

MEETING HELD APRIL 2, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, April 2, 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; Assistant Village Manager / Director of Code Enforcement, Christopher Steers; Village Treasurer, Leonie Douglas; Director of Planning and Development, Christopher Gomez and Village Engineering Consultant, Dolph Rotfeld. Police Chief Joseph Krzeminski arrived after the presentation.

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Public Hearing: Tentative Budget FY 2012-2013

The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Journal News on March 27, 2012, certified by Cecilia Hernandez, the Principal Clerk of the Journal News and in the Westmore News on March 30, 2012, certified by Angelina Brescia, Office Manager of the Westmore News.

VILLAGE OF PORT CHESTER

NOTICE OF BUDGET PUBLIC HEARING

PLEASE TAKE NOTICE, that pursuant to Section 5-508 of the Village Law, a Tentative Budget showing the revenue and expenditures for the fiscal year of the Village of Port Chester, New York, commencing June 1, 2012, was filed with the Clerk of said Village.

PLEASE TAKE NOTICE, that a public hearing will be held by the Board of Trustees of said Village on Monday, April 2, 2012 at 7:00 p.m. with the hearing to be held in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York for the purpose of considering and discussing such tentative budget. A copy of such Tentative Budget is available at the office of the Clerk, where it may be inspected by any interested person during office hours or online at www.portchesterny.com

Said Tentative Budget includes compensation for the Mayor of \$12,633.00 per annum and for the Trustees of \$5,200.00 per annum.

PLEASE TAKE NOTICE, that at said public hearing all persons are invited to attend and provide the Board with written and oral comments and ask questions concerning the Village's Tentative Budget.

BY ORDER OF THE BOARD OF TRUSTEES
OF THE VILLAGE OF PORT CHESTER, NEW YORK

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

Christopher Russo, the Village Manager said that this budget seeks to address the major issues and initiatives for the Village. He commended Leonie Douglas, the Village Treasurer on her hard work on this budget. Mr. Russo said that this is a tough year noting that the Village over the past few years has been able to make certain adjustments during these hard economic times but that may not be the case this year. He also said that he will provide the Board during the budget work sessions proposals regarding capital planning.

Mayor Pilla spoke about looking at the big picture for spending and growth.

Mr. Russo noted that regarding the sanitary sewer improvements and water quality that we have made significant process. He said that he has entered into an interim agreement with the Water Company regarding the Sanitary Sewer Rental Project.

The Mayor spoke further about the proposed sanitary sewer rent project and the effect of this project on the budget noting that it will shift the payment from property taxes to usage. He said that regarding this project \$700,000 is craved out of the budget.

Mr. Russo noted that the total project cost is 1.4 million dollars. There was further discussion of this project between the Manager and Trustee Didden.

Leonie Douglas, the Village Treasurer made the following presentation regarding the Tentative Budget for Fiscal Year starting June 1, 2012 and ending May 31, 2013.

She said that the general fund budget at a glance is as follows:

• Appropriations	\$36,206,950
• Real Property Tax Levy	\$22,485,945
• Other Revenues	\$12,696,005
• Appropriated Fund Balance	\$825,000
• Appropriated Debt Service Reserves	\$200,000
• Total Assessed Value	\$2,600,936,297
• Assessed Value % Decrease	(7.28%)
• Percentage Tax Levy Increase	2.4%

Ms. Douglas then told the Board and the public what is the property tax cap stating that on June 24, 2011 the property tax cap was signed into law (see Chapter 97 of the NYS Laws of 2011) and that this new law takes effect in the local years beginning January 1, 2012 and extends through June 15, 2016. She continued that this tax cap law establishes a limit on the annual growth of property taxes levied by local governments and school districts to two percent (2%) or the rate of inflation, whichever is less.

Ms. Douglas then reviewed the tax cap calculation for fiscal year 2012-2013:

Tax levied in FY 2011-2012	\$21,958,225
Plus Sidewalk Assessment in FY 2011-12	<u>170,000</u>
TOTAL PROPERTY TAX LEVIED	\$22,128,225
Times VOPC Tax base growth factor (1.0053)	\$22,245,505
Plus PILOTS Budgeted Receivables in FY 2011-12	<u>530,262</u>
TOTAL PROP TAX LEVIED PLUS PILOTS FY 2011-12	\$22,775,767
Minus Tort Actions that exceeds 5% Tax Levy (2013 and after)	- 0 -
Times Allowable Levy Growth Factor for 2012 of 1.02	\$23,231,282
Minus PILOT Receivable in FY 2012-13	<u>(678,000)</u>
	\$22,553,282
Plus Pension Costs Exclusions (ERS & PFRS)	<u>198,687</u>
TOTAL PROP TAX LIMITATION FYE 5/31/2013	\$22,751,969
Proposed Tax Levy for FYE 5/31/2012 (plus SWB \$40,000)	<u>\$22,525,945</u>
Property Tax Levy Carryover for FY 2013-14	\$ 226,023

The Treasurer reviewed the tax rate calculation for FY 2012-2013 as follows:

	<u>Assessed Value</u>	<u>Percentage</u>	<u>Tax Levy</u>
Homestead	\$1,724,588,576	60.588835%	\$13,623,972.11
Non-Homestead	<u>876,347,721</u>	<u>39.411165%</u>	<u>8,861,972.89</u>
Total	\$2,600,936,297	100.000000%	\$22,485,945.00

Homestead Tax Rate: \$7.899839 (% Increase = 10.99%)

Non-Homestead Tax Rate: \$10.112393 (% Increase = 8.45%)

She then provided a tax comparison for FY 2012-13 for the traditional single family property:

	<u>FY 2011-12</u>	<u>FY 2012-13</u>
Average Assessed Value	\$497,947	\$463,283
Homestead Tax Rate (per \$1,000)	\$7.795658	\$7.899839
Average Village Tax	\$3,882	\$3,660
Average Tax Bill Decrease		\$222

The Board discussed with Mr. Russo and Ms. Douglas several aspects of the budget presentation including the tax rate versus the percentages of the property assessments and the tax comparison.

Ms. Douglas continued the presentation stating that other revenue highlights include a 7.37% increase for other revenues from FY 2011-12 which was \$11,824,590 compared to FY 2012-13 which the other revenues will total \$12,696,005. She proceeded with the next slide showing the General Fund Revenues comparison by function as follows:

<u>Revenue Summary</u>	<u>Adopted FY 2011-12</u>	<u>Tentative FY 2012-13</u>	<u>Increase / Decrease</u>	<u>% Increase / Decrease</u>
Real Prop Tax Items	\$21,958,225	22,485,945	\$527,720	2.40%
Other Tax Items	740,262	732,000	(8,262)	(1.12%)
Non-Prop Tax Items	4,199,000	4,329,000	130,000	3.10%
Departmental Income	3,060,521	3,026,392	(34,129)	(1.12%)
Use of Money & Prop.	310,000	211,166	(98,834)	(31.88%)
Licenses & Permits	154,630	165,430	10,800	6.98%
Fines & Forfeitures	2,019,000	2,204,000	185,000	9.16%
Misc. Revenues	76,000	66,000	(10,000)	(13.16%)
State & Federal Aid	723,929	712,017	(11,912)	(1.65%)
Approp. Fund Balance	1,025,000	1,175,000	150,000	14.63%
Tfr. From DS & SF	600,000	1,100,000	500,000	83.33%
Total Revenues	\$34,866,567	\$36,206,950	\$1,340,383	3.84%

There was further discussion between the Board and staff about the revenue comparison and the increases and/or decreases of certain categories.

Ms. Douglas then reviewed with the Board the assessed valuation history and trend since 2006-2007 to 2012 – 2013 as follows:

	<u>06-07</u>	<u>07-08</u>	<u>08-09</u>	<u>09-10</u>	<u>10-11</u>	<u>11-12</u>	<u>12-13</u>
Homestead	\$1,860,588,042	\$2,052,456,699	\$2,216,939,424	\$2,141,735,833	\$2,109,949,846	\$1,899,018,347	\$1,724,588,576
Non-Homestead	848,640,945	921,971,198	965,550,234	969,731,732	968,295,228	906,172,448	876,347,721
Total	\$2,709,228,987	\$2,974,427,897	\$3,182,489,658	\$3,111,467,565	\$3,078,245,074	\$2,805,190,795	\$2,600,936,297

Increase/ Decrease	\$67,430,930	\$265,198,910	\$208,061,761	(\$71,022,093)	(\$33,222,491)	(\$273,054,279)	(\$204,254,498)
% Increase / Decrease		9.79%	7.00%	(2.23%)	(1.07%)	(8.87%)	(7.28%)

Ms. Douglas then showed the Board and the public the tax levy percent changes for the last ten years as follows:

- FY 2003-2004 \$13,289,789 12.64%
- FY 2004-2005 \$15,128,465 13.84%
- FY 2005-2006 \$18,442,189 21.90%
- FY 2006-2007 \$20,640,129 11.92%
- FY 2007-2008 \$21,772,390 5.49%
- FY 2008-2009 \$22,547,730 3.56%
- FY 2009-2010 \$22,870,783 1.43%
- FY 2010-2011 \$23,187,552 1.39%
- FY 2011-2012 \$21,958,225 (5.30%)
- FY 2012-2013 \$22,485,945 2.40%

She then provided the following figures regarding the General Fund Appropriation Increase that the 2012 – 2013 Tentative Budget is \$36,206,950 compared to the 2011-2012 Adopted Budget General Fund Appropriations in the amount of \$34,866,567 which is an increase of \$1,340,383 for a percentage increase of 3.84%. Ms. Douglas then reviewed the comparison of the appropriations by function.

Revenue Summary	Adopted FY 2011-12	Tentative FY 2012-13	Increase / Decrease	% Increase / Decrease
General Gov. Support	\$5,043,020	\$5,478,097	435,057	8.63%
Public Safety	10,486,783	11,129,852	643,069	6.13%
Health	275,834	275,834	0	0.00%
Transportation	1,531,750	1,598,285	66,535	4.34%
Economic Opport. & Dev.	412,393	380,659	(31,734)	(7.70%)
Culture & Recreation	1,999,280	2,005,277	5,997	.30%
Home & Community Services	2,274,578	2,226,537	(48,041)	(2.11%)
Employee Benefits	8,713,731	9,181,500	467,769	5.37%
Debt Services (P/T)	4,129,198	3,930,909	(198,289)	(4.80%)
Total Appropriations	\$34,866,567	\$36,206,950	\$1,340,383	3.84%

The Board discussed several of these categories with the Manager and the Treasurer.

Ms. Douglas continued her Budget presentation on the history of the pension costs with breakdown as follows since Fiscal Year 2002-2003:

Fiscal Year	Employee Retirement	Incentive	Police/Fire Retirement	Total
2002-03	\$86,309		\$59,351	\$145,660
2003-04	264,369		372,086	636,455
2004-05	582,084		1,095,041	1,677,125
2005-06	486,144		939,142	1,425,286
2006-07	498,166		1,093,933	1,592,099
2007-08	457,259		1,066,054	1,523,313
2008-09	445,335		1,100,032	1,545,367
2009-10	400,337		1,171,660	1,571,997
2010-11	633,122	407,622	1,302,688	2,343,432
2011-12	595,380		1,572,028	2,167,408
2012-13 (Prop)	837,052		1,961,670	2,798,722

The Board discussed with staff this graphic regarding pension costs which comes from the State Retirement System.

Ms. Douglas summarized the long term debt noting that the balance as of June 1, 2012 will be \$34,335,000 and a principal payment will be made during the 2012-2013 Fiscal Year of \$2,340,000 leaving a balance of \$31,995,000 and the interest payment for the long term debt will be

\$1,124,906. She then reviewed the short term debt summary noting that the balance as of June 1, 2012 will be \$1,600,000 with a principal payment of \$400,000 that will be made leaving the balance as of May 31, 2013 at \$1,200,000 with an interest payment of \$16,000. Ms. Douglas also provided the Board with a graphic of the outstanding long term debt for the next ten years.

The next slide that was presented by Ms. Douglas was the breakdown over three years of the full time employees by function as follows:

	<u>FY 2010-11</u>	<u>FY 2011-12</u>	<u>FY 2012-13</u>
General Government	27	25	26
Public Safety	85	83	84
Transportation	14	14	14
Economic Opportunity & Dev	2	2	2
Culture & Recreation	6	5	5
Home & Community Services	<u>21</u>	<u>21</u>	<u>22</u>
Total	155	150	153

The Board discussed with Mr. Russo and Ms. Douglas the full time employees and how they are categorized by the certain functions. Ms. Douglas concluded her presentation with a slide showing the ten year history of the unreserved fund balance.

<u>Fiscal Year</u>	<u>Unreserved Fund Balance</u>	<u>Fund Balance Appropriated</u>
2001-02	\$1,755,750	\$300,000
2002-03	889,238	150,000
2003-04	325,416	0
2004-05	1,217,893	0
2005-06	2,539,236	0
2006-07	3,895,981	0
2007-08	3,938,970	550,000
2008-09	4,938,802	750,000
2009-10	5,166,457	650,000
2010-11	4,768,937	825,000
2011-12 (estimated)	4,700,000	825,000

There was a brief discussion about the Unreserved Fund Balance and the provided history of the Fund.

Mr. Russo continued with the budget proposal that includes a Sanitary Sewer Improvement Project. He said that he had provided the Board with some information regarding capital projects and that a separate budget work shop meeting will be held to review the proposed projects. Mr. Russo reviewed slides showing the areas where video inspections have been done to date which total 15% of the sanitary sewers and 38% of the storm sewers. He said that \$3,500,000 has been expended as of date with the downtown being Phase I of the project which replaced or sealed sanitary lines at 15 locations of 12,810 linear feet costing \$1,709,750. Mr. Russo said that the project will have four future phases which were shown on the map which cost will be approximately \$3.0 million for each phase for a total of \$12 million and that these phases include video inspection, analysis of conditions and the assumption that 35% replacement will be needed.

The Board discussed with Mr. Russo and the staff the proposed Sanitary Sewer Improvement Project. Dolph Rotfeld, the Village Engineering Consultant noted that the Village had received grant funding for the project in the amount of \$725,000 that has been used toward the inspections and repairs so far. He noted that the proposed project is a five year plan but that it will take seven years to complete. Mr. Russo spoke further about the process saying that improvements will be identified in Phase 2 while they are doing the work in Phase 1 and so forth.

Mayor Pilla spoke about the connection of the sewer project work with street repaving that is also being planned.

Trustee Brakewood asked what are the useful life of sewers.

Mr. Rotfeld said that typically the useful life of sewers is fifty years and spoke about some of the downtown issues regarding our sewers and that some go back over one hundred years. There was further discussion about the number of years for sewers and Trustee Brakewood expressed that if the Village can spread this cost out longer then it would be less painful to the taxpayers.

Trustee Terenzi spoke about his recommendation on the borrowing process for this project.

Trustee Didden asked about the EPA order that the Village has regarding our sanitary sewer system.

Mr. Rotfeld spoke on the EPA order and noted that during the inspection process once issues are found they are fixed.

Trustee Didden asked when illegal connections are found is the property fined to offset the costs.

Anthony Cerreto, the Village Attorney said that property owners are cited and if they do not comply they would be violated.

Christopher Steers, the Assistant Village Manager / Director of Code Enforcement concurred that is how the procedure is done and compliance has been completed.

Mr. Russo then reviewed the last slide of the presentation regarding the breakdown of water consumption by land use. He said that this is not finalized information provided by the Water Company that shows 61% of consumption is by commercial properties, 2% by industrial, 3% by the public authority and 34% by residential properties. The Board discussed with Mr. Russo this information further. Mr. Russo noted that it is estimated that the sewer bill will be between 20% - 25% of a property owner's water bill.

Mayor Pilla said that the Board should also consider a Business Improvement District (BID) where those services could also be carved out of the budget and spoke in greater detail regarding a BID for the downtown.

Trustee Brakewood said that this is the first year that municipalities and schools are dealing with the State Tax Cap and that our Village has been living within the tax cap law for the last four to five years.

Mayor Pilla said that the Board will be holding budget workshops with departments this month and that all of these workshops are open to the public.

Joan Mancuso, the Village Clerk said that the budget workshops have been scheduled as follows: April 11th at 6:00 p.m. in the Senior Center on the Department of Public Works, Capital Projects and the Sewer Project; April 16th at 6:00 p.m., at the Courtroom on the Fire Department and the Budget Public Hearing will be continued that same evening at 7:00 p.m.; on April 18th at 6:00 p.m. in Senior Center with the Police Department, the Court and Code Enforcement / Building Department and Planning & Zoning and there is tentatively scheduled a Board meeting on April 23rd at 7:00 p.m., in the Courtroom to consider possible adoption of the budget.

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

Ms. Solomon said that the Village of Port Chester is in crisis. She said that the Board is forgetting that we are a low to middle income community and that we have more off the tax roll that effect the tax payers. Ms. Solomon said that she is interested in what this budget will cost us noting that no properties are being sold in the Village. She asked what about our downtown and that the new Mariner residential project will place a large burden on our schools. Ms. Solomon also spoke about the County Sewer Treatment Plant and how can you develop in that area with that plant there. She said that our taxes are killing us and that the Board has done nothing about our property assessments

which are too high. Ms. Solomon concluded that there are a lot of problems in the Village but the Board needs to protect our Marina area and that we need parking which there is and a park not more development.

Mayor Pilla recognized Richard Abel.

Mr. Abel said that the average house in Port Chester will pay \$222 less in taxes if both the residential and commercial assessments went down how is that possible.

Trustee Terenzi agreed with Mr. Abel that is the question.

Mr. Russo explained the information that Mr. Abel spoke on noting that the Town Assessor provided information for an average property calculation stating that the Homestead side went down and explained further.

Mr. Abel said that the water usage fee in principal he agrees with but noted that some of the big water users are restaurants that bring in the taxes and commerce and this will bring up the cost of doing business here.

Mayor Pilla spoke about the Homestead and Non-Homestead properties and the split between those two assessment categories and as we carve out the cost for services so people pay their fair share the different between the categories should go down and normalize the costs based on the usage.

Trustee Brakewood said that Mr. Abel's comments are valid and that we need to have more data on this proposal.

Mr. Russo said that Mr. Abel's comments show that there needs to be fairness. He said that the Village spends a great deal of time and effort clearing out grease from restaurants from the sewer lines downtown which there is no reimbursement for this work.

Mr. Abel spoke more on the additional burden to some entities of this proposed sewer project.

Mayor Pilla said that we could have considered just setting a rate but do not want to do that so will be looking at the full year water usage.

Mr. Abel told the Board that the amount charged to the customer will not be in a fee schedule but should be by public hearing and not by budget.

Mr. Cerreto said that a public hearing would be required to change the fee and/or rate for this project.

The Mayor asked if there was anyone else from the audience who would like to speak on the proposed Tentative Budget, there was none.

On motion of Trustee Didden, seconded by Trustee Marino, the public hearing was adjourned to April 16, 2012.

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

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Presentation: Comprehensive Plan and Zoning Map & Text Amendments

The Clerk noted that the next item on the agenda is a presentation regarding the Comprehensive Plan and Zoning Map and Text Amendments.

Mayor Pilla gave the floor to Assistant Manager, Christopher Steers who is spearheading this project to apprise the Board as to its status.

Mr. Steers said that this is another step on our journey to adopt the Comprehensive Plan which was reenergized last year with the focus for synergizing the different versions of the plan which has been completed. He said that the draft plan has been completed and voted on by the Comprehensive Plan Advisory Committee (CPAC) which has been forwarded to the Board. Mr. Steers said that this is the next step in this process to deal with the zoning amendments as proposed based on the plan and we look forward toward the adoption of the Comprehensive Plan. He said that this will be a summary of those specific amendments and will also speak about the final steps for the adoption.

Frank Fish of BFJ Planning reviewed the schedule of the Comprehensive Plan, Zoning Amendments and State Environment Quality Review (SEQR) and noted that we are on schedule and tonight will ask the Board to schedule a public scoping session for April 16th which will lead to a public hearing to be held in June on the Plan and the Zoning Amendments, a Draft Generic Environmental Impact Study public hearing for July and adoption of the Plan and Zoning for October. Mr. Fish continued with the overall scope of the zoning code and map amendments noting that the first stage of the zoning code and map amendment process has been completed based on the key recommendation set forth in the Comprehensive Plan, that the foundation for future amendment process is aimed at code modernization and reorganization and that the zoning code amendments will implement the overall vision and recommendations established in an adopted Comprehensive Plan. He said with the overall approach that the zoning code and map amendments will reduce potential future density increases throughout the Village, preserve and protect the existing character of the residential neighborhoods, identify strategic areas for limited growth opportunities to help absorb development pressures in the Village's lower density areas and improve development predictability and coordinate private development with public investments in transportation and infrastructure systems.

Sarah Yackel of BFJ Planning presented the key strategies of the residential districts. She said that the floor area ratio (FAR) reductions in all residential districts, maximum building height reduction in the RA3 and RA4 districts, five strategic upzonings and the elimination of the PTD Planned Tower Development District. Ms. Yackel reviewed the schedule of the proposed FAR in the R2O – one family residential going from 0.50 to 0.35, in the R7 – one family residential from 0.60 to 0.50, the R5 – one family residential from 0.70 to 0.60 the R2F – two-family residential from 0.80 to 0.70 and the RA2 – multi-family residential from a 1.00 to a 0.90. She continued that there will be reduction of the FAR along with the maximum building heights reductions for the RA3 – multi-family residential from 1.60 to 1.50 and maximum height of building in stories from 8 to 6 and in feet from 70 to 60, for the RA4 – multi-family residential from 2.5 to 2.00 and from 10 stories to 7 and 95 feet to 70 feet.

Ms. Yackel continued with the presentation showing the areas for proposed upzonings north of Putnam Avenue between Willett Avenue and the Village border from R2F (two-family) to R5 noting that there are 91 parcels and that 42 are two family; from north of Mortimer Street west of Willett Avenue from a R2F (two-family) to R5 noting that there are 13 properties and 7 are two-family; from the west of King Street along Poningo Street,

including properties along Parker, Seymour, Bush and Buckley from RA3 (multi-family) to R2F (two-family) which includes 123 properties with 32 being multi-family; from the west of South Regent Street along Drew Street from a RA3 (multi-family) to a R2F (two-family) which has 12 parcels and 7 multi-family and south of Irving Avenue between North Regent Street and Leicester Street to a RA4 (multi-family) to RA2 (multi-family) which there are 9 parcels and none that are non-conforming.

Michael Keane of BFJ Planning then reviewed the non-residential districts with the proposed zoning map amendments and building heights for these districts. He said that the key strategies of the non-residential zones is in the commercial areas the C1 – Neighborhood Retail district there are no changes, for the C2- Central Business District it has been renamed as a new C2 – Main Street Business district, the C3 – Design Office and Commercial district has been modified to the C3 – Office and Commercial district, the C4 – General Commercial district has been modified to the C4- General Commercial district and a new C5 – Train Station Mixed Use district (based on the existing C2 district). Mr. Keane stated that the proposed non-residential districts would include the elimination of the PRSP – Planned Railroad Station Plaza Development district. He continued with the waterfront area which would eliminate the MUR Marina Urban Redevelopment district and rezone the waterfront area C3 – Office & Commercial and DW – Design Waterfront. Mr. Keane reviewed the proposed dimensional requirements for these nonresidential districts.

Mr. Fish explained that the former united Hospital site is currently zones as two-family and that they are providing for mixed uses on this site with density bonuses. He said that this site is being proposed to be a Planned Mixed-Use District (PMU) and that the maximum total FAR is 0.80 which would be comprised of any combination of permitted uses, bonusable to an FAR of 1.0 and 10 stories by special permit, that the maximum FAR for a hotel /convention center at this site would be 0.40, maximum FAR for commercial uses is 0.20 with the same for the maximum for residential uses, 0.15 FAR for senior housing/ assisted living, 0.10 FAR for community facility, that the maximum site coverage of 70% and that the maximum building height for hotel is 8 stories (with bonus to 10-stories by special permit). Mr. Fish continued with the standards and requirements for the PMU district that the maximum building height for commercial / residential uses to be 5 stories (55 feet) (4 residential floors over ground floor commercial) and 8 stories (85 feet) by special permit and for residential apartments would only permit efficiency (studio), one bedrooms and two-bedroom dwelling units in this district. He spoke about the bonuses and that what is being proposed is three funds, one for a downtown parking garage, one for open space and one for the Village's proposed Housing Rehabilitation Program.

Trustees Terenzi and Kenner asked about the 10% set aside for Affordable Housing.

Mr. Fish spoke on that percentage and noted that a percentage of 20% had been considered for other projects in the County and that percentage would not work. There was further discussion about the amount of funds that could be contributed to the proposed three funds for such a project at the hospital site.

Trustee Terenzi discussed the hospital site and that it is important that the entire Board is agreeable with the proposal for this site.

Mr. Fish said that they can schedule a separate meeting with the Board to further discuss these proposals for the hospital area if the Board so chooses.

Trustee Kenner asked how would the entire Board be made aware of the comments by the other Board members and the public.

Mr. Steers said that an email chain worked well with the Comprehensive Plan Advisory Committee (CPAC) and suggested the same process for the Board.

Trustee Marino said that the entire Board should be on the same page with the Plan.

Mr. Steers told the Board that every time further review is considered for the plan and if you go too deep it will delay the process but noted that the Plan is a living document and that it can change once it has been adopted. He said that a lot of the nuts and bolts of the zoning will continue during the process which is under the umbrella of the plan which is the second part of the process.

Trustee Brakewood said that staff and the consultants have done a great job with the process and that one of the items he brought up was his concerns regarding three M1 (manufacturing) zones. He said that one of these zones that he is most concern with is the area from the Costco parking lot to Purdy Avenue which includes Traverse Avenue and Townsend Street.

Mr. Fish said that Trustee Brakewood had previously spoke of his concerns regarding the M1 zones and there could be a consideration of extending the DW zones into some of the M1 zones which would allow usage by special permit. There was further discussion regarding this particular zone and Ms. Yackel noted that this would be special permit by the Board of Trustees.

Trustee Kenner questioned the change from manufacturing to residential.

Trustee Brakewood explained his reasoning that in some of the M1 district there are more multi-family residential compared to parcels that are for storage of materials. He said that when these properties change hands he believes that they would be converted to more residential lots then manufacturing.

Mr. Steers said that part of the discussion maybe that section that Trustee Brakewood is speaking about could be one of the last areas for a job based development.

Trustee Kenner said that he would like to see more economic development. There was more discussion on this subject. Ms. Yackel noted that the C3 does not allow residential and because there are a lot of existing residential that you would be making all those residential units non-conforming more discussion continued on the subject of the M1 zones.

Mr. Steers said that he would like the Board to take away from this is that when we go along and take a look at other things that it takes this type of discussion and some research that real hard look.

Trustee Didden noted that the MUR zone amendments which are proposed to be eliminated is provided for by a Land Acquisition Development Agreement to one of the largest property owners in the Village and that the specificity of this zone is being remove.

Mr. Steers spoke about this district and what is being proposed is to change the zone but leave everything that is a permitted use and allow residential on one of their sites which G&S is seeking.

There was further discussion on this topic and Mr. Steers noted that this has been part of the discussion of the plan since November.

Mr. Cerreto said that nothing will be done or adopted that does not respect the contractual obligations to G&S.

Trustee Terenzi said that this proposal would be enhancing their rights.

Mr. Steers noted that CPAC was involved and G&S had a representative in the process.

Trustee Didden said that it is not clear to him that we will be losing 17 pages of specifications for the MUR district.

Mr. Fish said that this was reviewed with the representative from G&S and what they got back was they were agreeable with the proposal.

Mr. Steers spoke about specificity and going forward there will be folding more of that specificity into the Code because what you currently have is a table that is governing mostly what is going on in most of these districts and that there should be language with schedules and definitions with all that information in there for that specificity. He said that the tables should be based on that language but the way the Code is now it is vice a versa.

Ms. Yackel noted that there were no details in the table for the MUR column. There was more discussion on the subject of the MUR.

Mayor Pilla and the Board thanked the consultants and staff on this presentation of the Comprehensive Plan and Zoning Map and Text Amendments. The Mayor said that there is a resolution later on the agenda that will designate the Board as lead agency for the plan with the related zoning map and text amendments with a positive declaration and notice and scheduling of a scoping session.

* * * * *

Correspondence: Westchester B.L.U.E. Foundation, Inc. – Motorcycle Run & Car Show

The Mayor stated that there are individuals in the audience regarding two of the correspondences that are tonight's agenda. He said that he would take those items prior to the public comment section.

The Clerk stated that the first correspondence is from the Westchester B.L.U.E. Foundation, Inc., requesting that Abendroth Avenue be closed and the use of the Marina Parking Lot on July 15, 2012 for their Annual Motorcycle Run and Charity Car Show.

Mayor Pilla recognized their representative.

Matthew Frank spoke about their event that was held for the first time last year in the Village. He said that event raised enough money to help officers and their families. He said that they are again requesting the use of the Marina Parking Lot and that Abendroth Avenue to be close for facilitating the event which will feature vendors from local businesses, live music and food provided by the restaurant, the Copacabana located on North Main Street that has access from Abendroth Avenue as was done last year. Mr. Frank said that they are as well requesting police assistance for the event.

Trustee Terenzi said that last year there seemed to be support from our local Police Department for this event but is not sure that is the case this year. He asked Mr. Frank if the Foundation is a 5013c organization.

Mr. Frank said that they are now a 5013C organization which was in the process last year. He said that he is not aware that the local police would not support the event this year.

Trustee Terenzi asked about the funding that was raised by this event last year and would Mr. Frank provide that information to the Village Manager.

Mr. Frank said that yes he would provide that information to the Manager.

Trustee Didden expressed his concerns with the closing of Abendroth Avenue which has become a critical traffic flow road and the effect to the other businesses in that area and that we are being asked to facilitate the use of the Marina Parking lot.

Mr. Frank said that they are requesting the closing of Abendroth for public safety issues.

Trustee Didden said that the Village has fiscal restraints and would not want to consider overtime for the Police Department. He said that the Village should not be asking G&S for use of the Marina parking lot.

Mr. Frank said that they would like to keep the event in Port Chester which was very positive last year and would be willing to contact the parking lot owner directly.

Mayor Pilla said that the Board will refer to staff this request for their consideration and determination.

* * * * *

Correspondence: SUNY Purchase Visual Arts Course – Edgewood Park Project

The Clerk presented correspondence from students of the Visual Arts Course entitled “Art for Social Change” at SUNY Purchase requesting to revitalize and beautify Edgewood Park with the following activities: trash clean up, repainting of playground equipment, arts on the fence and planting.

Three students from SUNY Purchase spoke on their proposal for Edgewood Park noting that they see this part as a place that has much character and a substantial amount of space in close proximity to residences, but is not used nearly as much as surrounding parks so this is an opportunity to work with the community to see just how fantastic the parks in their neighborhoods can be. They said that it is the goal of our project to create a space where community interaction, beautification, and cross-cultural dialogues can take place and that they hope to create a public and visible intersection of Port Chester’s residents through beautifying the space and the opportunity for public art and gardening.

The Board inquired about the art work and concerns that these would not become locations for graffiti. They asked if this proposal has been reviewed by the Park and Recreation Commissions.

The students said that they were advised that those Commissions were meeting on April 11th which they will attend and present. They told the Board that they would like to start the project by April 22nd.

The Board told them to go before the Park and Recreation Commissions if they are required to come before the Board for final approval they could consider at this April 16th meeting.

* * * * *

Public Comments:

Mayor Pilla asked if anyone from the audience had any comments at this time. He recognized Mario Karas.

Mr. Karas said that he is here to follow up on the consultant regarding the stop sign on Quintard Drive.

Mayor Pilla said that the Board has indicated that they will not pay for a consultant on this issue.

Mr. Karas said that the Board should then have the stop signs removed.

The Village Attorney and the Village Manager said that it was left that staff will contact the traffic consultant requesting if they will considered review of this matter with no fee. Mr. Russo said that he needs to contact the consultant to follow up on this request.

Trustee Kenner told Mr. Karas that he has only heard positive responses regarding the placement of the stop signs so he is not in favor of removing them and does not think it is productive to continue to have this discussion every meeting.

* * * * *

Richard Abel asked who requested the various discussion items on the agenda.

Trustee Kenner said that he requested the 2nd item regarding local development corporation and the 3rd item regarding master licensing agreements.

Mayor Pilla said that he requested the 1st item regarding prohibiting food trucks in the downtown area.

Mr. Abel asked if there will be any additional matters for this agenda.

The Mayor said that an executive session will be considered at the end of the meeting that is listed on the agenda with a possible action that would be taken in public.

* * * * *

Michael Scarola member of the Comprehensive Plan Advisory Committee said that CPAC, the staff and the community has been involved in the Comprehensive Plan for a few years and we are at a point to complete the process. He encouraged the Board to vet the process in order to work forward for a public hearing on the plan in June. Mr. Scarola said that he has some outstanding comments regarding the plan that he is following up with the consultants and staff. The Board discussed briefly with Mr. Scarola the proposal to remove the MUR District and changes of other zones.

* * * * *

Resolutions: Comprehensive Plan

COMPREHENSIVE PLAN AND RELATED ZONING AMENDMENTS
LEAD AGENCY FOR SEQRA
SETTING OF PUBLIC SCOPING SESSION

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

WHEREAS, in accordance with the expressed community vision, the Village of Port Chester is developing its first-ever comprehensive plan that will serve as the framework for guiding future planning and zoning and other municipal actions; and

WHEREAS, on March 21, 2012, the Comprehensive Plan Advisory Committee, and after public hearing, recommended to the Board a synthesized and updated comprehensive plan, together with select related zoning map and text amendments for contemporaneous adoption to appropriately implement such Plan; and

WHEREAS, after discussion, the Board has a consensus on a timetable for review and consideration of the Plan and such amendments. Now, therefore, be it

RESOLVED, that:

1. The Board of Trustees assumes Lead Agency status with regard to the SEQRA review of the Comprehensive Plan and related zoning amendments, which is a Type 1 Action.

2. The Village Board, as lead agency, has determined that the proposed action may have a significant impact on the environment, as set forth in the annexed Positive Declaration, and directs that a Draft Generic Environmental Impact Statement (DGEIS) be prepared.

3. The Village Board approves the Draft Scoping Document in the form accompanying the Positive Declaration.

4. The Village Board further directs that a public scoping session be held on April 16, 2012 at 7:00 p.m. at the Police Headquarters/Justice Court, 350 North Main Street, to consider same, with a public comment period after said session through May 2, 2012, and approves the public notice of said session in the form annexed hereto for publication in the official newspapers of the Village of Port Chester.

5. The Village Board further directs that a copy of this resolution, positive declaration and notice of the public scoping session, together with the Draft Scoping Document, be sent to all interested agencies for their information.

ROLL CALL

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

617.7 and 617.12
State Environmental Quality Review [SEQR]

Positive Declaration

Notice of Intent to Prepare a Draft Generic Environmental Impact Statement [DGEIS]
Determination of Significance

Date: April 2, 2012

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 [State Environmental Quality Review Act] of the Environmental Conservation Law. The Board of Trustees of the Village of Port Chester, as Lead Agency, has determined that the Proposed Action described below may have a significant effect on the environment and that a Draft Generic Environmental Impact Statement will be prepared.

Name of Action: Proposed Adoption of Village of Port Chester Comprehensive Plan and Map and Text Amendments to the Village of Port Chester Zoning Code.

SEQR Status: Type 1

Description of Action: The Board of Trustees has proposed adoption of a Comprehensive Plan for the Village of Port Chester and Map and Text Amendments to the Village's Zoning Code. To assist in preparing the Plan, the Board of Trustees appointed a Comprehensive Plan Advisory Committee [CPAC], comprised of Village residents including business owners, civic leaders and Village officials and others, representing diverse backgrounds and interests. The CPAC worked for more than four years to create a plan that addresses the attitude and reflects the choices of the majority of Village residents.

The CPAC sought out the preferences and priorities of residents through a Village wide survey, visioning sessions and Committee meetings, workshops and forums. The community values that emerged include:

- Reduce overall densities throughout the Village

- Preserve existing character of the residential neighborhoods
- Identify key areas for limited growth opportunities

The Comprehensive Plan provides a succinct statement of the planning strategies and actions that are proposed for implementation throughout the next ten to fifteen years of development in the Village of Port Chester. The Comprehensive Plan includes a number of recommendations specific to land use and zoning, housing, economic development, natural and environmental resources, historic and cultural resources, transportation and municipal services. The specific strategies are proposed in response to the changing conditions and needs of the Village and the development trends affecting the community and surrounding region. The proposed Zoning Code and Map Amendments are intended to implement the recommendations in the Comprehensive Plan and represent a decrease in overall density in the Village, while focusing development in the downtown area, and along Route 1 and the waterfront. New zoning districts have been created and a variety of land uses have been added or removed from the list of allowable uses.

Location: Village of Port Chester, Westchester County, New York

Reasons Supporting this Determination:

Land Use and Zoning. The Proposed Action may result in zoning changes that would: 1) allow greater densities and different land uses from what current zoning permits in specific areas of the Village deemed appropriate for pedestrian and transit oriented mixed use development; and 2) reduce densities in the remainder of the Village to enhance residential character, natural resources, scenic beauty, open space and historic resources.

Socioeconomic Conditions. The Proposed Action may result in changes in the type and density of land uses in the Village. Mixed use neighborhoods in limited growth areas may enhance and diversify the tax base while creating a variety of land uses that are less susceptible to market and economic cycles. Additional areas have been added where office and other forms of non residential development may be accommodated.

Community Facilities and Services. The Proposed Action may result in a decreased need for some community facilities and services over what would occur under existing zoning. Mixed use neighborhoods in limited growth areas like the downtown facilitate efficient and predicable capital planning for streets, storm water management facilities, water and sewer utilities and other services.

Community Character. Changes in land use and the physical landscape could result from the introduction of addition buildings and greater development density in specific locations deemed appropriate for pedestrian and transit oriented mixed use growth. At the same time, the Village's predominantly residential character would be retained due to reductions in development density and other planning tools elsewhere.

Local Waterfront Revitalization Program [LWRP]. The Proposed Action has been designed to be consistent with the New York State Department of State Coastal Zone Management Program and the Village of Port Chester Waterfront Revitalization Program which, upon adoption, will be incorporated into the New York State Department of State's Coastal Management Program.

Infrastructure. The Proposed Action may increase the demand for water and/or sewer services, if such services are developed, or modified to serve any or all of the proposed limited growth areas.

Transportation. The Proposed Action may result in a decrease in the number of vehicular trips in the Village over what would occur under current zoning due to the overall reduction in residential densities in the Village from that which is possible under the current zoning code, and more reliance on mass transit options in the downtown.

For Further Information:

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

**NOTICE OF PUBLIC SCOPING MEETING
 PURSUANT TO THE STATE ENVIRONMENTAL QUALITY REVIEW ACT
 [SEQRA]**

Lead Agency	Village of Port Chester Board of Trustees.
Name of Action	Adoption of Comprehensive Plan and Zoning Map and Text Amendments in the Village of Port Chester, New York.
Purpose of Meeting	To provide an opportunity for the public to identify specific issues and environmental impacts that should be addressed in a Draft Generic Environmental Impact Statement [DGEIS] for the Proposed Action.
Meeting Time and Date	7:00PM on April 16, 2012.
Meeting Location	Police Headquarters/Justice Court, 350 North Main Street, Port Chester, NY.
Conduct of Meeting	The meeting is being held to receive public comments on specific issues or areas of concern relative to the Proposed Action. The meeting will not be a question and answer session, but is intended to provide as many people as possible with the opportunity to speak.
Comment Deadline	Written comments regarding issues to be addressed in the DGEIS will be accepted until 5:00PM on May 2, 2012. Written comments will be given the same consideration as any oral comments made at the public scoping meeting on April 16, 2012. Please submit written comments to the Village Clerk, 222 Grace Church Street, Port Chester, NY 10573. Electronic comments may be provided by email to jmancuso@portchesterny.com . Please include your name and address when submitting a comment; no anonymous written or electronic comments will be accepted.
Draft Scoping Document	A draft scoping document dated March 22, 2012 is available for public review and comment at the following web address: www.portchesterny.com . This draft scoping document describes the issues and areas of environmental concern that are proposed to be addressed in the DGEIS.
Future Steps	A final scoping document is expected to be completed in May 2012 based on full consideration of the comments submitted on the draft scoping document. Subsequently, the DGEIS will be prepared for the project. The DGEIS will contain detailed information regarding the Proposed Action, potential environmental impacts and measures proposed to mitigate potentially significant impacts, if encountered. The DGEIS will be made available for public review and comment following its acceptance by the Board of Trustees of the Village of Port Chester.

* The SEQRA Intent to be Lead Agency, the Environmental Assessment Form and Exhibit Maps are on file with the resolution in the Clerk's office.

* * * * *

Resolutions: Recreation

AGREEMENT
BRONX UMPIRES ALLIANCE
FOR ADULT SOFTBALL LEAGUE 2012 SEASON

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

RESOLVED, that the Village Manager is authorized to enter into an agreement with the Bronx Umpires Alliance, 60 Topland Road, White Plains, New York 10605 to provide umpiring services for the Village of Port Chester Recreation Department Adult Softball League for the 2012 Season at a fee of \$40.00 per umpire for two-umpire games and \$55 per umpire for single-umpire games.

ROLL CALL

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

* * * * *

Resolution: Senior Center

The Clerk presented the next resolution on the agenda regarding the Senior Center Use Policy.

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

Mayor Pilla said that this resolution and amendment to the Senior Center policy is before the Board to add the language that non-profits organizations that also receive assistance from the Village for operation of Village programs would pay for the actual cost of the Village’s custodian services for the use of the Senior Center which currently the policy does not include.

Trustee Marino said that he agrees that these groups should pay for the custodial expense.

Trustee Didden said that he will vote against the proposal noting that we incurred \$1,200 in custodial fees last year from the use of the center by non-profits. He said that we should stay with the original policy and charge these groups the rental fee along with custodial fees. Trustee Didden recommended that we consider a policy like the Village of Rye Brook has for the Posillipo Center which has an open policy use for anyone with rental charges. He said that we should be renting out our Senior Center in the same ways.

The Board discussed this further and some of their concerns of open rentals of the facility.

Trustee Marino said that he would like to hear from the Senior Director before considering this amendment.

Trustee Marino made a motion to table the resolution to April 16, 2012 so the Senior Center Director could speak on this matter, Trustee Kenner seconded the motion.

ROLL CALL

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

The motion did not carry, so a vote was called on the resolution as follows:

VILLAGE OF PORT CHESTER
SENIOR/COMMUNITY CENTER FACILITY POLICY
AND RULES AND REGULATIONS

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 Port Chester Senior/Community Center was dedicated on February 23, 2007; and

WHEREAS, although the primary use of the Senior/Community Center is for programs supporting seniors of the community, the Board desires that the facility be available for additional use upon permit basis; and

WHEREAS, by resolution adopted on April 6, 2010, the Board adopted a policy for such additional use by governmental agencies and non-profit organizations with special tax status and a nexus to the Village; and

WHEREAS, the Board finds that such non-profit organizations that also receive assistance from the Village for operation of Village programs warrant further consideration. Now, therefore be it

RESOLVED, that the Board of Trustees hereby amends the “Village of Port Chester Senior/Community Center Facility Policy and Rules and Regulations” in the form annexed with regard to the payment of the user fee by non-profit organizations permitted to use the facility.

ROLL CALL

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

Village of Port Chester
Senior/Community Center Facility Policy
Rules and Regulations

The Village Board of Trustees recognizes that the Port Chester Senior/Community Center belongs to the people of the Village of Port Chester. The Board affirms that the primary use of the Senior/Community Center is for programs supporting seniors of the community. The Board desires to provide for the additional use of the Senior/Community Center to governmental entities and non-profit organizations with special tax designation Section 501 (c) (3) that provides programs or services in the Village. The Board is mindful of its fiduciary obligations to ensure that the Senior/Community Center is in optimum condition and available for use by generations to come.

Permits to use the Senior/Community Center may be cancelled in the event of a conflict with a Village activity or for any reason that is deemed necessary by the Village. The Village reserves its right to permit use of the Senior/Community Center and full access to the facility at all times. The Senior/Community Center is handicapped-accessible and is open to all individuals and groups regardless of age, race, national origin, sexual orientation, marital status, disability, military status or other specified classes protected by law.

The Village may restrict the use of the Senior/Community Center to certain times and areas as governed by the following rules and regulations:

Permits are issued by the Village Manager’s designee on a first-come, first-serve basis, with a limit on the number of permits to ten per month. The facility may not be used by the same permittee more than three times in a calendar year, it being the intention of the Village to ensure a general use of the facility.

1. Application forms are available at the Senior/Community Center, 220 Grace Church Street and on the Village’s website.
2. The Senior/Community Center is available for permit use on weekdays (except Mondays and Wednesdays), and Saturdays from 6 p.m. to 9 p.m. and on Sunday from 12 noon to 9 p.m. or as otherwise authorized.
3. A permit fee and clean-up security deposit are required at the time the permit is issued and reservation made.
4. The schedule of fees is as follows:

Government Entities

Governmental entities shall pay the actual cost of the Village’s custodian’s services.

Non-profit organizations

Non-profit organizations that additionally receive assistance from the Village for their operation of Village programs shall pay the actual cost of the Village’s custodian services.

All others:

	Up to 2 hours*	Up to 3 hours*	Up to 4 hours*
Multi-Purpose Room	\$100.00	\$150.00	\$200.00

*includes one hour set-up time.

Security Deposit of \$250.00 (refundable)

Use of the kitchen is an additional \$100 fee.

An additional overtime fee of \$75.00 per hour or part thereof shall be imposed on all activities/events that are permitted and extend beyond four hours.

5. The Senior/Community Center will be open for one hour prior to the start of the proposed event or activity and shall close one hour after the end of the event or activity. The Village’s custodian will be responsible for opening and closing the facility and will be present for entire period of use.
6. Permittees are expected to act in an orderly manner. It is the responsibility of the permittee to clear and clean the facility/area used, including the kitchen and all the equipment if kitchen privileges are granted, at the conclusion of the function. The facility shall be left in the same or better condition that in which it was found. The clean-up deposit shall be returned to the permittee within two weeks after the event following the inspection made by the Village’s custodian certifying that the premises have been returned to such level of condition. A report shall be made by the custodian after each usage and advise the Director of the Senior/Community Center if there are any damages or extraordinary cleanup necessary. Permittees are held responsible for any such damages or cleanup costs.

7. Cancellations are discouraged and must be reported no later than one day prior for a weekday event or function or on Friday before a weekend function. In the event of a cancellation, permit fees are refundable on the following basis:

4 weeks or more notice -	100% refundable
2 to 4 weeks notice -	75% refundable
Less than 2 weeks notice -	50% refundable
8. Smoking and the sale, use or consumption of alcoholic beverages is prohibited.
9. Nothing shall be affixed to the walls or doors or hung from ceiling. No helium balloons may be used for decoration. No smoke machines or pyrotechnics may be used.
10. Occupancy limits are posted and shall not be exceeded.
11. Means of ingress and egress shall not be blocked.
12. No fee for admission shall be charged.
13. The permittee shall execute an indemnification agreement satisfactory in form to the Village Attorney holding the Village harmless arising out of the use of the Senior/Community Center. In addition, a certificate of insurance shall be provided evidencing that the permittee has general liability insurance in the minimum amount of \$1 million / \$2 million dollars coverage, naming the Village of Port Chester as an additional insured. Such certificate shall be provided no less than fourteen days prior to the event or function.
14. Unlawful discrimination shall not be tolerated and are grounds for summary revocation of a permit to use the Senior/Community Center.

Adopted: April 6, 2010
 Amended:

* (The vote did not carry for or against so the resolution will be brought back on the April 16, 2012 Agenda)

* * * * *

Discussion: Prohibiting Food Trucks in the Downtown Area

Mayor Pilla said that there is limited parking downtown and that food trucks take away from the restaurants that are located downtown that are paying their rents and taxes. He said that he would recommend prohibiting food trucks in the downtown C2 area.

Trustee Didden said that he brought up this subject last fall and nothing has been done and now the licensing renewal is coming due next month. He said that he agrees that food trucks take away from our downtown area and should not be allowed but the Board should had acted on this issue much sooner. Trustee Didden asked Mr. Steers to comment on this use downtown.

Mr. Steers said that these type of trucks should be prohibited in the downtown area and spoke about the reasons why.

Trustee Didden said that the law on hawking and peddling which is currently on the books is unenforceable pursuant to the Police Department.

Police Chief Joseph Krzeminski noted that the law currently states that these vehicles have to move every fifteen minutes which can be done by just moving back and forth but it

would require a police officer full time to enforce. He noted that the current law does prohibits these vehicles on the following sections of roads in the Village; Westchester Avenue from Townsend Street to Perry Avenue; North Main Street from the Connecticut State line to Westchester Avenue; South Main Street (U.S. No. 1) from Westchester Avenue to the Rye City line; Grace Church Street from South Main Street to Fox Island Road; Midland Avenue from Grace Church Street to the Rye City line; Pearl Street from South Main Street (U.S. No. 1) to Westchester Avenue; North Pearl Street from Westchester Avenue to King Street; South Regent Street from Boston Post Road (U.S. No. 1) to Westchester Avenue and North Regent Street from Westchester Avenue to King Street.

The Mayor said that the issue has been trucks along Abendroth which has become a much heavier traffic road and would recommend that Abendroth also be prohibited.

Anthony Cerreto, the Village Attorney said that a local law would be required to make this prohibition and since the license is shortly due for renewal would recommend extending the licenses for a period of time before prohibiting.

Police Chief Krzeminski also suggested the consideration of prohibiting the Highland and Marvin Street parking lots in the downtown area.

Mr. Cerreto said that he would work with the Police Department on this matter and come back to the Board with a proposal.

* * * * *

Discussion: Local Development Corporation

Trustee Kenner said that he requested this discussion item that was discussed at the last Industrial Development Agency (IDA) meeting which there was interest and was asked along with IDA Chairman, Neil Pagano who is in the audience to speak to the Board on this consideration. He explained that the Village's Industrial Development Agency provides incentives to businesses and organizations but the authority for IDA's to undertake projects and issue debt for the benefit of civic facilities remains lapsed in the State of New York. He said that the IDA has been advised that in the absence of IDA statutory power to assist civic facility projects, many municipalities throughout the State have established new not-for-profit local development corporations to act as on behalf of issuers of non-recourse, tax exempt financing for the benefit of their local not-for-profit institutions, including hospitals, charitable organizations, museums and other critical community based organizations that are significant employers and provide critical services in the local communities. Trustee Kenner said he would like the Board to consider establishing a Local Development Corporation (LDC) to provide for any requested civic facility projects.

Trustee Terenzi said that he had been involved with LDC's and there have been a few that were not properly run. He said that there needs to be a separate Board for each project so it is important to have the right board members and transparency.

Trustee Kenner noted that the LDC could be the same members as the IDA and spoke on their transparency. He said that the IDA Chairman, Neil Pagano could speak further on this subject.

Mr. Pagano agrees with Trustee Terenzi that a few LDCs have gone sideways but noted that the State has over 500 that are working fine. He said that the IDA has discussed this proposal which the Mayor is a member of and that it is his impression that the Mayor may not be in favor of establishing any LDCs.

Mayor Pilla said that it is a good idea and that he is not against these corporations but does not think it is the right timing.

Mr. Pagano continued speaking of the fees that have increased that are associated with payments in lieu of taxes by the IDA and if we do not set up the same for non-profits that the County could take those fees instead of the Village receiving them. He said that the LDC could have the same members as the IDA and how the IDA does the required reporting. Mr. Pagano told the Board that we need to be ready and that we had to scramble to be ready for the Capital Theatre Project which he spoke further on stating that a release had reported that they received tax breaks and clarified that it was not on property taxes but instead was a sale tax break.

Trustee Brakewood said that clarification was necessary because School Board officials and parents questioned a reduction of property taxes which it was not but a sale tax.

Trustee Kenner said that what was also lost in the Capital release information was that sixty jobs will be generated by this property. He spoke about other IDA projects that have generated jobs and provided the Village with impact fees. Trustee Kenner and Mr. Pagano spoke further about the IDA and that a LDC could mirror the IDA.

Trustee Brakewood questioned that the two groups could mirror each other and if that is allowable by the State.

Trustee Kenner said that they would be two separate entities but could have the same members, which is allowable by the State.

Trustee Didden said that if Trustee Brakewood thinks there should be more transparency that there are currently two trustees on the IDA and that the Board could take two other trustees for the LCD. He spoke about the fee that was generated by the Kingsport project which was used for long term investment of the Muncity Program for the Village so these projects can help in the cost for necessary systems / projects that benefit the Village without costing the taxpayers. Trustee Didden said that he believes that LCDs are a great idea and does not want to be in a position that if we are not prepared that the County could come in and take fees that can be for the Village.

Mayor Pilla said that LDCs can be a good thing and can be very beneficial but we need to consider use and purpose and we need to look at the master plan in relation to what is being proposed for projects. He said that he has been in favor of lightening the load of government and that a 1% fee for a project is not a large amount of fees. The Mayor said that when we talk about transparency and the IDA has that but it also includes staff doing the reporting and noted that we only at the beginning of this year hired a full time Director of Planning and Development and that the IDA does not believe that the Director is ready to take on IDA work so how can staff be ready for additional work from LDCs.

Trustee Kenner and Mr. Pagano said that the Mayor's statement about staff is a mischaracterization.

Trustee Didden said that the prior Board eliminated the Parking Authority which could have been used for a parking garage downtown.

Mr. Pagano said that the Village's IDA has a tool chest but one of the tools that we do not have is LDCs. He said let's not talk about fees at this time but if these non-profits can produce jobs anywhere from 5 to 50 or more in this community for a modest fee would the Mayor fault that.

The Mayor said the County could do that and Mr. Pagano is missing the point.

Trustee Didden said that the Mayor at one point wanted to get rid of the IDA and other items to the County like taxis, taxes, LDCs. He said that the Mayor does not want to manage anything.

Mayor Pilla said that our taxis look like gypsy cabs and that is why he wants to get rid of that licensing. He said that he thinks we need to lighten the load and that the County has an agency that provides for not-for-profits. The Mayor said that that the potential for not-for-profits appears to be small in his estimation and that it is inconsistent with our major strategies to bring in higher rateables. He spoke about County programs and other organizations such as the Housing Action Council that do this so well. The Mayor said that we need staff to establish a Business Improvement District (BID) first before considering a Local Development Corporation.

Trustee Kenner said that to establish the LDC the Board just needs to adopt a resolution.

Trustee Brakewood said so if all is needed is the adoption of a resolution by the Board that could also be taken away if need be.

Trustee Marino questioned that if staff is not ready to handle this proposal then do we need to hire more staff.

Mr. Pagano said that there is more of a need on the legal side for an LDC and noted that the IDA has an administrator, Dwight Douglas for the other functions.

Mr. Steers was asked his opinion on establishing a Local Development Corporation. He said from a professional standpoint that the establishing of one would be a good idea.

Trustee Didden told the Mayor that he should not muddy the waters about a BID and that there should not be consideration for a BID until it is decided who would be included and payment for such a district. There were further comments between Trustee Didden and Mayor Pilla regarding a BID. The Mayor spoke about the changes to the sanitation routes which resulted in a designated route for the downtown which would be included in a BID.

Trustee Kenner asked that the Mayor and Trustee Didden stay on point that this discussion is about Local Development Corporation and not a Business Improvement District.

Trustee Brakewood asked for a description of what a LDC would do.

Mr. Pagano explained that what the LDC would be used for with the following scenario that a not-for-profit wants to purchase property in the Village and by right that property would be off the tax rolls so unfortunately the Village is taking a hit right off the bat without any input from anybody.

Trustee Brakewood asked about a non-profit that is already here.

Mr. Pagano said that could also be and they are expanding their role here and the non-profit is asking for assistance because money is tight so any assistance that a not-for-profit can get should be able to come to an entity that the Village has set up to provide assistance. He spoke further on certain underwriting. Mr. Pagano said that the process would bring these non-profits first to the IDA and then to the LDC to consider tax-exempt funds noting that the non-profits has to get their own financing but through us they can get the tax-exemption of the funds and there is no obligation of the Village or LDC to guarantee these funds so we could provide tax-exempt borrowing, the non-profit already has property tax relief and the LDC can also provide mortgage tax relief which is not impacting the Village. He said that what the Village gets out of this process is possible increase of jobs, keeping an organization here in the Village and possibly extending their services to the community and fees which even as the Mayor said may be modest could go to the County instead of us.

Mayor Pilla said that in his opinion it is just a matter of timing.

Mr. Pagano noted that the process of the LDC ends with the approval by the Village Board to issue the bonds to the not-for-profits.

The Mayor said that his point is that it is the same staff that has to do the reporting of these entities and his concerns that we are spreading ourselves too thin and there is the need to work on other things. He respectfully asked Mr. Pagano that we get the Director of Planning and Development more up to speed on the IDA before considering an LDC.

Mr. Pagano said that now it is not work needed by the Director of Planning and Development but more administrative assistance for the Treasurer.

Trustee Brakewood asked if staff could provide something in writing on what a LDC would mean to them and the structure for them regarding funding etc. He said that could be the next step for consideration of this.

Mr. Pagano said that until projects come there is not much involved but the Village should get ready and have this set up for any that may come along.

Mayor Pilla said again that the BID is of higher priority.

Trustee Didden said that the Mayor is dragging this out and that we should be moving forward.

Trustee Kenner told the Board that there is no rush but wanted this discussion and he is in favor of establishing a LDC.

Trustee Didden said that he would ask for a resolution for consideration.

Trustee Kenner said that he likes Trustee Brakewood's recommendation to get a report from staff and will go back to the entire IDA board to talk on this further and they may or may not come back to the Board for further consideration.

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Discussion: Master Licensing Agreements

Trustee Kenner said that he had requested this discussion item but will withdraw it at this time since he will require more time to be ready for this discussion.

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Correspondence: Salvation Army Request for Parade / March

The Clerk presented correspondence from the Salvation Army requesting permission for a parade / march on June 24, 2012 from the bottom of Westchester Avenue to Haseco Avenue to 36 Bush Avenue in conjunction with the dedication of their new building / facility.

The Board discussed the correspondence and referred the matter to staff for review and consideration with the recommendation that the parade / march turn onto Broad Street and then up Irving Avenue to Haseco Avenue instead of continuing on Westchester Avenue to Haseco.

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Correspondence: Fire Patrol & Rescue Co. #1 Request to hold Car Show

The Clerk presented correspondence from Fire Patrol & Rescue Co. #1 requesting permission to hold a car show with the use of the Marina Parking Lot on August 26, 2012.

The Board discussed the correspondence and Trustee Didden expressed his same comments about asking for use of the Marina Parking lot from G&S. Mayor Pilla said that he would prefer having a centralized point of contact to G&S through the Manager’s office for these types of requests. The Board referred the correspondence from Fire Patrol & Rescue Co. #1 to staff for review and consideration.

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Public Comments:

Richard Abel asked in reference to these items under correspondence requesting permission or the use of something that won’t it be better if the necessary staff or department reviewed first and make a recommendation instead.

The Mayor spoke on the process of these requests.

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Board Comments:

Trustee Brakewood thanked the staff on the budget and said that he looks forward to the budget work sessions. He said that the Board has its’ eye on the ball regarding taxes and use of the tax process noting that the budget is on the Village website for the public to see and comment on. Trustee Brakewood applauded the efforts of everyone on their work on the Comprehensive Plan. He said that he thinks it is a good plan because it is a good plan for Port Chester.

Trustee Terenzi also spoke about the budget process and said that he believes that this is the best Board there has been for the budget process because of our job skills and backgrounds.

Trustee Didden said that the Mayor had spoken earlier about the Didden litigation which includes others beside himself and noted that this litigation has not cost the Village a penny. He requested again that the Board get together with staff regarding further discussion of an amnesty program for Code Enforcement. The Mayor asked that the Board be polled along with the required staff to schedule a separate meeting on this topic.

Trustee Marino said that during this budget time that we work together and go through the budget. He asked the Village Manager for an update regarding the bulkhead.

Mr. Russo said that he is waiting for the final plans and that comments will go back to G&S. He said that all parties are working together to move this forward. Mr. Cerreto said that he will separately give the Board comments and his opinion on this matter.

Trustee Kenner spoke about the Master Plan commending the Comprehensive Plan Advisory Committee for all their hard work noting that he was an original appointment to that committee which started this process back in 2007. He said that the School Board was requesting a joint meeting with the Board of Trustees and it was noted that staff was working with the School Clerk regarding dates. Trustee Kenner asked if there is an update to the Board regarding a discussion with the Department of Justice in reference to the 2013 Election. Mayor Pilla said that he will speak about the Department of Justice in his closing comments.

Mayor Pilla spoke about the budget which he believes the Board has to make more cuts but that we also need to add more stating that there is a need for more grant writing. He told the Board that a meeting has been scheduled for tomorrow to speak to the Department of Justice which will include himself, the Village Attorney, the Village Manager and the Clerk. The Mayor said that he would ask for a joint request to modify the Consent Decree on the issue of early voting. Mayor Pilla said he has taken a deep dive on the Ambulance Corp., and that he has asked for additional information from them. Mr. Russo said that he would follow up on that subject. The Mayor thanked staff along with the Village's Industrial Development Agency on all their work.

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Executive Session:

Trustee Didden made a motion for an executive session at 11:33 p.m., based on the 105 Public Officers Law Section 1051F concerning the employment history of a particular person in the Police Department, Trustee Marino seconded the motion.

ROLL CALL

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

No action was taken in executive session.

Trustee Kenner made a motion to close the executive session at 11:43 p.m., Trustee Marino seconded the motion.

ROLL CALL

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

Mayor Pilla said that the Board has a resolution to consider regarding the executive session matter.

Trustee Didden made a motion to add the following resolution to the agenda, Trustee Brakewood seconded the motion.

ROLL CALL

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

STIPULATION OF AGREEMENT
POLICE DETECTIVE CAPTAIN ALBERT SCHNELL

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

RESOLVED, that on behalf of the Board of Trustees, the Mayor be and is hereby authorized to enter into a Stipulation of Agreement between Police Detective Captain Albert Schnell and the Village of Port Chester with regard to his employment status; and be it further

RESOLVED, that the Board accepts the resignation of Albert Schnell dated April 2, 2012, by its terms effective no later than November 30, 2012.

ROLL CALL

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

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There being no further business, on motion of Trustee Kenner, seconded by Trustee Didden, the meeting was closed at 11:46 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