

**MEETING HELD FEBRUARY 22, 2011**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, February 22, 2011 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 Bart Didden, Saverio Terenzi, Joseph Kenner, John Branca and Luis Marino.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Assistant to the Village Manager, Elisa Sciarabba and Director of Code Enforcement, Christopher Steers.

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The Board of Trustees opened the meeting at 7:00 p.m.

Mayor Pilla introduced two fourth graders from King Street School, Jayden Kim and Brett Berguistain who will lead us in the Pledge of Alliance. The Mayor thanked Jayden and Brett and presented them with certificates of good citizenship.

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The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Journal News and the Westmore News on February 11, 2011 and February 18, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

**PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, February 22, 2011, at or about 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend, Chapter 345 entitled "Zoning" with regard to the regulation of pawnshops through a special exception use and prohibited in all zoning districts except for the M1 and M2 Zoning Districts.

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

JOAN MANCUSO  
Village Clerk

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

**ROLL CALL**

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

Mayor Pilla asked Anthony Cerreto to speak on this proposed law.

Mr. Cerreto said that this hearing was adjourned from the last meeting to allow for the necessary noticing of the revised law from the recommendations of the Planning Commission. He asked the Board to consider adjourning this hearing to March 7<sup>th</sup> to allow for our Village Planning Consultant, Patrick Cleary to give final comments on this matter.

The Mayor asked if there was anyone who would like to speak in favor or against this proposed local law. He recognized Patrick McNeill.

Mr. McNeil stated that the Village many years ago had an establishment called Benny's Trading Post and there is nothing more exciting than walking into a pawnshop. He said that he supports these types of businesses in the Village.

Mayor Pilla asked if there was anyone else from the audience who would like to speak on this hearing. There was none. He then asked of the Board had any comments. They did not.

Mr. Cerreto told the Board that the Westchester County Planning Board has commented on this law and asked that the Clerk read their reply into the record.

Joan Mancuso, Village Clerk read the letter from the Westchester County Planning Board dated February 22, 2011 with subject of Referral File No. PCH 10-001 – Zoning Text Amendment: Pawnshop as follows:

The Westchester County Planning Board has received a copy of a proposed local law that would amend the Village Zoning Ordinance to establish regulations for pawnshops. The amendments would include adding a definition for "pawnshop" into the section containing definitions and amend the Schedule of Regulations for Nonresidence Districts to permit pawnshops as a special permit use in the M1 and M2 Districts only. Special permit conditions to allow pawnshops are also proposed as part of the zoning amendment. These conditions include restrictions on the location of pawnshops so that they are no less than 1,000 feet away from a "school, church or other place of public assembly" and no less than 250 feet away from a residential zoning district. The conditions also restrict pawnshops from located "within 1,000 square feet" of another pawnshop, secondhand goods dealer, auction house dealer or consignment house.

We have reviewed this matter under the provisions of Section 239 L, M and N of the General Municipal Law and Section 277.61 of the County Administrative Code and find that there are no County or intermunicipal planning issues of concern to the County Planning Board. This action is a matter for local determination in accordance with your community's planning and zoning policies.

Thank you for calling this matter to our attention.

Lukas Herbert for Edward Buroughs, AICP Commissioner

The Mayor asked for a motion to adjourn this hearing to March 7<sup>th</sup>.

Trustee Didden made a motion to adjourn this public hearing to March 7, 2011,

Trustee Kenner seconded the motion.

ROLL CALL

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

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The Clerk stated that the next item on the agenda is the adjourned public hearing to consider the advisability of adopting a local law by amending Chapter 224, entitled "Noise" with regard to waiver for construction noise upon application to the Board of Trustees and penalties.

Trustee Didden made a motion to open the public hearing, Trustee Marino seconded the motion.

ROLL CALL

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

Mayor Pilla asked the Village Attorney to speak on this proposed local law.

Mr. Cerreto said that this matter was adjourned from the February 7<sup>th</sup> Board meeting and that the Board had questions regarding the enforcement and penalties of the proposed law. He said that he has recommendations on these issues and would like the opportunity to consult with Christopher Steers, the Director of Code Enforcement before there is a final determination of the Board.

Mayor Pilla further explained that some of the questions that were raised at the last hearing on this matter on who gets violated, who would get the ticket when there is noise whether there is a leaf blower or construction for example. He said that Mr. Cerreto and Mr. Steers will ultimately work to tighten that up so that we do not violate the property owner unless the property owner knowing makes this happen but more often the person making the noise is the responsible party. He said that before we close this he asked if anyone from the audience would like speak on this proposed law. The Mayor recognized Goldie Solomon.

Ms. Solomon spoke about the section regarding the waiver for construction noise which would not be waivers for landscapers and other types of noise. She questioned this waiver process.

Mayor Pilla explained that the waiver would only be by the Board of Trustees within the C and M districts with certain conditions and that notice is required to the property owners within 150 feet and posting of a sign.

Ms. Solomon said that there are residential units in the commercial zones so you have to be careful on how you approve these waivers.

Mayor Pilla said that one of the provisions of the law is that the person making the application has to send a letter to the persons in the surrounding area so they know there is a hearing before the Board so they can speak on the waiver. He recognized Bea Conetta.

Mrs. Conetta said is there anything about the fee to be charged for penalties. She said that \$250 is too high and is that still being considered.

Mayor Pilla and Mr. Cerreto said that currently the penalty is at \$100.00 and the proposal would be not to exceed \$250.00. The Mayor asked if there was anyone else from the audience who would to speak on this matter. There was none. He asked if the Board had any comments. They did not. Mayor Pilla asked Mr. Cerreto if the Board should just adjourn this or will another law be coming back to them.

Mr. Cerreto said that this hearing can be adjourned and he and Mr. Steers would come back to the Board.

The Mayor asked the Clerk what hearings were scheduled for the next Board.

Joan Mancuso, the Village Clerk said that there is one hearing scheduled for March 7, 2011.

Mayor Pilla asked for a motion to adjourn this hearing to date certain March 7<sup>th</sup>.

Trustee Didden made a motion to adjourn the hearing to March 7, 2011, Trustee Marino seconded the motion.

ROLL CALL

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

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The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Journal News and the Westmore News on February 11, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, February 22, 2011, at or about 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 281, entitled "Stormwater Management", with regard to green design and other New York State requirements.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk's office.

JOAN MANCUSO  
Village Clerk

Trustee Marino made a motion to open the public hearing, Trustee Didden seconded the motion.

ROLL CALL

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

Mayor Pilla asked the Village Manager if there is a guest here to be introduced to us on this matter.

Mr. Russo introduced Michael Ritchie from Dolph Rotfeld Engineering, our Village Engineer firm who will review the proposed changes to the Stormwater Management law.

The Mayor said that Mike Ritchie who was a former Village Manager for the Village now works for Rotfeld Engineering and people he has spoken to here in the community and

throughout the State speak so highly of him and the legacy he has left behind in the Village of Port Chester.

Mr. Ritchie thanked the Mayor for his kind words and to the Board and Village staff who has been so lucky to work with over the years on this matter and others. He noted that he works for Dolph Rotfeld Engineering and as the consulting Village Engineer we have been involved with your MS4 Stormwater Permit compliance. Mr. Ritchie said for the new members of the Board he would quickly review the regulations. He said that the Village operates under the authority of New York State Department of Environmental Conservation for the operation, maintenance and the discharge of waters from the storm drain system which are collected on the streets and parking lots of the Village. Mr. Ritchie continued that those waters can only be discharged into waterways of the Long Island Sound and the Byram River as long as the Village stays in compliance with the NYS DEC permit. He said that in a few months he will be back to update the Board on work of the Village over the last year to maintain its compliance with permit requirements. Mr. Ritchie said that over the last month to six weeks he has been working with Mr. Cerreto to prepare this amendment to your model stormwater law because ahead of that permit program report because it is important for the Board to consider this amendment under a relatively short time frame.

Mr. Ritchie said that the May of 2010 permit added a requirement that the Village consider updating its model stormwater to add the requirement that an application for a development project of an acre or more of land disturbance also when they make their application to the Planning Board and ultimately depending upon the project their approval or final approval or yours that they consider green design elements. He said that there is a New York State manual relatively thick of green design and best management practice types of designs. Mr. Ritchie said that a couple of examples would be vegetative rain gardens, retention – detention basins, green roofs are now popular on new projects where they can be employed and that ultimately it would be up to the applicant to demonstrate to the reviewing agency the Planning Board or Board of Trustees that they have gone through this process looked at the green design options rather than just concentrating the stormwater and getting it off of their property as quickly as possible. He said that the practice that has been done in the past is not the standard now stating that the standard now is that we want the stormwater recharged on the property back into the ground into the aquifer that nature is the best water filtration system that is available so this amendment to your model stormwater law at the strong recommendation of the New York State DEC on the permit requirement would give you a process that when there is a stormwater pollution prevention plan on an acre of disturbance or greater it comes to his mind maybe before a detailed project development plan is proposed for the United Hospital site that this legislation would be valuable to have on your books. Mr. Ritchie noted that is a fifteen acre site where undoubtedly it would be required and it would be a great opportunity to see stormwater handled in a more environmentally friendly way. He said that is the essence of the legislation noting that it does not add any stringent dictates that it simply provides for the design professionals at the application stage under certain conditions to demonstrate that they have looked at green

design options ultimately it is up to the reviewing/approving agency of what is on the site plan.

Mayor Pilla thanked Mr. Ritchie and asked if there were any comments from the Board before opening it up to the public.

Trustee Terenzi asked what type of burden and/or expense this could cause the applicant one way or another.

Mr. Ritchie said that it is a factor and if the applicant were to feel that the cost was prohibited for a particular option it would be up to the reviewing and approving agency of how they determine that. He said that it does not dictate anything stating that there are different elements of a site plan and subdivision design and every property is different. Mr. Ritchie spoke about different stormwater plans and said that this legislation gives the applicant the ability to decide further dialogue.

Trustee Terenzi asked how long has the DEC been pushing for these regulations noting that it looks like it is aim at more rural communities.

Mr. Ritchie said that the MS4 permit applies to populated dense areas not more rural areas.

Mayor Pilla said he participates in a group at PACE University on a panel of mayors of largely populated communities and noted that these regulations are not new but have been used in these larger cities. He suggested that this is a starting point that it is not cost prohibited and there are more we can do with initiatives that we can use to streamline the process.

Trustee Terenzi said that he likes the fact that we have the option locally here noting that the Planning and Zoning Boards that these are recommendations not strict guidelines.

Mr. Ritchie said that is correct and that this provides for a five step process for the applicant stating that the burden is on them to go through the process of looking at the green design options and either opting in or opting out and demonstrating to the reviewing agency that they have done that.

Trustee Branca said that as he sees it as this would be part of the environmental impact statement (EIS) document that is done for review and that it is more suggestive than mandated. He said that he thinks it is a good addition and a good guideline to some of the agencies looking at these applications to follow some of these options.

Mr. Ritchie said that is correct noting that there is not a design professional today an architect or an engineer that would not be thoroughly familiar with what is in this manual. He said that in order for them to maintain their licenses there is continuing education requirements and this is what has been on the table going back to March 2003. Mr. Ritchie said that it would be unusually for you to see a major development project that did not take into account what is in this manual and the proposed amendment to your model stormwater law really just formalizes the process by which they would be required to submit to you the manner of which they have reviewed whether any particular option was viable to them.

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

Ms. Solomon asked if we are protecting the Byram River and that there is large development happening on Abendroth so what is the provision of the stormwater management to protect that.

Mayor Pilla said that what is happening to the Byram River is that this amendment is designed to protect that and we are here to talk about this particular law not that certain project.

Ms. Solomon said that she wants to know what was arranged with this contractor for the protection of the Byram River.

The Mayor said that we can talk about that project off-line.

Trustee Didden noted that he was on the Planning Commission during their process of the site plan application of the Mariner Project and spoke about the conditions for that project.

Mayor Pilla asked if there were any further comments from the Board or the public there was none. He asked for a motion to close the hearing.

Trustee Kenner made a motion to close the public hearing, Trustee Didden seconded the motion.

ROLL CALL

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

On motion of Trustee Branca, seconded by Trustee Marino and approved, the following Local Law No. 2, 2011 was adopted:

ROLL CALL

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

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

LOCAL LAW AMENDING CHAPTER 281 OF THE CODE OF VILLAGE OF PORT CHESTER WITH REGARD TO STORMWATER MANAGEMENT

SECTION 1: Section 281-4, entitled "Purpose", of the Code of the Village of Port Chester is hereby amended by adding a new subsection as follows:

G. Encourage the use of green infrastructure practices to control stormwater runoff such as protecting natural areas, reducing impervious cover, and runoff reduction techniques to the maximum extent practicable.

SECTION 2: Section 281-8, entitled "Definitions", of the Code of the Village of Port Chester is hereby amended by adding new provisions as follows:

....  
GREEN INFRASTRUCTURE - Green infrastructure approaches infiltrate, evapotranspire or reuse stormwater, using soils and vegetation rather than hardscape collection, conveyance and storage structures. Common green infrastructure approaches include green roofs, trees and tree boxes, rain gardens, vegetated swales, pocket wetlands, infiltration planters, vegetated median strips, reforestation, and protection and enhancement of riparian buffers and floodplains.

...  
QUALIFIED INSPECTOR – a person that is knowledgeable in the principles and practices of erosion and sediment control, such as a licensed Professional Engineer, Certified Professional in Erosion and Sediment Control (CPESC), or Registered Landscape Architect or someone working in the direct supervision of, and at the same company as, the licensed Professional Engineer or Registered Landscape Architect, provided that person has training in the principles and practices of erosion and sediment control.

...  
TRAINED CONTRACTOR – an employee from the contracting (construction) company, who has received four (4) hours of Department-endorsed training in proper erosion and sediment control principles. After receiving the initial training, the trained contractor shall receive four (4) hours of training every three (3) years. It can also mean an employee from the contracting company that meets the qualified inspector qualifications.

...  
SECTION 3: Section 281-10, entitled “Contents of Stormwater Pollution Control Plan”, of the Code of the Village of Port Chester is hereby amended as follows:

...  
B. Land development activities as defined in Section 281-8 of this Article and meeting Condition 1, 2 [or] 3, or 4 below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as applicable:

...  
(3) Condition 3: stormwater runoff from land development activity disturbing one and five acres of land during the course of the project, exclusive of the construction of single family residences with 25% or less impervious cover at total build out and construction activities at agricultural properties.

(4) Condition 4: Stormwater runoff from land development activities disturbing between one (1) and five (5) acres of land for a single family residential subdivision that will result in greater than 25% impervious cover at total build out.

C. SWPP requirements for land development activities meeting Condition 1, 2, [and] 3 or 4: A description of each post-construction stormwater management practice, including documentation of the five-step planning process for stormwater management using green infrastructure as outlined in the Design Manual using the practices in Schedules A1, A2 and A3 set forth as in the Appendix to this Chapter.

...  
SECTION 3: Section 281-17, entitled “Maintenance and Repair of Stormwater Facilities”, of the Code of the Village of Port Chester is hereby amended as follows:

...  
B. The applicant or developer or representative, one of which must be trained contractor, shall be on site at all times when construction or grading activity takes place and shall inspect and document the effectiveness of all erosion and sediment control practices. Inspection reports shall be completed every seven days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection reports shall be delivered to the Stormwater Control Officer and copied to a site log book.

C. For land development activities as defined in Section 281-8 and meeting condition 1, 2, 3 or 4 in Section 281-10B, the applicant shall have a qualified inspector conduct site inspections and document the effectiveness of all erosion and sediment control practices every seven (7) days. Inspection report shall be maintained in a site log book.

D. Construction activities disturbing five acres or more at any one time shall be inspected by a qualified inspector twice every seven (7) days.

SECTION 4: Section 281-20 of the Code of the Village of Port Chester is hereby amended as follows:



The applicable approval authority shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the Office of the County Clerk as a deed restriction on the property prior to final site plan approval. The maintenance agreement shall be consistent with the terms and conditions of Schedule B of this Chapter entitled “Sample Stormwater Control Facility Maintenance Agreement”. The Village Board of Trustees, in lieu of a maintenance agreement, at its sole discretion, may accept dedication of any existing or future stormwater management facility, provided such facility meets all of the requirements of this chapter and includes adequate and perpetual area, by easement or otherwise, for inspection and regular maintenance.  
 SECTION 5: Chapter 281 is hereby amended by the addition of an Appendix to read as follows.

**Schedule A1**

<b>Green Infrastructure Planning General Categories and Specific Practices (From: New York State Stormwater Management Design Manual, Table 3.1)</b>		
<b>Group</b>	<b>Practice</b>	<b>Description</b>
<b>Preservation of Natural Resources</b>	Preservation of Undisturbed Areas	Delineate and place into permanent conservation easement undisturbed forests, native vegetated areas, riparian corridors, wetlands, and natural terrain.
	Preservation of Buffers	Define, delineate and place in permanent conservation easement naturally vegetated buffers along perennial streams, rivers, shorelines and wetlands.
	Reduction of Clearing and Grading	Limit clearing and grading to the minimum amount needed for roads, driveways, foundations, utilities and stormwater management facilities.
	Locating Development in Less Sensitive Areas	Avoid sensitive resource areas such as floodplains, steep slopes, erodible soils, wetlands, mature forests and critical habitats by locating development to fit the terrain in areas that will create the least impact.
	Open Space Design	Use clustering, conservation design or open space design to reduce impervious cover, preserve more open space and protect water resources.
		Restore the original properties and porosity of the soil by deep till and amendment with compost to reduce the generation of runoff and enhance the runoff reduction performance of practices such as downspout disconnections, grass channels, filter strips, and tree clusters.
<b>Reduction of Impervious Cover</b>	Roadway Reduction	Minimize roadway widths and lengths to reduce site impervious area.
	Sidewalk Reduction	Minimize sidewalk lengths and widths to reduce site impervious area.
	Driveway Reduction	Minimize driveway lengths and widths to reduce site impervious area.
	Cul-de-sac Reduction	Minimize the number of cul-de-sacs and incorporate landscaped areas to reduce their impervious cover.
	Building Footprint Reduction	Reduce the impervious footprint of residences and commercial buildings by using alternate or taller buildings while maintaining the same floor to area ratio.
	Parking Reduction	Reduce imperviousness on parking lots by eliminating unneeded spaces, providing compact car spaces and efficient parking lanes, minimizing stall dimensions, using porous pavement surfaces in overflow parking areas, and using multi-storied parking decks where appropriate.

**Schedule A2****Green Infrastructure Techniques Acceptable for Runoff Reduction (From: New York State Stormwater Management Design Manual, Table 3.2)**

Green Infrastructure Techniques Acceptable for Runoff Reduction (From: New York State Stormwater Management Design Manual, Table 3.2)		
Group	Practice	Description
<b>Runoff Reduction Techniques</b>	Conservation of natural areas	Retain the pre-development hydrologic and water quality characteristics of undisturbed natural areas, stream and wetland buffers by restoring and/or permanently conserving these areas on a site.
	Sheetflow to riparian buffers or filter strips	Undisturbed natural areas such as forested conservation areas and stream buffers or vegetated filter strips and riparian buffers can be used to treat and control stormwater runoff from some areas of a development project.
	Vegetated open swale	The natural drainage paths, or properly designed vegetated channels, can be used instead of constructing underground storm sewers or concrete open channels to increase time of concentration, reduce the peak discharge, and provide infiltration.
	Tree planting / tree box	Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control.
	Disconnection of rooftop runoff	Direct runoff from residential rooftop areas and upland overland runoff flow to designated pervious areas to reduce runoff volumes and rates.
	Stream daylighting for redevelopment projects	Stream daylight previously-culverted/piped streams to restore natural habitats, better attenuate runoff by increasing the storage size, promoting infiltration, and help reduce pollutant loads.
	Rain garden	Manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression.
	Green roof	Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.
	Stormwater planter	Small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality.
	Rain tank/Cistern	Capture and store stormwater runoff to be used for irrigation systems or filtered and reused for non-contact activities.
Porous Pavement	Pervious types of pavements that provide an alternative to conventional paved surfaces, designed to infiltrate rainfall through the surface, thereby reducing stormwater runoff from a site and providing some pollutant uptake in the underlying soils.	

Group	Practice	Description
<b>Runoff Reduction Techniques</b>	Conservation of natural areas	Retain the pre-development hydrologic and water quality characteristics of undisturbed natural areas, stream and wetland buffers by restoring and/or permanently conserving these areas on a site.
	Sheetflow to riparian buffers or filter strips	Undisturbed natural areas such as forested conservation areas and stream buffers or vegetated filter strips and riparian buffers can be used to treat and control stormwater runoff from some areas of a development project.
	Vegetated open swale	The natural drainage paths, or properly designed vegetated channels, can be used instead of constructing underground storm sewers or concrete open channels to increase time of concentration, reduce the peak discharge, and provide infiltration.
	Tree planting / tree box	Plant or conserve trees to reduce stormwater runoff, increase nutrient uptake, and provide bank stabilization. Trees can be used for applications such as landscaping, stormwater management practice areas, conservation areas and erosion and sediment control.
	Disconnection of rooftop runoff	Direct runoff from residential rooftop areas and upland overland runoff flow to designated pervious areas to reduce runoff volumes and rates.
	Stream daylighting for redevelopment projects	Stream daylight previously-culverted/piped streams to restore natural habitats, better attenuate runoff by increasing the storage size, promoting infiltration, and help reduce pollutant loads.
	Rain garden	Manage and treat small volumes of stormwater runoff using a conditioned planting soil bed and planting materials to filter runoff stored within a shallow depression.
	Green roof	Capture runoff by a layer of vegetation and soil installed on top of a conventional flat or sloped roof. The rooftop vegetation allows evaporation and evapotranspiration processes to reduce volume and discharge rate of runoff entering conveyance system.
	Stormwater planter	Small landscaped stormwater treatment devices that can be designed as infiltration or filtering practices. Stormwater planters use soil infiltration and biogeochemical processes to decrease stormwater quantity and improve water quality.
	Rain tank/Cistern	Capture and store stormwater runoff to be used for irrigation systems or filtered and reused for non-contact activities.
Porous Pavement	Pervious types of pavements that provide an alternative to conventional paved surfaces, designed to infiltrate rainfall through the surface, thereby reducing stormwater runoff from a site and providing some pollutant uptake in the underlying soils.	

**Schedule A3**

**Stormwater Management Practices Acceptable for Water Quality (From: New York State Stormwater Management Design Manual, Table 3.3)**

Stormwater Management Practices Acceptable for Water Quality (From: New York State Stormwater Management Design Manual, Table 3.3)		
Group	Practice	Description
<b>Pond</b>	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
<b>Wetland</b>	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
<b>Infiltration</b>	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
<b>Filtering Practices</b>	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
<b>Open Channels</b>	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

<b>Group</b>	<b>Practice</b>	<b>Description</b>
<b>Pond</b>	Micropool Extended Detention Pond (P-1)	Pond that treats the majority of the water quality volume through extended detention, and incorporates a micropool at the outlet of the pond to prevent sediment resuspension.
	Wet Pond (P-2)	Pond that provides storage for the entire water quality volume in the permanent pool.
	Wet Extended Detention Pond (P-3)	Pond that treats a portion of the water quality volume by detaining storm flows above a permanent pool for a specified minimum detention time.
	Multiple Pond System (P-4)	A group of ponds that collectively treat the water quality volume.
	Pocket Pond (P-5)	A stormwater wetland design adapted for the treatment of runoff from small drainage areas that has little or no baseflow available to maintain water elevations and relies on groundwater to maintain a permanent pool.
<b>Wetland</b>	Shallow Wetland (W-1)	A wetland that provides water quality treatment entirely in a shallow marsh.
	Extended Detention Wetland (W-2)	A wetland system that provides some fraction of the water quality volume by detaining storm flows above the marsh surface.
	Pond/Wetland System (W-3)	A wetland system that provides a portion of the water quality volume in the permanent pool of a wet pond that precedes the marsh for a specified minimum detention time.
	Pocket Wetland (W-4)	A shallow wetland design adapted for the treatment of runoff from small drainage areas that has variable water levels and relies on groundwater for its permanent pool.
<b>Infiltration</b>	Infiltration Trench (I-1)	An infiltration practice that stores the water quality volume in the void spaces of a gravel trench before it is infiltrated into the ground.
	Infiltration Basin (I-2)	An infiltration practice that stores the water quality volume in a shallow depression before it is infiltrated into the ground.
	Dry Well (I-3)	An infiltration practice similar in design to the infiltration trench, and best suited for treatment of rooftop runoff.
<b>Filtering Practices</b>	Surface Sand Filter (F-1)	A filtering practice that treats stormwater by settling out larger particles in a sediment chamber, and then filtering stormwater through a sand matrix.
	Underground Sand Filter (F2)	A filtering practice that treats stormwater as it flows through underground settling and filtering chambers.
	Perimeter Sand Filter (F-3)	A filter that incorporates a sediment chamber and filter bed as parallel vaults adjacent to a parking lot.
	Organic Filter (F-4)	A filtering practice that uses an organic medium such as compost in the filter in place of sand.
	Bioretention (F-5)	A shallow depression that treats stormwater as it flows through a soil matrix, and is returned to the storm drain system.
<b>Open Channels</b>	Dry Swale (O-1)	An open drainage channel or depression explicitly designed to detain and promote the filtration of stormwater runoff into the soil media.
	Wet Swale (O-2)	An open drainage channel or depression designed to retain water or intercept groundwater for water quality treatment.

Schedule B

**SAMPLE STORMWATER CONTROL FACILITY MAINTENANCE AGREEMENT**

Whereas, the Village of Port Chester ("Municipality") and the \_\_\_\_\_ ("Facility Owner") desire to enter into an agreement to provide for the long-term maintenance and continuation of stormwater control measures approved by the Municipality for the below named project, and

Whereas, the Municipality and the facility owner desire that the stormwater control measures be built in accordance with the approved project plans and thereafter be maintained, cleaned, repaired, replaced and continued in perpetuity in order to ensure optimum performance of the components. Therefore, the Municipality and the facility owner agree as follows:

1. This agreement binds the Municipality and the facility owner, its successors and assigns, to the maintenance provisions depicted in the approved project plans which are attached as Schedule A of this agreement.
2. The facility owner shall maintain, clean, repair, replace and continue the stormwater control measures depicted in Schedule A as necessary to ensure optimum performance of the measures to design specifications. The stormwater control measures shall include, but shall not be limited to, the following: drainage ditches, swales, dry wells, infiltrators, drop inlets, pipes, culverts, soil absorption devices, [and retention] stormwater ponds and wetlands, bioretention and rain gardens, tree boxes, green roofs, stormwater planters, rain tanks and cisterns, and porous pavement.
3. The facility owner shall be responsible for all expenses related to the maintenance of the stormwater control measures and shall establish a means for the collection and distribution of expenses among parties for any commonly owned facilities.
4. The facility owner shall provide for the periodic inspection of the stormwater control measures [not less than once in every five year period] at the frequency recommended in the Design Manual, to determine the condition and integrity of the measures. Such inspection shall be performed by a Professional Engineer licensed by the State of New York. The inspecting engineer shall prepare and submit to the Municipality within 30 days of the inspection, a written report of the findings including recommendations for those actions necessary for the continuation of the stormwater control measures.
5. The facility owner shall not authorize, undertake or permit alteration, abandonment, modification or discontinuation of the stormwater control measures except in accordance with written approval of the Municipality.
6. The facility owner shall undertake necessary repairs and replacement of the stormwater control measures at the direction of the Municipality or in accordance with the recommendations of the inspecting engineer.
7. The facility owner shall provide to the Municipality within 30 days of the date of this agreement, a security for the maintenance and continuation of the stormwater control measures in the form of ( a Bond, letter of credit or escrow account).
8. This agreement shall be recorded in the Office of the County Clerk, County of Westchester together with the deed for the common property and shall be included in the offering plan and/or prospectus approved pursuant to \_\_\_\_\_.
9. If ever the Municipality determines that the facility owner has failed to construct or maintain the stormwater control measures in accordance with the project plan or has failed to undertake corrective action specified by the Municipality or by the inspecting engineer, the Municipality is authorized to undertake such steps as reasonably necessary for the preservation, continuation or maintenance of the stormwater control measures and to affix the expenses thereof as a lien against the property.
10. This agreement is effective \_\_\_\_\_

SECTION 6: This local law shall be effective immediately upon filing with the Secretary of State.

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

Adopted: February 22, 2011

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The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Journal News and the Westmore News on February 11, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, February 22, 2011, at or about 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 283, entitled "Streets and Sidewalks", with regard to snow and ice removal and penalties.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk's office.

JOAN MANCUSO  
Village Clerk

Trustee Didden made a motion to declare the public hearing open, Trustee Marino seconded the motion.

ROLL CALL

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

The Mayor asked Mr. Cerreto to give an overview of this proposed law.

Mr. Cerreto said that this local law would make it a prohibition for anyone to place, throw, blow or plow snow into the street. He said that the penalty has been reduced to \$100.00 for the first offense and then it would increase to \$250.00 for the second or more violations. Mr. Cerreto said that he also removed any provision of imprisonment so that it would decriminalize this and make it a civil violation noting that change should address some of the concerns that this Board had at the last hearing on this matter. He said many other municipalities in our area including Mamaroneck are considering similar legislation due to the large amounts of snow we have had this winter.

Trustee Branca said that the Board took the position that especially with the monstrous snow storms that we had that there was no place to put the snow. He said that the original law said that the snow could not be put into the street but the point being there has to

be a place to put it so Mr. Cerreto went through the proposed law and established that snow can not be put into the travel lane as to the prohibited area but we are allowed to remove the snow from the sidewalk and onto the curb or parking section of the street. Trustee Branca said that he understands with all the residents about how difficult it has been because he also shovels snow and it has come to a point that there was no place to put it and he wants everyone to understand that we are only talking about the curb or parking area not the travel lanes where snow can be placed.

Mr. Cerreto said that there is one more point that the Board had concerns stating that obviously we want compliance but there would be a warning first before someone is violated.

Trustee Terenzi said that the law sounds good but is not sure about the enforcement issue.

Mr. Russo said that this legislation is for blatant abusers.

Mayor Pilla asked if anyone from the audience would like to speak on this proposed law. He recognized Patrick McNeil.

Mr. McNeil said that the homeowners are not the violators but it is the landscapers doing the driveways out of into the road.

The Mayor recognized the next speaker.

Sharon Julius said that she lives on Oak Street and that we have to start some where and where to start is to at least have something documented. She spoke about people digging out their cars and putting the snow into the street which makes it difficult to get around.

Trustee Terenzi noted that Oak is a tough street being a one way and there are other areas in the Village that streets are very difficult to navigate with all the snow we had this year.

Mayor Pilla spoke about operational issues with the Village Manager and the Police Chief regarding the alternative side of the street regulations that were designated on some streets that have no overnight parking on one side of the street. He said that this type of regulation will once implemented will help with the removal of snow. The Mayor recognized Goldie Solomon.

Ms. Solomon thanked the Public Works employees for all their work during this very heavy snow season. She said that when they come by with the plows they can not get the entire street though. Ms. Solomon asked what do residents do when we are hit with so much snow and there isn't even room along the portion between the sidewalks and the curbs. She questioned why is it that we being targeted when the situation is not our fault.

The Mayor spoke about policies and practices regarding this issue. He recognized Doris Bailey-Reavis.

Mrs. Bailey-Reavis said that her husband had mentioned about snow removal on King Street and the lack of the snow removal on that street. She said that this has caused conditions on this road which is a State road stating that it needs to be cleaned better.

Mayor Pilla recognized Richard Abel.

Mr. Abel said that there needs to be compassion on this issue. He said that he understands about the landscapers but the poor people who are plowed in where can they put



the snow. Mr. Abel said that he hates to see that it is a \$100 fine for these types of people but is asking that the Village go out against the blatant offenders.

The Mayor recognized Bea Conetta.

Mrs. Conetta said that this situation depends on where you live noting that she lives further up on King Street and has her own driveway and is very thankful of being on this street because we get snow removal done very quickly. She said that lower King Street where Mrs. Bailey Reavis speaks of is a different issue because of all the cars that can park on the street.

Mayor Pilla spoke more about the alternative side of the street parking regulations.

Mrs. Conetta noted that there are many streets where properties do not even have driveways so alternate side of the street parking can not work.

The Mayor refuted that thought stating that the streets where alternative side of the street parking has been designated are streets which only has one side of the street parking overnight.

Mrs. Conetta said that this is the first time that she remembers such a bad snow season and that hopefully in the future we will not necessary need to use this law.

Mayor Pilla recognized Silvio Buccieri.

Mr. Buccieri said that he lives on King Street and that the snow plows go to fast throwing the snow over the sidewalk. He said that control of the plows is the magic word.

The Mayor said that the Village Manager will investigate this issue raised by Mr. Buccieri regarding the speed of the plows. He asked if there were any other comments from the Board or the audience. There were none. Mayor Pilla asked for a motion to close the hearing.

Trustee Kenner motioned to close the public hearing, Trustee Marino seconded the motion.

ROLL CALL

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

On motion of Trustee Kenner, seconded by Trustee Marino and approved, the following Local Law No. 3, 2011 was adopted:

ROLL CALL

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

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

A LOCAL LAW AMENDING CHAPTER 283 OF  
THE CODE OF THE VILLAGE OF PORT CHESTER  
WITH REGARD TO SNOW AND ICE REMOVAL  
AND PENALTIES

Feb. 22, '11

SECTION 1: Section 283-32 of the Code of the Village of Port Chester, entitled "Cleaning sidewalks", is hereby amended as follows:

....

D. It shall be unlawful for any person to throw, blow, plow or place any snow or ice into the traffic lane of any street.

SECTION 2: Section 283-35 of the Code of the Village of Port Chester, entitled "Penalties for offenses", is hereby amended as follows:

Unless another penalty is otherwise provided, a violation of the provisions of this chapter shall be punishable by a fine not to exceed \$100 per day for the first violation and fine not to exceed \$250 per day for the second and any subsequent violation. Each day's violation shall constitute a separate and distinct offense.

[Any person violating the provisions of this chapter or any part thereof shall be liable for and forfeit a penalty not exceeding \$100 for each offense. And, in addition thereto, said violation shall constitute disorderly conduct, and the person violating the same shall be a disorderly person.]

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

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

Adopted: February 22, 2011

JOAN MANCUSO, Village Clerk

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The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Journal News and the Westmore News on February 11, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, February 22, 2011, at or about 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 319, entitled "Vehicle and Traffic", with regard to definition of holidays and times of enforcement for parking meter zones and parking meters.

Interested persons will be afforded the opportunity to be heard at this time. The proposed law is available at the Village Clerk's office.

JOAN MANCUSO  
Village Clerk

Trustee Kenner made a motion declaring the public hearing open, Trustee Marino seconded the motion.

ROLL CALL

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

The Mayor asked Mr. Cerreto to introduce this proposed law.

Mr. Cerreto said that this issue came up during the Martin Luther King Day holiday when parking tickets were issued. He said that we have reviewed our law and are recommending that all Federal holidays be included in our Code along with clean up regarding time for parking enforcement. Mr. Cerreto said that it would add four new holidays which are Martin Luther King Street, Washington's Birthday, Columbus Day and Veterans Day to our list of six holidays for a total of ten.

Mayor Pilla asked how the holidays will be noted on the meters and in the lots.

Mr. Russo said that they would place stickers that would list the holidays.

Trustee Kenner asked if there is a forecast from the Police Department of the lost of revenue during these holidays.

Mr. Russo and Mr. Cerreto said that it would be approximately \$2,000 per holiday.

Trustee Kenner said that the Village Treasurer should adjust the budget revenue accordingly.

Trustee Terenzi noted that we just had the President's Day holiday and the parking enforcement officer gave him a ticket for an expired registration so these officers are still giving tickets but not for parking. He asked why the holiday is listed as Washington's Birthday and not President's Day.

Mr. Cerreto said that is how it is listed on the Federal site.

Trustee Branca made a motion to amend the local law to include in parenthesis Presidents Day after Washington's Birthday, Trustee Kenner seconded the motion.

#### ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

Trustee Didden said that the law has change of times of enforcement and asked about the current signage and what have been the enforcement current times. There was further discussion between the Board and staff on this issue. It was noted that since the Police Chief was not in attendance this evening that this hearing should be adjourned so he could speak on the enforcement times.

Trustee Didden made a motion to adjourn this hearing to March 7, 2011 for further information about the change of the time of enforcement and signage, Trustee Marino seconded the motion.

Mayor Pilla asked Trustees Didden and Marino to hold their motions so the public can speak on this matter before it is adjourned.

Trustee Didden rescinded his motion to adjourn.

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

Ms. Solomon said that the way this law is written is wrong stating where are the parking meters on Main Street?

Mayor Pilla said that the individual meters on North and South Main Streets have been replaced with parking pay stations. He recognized Richard Abel.

Mr. Abel said that the law does not match the signs so people have received violations.

The Mayor said that the parking violations that were issued on Martin Luther King Day were either dismissed or if paid reimbursed.

Mr. Abel said that it is great about changing the holiday as long as it is noticed. He spoke about the signage and that enforcement it been done beyond the time on the signage that is unfair to person who has received tickets. Mr. Abel said that he has also seen people feeding the meters after 7:00 p.m., so the Village has been receiving additional unanticipated revenue because they have pay after the enforcement hours. Mr. Abel said that the signage has to be right but to put at every location is not feasible.

Mayor Pilla spoke about the signage and even though they do not currently state the actual holidays they meet the requirements. He said though that the Manager has indicated that stickers will be placed on the meters with the holiday information.

Trustee Branca said that local media could also help announce the holidays were there is free parking.

The Mayor recognized the next speaker.

Helen McCanyon spoke about the Grove Street parking lot which has spaces for handicapped parking with parking meters. She said that she received a ticket even though she had feed the meter not the pay station.

Mayor Pilla told Ms. McCanyon that she should follow up her complaint with the Police Department. He recognized next speaker.

Martha Belle said that the new pay stations are not in Spanish.

Mr. Russo said that the pay station have the option to give instructions in Spanish that the person has to pick that option.

The Mayor asked if there were any further comments from the Board or the public. There was none. He said that since the times of enforcement issue needs to further address he would take the motion to adjourn this hearing.

Trustee Didden made a motion to adjourn this hearing to March 7, 2011, Trustee Kenner seconded the motion.

ROLL CALL

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

NOES: None

ABSENT: Trustee Brakewood

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Mayor Pilla noted that there quite a lot of people in the audience who would like to speak on the first three resolutions on the agenda listed under litigation with the first to consider setting a public hearing on the subject of whether to appeal the US District Court's final judgment in the matter of United States v. Village of Port Chester, the second resolution is to explore appeal alternatives and to determine whether the matter of liability in United States v. the Village of Port Chester is appealable and lastly a resolution to retain the firm of Jones Day to appeal the Final Judgment in the matter of United States v. the Village of Port

Chester. He said that the public comments on these along with the Board's comments of these resolution may take a considerable amount of time so will ask that the presentation by Christopher Steers, the Director of Code Enforcement of his Quarterly Code Enforcement Report be postponed to the March 7<sup>th</sup> meeting.

Mayor Pilla asked Mr. Steers for a few details of information on this report and Mr. Steers responded.

Trustee Didden stated that the Code Enforcement statistics since November does not list the court fines that has been levied and asked Mr. Steers the reason.

Mr. Steers said that he is working with the prosecutor and the court on this information and once complete it will be incorporated into the report.

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Mayor Pilla said that he would take public comments on the matter of the Department of the Justice versus the Village of Port Chester and reviewed the resolutions that are on the agenda this evening. He said that the first resolution would be to set a public hearing – town hall type meeting to receive public input, the second resolution is to explore appeal alternatives and the third resolution is to retain the firm of Jones Day in this matter once the judge make his final determination.

Mayor Pilla said that he wanted to explain the contents of the three resolutions in reference to the consideration of an appeal in the case of the Department of Justice vs. the Village of Port Chester. He said that Trustee Kenner had placed the resolution on to hire the firm to appeal the case and that he had placed the other two resolutions on from talking to the public and attorneys. The Mayor said that he thinks it is important to get a consensus of the community before we go ahead and spend a lot of what is taxpayers' money to appeal. He said that he would like to hear whether you would like a more formal discussion where you can understand the context of the case, the appeal process, costs, the chances of success and whether or not we can hear should we take this gamble as he says to spend the money that is the first resolution on whether or to formalize a community conversation what he would call a town hall meeting. Mayor Pilla said that the second resolution is instead of the third resolution in his mind so we have two choices we can make tonight beside whether to set a public hearing and hear from the public because the judge has not made his final decision so we still have the luxury of time for that. He said that instead of hiring the lawyer commissioning \$225,000 and say go appeal before we have the document to appeal he thought a more prudent approach would be to hire the same lawyer for a smaller initial fee to first of all give us a legal opinion in writing if this thing is appealable. The Mayor continued that we heard from public comments made by some lawyers and read some things in the press that it may not even be appealable. He said that there has been a lot of litigation that has gone on in Port Chester for the four years he has been seated as Mayor and when he deals with most of the lawyers we get a lot of opinions from the lawyers so he would like to get that opinion in writing on whether or not it is appealable because he has heard mixed things.

Mayor Pilla said that what he has heard is that if it is not appealable we will not find that out until going through a majority of the process so we could spend a lot of money and then find out it is not appealable. He said that the lawyer verbally assured us that it is and does not want to tell secrets out of executive sessions but this Mayor would like to see it in writing. The Mayor said that is one part of the second resolution but he thinks the more important part of this resolution is to get in writing appeal alternatives. He said that he has spoken to a large number of people who have expressed concerns about spending this money and there may be other avenues to pursue for instance Trustee Branca's concern that all six trustees will be up all at once in 2013 in fact that all seven seats will be up at that election so is there a way to stagger the elections. The Mayor said that he has been told there may be a way to stagger the election without appealing so he thinks having a qualified lawyer tell us that information on whether we could or not and the reasons we could or not. He said that is why he is has submitted this resolution to hire the same attorney that others on the Board want to hire to appeal noting that he is the Town Supervisor's brother which is different story. The Mayor said that he would like to hear from and he believes the rest of the Board on what about that as a first step alternative instead of going directly to appeal. He said that he would want a consensus of the community if we are going to appeal this case.

Trustee Terenzi said to the Mayor that he has made some comments that he spoken to people and done this and that which he appreciates noting that we had an executive session last week and he thought stating that he was not on the Board when this whole thing was going on. He said that he heard a lot of stories about the attorneys that were hired that they were the local republican hacks but since he had been involved noting that he has known Mr. Piscionere a long time and they have had disagreements over the years but he thinks he has tabled the argument pretty well. Trustee Terenzi said that he feels comfortable based on the facts Mr. Piscionere has provided in executive session about certain things on this matter.

Mayor Pilla said to Trustee Terenzi that he respects that but what he would like to focus this part of the discussion on is the public input.

Trustee Terenzi said that he understands that but that the Mayor is consistently setting it up the entire agenda. He said that his comment on this matter is that Special Counsel had handled the explanation and what had transpired turned his attitude around as its relates to the criticism of this counsel took of being the local guys and local court handling this difficult case.

The Mayor asked the public to focus their comments at this part on the Department of Justice issue. He recognized Doris Bailey Reavis.

Mrs. Bailey Reavis said that it seems logical to consider the second resolution because the judge has not made a decision so we should not jump.

The Mayor asked Mrs. Bailey Reavis if she is saying regarding resolution number two to explore the alternatives if she thinks that is a good idea.

Mrs. Bailey Reavis said that she agrees that exploring other alternatives is a good idea rather than set a public hearing on whether to appeal.

Mayor Pilla said that the public discussion would be broader than just yes or no to appeal that it would be the superset of everything that we are talking about here. He continued that should we get a consensus of the community on the questions he has asked the audience here.

Mrs. Bailey Reavis said that it is calling for setting a public hearing on the subject of whether to appeal the US District Court's final judgment noting that you have not received a final judgment so you do not know what the judgment will be therefore she thinks you have the horse before the cart situation. She said to retain the firm of Jones Day makes her wonder if this is in addition to Piscionere and whoever.

The Mayor said that is correct.

Mrs. Bailey Reavis said that you are spending two piles of money for something that you do not even know if it will come to fruition.

Trustee Terenzi told Mrs. Bailey Reavis that this firm will not charge us any money unless we appeal.

Mrs. Bailey Reavis said that in her dealings with lawyers when you walk in the door they punch a clock and charge you.

Trustee Terenzi said that his understanding based on the conversations that the Board has had is that Mr. Carvin of Jones Day has already given us a number of hours of his own time. He said that lawyers would not lie to us.

Mrs. Bailey Reavis said that yes they would. She said finally she wants to chastise Trustee Kenner because with her reading the newspapers she understands that he is one of the authors of this possible appeal. Mrs. Bailey Reavis said that he was elected to office here based upon on his promise of fiduciary care and responsibilities and this is not what she calls any fiduciary responsibility. She said that the Board needs to go back and consider the needs of this community before spending a lot of money on this appeal.

Mayor Pilla recognized Gary Sullivan.

Mr. Sullivan said to the Board to listen to the public on this matter. He said that there are fiducially concerns of the Village that need to be considered. Mr. Sullivan said that three of the Trustees have gone on about how awful the Village's finances are and that they have run on that issue and in fact he received a campaign flier yesterday about how out of order our finances are. He said that either the finances are out of order and these Trustees are telling the truth or you are lying stating that it can't be both. Mr. Sullivan said that one of the candidates running for mayor came to his household and told him that it would only cost \$45 per household to appeal but \$45 means a lot to most households. He said that the Board needs to listen to the public and when one member says that it does not matter what you say I will not vote that way and no one is going to convince me is the most irresponsible things he could ever listen to from a trustee stating that people are watching and you will pay when it comes to election time.

Trustee Terenzi said that if we do nothing it could cost us \$500,000 and that we will have to pay to the civil rights lawyer Mr. McLaughlin \$125,000.

Mayor Pilla said to Trustee Terenzi quoting his blog that there are three sides to every story what one person says and the other and the truth so let's leave the whole financial discussion to when.

Trustee Terenzi said that Mr. Sullivan has brought it up and he will not sit here and listen when the speakers do not have all the facts or try to dispute the facts in their direction.

Mr. Sullivan said that if we lose the appeal it will still cost \$500,000 plus the \$225,000 for the appeal.

Trustee Terenzi said that is correct.

Mr. Sullivan said that he works with lawyers everyday and does not want to hire a law firm that will cap this because if we really want to win go and win don't cap a law firm that they can only spend this because that is a bad decision. He said that he would not cap a law firm because he wants to win and that is a bad decision to cap and the Board knows this. Mr. Sullivan said do not do this without at least a public hearing to hear what a lot more people like himself have to say because you are responsible to the people of Port Chester who are very proud residents. He said to Trustee Terenzi that he should at least sit up and hear what we have to say because he has specifically said that it does not matter what the public says we will not convince him.

Trustee Terenzi said that he ran on this issue spoke to a lot of people on this issue and feels very strongly on the issue. He said that he will not change his mind to appeal.

Mr. Sullivan said that this case is a black eye for Port Chester not blaming anyone on the Board or past Board or anyone else so it is healed so are we going to pay to walk into another punch in the eye. He told the Board to close the wound end it and move on.

Mayor Pilla asked Mr. Sullivan before he left the podium if he is saying do nothing but what about the notion of spending some money to consider alternatives to tweak it.

Mr. Sullivan said as a resident he has no problem with a public hearing and also hearing more things with option number two. He said that he has no problem with listening to what the options are but as of now without hearing what the options are and voting on actually going forward with an appeal that is irresponsible behavior.

The Mayor recognized former Trustee Gary Adams stating that he knows something about this since he was on the Board.

Mr. Adams said that when you are oppressed and you are the oppressor that these are two different things and that the person who is doing the oppressing has their foot to the throat of the person being oppressed and some of you up there sit back as though your hands are clean and saying that you are fine but the fact is the poor guy that you have your foot on his throat is feeling the pressure and feeling the pain. He continued that you may say you do not feel anything but the poor guy down there you must allow him to talk and that this Board needs some good true representation of the entire Village. Mr. Adams said that it is his understanding that one of you is considered of being an element as to why we had this violation of the 1965 Voting Rights Act and it is another fact that one of you that the Supervisor is the brother of this law firm. He said that you got a law firm with no bidding no nothing and this law firm is the law firm of choice why he does not know how was this law



firm picked he does not know but the relationship to him it a little bit uneasy. Mr. Adams said that when he sees the politically conservative part of this Board takes it as though they have the right to take away what a Federal Judge has put into place you are definitely mistaken stating that Federal Judges have a lot of power and you will not by a resolution and not by a couple of dollars overturn it. He said that on Tuesday, November 13, 2007 when Trustee Kenner became the second African American to be sworn in noting the first was himself he tried to give full representation of all this Village not just a particular choice few so he hopes that some of you realize it that this past election was getting an Latino on the Board which we did and maybe we need more Latinos on the Board but the fact is how can you say lets go back to the old way of voting.

Mayor Pilla asked Mr. Adams saying that he heard him say that he does not know why we picked Mr. Carvin and his firm and without leading Mr. Adams on does he think having a broader community conversation so we can explain what the thought process and hearing from the community does he think the public conversation is a good idea.

Mr. Adams on surface value he would say yes but when a Trustee says that he does not care what you say and his mind is made up so where will that take us. He said that he would love an open discussion but the fact is when someone says that it will be his way no discussion.

Mayor Pilla said that is not everyone's opinion only one person and asked about to consider the alternatives.

Mr. Adams said that lets wait to see what the judge says and we do not have that kind of money to challenge a Federal Judge in his opinion.

Trustee Didden said that he would like to address the one statement that Mr. Adams made stating that you can not rewrite history and that the timeline that happened noting that the Village lost the preliminary injunction long before there was any politically motivated flyer disseminated in the 2007 Election. He said that preliminary injunction that we lost that the Judge imposed was because he said that it was the highest probability that the Village was going to lose.

Mayor Pilla said to Trustee Didden without appearing that he is censoring him lets keep in order and he can do the defense thing later.

Trustee Didden said that the Mayor is quizzing each presenter.

The Mayor said that he is doing that to get their feedback. He recognized Goldie Solomon.

Ms. Solomon said that she feels sorry for all of the Board and that this case came up before and unfortunately the Supreme Court Justice that made the decision does not know a blessed thing about the law and order of voting. She said that if she was called to the original hearing at the Supreme Court she would have saved the taxpayers and citizens of this community a hell of a lot of money. Ms. Solomon said that unfortunately government at that time did not give a damn about the taxpayers. She said that she tried to show that anyone who is a citizen of the United States does not have to run on the democrat, republican, independence, conservative or whatever parties that if you are citizens of the United States

and a taxpayer within the community you can get your own party together and get on the ballot. Ms. Solomon said that she did that with the Common Sense Party in 1991 when it was Bill of Rights year stating that she did it to show that anybody who is a citizen of the United States can do it stating that she created the Common Sense Party and ran for mayor twice and trustee once on the ballot. She said that there is no way if she was called to that hearing with the Justice Department and to say that we are against a ethnicity, race or religion that she could have stopped it then and save the taxpayers money but nobody did a blessed thing. Ms. Solomon said that everybody earned all the taxpayer money and now you are creating a problem again and the taxpayers are going to have to pay for it. She said that our taxes keep going up and up and up and it does not matter if it is one percent or a 1/3 percent that the Board is not getting the taxes down but bring them up and if you hire other attorneys they are just going to get paid and where will it come from the taxpayers. Ms. Solomon asked if that is fair stating that it is not because the government is just living off of us and that is the problem

The Mayor asked Ms. Solomon if she was for the proposed town hall meeting. She said that is a good idea if you listen to the citizens and taxpayers and do what they say instead of doing what you feel you should do. He asked if she was for the investigating alternatives. She said get the Supreme Court Justice here that made that stupid decision and let him know what Port Chester is all about.

Mayor Pilla said that he will be talking about a panel for this public hearing and the Judge would be the panelist to have.

Ms. Solomon said that he needs to come here and not go there and hire lawyers that cost us money. She said that he should come here and to address the people that is what he is supposed to do.

The Mayor asked Ms. Solomon again about the alternatives option.

Ms. Solomon said that she likes the idea that the Judge comes here.

Mayor Pilla recognized Marcela Kissner.

Mrs. Kissner said that she is against the appeal that it will cost too much money and that money could be used instead for more programs for the youth, seniors, overtime for police officers or hire more police officers and fix our roads. She said that the Board needs to think very hard before they decide on this and remember that some of the Board is sitting there because they won election with this system. Mayor Pilla asked Mrs. Kissner if she was for the town hall meeting. She said she would like because more people who may come and know about this would be better. Mrs. Kissner said that some Latino people do not know about this. He asked if she was for alternatives. She said no.

The Mayor recognized Sharon Jules.

Ms. Jules said that she is not in favor of spending a dime to do this noting that she works in public service and listen to Governor Cuomo saying the budget is tight and there is no money for municipalities. She said that she listen to County Executive Astronio threaten public service jobs almost everyday and all of this trickles down stating that we are a small Village but we get aid from the State and get aid from the County. Ms. Jules said that she has always supported Trustee Kenner and agreed with him because of his fiscal responsibility and

will continue to support him but to spend this kind of money and risk services to risk public service jobs she can not go along with that because there is too much at risk noting that we are a small Village and have a decent quality of life and she would like for that decent quality of life to improvement but she does not expect it to be reduced and a price tag this heavy we risk our quality of life in this Village.

Mayor Pilla asked Ms. Jules if she was for the town hall meeting. She said that she does think we need a town hall meeting because people need to be educated at what is at stake.

Mayor Pilla recognized former Trustee and Deputy Mayor Domenick Cicatelli.

Mr. Cicatelli said that he is not going to say much more than what other people have already said. He said that he looked at these resolutions and they do not make any sense together that we are going to explore alternatives to determine if it is appealable and have a public hearing to discuss the appeal and we are going to hire a law firm to represent the appeal that we do not know is appealable so it is a little confusing out here. Mr. Cicatelli said granted he sat up and knows that it is difficult and you have a lot more information in front of you then we do and you are making decisions based on a lot more than a copy of the agenda at least he would hope so.

The Mayor said to Mr. Cicatelli to broaden the context of the public hearing to discuss the options and about the appeal.

Mr. Cicatelli said that in his opinion that he was part of the Board that spent 1.2 million and was with this from the beginning to fight districts and to keep it at large which was successful stating that cumulative voting is an at large system but thinks it would be a great idea if we could approach the Department of Justice and seek a meeting with them with our attorneys and our representatives of our Village to discuss and see if they would be amiable to some changes in the decision. He said that he has listened to Trustee Branca and agrees with him whole heartily that staggered terms would be much better and totally agrees with that stating that the system is good but it needs a little work and staggered terms is one of them. Mr. Cicatelli said that he would like to see that happen first.

Mayor Pilla asked Mr. Cicatelli if he would be willing to spend some money on that.

Mr. Cicatelli said that if he was sitting on this Board today he would not vote for ten more cents stating that he had spent enough money and he would not vote for another dime but that is him noting that he voted to spend 1.2 million from the beginning and he did. He said that he thinks we were successful that we kept an at large system and the choice still really belongs with the voter where they want to vote for one person one vote or multiple votes noting that they are not forced to use cumulative voting that the choice is still theirs when they are voting.

The Mayor conformed with Mr. Cicatelli that he is against spending money so no to resolutions two and three and asked him whether he was for or against the public hearing proposal.

Mr. Cicatelli said that the Board should explore what you can get done with the Department of Justice first. He said that you are talking about a town hall meeting and he

agrees with it if it is managed stating that we had one as you may recall at the beginning of this case many of years ago at the Capital Theatre that hundreds attended and he would say that it was a success that people got up and spoke on how they felt but it could have been managed a lot better whether that would be a professional moderator or not he does not know.

Mayor Pilla said that the Board got an ear full at another meeting but what he was thinking and why this resolution is structured the way it is that it would be a two part meeting noting that the first part is a panel discussion where it could Mr. Piscionere or someone like him talk about the case, the decision and the options. He said that the town meeting is not just about the appeal yes or no it is about should we change anything because doing nothing is an option here.

Mr. Cicatelli said that the Board might have to spend a few dollars on this because you have Board members that may be going in different directions so you can not ignore that.

Trustee Terenzi said to Mr. Cicatelli that they are originally from the same type of neighborhoods even though he may be a little older. He asked Mr. Cicatelli that if we have an election next year and Mr. Cicatelli runs and he finds six hundred to seven hundred people voted for you but because you were running with five other individuals and they each went across the board and everybody else got six hundred votes and you lost the election because one guy got two hundred people to vote for him six times how would you feel.

Mr. Cicatelli said that we can go back and forth on that.

Trustee Terenzi said to Mr. Cicatelli that he is only asking this question because he has known him a long time.

Mr. Cicatelli stated that he lost an election but you have to roll with the punches. He said that the system, cumulative voting did cure the government's charge which was to diversify the Board of Trustees.

Trustee Terenzi said does that make it right.

Mr. Cicatelli said that right or wrong it was what the government wanted, we wanted anything shorter than districts and we were successful in getting our preferred remedy stating that it was the Village's preferred remedy of the Board at that time but it was our preferred remedy and it did cure the violation that we had an election and it diversified the Board. He wished the Board all the luck in the world and would take his seat because there are others who would like to speak. Mr. Cicatelli said that the last thing he is going to say is speaking from someone that it was a struggle to raise his hand to spend more money is to watch that because a lot of money has been put into this and it comes down to the coin and he knows that stating does he have certain things that he regrets when he was on the Board yes he does but we do not have the luxury of seeing that when we are sitting up there.

Mayor Pilla asked Mr. Cicatelli if he was against the town hall meeting

Mr. Cicatelli said that yes he was against that.

The Mayor recognized the next speaker.

Sonja Estevas said before spending this money that they consider other needs for our children like after school program and summer camp. The Mayor asked her if she was in

favor of the town hall meeting or the alternatives. She said yes for the town hall meeting but no to spend any money on alternatives.

Mayor Pilla recognized Gene Ceccarelli.

Mr. Ceccarelli said he is favor of a public meeting because we need more information. He said that he is absorbing a lot of information tonight and did hear and agrees with Mrs. Bailey Reavis the order of the resolution but thought he heard if this is explored, if appeals were explored that the attorneys would not charge anything and inquired if the attorney explored options would there be no charge for that.

Mayor Pilla said that the rational behind the second resolution is to spend a little money to explore whether there are other options and whether that is in discussion with the DOJ or just against the case law is really an option that is on the table. He would suggest that we should allocate some money to spend if we were to go down that route because you need to research and go before them on what these items are.

Mr. Ceccarelli said that in any event he would like to hear more details and presented information from the attorney if they can come to a meeting and explain to us what has been explained to the Board.

Mayor Pilla said that Mr. Ceccarelli has made a good point and clarified that he wants to frame this not just for the Board to make the ultimate action here but for the public. He said that what he is thinking with this public hearing is having a panel discussion and maybe those options do need to be explored as Mrs. Bailey Reavis suggested first so we can lay things out on the table that we know are or are not feasible. The Mayor said that is why he has this spend a little money option on the table tonight and not have the public hearing first because he thinks we need to spend a little money to explore those options so we can see them all out on the table and asked if that makes sense.

Mr. Ceccarelli said that does make sense and his personal feeling is that this needs to get out of the political agenda and if there is some way after all hearing all the information that the voters have an opportunity to go to a voting booth and switch a lever if they are for this or against this to see what the population of our Village would prefer. He said that if they want to fight this and thinks it is worth it and is going to affect their tax bills let the public decide in a public referendum.

Trustee Terenzi asked Mr. Ceccarelli since he was out in the streets last year and knocked on a lot of doors and he did very well with the system if we did a referendum and basically said that it would cost the Village \$225,000 to appeal possibly \$400,000 if we lose and go to the Supreme Court since those are the numbers that are out there and we said to the voters that these are the number and by the way in your 2011-2012 budget there will be no tax increase next year how we rearrange the dollars and how we do it put that into a referendum what would you think would be the sentiment of the Village stating that Mr. Ceccarelli knocked on a lot of doors that he knocked on the doors of the single family homeowners the people that are bearing the brunt of the taxes. He asked what would you think would happen if you told them there would be no tax increase next year because we have a win fall of revenue and rearranged our dollars and we want to appeal this what does

Mr. Ceccarelli think would happen. Trustee Terenzi told Mr. Ceccarelli that he does not have to answer the question.

Mr. Ceccarelli said that cumulative voting did bring us diversity and he agrees that it helped to get a diverse Board but diversity for the sake of diversity in his book is not diversity it is the character of the individuals that make up the diversity which is the most important. He said that just on the stake of cumulative voting it was a system that changes things for us a lot and it did give us the diversity today on the Board but would hope that future elections come about that it is not so much about the issue of diversity but for the people who are really behind in your seat and how you are representing our Village. Mr. Ceccarelli said that the last point on ethics and that Rye Town is in the process of updating their 40 year old ethics code.

Mayor Pilla asked Mr. Ceccarelli if he could hold that thought so we could keep this on the subject regarding the appeal.

Mr. Ceccarelli said that it ties into this issue. He said that the reason he brings this up because it pertains to the conflicts such as jobs and nepotism and that type of thing. Mr. Ceccarelli defined the meaning of nepotism which basically says patronage bestowed or favoritism shown on the basics of family relationship as in business and politics so when he sees this and how do we get this firm Jones Day that is the brother of the Rye Town Supervisor and would pay this firm \$250,000 or whatever the cost is. He said that he does not know how they can justify that with what they are going through with their ethics review. Mr. Ceccarelli said that he would leave that to the Board and basically let the voters decide.

The Mayor recognized Frank Bellantoni.

Mr. Bellantoni said that he does not want to spend another dime on this issue and that we are over burden as a taxpayer. He thanked Trustee Branca for allowing us to speak on something and told the Board to listen to the voice of the people because we know what we want and we do not want this to go to an appeal. Mr. Bellantoni said that we waited four years and half years to vote spent too much on this issue so it is his opinion not to do this.

Mayor Pilla asked Mr. Bellantoni about having a town hall meeting on this so people could weigh in.

Mr. Bellantoni said that if it does cost money he is against it and anything that does not cost money is fine.

The Mayor recognized Blanca Lopez.

Ms. Lopez asked when the census is coming out.

Mayor Pilla said for New York is may be March 3<sup>rd</sup> or 4<sup>th</sup>.

Ms. Lopez asked then why are we not waiting for that information to be released before we jump into a decision.

The Mayor said that he does not know why and did not put the appeal resolution on.

Trustee Terenzi said that certain information is coming out free flowing certain information is not coming out and that all of this was discussed in executive session.

Mayor Pilla said that Trustee Terenzi is insinuating that in executive session we were told that when the census data does come out that it will not contain the block level Hispanic citizens of voter age.

Trustee Terenzi said that what the Board was told in executive session that when Mr. Ruiz ran for office over 35% of non-Hispanics voted for him and he still lost the election because he was an unqualified candidate. He said that when the census comes out we were all in agreement in the executive session that there would probably be a market increase in the Hispanic of voting age noting that everyone agreed with that and Mayor Pilla has made that statement seventy five thousand times that the ten year olds from ten years ago are going to be twenty years old today and they will be able to vote and we said at that point that is the evidence that tells you if 35% of the white people are voting for the Hispanic candidate and there are going to be more Hispanics out there willing to vote that cumulative voting is not necessary in this community anymore.

Ms. Lopez said that she understands but does not think there is a need to appeal something if this is how the cumulative voting is going to result by 2016. She said that she agrees with Trustee Branca's concern and some of you have expressed it as well that we need staggered terms. Ms. Lopez said for everyone to run at once might cause a mess and might cause instability in our Board.

Trustee Terenzi said to Ms. Lopez that she knows better than anybody because she is familiar with the case that cumulative voting only works when all seats are up at one time.

Ms. Lopez said that it is not a permanent situation that it will be looked at again.

Trustee Terenzi said but when.

Ms. Lopez said that it is in the Judge's decision.

Trustee Terenzi said that the Judge is not a judge but in private practice now.

Ms. Lopez said that it is with the Department of Justice and that she is not here to go back.

Trustee Terenzi said that he just wants to make sure the comments are clear.

Ms. Lopez said that until the census is released and the public has access to that information you need to hear from us and everybody has said that we do not want to go ahead with the appeal for so many reasons. She said that with respect to what you are proposing here certainly a public forum is what you need with an objective facilitator with all due respect to Mr. Piscionere she understand he knows a lot and all of the Board is privy to a lot of information but we need somebody who is objective to figure out and explain to the public what are the pros and cons for going for an appeal and what are the pros and cons of not going for an appeal, Ms. Lopez said that second of all the people of Port Chester are not on trial for this that we did not do anything wrong it is the electoral system that have been changed because of the evidence that has been provided. She said all of us are open minded tolerant people and thinks all of you except for one person on the Board are open minded and tolerant people we are not on trial for this.

The Mayor asked Ms. Lopez whether to spend money on alternative before the public hearing or not.

Ms. Lopez said no.

Mayor Pilla recognized the next speaker.

Barbara Jacobs said that if the citizens of the Village were interested in this the place would be overflowing which it is not. She said that first the Village should use the local paper to provide information and is in favor of a town hall meeting.

Beatrice Conetta said that we do not need a town hall meeting stating that what you see tonight is a reflection of the community. She said that if it was not for Trustee Branca there would have been a vote two weeks ago.

Mayor Pilla spoke about the town hall meeting process and what that would entail. He said that we have the list of the interested persons and organizations and could put this together very easier because we did this for our voter education process and could fill the Senior Center with a couple of hundred people and know that we have a fully representative in terms of the age and ethnicity and neighborhoods of the Village to have a panel discussion where the sides of the story are presented and then the people as Mr. Ceccarelli suggested that they vote stating that we can not do it as a referendum but there is a way of getting everyone's input and keep score much like he is doing here but with a much larger scale and we could broadcast it live and people could send emails, text messages and voice mail and we could something call survey monkey noting that there are ways we could use technology and we could use old fashion ways like flip charts and we could get the voice of the people and it would not cost money and it wouldn't take much time.

Mrs. Conetta said that the only problem is that there are many people who will not come even though she has spoken to them and they are against this. She said that there is a stigma here and stated that this past week that really touch her that there was a woman who was renewing her subscription to the Westmore News that she lives in Maryland who was a former resident and in her subscription she put in an envelope addressed to Bea Conetta which was marked to please forward this if this is possible and the newspaper sent it to her. Mrs. Conetta continued that this was from a woman who had lived here and she reads about Port Chester and was thanking her for what she has done as an advocate so she was touched by that and is shows that even people who have moved away from this wonderful town they still love it and are still interested in what is going on here. She asked the Board to please leave politics at the door and if you really truly want to do for Port Chester what is right use your brains to do something for us and this appeal was a bad suggestion. Mrs. Conetta said that if you have to have the town meeting go ahead.

The Mayor asked Mrs. Conetta about lining up the alternatives should we spend a dime or nothing at all.

Mrs. Conetta said that we should not take it lying down but thinks between now and 2016 cumulative voting is not the worst thing in the world and like someone said you can give one vote to each person that it is up to them. She said that she thinks it is good to investigate it and if you have to spend a few dollars so what. Mrs. Conetta said what you have here tonight is not just a few people talking you got voices of many, many people so please



do what is right for Port Chester and forget the appeal. She said that our lawyer is here now and asked if he is getting paid for tonight.

Mayor Pilla said that he does not know.

Mr. Piscionere said from the audience that they are here as observers.

The Mayor asked if there was anyone else who wants to speak on DOJ that has not already done so. He recognized Richard Abel.

Mr. Abel said that it came up at the last meeting he believes that his question for this Board and believes it came up before nothing should be hasty. He said that there is a lot of passion in this room and out on the streets from other people on what to do about this but he hates to rush into anything stating that he is in favor of a town hall type meeting noting that communication is the best interest that he is in that business and that is what is important. Mr. Abel said that in order to preserve our rights on this it does not cost a lot so we could go forward noting that this has come up before it is not like we have to make that decision tonight or next week. He said that the decision this Board should do is say when the judge make the decision lets just send a letter to preserve our rights to challenge that is the first thing and that gives us a number of months of whether to do it. Mr. Abel said that there are people who want to do it and people who don't but lets not rush into lets preserve our rights then discuss it and get the opinion and the give and take and see what happens.

Mayor Pilla asked Mr. Abel about whether to explore alternatives now.

Mr. Abel said definitely that you should always do that and should have been done from the beginning that there should have been more negotiation between the Village of Port Chester and the DOJ and see to come to a settlement but that is hind sight now.

Trustee Terenzi asked Mr. Abel if we took a vote now and we said that the judge comes down next week and we have the Village Attorney preserve our rights which he could do very easily stating that he does not have to be appellate lawyer to preserve our rights that would sit right with you.

Mr. Abel said that it would give us time to make a decision.

Trustee Terenzi said the clock starts running and we have six months to prefect the decision.

Mr. Abel said that you do not have to do that tonight and this way we could have that public discussion and our rights are preserved. He said that he has been to court and fought a case all the way up to the New York State top court, the Appellate Court and Trustee Didden tried to go to the supreme court stating that we both spent a lot of money the difference in this is that was my money and his money it was not the publics money. Mr. Abel said that was a decision that it was his money and the Board is sitting up there spending the publics money and it is tough decision and he see both sides to this noting that he is not that clear cut but lets not rush to make a decision, lets preserve our rights lets have an open and public forum. He said that he was discussing this with his daughter who is in law school who worked for a Federal Judge in California and she was saying that you realize that you can not when you are appealing a case and he knows this because he went through appeals you can only do what is in the record to appeal that you can not introduce new information. Mr. Abel said that this

would be a question at the public discussion to see what are our options and can we because maybe a discussion with the DOJ might be the best situation where we may change the way the game is played to be more fair or more equitable than having our election system the way Trustee Branca said that you will all be up at once so let's not rush to a decision let's tone it down get some good input and that the people at home and here should know that it is not something we have to do tonight so with preserving our rights we have months to do it in.

Trustee Didden said that he was not a member of the Board while most of this went on and asked the Mayor that did he not go to Washington D.C. to have a meeting with our attorneys to seek out alternatives already that came up fruitless. He said that he thinks the Mayor tried his best and everybody keep saying let's explore and go back to talk to them but haven't we run that route already.

Mayor Pilla said that we did do that and we were not successful but respectfully disagree stating that was then this is now so it apples and oranges. He said that the real deal was we went to DOJ.

Trustee Didden said that he thinks people should know that you have tried something.

The Mayor said that he would like to explain what we tried and why it did not work. He said that this is his humble opinion and the other Board members can have their opinions of course. Mayor Pilla continued that early on they went down and said there is this system cumulative voting and what did they think and they said no way and by the way we are not going to settle unless you claim liability of the Section 2 violation and we said no way and that ended the discussion. He said that if we went to them with the argument that we went to the Judge with the remedy that it is our legal right to have the remedy of our choice that it is a legal remedy that it is effective and complete so they couldn't have said no frankly but we didn't go with that argument. The Mayor recognized our special counsel on this matter, Anthony Piscionere.

Mr. Piscionere said that he would like to correct some things that the Mayor had said incorrectly. He said that we were always willing to admit Section 2 liability prior to the lawsuit being instigated. Mr. Piscionere said that we went to the DOJ before they filed suit and said that we do not think we are in violation of Section 2 but we are willing to put an alternate system in place we will admit Section 2 liability anything but districts and they said no. He said that after the liability phase we tried to negotiate for cumulative voting and they said no noting that we were down a number of times and he wants to make that clear.

Mayor Pilla said that Mr. Piscionere is right on the later but does not remember willing to acknowledge liability but said he does not remember what he had for breakfast so will not argue that.

Mr. Piscionere said just so everybody is clear in terms of what we did we explored all of those options before litigation was ever commenced and after the liability phase as well.

The Mayor said that now it is a different day and with all due respect to everybody thanked Mr. Piscionere for his comments. He asked who else would like to speak on this matter. Mayor Pilla recognized again Doris Bailey Reavis.

Mrs. Bailey Reavis said that she wants to suggest to you that it is a good idea to have a town meeting and thinks we really need a town meeting. She said that she thinks that the people of Port Chester need to come out and understand what is at stake. Mrs. Bailey Reavis suggested that the facilitators could be from the League of Women Voters because they handle a good forum.

Mayor Pilla thanked Mrs. Bailey Reavis and said that he was glad that she came up because she and former Trustee Cicutelli were the only ones up to this point now that said do not have a public hearing. He recognized Goldie Solomon again.

Ms. Solomon said that we have to keep this a democracy and it can not be anything but a democracy. She said that it can not be communist nation that the people need to be taken cared of and they have to speak out and you have to listen and respect what they say.

The Mayor recognized Gary Sullivan again.

Mr. Sullivan said he has a couple of questions because he does not know if this forum will happen so he likes to always say to his staff he never learns anything while talking. He said that he will ask some questions and hopefully will learn something. Mr. Sullivan asked did he hear correctly tonight that there is no final decision as of yet so there is really nothing technically to appeal.

Mayor Pilla said that is correct.

Mr. Sullivan said that there is no rush to appeal to vote.

The Mayor said that he would like to clarify one thing. He suggested noting that he sits with these guys and is getting the sense that some people are chomping at the bit to appeal and even though the judge has not given his final ruling for the Village to put their best foot forward the language that is negotiated between the Village and the DOJ needs to be very precise and for that reason this final judgment Mr. Piscionere is writing with the DOJ and the Judge stamps it so ordered so dotting the I's and crossing the t's count that is why he was suggesting in the second resolution that we consider the alternative hire a lawyer and have that lawyer work with Mr. Piscionere who has being doing some of it free now noting that you get what you pay for in life. Mayor Pilla continued that we let this guy work with them to craft the final judgment wording the best it could possibly be so when we have this town hall meeting and if the people decide yes we want to appeal we put our best foot forward so there is legitimately he would suggest on the chance that we may appeal that there is a need to get the expert involved even before so that is why he put forward the second resolution for ten thousand and for those varied subject matter noting that it sounds confusing but it is a complex matter.

Mr. Sullivan said that though there has not been a final decision are we under the impression that after the 2016 election cumulative voting election that this will be looked at again.

The Mayor said not necessarily that the way he understands it stating that we are under a consent decree for being liable and the consent decree says that any changes between now and 2016 we have to go back to the court. He said that whether we are not under a

subsequent need for what is call preclearance. Mayor Pilla asked the Village Attorney if that is just for Section 203 asking if preclearance would apply after 2016.

Mr. Cerreto said that it does not.

Mayor Pilla continued that under some circumstances for some violations of the Voting Rights Act once you have been convicted of being guilty found to be liable because it is not real a crime you have to pre-clear or have DOJ clear to change your election system. He said that right now the situation that we are in as he understands it we need to get preclearance basically from the court with DOJ consent. The Mayor said if there is a legal remedy that was complete and effective they should not unreasonable withhold.

Mr. Sullivan said he wants to make sure we are not spending \$250,000 to effectively appeal one election because of what he knows of the courts is they are going to take some time. He said that this has taken forever as it was and they did not care that we were not voting at all so the fact that we are appealing is probably going to take a long and miss the 2013 that our appeal will probably miss 2013 and he does not want to spend \$250,000 to appeal the 2016 election. Mr. Sullivan said that he wants to make sure that is not what is going to happen because it sounded if it is going to be looked at after 2016 anyway and agrees with former mayor and Trustee Branca that staggered elections is critical that a massive change could lead to mistakes that have happened in the past like silly things as parking signs missed and he thinks that is a critical element and a option that we should look at.

Mayor Pilla said that he wanted to point one more thing out to everybody and his colleagues ordinarily this getting a second opinion you do not ask the doctor who is going to transplant your kidney for the second opinion you get it from someone independent but recognizing that the firm of Jones Day and the Supervisor's brother Michael Carvin who by the way is a good appeals lawyer for voting right stuff but you want that better understood so that is why he thinks this town hall meeting is so important. He said that ordinarily he would say get a different lawyer who does not have a financial interest in the outcome to tell you what the options are because this person will make good coin to fight this case but because we want to put on the remote change that these guys change their minds that we do appeal whatever that we want to put our best foot forward. The Mayor said that he thinks it is important to have the lawyer who might represent us in the appeal do that and he is smart enough guy to tell us about the alternatives and we talked to enough people to get that validated too he thinks.

Mr. Sullivan said that because this is politically season he wants to make sure we are all clear that there is no final decision being rendered that we are even appealing yet so there is no reason to vote tonight absolutely zero reason to appeal. He said that even if you believe that we are going to vote to appeal Trustee Terenzi even if you believe that there is no specific rush.

Trustee Terenzi asked Mr. Sullivan what is the fear though.

The Mayor asked Trustee Terenzi to hold his comments.

Trustee Terenzi said that Mr. Sullivan addressed him Mr. Mayor.

Mayor Pilla said to Trustee Terenzi that he did not recognize him and that Trustee Branca had his hand up.

Trustee Terenzi apologized to Trustee Branca.

Trustee Branca said that he would yield to Trustee Terenzi since he was addressed but would like to have the floor soon afterwards.

Trustee Terenzi asked Mr. Sullivan if there is a fear out there of the people that were here are the same people that he sees at almost every meeting and they are all big Mayor Pilla supporters which is great and he appreciates that. He continued to Mr. Sullivan if there is a fear that this vote may go in a way that we are going to appeal and the Mayor may be on the other side of the vote in this political climate that we are in that maybe he does not represent the majority of the voters and that may hurt him.

Mr. Sullivan said no.

Trustee Terenzi did not agree with that statement and said that Mr. Sullivan is a smart guy.

Mr. Sullivan said that no one asked him to come tonight. He said not one person asked him to come tonight at all and he came because he thinks it is important enough to the Village and wants to make sure it is on the web and television that there is no rush.

Trustee Terenzi said to Mr. Sullivan that they blogged last night for two hours and there is no doubt in his mind that you feel very strongly that the Mayor is doing a great job for the Village and he is not going to dispute Mr. Sullivan's opinion.

Mr. Sullivan said that has nothing to do with the DOJ case.

Trustee Terenzi said that it has a lot to do with this case. He said that the bottom line in his opinion is that this is going to be tried to be stalled as long as possible because in his opinion there is a sentiment out there in the Village noting that this is his opinion and he is one vote out of seven people.

Mayor Pilla said and a political mastermind.

Trustee Terenzi said that the Mayor is a political mastermind now right. He continued that the bottom line is he feels very strongly that the Mayor feels he will be on the wrong side of this issue if he votes against the appeal and this climate right now he does not want to be in that position and that is his opinion.

Mr. Sullivan said that he would like to ask Trustee Terenzi a question and here is his question directly to him, what's the rush.

Trustee Terenzi said that the rush is we have been through this in executive session at least three times with the attorneys who have laid it out very subsequently that the judgment is coming down in the next week or two. He said that we have met with Mr. Carvin and met with the other person who unfortunately has passed away Mr. Coleman, two highly regarded appellate court lawyers who have been in front of the Supreme Court and if you think Joe Carvin needs to have his brother, Michael be the attorney on this case you do not know Joe Carvin. Trustee Terenzi said that there is a lot of insinuation going on what is Joe Carvin getting a kick back from Michael for this thing or something, you guys make we laugh.

Mr. Sullivan said that he never talked about that.

Trustee Terenzi said he is addressing that to the Mayor.

Mr. Sullivan said to Trustee Terenzi he was the one who asked the question that you never answered what is the rush there is no final decision so why vote tonight. He said so why is it so important about a vote tonight.

Trustee Terenzi said that this thing has been kicked around for six months and the judgment is coming down and we would like to have the attorney up and running when the judgment comes down.

Mr. Sullivan said if we are talking about politically motivated votes and why he is here stating that Trustee Terenzi accused him that he is absolutely standing right here saying that you are trying to make this vote happen tonight because you are politically motivated.

Trustee Terenzi said that is Mr. Sullivan's opinion.

Mr. Sullivan said that is one guy.

Trustee Terenzi said yes I am one guy and that he is not running for anything.

Mr. Sullivan said thank goodness.

Trustee Terenzi said he knows and look what happens when you have cumulative voting you get guys like me.

The Mayor asked for his microphone volume to be raised so he could keep ordered.

Mr. Sullivan apologized to the Mayor

Trustee Terenzi also stated that Mr. Carvin is not a racist attorney either which he was accused of.

Mayor Pilla asked Trustee Terenzi to refrain himself so someone could get a word in edge wise including himself the presiding officer. He said that he is highly offended that Trustee Terenzi would suggest that he was stalling this because he is afraid of being on the right side of the issue. The Mayor stated that he has said it before and will say it again that he has not been on the wrong side yet with the decision and the election outcome. He said that this objective facilitators noting that this is important to understand that he has talked to a couple of national recognized credible organizations to facilitate this town hall meeting that he would like to have and they have all said the same thing why are doing it before an election why do you want to politicize it and those are the objective experts that are really are nonpartisan saying why do you want to politicize why do you want to fast path it in front the election especially as the question you asked and was answered if the decision has not been rendered. Mayor Pilla said that it is one thing to ramp up a lawyer to dot the I's and cross the t's to make sure the language is right in case we do decide but you can do that with out deciding to appeal, deciding to appeal he happens to agree the opposite of what you are saying he thinks it is a political action on your part to make that to frame that as an election issue and he does not think it is and it hasn't been before. He recognized Trustee Branca.

Trustee Branca said to Mr. Sullivan that he was called out because he asked for a public meeting so all the public could come and speak so you were called out and just want him to understand that not by name but all Village of Port Chester residents. He said that he has listen now for the last hour and he is trying to absorb everything that is being said stating that it seems that he has the agreement from most of you that staggered voting is a need in

the Village of Port Chester. Trustee Branca said that we talk about the \$225,000 cap and that he has to balance the \$225,000 cap against looking at the numbers right here at almost \$400,000 in the next two elections under the consent decree that is now in place attached to the Village of Port Chester. He said that now he has to look at \$400,000 but here is the scary part and this is what frighten him from his many years of experience if in 2013 when this entire Board is up all seven of us and the good people of Port Chester decide that we are all bums throw them out stating that could happen the point being is you could have a new board taking office in March beginning of April with no municipal experience at all. Trustee Branca said that within two months that board will be deciding a 36 to 38 million dollar budget so if you think \$225,000 is a lot trust him because at that point in time the budget will be made by staff. Trustee Branca asked the question saying that most of the audience are professionals who go to work and your bosses say submit me a budget for your department if you are in charge of a department what do you do, you put what you think is really going to be important to carry your department stating you do not hold back you put the money down that you feel is needed if this board does not have the experience to say no because they have not been through previous budgets that new board could make an easy \$300,000 to \$400,000 mistake. He continued so you say that is \$300,000 to \$400,000 so they will learn yes that is correct but that money becomes maybe \$600,000 the following year, \$800,000 the following year because it will build and accumulate.

Mayor Pilla said that maybe former Mayor Iasillo will run or as some member of this Board ran. He said that he does not disagree by the way.

Trustee Branca said that all he is saying is to please understand where he is coming from. He said that he asked for this meeting and did get the cooperation from the rest of the Board so do not kick them under the bus that he had their support to get this meeting but the bottom line is that understand the ramifications and that this could be a disaster for the Village of Port Chester a financial disaster and that is what he is weighing very heavily. Trustee Branca said \$225,000 versus a million down the road to him is no contest at all.

Mr. Sullivan said that he thinks everyone agrees that by 2013 there will be no actions on any appeal even if we file it so you are betting \$225,000 to save \$200,000 on a long shot and those are not very good odds and if you make that bet which you kind of outlined of thinking about doing that you are betting \$225,000 to save \$200,000 on a long shot. He says he plays the horses and do not bet that.

Trustee Branca said to Mr. Sullivan that please do not think that question was not asked and also please do not think the questions of why we are pulling the trigger so early without a final judgment was not asked. He said that the point being is a lot of the questions you are asking of why we are doing this and why are we doing that, that he has echoed the Board's questions over and over again and the answers that we got make us feel that an appeal is necessary.

The Mayor said some of us.

Trustee Branca said some of the Board and that is why they are on the agenda tonight.

Mr. Sullivan said that it is your vote.

Trustee Branca said from his heart he is giving everything he has.

Mr. Sullivan said that he understands but the question he asked was and specially asked it from Trustee Terenzi and does not feel either he got an answer or he understood the answer why that it is tonight. He said that maybe he missed it.

Trustee Branca asked if Mr. Piscionere could come forward so he could ask him the question that the Board asked in executive session so that everyone here can reply because he does not want anyone to think we are making this up. He asked Mr. Piscionere why are we pulling the trigger so early when we do not have a final judgment and going forward in hiring an attorney to handle our case.

Mr. Piscionere asked the entire Board if he can respond to that question in public.

Mayor Pilla asked if there were any objections from the Board. There was not.

Mr. Piscionere said that the reason is this that once the judgment is put in place we file our notice of appeal the circuit court then schedules briefings, transcripts have to be ordered so it is a snowball that is moving down a hill pretty quickly. He continued that it is not like a State Supreme Court case when a notice of appeal is filed and you have six months to perfect and the court has no idea what you are doing and what is going on but once you file that notice of appeal the circuit court they will notify you and send briefing schedules very quickly. Mr. Piscionere noted as he had said before he does not want to discuss what was in executive session without everyone permission but you are not really rushing into this because this is something that has been considered for many, many months.

Mayor Pilla asked Mr. Piscionere noting that he and Mr. Piscionere nor the Board really has had a chance to talk about the 2<sup>nd</sup> resolution and this is noting that some have said that he is not a consensus builder but he tries hard. He continued that these guys are hot to trot to appeal a lot of them and realize the snowball effect that Mr. Piscionere spoke about and understand the language that you are saying in the final judgment needs to be perfected, which means that is going on now so what is wrong with hiring Jones Day for ten thousand dollars and directing them to perfect the language, evaluate the alternatives and see if we can get those staggered terms via a DOJ discussion preclearance which by the way the Consent Decree says that we have the opportunity to do.

Mr. Piscionere said to Mayor Pilla that first of all again that he would repeat some of the conversation he has had with Michael Carvin with your permission because he would consider to be generally privileged so unless he hears an objection

The Mayor asked if there were any objections from the Board. There was not.

Mr. Piscionere said as the Board knows Mr. Carvin worked for the DOJ for a period of time and he was rather high up in the office that his evaluation of whether or not DOJ would negotiate with us now or discuss anything with now is quite frankly not a snowball chance in hell and believes that may be a direct quote. He continued that quite frankly it was our experience when we were down there on a number of occasions to try and negotiate with them during the trial that was our experience with them when the suit was commenced. Mr. Piscionere said that their position was very clear that it had to be a district plan stating that DOJ has not exactly been flexible to say the least.



Mayor Pilla asked what is wrong with spending the ten and not making the appeal decision to perfect the final judgment.

Mr. Piscionere asked that he finish his statement and continued that quite frankly by all appearances that is a waste of money and you are better off putting that money toward the appeal but that is the decision of this Board.

The Mayor questioned wouldn't that be the same activity.

Mr. Piscionere said no that Mr. Carvin did not sign up to go down to Washington and try to negotiate something.

Mayor Pilla said that he would have someone else speaking personally.

Mr. Piscionere said that the point is that is an extra cost now over and above the \$225,000 that you are talking about.

The Mayor said that would be instead.

Mr. Piscionere said when you say instead of Mayor the point is that with the sixty day window that you have noting that it took us months to get an appointment with DOJ the first time so you are suppose to let the window close because they did not get back to you.

Mayor Pilla said that maybe that would not be the case.

Mr. Piscionere said maybe he understands but noted that we have done a lot of maybes with DOJ and it did not get us anywhere. He said the only thing that got us anywhere with DOJ.

The Mayor said that is because of the lawyers.

Mr. Piscionere said that is not true and what happen is the only way we got anywhere with DOJ was go to court and get the remedy that we offered them before litigation. He said that we had to fight to get that and that is the only thing we got out of DOJ.

Mr. Sullivan said that he did not want to belabor a point but he still has not heard one downside to waiting. He said that maybe he is missing it again stating that there is not one downside to waiting for a final decision and taking this out of the politics that there is not one reason he has heard as of this moment and he would love to hear it Trustee Branca, Trustee Terenzi, Trustee Kenner, Trustee Didden please tell me a reason what is better about doing it tonight versus doing after all the politics are done.

Trustee Marino said that he has been quiet tonight and first wants to thank everyone for coming out this evening and speaking on this matter. He said that he does not think certain Board members will change their minds and he is very upset with that. Trustee Marino said that he is against spending taxpayers' money and it is not because he is Hispanic and wants to get elected again that has nothing to do with it. He said that he is not happy about the system of cumulative voting that he does not like it. Trustee Marino said that he is against spending this money for this appeal that there are issues in the Village that we need to spend money on. He spoke about union contracts that are not settled, departments that are short handed and other things that need to be done in the Village. Trustee Marino said that he respects the other Board members opinions but he is against this spending.

Mr. Sullivan said that he would like to ask Trustee Kenner a question and hoping for an answer that he can explain because he still has not heard a reason of why it is better to

vote for an appeal tonight then it is after a final decision because it is quick, because it is fast that is not a good reason for him. He said as a taxpayer and a resident of Port Chester it makes no sense to rush to spend \$225,000 that he does not get it and he apologizes if he is missing it but please can he ask you that because he has seen Trustee Kenner's quotes and it seems like he is going to vote to appeal and he would like to know on the record why we are voting tonight to appeal in a big rush. Mr. Sullivan concluded that you can say it is not a rush but before any final decision is made it seems like a rush to him.

Trustee Kenner said to Mr. Sullivan that he appreciates his comments and also wants to thank the public for what they have said so far. He said that here is the deal that he agrees with former Trustee Cicatelli said that this is probably one of the hardest decision he will ever have to make. Trustee Kenner said that he does not want to spend the money quite honestly but it is not about the money for him it never was. He said that he struggled with this issue for a long time even before he was appointed to this Board he struggled with this issue and believes that he said at his appointment in 2007 that he likes the at large election and does not see anything wrong with it. Trustee Kenner said that he thinks is was a wrong decision for Port Chester and still thinks it is. He said to answer Mr. Sullivan's question directly that he does not think it is a rush that he has consulted with Mr. Cerreto, consulted with our special counsel and other lawyers on this issue done his own reading and have campaigned at hundreds and hundreds doors and talked to a lot of people on this issue and come back to the same position that he thinks we do need to appeal. Trustee Kenner said that he does not think it is a rush that they have been advised lawyers both Mr. Cerreto as well as special counsel that if we are going to appeal we need to start now to get the lawyer up and going, that is his position. He said that you do not have to agree with him and he appreciates that.

Mr. Sullivan said that it is not that he does not agree with Trustee Kenner it is that he does not understand the answer and quite honestly he did not give a reason why it is better to start today then after. He said to Trustee Kenner that he did not give an answer to that specific question why is it better what is advantageous to the residents of Port Chester to start an appeal today versus when a final decision is made. Mr. Sullivan said that the lawyer and he appreciates him coming and not sure if he answer his question whether he is getting paid or not tonight but noting that he likes getting answers that is the way he does business. He asked again what is better today to make that decision than when there is a final decision to appeal.

Trustee Kenner said that he would quote Mr. Cerreto "that if you are going to appeal it is better to start sooner than later".

Mr. Sullivan said so you start spending money today as a fiscal conservative better to spend money today than later which does not ring true to him but is political.

Trustee Kenner asked Mr. Sullivan to let him finish even though he may never answer his question. He said that the money will be capped so it will be \$225,000 no matter what.

Mr. Sullivan said that if you are going to appeal that is the worst decision you will ever make because if you are going to try and win do not cap something.

Mayor Pilla said that is the first leg of the journey.

Trustee Kenner continued that Mr. Carvin does not have to take this case noting that this is a former senior level person in the Justice Department, Deputy Assistant Attorney General Special Assistant to the Attorney General who worked in the Civil Rights Division of the DOJ. He said that Mr. Carvin has fought and won cases in the Supreme Court and other appellate courts noting that he has a track record but he does not have to take this case. Trustee Kenner said that Mr. Carvin is taking this case because he is a home town boy from Port Chester who loves this Village and thinks it is a strong case as does I stating that is why he is taking this case, that is why he is qualified stating that the Board interviewed others.

Mr. Sullivan said then it will be a strong case six, eight, ten weeks from today so there is no reason to start today.

Trustee Kenner said to Mr. Sullivan that he will never convince him.

Mr. Sullivan said that is because Trustee Kenner did not try and answer the question.

Trustee Kenner said that he has tried several times now to answer his question.

Mr. Sullivan said because a lawyer told you so.

Trustee Kenner said that he will speak to the experts before he talks to anyone else. He said that he does not know what else to tell Mr. Sullivan and that he does appreciate his comments.

Mayor Pilla stated that he put an option on the table to hire Michael Carvin of Jones Day for ten thousand dollars to get that running start that he heard the lawyers say that everyone is asking for. He asked Mr. Cerreto if there is a downsize to taking that middle ground approach to hiring somebody for a little bit exploring the options to see with the new census if staggered terms could be achieved not just through appeal. The Mayor continued stating forget about the statement that DOJ will be cooperative or not noting that there is a new Attorney General today then there was in 2006 and in 2009 he believes so honestly he does not buy into all that talk. He said that from a resource perspective, the tasks and activities to ramp up it seems to him a more prudent approach to hire the firm even though he would rather get some independent that does not have a financial interest, let him load the guns with the final language for the final judgment in case we can not bring everyone to their senses not to appeal and the Village still has their best foot forward and in the mean time we have explored other options, the census comes and it gives us time to have conversations. Mayor Pilla asked Mr. Cerreto what would be his legal opinion and asked the Board if they had any objections to him asking this question to the Village Attorney in public.

Mr. Cerreto said he would provide an opinion in executive session on this topic. He said that a lot has been spoken about tonight that is a policy decision of the Board and absolutely it is a very important issue for the Board to decide noting there has been discussion from the public and amongst all of you but that ultimately it will be the Board's judgment whether to take an appeal or not. Mr. Cerreto said that when he gave the advise to the Board that if you are going to take an appeal it is best to take the appeal as soon as you get the final judgment to have your appellate attorney on board based on the fact if you are going to take

the appeal and believes that is what you all are struggling with on whether or not you want to take the appeal or not and that will be your ultimate decision.

Mayor Pilla asked if option two is half a loaf stating that it is getting the appellate attorney on board but not deciding yet and it is exploring other options with less cost which is more prudent and more flexible.

Mr. Cerreto said that he has not spoken to Mr. Carvin so is not sure if he would be entertaining of this proposal stating that he has not heard from him whether he would accept it.

The Mayor asked Mr. Cerreto in his legal opinion does he think it is a bad idea.

Mr. Cerreto said to the Mayor that is a value judgment stating that he thinks it is always good to talk, always good to negotiate that it is always good to have someone to talk to but do not know in the past several years we have had a receptive audience with the Department of Justice and goes back to a meeting we had before this case was even brought in the conference room at Rye Town Hall and not to tell stories out of school that Mr. Piscionere was there, Mr. Vitagliano was there, Mr. DiMarco was there with me and we asked the Department of Justice is there anyway possible we could see this case resolved short of a district plan and the answer was no.

Mayor Pilla said that they thought we were bad actors in his opinion. He said that what he is thinking about this town hall meeting and the Board could comment too but wants to move this along.

Ms. Solomon asked when the rest of public comments would be heard.

The Mayor said shortly and asked if there was anyone else in the audience who would like to speak on the Department of Justice matter. He recognized Beatrice Conetta.

Mrs. Conetta said that the Board is talking like we are going to have the appeal and if you have a town hall meeting and get people like tonight with one person in favor of it and the rest that are against the appeal there should be no vote. She said then we should just not do it and stated that she respects Trustee Branca's concerns that you might get six new people not probably but possible. Mrs. Conetta said that if you have this efficient staff that we have here that the staff helps a great deal in all of your decisions.

Mayor Pilla noted that they make the budget.

Mrs. Conetta said that is right so if you have this efficient staff that does not get scared out of here then you will not even have to worry stating that it is not possible that six or seven will go at one time.

The Mayor said to Mrs. Conetta in looking at a number of contracts that are up and that we are discussing purposely he is looking to extent and is recommending to his colleagues on the Board that we extent the key management contracts to at least six months after the 2013 election so that there is continually of staff for the new Board if they are a bunch of rookies to get to know them so they can prove themselves so they do not just get booted out the door in the first fifteen minutes. He said that it is really because it is really with the operational staff this seated trustee also known as the mayor suggests that is where the continually of government lies. Mayor Pilla said think about it if we were all new and we

did not have a clue and we did not make a policy decision the Village would still hum the way it does today so long as staff is in place.

Mrs. Conetta said that it very proactive. She concluded that she has to defend everyone here and herself that it was a great insult to have one of our trustees say that we are here against the appeal because we like the Mayor that we think he is great and we are political motivated that is the farthest thing from the truth. Mrs. Conetta said that if the mayor was her brother sitting up there and was doing something wrong she would be after him. She said that if she is for someone it is because she believes in them and if she goes against this appeal it has nothing to do with you.

Mayor Pilla said that he knows a lot of people in the audience and did not ask them to come and that they are not here because they like him.

Mrs. Conetta asked where are the ones that are for it because not one is here tonight. She said that she believes that everyone here tonight speaking against this have strong feelings to oppose an appeal not to back the Mayor.

Mayor spoke about a compromise by going forward with resolutions one and two. He said that we have these costs here noting that you will hear the Trustees saying that it will cost \$500,000 to run two elections. The Mayor said that staff spoke to FairVote today and FairVote suggested that based on the exit poll survey stating that there were about 3,000 people who came out to vote and FairVote said in the survey most of those people had voted before and they have experience doing this stuff all around the world so they said the next time you do your voter education training in 2013 you are really not training from scratch 3,000 voters it is more like if you are training more like 300 new voters because people move out or move in noting that the real estate market is kind of slow. He continued that FairVote has been there in other places so you most definitely do not need 12 voter education courses and that they went on to say about the radio and television ads that the survey said nobody heard them so you might want to go to DOJ and the courts and say maybe we could shave some money on these things and in fact we hired a person as a Voter Education Coordinator for eight months saying it was more than half a year at an annual salary \$90,000 and we paid her \$60,000 so we hired her for two thirds of a year to create this material including brochures, to understand the demographics and the infinity groups and things like that and FairVote is saying that you have done all that you got the invite lists, the makeup of the community and you have the brochures. Mayor Pilla said that the coordinator's sidekick and he means no disrespect to Mr. Baez has been hired for \$44,000 a year that if you dedicated him for three months it would cost you \$14,000 and you can call him the program coordinator and he could do it and it probably does not even need to be full time but he knows that the Consent Decree says full time so call it full time call Mr. Baez take all of the \$14,000. He said that a lot of the material that we created noting that you are only reminding people and what was really effective per the survey of the 66-85% of the voters who filled out the survey they said that the mailing of sample ballot to everyone which we put the instructions on who to use the system the survey said. The Mayor asked if the survey was on our website and asked if there could be a link place for the survey on the front page of the

website so the public can read it themselves because no one is going to accuse him of colorizing it. He said that basically the survey said that noting that the attendance at the 12 voter education classes saying that about 3,000 people came out to vote there was not 3,000 people who attended the classes that they learned from that mailing when we mailed the sample ballot and we had the instructions in there. The Mayor said that we had arguments with the Clerk if we should have 12 thousand pieces of the flyer at the election booths and she said to us you are nuts no one will ask for it but we were afraid that the DOJ was going to cry foul if we ran out of one so we spent a ton of money to have 12 thousand pieces of this flyer run off and had them available at every election station and you know what she was right that there was probably 10 thousand left over and now you have to change the date so they are no longer good he is sure but maybe you do not on some of those.

Joan Mancuso, the Village Clerk asked the Mayor if she could interrupt.

The Mayor said sure.

Mrs. Mancuso said that the Mayor is talking about a system that you are not going to have in 2013. She continued that you are not going to be able to use lever machines because you are not going to be able to do a one seat office term and then vote for six for six other seats stating that it is impossible on those machines.

Mayor Pilla asked the Clerk what she means.

Mrs. Mancuso said that you can not do it on the lever machines stating that you probably have to do it on optical scanning that there are costs with optical scanning, ballot costs and everything else that you still have to do including forums that you still have to instruct the residents the voters so the figures that FairVote is giving she does not think are accurate. She said that she is saying this because she is the clerk now who is responsible for running the elections and that she may not be the clerk in 2013 that she may not run this election but at this point she ran the last election and knows what we had to do and the figures that are being spoken about no one can say what those cost will be because there are still many unknowns.

Mayor Pilla said that he agrees that there are unknowns.

Mrs. Mancuso said that the public needs to know that at this time we can not predict the cost because there are unknowns of even what kind of election system could be used. She said that she did not want to be disrespectful and that this is an emotional issue which we have had a two hour discussion on but everyone needs to be made aware that we do not have all the information so can not speak about costs for the next election.

Mayor Pilla said that his point is that somewhere between Trustee Terenzi's \$500,000 number and FairVote's \$62,000 number is the right answer.

Mrs. Mancuso said that she does not think the \$62,000 number is anywhere near the number that it is going to be for the next election.

The Mayor said that figure was for each election and that he spoke to Rob Ritchie, the Executive Director of FairVote who does this stuff for a living and that he said the place he would start using is Amarillo Texas which is three or four times the size of Port Chester and ask them what their budget is. He said that they do not have one for this stuff noting that they

have a consent decree and that he said that it is somewhere from where you are and less and where you can be if you go in and negotiate so that is his point. Mayor Pilla said that Mrs. Mancuso hit it right on the head we don't know that we don't know if they are going to approve of having 12 forums or say no you do not have to do advertising or anything like that but if we do not talk and don't have a dialogue with them we will never know and we will be stuck spending \$181,842 to run the next election versus spending \$28,780 for an at large election.

Mrs. Mancuso said that could change too.

Trustee Branca said that everyone has stated what they have like to say on this matter publically and we have acknowledged their opinions. He said that what he would like to do is call the vote on resolution because we could be here for another hour or more.

Mayor Pilla said that we are not even there yet but Trustee Branca is right let's introduce the public hearing and move on noting that this was not a public hearing but a community conversation.

Trustee Didden asked the Mayor if he would like to take any other public comment topics at this time.

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Mayor Pilla asked if anyone from the audience would like to speak on any other topic before the Board goes on to the resolutions. He recognized the first speaker.

Barbara Jacobs spoke about affordable housing and expressed her concerns about keeping her home.

The Mayor said that there are agencies in the Village that she cold talk to and she could get that information from his office. He recognized Doris Bailey Reavis

Mrs. Bailey Reavis spoke about the Comprehensive Plan stating that time has passed on this plan and the Village has given away Port Chester to developers.

Mayor Pilla said that our Planning Consultant is spearheading the review of the plan and asked Mr. Cerreto what is the status of the Request for Proposals to order to retain firms to do the necessary studies.

Mr. Cerreto said that recommendations of the RFP's will be provided to the Board for the March monthly meeting.

The Mayor noted that it will require approximately six months to complete the studies and spoke further about the Comprehensive Plan process.

Trustee Kenner said that he is frustrated as much as everyone else about the delays the Comprehensive Plan has been since finalized and presented by the Comprehensive Plan Advisory Committee. He said that he was expecting monthly reports from our Planning Consultant, Mr. Cleary.

There was a further brief discussion amongst the Board regarding the Comprehensive Plan and that the Village Manager needs to own this process. The Mayor recognized Goldie Solomon.

Ms. Solomon said that we are in a recession/depression and that we need to keep taxes down or reduce them. She said that the Village should not hire people from outside who do not know us. Ms. Solomon said that we are all Americans no matter what country we come from but only citizens should be allowed to vote. She stated that we are a low to middle income community and that reduction should start at the top with salary and benefits. Ms. Solomon told the Board that there should be no more development of apartments in the Village because our school system can not take more students.

Mayor Pilla asked if there was anyone else who would like to speak. He recognized Richard Abel.

Mr. Abel spoke about the proposed resolution to reduce the Mayor's salary. He said what is the difference between the Mayor and the Trustees and if the Board is going to reduce the Mayor's salary they need to consider that the last Board already took away benefits. Mr. Abel said that he would not make the Mayor's salary zero but rather lower by five or six thousand and spread out that amount to the Trustees because these salaries have not changed in decades so it would prudent to level it off.

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Trustee Marino made a motion for discussion on the resolution to set a public hearing on the subject of whether to appeal the US District Court's final judgment in the matter of United States v. the Village of Port Chester, Mayor Pilla seconded the motion.

Mayor Pilla said that it is obvious that many do not understand what is going on because this is a complicated matter and while the case has been under the wraps of litigation we have been advised by our attorney not to say anything basically. He said frankly that is not the way he would like to go so he thinks for many reasons it is very important that we have a community conversation town hall meeting on this matter. The Mayor said that he does not think with no disrespect to all the people that came out tonight that he can not be certain that the people that were here represent all the fractions and all the quadrants which are sufficient for us to base our decision on whether to appeal on the consensus in this room. He continued that he says that because not one person said to appeal that he walks these streets and knocks on a lot of doors and there are people who say that we should appeal but does not believe they are a majority. Mayor Pilla said that he talks to some people and does a lot of research in trying to lead the Board in practical ways and there is concept called deliberate democracy and it is as simple as this; send out these same invites that we did to tell people about the voter education training, the churches, the clubs, the organizations and we know who they are and we have the list, notice the public hearing, tell Mr. Russo to have someone send out letters to these names and addresses that we have, invite them to the Senior Center and why the Senior Center because it can hold more people than here, it still could be televised and it has round tables noting that the round tables allows for discussion. He said that this group "America Speaks" everyday-democracy.org has suggested and they are willing to help us is that if we got a facilitator an objective facilitator they suggest an organization like the League of Women Voters or believe it or not a TV news anchor because they are a celebrity and they



draw people, get a panel of people who are experts some like Mr. Piscionere, some like Rob Ritchie from FairVote to kind of explain lay the cards on the table so everybody can understand stating that we could go through a two hour noting it is called a half day event with a panel discussion followed by gathering and feedback at the tables and there would be a facilitator at each table which could be college students which would be free and they are non-partisan and not from Port Chester so there would be no bias and they would go with a flip chart or a laptop asking what do you think on several items. The Mayor said that instead of hearing from twenty separate people at a time you would hear from twenty tables going at the same time and you would get two hundred people input which is a whole lot faster with the facilitator gathering the input. He said that after an hour or so of gathering input the facilitators bring it up to the front of the room and spoke about the team-team approach that summaries and keep score similar to what he was doing tonight of how many speakers were for or against.

Mayor Pilla said that before the groups leave they review what the information that has been gathered and what are the headlines noting that the Board would not take any action at this town hall meeting but take away what we heard from everyone that participated. He said that offline the information is collated with more data and the Board knows that they have heard from everyone. The Mayor said that he thinks this is important for two reasons one being that he thinks the decisions that the Board makes need to be of the people and for the people with getting the people's input on these decisions are fundamentally important on how government is suppose to work but more than just us hearing from the public he thinks it is very important that the public understands what is going on here stating that it was not a case about the people in the Village of Port Chester this is a case that was about our election system that is the results of our election system. He said that he thinks it is important that the people understand that there are other ways besides an appeal most probably that we could change the cumulative voting system and he also thinks it is important that people understand that the vast majority of people who voted using cumulative voting said that it was a good experience that it was as easy if not easier than the last time that 68 – 80% of the voters used their power to plump their vote and asked why they said they wanted to give more support to a candidate they preferred. Mayor Pilla continued that the main reason that they did not was that they wanted to vote for six people so there is two sides to this story here that we are making of this hype about the stigma of cumulative voting but if you want to know something when he goes to Washington noting that he had a conversation with the Chairman of the New York State Board of Elections today to talk about the scanning machines and the costs associated with those and I asked if these machines needed to be reprogrammed and was told they would not. The Mayor noted that he was talking about the case with the Chairman and he said that we should be proud because we were the first community in New York State that had early voting and for \$8,415 dollars extra we gave people the opportunity to come in not just on the third Tuesday in the month of June but they were able to come in Saturday, Friday or the Wednesday before so we gave them a wider window and it is interesting that we had a higher turnout from that off seasonal election then we did in the

mayoral election and the mayor was not running and that usually does not happen. He said that the number of people that came out over the mayoral election is who came out during early voting stating that maybe early voting is a good thing maybe keeping that consent decree and tweaking this election system through a discussion with the Department of Justice is a good thing maybe if we went there armed with a good lawyer and a good case that we are going to appeal on less maybe this time they listen maybe if the Department of Justice saw that we were exercising what he would call deliberate democracy maybe they would not think but would know that we are not bad actors and we want to do the right thing.

Mayor Pilla continued that the way we pulled off this election noting that he is not the biggest fan of cumulative voting that he thought the whole case was kind of kooky to begin with that they came and said that the voting results were in violation stating no one was standing there with pitch forks but nonetheless it is what it is and we are where we are. He said that he thinks a public hearing with a panel discussion getting the input that he thinks it can be healing and he thinks it give an opportunity for Port Chester to show to the world that we rise above these problems that we make omelets from broken eggs as you say. The Mayor said that this really would not cost us a dime he believes noting that he has calls into different people that most of the groups that he spoken to which are well qualified asked why would you want to do this before an election and they stated an objection to participate if it was done in advance of the election because they would not want to set the stage to frame this as a political issue but at the same time he recognizes and respect what Mr. Piscionere and Mr. Carvin have said and respect his colleagues on the Board that we got to get a jump start and there is a valid reason Mr. Sullivan that if we are going to ultimately decide to appeal noting that we have not heard from the people that we have not have this public hearing that we need to have so we could be ready to do what the people want so that is why he put the second resolution on to hire the same law firm let them craft the language on the final judgment get that running start until we decide do not vote to appeal at this second there is no rush as to Mr. Sullivan's point if the decision where to come in tomorrow Mr. Cerreto could probably do the form to reserve our rights stating that it is a page form and all it says is that we are putting you on notice that we are going to appeal there is a schedule there is a snow ball effect but some how he thinks that there is good in everybody and that he tries to see the best in everybody and he thinks if we went to the judge and said you know your honor we need a little time on this thing because we are practicing good government, practicing good democracy that we are hearing from the people and maybe he is not used to having it done that way but we have spent 1.2 million the people did not vote for four and half years that we want to base this on what the people think and do you really think a judge will sit there and say no hurry up and decide he can not believe they would do that after all that we have been through.

Mayor Pilla said that what he is asking his fellow members of the Board to do is to take action on this public hearing that we could set a date that he looked through a calendar and would recommend a Saturday not as an agenda item on one of our regular meetings that the Senior Center could be use that it would be a 3-4 hour program that there needs to be time

to train the facilitators which does not take long but still need some time for that so is suggesting the date of April 2<sup>nd</sup> stating that we do not even know if they will rule by then and you could preserve the right anyway and this will still all fall within that and the hearing would not cost anything and that is what he thinks the Board should do. He concluded that this would really show the world that Port Chester listens to people that we are not a closed system that it is antithesis of what this case is all about that stigma that some of us talk about stating that he does not think we are stigmatized at all in a bad way stating that the flier was stigmatizing quite frankly but this could be healing that this could be good and would ask his fellow Board members to support him to do this stating that the people spoke loudly all in favor except former Trustee Cicutelli surprising or not.

Trustee Kenner said that he does not want to sound like a broken record but wants to make some comments because they need to be made here. He said that he does not think this will be the biggest disagreement you will find on the Board that he does not think the case was about all our elections because the elections where the Hispanic candidate of choice they did not win because they won noting that the two elections of Mayor Pilla and Mayor Pilla's election as trustee that those did not count in the record. Trustee Kenner said that the Hispanic candidate of choice won but that did not count so that is the problem he has with this case. He said that the Mayor talks about practicing good democracy and thinks we all did that for the June election. Trustee Kenner said it again that he went to hundreds of doors and talk to god knows how many people about this issue that we heard from some people tonight and he respects their opinions but he disagrees though he respects the information that they gave, their understanding of it but they elected us and they elected us to do the heavy lifting to do the research to make sure that we are informed of our decisions. He said that he does not know how many more executive sessions we need to have or how many more meeting we need to have on this issue that the time is now to make this decision stating that we have had the public input for not even the last year but would say since 2006 that it is time to make a call.

Mayor Pilla said to Trustee Kenner so he does not favor public input.

Trustee Kenner said that he has done the public input.

Trustee Didden said that he has done the walking such as the Mayor has that he has been knocking on doors in this campaign been talking to people and he believes that he has knocked on over 225 doors that he has talked to the seniors at the Senior Center a couple of times and yes there are the 14 people who came out this evening. He said that he thinks that we have the pulse of the people and thinks that all the trustees interact whether it is at the fire houses or down on Midland Avenue or on Westchester Avenue or the Mayor and he as we campaign. Trustee Didden said that he knows that calls have gone out over tweeter to come down tonight and participate in our open process which is key to our democracy. He continued that he believes that people are scared because not only here in Port Chester but at the State level at Washington that if you don't agree with the progressive left that get labeled and he thinks there is a faction of people out there who are scared to come out that is why you and I are getting comments when we knock on doors and he certainly hopes that when the

Mayor asks for comments that I do not try to make the sale stating that he had an intelligent back and forth that was an equal conversation with Mr. Sullivan at his home stating that he was quite surprised when I knocked on his door. Trustee Didden said that he also knocked on Mrs. Rosenfeld's door in June and said that he does not mind knocking on people's doors that he knows supports his opponent because he is interested in their views and he counts Mr. Sullivan not only because he came here but also because he spent time at his home met his children so he thinks he has a feel for the people that he has talked with and that he is ready tonight and agrees with Trustee Branca's comments that his position rings true with him so he just wanted to get that out here while we talk about the first resolution and will not repeat it again as we go through the three. He said that he was elected by a group of people constituents and that all the residents he is ultimately responsible to regardless that he took an oath to perform the duties of this office and he is prepared to do that.

Mayor Pilla said that fear factor that Trustee Didden talked about that the whole concept of using the table and having people talk quietly instead of on the microphone is purposely designed by the way and is called the 21<sup>st</sup> Century Town Hall meeting and encourages everyone to look it up on the web. He said that it is designed to eliminate that fear factor and in fact you could watch this on television and send us emails about your input or you could call a number and leave a voice mail and use an online survey tool noting that not everyone has a PC so this whole thing is really intriguing to him and this is the perfect thing along with dissolving the Town of Rye he believes that he would want to use this meeting format for and thinks it is just a home run.

Trustee Marino said that once again the more he hears this the more sick he gets. He said that we had the public come and speak tonight and they have now gone home and it seems that we do not care about them, we listen all night and we do not care like he said the other day that the decision has been made which is sad. Trustee Marino asked is this the way we operate that we are suppose to be for the people noting that a gentleman came and spoke all night and do they care what he said absolutely not so next time do not waste your time that is the way we make decisions.

Trustee Terenzi said that he had one comment and that this whole issue is a personal issue for him which is someone who has grown up in the Village and he has been accused recently on his comments that he knows this person or that person because he does know a lot a people in the Village since he has been here all his life. He said that Trustee Branca and he grew up in the same type of time within the Village and for him to have this community labeled in the fashion that it has that we are the only community in New York State that has to have cumulative voting because a judge thinks that it would be more favorable and would ensure that a Hispanic candidate would get elected or the candidate of the Hispanic choice would get elected to him as a personal opinion it is an insult to him. Trustee Terenzi continued that for a guy like him who played baseball on a baseball team where there were only three white guys on the team. Trustee Terenzi said that for him to live in this community and know what this community has done in the last fifty years that he has been around for the amount of affordable housing that this community has offered up to everyone in this

community plus Yonkers, Mount Vernon and New Rochelle is just mind boggling that we are in this position. He said that he does not care if it cost ten million dollars there are some certain things worth fighting for and in his opinion noting that he is only one vote up here he will vote and like he said before no one was going to change his mind on this issue that he ran on the issue last year and likes to believe a few people voted for him based on that issue and that is where he stands. Trustee Terenzi said that he if did not listen to the fifteen people who were here tonight he apologizes but he is not changing his vote.

Trustee Marino said to Trustee Terenzi that he made a comment about the Hispanic and affordable housing that mostly Hispanics use affordable housing.

Trustee Terenzi said that he made no such comment but said all people in general stating that a lot of white people live in affordable housing back in the 60's people who he grew up with that were white families in that type of housing. He said that it has nothing to do with Hispanic, Black or white it is the fact that this community has opened its arms up consistently when we have neighboring communities that if they saw anyone walking down the street that was not lily white would probably have them arrested. Trustee Terenzi said that you can call me anything you want to call him that the facts are the facts.

Trustee Marino said that he is not calling Trustee Terenzi anything.

Trustee Terenzi said that he did not infer that but this is a very emotional issue to him.

Trustee Marino said that it is an emotional issue to him too.

Trustees Terenzi and Marino continued this dialogue.

Trustee Branca said thank you to everyone who came out this evening to speak on this issue and the point is everyone spoke and he agrees that the vast majority here who spoke were against us going forward with an appeal but he has got his convictions, his history in this Village and his experiences. He said that he is deathly scared of what could happen without staggered voting and he would like to get the vote over with because he thinks we have discussed it enough and let it go down whatever way it falls it falls and whoever is going to be crucified let them be crucified. Trustee Branca said that everyone has had their say and everybody has had their time let's end it.

Mayor Pilla said to Trustee Branca that he respects what he said and of him being supportive to delay the vote and being proactive with having it tabled and it being here for the public comments. He said that he would ask the Board is to hire the lawyer do the ten thousand spend get the alternatives and what we are failing to recognize about an appeal is what Trustee Brakewood and he and former Trustee Cicatelli went through before that they told us the chances of winning were better when we started out on this journey and told us it would cost \$250,000 when we started out on the journey noting that the judge said we lost and we lost and we lost then we won and we were off by a million dollars. The Mayor said that this \$225,000 is the first leg of the journey and everybody he has spoken to accept Mr. Piscionere and the lawyer that we brought in that wants to fight this said that it is a long shot and is a waste of taxpayers' money and that their best case would be our worst case. He said that this will most likely not be decided at the appellate panel unless they reject our appeal then we have flushed \$225,000 and we still owe Mr. Ruiz' lawyer plus the extra time that he

will spend defending this case but if we are lucky and they say you got something there more likely than not they are going to say you know what bring it back down and retry it and that cost us \$700,000 because we have some of the record. Mayor Pilla said that every \$200,000 is one percent on the tax rate so he is looking at a 5% tax increase if we appeal this case. He said that we fought this case when the economy was good that we fought this case we were growing our fund balance because of sale tax and mortgage tax and still we had to raise your taxes because there was not enough money left in the fund balance to give back in those good times because it cost us a million two plus the two hundred fifty thousand or ninety thousand to implement the system. The Mayor said that this is like the spigot this is a big 5% tax increase and he thinks that is what you are hearing from these people and talk about fear that is what they are afraid of and he has heard the argument that we have the money in the bank that it is in the fund balance and will not have to take it from the people.

Trustee Marino told the Mayor to just get to the vote that he is wasting his time speaking on this more because certain members are not listening.

The Mayor said he is trying to fight for the public for everybody so lets have that public hearing hire the lawyer for ten grand lets dot the I's and cross the t's get that snowball rolling with out making the ultimate decision so we can weigh out the options because he thinks that not pursuing the options that this second option is the way to go and not doing that is imprudent stating the census information is coming out March 3<sup>rd</sup> and spoke about the block level age voter populations data is coming with that first data set coming on March 3<sup>rd</sup>. He said that he called Congresswoman Lowey's office and the Census Bureau in Washington D.C. and went on a three hour conference meeting on the census information and it is around the corner. Mayor Pilla said that you are afraid of staggered terms and they are afraid of staggered terms that there is a more certain way to get staggered terms then launching a salvo and he equates this to like the President's decision to send people to war and that you have to pick a battle you can win and if he thought we could win on that \$225,000 he might vote to appeal but from everybody he has spoken to it is snowball chance in hell is what is has heard from everyone. He concluded that he thinks it will cost much more and we do not have enough ammunition in the kitty and he thinks your taxes are going to go up and he thinks we are going to lose miserably and that is why he thinks we should meet half way hire the lawyer for ten grand explore the alternates key up the appeal while we wait but more importantly have this town hall discussion.

PUBLIC HEARING TO CONSIDER APPEAL REGARDING  
THE MATTER OF  
THE DEPARTMENT OF JUSTICE v. THE VILLAGE OF PORT CHESTER

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

WHEREAS, the US District Court has not yet entered a final judgment in the matter of United States v. Village of Port Chester, whereby the Court found the Village's system of electing Trustees to the Board of Trustees to be in violation of Section 2 of the Voting Rights Act of 1965; and

WHEREAS, notwithstanding such lack of a final judgment, there is nevertheless a resolution before the Board of Trustees a resolution to retain counsel to prosecute an appeal in the 2<sup>nd</sup>, Circuit of the United States Court of Appeals of such judgment and authorizing such appeal at such time final judgment is entered and noticed; and

WHEREAS, an appeal will cost the Village taxpayers a significant amount more in specialized legal expense and the outcome is far from certain; and

WHEREAS, it is granted that our representative form of government provides that elected officials are responsible to make decisions on behalf of the electorate; and

WHEREAS, this does not negate the fundamental truth that ours is a government by the people and for the people; and

WHEREAS, when government takes action that has far-reaching consequences without fully taking into account the wishes of those that are governed, it has done so at the expense of our democracy itself; and

WHEREAS, from the limited public comment that has addressed this Board heretofore, there appears to be strong views as to whether the Village ought to continue to litigate with the United States government in this matter; and

WHEREAS, the Village has sixty-days from the date of final judgment to preserve its right to appeal to the US District Court, which would afford this Board sufficient time to convene a deliberative discussion on the matter with the electorate; and

WHEREAS, this matter has such far-reaching consequences that it transcends the upcoming mayoral election, no matter who prevails; and

WHEREAS, nationally recognized non-partisan civic organizations have stated a desire to assist the Village in organizing a "Town-Hall Meeting" that would enhance the public input process, as opposed to moving forward with solitary Board action on this very important matter of how we as a Village may elect our Trustees in the future.

Now, THEREFORE be it hereby

RESOLVED, that the Board of Trustees does hereby set a public hearing on the subject of whether to appeal the US District Court's final judgment in the matter of United States v. Village of Port Chester on Saturday, April 2, 2011 at the Port Chester Senior Community Center at 222 Grace Church Street; and be it further

RESOLVED, that the Board of Trustees does hereby direct the Village Manager to organize such public hearing while considering the best-practice advice from interested nationally recognized non-partisan civic groups on the approach to facilitate such a town hall meeting, in order for the Board of Trustees to render its decision whether to appeal based on a deliberative discussion with all of its constituents.

ROLL CALL

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

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Trustee Kenner made a motion to table the resolution to explore appeal alternatives and to determine whether the matter of liability in United States v. the Village of Port Chester is appealable, Trustee Terenzi seconded the motion.

The Mayor asked that the resolution be introduced and then he would entertain a motion to table.

Trustee Didden made a motion for discussion, Mayor Pilla seconded the motion.

Mayor Pilla said that we have discussed this all before and to hire the attorney to explore the alternatives and waiting for the census is the more prudent course of action. He said that some on the Board are so gung ho to fight this thing but he thinks it is imprudent to do before you understand what our preclearance rights are noting that it says right in the appeal that we can go back and tweak the system stating that our parking law is something like thirty something years old and we still have to tweak them and that the voting system is like thirty seven minutes old so it is going to need to be tweaked and staggered terms is a way we could tweak it. The Mayor said that with the census the way it is now and with the voting results the way they are now he does not think they can deny us a four two staggered split with cumulative voting. He said that Trustee Brakewood was a Hispanic candidate of choice and he came in tops and Trustee Marino was one and he came within four that you have based on turnout data you have based on cvac data based on census data so he does not think they can deny a four two and he does not think we have to appeal to stagger the terms and he thinks that is a smart course of action and this is the path to get there and urges the Board to vote to hire the lawyer which would position you for the ultimate to appeal and you are listening to the people to delay the final judgment until you hear the options.

Trustee Didden said that when we were in the trial phase and the post trial phase did the Mayor or did he not extensively talk with other attorneys and our attorneys and any expert and he could find to the point where the Board was like it was coming out their eyeballs and at some point they tried to get the Mayor to slow down and stop because all of those different avenues were not going anywhere.

The Mayor said that is not actually how it was.

Trustee Didden said that he was not there so can not say for sure but didn't the Mayor already travel so many different alternative routes looking for possibilities. He said that he is trying to give the Mayor credit for all the work that he is under the impression that he has done.

Mayor Pilla said that he is not sure he understands the question or the content.

Trustee Kenner asked if he talked to a lot of experts.

The Mayor said certainly we did and they all said the same thing settle do not fight. He said that we did and we won.

Trustee Didden said that we had an edge because the court had to seriously consider our remedy and what he is asking the Mayor is out of all the alternatives out of all the professionals that the Mayor talked to giving him all the benefit of the doubt that they were the best is there something that the Mayor can share with the Board that has the same potential of promise for success as an appeal because that is really what you are asking here is



to explore appeal alternatives so he is asking the Mayor and giving him the benefit of the doubt that he is the expert at this table that he has done the leg work stating that he thinks the Mayor has done a great job in being Mayor for four years he does not absolutely think that it was the best but that he has done a great job.

Mayor Pilla said to answer Trustee Didden's question yes, he thinks it is right here on page 5 of the voter education program consent decree dated 12/22/09 section 7 bullet point 9 preclearance requirement; to allow the Village of Port Chester to make changes to the voter education program for certain other election related changes the Village's designated pursuant to section ..... for the duration of the decree implement changes or amendments or change other voting procedures only after obtain prior clearance from the Attorney General of the United States or this court pursuant to section 3c; so it says right there we can go and ask and that is the same argument we used to get the remedy that you can not unduly deny us the remedy of our choice so long as it is effective and complete and if we can go on with census data and say we thought about it and we want to stagger the terms and that they were nervous if it would work that is why we gave you the 1.89 threshold of exclusion and it worked stating you did not get one but you got two Hispanic candidates of choice at least.

Trustee Didden asked the Mayor if he won't agree that we could resolutions two and three at the same time that one is not.

The Mayor said that this resolution avoids the resolution authorizing the appeal. He asked the lawyers in the room what we can not get done if we hired the same lawyer and do not make the appeal decision with option two instead of option three. Mayor Pilla said that it is the same lawyer the same course of action stating that there is nothing yet to appeal that you have to perfect the language of the final judgment hire the lawyer tell him to write it up the best way he can with ten thousand dollars and that the resolution states tell me in writing if is appealable that should take half an hour on west law and a forty five minute memo that is not ten grand the appeal options is a chunk of this and teeing it up for the appeal is probably seven thousand to tee up the appeal and three thousand for the other.

Trustee Kenner made a motion to table this resolution with no date certain, Trustee Terenzi seconded the motion.

ROLL CALL

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

Mayor Pilla asked when it would come back and if the Board would make a date certain.

Trustee Kenner said that his motion was with no date certain.

The Mayor said that even though this was tabled with no date certain he will place it on the March 7<sup>th</sup> agenda.

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Mayor Pilla commented further regarding the resolution to appeal the DOJ case and said that this will cost a lot of money and this is a discounted fee which is capped but this is only the first leg of the process.

RETAINER AGREEMENT WITH REGARD TO APPEAL OF  
FINAL JUDGMENT IN THE MATTER OF UNITED STATES  
v. VILLAGE OF PORT CHESTER

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

RESOLVED, that the Village Manager be and hereby authorized to enter into a retainer agreement with the law firm of Jones Day, 51 Louisiana Avenue, N.W. Washington D.C. in the matter of United States v. Village of Port Chester, compensation to range from \$300 to \$775/hour with a cap of \$225,000, exclusive of disbursements and out of pocket costs; and be it further

RESOLVED, that on notice of entry of the final judgment of the U.S. District Court, the firm is hereby authorized to file an appeal to the U.S. Court of Appeals on behalf of the Village of Port Chester.

ROLL CALL

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

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Mayor Pilla stated that the next resolution calling for a reduction of the Mayor's salary. He asked for a motion for discussion on this matter.

Trustee Kenner made a motion for discussion, Mayor Pilla seconded the motion.

The Mayor said that he put this on the agenda noting that times are tough and that he and Trustee Didden are the candidates running for mayor and that he is not doing this to embarrass anybody but he thinks we are asking our employees our union contract workers and management team to not take raises noting that the management team has not gotten a raise and the Board just voted to spend a ton of money to appeal He said personnel he does this for the public service and even though it is only \$200 a week so he thinks at the very least what he would like to ask because it was left blank to make it zero noting that Assemblyman Latimer reduced his salary by 3%. Mayor Pilla asked Trustee Didden if they would be agreeable to put a number there ceremonially and asked the Board members to agree to it. He said that it is not permanent and wants everyone to understand that this is a resolution to direct the Manager to make the budget like that stating that one of us will be elected mayor so if we agree to this action will only effect the budget and not the Charter that it is just for the next fiscal year.

Trustee Branca said that if the Mayor and Trustee Didden are serious about reducing the mayor's salary that it should be done at budget time stating that this is the wrong time to

do it that as far as he is concerned it is nothing but a political campaign ploy. He said do it where it really counts at budget time and is against it now.

Trustee Didden said that it is a great campaign issue and that both he and Mayor have commented that they are not taking a dime and that he is getting a lot of self satisfaction by serving on the Board. He said that whatever the Mayor and the Board would like to do is fine by him. Trustee Didden said that for the stake of transparency he would recue himself.

The Mayor asked why he would recue himself.

Trustee Didden said then he would not and vote on the matter. There was a brief discussion between the Mayor and Trustee Didden on how much to reduce the salary and the Mayor recommended a 100% reduction.

Trustee Didden made a motion to amend the resolution that the compensation for Mayor be reduced 100%, Mayor Pilla seconded the motion.

Trustee Kenner said that he agrees with Trustee Branca that this should be addressed at budget time and would vote against it.

The Mayor asked for the roll call to amend the proposed resolution

ROLL CALL

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

Trustee Kenner made a motion to table this resolution, Trustee Marino seconded the motion.

ROLL CALL

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

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Mayor Pilla said that the Board will defer the next three resolutions with the first listed under Police for the use of DEA funds by the Police Department for purchase of Ricoh multi-functional color copier system in the amount of \$5,221.00; and the second and third resolution listed under Public Works for payment to Vernon Hills Contracting Corp, regarding emergency tree/sidewalk work and the separation of Sanitary/Storm Sewer Lining from Storm/Sanitary Sewer Compliance Project.

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The Clerk presented the next resolution to set a public hearing to consider the offer of dedication for portions of Townsend Street in reference to the Modified Marina Redevelopment Project.

Trustee Didden recue himself on this matter and the next resolution noting that he is part of litigation in reference to the Modified Marina Redevelopment Project. He stepped down from the dais.

SET PUBLIC HEARING TO CONSIDER THE OFFER OF DEDICATION FOR TOWNSEND STREET (PORTIONS)

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

WHEREAS, in furtherance of a certain Modified Marina Redevelopment Project (the "Project") undertaken by G&S Port Chester, LLC ("G&S"), the Village of Port Chester Industrial Development Agency (the "Agency"), along with the Village of Port Chester (the "Village") entered into a Land Acquisition and Disposition Agreement, dated as of July 14, 1999, and amendments thereto (collectively, the "LADA"), wherein the parties thereto memorialized their respective rights and obligations in connection with the Project; and

WHEREAS, in furtherance of the Project and applicable provisions of the LADA, the Agency, by and through the Village, acquired certain parcels of real estate within the Village to be incorporated into the Project, including: (i) those certain parcels of realty within the Village commonly referred to as Unit 3 and, (ii) within Unit 3, the land and related infrastructure improvements located thereon constituting portions of Townsend Street (the "Parcel", being more particularly described in Exhibit A annexed hereto), such Parcel having been conveyed by G&S to the Agency by deed dated May 23, 2000 and thereafter leased by the Agency to G&S pursuant to a certain Unit Lease Agreement, dated as of May 23, 2000 (the "Unit Lease") and corresponding Payment in Lieu of Taxes Agreement, also dated as of May 23, 2000 (the "PILOT Agreement"); and

WHEREAS, G&S has requested that the Agency consent to a modification of the Unit Lease and PILOT Agreement such that the Parcel would no longer be included in same so that the Parcel can be dedicated to the Village for use as a public street pursuant to Article 6 of the New York Village Law (collectively, the "Modification"); and

WHEREAS, the Project Completion Date, as such term is defined in Section 11.2 of the LADA, has not been reached and, thus, the consent of the Village is required prior to effectuate the Modification; and

WHEREAS, the Board desires to consent to the Modification and accept the offer of dedication of the Parcel for use as a Village street; and

WHEREAS, such action requires a public hearing before taking such action. Now, therefore be it

RESOLVED, that a public hearing be held on March 21, 2011 at 7:00 p.m., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of accepting the dedication of the Parcel as a Village street.

ROLL CALL

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

- Exhibit A is annexed to resolution filed in 2010/2011 Misc. Resolutions

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The Clerk presented the next resolution on the agenda authorizing the termination of Unit 4B with regard to the Modified Marina Redevelopment Project.

Mr. Cerreto said that he would like the Board to have the opportunity to speak to Special Counsel, Justin Miller of Harris Beach on this matter before the Board takes action.

He noted that Mr. Miller was available earlier this evening but due to the length of the meeting is not currently. Mr. Cerreto suggested tabling this to the meeting that the public hearing will be held regarding the Townsend Street property.

Trustee Branca made a motion to table this resolution to March 21, 2011, Trustee Terenzi seconded the motion.

Trustee Didden was still off the dais and recued on this matter as stated previously.

ROLL CALL

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

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2011 AGREEMENT  
SOUTH EAST CONSORTIUM FOR SPECIAL SERVICES, INC.

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

RESOLVED, that the Village Manager be authorized to sign an Inter Agency Agreement with the South East Consortium for Special Services, Inc., with the City of Rye, the Towns of Eastchester, Mamaroneck, Pelham, the Village of Scarsdale, the Town-Village of Harrison, the Villages of Port Chester, Rye Brook and Mamaroneck, which shall enable the opportunity to provide a collective program or special recreation services for the disabled individuals for the calendar year of 2011; and be it further

RESOLVED, that the contribution in the amount of \$21,829.00 has been appropriated in General Fund line item #001-7310-0455.

ROLL CALL

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

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The Clerk presented the last resolution on the agenda to amend Chapter 319 "Vehicle and Traffic, Schedule VIII, Section 319-69 "Stop Intersections" on Abendroth Avenue.

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

Mr. Russo explained that the installation of the stop signs were part of the site plan approval of the Mariner Project on Abendroth and Willett during their construction period.

The Board further discussed this resolution and how the decision making process for this requirement was through the Planning Commission and not the Traffic Commission for their review and recommendation.

There was further discussion with the Board and Mr. Russo on this matter.

Trustee Didden made a motion to table this resolution to March 7<sup>th</sup>, Trustee Marino seconded the motion.

ROLL CALL

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

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Mayor Pilla stated that the Board has received reports from the Village Attorney regarding a Street Renaming Police, from the Recreation Department regarding request from Clay Art Center for placement of Mosaic Benches within Lyon Park and from Reliance Engine & Hose Co. No. 1 on the election to active membership of Joel Dos Santos.

He said that the Board acknowledges these reports.

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

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The Mayor asked if any of the Trustees would like to make any comments.

Trustee Didden spoke about an email to the Village Manager regarding payroll and employees in reference to a part-time employee who had subcontracted the work.

Mr. Russo spoke about this discovery and what has been transpired. There was further discussion between the Board and Mr. Russo on this subject.

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Trustee Terenzi said that a meeting of the Audit/Finance Committee will be scheduled in the near future and that he looks forward to the next fiscal year budget process.

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Trustee Kenner spoke about the wind storm that the Village experienced this past weekend and there were some Con Ed poles on South and North Regent Streets that appears to be leaning.

Mr. Russo said that Con Ed was at the location of South Regent and Westchester Avenue today which they will correct and noted that the other poles belong to Verizon.

Trustee Kenner said that the Board received correspondence from the Library of their proposed budget which included increases. He asked that the Board be provided with for more details on these increases.

Mayor Pilla said that the Library Director Ms. Lettieri would be meeting with Mr. Russo to review their proposed budget.

Trustee Kenner spoke about the Department of Justice matter and commended the Mayor for presenting another view on this issue. He said that is what democracy is all about everyone presenting their sides and determination is made. Trustee Kenner said that he has taken a lot of heat on this issue and will continue to take this heat noting that it was not a political action but a principal decision that he has wrested since before he was appointed with this Board so he will deal with his action because that is what he was elected to do make

tough decisions and that he feels very strongly about this case and our chances to win. He said that he appreciated the debate, the public's input and the comments made by his colleagues and looks forward to winning the case.

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Trustee Branca also thanked everyone who came out this evening and the past two meetings to express their opinions regarding the Department of Justice case. He thanked the Department of Public Works for all their work on the numerous snow storms that we have had since just after Christmas. Trustee Branca asked that for the March 7<sup>th</sup> meeting there be a status report from our Village Engineer, Mr. Rotfeld regarding the bulkhead.

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Trustee Marino thanked everyone who spoke out tonight. He said that he does not want to see any tax increase regarding the Department of Justice appeal. Trustee Marino said that we are down to one mechanic at the garage and questioned if another will be hired.

Mr. Russo said that there is an open position for a mechanic.

\* \* \* \* \*

Mayor Pilla advised the Board that he has two resolutions that he would like the Board to consider. He said that the first one is regarding capital funding at the State level which he would like to send correspondence to our representatives for assistance to identify, sponsor and help secure state grants or funding for use toward the replacement of a portion of the Village Marina Bulkhead.

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

ROLL CALL

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

VILLAGE MARINA BULKHEAD  
SEEK STATE GRANTS OR FUNDING

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

WHEREAS, from time to time, there may be leftover or returned capital funding at the State level; and

WHEREAS, the Village of Port Chester has an exigent situation to replace a portion of the Village Marina Bulkhead; and

WHEREAS, until such work is completed, the adjacent public pedestrian promenade cannot be fully maintained; and

WHEREAS, such amenity is an important part of the Village's economic revitalization efforts. Now, therefore, be it

RESOLVED, that the Mayor is authorized to send correspondence, on behalf of the Board of Trustees, to New York State Senator Suzi Oppenheimer and New York State Assemblyman George Latimer and the Governor's Office requesting their assistance to identify, sponsor and help secure state grants or funding that may be available from leftover or returned capital funds for the replacement of a portion of the Village Marina Bulkhead.

ROLL CALL

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

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The Mayor said that the second resolution for an add-on would direct the Manager and Attorney to meet with the MTA regarding the removal of snow and ice at the Port Chester Railroad Station and that the Board be advised as to options and recourse.

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

The Board discussed this proposal and other matter concerning maintenance of the property and that the Director of Code Enforcement is included.

Trustee Kenner made a motion to amend the resolution to also include the maintenance of property and the Code Enforcement Director, Trustee Didden seconded the motion.

ROLL CALL

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

METROPOLITAN TRANSPORTATION AUTHORITY  
METRO-NORTH COMMUTER RAILROAD  
SNOW & ICE REMOVAL/PROPERTY MAINTENANCE  
PORT CHESTER RAILROAD STATION

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

WHEREAS, the public sidewalks around the Port Chester Railroad Station are often not cleared of snow and ice in a timely manner; and

WHEREAS, the Metropolitan Transportation Authority/Metro-North Commuter Railroad has taken the position that they are not answerable to the Village of Port Chester in this regard; and

WHEREAS, this matter warrants immediate attention before there is an incident that may potentially expose all parties to suit. Now, therefore, be it

RESOLVED, that the Village Manager, the Village Attorney and the Director of Code Enforcement are directed to meet with representatives of the Metropolitan Transportation Authority/Metro-North Commuter Railroad forthwith with regard to the removal of snow and ice and property maintenance at the Port Chester Railroad Station; and, be it further



RESOLVED, that the Board be advised as to options and recourse, if any, that may be taken to resolve the issue.

ROLL CALL

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

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Mayor Pilla said that there is one additional add-on resolution regarding the purchase of a SUV for the Acting General Foreman which a plow can be placed on.

Trustee Didden said that a motion to add-on will not stand. The Board directed that the resolution to be placed on the next agenda.

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Mayor Pilla also thanked everyone for coming out this evening and speaking on the DOJ matter along with his colleagues on the Board for listening to him on his proposals in this matter. He said that although the Board took an action to appeal and hire the firm he stills thinks that considering alternatives is important noting that we have not spent the money until the billable hours are presented so would recommend that we follow up and see what the options are for preclearance for tweaking things that we might also consider because there is nothing to appeal so though the Board acted we would not be sending a letter to the court just yet so we will continue this discussion.

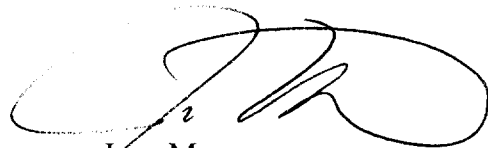
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There being no further business, on motion of Trustee Branca, seconded by Trustee Kenner, the meeting was closed at 11:59 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso  
Village Clerk