

MEETING HELD JUNE 4, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 4, 2012 at 6:30 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

Trustee John Branca participated for a portion of the meeting via video conference from 17 Austin Place, Port Chester, New York.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Police Chief Joseph Krzeminski; Captain John Telesca and Lt. Detective Royal Monroe. Assistant Village Manager / Director of Code Enforcement, Christopher Steers arrived at 7:05 p.m.

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Work Session – Police Commissioners with Police Chief

The Board of Trustees as the Police Commissioners held a work session with Police Chief Joseph Krzeminski, Captain Telesca and Lt. Detective Royal Monroe regarding recent media coverage which showed a video of an incident regarding the arrest of a gentleman on North Main Street who left La Dolce Vita, a bar in the area in an apparent drunken state and was unconscious on the sidewalk for a period of time and robbed by persons who passed by.

Chief Krzeminski stated that the gentleman was arrested after becoming conscious and trespassing on private property and from that arrest the property owner provided the video tape that showed this person being robbed while unconscious. He said that the investigation is twofold on the incident itself and if the police were ever aware of this individual. The Chief said that two arrests have been made regarding the robbery of this man and that they expect more arrests.

Trustee Brakewood said that the Board had put in place after the entertainment laws were adopted \$10,000 in funding for an entertainment patrol which was removed during the prior budget process and asked would this funding be helpful with this incident or other situations.

Lt. Monroe commented on Trustee Brakewood's statement regarding this funding. He said that the Police Department does not have an entertainment patrol and that this funding was for ABC checks. There was further discussion on this subject between Trustee Brakewood and Lt. Monroe.

Trustee Brakewood spoke further on the topic of the entertainment law enforcement and asked how many establishments have cabaret licenses.

Lt. Monroe said that there are currently six establishments with this type of license and more discussion followed.

Trustee Brakewood said that he would like to take \$10,000 from contingency for an entertainment patrol.

Trustee Terenzi asked how this would work with such a patrol and there was more discussion on this topic between the Board and the Police.

Trustee Didden said that he had asked for a resolution to set a public hearing to repeal the law that removed the employee licensing provisions of the cabaret law which is not on the agenda and spoke further on this issue.

At this time Trustee Brakewood raised a point of order question regarding Trustee Branca's participation via video conference which is being set up here at the Courtroom. He said that any alternate location has to be noticed which it was and that the public has the right to attend an alternate location and that he has been informed that a few people from the public attempted to be allowed at his location and were denied.

The Mayor said that the issue Trustee Brakewood raised will be discussed further after the work session with the Police.

Lt. Monroe said that if the Village wants to have an entertainment destination area in the C2 Downtown area dedicated resources including police, fire, EMS are needed for the area.

Trustee Didden asked if a Business Improvement District (BID) would provide those services.

Anthony Cerreto, the Village Attorney noted that a BID is not to duplicate services but provide enhanced services.

Trustee Brakewood spoke about the police enforcement in White Plains in the entertainment area of Mamaroneck Avenue where there is a large number of police on the street during the times of and closing of the bars.

Chief Krzeminski spoke further about the enforcement in White Plains which has a zero tolerance policy but that they also have a much larger police force.

Mayor Pilla spoke about the entertainment law for cabarets and the reasoning for the removal of the employee licensing provision for all employees. He said that to license every employee from the dishwasher to the drummer is over burdensome of our resources and staff. He spoke about the topic of rapid response cameras in certain areas that we should consider that can provide additional oversight.

Trustee Brakewood asked about the cameras for Abendroth and Columbus Parks and the status of these cameras.

Captain Telesca and Lt. Monroe said that the cameras have been installed.

The Mayor said that he would like the Village to embrace a zero tolerance policy about noise regarding these establishments and wants to amend the cabaret law for a certain number of violations for noise would revoke the cabaret license.

Trustee Brakewood said that he supports the use of cameras and will endorse more automation.

There was further discussion with staff and the Board regarding noise abatement regulations and the topic of adult entertainment in relationship to establishments that are considered hostess bars which the bar associated with the video is. Mr. Cerreto spoke on the current law for adult entertainment and the definition of such.

The Board discussed with the Chief Krzeminski, Lt. Monroe and Captain Telesca about ABC referrals to the State Liquor Authority and that process.

Mayor Pilla spoke further about rapid response cameras and that the Police Department could use DEA funding for this type of purchase and the need for more police on the street for enforcement.

Trustee Marino asked about how the officers complete reports and if they have computers in their vehicles so the officers can do the reports or who does them.

Chief Krzeminski said that they had civilian staff doing the reports but he has suspended the use of this type of personnel because of the lack of accurate reporting, timing and overview. There was further discussion on this topic.

The work session with the Police Chief and staff was concluded and the Mayor called for a five minute recess before continuing with the agenda.

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Presentation: - Port Chester Unity Event

Edward Eways spoke about last year's Port Chester Unity event which was supported by the Board of the Trustees and the Village which he thanked. He said that tonight he wanted to instead speak about the overall unity of our community. Mr. Eways said that after the airing of the video of the incident on North Main Street was broadcast last week he received over 200 emails. He said that he wants everyone to know that we have a wonderful community here in Port Chester and this one incident should not cloud us and that he is proud to be a resident.

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Public Comments

Jerry Terranova spoke about his property on Merritt Street with is classified as commercial because he had his wood working shop there which is no longer operating as a business and that the newspaper is reporting that the sewer tax for his type of property will be up to \$1,000 which he cannot afford.

Trustee Terenzi said that the sewer rent will be by water usage and could be about \$100.00.

Mr. Terranova spoke about the incident on North Main Street and that it was reported that there will be an internal investigation of our police force. He said that the police did nothing wrong that we have the best police force in the County.

Police Chief Krzeminski said that the investigation is two-fold and explained further.

Sean McNerney said that it was his video that was broadcasted that showed the situation of a man that came from a nearby bar that lay drunk in front of his house on North Main Street for hours and several people robbed him. He said that this video touch base on why we need to be fingerprinting / documenting employees of these establishments. Mr. McNerney said that this particular establishment is bad multiple nights during the week not just on Friday and Saturday nights and the problem is when the van comes with the girls for this establishment. He said that he does not want to waste police resources and spoke about other incidents when he does not call the police but would like something to be done and supports the background check and fingerprinting of employees for these establishments. Mr. McNerney applause the efforts of the police but drastic measures are needed to take charge of these situations. He said that he and his wife love where they live and our town and want to make this a place where people come and stay.

Bea Conetta said that at the last Board meeting she brought up the matter about the parking meter investigation and that the Mayor had suggested that she write to the County District Attorney which she did and that she received a letter back that the DA could not confirm or deny the investigation. She said that if more residents wrote we could move this forward. Mrs. Conetta said that on the subject of Robert Morabito being proposed as Clerk for Port Chester by Trustee Terenzi it is unbelievable because in the past Trustee Terenzi had made comments about Mr. Morabito that his administration as the Town Supervisor was corrupt and Trustee Terenzi's statement that a clerk does not have to be brain surgeon to do the job is disrespectful to all the clerks that have served this Village.

Trustee Terenzi said that regarding his proposal of the appointment of Mr. Morabito that he did not want to support anyone who is not a resident and that Mr. Morabito is a long time resident and is qualified.

John Reavis commended Mrs. Mancuso on her job as Clerk. He said that the Village is the most populated community beside New York City and that we need more police. Mr. Reavis spoke about jaywalking and deployment of police that there needs to be more officers walking the beat. He concluded his comments that regarding the employment of employees that there needs to be due process and it is fair to everyone.

Goldie Solomon said that our Bill of Rights are being violated and spoke about some of the rights within the Bill of Rights. She said that politics does not represent the people. Ms. Solomon said that the assessments of the properties in the Village are all wrong but stated that our Police Department is the best and that the Board cannot cut anything to do

with police, fire, EMS or public works. Ms. Solomon concluded her comments that there is a need for a woman on the Board of Trustees especially on what was talked about earlier about the situation downtown at a bar.

Rev. Bruce Baker asked about the process that brought forward the name of Mr. Morabito for Village Clerk.

Trustee Terenzi said that the Manager received resumes for the positions and that he asked for the resolution for the appointment of Mr. Morabito because this is an appointment of the Board.

Rev. Baker asked what are the bathroom hours at Lyon Park because his church and home is across from the park and one morning some boys came over and asked to use the bathrooms.

Mr. Russo said that the hours have been reduced because of the budget but is not sure of the actual times so he will check with the Recreation Department.

Gene Ceccarelli said good luck to Mrs. Mancuso, the Village Clerk in her future endeavors. He spoke about the Taste of Port Chester event held yesterday which was great had large participation, delicious foods and provided for a lot of activity downtown. Mr. Ceccarelli spoke about politics noting that they make strange bedfellows and that we should teach our children about politics when they are younger so they understand that certain processes should not be done politically and that for the Clerk's position there has been no due process without any interviews for the position. He also read some quotes from the Westmore News from years past that Trustee Terenzi had made regarding Robert Morabito as Town Supervisor that were against Mr. Morabito so is quite surprise that he is endorsing him for this position.

Trustee Terenzi said that Mr. Morabito is qualified and is a longtime resident and asked Mr. Ceccarelli how he feels about residency requirements.

Mr. Ceccarelli said yes he agrees with residency requirements if the candidates are qualified.

Mayor Pilla noted that most positions that are filled by residency are through exams.

Mr. Ceccarelli said that Mr. Morabito did backroom deals and the Board should not endorse this appointment.

Dave Thomas spoke as President of the Building Community Bridges and thanked the Mayor and Recreation Department for the lending of the sound system for the ceremony held at the African American burial grounds.

Linda Turturino said that a lot has been spoken tonight about the police and fire forces who put their lives on the line everyday so we should be commended them for the work they do. She spoke about the incident that occurred on North Main Street in the vicinity of the establishment La Dolce Vita and questioned when the last the time an inspection was done

for this location for the number of people in the establishment. Ms. Turturino said that she does not think it should be just the responsibility of the Police Department and spoke about when she was younger and went to bars that when they closed at 4:00 a.m. the patrons left the bar and went home but apparently that has changed from what we have seen in the video with girls coming by a van to work at locations such as this one. She concluded her comments about not tolerating noise and that her complaints about noise is more about the lawnmowers, leaf blowers and construction work too early and too late on the weekends. Ms. Turturino said that the residents of Port Chester need a better of quality of life and something more has to be done about noise.

Mayor Pilla spoke on the current noise law which has time restrictions for certain activities including landscaping and construction work.

William Villanova thanked the Clerk for her work for the Village. He also spoke about the video of the incident on North Main Street stating that it appears that the establishment over served this person noting that we are a family community and they need to be held accountable for their actions. Mr. Villanova said that we need to bring our community back to a better level and that our Police Department is not responsible for what happened but is there to clean up.

Joan DiBuono complimented everyone who spoke tonight. She said that on July 20, 2011 she signed a letter as a member of the Board of Ethics asking for the replacement of Michael Ritchie who had resigned from this Board which the Mayor was to advertise and that this position is still open and that we had asked the Board to revisit reform of the Ethics Law. Ms. DiBuono said that another member Rev. Washington had also indicated that he was going to resign. She then spoke about absentee multi-unit landlords and made a suggestion to the Board on how to define these landlords who tenants have gatherings at these properties with loud music, dancing and drinking and one of her solutions would do the same as a sheriff in Arizona that puts criminals in pink and suggested putting these landlords in pink. Ms. DiBuono said that she is a property owner of a multi-family unit but is a landlord that lives at her property and that she has been subject to code enforcement and believes that selective enforcement is done.

Richard Abel said that the meeting notice indicated that Trustee Branca would be participating via video conference and questioned if all seven members of the Board are in attendance because the public has the right to see Trustee Branca stating that audio is not enough that the public also needs to see him. The computer which Trustee Branca was on to participate via video conferencing which was located at his position on the dais and facing the Board was turned to face the public.

Mr. Abel commended Mrs. Mancuso for her work as Village Clerk. He said that when you have applicants for a job they have history and Mr. Morabito's history as Supervisor for the Town of Rye is not good. Mr. Abel read quotes from Mr. Terenzi's letter to the editor of the Westmore News from a few years ago regarding Mr. Morabito. He said that when hiring

someone you have to consider his entire record so he is against the appointment of Mr. Morabito as Clerk because of his history. Mr. Abel said that with the budget salary for the Clerk's position someone may relocate here so having a current resident should not be the primary consideration and concluded that he thought that we were going in the right direction away from the good old boy days.

Richard Grall, President of the Port Chester Police Association advised the Board that Lt. Richard Conway had applied for a grant for the Port Chester Police Department Youth Initiative Program with the Port Chester School District for safe school environment which will provide activities and trips for students with the Police Department personnel. Officer Grall and Lt. Conway provided the Board with a write up regarding the grant and noted that this program will incur overtime costs that will be reimbursed

Mayor Pilla said that this is a wonderful program and commended Lt. Conway for pursuing the grant.

Officer Grall said that authorization is needed by the Board for the Police Chief to sign off on the memorandum of agreement between the Police Department and the School District.

Mayor Pilla asked for a motion to consider an add-on resolution regarding the request of the Police Department of the Youth Initiative for the amount of \$7,000.00.

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

ROLL CALL

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

Anthony Cerreto, the Village Attorney said that Trustee Brakewood had brought up a point of order regarding video conference in conformance with the Open Meeting Law that he has advised that persons from the public were denied access to the location which Trustee Branca is at.

Trustee Branca said that no one was denied but they were asked why come here instead of at the Courtroom at 350 North Main Street. He said that this is a political maneuver by members of the Board and that he has the right to vote and will exercise his right to vote.

Trustee Brakewood said that the Open Meeting Law states that video conferencing is allowed as long as it is noticed that the public can have access to the alternate location and access is allowed. He said that people have the right to attend at either location and if not someone can file an Article 78 challenging the actions being taken by the Board.

Mr. Cerreto said that a judgment on an Article 78 filing will ultimately be a decision of a court.

Trustee Brakewood noted that it would challenge not only the action regarding the appointment of the Clerk but all the actions taken by the Board.

Trustee Kenner said that if that is the case this meeting should not continue and be closed.

Trustee Branca said that if he is denied the right to vote he will file an action against the Board.

Mayor Pilla informed Trustee Branca that Trustee Brakewood received an email and/or text that people were denied at his location.

Trustee Marino said why go forward if we will be challenged agreed with Trustee Kenner to stop the meeting.

There was further discussion on this topic by the Board. The Mayor said that an add on was voted on for a resolution regarding the Youth Initiative Program so asked for a motion and a second on the resolution.

YOUTH INITIATIVE

MEMORANDUM OF UNDERSTANDING BETWEEN PORT CHESTER SCHOOLS AND THE PORT CHESTER POLIC DEPARTMENT

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 Police Chief is authorized to sign the Memorandum of Understanding between the Port Chester School District and the Port Chester Police Department for the Port Chester Police Department Youth Initiative Program which will require \$7,000.00 coverage of cost by the Police Department that will be reimbursed subject to the Police Chief's confirmation.

ROLL CALL

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

NOES: None

ABSENT: None

Officer Grall spoke on behalf of the Police PBA noting that there has been a reduction for the weekends of staffing due to fiscal restraints and recommendations by the Chief which causes many problems on the streets. He talked about the number of police officers over the last several years noting in the mid 2000's the highest number was 64 officers in the Village and that they want the Police manpower to back to what it was. Officer Grall said that a Captain is retiring which is not being filled.

The Board said that the position of the Captain will not be filled at that title.

Officer Grall spoke about weekend staffing and there was further discussion on that topic with the Board. Officer Grall then spoke about the reporting functions of the officers which were being completed by non-police staff and now that has been stopped which takes officers off the road to complete reports. He said that vehicle computers would be more efficient so that the officers can do their reports from the field.

Police Chief Krzeminski spoke on the issues of the Dictaphone system that the civilian personnel have used and that this change that the officers are completing their report is experimental.

Officer Grall concluded his comments stating that their ultimate goal is for the highest quality of service to the community.

Police Chief Krzeminski said that the reporting change is to help reduce the overtime and spoke further about the number of personnel for the department.

Thomas Smith, Police Officer with the Port Chester Police Department said that he has seen a lot in his twenty-six years of working for the Village but tonight is a first. He said that he is a cancer survivor and that he is disgusted with tonight's activities regarding Trustee Branca's participation in tonight's meeting. Mr. Smith said that to give Trustee Branca any undue stress is terrible and that he is not being respected which is a disgrace by this Board.

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Resolutions: Appointments

The Clerk presented the first resolution on the agenda of the appointment of Robert Morabito as Village Clerk and Registrar of Vital Statistics.

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

Mayor Pilla asked the Village Manager about the process regarding the position of Village Clerk.

Mr. Russo said that by direction of the Board he advertised the position on the website and also the Clerks and Finance Officers Association that resumes were received which were provided to the Board. He said that he did not make any recommendation of the candidates was told that it is a Board appointment.

The Mayor said that out of the resumes received there were five candidates that a meeting was scheduled to conduct interviews on May 30th but a lack of a quorum of the Board cancelled the interviews.

Trustee Terenzi spoke about Mr. Morabito and the reasons why he believes that Mr. Morabito is qualified to be Clerk which is why he placed the appointment resolution on the agenda. Trustee Terenzi said that he will not benefit from this appointment.

Trustee Kenner questioned what would stop the Board from conducting the interviews.

Mayor Pilla stated that Mrs. Mancuso has agreed to stay on until June 15th and that arrangements have been made with the Clerk's staff to fill in.

Mrs. Mancuso told the Mayor that discussions have been held with staff by the Manager but nothing has been finalized.

Trustee Marino said that the cut off for applications for this position was May 5th and the Board is still receiving resumes which is not right.

Trustee Didden said that he was disappointed in the process and that the Mayor is responsible for scheduling a meeting for interviews which was done at the last minute and not enough members of the Board were not available so the interviews could not be done.

Trustee Brakewood said that the Board should do the interviews and thinks it is premature to put forward a name.

The Mayor said that he also thinks that this is premature that the Board should conduct interviews and stated that Mr. Russo had said that this position should be filled by a qualified candidate and that Mr. Morabito served as the Supervisor not a clerk.

Trustee Brakewood made a motion to table this appointment resolution pending interview process of certain candidates, Mayor Pilla seconded the motion.

ROLL CALL

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

Mayor Pilla spoke about the history by the Town of Rye under Mr. Morabito's administration which was written up on State audits.

Trustee Brakewood also noted that Mr. Morabito worked for Westchester County and that employment history is questionable for why he left that employment.

**APPOINTMENT OF VILLAGE CLERK
AND REGISTRAR OF VITAL STATISTICS**

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

RESOLVED, that ROBERT MORABITO, be and he hereby is appointed CLERK for the Village of Port Chester, New York, said appointment to be effective June 16, 2012 and to expire on April 1, 2013, at an annual compensation in the amount of \$75,000.00, payable every two weeks; and be it further

RESOLVED, that ROBERT MORABITO, be and he hereby is appointed REGISTRAR OF VITAL STATISTICS of the Village of Port Chester, New York, for a term effective June 16, 2012 and to expire April 1, 2013.

ROLL CALL

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

Trustee Didden commented after the vote that the Mayor's friends in the gallery were calling out his vote especially Mrs. Conetta who thought she knew how he will vote.

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Resolution: Court

Mayor Pilla said that he would take out of order at this time the resolution under the subtitle Court regarding authorizing request for proposals for Vehicle and Traffic Prosecutor as requested by Trustee Branca.

**REQUEST FOR PROPOSALS
V&T PROSECUTORIAL SERVICES**

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

RESOLVED, the Village Board of Trustees hereby authorizes the issuance of a Request for Proposals (RFP) regarding vehicle and traffic law and parking ticket prosecutions.

ROLL CALL

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

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Resolutions: Appointments

**APPOINTMENT OF
DEPUTY MAYOR**

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

RESOLVED, that TRUSTEE LUIS MARINO, be and he hereby is designated as President of the Board of Trustees with the power to act as Mayor of the Village of Port Chester, New York, in case of the Absence or sickness of the Mayor, in which event, he shall have all the powers, rights and privileges, and be subject to all the duties of the Mayor of the Village until recovery or return of said Mayor who shall have been absent or sick.

ROLL CALL

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

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**APPOINTMENT FOR
EMERGENCY MEDICAL SERVICES COMMITTEE**

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 inter-municipal agreement between the Village of Rye Brook, City of Rye and Village of Port Chester for emergency medical services provides for an Emergency Medical Services Committee; and

WHEREAS, Michael Borrelli, 63 Doral Greens Drive West, Rye Brook, New York, 10573 was reappointed to the Committee as the Community Representative from the Village of Rye Brook for a term which expires in June, 2012; and

WHEREAS, the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps, Inc. has advised that Mr. Borrelli is an active member of the Committee and wishes to continue his service; and

WHEREAS, the Village of Rye Brook has approved the reappointment of Mr. Borrelli. Now, therefore be it

RESOLVED, that the Board of Trustees hereby approves the nomination of Michael Borrelli to be re-appointed to the Emergency Medical Services Committee as the Community Representative for the Village of Rye Brook for a three-year term to expire June 30, 2015.

ROLL CALL

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

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The Clerk presented the next resolution under the subtitle “appointments” regarding the approval of nomination of Bart DiNardo to be appointed to the Emergency Medical Services Committee for the City of Rye.

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

Before the vote on this resolution could be taken, Trustee Branca was excused at 10:05 p.m., from the video conferencing. Mayor Pilla announced that the Board would take a recess until 10:20 p.m., so anyone from the public in attendance at Trustee Branca’s location has the opportunity to come to the principal location of the meeting located at the Justice Courtroom, 350 North Main Street.

At 10:20 p.m., the Board closed the recess and voted on the resolution in process as follows:

APPOINTMENT FOR
EMERGENCY MEDICAL SERVICES COMMITTEE

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

WHEREAS, the inter-municipal agreement between the Village of Rye Brook, City of Rye and Village of Port Chester for emergency medical services provides for an Emergency Medical Services Committee; and

WHEREAS, the City of Rye has approved the nomination of Bart DiNardo, 51 Clinton Avenue, Rye, New York to the Committee as their Community Representative; and

WHEREAS, the Village of Rye Brook has also approved the Mr. DiNardo's appointment as the City of Rye's Representative. Now, therefore be it

RESOLVED, that the Board of Trustees hereby approves the nomination of Bart DiNardo to be appointed to the Emergency Medical Services Committee as the Community Representative for the City of Rye for a three-year term to expire June 30, 2014.

ROLL CALL

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

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Resolutions: Bids

BID #03-12
SANITARY SEWER & STORM DRAIN CLEANING,
TV INSPECTION & SMOKE TESTING

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

WHEREAS, the Village advertised on the Village website, Bidnet and two newspapers for bids for the Sanitary Sewer & Storm Drain Cleaning, TV Inspection & Smoke Testing; and

WHEREAS, six contractors received the bid specification for said project; and

WHEREAS, two contractors presented proposals for this bid; and

WHEREAS, Fred A. Cook, Jr., Inc., P.O. Box 70, Montrose, NY 10548 has submitted the lowest bid in the amount of \$122,350.00; and

WHEREAS, the Village Engineer has reviewed the bids and recommends that the bid be awarded to Fred A. Cook, Jr. Inc., whose bid meets all specifications. Now, therefore be it

RESOLVED, that the Village of Port Chester accept the bid of \$122,350.00 from Fred A. Cook, Jr. Inc.; and be it further

RESOLVED that the Village Manager is hereby authorized to enter into an agreement with Fred A. Cook, Jr., Inc. for the Sanitary Sewer & Storm Drain Cleaning, TV Inspection & Smoke Testing; and.

RESOLVED, that said contract will be appropriated in the Capital Project #005-8120-0400-2009-0109, "Storm/Sanitary Sewer EPA Compliance Project".

ROLL CALL

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

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Resolutions: Court

APPOINTMENT OF VILLAGE CODE PROSECUTOR

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:

RESOLVED, that Robert A. Peirce, Esq., 8 Cottage Place, White Plains, New York 10601, is hereby appointed as the Assistant District Attorney (Village Prosecutor) for prosecuting code violations in the Village Justice Court, effective May 1, 2012 with compensation to be \$4,000.00 per month, and \$150/hour trial time, including trial preparation.

ROLL CALL

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

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Resolutions: Recreation

The Clerk presented the next resolution on the agenda regarding the authorizing of the Village Manager to enter into contracts for the Lyon Park, Downtown and Port Chester Day Concert groups.

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

Trustee Didden asked about the location of the downtown concerts in the Marina Parking Lot and expressed concerns regarding the taking away of parking in this area for the surround businesses during these concert times.

Trustee Terenzi questioned why the Ang Rubino Band has a nine piece group and all the rest of the groups have less therefore cost less.

There was a brief discussion between the staff and the Board on these items.

SUMMER ENTERTAINMENT

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, the Village of Port Chester Recreation Department conducts an outdoor entertainment program; and

WHEREAS, the Village selects groups to perform over the course of the year; and

WHEREAS, an agreement is required to support payment for such groups. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into the following agreements to provide entertainment for FY 2012-2013 as indicated;

Lyon Park Friday Night Concerts:

- Amy Galatin & Something “Bout You compensation \$750.00
- L’Iguri compensation \$750.00
- Mojo Monde compensation \$500.00
- Angie Rubino Band compensation \$1,100.00
- The Barons compensation \$800.00

Downtown/Waterfront Wednesday Night Concerts:

- Link compensation \$800.00
- Port Chester Swing Band compensation \$1,000.00
- Carlos Jimenez compensation \$700.00

Port Chester Day Entertainment:

- Markx Laiko Band compensation \$600.00
- Casey Girls compensation \$600.00
- Apple Tracey compensation \$250.00
- The Hey Baby Band compensation \$800.00
- The Book-Ends compensation \$800.00

ROLL CALL

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

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The Clerk presented the last resolution on the agenda to authorize the Village Manager to enter into an agreement with the Port Chester Council for the Arts, Inc., for fiscal year 2012-2013.

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

Trustee Brakewood said that he would recuse himself from this resolution because his wife is employed by the Arts Council.

AGREEMENT WITH
 PORT CHESTER COUNCIL FOR THE ARTS, INC.
 FOR FY 2012-2013

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

RESOLVED, that the Village Manager is authorized to enter into an agreement with the Port Chester Council for the Arts, Inc., P.O. Box 15, 211 South Ridge Street, Port Chester, New York 10573, to operate a theater and arts program on behalf of the Village for the period June 1, 2012 to May 31, 2013, funding to be in the amount of \$32,000.00; and be it further

RESOLVED, that payment is from General Fund Account #001-7310-0437 in three installments as follows:

- \$22,000 in June 2012
- \$5,000 in August 2012
- \$5,000 in January 2013

ROLL CALL

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

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Trustee Didden said that he had called for the reversal of the amendment to the entertainment law regarding the employee licensing of cabarets and had asked for a resolution to be on this agenda to set a public hearing. He asked that this item be restored to the agenda so a hearing could be scheduled for the next meeting.

Mr. Cerreto said that he would like the opportunity to confer with Mr. Scott Bergthold, Esq., the consultant for the Village regarding the entertainment laws first so would ask that the hearing be scheduled into July instead of the next meeting. He said that before scheduling the hearing the proposed law should be provided to the Board.

Trustee Brakewood noted that the amendments to the law that Trustee Didden spoke of also included some housekeeping items so we should not just be reversing the amendment.

Mr. Cerreto said that he understands that Trustee Didden wants to reverse the employee licensing.

Trustee Didden said that he would be fine with scheduling the hearing in July and recommended the July 16th meeting.

Police Chief Krzeminski advised the Board that he will be out of town on July 16th.

Mayor Pilla said that he would rather wait to receive the proposed law in order to set the public hearing.

Trustee Didden spoke about items that he has brought forward which the Mayor has not supported that languished.

The Mayor and Board directed that a resolution be placed on the June 18th agenda to set a public hearing regarding employee licensing for cabarets.

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Discussion: Shared Service regarding Clerk

Mayor Pilla said that he placed this discussion item on the agenda and noted that a dissolution study is being conducted by the Town of Rye and that this study will be providing information on the review of all departments but has seem information regarding the volume of work that the Town Clerk office does which is a lesser volume than our Village Clerk's office so there are possibilities of utilizing the Town Clerk for the function of Village Clerk. He said that the Town and Village of Ossining has a shared Clerk.

The Clerk noted that the Town and Village of Ossining are in the same building which is not the case with the Village of Port Chester and the Town of Rye.

The Mayor said that there are grant availability regarding the Clerk functions and consideration of backfilling some duties of the Town Clerk office.

Trustee Terenzi stated that he has seen the Town report and the majority of the savings of shared services is with the police, fire and public works so would rather the Mayor pursue the combining of the Port Chester and Rye Brook Police forces.

Mayor Pilla said that Rye Town Deputy Mayor Villanova is in the audience and asked him to speak on the subject of shared services.

Mr. Villanova spoke about the Town report and noted that the only reason that they went forward with the report on dissolution is that there will be actions to be taken. He said that the topic of shared services regarding the clerk is a great concept and supports this aspect and would like to be involved with a committee to see how this can be completed. Mr. Villanova also noted that New York State seeks consolidation of functions, agencies etc.

The Mayor agreed that there should be a joint committee and joint resolution by the Village and the Town on this topic of shared services.

Trustee Didden raised the point that the Town Clerk is an elected position and that there would need to be an agreement to appoint the clerk. He questioned how the Village Board would manage a person that is elected by a body larger than the Village. There was further discussion on this topic.

Mayor Pilla asked the Village Attorney to provide an opinion on the subject raised by Trustee Didden and that the Village Manager to look at the duties of the Clerk. He said that the Board will still conduct interviews of the candidates for Village Clerk.

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Discussion: Noise

Mayor Pilla said that this discussion item regarding noise is in relationship to what Trustee Didden has brought up regarding our entertainment laws. He said that the Village Attorney has recommended amending the entertainment licenses that if an establishment has three or more noise violations it would result in the revoking of their license. The Mayor thanked Trustee Didden for holding off on setting a public hearing regarding the consideration to reenact the employee licensing provision for the cabaret law because this could also be considered.

Trustee Didden spoke about complaints and a video that he received about a very loud noise situation from the Copacabana Restaurant over the Memorial Day weekend from outside activities. He said that we are at the start of the summer season and cannot delay on the issue of noise.

The Mayor asked Trustee Didden if he would support this proposal that entertainment licenses could be revoked if the establishment had three or more noise violations.

Trustee Didden spoke about noise meter equipment that he and staff had a meeting on that needs further follow up on.

Police Chief Krzeminski stated that new premises require noise abatement material to be used - installed.

Mr. Cerreto asked for clarification on how to move forward on a law regarding noise. He said that the proposal to make violations for noise part of entertainment licensing can be completed quickly but a noise law regarding the use of meters is more comprehensive.

The Board was of a consensus to move forward on the noise provision for the entertainment licensing.

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Discussion: Permitting of Portable Bathrooms within the Village

Trustee Didden said that he requested this discussion item in reference to the same site that he spoke on the pervious matter regarding noise. He said that this establishment knew that their Memorial Day activities would generate a large crowd so had port-a-johns set up outside so the patrons would not be using the restaurant facilities. Trustee Didden recommended that standards be established regarding the use of port-a-johns or ban their use.

Mayor Pilla said that Christopher Steers, the Assistant Village Manager can meet with the Board on this item and others that have been raised by the Board at the June 18th meeting.

The Board discussed the issue of portable bathrooms with Mr. Steers and Mr. Steers said that he has done this before in other communities and could draft something for the Board's consideration.

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Discussion: Funding / Staffing requests to be reconsidered for new fiscal year

Mayor Pilla said that he placed this discussion item on the agenda since we have just started the new fiscal year and the Board had a work session with the Police Department earlier. He said that additional funds were placed in contingency and we should use funds for nighttime enforcement downtown regarding cabarets.

Trustee Kenner said that he thought the contingency funds were to be used for the Village Manager's assistant.

The Mayor said that those funds are also to be used for the Library.

Trustee Terenzi spoke about the Library closing of their hours because they did not get extra funding from us. He said that the Village cuts the grass at the Library and that we do not get credit for the taxes that are not paid for the property which is in our Village. Trustee Terenzi said that items such as these should be considered in the funding equation of the two Villages.

Mayor Pilla asked Mr. Russo to provide to the Board information for his needs.

Mr. Russo said that he will and also provide information on the items regarding the Library that Trustee Terenzi brought up.

The Mayor asked Police Chief Krzeminski about the needs for the Police Department.

Chief Krzeminski said that strategies need to be considered and from that the funding needs could be addressed.

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Correspondence: Independence Day Committee

The Clerk presented correspondence from the Rye Town Port Chester Rye Brook Independence Day Committee requesting placement of banners and other related items for the 4th of July festivities.

The Board of Trustees referred the correspondence from the Independence Day Committee to staff.

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Correspondence: Thomas Edison PTA

The Clerk presented correspondence from the Thomas Edison PTA requesting the closure of a portion of Rectory Street between Locust Avenue and Orchard Street on June 7, 2012 from 8:30 a.m. to 2:30 p.m., for their annual Fun Day.

The Board of Trustees discussed this correspondence with the Police Chief which he noted is different than the similar request of Park Avenue School because there are private driveways in the portion of Rectory Street which is being requested closed. The Board referred the correspondence to staff subject to any conditions by the Police.

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Correspondence: Council of Community Services – Port Chester Fest

The Clerk presented correspondence from the Council of Community Services regarding their Port Chester Fest scheduled for August 4, 2012.

Mayor Pilla noted that the Port Chester Fest is being combined with the Open Door Medical Center Health Fair which would necessitate the closure of an additional intersection and additional costs for the Council of Community Services.

Trustee Didden expressed concerns of closing Don Bosco Place into Waterfront Place which will restrict access to businesses and properties in this area. The Board of Trustees discussed the proposed closure of this intersection for this event with Daniel Lipka, the Executive Director of the Council of Community Services.

The Board of Trustees referred to staff the correspondence from the Council of Community Services regarding Port Chester Fest subject to any conditions by the Police and that notification to be made to G&S.

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Minutes:

The Clerk presented the Board of Trustees minutes of April 21, 2012, April 30, 2012, May 7, 2012, May 14, 2012, May 16, 2012 and May 21, 2012.

Trustee Marino made a motion to approve the minutes, Trustee Brakewood seconded the motion with the following notations due to absences:

Trustee Didden recused himself from the minutes of May 14, 2012, Trustee Kenner recused himself from the minutes of April 21, 2012 and May 16, 2012 and Mayor Dennis Pilla recused himself from the minutes of April 21, 2012.

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

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Public Comments:

Mayor Pilla asked if there was anyone from the audience who would like to make any comments at this time, there was none.

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Board Comments:

Trustee Brakewood said that there is a right way and wrong way to do things and tonight was the wrong way regarding the proposed appointment of a Clerk and that this served no one. He said that there was a solicitation for applications which then the Board should have an interview process and make a decision not what was done tonight. Trustee Brakewood said that what happened did not serve Trustee Branca and that the Board made a mockery of the process. He apologized for his part but noted that he did not make the open meeting law regarding the public having access at an alternate location but we need to adhere to the law. Trustee Brakewood stated that Port Chester is a great place to live and that we have been put in a bad light regarding the incident near a local bar discussed earlier and noted that he did not vote to change the entertainment law regarding employee licensing but said that there needs to be funding to enforce the entertainment laws. He concluded his comments that what lift him up are the things like the Memorial Day activities that honor and respect our service men and women and the community.

Trustee Terenzi spoke about Robert Morabito who he had put forward for the position for Village Clerk. He said that Mr. Morabito has and is a resident for many years and that he has paid the price for the past with not being reelected as Town Supervisor. Trustee Terenzi said that Mr. Morabito is qualified for the job as Clerk and that he does not regret his vote for him noting that Mr. Morabito paid the price of the Town revaluation but that reval works.

Trustee Didden said that he agrees and echo the comments from Trustee Brakewood on what Port Chester is and isn't noting that he has lived here is entire life. He said that he had a discussion on the topic of the North Main Street video with his wife who is not a long time resident and that they both agree that this coverage was a terrible exposé. Trustee Didden spoke about the appointment of Village Clerk process noting that he kept an open mind and made his vote even though some tried to telegraph it. He spoke further on the PBA

President's comments earlier regarding illegal residents that consume our workforce. Trustee Didden clarified his comments that were stated in the Sound Shore Express article regarding the sewer rental project which stated that he said that the plan was premature. He said that he agrees with the project but believes what is premature is the implementation since it is expected that water consumption will not go forward for the first year but instead be by a flat rate. Trustee Didden asked the Village Manager what are the four categories of properties that will be used for this program and the fees associated with the categories.

Mr. Russo said that staff has a meeting with the Water Company tomorrow and that we are going forward with water consumption. He said that the Plan B option needs to be clarified with the Water Company on the type of categories because theirs are different from the assessment categories. There was further discussion on the subject of Plan B and the categories regarding the sewer rent project.

Trustee Didden concluded his comments on the lack of progress regarding an amnesty program regarding code enforcement and the priority of code enforcement prosecuting.

Trustee Marino said that he agrees with has been said tonight regarding the issues raised with the appointment of a clerk but that the Board needs to move forward and complete this process. He thanked the Board for his appointment as Deputy Mayor.

Trustee Kenner spoke about Na-Keem Marks who received a Student Advocacy's 2012 Overcoming the Odds Award in May in recognition of his perseverance and determination to achieve success in school and in the community. He said that he would like a presentation made to Mr. Marks by the Board for this recognition. Trustee Kenner said that now that there is a change in the School Board from their election last month when will there be scheduled a joint meeting between the two Boards which has been spoken about over the last few months.

The Clerk said dates were provided for in May but the School Board had requested waiting until June to schedule a meeting so she will contact the School Clerk to follow up on dates for consideration.

Mayor Pilla thanked Mrs. Mancuso for staying on for two additional weeks and all her hard work for the Village. He wished her the best on her move and her future endeavors. The Mayor said that Trustee Brakewood's comments said it all regarding the proposed appointment of a clerk and that New York State's Open Meeting Law requires that the public be allowed at any other location. He said that the video that was discussed earlier regarding the incident on North Main Street in the vicinity of La Dolce Vita that our Police Department has to conduct investigations to gather the facts and that they have reported to us tonight that there have been two arrests from the mugging of the man on the video and they are pursuing more. Mayor Pilla noted that the Taste of Port Chester conducted by the Tamarack Tower Foundation was held yesterday and that over 700 people participated in this event which was a great success. The Mayor said that process is slow here but that it is the people's process

and will look to Mr. Russo to arrange coverage by the Clerk's office staff until a new clerk is appointed or an arrangement can be made for shared services with the Town.

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The Mayor stated that an item for a motion of an executive session regarding bulkhead legal strategy was listed on the agenda but because of the late time will ask for a motion to close the meeting instead.

Trustee Brakewood made a motion to close the meeting at 11:45 p.m., Trustee Marino, seconded the motion.

ROLL CALL

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

NOES: None

ABSENT: Trustee Branca

Respectfully submitted,

Joan Mancuso
Village Clerk