes and that the current codes are more restrictive.

Mr. Steers spoke about the research process that the Building Department does reviewing the old codes and if the setbacks are acceptable from the older codes then there is no problem but when there are other issues for example there are no records when things were built that is an issue that cannot be resolved unless it goes to zoning.

Trustee Didden questioned the three month process for zoning variances and suggested consideration of a second Zoning Board of Appeals Board or that the Zoning Board met twice a month instead of once a month. He questioned at what point the neighbors removes their rights to speak on these issues.

Mr. Nolon said that the Village could consider creating zoning categories and standards that the Board of Trustees would have to adopt. He said that there would be a whole State

Environmental Quality Review (SEQRA) public hearing process to consider these categories and spoke further on this subject.

Trustee Brakewood noted that Mr. Diveny and Mr. Nolon would do the analysis and then come back to the Board.

Trustee Marino said that he understands that it would be a ninety day process to come back to us what is the cost for this proposal.

Mr. Russo and Mr. Steers said that they are still working toward the cost with Mr. Nolon and Mr. Diveny. Mr. Russo said that this presentation to the Board was to introduce to you what has been discussed and asked if the Board wants staff to move forward to finalize the proposal to come back to the Board. There was further discussion between the Board and Mr. Russo. Trustee Kenner asked when could the proposal come back to the Board. Mr. Russo said one could be provided for the next meeting.

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**Executive Sessions:**

At 6:40 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for consultation with Special Counsel to discuss the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person.

**ROLL CALL**

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

No action was taken in the executive session.

At 7:25 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the executive session was closed.

**ROLL CALL**

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

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At 7:26 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees adjourned to an executive session to discuss the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person appointed or employed by the Village.

**ROLL CALL**

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

No action was taken in the executive session.

At 7:29 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the executive session was closed.

ROLL CALL

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

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At 7:29 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees adjourned to an executive session for consultation with counsel regarding acquisition of real property.

ROLL CALL

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

No action was taken in the executive session.

At 7:31p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the executive session was closed and the public portion of the meeting was reopened.

ROLL CALL

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

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**Presentation:**

Jennifer Myers, the Coalition Coordinator of the Port Chester Cares Community Coalition (PCCCC) made a presentation along with five Port Chester High School Students to the Board regarding their proposal for Smoke Free Parks in the Village.

Ms. Myers explained to the Board that the Youth Committee of the PCCCC has since 2007 been looking for ways to better the community, particularly in respect to the quality of life for the citizens of Port Chester. She said that as part of the PCCCC the Youth Committee has brought in speakers and developed initiatives to help educate their peers about the dangers of underage drinking and substance abuse. Ms. Meyers noted that in addition they have carried out a number of community service projects and that they are constantly looking for ways to help the Port Chester Community and make it a healthier and safer environment to live in. She said that recently the Youth Committee has seen an increase in cigarette use among their peers and that from the 2001 Prevention Needs Assessment Survey it notes that in 2007, 8.6% of all 8<sup>th</sup>, 10<sup>th</sup> and 12<sup>th</sup> grade students surveyed reported smoking a cigarette in the past 30 days and now in 2011 that number has increased to 12.8%.

Ms. Myers said that it has come to the attention of the Youth Committee that the public parks in Port Chester, an area where you hope to see children play are not tobacco free areas. She said that the Committee has received letters of support for a Tobacco Free Parks proposal from POW'R Against Tobacco, the Port Chester Youth Baseball League, the PC Rams Football & Cheerleading Booster Club, Port Chester High School PTSA, the Council of Community Services, Hudson Valley Asthma Coalition, Family Services of Westchester, Port Chester High School Aspire/21<sup>st</sup> Century After School Program, Open Door Family Medical Center, Family Services of Westchester, the Port Chester Nursing Home, the Carver Center and residents.

Ms. Meyers said that the following members of the Youth Committee, students at the Port Chester High School, Kyle Thomas, Andrecarol Davila, Maria Ayala, Joanna Cruz and Iswah Asbel Juarez will make a presentation on this proposal.

Kyle Thomas reviewed the problems stating that our parks in Port Chester are underutilized and we feel making them smoke free would increase the amount that they are used. He said that a survey of their peers indicates that 70% said that they see people smoke at the parks that 80% are bothered by the sight of cigarette smoking in the parks and a majority of our peers said that they and their families would frequent the parks more if they were smoke free.

Andrecarol Davila continued the presentation with the whys noting that safety for the children being the top reason that children model adult behavior, children are observant and easily influenced, smoking around children can impact them further in life, in which they grow up believing smoking is acceptable that this is proven by nationwide data, in which children who have parents who smoke have a higher risk of becoming smokers themselves and every year in New York, nearly 36,000 children being smoking. She said that by eliminating tobacco from our parks we would reduce the visibility of smoking for children in Port Chester. Ms. Davila spoke on the topic of second hand smoke noting that children that are exposed to even small amount of second hand smoke are at heightened risk for adverse health effects including upper respiratory, that second hand smoke has been proven to be more dangerous than first hand exposure and putting other park goers at risk who could have other health issues at risk.

Ms. Davila handed back over the presentation to Mr. Thomas who continued with the whys noting that cigarette smoke contains over 4,000 chemicals – 350 are known to be toxic and over 60 are known to cause cancer, that cigarette butts are the most littered item in the world and contain concentrated levels of carcinogens and nicotine which can be poisonous when ingested by children. He said that by eliminating smoking in our parks, we are being considerate of other park goers and hopefully improving their health. Mr. Thomas then spoke about pollution noting that filters are not 100% biodegradable which means as filters breakdown it pollutes our environment and it cost money to clean up. He concluded his portion of the presentation that by eliminating smoking in our parks we will reduce the litter, air pollution and save the Village money to clean up.

Maria Ayala said that over 300 municipalities in New York State have adopted tobacco free outdoor area policies, 170 documented. She said that in Westchester County Mt. Vernon, White Plains, Westchester County Parks and Westchester Community College have tobacco free outdoor area policies. Ms. Ayala said that the City of White Plains prohibits smoking at city parks, plazas, playgrounds and trails and that there is a \$25 fine for the first offense, \$50 for second and \$75 for each additional offense. She said that they are asking that all Village parks be tobacco free areas and showed the Board proposed signage that would be made available from PCCCC along with POW'R Against Tobacco who would pay and hang the signage at the parks. She said that the signs would be English and Spanish and the signs would also include quit line resources.

Joanna Cruz concluded the presentation on the many benefits to tobacco free parks which are cleaner parks, other cities have profited financially with associated fines, healthier children and increase of park goers.

The Board thanked Ms. Myers and the students for their presentation.

Trustee Kenner asked if this presentation has been made to the Park and Recreation Commissions.

Ms. Myer said that it has not yet been presented but will.

Trustee Kenner said that this is a wonderful proposal but has some issues regarding concerns of enforcement. There was a brief discussion on this topic.

Trustee Marino said that he would support this initiative.

Mayor Pilla recommended that the Board consider an add-on to refer this proposal to the Park and Recreation Commissions.

There being no objections, Trustee Kenner made a motion to add-on, Trustee Marino seconded the motion.

ROLL CALL

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

PORT CHESTER CARES COMMUNITY COALITION YOUTH COMMITTEE PROPOSAL FOR TOBACCO FREE PARKS REFERRAL TO PARK AND RECREATION COMMISISONS

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

RESOLVED, that the Board of Trustees refer the proposal of the Port Chester Cares Community Coalition Youth Committee for Tobacco Free Parks to the Park Commission and Recreation Commission for their review and report.

ROLL CALL

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

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Work Sessions:

Christopher Russo, the Village Manager told the Board that Rose Noonan, the Executive Director of the Housing Action Council was scheduled for a work session regarding a proposed Housing Rehabilitation Program for the Village but she is unable to attend tonight's meeting. He said that Ms. Noonan suggested that this be a separate meeting with the Board. The Board said that a separate meeting would be schedule with Ms. Noonan.

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The Board held a Financial Work Session with Leonie Douglas, the Village Treasurer regarding the General Fund Revenue / Expense Financial Report for the first half of Fiscal Year 2011-2012.

Ms. Douglas reviewed the General Fund Revenue and Expenditure Projections with the Board noting that the projections are for increasing the revenues for sales tax, court fines, parking meters, green waste and some other small increases to the categories of gross receipts for electric, safety inspection searches, public safety and code grants funding.

Trustee Kenner asked Ms. Douglas where she reflected money from the Industrial Development Agency.

Ms. Douglas said that is not in this information but will be in the next quarter.

Trustee Terenzi asked Ms. Douglas that she is asking for increasing the budget with these revenue lines and has this been done this way in the past.

Ms. Douglas said that yes this would increase these revenue lines and that what has been done in the past to change the budget is to use from the fund balance. She said that from meetings it was suggested that instead of using fund balance that if there was to be additional revenue in this budget year that it could be used to offset the over expended lines.

Trustee Terenzi expressed his issues regarding projecting additional revenue to increase these lines and using these projected revenue to offset expenditures. He said that what has been done in the past is at the end of year if the revenue was more than what it was budgeted for then the over amount would be offset toward the over expended lines and what the Treasurer is asking us to do now is to increase the budget in order to cover the expenses that you are projecting for the rest of the year. Trustee Terenzi said that he has a fundamental problem with that process.

Mr. Russo told the Board that we have the adopted budget for this year so wouldn't these projective increases that the Board had requested staff to propose ultimately be part of the budget amendments at the end of the year.

Trustee Terenzi said that the only time you should look to increase the revenue side of the equation is at the end of the year if you were going to over spend your budget expenditures. He said that it is his opinion and just his opinion but to do this at six months when by the end of the fiscal year there may be line items that are not fully expended to offset over expenditures is in his opinion a better way to proceed. Trustee Terenzi spoke more on this subject and that the Board should take the hard look at areas and not use this increase revenue for what is over expended because this additional revenue could possibly be used for paying down capital expenses for example. He said that if we increase the expenditure lines now this Board is not managing this budget.

Mayor Pilla said that respectfully he does not think anyone is saying that we are not going to have that hard look discussion on the expense side that is why the department heads are at the back of the room because this is the main event that we are here to talk about.

Trustee Terenzi said that the fundamental question is do you want to artificially increase the budget six months into the process.

The Mayor said this is not an artificial approach that the Treasurer has reviewed these revenues which are coming in ahead of what was predicated. He said that this is a reforecasting of the budget.

Trustee Terenzi said that was not done last year that the revenue is not changed during the year but if we receive more revenue it is shown in the auditor's statements as an increase to revenue. He said that we should not change the revenue and that Ms. Douglas has indicated that our conservative approach will be more within the end of the budget year. Trustee Terenzi said that instead of making these adjustments now wait because we may be over on some other line items.

Ms. Douglas said that one of the reasons that she is doing this is that the Board has suggested that she go through the budget then project out which she has done. She said that there are several reasons why these projections have increased, mainly overtime and the reorganization of the departments including Building Department and Planning and Zoning.

Trustee Terenzi asked Ms. Douglas if she made a move with the contingency account regarding the reorganization. There was further discussion about what was used from contingency between Trustee Terenzi and Ms. Douglas.

Trustee Didden said that he agrees with Trustee Terenzi that it is not prudent to make adjustments to the revenue side. He spoke about overages in revenue from prior budgets which is good and that last year this Board used that overage to pay down some debt. Trustee Didden said that Ms. Douglas has given the Board information only on the lines that have been over expended and isn't there lines in departments that have been under expended because of great management from the heads of those departments. He said that shouldn't we be looking at the lines that have been under expended and speaking to these department managers and that some of these lines could be used toward the over expended lines.

There was further discussion about the budget amendments. Ms. Douglas recommended approving the budget transfers which are not part of any projected additional revenue.

Trustee Branca said that it becomes cloudy when you project increases to revenues now to use toward expenditures because he wants to know the departments and the lines that are over.

Mayor Pilla reminded the Board that Ms. Douglas' exercise was to reforecast the entire budget noting that she is the financial professional but he has worked with top corporations and never heard of reforecasting a budget where you do not reforecast the revenues and expenses.

Trustee Didden said to the Mayor that we do not build a product and sell it and take our sales team and tell them to sell 10% more in the second half of the year.

Trustee Brakewood spoke about the police lines regarding retirement and overtime which are part of the budget transfers.

Ms. Douglas and Police Chief Joseph Krzeminski explained to the Board that the retirements came quickly into the budget cycle and that the positions were budgeted for six months so there is money that will not be expended that is the reason for the transfer. Chief Krzeminski said that he understood that the two retired positions would not be filled.

Trustee Branca said that during the discussions regarding the police budget for this year it was his understanding that a portion of the remaining funds from any retirement would go toward entry level patrolmen. There was further discussion between the Board, the staff and the Police Chief regarding the overtime budget for the Police Department and Fire Department and number of personnel for the Police Department.

The Board further discussed the proposed adjustments from the Treasurer. Ms. Douglas recommended to the Board that they go forward with just the budget transfers. Trustee Brakewood spoke about policy ramifications of these transfers regarding personnel. Trustee Branca said that the manpower discussions will be part of the budget sessions for the next fiscal year 2012-2013.

The Board then spoke to Fire Chief McFadden regarding the Fire Department budget.

Fire Chief Kevin McFadden told the Board that he and the department appreciates the increase to the Fire Department overtime line noting that they have had a savings of between \$7,000 and \$10,000 a month because of the staffing changes at Station 4 but there is still a need for additional personnel. He asked for a meeting with the Board to further discuss this subject. The Board spoke to the Chief on when the next academy would be held, which the Chief believes would be in April or by June and canvassing of the list which has been done.

Mayor Pilla asked about the budget for the Building Department and Code Enforcement.

Ms. Douglas reviewed the transfers for the Building Department and there was further discussion between the Board and staff on this department and the fees / revenues associated with this department.

The Board then discussed the contingency account with Mr. Russo and Ms. Douglas.

**Resolution Budget Transfers:**

Trustee Didden made a motion to remove the proposed General Fund Budget Amendments for the increasing the revenues and the appropriations, Trustee Kenner seconded the motion.

**ROLL CALL**

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

NOES: None

ABSENT: None

**2<sup>ND</sup> QUARTER GENERAL FUND BUDGET TRANSFERS**

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

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to modifies the General Fund Budget for the 2<sup>nd</sup> quarter of Fiscal Year 2011-2012 as per the attachments:

**ROLL CALL**

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

NOES: None

ABSENT: None

Village of Port Chester  
Budget Transfers  
June 1, 2011 to November 30, 3011

**GENERAL FUND BUDGET  
TRANSFERS**

**Village Justice**

From:		From	To	Amount
Personnel -Salaries	1.1110.100	\$ 559,299	\$ 517,918	\$ (41,381)
To:				
Personnel Overtime	1.1110.101	\$ 15,000	\$ 25,000	\$ 10,000
Out-of-Title	1.1110.105		\$ 5,865	\$ 5,865
Personnel Part-time	1.1110.111	\$ 15,470	\$ 40,000	\$ 24,530
Software & System Support	1.1110.462	\$ 1,200	\$ 2,186	\$ 986
Total				\$ 41,381

**Village Manager**

From:				
Personnel-Salaries	1.1230.100	\$ 260,000	\$ 256,402	\$ (3,598)
To:				
Personnel - Seasonal	1.1230.108		\$ 1,098	\$ 1,098
Vacation Buyout	1.1230.197		\$ 2,500	\$ 2,500
Total				\$ 3,598

**Finance Department****From:**

Contractual	1.1320.400	\$ 25,000	\$ 500	\$ (24,500)
<b>To:</b>				
Personnel Part-time	1.1320.111	\$ 15,000	\$ 32,000	\$ 17,000
Personnel - Salaries	1.1320.100	\$ 234,370	\$ 241,870	\$ 7,500
<b>Total</b>				<b>\$ 24,500</b>

**Village Clerk****From**

Personnel - Salaries	1.1410.100	\$ 161,596	\$ 158,300	\$ (3,296)
<b>To:</b>				
Publication of Notices	1.1410.476	\$ 13,000	\$ 16,296	\$ 3,296

**Law Department****From:**

Personnel - Salaries	1.1420.100	\$ 176,429	\$ 171,431	\$ (4,998)
<b>To:</b>				
Personnel - Part-time	1.1420.111		\$ 4,998	\$ 4,998

**Police Department**

Personnel - Salaries	1.3120.100	\$ 5,997,555	\$ 5,874,191	\$ (123,364)
<b>To:</b>				
Personnel - Overtime	1.3120.101	\$ 310,000	\$ 395,939	\$ 85,939
Final Retirement Payout	1.3120.199	\$ 131,279	\$ 168,705	\$ 37,426
<b>Total</b>				<b>\$ 123,365</b>

**Fire Department****From**

Personnel - Salaries	1.3410.100	\$ 808,399	\$ 790,720	\$ (17,679)
<b>To:</b>				
Personnel - Overtime	1.3410.101	\$ 125,000	\$ 142,679	\$ 17,679

**Building Department****From:**

IT/Central Com System	1.1650.111	\$ 32,000	\$ -	\$ (32,000)
Building-Personnel-Part-time	1.3620.111	\$ 45,000	\$ 30,000	\$ (15,000)
Contingency-Contractual	1.1990.400	\$ 107,247	\$ 37,232	\$ (70,015)
<b>Total</b>				<b>\$ (117,015)</b>

**To:**

				\$
Personnel - Salaries	1.3620.100	\$ 211,956	\$ 244,855	\$ 32,899
Personnel-Overtime	1.3620.101	\$ 7,000	\$ 20,000	\$ 13,000
Out of Title	1.3620.105		\$ 528	\$ 528
Final Retirement Payout	1.3620.199		\$ 573	\$ 573
Building-Contractual	1.3620.400	\$ -	\$ 70,015	\$ 70,015
<b>Total</b>				<b>\$ 117,015</b>

**Code Enforcement Dept.****From:**

Personnel - Part-time	1.3989.111	\$ 63,450	\$ 34,020	\$ (29,430)
<b>To:</b>				
Personnel - Salaries	1.3989.100	\$ 425,223	\$ 440,950	\$ 15,727
Personnel Ofertime	1.3989.101	\$ 20,000	\$ 33,703	\$ 13,703
<b>Total</b>				<b>\$ 29,430</b>

**Recycling & Recycling****From:**

Personnel-Salaries	1.8160.100	\$ 1,108,120	\$ 1,002,700	\$ (105,420)
Street Adm.-Personnel-Salaries	1.5010.100	\$ 160,667	\$ 137,600	\$ (23,067)

	<b>Total</b>				<b>\$ (128,487)</b>
<b>To:</b>					
Personnel-Seasonal	1.8160.108	\$ 50,000	\$ 100,000	\$ 50,000	
Final Retirement Payout	1.8160.199	\$ -	\$ 45,464	\$ 45,464	
Parks-Personnel -Seasonal	1.7110.108	\$ 80,000	\$ 113,023	\$ 33,023	
	<b>Total</b>				<b>\$ 128,487</b>

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The Board continued the Financial Workshop with Ms. Douglas regarding a policy for the Fund Balance.

Mayor Pilla spoke on the proposed policy that would leave 10% of the total Village Budget in the Reserved Fund Balance. He said that having a policy such as this helps the Village is our bond ratings.

Trustee Kenner said that he liked the policy and asked Ms. Douglas where it came from our auditors or her.

Ms. Douglas said that the auditors provided samples which she modified for the Village.

Trustee Terenzi said that the Board should take into consideration a situation if we have an emergency and the fund goes below the 10%.

The Mayor said that the Board at any time can modify the policy and spoke more about the benefits of this policy for our bond rating.

#### FUND BALANCE POLICY

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

RESOLVED, that the Board of Trustees hereby adopts the Fund Balance Policy for the Village of Port Chester, copy of which is annexed and made a part of this resolution.

#### ROLL CALL

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

Village of Port Chester, New York  
 Fund Balance Policy

February 2012

#### Purpose

The Village of Port Chester has enacted the following policy in an effort to ensure financial security and stability in a volatile economic environment.

Reserve funds (which essentially are a legally authorized savings account for particular specific purposes) are an important component in the Village's financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To this end the Village may establish and maintain reserve funds in accordance with New York State Laws. The Village will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law.

The Village reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Village may engage independent experts and professionals, including but not limited to auditors,

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accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Village may require.

The Village's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Village also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Village's maintenance of a healthy fund balance.

#### Definitions

**Fund Balance:** Fund balance is the difference between the assets and liabilities reported in a governmental fund. Fund balance is not necessarily the cash balance of the Village, the fund balance consists of other assets as well such as money due from the state and federal government, and accounts receivable. Fund balances are classified into various components depending on the limitations placed on the use of the funds. The hierarchy indicates the extent to which a government is bound to observe spending constraints that govern how it can use amounts reported in the governmental funds balance sheet.

The Village shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. GASB Statement Number 54 established the following classifications depicting how specific amounts can be spent:

▣ **Nonspendable** fund balance consists of amounts that are not in a spendable form in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, and financial assets held for resale.

▣ **Restricted** fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by grantors, bondholders or laws and regulations of higher levels of governments; or through constitutional provisions or enabling legislation.

▣ **Committed** fund balance consists of amounts constrained to specific purposes by a government itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.

▣ **Assigned** fund balance consists of amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.

▣ **Unassigned** fund balance consists of amounts that are available for any purpose; these amounts are reported only in the General Fund.

#### Policy Statement

The fund balance of the Village of Port Chester General Fund has been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities.

The objective is to maintain an unrestricted fund balance of not less than 10% of annual appropriations for the fiscal year.

Village finances will be managed so as to maintain balances of the of the General Fund at level sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures, ensure stable tax rates and user fees, and protect the Village's creditworthiness. The decision to retain an unrestricted fund balance of not less than 10% of fund appropriations stems from the following:

- This amount provides adequate funding to cover approximately one and a half months of expenditures.
- This amount provides the liquidity necessary to accommodate the Village uneven cash flow due to its inherent semi annually tax collection schedule.
- The Government Finance Officers Association recommends the minimum General Fund unrestricted fund balance to be maintained should be between 5%-15% of current operating expenditures.

The Village Board will set aside certain amounts as committed fund balance. Amounts are to be determined by the Village Manager based on the need for extraordinary operating or capital that could not be anticipated and cannot be funded with current budget resources.

The Village Manager will set aside committed fund balances equal to the amount of outstanding purchase orders or encumbrances.

The Village Board delegates to the Village Manager the authority to determine the proper amounts to be assigned for purposes as are deemed necessary. This would provide the liquidity to respond to contingent liabilities and provide for capital asset replacements.

Effective as of the year ending May 31, 2012, unassigned fund balance shall be any remaining amounts.

The Village will spend, as allowed and available, the most restricted dollars before less restricted in the following order:

- a) Nonspendable (if funds becomes spendable)
- b) Restricted
- c) Committed
- d) Assigned
- e) Unassigned

The Village will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

This policy may be updated as deemed necessary per the Village Board of Trustees.

Before continuing the agenda Mayor Pilla asked Ms. Douglas about a policy regarding Budget Adjustments.

Ms. Douglas said that this policy would need further research and can be provided at a later date.

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**Public Comments:**

Richard Kochanowitz said that he lives on Quintard Drive and that the stop signs are just fine at the locations they are now. He said that this issue should be closed tonight and not discussed any further. Mr. Kochanowitz did note that there needs to be speed limit signs posted at the beginning of Quintard. He also inquired if the retired police positions that were discussed earlier would be filled.

Goldie Solomon of Puritan Drive said that Port Chester is not a city but has more off the tax rolls than any other village. She spoke about the not for profits and group homes and that not everything should be in Port Chester that we need help from the State on this issue. Ms. Solomon said that we are a low to moderate income community within a recession / depression in the country. She said that the most important thing is to provide for our police, fire and emergency departments. Ms. Solomon continued that the property assessments are all wrong that our schools are overcrowded and taxes from the School District is too high. She told the Board and audience that February is Black History Month and that civil rights is most important for our country and that she will show a video on the civil rights for the seniors and noted that we are a diversified community. Ms. Solomon told the Board that former Mayor Peter Iasillo is very ill and that our thoughts and prayers should go out to him and his family. She said that the presentation about tobacco free parks is great but the issue is not just in our parks but also around our schools and parents need to set the example. Ms. Solomon concluded her remarks that the Board has to get our taxes down.

Patricia Johnson of 44 Quintard Drive spoke about the Traffic Commission's recommendation that the Mayor quoted at the January 17<sup>th</sup> Board meeting to move the stop sign back in front of her house instead of where it is now at the corner of Quintard and Renshaw. She said that the Traffic Commission initially did not recommend stop signs on Quintard so why did the Board then vote for the installation of the signs and then the relocation of the sign that was originally installed in front of her house. Mrs. Johnson said that the Board is not taking a responsible approach and has been going back and forth and does not want this to continue. She told the Board not to move the sign back in front of her house and it is working fine at the corner of Quintard and Renshaw.

Mr. Kochanowitz told the Board that he is working on a team to run against the Board. He said that he hopes the Board does not move the stop sign.

Mario Karas of Quintard Drive said that this is not going to stop regarding the stop signs. He said that he agrees that the Village should not move the sign in front of the Johnson's. Mr. Karas said that a resident had spoken about the welfare of children on this road that is the reason for the stop signs and that children should not be playing on the street. He told the Board that he wants the stop signs removed but the Board needs to check with everyone in the neighborhood.

Frank Stever of Rectory Street and also the Vice President of the Port Chester Fire Association asked for a clarification from the Village Manager from his statement in a prior Board meeting minutes where he stated that he had met with the Fire Association regarding discussion of using the career fire personnel for code enforcement. Mr. Stever said that Mr. Russo has not met with their Association on this matter.

Mr. Russo clarified his statement that he met on this subject but not with the Fire Association.

Mr. Stever said that the career fire fighters have been trying to move forward on providing this service to the Village but when we have started have been stopped by past Managers. He spoke about the need to have full staffing and if the department was fully staffed would not have issues regarding overtime that is occurring now. Mr. Stever said that he spent his own time working on Fire Safety Grant applications to help the Village with costs but that these applications were never funded. He said that Chief McFadden is supportive and that they are looking to submit new grant applications. There was a brief discussion between Trustee Didden and Mr. Stever about the use of overtime for required training. Mayor Pilla said that an analysis will be done regarding personnel and overtime. Mr. Stever said that the Fire Chief who is a volunteer is also recommending additional staff. Mayor Pilla spoke about the dissolution study that is being conducted for the Town which may provide information on this subject. Mr. Stever said that the career fire fighters want to be included in meetings with the Chief. The Mayor told Mr. Stever to check with the Fire Chief.

Kenneth Sunderland of Quintard Drive said that the stop signs on Quintard are not a personnel issue but a safety issue. He told the Board to leave the signs the way they are now.

George Ford of Quintard Drive asked about the budget item for the Village Manager which was a reduction of the salary line. He asked for clarification on this reduction. Mayor Pilla said that reduction was from the position of the Assistant to the Manager who Ms. Sciarabba had held but had left because she relocated out of the country. Mr. Ford asked if this position will be filled. The Mayor said that they will see during the budget process. Mr. Ford said that he did not

come down to this meeting about the stop signs on Quintard Drive and explained how it came about. He said that the signs are working where they are and that it is a safety issue so would like the signs to stay where they are and that he does not think speed humps would work on this road.

Gene Ceccarelli of Munson Street said that the auditors did a good job at the last Board meeting reviewing the audit. He commended the Treasurer, Leonie Douglas on the information that the Board reviewed. Mr. Ceccarelli said that another area that the Board could consider is an energy audit for the Village.

Richard Abel of Quintard Drive asked about the Home Rule Request on the agenda for a hotel occupancy tax. He said that this seems to be the cart before the horse situation because you are asking the State to allow for this tax and the Village has no hotels and no immediate development of any. Mr. Abel said that this would send a signal to anyone that we will tax you so would recommend that the Board table this until we have consideration for a hotel because he would rather the Village put forward legislation to the State that would benefit us now.

Trustee Didden noted that the Board also received correspondence from Mr. & Mrs. Gargone about the stop signs on Quintard Drive.

\* \* \* \* \*

#### **Resolutions:**

##### Utilities

Mayor Pilla noted that there are representatives in the audience from United Water Westchester regarding the resolution listed under Utilities to grant permission to them for the installation of utility poles and ancillary equipment in the Village for their Automatic Meter Reading Infrastructure Project. He said that he would take this resolution out of order to be considered at this time.

Trustee Didden made a motion for discussion, Trustee Marino seconded the motion.

The representative from United Water explained the AMI project and the purpose of the installation of the equipment for the retrieval of meter consumption data as part of its Non-Revenue Water reduction program.

Trustee Didden asked about the status regarding the Village request of information for a Sanitary Sewer District Rent Project.

The representative said that United Water had its first meeting with the Village on this project and that they can provide the information requested.

Trustee Brakewood asked if the Planning Commission has reviewed this. He was told yes that they have. Trustee Brakewood asked if Rye Brook and Rye authorized this.

The representative said that they are going to the Rye Brook next week and that Rye is slightly behind in their review.

Trustee Brakewood asked if this proposal requires a public hearing.

Anthony Cerreto, the Village Attorney explained that this process goes through the Public Service Commission and if the Board wanted to hold a hearing they can but that it is not required.

Mr. Russo noted that the Public Service Commission has been pushing for this project for twenty five years.

Trustee Marino asked if this will increase the water rates.

The representative explained about the water rates and noted that this specifically will not increase the rates but can impact the rates. There was further discussion on this subject. He spoke about the design choices of the poles and would recommend the use of the wooden poles to be the best option because when you look down a street with 20 -30 wooden telephone / utility poles if their poles are wooden they would blend in instead of being more noticeable.

Trustee Brakewood asked if United Water needs approvals from all three municipalities before going ahead with the project.

The representative said that the approvals do not have to be done at the same time that once a municipality has granted permission they can move forward with the installation.

Trustee Brakewood said that he does not see why we should be the first to go forward on this proposal and why can we not wait to see what Rye Brook and Rye does. There were comments from the Mayor on the cooperation that the Village has received from United Water regarding the Sanitary Sewer District Rent Project. Trustee Terenzi noted that this will help capture information needed for the water sewer project.

Mayor Pilla asked if they were expecting design changes from the other municipalities. The representative said that the options of the pole designs have been provided.

Trustee Didden noted that there are only three poles that will be placed in the Village right-a-way and that they are using their water towers and Village Hall.

UNITED WATER WESTCHESTER, INC.  
AUTOMATED METERING INFRASTRUCTURE (AMI) PROJECT

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

WHEREAS, by correspondence dated September 13, 2011, Camp Dresser & McKee (CDM) on behalf of United Water Westchester, Inc., petitioned the Board of Trustees for permission to install several utility poles and ancillary equipment for their Automated Metering Infrastructure (AMI) Project in the public right-of-way; and

WHEREAS, the AMI Project is intended to implement part of the Company's Non-Revenue Reduction Program which has been approved by the New York State Public Service Commission; and

WHEREAS, the Company has made similar requests to the City of Rye and the Village of Rye Brook; and

WHEREAS, this matter was referred to the Planning Commission for their advisory recommendation; and

WHEREAS, this matter was also reviewed by the Village Manager in consultation with the Village Engineer and General Foreman; and

WHEREAS, the various recommendations from staff and the Planning Commission were included in the final proposal from the Company; and

WHEREAS, the Village and the Company are in discussions regarding the Company's ability to provide billing services as part of a proposed schedule of user fees for the maintenance and construction of the Village's sanitary sewer system. Now, therefore be it

RESOLVED, that the Board of Trustees hereby grants permission to United Water Westchester, Inc. to install utility poles and ancillary equipment in the public right-of-way pursuant to the Company's submission dated December 2011 including proposed AMI Box and Antenna Location Map dated January 23, 2012.

ROLL CALL

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

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It should be noted that Christopher Russo was excused from the meeting at this time 9:30 p.m.

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Comprehensive Plan

AFFIRMING THE DEDICATION OF EFFORT BY THE COMPREHENSIVE PLAN ADVISORY COMMITTEE IN THE DEVELOPMENT OF A COMPREHENSIVE PLAN

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

WHEREAS, pursuant to the authority in Village Law, Section 7-722, the previous Board of Trustees established a Comprehensive Plan Advisory Committee (CPAC) to develop and recommend to the Board the Village of Port Chester's first-ever Comprehensive Plan; and

WHEREAS, CPAC represented a broad and diverse cross-section of the community, consisting of Village representatives, members of the Planning Commission, the Zoning Board of Appeals, the Port Chester Industrial Development Agency, members of the business community, residents and other local stakeholders; and

WHEREAS, CPAC's efforts culminated in a document that was submitted to the Board of Trustees, but was not adopted; and

WHEREAS, the current Board has evidenced no less of a strong commitment to the adoption of a Plan that would provide a sound framework for deliberate and sustainable policy decision-making and assured implementation of identified strategic goals and objectives; and

WHEREAS, the Village thereafter solicited assistance from a separate team of consultants to synthesize the working document, secure three additional studies which are intended to complement and reinforce the vision of same, and engage CPAC to provide an updated Plan for consideration by the Board; and

WHEREAS, CPAC has been since been holding public meetings with the consultants on a regular basis; and

WHEREAS, during this time as well the Board of Trustees has been conducting joint public meetings with CPAC to assure adequacy of resources and confirm policy alignment; and

WHEREAS, the Board understands that CPAC will be shortly holding a public hearing on a work document that is in final form and ready for public comment. Now, therefore, be it

RESOLVED, that the Board of Trustees affirms its intention that the Comprehensive Plan Advisory Committee continue its efforts in developing and recommending an updated Comprehensive Plan to the Board which the Board looks forward to receiving in the coming weeks.

ROLL CALL

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

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Environmental

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY  
FOR THE ADOPTION OF THE VILLAGE OF PORT CHESTER'S  
COMPREHENSIVE PLAN

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

WHEREAS, the Village of Port Chester is developing a Comprehensive Plan; and

WHEREAS, with the assistance of planning consultant, Buckhurst Fish & Jacquemart, New York, New York and Ferrandino & Associates, Elmsford, New York, the Village is developing a Comprehensive Plan and environmental documentation in support of same; and

WHEREAS, pursuant to the Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, the Board of Trustees of the Village of Port Chester intends to serve as Lead Agency for the SEQRA review of this Type 1 Action, and, in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, the Lead Agency will undertake a coordinated review of this action. Now therefore, be it

RESOLVED, that the Village of Port Chester Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this Type 1 Action, and will circulate the Lead Agency Notice, a compact disc of the draft Comprehensive Plan along with a link to the Village web site wherein the draft Comprehensive Plan is located, to all Involved and Interested Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Board of Trustees' Lead Agency designation.

ROLL CALL

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

SEQR  
Intent to be Lead Agency

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

Adoption of Village of Port Chester Comprehensive Plan

The Village of Port Chester Board of Trustees is proposing to adopt a Comprehensive Plan, in order to account for changes that have occurred since the Master Plan in 1968 and to reflect the Village's current vision for future growth.

Contact Person: Christopher Russo, Village Manager  
222 Grace Church Street  
Port Chester, NY 10573  
T. 914.939.2200  
crusso@portchesterny.com

MEMO TO: ALL INVOLVED AGENCIES

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

PROJECT TITLE: Adoption of Village of Port Chester Comprehensive Plan  
Village of Port Chester  
Westchester County, New York

MAILING DATE: February 6, 2012

Involved Agencies:

Village of Port Chester Board of Trustees (Proposed Lead Agency)  
222 Grace Church Street  
Port Chester, NY 10573  
Dennis Pilla, Mayor

Interested Agencies:

Village of Port Chester Planning Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Michael Antaki, Chair

Village of Port Chester Zoning Board of Appeals  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: William Villanova, Chair

Village of Port Chester Architectural Board of Review  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: William Hume, Chair

Village of Port Chester Comprehensive Plan Advisory Committee  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Christopher Steers, Assistant Village Manager

Village of Port Chester Industrial Development Agency  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Neil Pagano, Chair

Village of Port Chester Waterfront Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Peter Pascale, Chair

Village of Port Chester Park Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Jerry Terranova, Chair

Village of Port Chester Recreation Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Kim Morabito, Chair

Port Chester-Rye Union Free School District  
Attn: District Clerk  
113 Bowman Avenue  
Port Chester, NY 10573

Town of Rye  
10 Pearl Street  
Port Chester, NY 10573  
Contact: Joe Carvin, Town Supervisor

City of Rye  
1051 Boston Post Road  
Rye, NY 10580  
Contact: Scott Pickup, City Manager

Village of Rye Brook  
938 King Street  
Rye Brook, NY 10573  
Contact: Joan Feinstein, Mayor

Town of Greenwich, Connecticut  
Town Hall  
101 Field Point Road  
Greenwich, CT 06830  
Contact: Peter Tesei, First Selectman

Westchester County Department of Planning  
148 Martine Avenue  
Room 432  
White Plains, NY 10601  
Contact: Edward Burroughs, Commissioner

Metro-North Railroad  
347 Madison Avenue  
New York, NY 10017-3709

New York State Department of Environmental Conservation  
Region 3 Office  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
Contact: Margaret Duke

New York State Office of Parks, Recreation and Historic Preservation  
New York State Historic Preservation Office (SHPO)  
Peebles Island Resource Center  
P.O. Box 189  
Waterford, NY 12188-0189  
Contact: William Krattinger, Historic Preservation Specialist

New York State Department of Transportation  
Region 8 Eleanor Roosevelt State Office Building  
4 Burnett Boulevard Poughkeepsie, NY 12603  
Contact: Melissa Slater, Assistant to the Regional Director

United States Army Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza, Room 2109  
New York, NY 10278-0090

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SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR  
THE ADOPTION OF THE VILLAGE OF PORT CHESTER'S  
UPDATED LOCAL WATERFRONT REVITALIZATION PROGRAM

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

WHEREAS, in 1992, the Village of Port Chester adopted a Local Waterfront Revitalization Program (LWRP) that was approved by the New York State Secretary of State; and

WHEREAS, through grant funding secured from New York State, the Village has commenced work on an update to the LWRP; and

WHEREAS, with the assistance of planning consultant, Buckhurst Fish & Jacquemart, New York, New York, which firm had worked on the 1992 document, the Waterfront Commission is developing recommended changes for the Board's consideration and adoption; and

WHEREAS, pursuant to the Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, the Board of Trustees of the Village of Port Chester intends to serve as Lead Agency for the SEQRA review of this Type 1 Action, and, in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, the Lead Agency will undertake a coordinated review of this action. Now therefore, be it

RESOLVED, that the Village of Port Chester Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this Type 1 Action,

and will circulate the Lead Agency Notice along with the Environmental Assessment Form, to all Involved and Interested Agencies. Involved and Interested Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Board of Trustee's Lead Agency designation.

**ROLL CALL**

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

**SEQR  
Intent to be Lead Agency**

**MEMO TO:** ALL INVOLVED AGENCIES  
**FROM:** Village of Port Chester Board of Trustees  
222 Grace Church Street  
Port Chester, NY 10573  
**PROJECT TITLE:** Adoption of Updated Village of Port Chester Local  
Waterfront Revitalization Program (LWRP)  
Village of Port Chester  
Westchester County, New York  
**MAILING DATE:** February 6, 2012

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

**Adoption of Updated Village of Port Chester LWRP**

The Village of Port Chester Board of Trustees is proposing to adopt an update to its Local Waterfront Revitalization Program (LWRP), in order to account for changes that have occurred since the original LWRP was adopted in 1992 and to reflect the Village's current vision for its waterfront.

**Contact Person:** Christopher Russo, Village Manager  
222 Grace Church Street  
Port Chester, NY 10573  
T. 914.939.2200  
crusso@portchesterny.com

Involved Agencies:

Village of Port Chester Board of Trustees (Proposed Lead Agency)  
222 Grace Church Street  
Port Chester, NY 10573  
Dennis Pilla, Mayor

New York State Department of State  
Division of Coastal Resources and Waterfront Revitalization  
99 Washington Avenue, Suite 1010  
Albany, New York 12231-0001  
Contact: George Stafford, Director

Interested Agencies:

Village of Port Chester Waterfront Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Peter Pascale, Chair

Village of Port Chester Planning Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Michael Antaki, Chair

Village of Port Chester Zoning Board of Appeals  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: William Villanova, Chair

Village of Port Chester Architectural Board of Review  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: William Hume, Chair

Village of Port Chester Comprehensive Plan Advisory Committee  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Christopher Steers, Assistant Village Manager

Village of Port Chester Industrial Development Agency  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Neil Pagano, Chair

Village of Port Chester Park Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Jerry Terranova, Chair

Village of Port Chester Recreation Commission  
222 Grace Church Street  
Port Chester, NY 10573  
Contact: Kim Morabito, Chair

Port Chester-Rye Union Free School District  
113 Bowman Avenue  
Port Chester, NY 10573  
Contact: Jennifer Bisaccio, District Clerk

Town of Rye  
10 Pearl Street  
Port Chester, NY 10573  
Contact: Joe Carvin, Town Supervisor

City of Rye  
1051 Boston Post Road  
Rye, NY 10580

Contact: Scott Pickup, City Manager

Village of Rye Brook  
938 King Street  
Rye Brook, NY 10573  
Contact: Joan Feinstein, Mayor

Town of Greenwich, Connecticut  
Town Hall  
101 Field Point Road  
Greenwich, CT 06830  
Contact: Peter Tesei, First Selectman

Westchester County Department of Planning  
148 Martine Avenue  
Room 432  
White Plains, NY 10601  
Contact: Edward Burroughs, Commissioner

Metro-North Railroad  
347 Madison Avenue  
New York, NY 10017-3709

New York State Department of Environmental Conservation  
Region 3 Office  
21 South Putt Corners Road  
New Paltz, NY 12561-1696  
Contact: Margaret Duke

New York State Office of Parks, Recreation and Historic Preservation  
New York State Historic Preservation Office (SHPO)  
Pebbles Island Resource Center  
P.O. Box 189  
Waterford, NY 12188-0189  
Contact: William Krattinger, Historic Preservation Specialist

New York State Department of Transportation  
Region 8  
Eleanor Roosevelt State Office Building  
4 Burnett Boulevard  
Poughkeepsie, NY 12603  
Contact: Melissa Slater, Assistant to the Regional Director

United States Army Corps of Engineers  
Jacob K. Javits Federal Building  
26 Federal Plaza, Room 2109  
New York, NY 10278-0090

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Finance

REFUNDING BOND RESOLUTION, DATED FEBRUARY 6, 2012,  
AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL BONDS  
OF THE VILLAGE OF PORT CHESTER, IN THE COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, PURSUANT TO SECTION  
90.10 OF THE LOCAL FINANCE LAW OF THE STATE OF NEW  
YORK, PROVIDING FOR OTHER MATTERS AND MAKING  
CERTAIN DETERMINATIONS IN RELATION THERETO AND  
PROVIDING FOR THE PAYMENT OF THE BONDS TO BE  
REFUNDED THEREBY.

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

WHEREAS, the Village of Port Chester, located in the county of Westchester, State of New York (the "Village") previously issued \$7,110,480 principal amount of Various Purposes Serial Bonds, 2002 Series A (the "Series 2002 Bonds") pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2002 Bonds are dated November 15, 2002 and matured or mature in annual installments on November 15 in each of the years 2003-2022, inclusive, as follows:

\$100,480 in the year 2003,  
\$250,000 in the year 2004,  
\$260,000 in the year 2005,  
\$270,000 in the year 2006,  
\$280,000 in the year 2007,  
\$295,000 in the year 2008,  
\$305,000 in the year 2009,  
\$320,000 in the year 2010,  
\$330,000 in the year 2011,  
\$345,000 in the year 2012,  
\$360,000 in the year 2013,  
\$375,000 in the year 2014,  
\$390,000 in the year 2015,  
\$405,000 in the year 2016,  
\$425,000 in the year 2017,  
\$440,000 in the year 2018,  
\$460,000 in the year 2019,  
\$480,000 in the year 2020,  
\$500,000 in the year 2021, and  
\$520,000 in the year 2022

WHEREAS, the Series 2002 Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$4,700,000 aggregate principal amount of the Series 2002 Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2002 Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2002 Refunding Bonds"); and

WHEREAS, the Village previously issued \$3,730,250 principal amount of Public Improvement Serial Bonds 2003 Series A (Tax-Exempt) (the "Series 2003A Bonds") pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2003A Bonds are dated October 1, 2003 and matured or mature in annual installments on October 1 in each of the years 2005-2024, inclusive, as follows:

\$125,250 in the year 2005,  
\$130,000 in the year 2006,  
\$135,000 in the year 2007,  
\$140,000 in the year 2008,  
\$145,000 in the year 2009,  
\$150,000 in the year 2010,  
\$155,000 in the year 2011,  
\$160,000 in the year 2012,  
\$170,000 in the year 2013,  
\$175,000 in the year 2014,  
\$185,000 in the year 2015,  
\$195,000 in the year 2016,  
\$200,000 in the year 2017,  
\$210,000 in the year 2018,  
\$220,000 in the year 2019,  
\$225,000 in the year 2020,  
\$235,000 in the year 2021,

\$245,000 in the year 2022,  
\$260,000 in the year 2023, and  
\$270,000 in the year 2024

WHEREAS, the Series 2003A Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$2,750,000 aggregate principal amount of the Series 2003A Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2003A Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2003A Refunding Bonds"); and

WHEREAS, the Village previously issued \$3,250,000 principal amount of Public Improvement (Serial) Bonds, 2003 Series B (Federally Taxable) (the "Series 2003B Bonds") pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2003B Bonds are dated October 1, 2003 and matured or mature in annual installments on October 1 in each of the years 2005-2024, inclusive, as follows:

\$ 95,000 in the year 2005,  
\$100,000 in the year 2006,  
\$105,000 in the year 2007,  
\$110,000 in the year 2008,  
\$115,000 in the year 2009,  
\$120,000 in the year 2010,  
\$130,000 in the year 2011,  
\$135,000 in the year 2012,  
\$145,000 in the year 2013,  
\$150,000 in the year 2014,  
\$160,000 in the year 2015,  
\$170,000 in the year 2016,  
\$175,000 in the year 2017,  
\$185,000 in the year 2018,  
\$195,000 in the year 2019,  
\$210,000 in the year 2020,  
\$215,000 in the year 2021,  
\$230,000 in the year 2022,  
\$245,000 in the year 2023, and  
\$260,000 in the year 2024,

WHEREAS, the Series 2003B Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the Board of Trustees of the Village for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$2,475,000 aggregate principal amount of the Series 2003B Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2003B Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2003B Refunding Bonds"); and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF BOARD OF TRUSTEES OF THE VILLAGE), AS FOLLOWS:

Section 1. For the purpose of refunding all or a portion of the \$4,700,000 outstanding principal amount of the Series 2002 Bonds, all or a portion of the outstanding \$2,750,000 Series 2003A Bonds, and all or a portion of the outstanding \$2,475,000 Series 2003B Bonds, providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the refunded principal amount of the Series 2002 Bonds, Series 2003A Bonds and Series 2003B Bonds (collectively, the "Refunded Bonds"); (ii) the aggregate amount of the unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B; (iii) the costs and expenses incidental to the issuance of the Series 2002 Refunding Bonds, Series 2003A Refunding Bonds and the Series 2003B Refunding Bonds (collectively, the "Refunding Bonds") as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$10,000,000 aggregate principal amount of refunding serial bonds of the Village pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately \$9,615,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The Board of Trustees is hereby authorized and directed to enter into an escrow contract (the "Escrow Contract") with a bank or trust company located and authorized to do business in this State as the Board of Trustees shall designate (the "Escrow Holder") for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Board of Trustees of the Village, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the Village in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Village with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be

invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the Village and shall be applied by the Village Treasurer to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Village Treasurer is authorized to execute on behalf of the Village any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificates of Determination of the Village Treasurer incorporated by reference herein and made a part of this resolution taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$9,615,000 if fully issued and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Board of Trustees of the Village recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Village Treasurer is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Board of Trustees shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the Village are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the Village a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and

binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the Village hereby elects to call in and redeem (i) all or a portion of the Series 2002 Bonds maturing on and after November 15, 2013 on November 15, 2012, (ii) all or a portion of the Series 2003A Bonds maturing on and after October 1, 2014 on October 1, 2013 and (iii) all or a portion of the Series 2003B Bonds maturing on and after October 1, 2014 on October 1, 2013. The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Series 2002 Bonds, the Series 2003A Bonds and the Series 2003B Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the issuance proceedings for the Series 2002 Bonds, the Series 2003A Bonds and the Series 2003B Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Series 2002 Bonds, the Series 2003A Bonds and the Series 2003B Bonds and direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the Village not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds may be sold at either a private or competitive sale and the Village Treasurer is hereby authorized to execute a purchase contract on behalf of the Village Treasurer for the sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the Board of Trustees shall have filed with the Village Clerk a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the Village resulting from the issuance of the Refunding Bonds. In connection with such sale, the Board of Trustees of the Village hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The Board of Trustees of the Village hereby appoints the law firm of Squire Sanders (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Board of Trustees of the Village hereby appoints the firm of Capital Markets Advisors, LLC of Hopewell Jct., New York, as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior managing underwriter for the sale of the Refunding Bonds if sold at private sale, is hereby delegated to the Village Treasurer of the Village, as chief fiscal officer of the Village.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding Bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village, without limitation as to rate or amount.

Section 11. The Village Treasurer, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed,

performed or done by this resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the Village Treasurer and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Village Treasurer.

Section 13. The Village intends to issue the obligations authorized by this resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The Village covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal or interest on the Refunding Bonds or any other funds of the Village, and (b) the purposes financed with the proceeds of the Series 2002A and Series 2003A Refunding Bonds, which would cause the interest on which to become subject to Federal income taxation under the Internal Revenue Code of 1986, as amended (the "Code") (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the Village to any penalties under Section 148 of the Code, and that it will not take any action or omit to take any action with respect to the Refunding Bonds or the proceeds thereof, if such action or omission would cause the interest on the Series 2002A and Series 2003A Refunding Bonds to become subject to Federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by Section 55 of the Code), or subject the Village to any penalties under Section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of the Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this resolution by the Village.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the Village agrees, in accordance with and as an obligated person with respect to the Refunding Bonds under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the "Rule"), to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner, as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of the Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed, collectively by this paragraph and the Commitment, shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney or such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond resolution takes effect, it shall be published in full by the Village Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in Journal News and the Westmore News, newspapers having a general circulation in the Village and which is hereby designated as the official newspaper of the Village for such purpose.

Section 17. This bond resolution shall take effect immediately upon its adoption by the Village Treasurer of the Village.

ROLL CALL

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

Village of Port Chester, New York

Exhibit A to the Refunding Bond Resolution,

Dated February 6, 2012,

of the Village of Port Chester

in the County of Westchester, State of New York

\$7,165,000 Public Improvement Refunding Serial Bonds - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
10/1/2012	\$115,000
10/1/2013	465,000
10/1/2014	640,000
10/1/2015	645,000
10/1/2016	655,000
10/1/2017	665,000
10/1/2018	670,000
10/1/2019	685,000
10/1/2020	695,000
10/1/2021	710,000
10/1/2022	715,000
10/1/2023	220,000
10/1/2024	225,000

\$2,450,000 Public Improvement Refunding Serial Bonds (Federally Taxable) - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
10/1/2012	\$50,000
10/1/2013	50,000
10/1/2014	195,000
10/1/2015	200,000
10/1/2016	205,000
10/1/2017	200,000
10/1/2018	205,000
10/1/2019	210,000
10/1/2020	220,000
10/1/2021	215,000
10/1/2022	225,000
10/1/2023	235,000
10/1/2024	240,000

Exhibit B to the Refunding Bond Resolution,

dated February 6, 2012

of the Village of Port Chester,

County of Westchester, State of New York

Refunding Financial Plan\*

\* The Plan is attached to this resolution in the 2011-2012 Misc. Resolution Folder in the Clerk's Office.

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CLOSEOUT OF CAPITAL PROJECTS

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

WHEREAS, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village's independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to close out the following projects in the Capital Fund; and fund balances remaining be used to cover deficits in projects where deficits exist; or in some cases transferred back to General Fund (the source of original funding); and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the Capital Budget and establish the Sidewalk/Curb Improvements-2011/12 Project to be funded by the remaining fund balances from closing the projects listed below after covering the projects with fund deficits:

Sidewalk & Curb Improvements:

Table with 5 columns: Project, Budget, Revenues, Expenditures, Balance/(deficit). Lists various street and sidewalk improvement projects with their respective financials.

Sidewalk & Curb Improvements (Continued):

Table with 5 columns: Project, Budget, Revenues, Expenditures, Balance/(deficit). Continues the list of sidewalk and curb improvement projects.

Capital Project Closeout Resolution
November 21, 2011 Village Board Meeting
Page 2 of 3

Table showing fund transfers with columns for amount, From, and To. Includes transfers for Good Neighbor Sidewalk, Sidewalk/Curb, Street Improvements, and Emergency Sidewalk Repairs.

Table showing fund transfers for Sidewalk Improvements-CDBG-05/06 and Sidewalk Improvements-CDBG-03/04.

\$ 10,717.25 From: 005.5110.2109.0000.0000: Street Improvements-01/02  
 \$ 50,062.01 From: 005.5110.2115.0000.0000: Sidewalk Improvements General-01/02  
 \$ 51,629.76 From: 005.5110.2135.0000.0000: Street Maintenance Improvements-02/03  
 \$ 38,415.22 From: 005.5110.2136.0000.0000: Sidewalk Improvements-CDBG-02/03  
 \$ 16,635.01 From: 005.5110.0400.2004.0001: Street/Curb Maintenance-04/05  
 \$ 3,582.00 From: 005.5110.0400.2004.0003: Good Neighbor Sidewalk-04/05  
 \$ 26,250.36 From: 005.5110.0400.2004.0004: Curbing-04/05  
 \$ 46,901.85 From: 005.5110.0400.2006.0035: Sidewalk Improvements-CDBG-06/07  
 \$ 12,838.49 From: 005.5110.0400.2006.0036: Sidewalk Improvements-Vlg Wide-06/07  
 \$ 3,895.48 From: 005.5110.0400.2006.0043: Sidewalk Improvements-New King-06/04  
 \$ 93,022.89 From: 005.5110.0400.2007.0053: Sidewalk Improvements-CDBG-07/08  
 \$ 68,897.36 From: 005.5110.0400.2007.0054: Sidewalk Improvements-Vlg Property-07/08  
 \$ 23,136.54 From: 005.5110.0400.2007.0071: Sidewalk Betterment-Phase 1  
 \$ 445,984.22 To: 005.5110.0400.2011.0120: Sidewalk/Curb Improvements-2011/12 (\*\*Active Project\*\*)

\$ 563.64 From: 005.5110.0400.2008.0089: Sidewalk Improvements-CDBG (Ryan Avenue)  
 \$ 563.64 To: General Fund (funding source -- no debt was issued for this project)

ROLL CALL

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

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Building Department

AMENDING AGREEMENT FOR CONSULTING SERVICES TO THE  
BUILDING DEPARTMENT

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

WHEREAS, by resolution adopted April 6, 2011, the Board of Trustees accepted the recommendation of the Village Manager and approved the retainer of Emil Antonaccio, One Lee Road, Somers, New York 10589, to provide consulting services to the Village's Building Department as part of the Manager's restructuring of the Building Department at a rate of \$65.00/hour with a cap of \$65,000 in total compensation; and

WHEREAS, as of the last pay period ending on January 20, 2012, the Consultant has been paid a total of \$62,855.00 since he was retained; and

WHEREAS, the Manager has advised that the consultant's services are still required and that an amendment of the agreement with the Consultant is in order so that he may provide for such services for the balance of this fiscal year; and

WHEREAS, it is expected that the consultant's continued services will be the subject of the upcoming budget process for the Fiscal Year 2012-2013. Now, therefore, be it

RESOLVED, the Village Manager is hereby authorized to enter into an amendment to the April 12, 2011 agreement with Emil Antonaccio, One Lee Road, Somers, New York 10589 with regard to consulting services to the Building Department with total compensation not to exceed \$95,000, said amount to be funded from Account Code, Building Department 001-3620-400.

ROLL CALL

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

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CHAPTER 175 – FBES  
EXPEDITED SEARCH FEES

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

WHEREAS, there is a continual need to evaluate the delivery of village services in a responsive manner; and

WHEREAS, as set forth in the memo from Christopher Steers, Assistant Manager, to the Mayor and Board of Trustees, the Building Department requires the ability to deliver information regarding searches for certificates of occupancy, open violations, open permits and zoning verifications often on a time-sensitive basis; and

WHEREAS, the Village Manager has proposed additional staffing so as to ensure the more efficient operation of the Building Department and accommodate these requests; and

WHEREAS, in order to partially offset the expense of additional personnel, a fee is proposed to allow applicants the option of an expedited search. Now, therefore,

RESOLVED, that Chapter 175 "Fees", Section 175-4, be amended as follows:

<u>Code Reference</u>	<u>Fee</u>
<b><u>Chapter 151, Building Code Administration and Enforcement</u></b>	

Property searches

ADD

<u>Expedited searches</u>	<u>\$200.00</u>
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ROLL CALL

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

NOES: None

ABSENT: None

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Fire Department

SETTING PUBLIC HEARING ON TITLE VI OF THE CHARTER  
WITH REGARD TO FIRE PATROL & RESCUE CO. NO. 1

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

RESOLVED, that a public hearing is to be held on February 21, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend Title VI of the Charter of the Village of Port Chester with regard to Fire Patrol & Rescue Co. No. 1.

ROLL CALL

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

NOES: None

ABSENT: None

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Home Rule Request

The Clerk presented the next resolution for a Home Rule Request for Hotel Occupancy Tax.

Trustee Marino made a motion for discussion, Trustee Brakewood seconded the motion.

The Board discussed this resolution with staff. Mr. Cerreto told the Board that the Village was contacted by Assemblyman George Latimer that bills have been reintroduced by the State Senate and Assembly on this matter which would require a Home Rule Request by the Board, the Board spoke further on the matter and whether this is the time to move forward on the proposal since there are no hotels in the Village and currently no proposed developments for a hotel.

Trustee Branca made a motion to withdraw the Home Rule Request, Trustee Kenner seconded the motion.

ROLL CALL

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

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Senior Nutrition Program

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

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

RESOLVED, that the Village Manager be authorized to submit the application to the Westchester County Health Department for renewal of permit number 01-6620-B which expires March 31, 2012 for food service establishment regarding the Port Chester Nutrition Program at 220 Grace Church Street.

ROLL CALL

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

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Add-on

Mayor Pilla said that the Board held an executive session earlier in this meeting and that the Board will take an add-on resolution in the matter.

There being no objections, on motion of Trustee Didden, seconded by Trustee Brakewood the following resolution was added to the agenda.

ROLL CALL

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

PERSONNEL MATTER

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

RESOLVED, that on behalf of the Board of Trustees, the Mayor is hereby authorized to forward correspondence to a Village employee and the Westchester County Department of Human Resources pursuant to Section 72 of the Civil Service Law with regards to a particular personnel matter.

ROLL CALL

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

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Discussions:

Parking

Mayor Pilla said that since Mr. Russo had to leave the meeting tonight he would defer the discussion on regarding parking. The Mayor requested that this discussion be on the next Board agenda.

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School Zones

Trustee Didden said that he had requested this discussion item because he has been advised that the Edison Elementary School is not designated a School Zone on the streets surrounding the school, Rectory Street and Locust and Orchard Avenues. He asked that legislation be drafted for this.

Trustee Branca spoke about Drug Free School Zones that were established in the 1980's he believes and wants to make sure that all schools have that designation also.

Mayor Pilla said that the traffic situations during the dismissal times at Edison and Park Avenue Schools needs to be reviewed by the Traffic Sergeant and asked the Police Chief to arrange for this.

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Budget Operation Guidelines

Trustee Didden said that he had requested this discussion item on behalf of Trustee Terenzi so would give him the floor to speak on this further.

Trustee Terenzi said that our auditors had brought up the subject regarding budget operation guidelines. He said that he would like a resolution for the Board that would authorize over expending lines which would be amended at a later date with the reference that the authorization cannot go over the adopted budget.

The Mayor noted that it was hoped that a resolution on this matter would have been on this agenda but staff needed more time to provide the necessary resolution.

The Board discussed with the Treasurer this matter and Trustee Terenzi recommended that our Auditors provide sample language to be considered.

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**Correspondence:**

The Clerk presented correspondence from the Port Chester Youth Baseball League requesting permission to hold their Annual Fun Run to be held on April 21, 2012.

The Board referred the correspondence from the Port Chester Youth Baseball League to staff.

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The Clerk presented correspondence from Alex Payán resigning from the Waterfront Commission.

The Board noted the resignation from Mr. Payán and thanked him for his service to the community on this Board.

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The Clerk presented correspondence from Mary Kelley resigning from the Waterfront Commission.

The Board noted the resignation from Ms. Kelley and thanked her for her service to the community on this Board.

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**Appointments:**

**APPOINTMENT TO THE WATERFRONT COMMISSION**

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

WHEREAS, currently there are two vacancies on the Waterfront Commission; and

WHEREAS, Gene Ceccarelli is the alternate member of the Waterfront Commission whose term expires on December 2, 2012; and

WHEREAS, it is the intention of the Board to elevate Mr. Ceccarelli as a full member; and

RESOLVED, that GENE CECCARELLI, residing at 91 Munson Street, Port Chester, New York, be and he hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective upon his resignation as the alternate member for the remaining of the unexpired term of Alejandro Payán whose term expires December 2, 2013.

**ROLL CALL**

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

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**APPOINTMENT TO THE WATERFRONT COMMISSION**

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

RESOLVED, that TAV PASSERELLI, residing at 117 Neuton Avenue, Port Chester, New York, be and he hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective immediately in place and instead of the unexpired term of Mary Kelley with said term to expire December 2, 2013.

**ROLL CALL**

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

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**Reports:**

The Clerk presented reports from Reliance Engine & Hose Co. No. 1 on the election to active membership of Augustine Diaz and Marc Pacheco.

The Board noted the actions taken by Reliance Engine & Hose Co. No. 1.

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The Clerk presented reports from Fire Patrol & Rescue Co. No. 1 on the election to active membership of Andrew Sposta and Ambrogio Castellana and the resignation of Anthony Cerone.

The Board of Trustees noted the actions taken by Fire Patrol & Rescue Co. No. 1.

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**Minutes:**

The Clerk presented the Board of Trustees minutes of January 3, 2012 and January 17, 2012.

Trustee Didden made a motion to accept these minutes, Trustee Marino seconded the motion.

**ROLL CALL**

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

Trustee Kenner abstained from the minutes of January 17<sup>th</sup> since he was absent from that meeting.

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**Public Comments:**

Gene Ceccarelli thanked the Board for their vote appointing him as a full member of the Waterfront Commission.

Richard Abel spoke about the authorizing that the Board granted tonight to the water company for installing poles. He said that the Village of Rye Brook will be holding a public hearing on this matter and that they are posting signs at the locations where the poles are being proposed. Mr. Abel said that the water company is working with us on the sewer rent project but this shouldn't be about scratching my back doing something for them because of that. He said the public should have the benefit to speak on this. Mr. Abel asked if the water company pay taxes on the poles.

Mr. Cerreto said that utilities including the water company pay a gross receipt tax.

**Board Comments:**

Trustee Brakewood said that he agrees with Mr. Abel regarding the installation of poles by the water company. He said that it is about aesthetics of the community and also dealing with aesthetics are billboards which is he glad that staff will be going out with the request for proposals on the matter of billboards. Trustee Brakewood said that he was glad that Rose Noonan could not attend tonight's meeting because he would rather have a separate workshop with her that he anticipates could take an hour and half or longer with the Board on a proposal for a Housing Rehabilitation Program. He said that his vision for such a program would be to remove illegal kitchens and bathrooms and bring the dwellings into compliance so he is looking forward to working with Ms. Noonan. Trustee Brakewood concluded his comments congratulating the Port Chester – Rye Brook Public Library with the renovations that have been done to the interior of the Library consisting of an elevator and larger children and teen sections which was all paid through the Leffert's Grant. He said that he attended the grand reopening of the Library this weekend and the renovations are fantastic.

Trustee Terenzi said that he is extremely happy with the initiatives by the Board regarding the budget. He said that the next level is another staff member for Finance to focus on the Capital Plan. Trustee Terenzi noted the passing of retired Police Department member and Commission member Joseph Polesty. He concluded with prays to former Mayor Peter Iasillo who Ms. Solomon had mentioned is quite ill.

Trustee Didden spoke about Mayor Iasillo and that he is in his thoughts and prays. He said that he is also happy with the direction that Village staff is going regarding billboards. Trustee Didden said that he also attended the opening of the Library that the renovations are beautiful and wish them much success. He commented that several months ago he spoke about street vendors and that our regulations on these vendors need to be looked at. Trustee Didden said that the Board received memos from the Village Attorney and the Police Chief regarding amending the scofflaw and when can the Board expect the law on this matter. Mr. Cerreto said upon the direction of the Board staff could go forward. Mayor Pilla said that this started at a good idea and spoke about receiving past fees from a rental car company but not sure if this is the direction that the Village should go in. Trustee Didden explained further the reasoning of the proposal that the law would allow the police to go after registered vehicle owners who have three or more tickets on a combination of all the vehicles that are registered to them. He said that owners are bypassing the current law by re-registering their vehicles. The Mayor noted that no one else does this which is a concern. Trustee Didden said that a notice can be sent to the effective registered owners that the law would go into effect and they have a time to cure. There was further discussion on this subject and Trustee Didden requested that this matter be place on the next Board agenda. Trustee Didden thanked Blanca Lopez, the President of the School Board noting that they had a School Board Liaison Committee meeting last week and the Village requested information from the School Board which they received today.

Trustee Terenzi said that he would like to speak also about towing in the Village but Trustee Marino has a situation on this subject so will wait until he speaks on it later.

Trustee Didden noted that at the next Board meeting, February 21<sup>st</sup> there will be a public hearing regarding community residences which he told the public to come and speak on this subject.

Trustee Branca said that he is praying for Peter Iasillo who has given many years of service to this community. He said that the first time he ran in 1972 was with Mr. Iasillo and he has many fond memories of Mayor Pete. Trustee Branca said that there is a meeting with G&S in the middle of this month that we will be meeting with the engineers. He said that after that meeting he will update the Board.

Trustee Marino spoke about a situation where a vehicle was towed and one of their windows was broken. He said that the Village instructed the towing company to tow but asked shouldn't the towing company be responsible for this damage. Trustee Terenzi said that Captain Telesca was checking on the pricing and guidelines regarding towing. Police Chief Krzeminski said that he will check with Captain Telesca on this and will get back to the Board. Trustee Marino said that there was a fire on William Street that resulted in violations by Code Enforcement. He asked Mr. Steers how many violations were issued for this building. Mr. Steers said there was over 460 violations. Trustee Marino asked when was the last time this building was inspected? Mr. Steers said the last time was back in the 1980's and that this is one of the 200 or so properties that have not responded for an inspection. Trustee Marino said that this lack of inspections is an issue for him that no building should be that long between inspections. There was further discussion on this topic. Trustee Marino said that the Board received a letter from a resident requesting to be considered on the Planning Commission and requested that the Board conduct an interview.

Trustee Kenner said that his thoughts and prayers are with Mayor Iasillo and his family at this time. He said that he also attended the grand reopening of the Library and that they did an amazing job of the renovations to the facility. Trustee Kenner asked what is the continued process of the Comprehensive Plan noting that he has additional comments on the plan and how should he provide them. Mr. Steers said to continue to give any comments to the consultants.

Mayor Pilla also spoke about the Library and the improvements there. He said that there is a great amount of positive things happening in the Village and looks forwards to moving ahead.

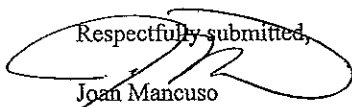
Trustee Didden asked a final question to Mr. Steers of what is happening to the 200 or so properties that have not responded to a fire inspection. Mr. Steers said that they are working on that issue.

\* \* \* \* \*

There being no further business, on motion of Trustee Didden, seconded by Trustee Kenner the meeting was closed at 10:35 p.m.

ROLL CALL

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

Respectfully submitted,  
  
Joan Mancuso  
Village Clerk

MEETING HELD FEBRUARY 21, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, February 21, 2012 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustees Daniel Brakewood and John Branca were absent and Trustee Bart Didden arrived after the executive session.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto and Village Treasurer, Leonie Douglas. Assistant Village Manager / Director of Code Enforcement, Christopher Steers arrived at 7:15 p.m.

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On motion of Trustee Kenner, seconded by Trustee Marino the meeting was declared opened at 6:45 p.m.

**ROLL CALL**

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

**Executive Session:**

At 6:46 p.m., on motion of Trustee Terenzi, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for consultation with Counsel regarding the Modified Marina Redevelopment Project. Included in the Executive Session with the Village Attorney were the Village Manager, the Village Treasurer and the Village Clerk.

**ROLL CALL**

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

No action was taken in the executive session.

Trustee Kenner made a motion to close the executive session at 7:10 p.m., Trustee Marino seconded the motion.

**ROLL CALL**

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

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**Public Hearing: Community Residences**

The Clerk read Affidavits of Publication stating that the following Public Notice were duly published in the Westmore News and the Journal News on February 10, 2012, certified by Angelina Brescia, Office Manager of the Westmore News and Florence Bonilla, Principal Clerk of the Journal News.

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, February 21, 2012, at 7:00 P.M., in the Courtroom, 350 North Main Street, Port Chester, New York, to facilitate a general discussion with regard to the location of community residences in the Village of Port Chester pursuant to New York State Mental Hygiene Law, Section 41.34.

Interested persons will be afforded the opportunity to be heard at this time.

JOAN MANCUSO  
Village Clerk

Dated: February 10, 2012

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

**ROLL CALL**

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

Mayor Pilla provided a quick overview noting that the purpose of this public hearing is to have a general discussion about the New York State Padavan Law that was adopted in 1978 regarding community residences (group homes). He said that this hearing is not for any specific application noting that one application was brought forth recently but has been withdraw for more review by the State Agency that over sees these residences. The Mayor noted that Assemblyman George Latimer is in the audience tonight.

Trustee Didden said that at the January meeting he gave a presentation with matrixes on how group homes have impacted our Village. He said that this presentation showed the comparisons made to all the other Villages in the County, the Towns and the Cities by the number of facilities, per square mile, per households and population. Trustee Didden said that the presentation also included information about the Padavan Law and quotes from Senator Frank Padavan that it was his hope that by not setting caps even though the passage of the original law had contemplated caps that while it did not set caps that everyone would be doing their fair share and that was in 1978 so now 34 years later we have evidence that it has not leveled out. He spoke about the facilities in the City of Rye which the State listing has three noting two are at the Osborne facility and none are under the category of group homes. Trustee Didden then spoke about the facilities in Harrison compared to Port Chester. He said

that he requested this public hearing so we could hear from the public on this topic and consider seeking legislative relief from the State.

Trustee Kenner said that he wanted to clarify the intent of the public hearing and that Trustee Didden commented on this that the cards are stacked against us and that we want to hear from the public on how they feel on this subject but it seems like even before we start we have lost. He said that our intent is to go on record and especially since we have our Assemblyman here to find out what legislative relief there is available for Port Chester so we at least have a chance because he does not think we do at this point so that it what he is hoping to get out of this public hearing tonight.

Trustee Terenzi noted that the Village has fought this in the past and has lost so not sure what will come of this. He said that Assemblyman Latimer's insight on this may be helpful.

Mayor Pilla said that we need to have a perspective on this topic. He said that Senator Oppenheimer could not be here this evening but provided a contact for him to speak to the Deputy Counsel of the New York State Office of Persons with Development Disabilities (OPWDD) who spoke on the law. He spoke about the Padavan Law and that the intent of this law is that persons with disabilities can live as a single family and it ensures that persons with disabilities are not excluded from living anywhere. The Mayor said that it is being questioned why aren't they living in other communities and it is because they are choosing to live here. He said that the site selection is done by the organization proposing the residence along with review by this State Agency which the municipality can offer an alternate site for consideration and that regarding saturation that Trustee Didden has detailed there are no caps within the law. Mayor Pilla said that the law is clear on two things that there is a need in the area which is defined as throughout the County not in the individual communities and that the burden of proof lies on the municipality as to whether the area will be that substantially altered by the residents. The Mayor noted that these types of residences are not as popular because of the cost of these facilities and the reduction of grant money for them. He said that more are in our Village because of the lower property values. The Mayor agrees that there is an impact on the Village regarding taxes since they are tax exempt because of their not for profit status but with user fees for example on the sewers that will be discussed later can offset some of this impact.

Trustee Terenzi said that the Mayor brought up the fact that these residences are coming here because of the affordability of the property. He said that from his knowledge which goes back that the upfront cost of the construction of the facility and the land is from the State and whether the State is not funding for higher property costs may be an issue but what was the primary use of the State funds was for the operating of the facility. Trustee Terenzi said that our property values are much lower than for example in the City of Rye or the Villages of Harrison and Rye Brook so these organizations can purchase property at a much lower cost.

Mayor Pilla stated that absolutely we have done our fair share on this subject and noted that the law is silent on the issue of taxes. He said that if the public has concerns on the

tax issue then would encourage them to support him and the Board on their proposal to tax all properties fairly for their share of the services that are provided. The Mayor noted that we can have a user fee on everything except police, fire and EMS. He said that short of that it is letting people decide where to live and not stopping them.

Trustee Didden said that he hopes at the end of tonight's public hearing that the audience gives a perspective that the glass is half empty and not the Mayor's half full. He said that it is not the residents' choice to live in Port Chester but the economy of the industry that is a multi-million dollar industry and is driven by State funding. Trustee Didden said that Port Chester is a great place to live but it has nothing to do that they want to live here. He said that you cannot even say it is about public transportation because some of the sites in our Village are not convenient to public transportation. Trustee Didden spoke further about the cost of lots throughout the County and of course these organizations are going to try and find the lowest cost for properties / houses and that these organizations are getting funding from the State so the State should look at this issue that communities like ours are getting more of the impact of these homes than the more affluent communities.

Mayor Pilla said that the law says that they can live anywhere they want.

Trustee Didden disagreed that it isn't they wanting to live here but the corporation choosing.

Trustee Marino said that he would like to hear from the public instead of arguing. He said that the Board received a list of the current facilities and we have a lot. Trustee Marino said that he is not against these facilities noting that he came to the Village from out of the country and choose to live here. Trustee Marino said that the Board was elected by the people so let's hear what the people have to say and work together on this issue.

Bea Conetta, King Street, said that she is not against group homes stating that one good thing about these residences is there are no school children. She said that this is about the companies that oversee these facilities not the people in the residences. Mrs. Conetta said that Port Chester gets dumped on noting that we already have 12 of these facilities within our two and half square miles. She said that we are the most welcoming Village in the whole area but they will continue to put more here if we do not fight this.

Mayor Pilla mentioned that the Deputy Counsel of the OPWDD said that most communities do not hold hearings or attempt to fight applications for these facilities.

Goldie Solomon, Puritan Drive said that government is supposed to represent the people. She said that our taxes are too high and that nothing is being sold so who can buy properties here but the not for profits corporates. Ms. Solomon said that these organizations cannot afford the properties in other communities because of their property values but stated that these not for profits do benefit from these residences and make money. She said that we need help from the State and our representatives like George Latimer but he is only one vote at the State. Ms. Solomon spoke about zoning and the State should make that these residences are equally spread out throughout the County. Ms. Solomon said that government is not working for the people.

Heather Paul, Hobart Avenue said that when anyone from the public speaks on this we are not against the people of these homes stating that we are parents, grandparents and neighbors so we understand the need for these residences. She said that she has lost her confidence in government that put in place laws like these without considering the impact to communities like ours and that other communities have little or no impact. Mrs. Paul said that we already have twelve group homes and compared it to a lifeboat situation where only so many can fit in a lifeboat but there are others and if you take one more what will happen. She said that this is not the individuals choosing where they want to live but the organizations. Mrs. Paul said that these individuals need help but so does our community. She stated that other communities may not have had public hearings because they only have one or two homes in their community but we are saturated here so we have to consider the welfare of all the people in Port Chester as well.

John Giangrande, Park Place spoke about the high taxes and that he is on a fixed income and these facilities should pay too.

Pat McDonald, Betsy Brown Road, said that she struggled to come here tonight stating that she has worked for about 35 years in human services and has no objection of people getting services and she has supported these services but there is something off in this balance. She said that if the unit that we are looking at to share the burden of holding these group homes is the County how come the County is so tipped to the southeast corner stating that it should not be that way. Ms. McDonald said that she understands there are constraints that the Village has to obey the law but the law has gotten to a point now where it does not make any common sense. She said that people are coming to Port Chester working hard noting that she has been here almost 30 years paying her taxes that continue to climb every single year noting that she is still paying her taxes with no children in school which she is happy to do to support things in the community but when it comes to having large organizations come in and choose sites stating that she agrees with Trustee Didden and the others who have spoken about this that it is not the residents that are choosing. Ms. McDonald said that she would love to know how many in the group home are actually from Port Chester which she said that she is sure the vast majority are not from Port Chester and if it is a question of us helping our own that is one thing but if it is a question of a non-profit saying that the land is cheaper there so lets' buy this site in Port Chester rather than spending the extra money someplace else than that is not about consumer choice or the best thing for the community but simply the bottom line. She said that she does not know what the options are but we are at the saturation point and the County is a very big area and we are only two and half square miles so why are there twelve of these facilities here.

Mayor Pilla asked Ms. McDonald if her issue is of shouldering the financial burden.

Ms. McDonald said her problem is one of fairness in general and if it is the County that is charged as the unit of supporting group homes then how come the burden is not being spread equally within the County which is one piece and the other piece as the gentleman who just spoke she is paying so much taxes now she and her husband cannot even think about retiring in Port Chester because they could not afford it. She said that there will be no

type of tax exempt residences for them and understands that persons with disabilities need services and support that is why the State is paying for them to have these facilities but there has to be balance in this.

William Giangrande, Park Place said that the lot on Betsy Brown Road where the facility was proposed he make complaints to Code Enforcement and it got cleaned up because it wasn't being done. He said that the property owners at 51 Betsy Brown next to this empty lot did not know that a group home was going there. Mr. Giangrande said that these facilities should all be on the tax rolls.

Gene Ceccarelli, Munson Street said that he heard about the Padavan Law noting that this law is 35 years old and needs to be looked at. He said that this law seems to be targeted toward the low to middle income communities because if it wasn't these homes would not be concentrated in Port Chester. Mr. Ceccarelli said that the tax free issue is not relevant even if we put group homes on the tax rolls but that the issue is that we have enough group homes in the Village of Port Chester.

Mayor Pilla said that he spoke earlier about user fees such as a Sanitary Sewer Rent Project but that is not necessarily the only option that we could ask for a payment in lieu of taxes (PILOT) that some group homes and their organizations can contribute through a PILOT and that we could asked this of future applications.

Mr. Ceccarelli said that the Village has taken on a great deal of the burden noting that the Village already has a large number of non-profits including about twenty-five churches with their accessory properties and the twelve group homes so we have done the good neighbor hosting these non-profits.

Trustee Terenzi stated that there is about 18% off the tax rolls.

Mr. Ceccarelli said that is a healthy amount and related it to a healthy tree where a vine grows on the tree after a while it will kill the healthy tree. He spoke about the effects of continuing to provide services that the tax payers are at a critical point with mass exodus from the State of New York.

Mayor Pilla noted that this 18% also includes commercial properties with PILOTS done through the Village's Industrial Development Agency such as G&S and Neri's.

Mr. Ceccarelli said that he went to the different surrounding communities asking about information for community residences in their municipalities. He said that the City of Rye, Town/Village of Harrison and the Town of Greenwich did not provide him with any information and basically told him he had to figure it out on the tax rolls. Mr. Ceccarelli said that he also spoke to the County and they could not give him information but instead provided him with large listing of community health departments and entities to contact which was confusing. He said that this shows how certain municipalities play games and that it seems that they mask these properties that they hide the information. Mr. Ceccarelli said that when he heard of the public hearing that was held in January on an application for another group home in the Village he had contacted an Assistant Secretary of the US Department of Housing and Urban Department and forwarded an email in February giving him a rundown of what Port Chester is having to deal with in terms of group homes noting

that this was the person that was quoted in the newspaper that the City of Rye's affordable housing on Port Chester's border was a missed opportunity. He said that he does not anticipate an answer to his letter so maybe he has to write the President of the United States to try and get an answer. Mr. Ceccarelli said that he is glad that Assemblyman Latimer is here to speak on this and hopes we get some political support behind us and when it comes to the federal government they like to use this word fair when it comes to housing but where does fairness come in when the call is made for all communities to do their share.

Mayor Pilla noted for the record he researched and there has been only two court cases on the Padavan Law that were successful one in Oyster Bay and the other in the Bronx on a technically noting that one court ruled that there was over saturation.

Richard Abel of Quintard Drive said that this is a slippery slope noting that we have twelve group homes but have there been any complaints about them, is the property not being maintain have they done something wrong. He said that from his knowledge by seeing and going by these group homes that they are being better maintained then the homes beside them. Mr. Abel said let's not say group homes are bad neighbors stating that he has seem both sides of this and that it all sounds familiar like affordable housing and maybe this should be looked at by the Department of Justice. He said when you talk about our fair share we have to be careful about falling into a rap of limiting things. Mr. Abel said that twelve but lets' put that into perspective on the total number of parcels in the Village which is 5,500. He concluded that he agrees other communities should do their fair share and that we should talk to our Federal Representatives on this issue because he believes that this is a bigger issue then just the Village or the County.

Trustee Didden noted that this is the State law that is creating this situation. There was a brief discussion between Trustee Didden and Mr. Abel about the Federal lawsuit against the County regarding affordable housing which the Village of Port Chester is not a part of. Trustee Didden noted the comments by the Mayor that there were only two cases on the Padavan Law that was successful and all the rest of the cases sided with the State and the Padavan Law which is understandable because while caps were considered they were never instituted.

Mr. Abel said that capping itself becomes an issue and questioned how much of an impact it has on our community. He questioned if we have the money and the means to lead this fight.

Trustee Didden said that he is not seeking litigation but a legislative relief for an amendment to the Padavan Law for caps on these facilities. He said he is looking for community input and comments from this Board to form a subcommittee that could meet with our State representatives.

Mr. Abel said that this is much more important than a hotel tax that the Village wanted to send a Home Rule to the State on. He said that if you look at the side that the Feds have already come in on affordable housing isn't this the same issue.

There was further discussion between Mr. Abel and Trustees Kenner and Terenzi and Mayor Pilla regarding affordable housing.

Mayor Pilla spoke further about the Padavan Law and zoning laws regarding grouper housing (fraternities).

Linda Turturino of Birch Street said that her neighborhood has a group home on Parkway Drive. She said that she has no problem with these facilities but agrees with the other speaker that there needs to be fairness. Ms. Turturino said that she did research on the Padavan Law and something needs to be done to make this law more equitable. There was a discussion about taxes and that non-profits pay special assessments taxes. Mayor Pilla spoke further about the proposed sewer tax project and consideration regarding something similar for sanitation costs.

Ms. Turturino said that one upside regarding group homes is you know how many are living there stating that we cannot control our residential residences.

Neil Pagano advised the Board and the public that the Comprehensive Plan Advisory Committee (CPAC) is holding their public hearing on the Comprehensive Plan on February 23<sup>rd</sup> and that the public should come and speak on the plan. Mr. Pagano stated that he is the Chairman of the Industrial Development Agency (IDA) and that Neri's is fully taxed that they have completed their PILOT with the IDA. He said that Port Chester has a big heart and that we have gone over and beyond in multiple areas. Mr. Pagano said that he did a quick study about subsidizes in the Village where properties are given a break that they are taxed less than a typical property. He said that if all of these properties were taxed at the normal rate that these assessables would total more than two million in property taxes to our budget. Mr. Pagano said that the current number of group homes is costing the Village \$170,000 a year. He said that we cannot talk about fairness and density but you cannot talk about density without speaking to the impacts. Mr. Pagano said that the Village should anticipate the developers and that these developers are in it to make a profit even these organizations that oversee group homes. He said that there is no way that the Village shouldn't do its homework on this issue regarding PILOTS and to look at alternate sites. Mr. Pagano agreed that we need legislative support on this issue.

Trustee Didden noted that the Village could recommend alternative sites in the Village but cannot recommend locations outside of our community.

Mr. Pagano spoke about PILOTS. Mayor Pilla said that tonight's engagement is good because it becomes a record.

State Assemblyman George Latimer said he appreciates the original invite and that he was available to be here tonight to hear these comments. He said as he understands it there are three basic issues here, the concentration of group homes in Port Chester, the lack of similar distribution in other communities and the question of the costs of being taxed exempt that those homes represent to Port Chester. Assemblyman Latimer said that Trustee Didden basically laid out what the next logical step is that the Board would have further discussions on these issues in whatever time frame that will be noting that the sooner the better and if the Board establishes a subcommittee he would be happy to participate and that State Senator Oppenheimer should be invited. He said that the committee should crystalize what would an amendment would be to the law but noted as Ms. Solomon stated that even though he is only

one vote he would speak to members at the State level but could not move forward until something concrete is presented for consideration. Assemblyman Latimer said that it would be helpful that members of the Board to come to Albany and recommended bringing the public too to express your concerns. He said that what he heard tonight fundamentally is embedded in the law and that it is a question of whether or not review of the law that there is something that makes it more fair to communities that have taken on the burden already and whether that be financial or cap that would be what is discussed and kicked around in a conversation. Assemblyman Latimer said that at the end of the day this is a big state with different interests but Port Chester is part of the state and he is happy to support the Village on this issue.

Bea Conetta of King Street said that we should not sound like defeatists stating that when the Department of Justice stopped us from voting for four years if we had done something sooner as she did writing to the Chief Justice that it would not have been so long. She said that she believes that this could be done here too on this matter so go above the heads that authorizes these locations. Mrs. Conetta asked who picks the site.

Trustee Didden said that the site locations are picked by the non-profit group. He spoke about the Betsy Brown Road site and was told that a real estate broker in Rye found that site and shopped it around to organizations. Trustee Didden said that these are major money making corporations that have multiple locations in our State and others.

Mrs. Conetta said that she thought it was the State buying and purchasing these properties. She said that this is a private money making business and that they target us because of property values and that the State should realize that this small 2.5 square mile Port Chester has had their share.

Trustee Terenzi said that isn't it ironic that a broker from Rye was able to arrange this deal and would they have a deal in Rye and still be able to sell houses in Rye. He said that answer would be no.

Mrs. Conetta said that this puts a whole new light on this for her stating that this is a private money making business and they are targeting this poor welcoming town of Port Chester because our properties are lower and because our Boards in the past didn't maybe try and change the law or go over the heads of whoever is allowing them to do this. She said that if you want something badly enough you fight for it until you get it done and that she thinks that we should not have one other group home in Port Chester ever. Mrs. Conetta stated that she is not against group homes and feels for those people but she feels for Port Chester first.

Mayor Pilla confirmed that the State approves the application but the non-profits pick the location.

Mrs. Conetta asked if the State would not approve if there are more for Port Chester.

The Mayor said that the spirit of the law is that they can choose where ever to live.

Mrs. Conetta questioned if we could go over their heads.

Mayor Pilla said that we could ask the State to change the law or we could ask to be excluded or exempted.

Mrs. Conetta said that its pays to go higher.

Mr. Abel spoke about having perspective noting the United Hospital had helped all types and when the hospital was closed it was a major lost to the Village but this property raised the assessables and hopefully when it is developed it will raise it more. He said that another group home is just a small fraction of what is off the tax rolls. Mr. Abel said that what we are talking about are disabled persons.

Trustee Terenzi said that we are not talking about the disabled persons but the fairness in the surrounding communities.

Mr. Abel said that we have to worry about ourselves also and what he is trying to say in our own Village we lost a hospital that was off the tax rolls and is back on the tax rolls so there is no net loss here.

Trustee Terenzi said that Mr. Abel's theory is that we picked up 26 million dollars' worth of assessables so we should match it with group homes and affordable housing.

Mr. Abel said no.

Trustee Terenzi asked Mr. Abel what is he saying then.

Mr. Abel said that what he is trying to say is that it is such a small piece of the giant puzzle.

Trustee Terenzi said that he agrees with that statement.

Mr. Abel continued that he agrees that it is not fair on a larger level but on our community this is not representative of a terrible thing that is coming stating that it is not like someone is coming in and wiping out the entire Betsy Brown Road and building low income housing or something.

Trustee Didden said that always looking the other way has taken a toll on this Village.

There was further discussion between Mr. Abel and Trustee Didden on what may or may not happen with more of these types of residences.

Trustee Didden commented that he has stated before regarding affordable or work force housing that he is willing do for our own people so if we have mentally challenged people here in the Village of Port Chester that need services there really is no discussion here.

Mr. Abel said that he agrees. He said that he sees Trustee Didden's point and there are two sides to this.

Mayor Pilla noted that Mr. Abel had said earlier that this is a slippery slope and he does think the Padavan Law does needs to be reconsidered.

Mr. Abel said that he agrees completely.

The Mayor said that he thinks we stand a chance to be more successful if we look at this more of the perspective not of the perspective that we do not want another group home but rather that we should not have to shoulder the economic burden.

Mr. Abel asked if this would even be an issue if they were taxable.

Mayor Pilla said that he would not suspect it would be.

Mr. Abel said that he remembers all the complaints in the past and all the people who came to meetings and after it was done no one even remembered that it was there. He said that they are good neighbors and even if they are a non-profit who does it they are not a bad neighbor and it is serving a need that needs to be addressed.

Mrs. Paul told a story regarding a resident of the Rye that her daughter met at a gathering in Washington, D.C. that said that all their help comes from Port Chester and that our Village is referred to as Poor Chester. She said we are taken advantage of and more affluent communities that surround us have ways and means to avoid these and other types of residences.

The Mayor spoke again about user fees that he mentioned earlier which would ease the financial burden. He agreed with Assemblyman Latimer that a Subcommittee of the Board be established to bring new ideas to the Assemblyman and Senator Oppenheimer.

Trustee Didden noted that the Mayor speaks about user fees but we cannot assess fees for services such as police, fire, emergency services and parks and we cannot even deal with the situation of school taxes.

Mayor Pilla said that the notion of a subcommittee with constructive changes makes sense.

Trustee Didden inquired if the Board needs a resolution to form the subcommittee noting that the State legislative session end in June or can we ask for volunteer members of the Board and from citizens.

The Mayor said why do we not think about this before we ask for it because he does not know how many citizens or Board members may be needed.

Trustee Didden said to the Mayor that the Mayor stalled it a month ago when he had the presentation. He said that everyone that came to the podium have the same concerns and comments so this should not be held up.

Mayor Pilla noted that the Board will be having a special meeting on February 28<sup>th</sup> and Trustee Didden can provide his input to Anthony Cerreto, the Village Attorney who can compose a resolution that can be circulated to the Board to be considered.

Mr. Cerreto said that it would helpful that the Board members provide input regarding the proposed subcommittee.

The Mayor questioned moving forward with the subcommittee stating that there are so many big items that the Board and staff are working on and would rather that we work on what we can do. There was further back and forth discussion between Trustee Didden and Mayor Pilla regarding moving forward with a subcommittee.

Mr. Cerreto inquired as to the intent of the Board that the subcommittee would be made of members of the Board of Trustees and no one else.

Mayor Pilla said that Mr. Cerreto's question requires some thought with maybe some input from Assemblyman Latimer on a subcommittee. He said that we will bring forth a subcommittee and some changes to be considered.

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

ROLL CALL

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

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**Public Hearing: Charter, Title VI – Fire Patrol & Rescue Company No. 1**

The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Westmore News and the Journal News on February 10, 2012, certified by Angelina Brescia, Office Manager of the Westmore News and Florence Bonilla, Principal Clerk of the Journal News.

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, February 21, 2012, at 7:00 P.M., in the Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend Title VI of the Charter of the Village of Port Chester with regard to Fire Patrol & Rescue Co. No. 1.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk's office or online at [www.portchesterny.com](http://www.portchesterny.com)

JOAN MANCUSO  
Village Clerk

Dated: February 10, 2012

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

**ROLL CALL**

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

Mayor Pilla stated that Trustee Marino had brought this proposed local law forward regarding the membership numbers for the Fire Patrol & Rescue Company.

Trustee Marino explained that all of the other volunteer fire companies can have up to sixty active members and that Fire Patrol is by our Charter only allowed to have twenty, so this will allow for this company to have the same number of members as all of the other volunteer companies. He said that nothing else will be changed except for this membership.

The Mayor asked if anyone from the audience would like to speak on this proposed law. He recognized Goldie Solomon.

Ms. Solomon said that it is very important that we have our Fire Department that works for the public which they do. She said that the Fire Department puts their life on the line and if they deserve more men then they deserve it. Ms. Solomon told the Board to take into consideration that they have the same number of members as everyone else.

Mayor Pilla recognized Angelo Sposta, Jr of Fire Patrol and Rescue Company No. 1.

Mr. Sposta told the Board that all of the volunteer companies have active and inactive members and what this would do is increase their active membership numbers to the same as the rest of the volunteer companies.

Mr. Cerreto advised the Board that an amendment is necessary to the proposed law on the second page to add to the sentence that reads; "The members of the several fire, hook, hose, ladder, axe and bucket companies" to include the words "patrol and rescue".

Trustee Kenner made a motion to amend the law pursuant to Mr. Cerreto's recommendation, Trustee Didden seconded the motion.

ROLL CALL

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

On motion of Trustee Didden, seconded by Trustee Marino, the public hearing was closed.

ROLL CALL

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

On motion of Trustee Didden, seconded by Trustee Kenner and approved, the following Local Law No. 1, 2012 was adopted:

ROLL CALL

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

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

A LOCAL LAW AMENDING THE CHARTER OF THE  
VILLAGE OF PORT CHESTER WITH REGARD TO  
THE FIRE PATROL & RESCUE CO. NO.1

SECTION 1: The purpose of this local law is to establish uniformity of the membership requirements with regard to the fire companies that have been established as the Port Chester Fire Department.

SECTION 2: Title VI, Section 2 of the Charter of the Village of Port Chester is hereby amended as follows:

The trustees shall procure fire engines and other apparatus used in the extinguishment of fires and have the charge and control of the same, and shall provide fit and secure engine houses or other places for keeping and preserving the same, and shall have power to organize fire, hook, hose, ladder, axe, patrol and rescue and bucket companies, and to appoint a suitable and competent number of able and respectable inhabitants of said village as firemen, and to take the care and management of the engines and other apparatus and implements made and provided for the extinguishment of fires; to prescribe the duties of firemen and to make rules and regulations for the government of the fire department; and the said trustees are hereby authorized to raise money in addition to the amounts authorized to be raised by section one of title four of the charter of the Village of Port Chester, by tax to be assessed upon the estate, real and personal, within the bounds of said corporation, which is to be collected from the several owners and occupants thereof, for the hiring of necessary quarters for fire apparatus and meeting rooms for the members of the several fire companies, and for the purchase of fire apparatus, fire hose and other implements necessary or proper for the use of the members of the fire department of said village, or any of the companies of said department, and to defray the expenses of the annual inspection of said department, to pay for the use of horses for the drawing and conveying of said fire apparatus to fires, and the

maintenance and superintendence of the fire alarm system, but no tax shall be levied and collected for that purpose in any one year exceeding one-tenth of one per centum of the total assessed valuation of the real and personal property in said village, as appears upon the assessment-roll of said village for the preceding year, until the same shall have been authorized by a vote of a majority of the taxable inhabitants of said village qualified to vote under this act, present at any annual election or meeting or at an special meeting duly called for that purpose. The members of the several fire, hook, hose, ladder, axe, patrol and rescue and bucket companies, when organized under this section, shall have the power to elect a chief engineer, and one or more assistant engineers and each company to elect a foreman and one assistant foreman, and a secretary and treasurer for each of their respective companies, and to select members to fill any vacancy which may occur in their ranks, providing that no engine or other company shall exceed the number of members allowed by the trustees, who have the power to regulate the members for each company, not to exceed sixty members to any one company.

They may adopt by-laws for the government of their respective companies, and may impose fines and forfeitures for the violation of the same; they may expel any member from the ranks for improper conduct or neglect of duty but no expulsion shall be made unless a majority of all the members of the company concur in the same; during the time such companies shall remain duly organized, they shall have the custody of the engine and other apparatus pertaining to the fire department, subject, nevertheless, to the paramount possession, authority and control of the mayor and trustees of the village.

SECTION 2: Title VI, Section 6 of the Charter of the Village of Port Chester is hereby repealed.

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

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
DENNIS PILLA, Mayor  
JOAN MANCUSO, Village Clerk

Adopted: February 21, 2012

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**Presentation: Port Chester Youth Baseball League**

Mayor Pilla said that Peter Pascale is here on behalf of the Baseball League to make this presentation noting that Mr. Pascale is also the Chairman of the Village's Waterfront Commission.

Mr. Pascale notified the Board and the public as the Chairman of the Waterfront Commission there will be a public workshop held regarding the update of the Local Waterfront Revitalization Plan that will be held on February 29, 2012 at 7:30 p.m., in the Senior Center and invited all to attend.

Mr. Pascale presented the proposal of the Port Chester Youth Baseball League for a new baseball field at Lyon Park. He said that this proposed field would solely be for rookie league and t-ball use noting that the field will be smaller than the standard little league sizing which will minimize park space taken; that it will supply a better quality field for t-ball / rookie league games (permanent with better drainage) and a better field will support more games and bring the baseball community closer together (fewer games at King Street School). Mr. Pascale said that the proposal is to build a baseball field in the area between left field of the minors field and the Girl Scout House noting that the proposed areas is utilized

very little by the public / community; that the field can be sized to fit within space since it is not proposed to be full size and the backstop and dugout fencing proposed for protection of kids during games noting that there would be no full field fencing.

Mr. Pascale said that the current t-ball field that is used is closer to the gazebo and has drainage issues and that the proposed new location of the field is slightly larger to accommodate the rookie league.

Mayor Pilla said that the League is just moving the location of the field that is now in Lyon Park.

Mr. Pascale said that is correct but would also allow for the rookie league play.

Trustee Terenzi asked Mr. Pascale if the League is using the ball field at Edgewood Park.

Mr. Pascale said that they do not use Edgewood Park.

Trustee Terenzi inquired if the proposed site in Lyon Park would be permanent.

Mr. Pascale said that the League would like it to be a permanent field and we went before the Park and Recreation Commissions which recommended that they only have temporary cutouts for the bases.

Trustee Terenzi asked how many are in the t-ball and rookie leagues?

Mr. Pascale said that overall there is somewhere between 400 and 500 and 50% to 60% are in the rookie league.

Trustee Terenzi said that he is not in favor of this proposal right now that they should consider using Edgewood Park for this play.

Trustee Kenner asked if the Park and Recreation Commissions asked about using Edgewood Park instead.

Mr. Pascale said that no the Commissions did not and that the League would ask the Board to consider us to at least move the t-ball field to the proposed location and would do it on a temporary basis.

Trustee Didden spoke about parking and traffic concerns in the area where they are proposing the field in Lyon Park near the Girl Scout House.

Mr. Pascale told the Board that they already have three games at the other location in Lyon Park so there will be no additional impact of parking or traffic.

Trustee Terenzi said that one of his concerns is the open space issue at the park.

Mr. Pascale said that they are not trying to establish a brand new field just moving the location of what is there now.

Mayor Pilla asked what would be the next steps on this proposal.

Mr. Cerreto said that if the Board is acceptable with the idea they can move forward that this is a policy decision of the Board.

Trustee Terenzi questioned that the Park Commission had no issue with this proposal.

Heather Paul, a member of the Park Commission said that what was proposed to them was just the move of the field within the park.

Trustee Marino asked what will happen to the other field location.

Mr. Pascale said that it would be filled in and be open space again.

Trustee Didden asked Mr. Pascale if the League would take the new location as a temporary condition.

Mr. Pascale said that yes they would.

Mayor Pilla inquired what would be our next steps on this proposal.

Mr. Cerreto said that the Board would have to adopt a resolution granting permission for this use in the park.

Trustee Terenzi spoke about rookie league and his concerns with foul balls that would go in the area of the Girl Scout House and Putnam Avenue.

Mr. Pascale said that the League would install temporary fences.

Trustee Terenzi said that if the Village gets complaints about the use of this open space that it needs to be addressed.

Mayor Pilla asked Mr. Cerreto to prepare a resolution for the Board's consideration for the next meeting.

Trustee Marino asked how long would the temporary status be for.

Mr. Cerreto told the Board that the agreement with the Baseball League expires next year.

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**Presentation: Nixle**

Mayor Pilla advised the Board that the representative from Nixle regarding replacement system for Reverse 911 could not attend this evening so this presentation will be rescheduled.

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**Public Comments:**

Bea Conetta spoke about the internet publication the Port Chester Patch which is reporting issues with an establishment in the Village called La Dolce Vita where patrons pay to dance with a female. She said that they are reporting incidents that are worse than the Diamond Club. Mrs. Conetta said that something has to be done about establishments like this. There was more discussion on this topic.

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Richard Abel spoke about the proposed resolution regarding the Department of Justice Election matter. He said that it does not hurt to ask them about what can be done about the situation of early voting but questioned if they have jurisdiction on the mayoral election since that is not part of the Consent Decree. There was further discussion amongst the Board on the subject of the 2013 Election the issues regarding the early voting process for the trustee seats and possible consideration of amending the Consent Decree.

Mr. Abel then asked if the resolution to set the public hearing regarding the parking meter zones would increase the enforcement times. The Board explained that this proposed law is for the ability to increase the time limit, specifically for the meters on North Main Street for the Police and Court.

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Gene Ceccarelli said that Mrs. Conetta had mentioned La Dolce Vita but there is something else that is coming to the Village on Main Street called the Glamour Club that will be a cabaret. He said that this is not his vision or the vision of the community for more bars / cabarets in the Village.

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**Resolutions:**

The Clerk presented the first resolution on the agenda to authorize the Village Manager to enter into a retainer agreement for real property appraisal services.

Trustee Terenzi made a motion for discussion, Trustee Marino seconded the motion.

Mayor Pilla said that the Village has been looking at the needs for the Police Department and Village Court and this resolution will allow for appraisal of property.

Trustee Kenner asked where would the funding for this service come from.

Christopher Russo, the Village Manager said that we do not have a specific line that would fund this cost but would be a legal contractual expense.

Trustee Didden said that he would like to look at this at a higher approach of all the needs.

Mr. Russo said that the appraisal would cover numerous parcels.

Mr. Cerreto said that the Board can hold an executive session on this matter to discuss further.

Trustee Didden said that he would vote against this resolution as is because he believes there are other ways that the Board could consider.

Mayor Pilla recommended moving forward on the resolution then the Board could have the executive session at the next meeting. A brief discussion continued amongst the Board on whether to have the executive session before acting on the resolution.

Trustee Kenner made a motion to table the resolution to the end of the meeting, Trustee Didden seconded the motion.

**ROLL CALL**

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

NOES: None

ABSENT: Trustees Brakewood and Branca

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**RESOLUTION AUTHORIZING DISCUSSION WITH THE UNITED STATES DEPARTMENT OF JUSTICE WITH REGARD TO THE 2013 VILLAGE ELECTION**

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

WHEREAS, in the matter of the United States v. Village of Port Chester, the federal court held that the Village of Port Chester 's method of electing Trustees as provided for in its Village Charter violated Section 2 of the Voting Rights Act; and

WHEREAS, after further proceedings, the court granted the Village's preferred remedy, cumulative voting, to replace said method; and

WHEREAS, the parties thereafter entered into a consent decree which is in place for the 2010, 2013 and 2016 Village Elections; and

WHEREAS, said consent decree contains provisions to increase the opportunity for voters to elect the candidate of their choice; and

WHEREAS, said consent decree also provided that the provisions therein may be changed by agreement and court approval; and

WHEREAS, in the upcoming 2013 Village Election, the Mayor's election will also coincide with the election of all six Trustee seats; and

WHEREAS, it is apparent that the combination of these two elections present technical and logistical challenges to the Village Clerk who is responsible for managing the village elections; and

WHEREAS, early voting is one such area, where it is not easily feasible to implement early voting for only the trustee election and that such combination may have unintended adverse consequences on minority voter participation; and

WHEREAS, early voting increased the opportunities for 2,500 additional voters in the 2010 election and therefore seeking to eliminate early voting from the consent decree would not be a viable option. Now, therefore, be it

RESOLVED, that on behalf of the Board of Trustees, the Mayor is authorized to arrange a discussion with the U.S. Department of Justice to determine if there is any interest and/or feasibility of amending the Consent Decree so as to include early voting for the entire 2013 Village Election; and be it further

RESOLVED, that the Village Clerk and Village Attorney be a part of any such discussion and that the Board be provided a written report as the results at its next forthcoming meeting.

**ROLL CALL**

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

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**RESOLUTION IN SUPPORT OF AN APPLICATION BEING  
PREPARED BY THE PACE LAW SCHOOL LAND USE LAW CENTER FOR  
A TRANSIT-CENTERED DEVELOPMENT GRANT**

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

WHEREAS, the Board of Trustees of the Village of Port Chester recognizes that there are inherent benefits in Transit-Centered Development; and

WHEREAS, the Village of Port Chester is a highly urbanized center located strategically in the Tappan Zee corridor, on the New Haven MetroNorth commuter rail line (with nearly 40 daily trains stops at the station), and served by Westchester County Bee-Line Bus System; and

WHEREAS, with only 2.2 square miles, much of the village's downtown commercial center and several commercial corridors are within a half mile of the MetroNorth station; and

WHEREAS, the Village desires to reinforce and enhance the existing mix-used character in the vicinity of the train station through sustainable design to encourage transit oriented development (TOD); and

WHEREAS, the goal of the grant is to review the Village Comprehensive Plan and Zoning Regulation, in the context of the implementation of the plan and subsequent zoning strategies. In addition, existing site plan and subdivision regulations and the current planning and zoning board processes will be reviewed to identify where the Village can make amendments to foster Transit-Centered Development.

WHEREAS, the village is committed to this enhancement and improvement in its nearly completed revisions of its comprehensive plan and the zoning amendments that will follow, particularly new provisions that relieve traffic congestion, update parking requirements, and encourage walking and cycling; and

WHEREAS, all of this will enhance the inherent transit orientation of the station area; and

WHEREAS, in the development of the comprehensive plan, the village collaborated with all interested community organizations and will continue to do so with the work undertaken through this grant; and

WHEREAS, the Village is interested in seeing that the sustainability standards and protocols implemented through this grant incorporate local culture and arts; and

WHEREAS, incorporation of sustainability standards from the LEED-ND rating system is highly compatible with the planning objectives and historical development of the village;

NOW, THEREFORE, BE IT RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby supports the grant application being prepared by Pace Law School Land Use Law Center, serving as consultant to the Village seeking to receive \$40,000.00 in funding from the One Region Funders' Group Tri-State Transportation Campaign Transit-Centered Development Grant Program.

ROLL CALL

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

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SETTING PUBLIC HEARING ON CHAPTER 319  
VEHICLE AND TRAFFIC WITH REGARD TO  
PARKING METER ZONES AND TIME LIMITS

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

RESOLVED, that a public hearing is to be held on March 5, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend Chapter 319 of the Code of the Village of Port Chester with regard parking meter zones and time limits.

ROLL CALL

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

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Discussion:

Mayor Pilla said that there is a discussion item regarding the Sanitary Sewer Rent Project and Mr. Russo will update the Board on this proposal.

Mr. Russo notified the Board that since their meeting with the water company the Village has provided them with a cd of all the property parcels. He said that Leonie Douglas, the Village Treasurer is working with the General Foreman on the costs and she is working to provide the information for the Enterprise Fund. Mr. Russo said that the Water Company's legal department is working on the document IOU.

The Board discussed with Mr. Russo the costs, including the capital aspects and other matters related to the Sanitary Sewer Rent Project. Mr. Russo informed the Board that the Village is on target on their end and is waiting on the Water Company which is the agreement and the water use information.

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Reports:

The Clerk presented a report from Brooksville Engine & Hose Co. #5 on the election to active membership of Mehdi El Messoussi.

The Board noted the action taken by Brooksville Engine & Hose Co. #5.

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The Clerk presented a report from Washington Engine & Hose Co. #4 on the election to active membership of John Indiveri.

The Board noted the action taken by Washington Engine & Hose Co. #4.

\*\*\*\*\*

The Clerk presented a report from Harry Howard Hook & Ladder Co. #1 on the election to active membership of Reynaldo Sanchez.

The Board noted the action taken by Harry Howard Hook & Ladder Co. #1.

\*\*\*\*\*

Correspondence:

The Clerk presented correspondence from Gene Ceccarelli on his resignation as the alternate of the Waterfront Commission.

The Board noted Mr. Ceccarelli resignation stating that pursuant to a resolution that the Board adopted at an earlier meeting he now is a full member of the Waterfront Commission.

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**Public Comments:**

Richard Abel spoke about the sewer district discussion that the Board held with the Manager and that it appears that these costs would be assessed through user fees. He said that these user fees will not be deductible on your income tax which could burden the single family owners. Mr. Abel said that he believes assessing user fees is fair and equitable but that this project and the outcome needs to be explained to the public.

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**Board Comments:**

Trustee Terenzi noted the passing of former Mayor Peter Iasillo. He said that he spent five years on the Board with Mayor Pete and remained friends beyond the Board of Trustees. Trustee Terenzi said that he and his family has known the Iasillo family and spoke about Peter's father and their family business. He extended his thoughts to the Iasillo family and that Mayor Pete will always be fondly remembered.

\*\*\*\*\*

Trustee Didden also spoke about great memories he has of Mayor Iasillo including the bed races that were held in the Village that Mayor Pete oversaw. He said that he was the fabric of our community.

Trustee Didden said that the Board has received a letter from the Port Chester Board of Education regarding development and asked that the Village Attorney review this letter and advise the Board.

Trustee Didden told the Board that he and Mayor Pilla were guest of the BAR Association luncheon today and they had a discussion about building department process and code enforcement. He said that he had proposed legislation regarding certificates of occupancies and other legislation that did not go forward by this Board which led to continued discussions with the BAR and staff. Trustee Didden said that we need to focus on management and asked for a focus policy discussion from the top down for policy of all departments that relate to building and code. He said that we are getting calls from property owners on issues noting that we cannot break the law or look the other way but we need to define structures regarding property owners that did not generate these issues. Trustee Didden said that we need to really focus and pass some legislation and asked for a series of special meetings with the senior department heads. He also spoke about an approach for the Zoning Board of Appeals to expedite the ZBA process whether it be additional meetings of the Zoning Board but we would need to speak to the Zoning Board on these topics. Trustee Didden said that he would like the Board to set a target to have a public hearing on legislation for the middle of April.

Mayor Pilla said that before we can set a public hearing the Board would need a law to consider and that there is not one yet.

Trustee Didden said that he is asking for this target date because these issues have not moved forward and wants a continuation of the discussion with a time frame to act. More discussion was held between Trustee Didden and Mayor Pilla on this subject.

\*\*\*\*\*

Trustee Marino expressed his condolences to the Iasillo family noting that he attended Pete Iasillo's wake and stated what a good man he was. Trustee Marino commended the Port Chester Police Department on the arrest of a suspect in the recent stabbing / death of a man on Poningo Street.

\*\*\*\*\*

Trustee Kenner also expressed his condolences on the passing of former Mayor Iasillo. He said that he has reported to staff the situation of a utility pole located on the corner of Westchester Avenue and South Regent Street that is leaning and that Con Edison has indicated that it is structurally sound and they would charge us to correct the situation.

Mr. Russo said that Con Edison fixed a utility pole in the same situation because it had a transformer on it but since this particular pole does not have a transformer it is low on the list.

Trustee Kenner said it seems that is the reason is just because we are Port Chester and in other communities it would be fixed.

Trustee Didden said that the intersection that Trustee Kenner is speaking about should also be looked at for a turn lane from South Regent Street onto Westchester Avenue and if that is done that particular pole may have to be moved.

\*\*\*\*\*

Mayor Pilla said that he agrees with Trustee Didden's comments that we need to teak zoning process. He stated that more urgently we need to consideration enhancing the compliance process for planning, zoning and building code violations which was discussed at the last meeting in the presentation from J. Michael Divney and John Nolan.

The Mayor spoke about next year's budget process and has concerns regarding police adjustment.

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**Executive Session:**

At 10: 20 p.m., Trustee Didden made a motion for an executive session regarding real property, Trustee Marino seconded the motion. Included in the executive session were the Village Manager, the Village Attorney and the Assistant Village Manager.

**ROLL CALL**

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

No action was taken in the executive session.

At 10:27 p.m., Trustee Didden made a motion to close the executive session, Trustee Marino seconded the motion.

ROLL CALL

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

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Resolution:

Trustee Didden made a motion to bring back the resolution regarding the retainer agreement for real estate appraisal services, Trustee Kenner seconded motion.

ROLL CALL

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

RETAINER AGREEMENT REAL ESTATE APPRAISAL SERVICES

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

WHEREAS, the Village of Port Chester is considering acquisition of real property for public use; and

WHEREAS, appraisal services are required to initiate acquiring real property; and

WHEREAS, the Village staff are seeking competitive proposals for such services. Now, therefore be it

RESOLVED, that the Village Manager be authorized to enter into a retainer agreement with Lane Appraisals, Inc., 178 Myrtle Boulevard, Larchmont, NY 10538 for professional real estate appraisal services for a sum not to exceed \$12,000.00.

ROLL CALL

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

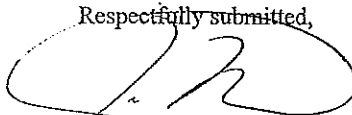
\*\*\*\*\*

There being no further business, on motion of Trustee Didden, seconded by Trustee Kenner the meeting was closed at 10:30 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso  
Village Clerk

MEETING HELD FEBRUARY 28, 2012

A special meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, February 28, 2012 at 6:00 P.M., in the Village Hall Conference Room, 222 Grace Church Street, Port Chester, New York, with Deputy Mayor Joseph Kenner presiding.

Present in addition to Deputy Mayor Kenner, were Trustees Daniel Brakewood, Bart Didden and Luis Marino.

It should be noted that Trustees Saverio Terenzi and John Branca arrived at 6:06 P.M. and Mayor Dennis Pilla arrived at 6:30 P.M.

Also present were Village Manager, Christopher Russo, Assistant Village Manager/Director of Code Enforcement, Christopher Steers, Village Attorney, Anthony Cerreto, Director of Planning and Development, Christopher Gomez and Deputy Village Clerk, Jacqueline Johnson.

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At 6:00 p.m., Trustee Didden made a motion to open the meeting, Trustee Marino seconded the motion.

ROLL CALL

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

At 6:00 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for the following:

1. Consult with Brian S. Sokoloff of Sokoloff Stern LLP, and Village Attorney regarding the matter of Dolores Gonzales v. the Village of Port Chester.  
No action was taken in executive session.
2. Consult with Village Attorney, Director of Code Enforcement, and Director of Planning and Development regarding Code Enforcement Legal Strategy. No action was taken, but was discussed to meet again on March 6, 2012 to discuss the amnesty program and to draft legislation to start on March 16, 2012.

After the motion and vote to open the executive session, Trustees Branca and Terenzi arrived at 6:06 P.M. and Mayor Pilla was reached by cellular telephone and then arrived at 6:30 P.M.

Trustee Marino made a motion to close the executive session at 7:40 p.m., Trustee Didden seconded the motion. The public portion of the meeting was reopened at 7:41 p.m.

ROLL CALL

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

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Mayor Pilla said that we will continue with the agenda with a work session with Rose Noonan of the Housing Action Council to discuss the housing rehabilitation program to revitalize the neighborhood.

Trustee Didden asked about the status of the CDBG block grant. Mayor Pilla answered that some of the CDBG money that was originally awarded to Port Chester was reallocated to the County to administer other programs, but Port Chester will have \$800,000.

Rose Noonan asked the Board how they would like to use the funds and suggested one of the eligible uses of the money could be used for owner occupied, landlord or both. Mayor Pilla said that he would prefer owner occupied. Trustee Brakewood said that he would like it to be owner occupied.

Trustee Brakewood commented that the focus should be on condensing and reverting back from a three family house to a single family house because places that were built to be a single family home are now two to three family homes. Trustee Brakewood also commented that if the Village has \$800,000, then we should also look for people who would not normally move into this area.

Mayor Pilla commented that reverting a three family house to a single family would be a different program. Trustee Branca commented that he does not think the property owner would revert back from a three family to a single family home and thinks that the money should be used to have every house up to code compliance. Christopher Steers, Assistant Village Manager / Director of Code Enforcement also agreed with Trustee Branca to use the money to bring houses up to code compliance including electrical, smoke alarms, etc.

Trustee Didden said that some property owners do not have the money to get their house up to code compliance and we should come up with a short term lending facility as long as the house has equity in it, so that the house can sell with a valid C.O. (certificate of occupancy.) Trustee Kenner asked who would administer the program.

Rose Noonan suggested that another entity with a fee could administer the short term lending program. Rose Noonan also commented that she can do a housing rehabilitation program with code enforcement.

Trustee Brakewood asked if this could be in conjunction with the Code Enforcement Amnesty program. Mr. Steers said yes. Trustee Marino commented that he does not want owners who committed the illegal additions to be eligible for an amnesty program.

Trustee Branca asked Mr. Steers if the money could be used for a façade program. Chris Steers said yes. Mayor Pilla commented that there would be likely many applicants to afford loan. Trustee Marino commented that we should target low income property owners and come up with a simple policy.

Trustee Brakewood commented that the loan program would not be a good idea and thinks that it should be an amnesty grant program. Mayor Pilla commented that a large number of Port Chester homes are having problems and thinks it should be a code amnesty program and not a forgivable loan program.

Trustee Didden commented that if they give the money away, then they would only be helping a small amount of properties.

Rose Noonan commented that they could target a certain area in order to make an impact. Mayor Pilla commented that it should be neighborhood based, fixing illegal conditions, and code compliance and prioritize life safety.

Mayor Pilla asked Rose Noonan to come back to the Board in a couple of weeks with a model showing the different types of programs that were discussed. Rose Noonan said that she will come back to the Board with a model program.

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There being no further business, on motion of Trustee Branca, seconded by Trustee Marino the meeting was closed at 8:46 p.m.

ROLL CALL

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

NOES: None

ABSENT: None

Respectfully submitted,



Jacqueline Johnson  
Deputy Village Clerk

MEETING HELD MARCH 5, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, March 5, 2012 at 6:30 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Police Chief Joseph Krzeminski.

\*\*\*\*\*

On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was opened at 6:30 p.m.

ROLL CALL

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

\*\*\*\*\*

Executive Session:

At 6:30 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for consultation with Labor Counsel and Village Attorney with regard to a particular personnel matter. Included in the session were the Village Manager and the Police Chief.

ROLL CALL

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

No action was taken in the executive session.

At 6:57 p.m., on motion of Trustee Didden, seconded by Trustee Kenner, the executive session was closed.

ROLL CALL

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

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Executive Session:

At 6:57 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session to interview a candidate for the Planning Commission.

ROLL CALL

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

No action was taken in the executive session.

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

ROLL CALL

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

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Before the next item on the agenda, the Board had a moment of silence for the passing of former Mayor Peter Iasillo.

Mayor Pilla spoke about the latest bond rating that the Village has received from Moody's which assigned us an Aa3 rating. There was further discussion by the Board on what they have done over the last year to help with this bond rating.

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**Public Hearing: Chapter 319 "Vehicle and Traffic"**

The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Westmore News on February 24, 2012 and Monday, February 27, 2012 in the Journal News, certified by Angelia Brescia, Office Manager of the Westmore News and by Cecilia Hernandez, Principal Clerk of the Journal News.

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, March 5, 2012, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester, Chapter 319 "Vehicle and Traffic" Section 319-33 "Parking Meter Zones and Parking Meters and Section 319-87 of Schedule XXVI " Parking Meter Zones".

Interested persons will be afforded the opportunity to be heard at this time. The proposed local law is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com)

JOAN MANCUSO  
Village Clerk

Dated: February 27, 2011

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

ROLL CALL

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

Mayor Pilla said that this local law would change the parking restrictions in front of the Court on North Main Street from 2 hour limit to 4 hour limit to help people that have to attend court not to worry about not being able to feed the meters. He asked if anyone from the audience would like to comment. The Mayor recognized Goldie Solomon.

Ms. Solomon asked if this law is going to help the citizens and taxpayers of the community. She noted that we are a restaurant community and going out to eat takes time and that it is hard to find parking downtown but noted that the Marina Parking lot is free.

Trustees Marino and Kenner noted that this law is just affecting two blocks on North Main Street in front of Police Headquarters and the Court.

Ms. Solomon asked if this will help.

The Mayor said that this change will make it a more inviting experience for anyone coming to court. He recognized Richard Abel.

Mr. Abel spoke about the proposed law and that brackets indicate what is being removed but on page 2 Section B there is a beginning bracket but no end bracket.

Anthony Cerreto, the Village Attorney confirmed what is being removed from this section everything up to the new language which is underlined.

Mr. Abel then spoke about the language in the law that speaks about the parking requirements between the hours of 7:00 a.m. and 7:00 p.m. and thought that enforcement was only until 6:00 p.m. He said that he does not want extended hours of enforcement.

The Mayor spoke on that and said time of enforcement is not changing.

Mr. Cerreto said that the law is accomplishing two things housekeeping of this section which was reviewed by our municipal law contractor, General Code and changing the two hour meters on North Main Street in front of the Police and Court to four hour meters.

Mr. Abel said that he is not in favor of 12 hour time zones for the enforcement of 2 hour meters.

Mayor Pilla asked if there was anyone else from the audience who would like to speak on this proposed law. He recognized William Giangrande.

Mr. Giangrande spoke about jaywalking and pedestrian crossings downtown.

The Mayor told Mr. Giangrande that this hearing is only on the change to the parking meters and that he could speak on the other topic during the public comment section.

Trustee Brakewood said that he understands that this will increase the parking time of the meters for people that need to go to court but that he would like the processes of the court to take less time so people can get through the court faster.

Police Chief Joseph Krzeminski told the Board that Port Chester besides the traffic court has a very busy criminal court calendar which process does take longer and this will help with families and others coming to court.

Mayor Pilla asked if there were any further comments from the Board or the public. There was none so he asked for a motion to close the hearing.

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

ROLL CALL

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

On motion of Trustee Didden, seconded by Trustee Kenner and approved, the following Local Law No. 2, 2012 was adopted:

ROLL CALL

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

Be it enacted by the Board of Trustees of the Village of Port Chester, New York as follows:

A LOCAL LAW AMENDING CHAPTER 319  
OF THE CODE OF THE VILLAGE OF PORT CHESTER  
WITH REGARD TO PARKING METER ZONES AND TIME LIMITS

SECTION 1. Chapter 319, Vehicles and Traffic, Section 319-33 of the Code of the Village of Port Chester is amended as follows:

§ 319-33. Parking meter zones and parking meters.

- A. In the parts of the highways and municipal parking lots in the Village of Port Chester described in Schedule XXVI (§ 319-87) and established as parking meter zones, parking meters and multi-space meters shall be installed, operated, maintained, policed and supervised. Where signs are erected or curbs or the bed of streets are painted giving notice thereof or parking meters are installed in such parts of said highways and lots, and except in an emergency or in compliance with the direction of a peace officer or traffic control signal or sign, no vehicle shall be parked [on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and 7:00 p.m. for more than two hours, 12 hours or as otherwise specified, except Sundays and holidays] longer than the time limit indicated on the days and during the hours specified in Schedule XXVI. Additional locations and parking restrictions may be adopted by resolution of the Board of Trustees and added to Schedule XXVI.
- B. [No vehicle shall be parked on Monday to Friday, both inclusive, between the hours of 9:00 a.m. and 4:00 p.m. for more than seven hours or as otherwise specified, except Saturdays, Sundays and holidays, on the streets enumerated in Schedule XXVI, Subsection D (§ 319-87D)] Parking meter rates are set forth in Chapter 175, Fees.
- [C. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and 7:00 p.m. for more than two hours, 12 hours or as otherwise specified, except Sundays and holidays, in the locations enumerated in Schedule XXVI, Subsection E (§ 310-87E). ]

SECTION 2. Chapter 319, Vehicle and Traffic, Section 319-87 of the Code of the Village of Port Chester is amended as follows:

§ 319-87. Schedule XXVI: Parking Meter Zones.

- A. Two-hour limit. Parking meter zones are hereby established pursuant to § 319-33[A] on the following streets [for the parking of vehicle for not more than two hours at a rate as set forth in Chapter 175, Fees]. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and 7:00 p.m. for more than two hours, except Sundays and holidays.

.....  
B. Twelve-hour limit. Parking meter zones are hereby established pursuant to § 319-33[A] on the following streets [for the parking of vehicles for not more than 12 hours at a rate as set forth in Chapter 17, Fees]. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and 7:00 p.m. for more than 12 hours, except Sundays and holidays.

.....  
C. Parking lot use [7:00 a.m. to 7:00 p.m. Monday through Saturday except Sundays and holiday, parking meter zones are hereby established pursuant to § 319-33A on the following parking lots for the parking of vehicles for not more than the time limit specified at the rate specified in Chapter 175, Fees]. Parking meter zones are hereby established pursuant to § 319-33 on the following parking lots. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and 7:00 p.m., for longer than the time limit specified below, except Sundays and holidays.

.....  
D. Seven-hour limit. Parking meter zones are hereby established pursuant to § 319-33[B] on the following streets [for the parking of vehicles for not more than seven hours at a rate as set forth in Chapter 175, Fees]. No vehicle shall be parked on Monday to Friday, both inclusive, between the hours of 9:00 a.m. and 4:00 p.m. for more than seven hours, except Saturdays, Sundays and holidays.

.....  
E. Parking lot use [7:00 a.m. to 7:00 p.m.]. Parking meter zones are hereby established pursuant to § 319-33[C] on the following parking lots [for the parking of vehicles for not more than the time limit specified at the rate specified in Chapter 175, Fees]. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and 7:00 p.m., for longer than the time limit specified below, except Sundays and holidays.

.....  
F. Four-hour limit. Parking meter zones are hereby established pursuant to § 319-33 on the following streets. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 9:00 a.m. and 6:00 p.m. for more than four hours except Sundays and holidays.

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

Adopted: March 5, 2012

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
DENNIS PILLA, Mayor  
JOAN MANCUSO, Village Clerk

The Clerk noted that along with this public hearing there is a resolution that will affect the change to the parking meter times as discussed.

VEHICLE AND TRAFFIC AMENDMENT  
SCHEDULE XXVI, SECTION 319-87 PARKING METER ZONES

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

RESOLVED, by the Board of Trustees of the Village of Port Chester that traffic regulations, Schedule XXVI "Parking Meter Zones" Subsections 319-87A and 319-87F are hereby amended.

Section 319-87A, "Parking Meter Zones – Two (2) Hour Limit

**Delete:**

Name of Street	Side	Location
North Main Street	Both	From the Railroad Bridge at Horton Avenue north to Rectory Street

Add:

Name of Street	Side	Location
North Main Street	Both	From the Railroad Bridge at Horton Avenue north to Wilkins Avenue

Section 319-87F, "Parking Meter Zones – Four (4) Hour Limit

Add:

Name of Street	Side	Location
North Main Street	Both	From Wilkins Avenue north to Rectory Street

ROLL CALL

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

\*\*\*\*\*

**Presentation:**

Mayor Pilla noted that a presentation was scheduled with a representative from Nixle regarding their system for Reverse 911. He said that this presentation was rescheduled from the last Board meeting but the representative could not make it this evening due to illness.

Trustee Didden said that the Board has received the presentation information which spells out the system and proposal so is a presentation necessary or can the Board go forward with the proposal.

The Mayor said that there are two aspects to what is being offered a free aspect of the program and a paid aspect. He spoke further about the aspects of the Reverse 911 Program.

Trustee Kenner said that he would recommend that the presentation be made.

Mayor Pilla agreed and said that this will be brought back for another meeting date.

Trustee Branca asked Police Chief Krzeminski if DEA Funds could be used for the cost of this system.

Chief Krzeminski said no it cannot because DEA Funds can only be used for crime fighting.

\*\*\*\*\*

**Public Comments:**

William Giangrande spoke about locations where jaywalking is high and that cars are running red lights. He said that something needs to be done about these situations.

Mayor Pilla told Mr. Giagrande that the Police Chief has instructed the bike patrol officers on this matter.

Mr. Giangrande told the Board that they should use red light cameras to catch people that run red lights.

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Goldie Solomon said that this is the United States of America and that we are all Americans in the United States even though we may not be United States citizens. She said that our Village is a low to moderate income community and that we have more off the tax rolls then our more affluent neighbors. Ms. Solomon said that one major problem in the Village is that we have lots of empty stores and houses for sale which are not selling because our taxes are too high. She told the Board that when they do the budget that we need our police, fire and public works but that they have to remember that our taxes have to be lowered. Ms. Solomon said that we cannot afford it that people are struggling to stay in their homes and pay their bills. She concluded her comments noting that we are a very diverse community.

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John Giangrande spoke about a vehicle accident that occurred on the Post Road between Dunkin Donuts and McDonalds. He said that cars speed from the bottom of King Street to King Street School and something needs to be done so that their speeding is reduced.

Police Chief Krzeminski commented that there is extensive speed enforcement by the police on King Street.

Mayor Pill and Trustee Brakewood noted that a large percentage of speeding tickets are issued on King Street.

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Richard Abel questioned the proposed scofflaw that states that it is amending the law but it appears that this is a brand new law.

Mr. Cerreto said that this proposed law will replace what we have currently and spoke on the focus of the law.

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Mario Karas asked if a traffic consultant is going to be used regarding the stop signs on Quintard Drive. He spoke further about the installation of these signs which he is against and that most of the neighbors were not aware that these signs were going in until they were put up.

The Board further discussed the situation regarding the stop signs on Quintard Drive with Mr. Karas and that they have received positive comments from neighbors that they were installed. It was noted by the Board that they are not in favor of paying a traffic consultant to review this situation.

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**Resolution: Police**

The Clerk presented a resolution for setting a public hearing for a local law regarding enhanced Parking Ticket Scofflaw Program.

Trustee Didden made a motion for discussion, Trustee Branca seconded the motion.

The Board discussed this proposal amongst themselves and with staff which would allow for the booting and/or towing of vehicles that the registered owner had a combined total of three or more outstanding tickets on any of the vehicles that are registered to the owner.

Mayor Pilla and Trustee Didden spoke about the unintended consequences of this proposal for example parents who have vehicles registered in their names which their children drive.

The Mayor asked what other municipalities does this in New York.

Mr. Cerreto said the City of Syracuse.

Mayor Pilla said that he is not in support of this proposal.

Trustee Didden said that this proposal came from a discussion from the Police Department where they advised that vehicle owners are dropping the plates on cars that have outstanding tickets and then they get different plates bypassing the current law. He said that the proposed law also has a provision that notice would be sent to anyone who may be affected by the new law.

There was further discussion on the proposed parking scofflaw program.

The Clerk noted that a date for the hearing was not included in the resolution.

Trustee Didden made a motion to amend the resolution that the hearing date would be March 19, 2012, Trustee Branca seconded the motion.

**ROLL CALL**

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

NOES: Trustee Terenzi

ABSENT: None

**RESOLUTION TO SET PUBLIC HEARING ON A LOCAL LAW  
AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE  
OF PORT CHESTER WITH REGARD TO THE  
PARKING SCOFFLAW PROGRAM**

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

RESOLVED, that the Board of Trustees hereby schedules a public hearing on March 19, 2012 to consider the advisability of adopting a local law amending Chapter 319 of the Village of Port Chester, "Vehicles and Traffic", with regard to the parking scofflaw program.

ROLL CALL

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

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**Resolution: Community Development**

The Clerk presented the next resolution to establish a subcommittee in regards to the community residences by the New York State Padavan Law.

Trustee Didden made a motion for discussion, Trustee Marino seconded the motion.

The Board discussed this proposal noting that at a prior meeting regarding the subject of community residences it was recommended that a subcommittee be formed in order to bring forth an approach that can be provided to our State Senator and Assemblyman to propose reform legislation on the Padavan Law. Further discussion was held to include a time frame for the subcommittee and who on the Board would be members.

Trustee Kenner made a motion to amend the resolution that the subcommittee would come back to the Board of Trustees within ninety (90) days and that the members would be Trustees Didden and Branca and Mayor Pilla, Trustee Didden seconded the motion.

ROLL CALL

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

RESOLUTION ESTABLISHING A SUBCOMMITTEE OF THE  
BOARD OF TRUSTEES TO DEVELOP AN ADVOCACY  
POSITION FOR A LEGISLATIVE REMEDY WITH REGARD  
TO COMMUNITY RESIDENTIAL FACILITIES

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

WHEREAS, in 1978, the New York State Legislature enacted legislation with regard to the location of community residential facilities, contained in Mental Hygiene Law, Section 41.34, and popularly known as the Padavan Law, named after its sponsor, Assemblyman Frank S. Padavan of Queens; and

WHEREAS, pursuant to this statute a sponsor of a community residential facility must notify the municipality where the facility is to be established which then has forty days to either approve the site, suggest one or more suitable sites within its jurisdiction which could accommodate such facility, or object to the proposed facility; and

WHEREAS, the sole ground that a municipality can base an objection is that the proposed community residential facility would result in such a concentration of such facilities in the municipality or in the area in proximity to the site or a combination of such facilities

with other community residences or similar facilities licensed by other agencies such that the nature and character of the areas within the municipality would be substantially altered; and

WHEREAS, the statutory standard for opposition to such a facility is so elastic that it defies interpretation in favor of a municipality's legitimate concerns; and

WHEREAS, the statute does not allow for any consideration of the financial impact of the facility, which real property is tax-exempt; and

WHEREAS, the statute does take into account the often not-insignificant financial resources of the operators of such facilities; and

WHEREAS, the Village of Port Chester, already the second most-dense municipality in Westchester County, has a disproportionate number of all such community residential facilities compared to its more affluent neighbors whose relative high property values works against the establishment of such facilities in their communities; and

WHEREAS, given severe fiscal constraints, there is even less incentive for the State to provide assistance to prospective operators of community residential facilities in these wealthier municipalities thereby exacerbating the already inequitable distribution of facilities within the County and further depriving persons who are developmentally disabled from residing in the communities of their choice; and

WHEREAS, the Board has opposed the location of further community residential facilities and last litigated a matter at significant expense through the appellate courts without success; and

WHEREAS, in the 34 years that the Padavan Law has been in effect, the Board has been advised that no municipality has successfully opposed the location of a community residential facility in New York State; and

WHEREAS, a public hearing was held on February 21, 2012 where the public provided comment to the Board of Trustees; and

WHEREAS, following such hearing, and on due deliberation, it is evident that while the subject of community residential facilities may be a complex subject, a legislative remedy is the appropriate approach. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby establishes a sub-committee, consisting of TRUSTEE DIDDEN, TRUSTEE BRANCA and MAYOR PILLA, to deliberate and formulate a recommended approach within ninety (90) days for the Board's consideration to forward to State Senator Suzi Oppenheimer and State Assemblyman George Latimer in their efforts to propose reform legislation; and be it further

RESOLVED, that such sub-committee's meetings shall be open to the public.

#### ROLL CALL

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

NOES: None

ABSENT: None

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**Resolution: Redevelopment**

**RESOLUTION AUTHORIZING A REVOCABLE LICENSE  
AGREEMENT WITH THE PORT CHESTER INDUSTRIAL  
DEVELOPMENT AGENCY**

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

WHEREAS, pursuant to General Municipal Law, Section 900-a, the Village of Port Chester Industrial Development Agency ("IDA") is established for the accomplishment of the purposes specified in Article 18-A of the General Municipal Law; and

WHEREAS, the IDA has recently been highly active in promoting economic development activity in the Village; and

WHEREAS, with the Village's appointment of a full-time Planning Director, the Village and the IDA have the opportunity to work cooperatively and synergize their efforts; and

WHEREAS, as part of an internal restructuring process, the Village and IDA wish to formalize the IDA's use of space and equipment at Village Hall.

Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to execute a revocable License Agreement with the Village of Port Chester Industrial Development Agency (in substantially the form attached hereto) with regard to the use of space in the Village Hall for a term of five years, compensation to be \$15,000 payable in advance.

**ROLL CALL**

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

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**Resolution: Recreation**

The Clerk presented the next resolution to grant permission to the Port Chester Youth Baseball League for the use of Lyon Park for T-Ball and Rookie play for the 2012 Season.

Trustee Didden made a motion for discussion, Trustee Terenzi seconded the motion.

The Board discussed this proposal regarding the location of this field and raised some concerns that rookie play will be held at this location. Also discussed was why the ball field at Edgewood Park is not being considered.

Mr. Russo said that discussions were held with the League on these issues and it was emphasized to them of the consideration to use Edgewood Park but the League indicated that they want to contain all their programs at Lyon Park and that Edgewood Park was not acceptable due to its condition, location and lack of parking.

Peter Pascale from the League was in the audience and the Board discussed Edgewood Park and their concerns regarding the rookie play at the proposed location in Lyon Park. Mr. Pascale expressed the reasoning of the League that the past t-ball area that had been used in Lyon Park had issues with drainage so this alternate site was proposed and that the

League would like to also use this area for the rookie play that has been held at King Street School. More discussion continued regarding the level of play at Lyon Park and the Board recommended that the League consider using Edgewood Park for the rookie play which may increase participation in the League from the area of the Village closer to Edgewood Park. Mr. Pascale said that if the rookie play would not be allowed at the proposed new area in Lyon Park along with the t-ball then they would most likely continue holding the rookie play at King Street School.

Trustee Terenzi made a motion to amend the resolution to removal the language regarding limited rookie play from the resolution, Trustee Kenner seconded the motion.

ROLL CALL

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

RESOLUTION DESIGNATING AREA FOR THE PORT CHESTER YOUTH  
BASEBALL LEAGUE TO CONDUCT T-BALL IN LYON PARK FOR THE  
2012 SEASON AS PART OF THE RECREATION DEPARTMENT'S YOUTH  
ATHLETIC PROGRAM

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

WHEREAS, the Village of Port Chester and the Port Chester Youth Baseball  
League's agreement for the use of Lyon Park is a notable example of a successful public-  
private partnership in the area of youth athletic programs for the benefit of Village residents;  
and

WHEREAS, the agreement anticipated the additional use of Lyon Park for T-Ball for  
younger players; and

WHEREAS, the League has petitioned the Village for permission to conduct such  
play at a designated location near the existing ball field; and

WHEREAS, this matter has been reviewed by the Park Commission and Recreation  
Commission who are generally supportive of such request; and

WHEREAS, the agreement between the Village and the League will be expiring at the  
end of this year. Now, therefore; be it

RESOLVED, that the Board of Trustees hereby grants permission to the Port Chester  
Youth Baseball League to conduct T-Ball at the requested designated location in Lyon Park  
for the 2012 Season as part of the Recreation Department's Youth Athletic Program.

ROLL CALL

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

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**Add-On Resolution: Senior Center**

Mayor Pilla said that he has a resolution for the Board's consideration to add to the agenda at this time. He said that the Port Chester Council for the Arts has requested to hold their spring production in our Senior Center and this resolution would allow for the waiving of the rental fee for the facility.

There being no objections, on motion of Trustee Didden, seconded by Trustee Marino the indicated resolution was added to the agenda for discussion.

**ROLL CALL**

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

NOES: None

ABSENT: None

Mayor Pilla spoke about the programs that the Art Council does for the Village and the community and that they would pay the cost for the janitorial services for the dates that they would use the facility.

Trustee Brakewood also spoke on this proposal and that the Council has been working with the Senior Director on their request for this use.

The Board discussed the proposal of waiving the rental fee and has this been done in the past and the effect this would have on future requests.

The Mayor said that he is in favor of waiving the fee for this organization and asked that the current policy for the Senior Center be reviewed by staff regarding not for profits requests.

**PORT CHESTER COUNCIL FOR THE ARTS  
SPRING PRODUCTION**

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

WHEREAS, the Port Chester Council for the Arts (the "Council") is very active in the community, and works closely with the Village and schools in many areas, including day camp and after school programs, visual and performing arts education and productions; and

WHEREAS, the Council's production of "Almost Maine" will provide the community with several benefits, including the recreational enjoyment of participating in the production, and the broader and more passive enjoyment for the community at large to come enjoy the performance; and

WHEREAS, the Council has requested the use of the Village's Senior Center and will pay for the janitor, thereby no significant external costs for the Village. Now, therefore be it

RESOLVED, that in consideration of the above benefits, the Board hereby waives the rental fee for the Port Chester Council for the Arts to use the Senior Center for its production of "Almost Maine".

**ROLL CALL**

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

NOES: None

ABSENT: None

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**Correspondence:**

The Clerk presented correspondence from the Churches of Our Lady of the Rosary and Corpus Christi requesting permission for a procession from Corpus Christi Church on Good Friday, April 6<sup>th</sup> to Don Bosco Place along with the closing of Don Bosco Place from Purdy Avenue to Beech Street for their closing service.

The Board of Trustees referred this correspondence to staff subject to any conditions.

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**Discussion: Mandate Relief Commission**

Mayor Pilla said that he had placed this matter on the agenda as a discussion because Governor Cuomo has established a Mandate Relief Commission to look at ways to reduce property taxes and school taxes. He said that this Commission wants to hear from communities by resolution and that he has two items that he would like to be considered with the first item being payment for services from non-profits and consideration of electronic auctions. The Mayor asked the Board to put forth any ideas for consideration that could also be included.

Trustee Didden asked if there is a list of the current mandates.

Mayor Pilla said that the current mandates are a large number and that the New York Conference of Mayors (NYCOM) has the list.

Trustee Kenner asked what is NYCOM's position regarding a new tier 6 for employees.

The Mayor said that NYCOM is in favor of that proposal.

Trustee Kenner said that he is in favor of this new tier also.

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**Discussion: Board Sub-Committees**

Mayor Pilla said that there has been a number of Board Subcommittees like the School Liaison and Library Subcommittees and that he is looking for Board members for the Police Subcommittee which could meet on a monthly basis. The Mayor suggested Trustees Terenzi and Didden for the Police Subcommittee since they work locally.

The Board briefly discussed the Police Subcommittee and it was noted that Trustee Didden and Mayor Pilla are members of the School Liaison Subcommittee and that Trustees Brakewood and Marino and Mayor Pilla are the members of the Library Subcommittee.

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**Public Comments:**

Jennifer Nates of Quintard Drive spoke about the stop signs on this road. She said that she had spoken to Trustee Didden and exchanged emails with the Mayor and asked why is this still going on. Ms. Nates said that she wants the safest response and thought a traffic consultant was going to review this situation noting that cars are not stopping.

There was discussion on this matter between Ms. Nates and the Board.

Police Chief Krzeminski stated that the Police Department did not recommend the installation of stop signs but had suggested the placement of the flashing speed signal.

Trustee Branca noted that the Board received a petition of the neighbors on Quintard Drive requesting the stop signs. He said that the Board enacted the law and that it needs to be enforced by the Police Department.

Ms. Nates said that she is asking for an objective review of what is the safest situation because she is not an expert and neither is the Board.

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Gene Ceccarelli spoke about a sign located on a fence of someone's property across from Village Hall.

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**Board Comments:**

Trustee Brakewood expressed his condolences to the Capeci family on the passing of Amil Capeci the son of Anne Capeci who is a long time member of the Port Chester School Board and the Rye Town Court Clerk. He said that her son Amil was highly regarded in the magazine industry and his passing was tragic for their family.

Trustee Brakewood asked the Mayor if more data is coming from Complus so he could prepare an additional analysis regarding parking tickets.

The Mayor said that they will provide the data requested.

Trustee Brakewood noted that the Board received in their packages a depiction of an updated street sign for the downtown area that includes the Village logo. He asked when these signs would be going in.

Mr. Russo said that if the Board is of a consensus to go forward with these proposed street signs which will be white with black lettering and the logo would be in color then it can move forward.

The Board discussed these signs with Mr. Russo and all agreed to move forward on this concept. There was further discussion about the Sign Committee and that their recommendations were put on hold because SUNY Purchase was going collaborate but that did not move forward. Mr. Russo advised the Board that they have a design for the Senior Center sign but funding for this sign has to be determined either by fund raising or be paid by the Village. The Board indicated that they want the cost of the sign to be paid by the Village.

Trustee Brakewood concluded his comments that the Board received information regarding a property on Grace Church Street and would be interested to discuss this further. It was recommended that the Board hold an executive session regarding real property negotiation on this subject.

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Trustee Terenzi said that we are nine months in the budget cycle and asked that the Village Treasurer provide the Board with the nine month figures by the end of the month. He noted that the property assessments are down about 3% which equates to about \$750,000 less for the upcoming budget.

Trustee Terenzi spoke about former Mayor Peter Iasillo and what he had done for the Village and wanted to see if there was a way that the Village could honor him. He asked if the gazebo in Lyon Park is named after him. Trustee Branca said that yes that when he was Mayor the gazebo was name in honor of Peter Iasillo.

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Trustee Didden also expressed his condolences to the Capeci family and noted that he attended the funeral mass for Andrew Fox who was a member of the Fire Patrol & Rescue Co. and expressed his condolences to the Fox family.

Trustee Didden told the Board that the request for proposals regarding billboards is out and looks forward to these proposals. He asked if at the next meeting there will be code changes regard school zones noting that some of the schools in the Village do not have this zone indication. Mr. Cerreto said that he will meet with the Traffic Sergeant on this matter.

Trustee Didden said that he has been in touch with a company in the Midwest that has a piece of equipment that is mobile that records vehicles and any that are speeding takes a picture for ticketing purposes. Trustee Brakewood asked if this is allowed in New York State. Police Chief Krzeminski said that he believes it would require special State Legislation.

Trustee Didden said that the Board had a special meeting last week regarding code enforcement and discussion regarding an amnesty program. He said that there was supposed to be a follow up meeting on this subject but has not been advised of any dates. Mayor Pilla said that the Clerk will poll the Board on dates for this follow up meeting.

Trustee Didden concluded his comments stating that there have been complaints about neighborhood bars and said that he would like to revisit the last efforts by the past Board when they established the four different entertainment licenses and that the activity of these types of bars are providing regarding dance girls should be limited. There was a brief discussion on this subject.

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Trustee Branca notified the Board that a meeting was held this afternoon that he participated in regarding the bulkhead and things are moving forward and that the engineers will be reporting in the next few weeks.

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Trustee Marino further spoke on Trustee Didden's comments regarding cabaret entertainment licenses and said that establishments that are renewing these licenses that there needs to be a close look of how they are operating.

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Trustee Kenner expressed his condolences to the Capeci family. He said that he went to the CPAC public hearing on the Comprehensive Plan and noted that it was not well attended and not widely viewed but there was good dialogue from the members of CPAC, staff and the consultants.

Trustee Kenner said that it was mentioned to him that the entire Board of Trustees and the School Board would be scheduling a meeting which he is in favor of.

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Mayor Pilla spoke about the positive results that have come from this Board and even if we do not all agreed on certain matters we have the same core objectives that we want to accomplish. He said that one executive session was not held at the beginning of the meeting regarding taxi litigation, that the Board would like to debrief on the Planning Commission interview that they held earlier and that Trustee Brakewood has requested an executive session regarding a real property negotiation so would ask for a motion to hold these sessions.

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**Executive Session:**

At 9:25 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for the following purposes; consultation with the Village Attorney regarding taxi litigation; debriefing of interview of candidate for Planning Commission and real property negotiations. Also included in the executive session were the Village Manager and Village Clerk.

**ROLL CALL**

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

No action was taken in executive session.

At 9:35 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the executive session was closed and the public portion of the meeting was re-opened.

**ROLL CALL**

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

Mayor Pilla noted that one of the purposes of the executive session was regarding taxi litigation and that the Board will consider adding a resolution on this matter.

There being no objections, on motion of Trustee Didden, seconded by Trustee Terenzi, the following resolution was added to the agenda.

**ROLL CALL**

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

**RETAINER OF COUNSEL TO APPEAL MATTER OF DOLORES GONZALEZ VS. THE VILLAGE OF PORT CHESTER**

On motion of TRUSTEE TERENCE, seconded by TRUSTEE MARINO, the following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

RESOLVED, that the Board of Trustees authorizes the retainer of Sokoloff Stern, New York to notice and perfect the appeal in the matter of Dolores Gonzalez vs. the Village of Port Chester to the Appellate Division of the Supreme Court, Second Department, with a cap of compensation in the amount of \$5,000.00; and be it further

RESOLVED, in the event of the plaintiff litigates the issue of the Village's automatic stay of the decision, appealed from, the firm would be entitled to additional compensation in an amount not to exceed \$1,000.00.

ROLL CALL

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

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There being no further business, on motion of Trustee Didden, seconded by Trustee Kenner the meeting was closed at 9:45 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso  
Village Clerk