

MEETING HELD MARCH 19, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, March 19, 2012 at 7:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustee John Branca was absent.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto and Assistant Manager / Director of Code Enforcement, Christopher Steers.

* * * * *

Public Hearing: Chapter 319 "Vehicle & Traffic" Parking Scofflaw Program

The Clerk read Affidavits of Publication stating that the following Public Notice that were duly published in the Westmore News and the Journal News on March 9, 2012, certified by Angelina Brescia, Officer 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 Monday, March 19, 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 319-55.1 with regard to the Parking Scofflaw Program.

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

JOAN MANCUSO
Village Clerk

Dated: March 9, 2012

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

ROLL CALL

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

Mayor Pilla said that this proposed law came as part of a discussion on parking management and the parking violation amnesty program. He spoke about a rent a car establishment that tickets had been issued on multiple vehicles that they owned and the Police were able to collect a large amount of outstanding fees from this company. The Mayor

said that our current scofflaw program only allows the booting and/or towing of a vehicle that has three or more outstanding tickets and this proposed law would instead target three or more tickets to a registered owner across all of their vehicles.

Police Chief Krzeminski confirmed that the rent a car company was Hertz that had thousands of dollars of outstanding tickets on a number of vehicles that they were able to collect on.

Mayor Pilla said that the Police Department had contacted the headquarters of this company and notified them of all the outstanding tickets which they were able to collect. He expressed his concerns with this proposal giving the example of families where all the family vehicles are registered to one parent and the parent may not be aware that one or more of the cars have outstanding parking tickets but if there are a combination of three tickets across all the registered vehicles the car that may not have a ticket can get booted and towed. The Mayor said that this would be an impact to our residents that he would not support.

Trustee Didden said that the Mayor's comments are one side of the opinion. He spoke about a situation he had when the police notified him of outstanding tickets that were against his vehicles that he was not aware of from his children that he quickly corrected. Trustee Didden said that after the last meeting he did some analysis of the outstanding tickets and how the same person could have different listings for registered vehicles because of initials or not or apartment numbers or not so there are a number of users that this would affect. He said that these outstanding tickets are over \$60,000 in fees and asked the Board to approve this law and he would work with the Village Manager's office, the ticket collection company, Complus and the Police Chief for guardrails for notification to the affected persons and entities.

Mayor Pilla spoke about the clarification regarding initials for example and that could happen when someone complete forms online or in person which seems innocent stating that it costs thousands of dollars to sell a car.

Trustee Didden noted that people can just return their license plates to the Department of Motor Vehicles and get new plates thus avoiding paying their outstanding tickets.

Mayor Pilla said that he had asked staff that instead of doing this for all types of vehicles, if we could do this for commercial vehicles only. He asked Anthony Cerreto, the Village Attorney if he could speak on that subject.

Mr. Cerreto said that there cannot be any distinction.

The Mayor said that it is a balance of equities and whether we would do more harm than good.

Trustee Brakewood said that now if you get a ticket and if you do not pay there are penalties correct. He said that no matter whether you have one ticket, two tickets or five tickets.

The Police Chief and Mayor Pilla stated that with our current scofflaw is if a vehicle gets three or more tickets on one car it can be booted. Chief Krzeminski further explained the scofflaw process.

Trustee Brakewood further spoke about outstanding tickets and the use of the handheld car readers that the Police Department has so wouldn't people get caught sooner or later because of this technology. He said that instead of a law why can we not have a better process since we have information indicating as Trustee Didden had stated that owners of more than one vehicle have outstanding tickets on multiple vehicles can be informed in writing.

Chief Krzeminski noted that vehicle owners were informed in writing of outstanding tickets during the amnesty program.

Trustee Didden said that as the law is now we can only boot a vehicle that has three or more tickets on that particular vehicle.

Trustee Brakewood stated that the Police were able to collect outstanding tickets from Hertz.

The Police Chief said that Hertz only paid because we had towed one of their vehicles that had three tickets.

Trustee Brakewood inquired how far back did notice go with the amnesty program.

Trustee Didden said they went back six years from 2005.

Trustee Kenner asked about the revenue that Trustee Didden mention and what was that figure.

Trustee Didden said the figure was \$60,000.

Trustee Kenner asked are we going to create a headache with a smaller return.

Trustee Terenzi said that he would not want to be at a meeting like tonight where a resident who has never received a ticket on their car goes out their car and it does not move because it has been booted because other cars that are registered in his name has outstanding tickets.

Mayor Pilla said that there needs to be a balance of equities and will this proposal cause more problems. He said that there are ways to improve the parking ticket collection with focusing more on the management of the process. The Mayor said that the Manager is working with the former Parking Commissioner of White Plains and the processes through the Court noting that the Court has been without a Court Clerk which has been filled. He asked if anyone from the audience would like to speak on this proposed law. The Mayor recognized Goldie Solomon.

Ms. Solomon asked what is the proposed law.

The Mayor explained that the law that is being proposed would allow that we can boot or tow a vehicle that the registered owner of one or more vehicles that has three or more tickets from any combination of the vehicles that they own.

Ms. Solomon told the Board that we are in a recession / depression that there are people without jobs that are struggling to stay in their homes. She said that we are a low to moderate income community and that people have to be helped.

Trustee Didden asked Ms. Solomon if people should have to pay their tickets.

Ms. Solomon said that the elites should pay but there should be consideration to the lower income residents that are struggling.

William Giangrande said that if people read the signs and pay attention to the laws they would not get tickets. He spoke about the one time he received a ticket which he took care of.

Trustee Terenzi asked Mr. Giangrande if the Village did not collect parking revenue would he be alright if we raised the property taxes.

Mr. Giangrande said no he would not be alright with raising property taxes.

Richard Abel asked if the analysis of outstanding tickets works by name and address.

Trustee Didden said that it works off the name.

Mr. Abel said that if you are going to beat the system someone can change one of their vehicles to his wife's name. He said that there will always be people ducking the system and thinks that this proposal will hurt the people that are innocently caught.

Mayor Pilla gave an example of a person with a certain name who lives at a certain address and there is someone else with the same exact name at a different address which could cause a situation if the wrong person's vehicle gets booted or towed.

Police Chief Krzeminski noted that they also confirm the date of birth with the name.

Mr. Abel asked what would happen if the Village makes a mistake and tows the wrong car.

Trustee Didden said that he does not want to tow cars but instead use the boots which would show that the Village is enforcing the law and would rather that cars are not even towed. He said operationally how we do the process is the most important item noting that the law can be effective ninety days from adoption so people would receive four notices before enforcement would start.

Mr. Abel said that the law is what the law is and you should not operationalize the law to a different standard.

Trustee Didden said that there needs to be created some type of stick.

Mr. Abel said that if you are going to make it ninety days then the law should be ninety days. He said that he understands that there is money out there and that the Village ran the amnesty program and whether that was successful or not is another question but you have already tried to get these people with that program.

Mayor Pilla said that we have not quantified the problem.

Mr. Abel said that maybe we have to operationalize how we collect tickets and spoke further on that subject. He asked if the law would allow the towing of all three cars if each one had a ticket.

Bea Conetta said that she thought it was said that there are other ways that this enforcement can be accomplished and that it should be individualized.

The Mayor said that we cannot do that and compared it to code enforcement and victims.

Trustee Terenzi noted that with tax filings a spouse even if they sign a return can claim innocent.

Mrs. Conetta said that New York City is going after delinquent ticket holders and they will be booting and towing vehicles.

The Mayor said that we are doing this already on vehicles that have three or more tickets.

Police Chief Krzeminski said that we mainly boot and then tow after 24 hours.

Mrs. Conetta asked if you boot a vehicle does the owner usually pay.

Mayor Pilla said that they do not have much choice because the boot will not be removed or they cannot get their car if towed unless they pay for all the outstanding fees.

James Giangrande spoke about vehicles parked on the street where he lives that have Connecticut plates noting that they were company cars but thought that after 30 days they need to change to New York State plates.

The Police Chief said that if an individual moves to New York from another state they are supposed to change their license and plate to New York but that does not apply to out of state company owned vehicles.

Silvio Buccieri spoke about the TV program Parking Wars and that they boot and then tow right away and why do we not do that.

Mayor Pilla said that we boot and give them 24 hour before towing. He asked Mr. Buccieri about the proposed law.

Mr. Buccieri said that is hard but if you tell the people they have a problem with tickets on their other cars before you boot and tow that is fine.

Mayor Pilla said that the Village uses the automatic license plate reader and has been very helpful on outstanding vehicle and traffic violations. He said that this law might work with more work on the proposal noting that we have limited staff so we need to pick and choose what to go forward with. The Mayor said that staff will be bringing in the former White Plains Parking Commissioner for recommendations so would rather wait for that input and is not in favor of this law at this time.

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

Trustee Didden made a motion to consider intro Local Law No. 3 of 2012 amending Chapter 319 of the Code of the Village of Port Chester with regard to the parking scofflaw program, Mayor Pilla seconded the motion.

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 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.

ROLL CALL

AYES: Trustee Didden

NOES: Trustees Brakewood, Terenzi, Marino, Kenner and Mayor Pilla

ABSENT: Trustee Branca

* * * * *

Public Comments:

Goldie Solomon thanked Trustee Brakewood for attending the D.A.R.E Breakfast this past weekend. She said that it was a great event but it was not well attended by the Board or our Police Department.

Chief Krzeminski noted that the Police Department only received notice of this event a few days before. The Mayor said that he will contact the Kiwanis Club who sponsors this event about notification.

Ms. Solomon noted that tomorrow night is the Rye Town meeting and that the Village officials should bring up that the property assessments are wrong that they do not take into consideration the age, location and other items regarding properties. She said that health, safety and welfare are very important and that we need to honor our police, fire, EMTs and public works employees so do not cut or reduce these services. Ms. Solomon spoke about the

County Sewer Treatment Plant that is located in our Village and that there are other communities that benefit from this plant but are they paying their fair share. She noted that this property is off our tax rolls and no elites would live in that area because of that plant. Ms. Solomon asked what is happening with all the group homes stating that we have the most off the tax rolls and it does not make sense that so much is off the rolls because we are a low to moderate income community that we are a diverse community stating that we are all Americans not matter where we come from.

* * * * *

John Giangrande said that he is a member of the Kiwanis Club and said that they did all the work for the D.A.R.E. Breakfast. He said that he wants red light cameras for speeding vehicles and that we should do the scofflaw program.

* * * * *

Bea Conetta said that she hopes the investigation regarding the parking meter revenue is still ongoing and does not die away. She spoke about the Village of Rye Brook's Affordable Housing proposals and said that she does not think government should tell communities where to put these houses but does not want any in our school district. Mrs. Conetta said that she saw Assemblyman Latimer recently and spoke to him about the group home situation and he said that he is waiting for the Board to bring forth a resolution on this subject for consideration by the State. She said that she attended the raising of the Irish Flag on St. Patrick's Day and was glad that it was written up that the raising of the flag was done in Liberty Square. Mrs. Conetta said that we should promote that designation.

Mayor Pilla said that he would like a sign at Liberty Square.

Mrs. Conetta spoke about a letter to the editor in the Westmore News by Dennis Ahern entitled Port Chester is not a handmaiden. She said that Mr. Ahern came to Port Chester from Rye and spoke highly of Port Chester indicating that he likes the trend of our Village so wants to thank him for speaking out for our Village.

* * * * *

William Giangrande also spoke about the Kiwanis D.A.R.E. Breakfast event and that he helped one of their members who had taken ill. He said that Harrison has done their Master Plan in eighteen months and we are years on ours and still not done.

* * * * *

Richard Abel asked who put the resolution on the amendment to the Rules of Procedures regarding requests by the Board.

Mayor Pilla said that he did.

Mr. Abel said that he has seen one member asking staff noting that it should be a majority of the Board that should be directing staff so why is the proposed resolution only two members.

The Mayor said that this is based on that it takes a motion and a second to bring something forward. He spoke further on this subject.

Mr. Abel recommended that if there is an idea for staff to research the Board should have a vote in order to go forward.

Trustee Didden stated that he has not brought one proposal that has not been discussed prior.

Mr. Abel continued his comments stated that there are multiple correspondences on the agenda for the use of the Show Mobile and has the Village created a rule for this use.

Mayor Pilla explained that there is a policy for the use of the Show Mobile only for 5013c organizations that have a nexus to the Village and that there is a reimbursement cost for the labor costs for the setup, operation and take down of the Show Mobile.

* * * * *

Silvio Buccieri thanked the Board for the job they are doing. He said that we need to paint the traffic lines and stop lines in the streets.

The Mayor said that we start the painting at the schools with the crosswalks and stop lines and work out into the rest of the Village.

Mr. Buccieri recommended painting the word stop with the stop line.

* * * * *

Gene Ceccarelli spoke about the zoning for the downtown C2 district and that it seems that bars are not allowed. He said that he is not sure if there is another designation noting that some of these bars are called nightclubs.

Mayor Pilla and Trustee Didden stated that those uses are indicated in the zoning schedules and that bars / taverns and cabarets are allowable uses in the C2.

* * * * *

Resolutions: Police

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, 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

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

AGREEMENT WITH THE COUNTY OF WESTCHESTER
SELECTIVE TRAFFIC ENFORCEMENT PROGRAM GRANT

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 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.

ROLL CALL

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

The Clerk presented to the Board a resolution for the Police Department for consideration as an add-on that is a budget amendment for the use of the Edward Byrne Memorial Justice Grant (JAG) Program funding and DEA funding for the purchase of a marked patrol vehicle.

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

ROLL CALL

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

BUDGET AMENDMENT
PATROL VEHICLE FOR POLICE DEPT.

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

WHEREAS, the Port Chester Police Department received funding from the Edward Byrne Memorial Justice Grant (JAG) Program for FY 2010 through application filed by the lead municipality, the City of Yonkers in the amount of \$9,799.00; and

WHEREAS, the original intention for the use of this grant funding was for a portable radio purchase project which was instead purchased with the use of DEA Funds because the grant funding was delayed; and

WHEREAS, the Police Chief recommends using the 2010 JAG funding along with the use of DEA Funds of \$9,877.20 to assist in the purchasing of one (1) new Chevrolet marked patrol vehicle from State Contract #PC 64892. 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	(\$9,877.20)
Revenues:		
001-0001-2613	Use of Deferred DEA Funds	\$9,877.20
001-0001-4389	Other Public Safety Revenues (JAG)	\$9,799.00
Appropriations:		
001-3120-0203	Police Equipment	\$19,676.20

ROLL CALL

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

Resolution: Vehicle & Traffic

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

On a motion by TRUSTEE DIDDEN, seconded by TRUSTEE BRAKEWOOD, 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>
ADD 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
ADD 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
ADD 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 300 feet in each direction
4:00 p.m. from the building line of the
King Street School abutting
on King Street

ADD

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

ROLL CALL

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

* * * * *

Resolution: Board of Trustees

The Clerk presented the next resolution an amendment to the Board of Trustees' Rules of Procedures regarding requests by the Board.

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

The Board discussed this proposal which would require that the preparation and review of a resolution or local law shall be matter of Board discussion in the first instance and upon the request of any two members. Trustee Kenner spoke about staff recommendations and/or opinions and should those types of requests be included, further discussion followed with Trustee Didden indicating that this requirement may cause additional time to move forward on proposals. Mayor Pilla stated that he pledges that he will always be the second on a proposal.

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

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:

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.

ROLL CALL

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

Resolution: Assessments

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

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, 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.

ROLL CALL

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

Resolution: Grant

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 BRAKEWOOD, seconded by TRUSTEE MARINO, 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.

ROLL CALL

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

The Board had a brief discussion regarding the local share required and Mayor Pilla said that Professor Nolan felt that there would only be in-kind services for the Village.

* * * * *

Resolution: Sanitary Sewer Rent Project

The Clerk presented the last resolution on the agenda authorizing the Village Manager to enter into an interim agreement with United Water Resources, Inc., regarding the Sanitary Sewer Rent Project.

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

Trustee Brakewood noted that the resolved paragraph is authorizing an interim agreement and that prior in the resolution it speaks about the requirement of a Non-Disclosure Agreement which this is. He suggested that the resolution be amended that it indicates that this is a non-disclosure agreement which is a standard operating procedure in the corporate world. There was further discussion between the Board and staff on Trustee Brakewood's recommendation, the Village Attorney advised the Board that he is working with the Water Company's counsel on the proposed non-disclosure agreement so what has been provided to the Board may not be the final version.

Trustee Brakewood made a motion to amend the resolution to remove from the resolved paragraph, the words "an interim" and replace with "a Non-Disclosure", Trustee Didden seconded the motion.

ROLL CALL

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

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

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:

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

March 19, '12

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-A; 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 water 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 a Non-Disclosure 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.

ROLL CALL

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

Discussion: Budget Process

Mayor Pilla said that the Village Manager this week will present the budget to the Board and the public and then the Board will hold budget workshops with staff.

Christopher Russo, the Village Manager said that he and staff will work with the Clerk to schedule the workshops.

Trustee Terenzi said that we have passed the nine month mark in the current budget and that the Treasurer is to provide the Board with those figures.

The Mayor noted that last year's budget process all of the budget adjustments were made on the final day which was a long and cumbersome process so would like to discuss how the Board would be managing this process this year.

Trustee Terenzi said that the Board could make adjustments during the work sessions or if there are four votes it will be done on the last night.

Mayor Pilla said that he would keep a running tab for the Treasurer of items during the work sessions.

Trustee Marino spoke about the need for longer sessions with larger departments such as Police, Fire and Public Works.

There was further discussion between the Board on the process, that it was noted it takes a motion and a second to make any amendments to the budget and that a running list of adjustments could be kept during the sessions which can be made into one resolution for a final vote or voted separately.

Reports:

The Clerk presented a report from Brooksville Engine & Hose Co. No. 5 on the election to active membership of Joaq Lucas Della Marta Santana.

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

The Clerk presented a report from Harry Howard Hook & Ladder Co. No. 1 on the election to active membership of Robert Longo.

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

Correspondence:

The Clerk presented correspondence 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.

The Board of Trustees referred the request from Our Lady of the Rosary to staff.

The Clerk presented correspondence from the Caring & Loving Foundation requesting the use of Lyon Park and the Village Show Mobile on July 29, 2012 for their cultural festival.

The Board of Trustees referred the request from the Caring & Loving Foundation to staff.

The Clerk presented correspondence 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.

The Board of Trustees referred the request from the Bolivian Cultural Center to staff.

The Board had a discussion about organizations considering combining events. The Mayor noted that the Port Chester Fest event coordinated by the Council of Community Services was requesting to combine their event with Port Chester Day which was reviewed by a subcommittee from the Park and Recreation Commissions and it was decided that there was enough time for this year's event. He noted that the Port Chester Fest may be joined with the Open Door Health event.

Minutes:

The Clerk presented the Board of Trustees minutes of February 6, 2012, February 21, 2012, February 28, 2012 and March 5, 2012.

Trustee Didden made a motion to approve these minutes, Trustee Brakewood seconded the motion.

ROLL CALL

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

Public Comments:

Richard Abel spoke about the discussion earlier about the scofflaw and paying parking tickets and noted how payment is accepted elsewhere. He said that we have machines that take credit cards to pay for parking so why can we not have machines that will accept payment for tickets with credit cards. Mr. Abel asked if the Violation Bureau accept credit card payments.

Mayor Pilla spoke on how payment can be made and that our contractor, Complus does accept on-line credit card payments and that other payment ways may be considered.

Board Comments:

Trustee Brakewood spoke about the D.A.R.E. Breakfast that it was a great event and thanked the Kiwanis for the wonderful job they did. He said that the Band Association also had a pasta dinner that same evening so there were two fund raising events that day for two great programs. Trustee Brakewood recognized the work that the Village Industrial

Development Agency has done with the Capital Theatre which will benefit the Village and the public.

Trustee Brakewood noted that Harrison has gone to the State requesting permit parking for residents. Trustee Brakewood said that this has been talked about for our Village and would like to also request these resident parking permits along with Harrison.

Trustee Didden said that he had spoken to Assemblyman Latimer on this subject and noted that Harrison's request may likely go to the next session of the State.

Mayor Pilla said that he would like to consider a pilot program for resident parking permits on Irving Avenue for residents of Washington Mews who may encounter difficulties for parking when the Capital Theatre is up and running.

Trustee Brakewood said that spring is upon us and asked if there will be a Clean Day in the Village by the Beautification Commission.

The Mayor said that most of the members of that Commission have moved out of the Village but Gene Ceccarelli who is a member is in the audience and they both said that they would work to have this event.

Trustee Brakewood spoke about the United Hospital site and feedback on the Master Plan and the current developer. He said that housing on this site from the Master Plan is very generous and that he would not vote for more housing so the developer needs to know this.

Mayor Pilla said that he has spoken to the Starwood point person on what the plan is calling for. There was further discussion amongst the Board regarding this site.

* * * * *

Trustee Terenzi said that this upcoming budget cycle will be tough noting that the assessment roll has gone down close to 25% in the last three years.

Mayor Pilla said that the Village Manager will be releasing the tentative budget within the tax cap and that the residential assessment is down about 9% and the commercial down over 3%.

There was discussion about the Restaurant Depot PILOT and Trustee Terenzi noted the effect that this has on the non-homestead piece of the tax pie.

* * * * *

Trustee Didden expressed his condolences to the Tropeano family on the passing of Anthony who was a member of the Architectural Board of Review for many years.

Trustee Didden spoke about a proposal from Lt. Conway.

Police Chief Krzeminski said that a presentation will be given to the Board for a future agenda before the next school year.

Trustee Didden said that the Board has established a subcommittee regarding group homes and had hoped that the committee would be meeting this week.

Mayor Pilla said that Trustee Branca was getting in touch with former Assemblyman Ron Tocci who had been involved with this issue.

Trustee Didden advised that he would not be available during the week of March 26th.

He continued his comments regarding the prior meeting of the Board when they discussed the guiding process for a building code amnesty program and that a follow up meeting was supposed to be scheduled which has not been done.

Mayor Pilla said that staff is working on such a program themselves.

Trustee Didden said that he envisions an amnesty program for owner occupied properties, with no fees and no penalties. He said that the Zoning Board of Appeals should have a fast track process for these types of matters. Trustee Didden said that the Board needs to create policies and approaches and we cannot lose sight.

* * * * *

Trustee Marino said that he agrees with some type of amnesty program and that it should be the Board's priority. He said that for the budget workshops that we need to allow for enough time for departments to speak on their budget noting that each department is different and some may need more time than others.

* * * * *

Trustee Kenner stated that the Industrial Development Agency (IDA) is moving on a few different fronts stating that they recently closed on the Capital Theatre project. He said it is the sense of the IDA to look at different projects and consideration of the Local Development Corporation (LDC). There was further discussion amongst the Board on this civil facility topic. Trustee Kenner also said that the IDA is speaking about creating a master licensing agreement regarding the marina.

Trustee Brakewood said that there needs to be a broader topic regarding waterfront improvements and investments. The Board briefly discussed this further. Trustee Didden spoke about transient spots for boaters to come to the Village for dining, shopping and entertainment noting that some waterfronts are overseen by the municipality, some private and some both.

Trustee Kenner asked what is the status regarding a meeting between the entire Board of Trustees and the School Board. The Mayor said that available dates will be requested so a meeting date can be determined.

Trustee Kenner said that he would rather make the hard budget decisions at the department work sessions.

* * * * *

Mayor Pilla said that the Board is moving forward with the project that the sewer expense would be charged to everyone and that Ms. Solomon spoke about the County Sewer Treatment Plant that is located in our Village. He said that in relation to these issues is a matter called Silent – Services in Lieu of Taxes and spoke about the effect that a sanitary sewer rent project would have on the Port Chester School District and the residents so if we charged them for their water usage that instead of property owners paying through their Village taxes the school cost will be spread to property owners through the school taxes and that the School District provides the additional service of being emergency shelters, so there may be consideration to carve the School District out of this project.

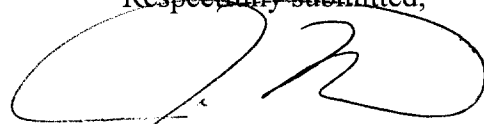
The Mayor said that he has been receiving calls on what he and the Board can do to help if the School District reduces full day kindergarten. He said that the Teachers Union is in negotiations with the School District and as a taxpayer and a resident he thinks that the Teachers' Union holding out is causing this half day proposal so would encourage settlement of their contract because this reduction of the kindergarten program will have lasting effects to the community and make the Village less desirable to new families who would consider coming here.

There being no further business, on motion of Trustee Kenner, seconded by Trustee Didden the meeting was closed at 9:44 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso
Village Clerk