

MEETING HELD APRIL 4, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, April 4, 2011 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Deputy Mayor Daniel Brakewood presiding.

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

It should be noted that Trustee John Branca arrived at 6:07 p.m., and Mayor Dennis Pilla was absent.

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; Director of Code Enforcement, Christopher Steers and Police Chief Joseph Krzeminski.

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On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was declared opened at 6:02 p.m.

ROLL CALL

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

At 6:02 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session to conduct interviews for the position of Deputy Treasurer.

ROLL CALL

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

No action was taken in executive session

On motion of Trustee Kenner, seconded by Trustee Didden, the executive session was closed and the public portion of the meeting was re-opened at 7:00 p.m.

ROLL CALL

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

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Deputy Mayor Brakewood stated that Westchester County Legislator Martin Rogowsky will make a presentation on the County Budget.

Mr. Rogowsky thanked the Board for allowing him to speak this evening and noted that he had announce recently that he will not seek re-election to the County Legislators. He said that it has been a pleasure serving as a representative of the people of Port Chester and thanked past Boards, the current Board, staff and the public for his interactions with them.

Mr. Rogowsky said that his greatest accomplishment of being a County Legislator was reducing the sewer tax rate for the Village of Port Chester.

Legislator Rogowsky reviewed for the Board and the public some of the makeup of the 2011 Westchester County Budget. He said that the total property tax is 548.4 million which includes \$211.2 million for Medicaid, \$45.5 million for early intervention for children with special needs, \$80 million for pre-k and \$11.4 million for transportation; \$26 million for the MTA and \$1.6 million for the MTA commuter transportation mobility tax and \$14.8 million for the healthcare costs for the County Jail inmates. Mr. Rogowsky said that these items total \$390.5 million which is 71.2% of the total.

Mr. Rogowsky noted that the adopted 2011 Nassau County Budget was 2.9 billion with a sales tax budget of \$1 billion and the adopted 2011 Suffolk County Budget was 2.7 billion with a sales tax budget of \$1.2 billion. He spoke further with the Board on County matters including the County's Section 8 and the sale tax distribution. Mr. Rogowsky also noted that the County Legislators have adopted term limits of 12 years that go into effect next year and even though he voted against this proposal with him not seeking reelection has instituted his own term limit.

Deputy Mayor Brakewood and the Board thanked Mr. Rogowsky for this information and his years of service to our community as our County Legislator.

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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 March 25, 2011, certified by Florence Bonilla, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

VILLAGE OF PORT CHESTER

NOTICE OF BUDGET PUBLIC HEARING

PLEASE TAKE NOTICE, that pursuant to Section 5-508 of the Village Law, a Tentative Budget showing the revenue and expenditures for the fiscal year of the Village of Port Chester, New York, commencing June 1, 2011, was filed with the Clerk of said Village.

PLEASE TAKE NOTICE, that a public hearing will be held by the Board of Trustees of said Village on Monday, April 4, 2011 at or about 7:00 p.m. with the hearing to be held in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York for the purpose of considering and discussing such tentative budget. A copy of such Tentative Budget is available at the office of the Clerk, where it may be inspected by any interested person during office hours or online at www.portchesterny.com

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

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

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

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

ROLL CALL

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

Christopher Russo, the Village Manager made a presentation regarding the proposed tentative budget giving an at glance of the General Fund Budget with appropriation at \$36,234,359; real property tax levy at \$24,051,017; other revenues at \$11,333,342; appropriated fund balance being \$750,000 and appropriated debt service reserves being \$100,000. He said that the total assessed value for 2010-11 was \$3,078,245,074 and that the total assessed value for 2011-12 is \$2,808,190,795 which is a decrease of assessed value of 8.87%. Mr. Russo said that the percentage tax levy increase of the proposed tentative budget for 2011-2012 would be 3.72%

Mr. Russo then reviewed the tentative tax rate calculation for fiscal year 2011-2012 per \$1,000 of assessed value for the Homestead Tax Rate and the Non-Homestead Tax Rate as follows:

	<u>Assessed Value</u>	<u>Percentage</u>	<u>Tax Levy</u>
Homestead	\$1,899,018,347	61.552893%	\$14,804,096.76
Non-Homestead	<u>906,172,448</u>	<u>38.447107%</u>	<u>9,246,920.24</u>
Total	\$2,805,190,795	100.000000%	\$24,051,017.00

Homestead Tax Rate: \$7.795658 (Increase \$1.03 = 14.71%)
 Homestead Tax Rate 2010-11 \$6.795822

Non-Homestead Tax Rate: \$10.204371 (Increase \$1.07 = 11.66%)
 Non-Homestead Tax Rate 2010-11: \$9.138441

Mr. Russo then provided a tax comparison for fiscal year 2011-2012 for traditional single family (Homestead) properties to fiscal year 2010-2011 as follows:

	<u>FY 2010-11</u>	<u>FY 2011-12</u>
Average Assessed Value	\$539,450.00	\$497,947.00
Homestead Tax Rate (per \$1,000)	\$6.795822	\$7.795658
Average Village Tax	\$3,666.00	\$3,882.00
Average Tax Bill Increase		\$216.00

The Manager reviewed a 10 year history of tax levy increase starting with fiscal year 2002-2003 at \$11,798,050 with an increase of 1.54%; fiscal year 2003-2004 at \$13,289,789 with an increase of 12.64%; fiscal year 2004-2005 at \$15,128,465 with an increase of 13.84%; fiscal year 2005-2006 at \$18,442,189 with an increase of 21.90%; fiscal year 2006-2007 at \$20,640,129 with an increase of 11.92%; fiscal year 2007-2008 at \$21,772,390 with an increase of 5.49%; fiscal year 2008-2009 at \$22,547,730 with an increase of 3.56%; fiscal year 2009-2010 at \$22,870,783 with an increase of 1.43%; fiscal year 2010-2011 at \$23,187,552 with an increase of 1.39% and the proposal for fiscal year 2011-2012 at \$24,051,017 with a tentative increase of 3.72%. Mr. Russo then reviewed several diagrams that show the history and trends of assessed valuation from fiscal year 2005-2006 to the proposed tentative budget for fiscal year 2011-2012. He noted that there were increases of the assessed valuation for fiscal year 2006-2007 of 2.55%, 9.79% for fiscal year 2007-2008 and

7.00% for fiscal year 2008-2009 then the following decreases -2.23% for fiscal year 2009-2010, -1.07% for fiscal year 2010-2011 and -8.87% for 2011-2012. Mr. Russo reviewed diagrams showing the history and trends regarding homestead and non homestead properties.

Mr. Russo highlighted other revenue as follows noting that the major contributors to the increase are sales tax, transfer of funds from debt service and parking meter revenue:

- Other Revenues FY 2011-12 \$11,333,342
- Other Revenues FY 2010-11 \$10,524,937
- Other Revenues \$808,405
- Percentage Increase 7.68%

He then reviewed a comparison of the general fund revenue by function as follows:

<u>Revenue Summary</u>	<u>Adopted FY 2010-11</u>	<u>Tentative FY 2011-12</u>	<u>Increase /Decrease</u>	<u>% Increase /Decrease</u>
Real Prop Tax Items	\$23,187,552	\$24,051,017	\$863,465	3.72%
Other Tax Items	607,481	740,262	132,781	21.85%
Non-Prop Tax Items	3,450,000	3,949,000	499,000	14.46%
Departmental Income	3,025,943	2,990,521	(35,422)	(1.17%)
Use of Money & Prop.	350,000	310,000	(40,000)	(11.43%)
Licenses & Permits	143,380	154,630	11,250	7.85%
Fines & Forfeitures	1,840,000	1,819,000	15,000	.83%
Misc. Revenues	56,500	76,000	19,500	34.51%
State & Federal Aid	737,633	723,929	(13,704)	(1.86%)
Approp. Fund Balance	1,250,000	850,000	(400,000)	(32%)
Trf. from Debt Srv. Fund	350,000	570,000	220,000	62.86%
Total Revenues	\$34,962,489	\$36,234,359	\$1,271,870	3.64%

Mr. Russo spoke about the appropriation increase to the General Fund which the adopted amount for fiscal year 2010-2011 was \$34,962,489 and the proposal for fiscal year 2011-2012 is \$36,234,359 with an appropriation increase of \$1,217,870 and a percentage increase of 3.64%. He then gave the following comparison of the appropriations by function:

<u>Revenue Summary</u>	<u>Adopted FY 2010-11</u>	<u>Tentative FY 2011-12</u>	<u>Increase/ Decrease</u>	<u>% Increase /Decrease</u>
General Gov. Support	\$ 5,691,927	\$ 5,637,371	(54,556)	(.96%)
Public Safety	10,452,224	10,492,565	40,341	.39%
Health	275,834	275,834	0	0.00%
Transportation	1,541,764	1,654,284	112,520	7.30%
Economic Opport. & Dev.	402,107	412,393	10,286	2.56%
Culture & Recreation	2,101,563	2,052,780	(48,783)	(2.32%)
Home & Community Serv.	2,243,040	2,373,578	130,538	5.82%
Employee Benefits	8,024,500	9,206,356	1,181,856	14.73%
Debt Service/Transf to Cap.	4,229,530	4,129,198	(100,332)	(2.37%)
Total Appropriations	\$34,962,489	\$36,234,359	\$1,271,870	3.64%

The Manager gave a summary of the long term debt for 2011-12 that the balance at June 1, 2011 will be \$36,241,000 there will be a principal payment of \$2,316,000 which will leave a balance on May 31, 2012 of \$33,925,000. He noted that the interest payment is \$1,393,196. Mr. Russo continued with a summary of the short term debt for fiscal year 2011-2012 that the balance at June 1, 2011 will be \$2,000,000 with a principal payment of \$400,000 which will leave a balance of \$1,600,000 on May 31, 2012 and that the interest payment for this short term debt is \$20,000. He reviewed the outstanding long term debt for the next ten years starting with May 31, 2012 there will be a principal amount of \$2,316,000 with an interest payment of \$1,393,196 for a total \$3,709,196, for May 31, 2013 principal

amount of \$2,240,000 interest of \$1,311,016 for a total of \$3,551,016, for May 31, 2014 principal amount of \$2,335,000 interest of \$1,226,848 for a total of \$3,561,848, for May 31, 2015 principal amount of \$2,415,000 interest of \$1,145,076 for a total of \$3,560,076, for May 31, 2016 principal amount of \$2,415,000 interest of \$1,060,427 for a total of \$3,475,427, for May 31, 2017 principal amount of \$2,510,000 interest of \$966,813 for a total of \$3,476,813, for May 31, 2018 principal amount of \$2,615,000 interest of \$865,541 for a total of \$3,481,541, for May 31, 2019 principal amount of \$2,715,000 interest of \$758,110 for a total amount of \$3,473,110, for May 31, 2020 principal amount of \$2,820,000 interest of \$646,488 for a total of \$3,466,488 and for May 31, 2021 principal amount of \$2,660,000 interest of \$411,256 for a total of \$3,071,256.

Mr. Russo then reviewed the full time employees by function for the following fiscal years:

	<u>FY 2009-10</u>	<u>FY 2010-11</u>	<u>FY 2011-12</u>
General Government	37	34	32
Public Safety	85	85	84
Transportation	15	14	14
Economic Opportunity & Dev.	2	2	2
Culture & Recreation	6	6	5
Home & Community Services	<u>23</u>	<u>21</u>	<u>21</u>
Total	168	162	158

He then reviewed the ten year history of the unreserved fund balance that for fiscal year 2000-2001 the balance was \$2,381,818 and \$300,000 was appropriated, that in 2001-2002 the balance was \$1,755,750 and \$300,000 was appropriated, in 2002-2003 the balance was \$889,238 with \$150,000 appropriated, in 2003-2004 the fund balance was \$3235,416 with no appropriation, in 2004-2005 the balance was \$1,217,893 with no appropriation, in 2005-2006 the balance was \$2,539,236 with no appropriation, in 2006-2007 the fund balance was \$3,895,981 with no appropriation, in 2007-2008 the balance was \$3,938,970 with an appropriation of \$550,000, in 2008-2009 balance of \$4,938,504 with an appropriation of \$750,000, in 2009-2010 balance of \$5,175,231 with an appropriation of \$650,000 and an estimated fund balance for 2010-2011 of \$5,325,231 with an appropriation of \$750,000.

Mr. Russo provided the Board with pictures of the Public Works equipment along with a spreadsheet of all capital equipment over \$50,000 and reviewed this equipment with the Board. He then presented the following capital improvement program for equipment as follows:

<u>Equipment</u>	<u>2011/12</u>	<u>2012/13</u>	<u>2013/14</u>	<u>2014/15</u>	<u>2015/16</u>
#40 Rescue					\$300,000
#59 Pumper				\$600,000	
#324 3500 GVW Dump Spreader		\$75,000			
#425 Dump Truck Spreader			\$75,000		
#427 Wood Chipper		\$25,000			
#433 Street Sweeper					\$130,000
#430 Dump Truck Spreader				\$75,000	

Total	\$100,000	\$75,000	\$675,000	\$430,000
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The Manager concluded his presentation with a no tax increase option as follows:

Encumbered 2010-11	
DOJ Appeal Cost &	\$225,000
Early Retirement (NYS Retirement)	\$465,828

Reductions			\$690,828
Estimated Fund Balance @ 5/31/2011		\$5,175,231	
Less Appropriated for FY 2011-12		<u>- \$750,000</u>	
Fund Balance Subtotal		\$4,425,231	
Less Police Contract 6/1/09-5/31/12	\$1,029,920		
2010-11 (Contingency)	<u>- \$250,000</u>		
	\$779,960	\$779,960	
Projected Unreserved Fund Balance @ 5/31/2012		\$3,645,271	
<u>Reduce Tentative FY 11/12 Budget Contingency</u>			<u>\$200,000</u>
Total Expenditure Reduction from Tentative FY 11/12			\$890,828

Deputy Mayor Brakewood thanked Mr. Russo for the presentation and advised the public that the Board will be holding several budget work sessions with departments over the next few weeks and that these sessions are opened to the public but the opportunity for the public to speak on the proposed budget will be during this hearing which will be adjourned to another date in April. He asked if anyone from the public would like to comment on the proposed Tentative Budget for Fiscal Year 2011-2012. Deputy Mayor Brakewood recognized Goldie Solomon.

Ms. Solomon of Puritan Drive said that the Board can not touch health and safety in this budget. She said that the Mayor had said that taxes would be coming down but we are a village so can not be compared to cities we can not keep our sales taxes and that there is too much off of our tax rolls. Ms. Solomon continued that we are a low to middle income community that nothing is being sold and our taxes have to go down. She spoke about the County Sewer Treatment Plant that is located in our Village which we should not pay any County taxes on because it is located here. Ms. Solomon concluded telling the Board to keep our taxes down to decrease our taxes.

Deputy Mayor Brakewood recognized Silvio Buccieri.

Mr. Buccieri of King Street said that we need to crackdown on illegal housing because this issue is costing us on services. He said that he has to pay back for health and prescriptions what about Village employees.

Mr. Russo explained the different unions for our employees and what is provided to those employees regarding health insurance.

Mr. Buccieri said that the tax payers need help and there has to be ways and means to help our residents especially when it comes to code enforcement.

Deputy Mayor Brakewood recognized the next speaker.

Margaret Santora of King Street said that there are very few public phones in the Village. She said that the Senior Center is holding items for relief to Haiti and Japan that have not been shipped.

Trustee Marino said that he would follow up regarding the relief items at the center.

Deputy Mayor Brakewood recognized John Reavis.

Mr. Reavis of King Street asked if the Manager's presentation would be made available on-line.

Mr. Russo said yes this information will be placed on the Village's website.

Mr. Reavis suggested that if the Board has comments regarding the budget if this information could also be provided to the public in an understandable way. He said that there may be other agencies in the Village who could provide assistance in getting this information out such as the Chamber of Commerce.

The Deputy Mayor recognized the next speaker.

Silvio Buccieri, Jr. of Elmont Street said that he would like to move out of the Village because he can not take the cost of property taxes anymore. He asked if there is anything radical that staff and the Board is considering for this budget because we need new ideas to help the property owners.

Trustee Terenzi said that he would like to make changes to this year's budget to help the property owners but does not know if there are four votes on the Board for this proposed tax increase.

Deputy Mayor Brakewood recognized the next speaker.

Mariusz Karas of Quintard Drive said that his assessment has increased but there was no change on his property. He said that he is not satisfied with the revaluation and the Board should have all information to make sure no changes have happened.

The Deputy Mayor recognized Gene Ceccarelli.

Mr. Ceccarelli of Munson Street asked if there will be any impact to the Village regarding the Governor's proposed 2% tax cap by the State.

Trustee Branca said there would be no impact to this budget if the tax cap is approved.

Mr. Ceccarelli asked if the fines are increasing.

Mr. Russo said that the revenue for fines is set in the budget at 1.8 million.

Deputy Mayor Brakewood said that everything is reality flat.

Mr. Ceccarelli said that with a tax increase he does not know how seniors can afford any increases. He said that property owners are hostages that we can not sell and taxes are increasing. Mr. Ceccarelli said that people will vote with their feet by exiting our community.

Trustee Branca said that to get even close to the 2.8 million assessment drop we would have to drastically cut services. He said that decreasing services will still have to pay an increase. Trustee Branca said that this is a very tough budget and he himself does not want to pay any increase. He said that we need to institute our own sale tax.

The Deputy Mayor recognized Richard Abel.

Mr. Abel of Quintard Drive said that it has been rather confusing since revaluation of properties. He said that the best way to look at it is average assessment with the \$216

increase that the average property owner should not pay anymore than last year. Mr. Abel said that cutting services is not responsible.

Silvio Buccieri Jr. asked if the Board has thought about outsourcing sanitation.

Deputy Mayor Brakewood said that the time frame of the budget process is about a month. He said that we have to get into the structure of government on this process because it is difficult to do it in this time frame. Deputy Mayor Brakewood said that we need to be working 12 to 18 months out on those types of ideas.

John Reavis said that he is greatly concerned when he hears outsourcing because in this mind that has been the ruin for America. He said that we need to employ our residents but make sure they are doing the job and do not let them do wrong and walk away. Mr. Reavis spoke about the Department of Justice appeal and the Board members who voted for this should consider other ways to use this money.

Trustee Didden said that he believes we could do better with the employees we have and help them do better. He spoke further on this subject.

Trustee Terenzi noted that when local government has no control on benefits and retirement it is difficult to keep the tax rate low or with no increase. He said that the State needs to reform these items and spoke further on this issue.

Deputy Mayor Brakewood spoke about outsourcing and the negative reaction to that word. He said that he wants to reduce the footprint of the Village and the employees which needs to be considered and that we are not even exploring options.

Mr. Reavis noted that it is the manager's responsibility to make sure the workers are doing what they are suppose to do.

The Deputy Mayor asked if there were any other comments from the public or the Board, there was none. He asked for a motion to adjourn this public hearing to April 20th.

On motion of Trustee Branca, seconded by Trustee Marino, the public hearing was adjourned to April 20, 2011.

ROLL CALL

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

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Deputy Mayor Brakewood asked if anyone from the audience had any comments regarding anything on the agenda. He recognized Richard Abel.

Mr. Abel said that there is an item under correspondence from the restaurant Bartaco requesting the use of the Marina parking lot. He questioned that isn't this lot owned by G&S and why are we asking for this use for them.

Mr. Russo said that he would only recommend the use of this lot when the Village is co-sponsoring an event.

Mr. Abel inquired as to the resolution regarding the Freedom of Information (FOIL) Policy and thought that the Village adopted this already.

Mr. Russo said that a large amount of these requests pertain to code and building records so this new policy will have those particular requests under the Director of Code Enforcement.

Mr. Abel concluded that the resolution regarding the seating arrangement of the Board of Trustees is a waste of time. He said that it does not make sense why this resolution is necessary because every vote is important and it does not matter what order the vote is taken.

The Deputy Mayor recognized Joan DiBuono.

Ms. DiBuono of Summit Avenue spoke about properties on her street and the landlord registry which most property owners did not register. She inquired about a quarterly report regarding FOIL and stated that employees are serving as secretaries on Boards and Commissions and they get paid. Ms. DiBuono recommended that volunteer residents should be able to be these secretaries and thought that the budget for this service by employees was removed back during Mayor Logan's terms. She also spoke about the payments to the landlord registry that not everyone paid. Ms. DiBuono spoke about the Ethics Board that she is a member of and noted that the Carver Center is off the tax rolls because of their status but they have a fitness center with a monthly fee so are they not conducting a business. She said that Trustees Didden, Terenzi and Kenner have put up with harsh comments for the last eight months but respects them because of their views and how they approach things.

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

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

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

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

WHEREAS, the Board of Trustees of the Village of Port Chester wishes to adopt local adjustments to these base proportions that will be used to establish a Homestead tax rate and a Non-Homestead tax rate for the 2011-2012 Village Budget and tax rates.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Port Chester hereby adopts for the 2011-12 Village tax, Homestead Base Proportions of 61.552893% and Non-Homestead base proportions of 38.447107%; and

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

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

ROLL CALL

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

BOARD OF TRUSTEES SEATING ARRANGEMENT

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, pursuant to Rule Fourteen of the Rules of Procedures of the Board of Trustees, the seating arrangement of the Board may be changed at anytime by a majority vote (4) of the Board; and

WHEREAS, Trustee Didden has made a request to adjust the existing seating arrangement pursuant to the Rules of Procedures. Now, therefore be it

RESOLVED, that the seating arrangement of the Board of Trustees will be in the order of the roll call effective April 5, 2011 as follows:

Trustee Brakewood, Trustee Terenzi, Trustee Didden, Trustee Branca, Trustee Marino and Trustee Kenner.

ROLL CALL

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

The Deputy Mayor stated that the next resolution is to authorize the Village Manager to enter into an agreement with Emil Antonaccio for consulting services for the Building Department.

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

Mr. Russo explained the services to be provided by Mr. Antonaccio and the time he will be needed.

The Board discussed with Mr. Russo and Mr. Cerreto the term and the termination clauses of the proposed agreement.

Deputy Mayor Brakewood indicated he would like a cap regarding compensation for said services.

Mr. Russo and Mr. Cerreto said that they would discuss these items with Mr. Antonaccio and would then represent this matter to the Board.

Trustee Didden made a motion to table the proposed resolution to Board meeting scheduled for April 6, 2011, Trustee Marino seconded the motion.

ROLL CALL

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

SETTING PUBLIC HEARING AND REFERRAL TO PLANNING COMMISSION REGARDING CHAPTER 5 "APPEARANCE TICKETS AND CHAPTER 345 "ZONING "

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

RESOLVED, that a public hearing is to be held on May 16, 2011 at or about 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 5 "Appearance Tickets" and Chapter 345 "Zoning" confirming the authority of code enforcement personnel to enforce Chapter 345 of the Zoning Code; and be it further

RESOLVED, that the proposed local law be referred to the Planning Commission for their study and report.

ROLL CALL

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

ADOPTION OF RULES AND REGULATIONS FOR THE FREEDOM OF INFORMATION LAW (FOIL)

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

RESOLVED, that the annexed Rules and Regulations for the Freedom of Information Law (FOIL) are hereby adopted by the Board of Trustees.

ROLL CALL

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

PUBLIC ACCESS TO RECORDS OF THE VILLAGE OF PORT CHESTER

Section 1 Purpose and scope:

- (a) The people's right to know the process of government decision-making and the documents and statistics leading to determinations is basic to our society. Access to such information should not be thwarted by shrouding it with the cloak of secrecy of confidentiality.
- (b) These regulations provide information concerning the procedures by which records may be obtained.
- (c) Personnel shall furnish to the public the information and records required by the Freedom of Information Law, as well as records otherwise available by law.
- (d) Any conflicts among laws governing public access to records shall be construed in favor of the widest possible availability of public records.

Section 2 Designation of records access officer:

- (a) The Board of Trustees designates the following person(s) as Records Access Officer(s):

Police Records

Lt. James Ladearious, Staff Services, Police Department
Village of Port Chester
350 North Main Street
Port Chester, New York 10573
(914) 939-1000
jlad@vpcpd.com

Building Department/Code Enforcement Department/Planning and Zoning Records

Christopher Steers, Director of Code Enforcement
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573
(914) 305-2553
csteers@portchesterny.com

All Other Records

Joan Mancuso, Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573
(914) 939-5202
jmancuso@portchesterny.com

- (b) The records access officer is responsible for insuring appropriate agency response to public requests for access to records.
- (c) The records access officer often shall consult with the Village Attorney as necessary to ensure compliance with these regulations and the Freedom of Information Law.
- (d) Records Access Officers shall forward to the Village Manager a copy of any written Freedom of Information Law request upon receipt.
- (e) The Village Manager or his or her designee shall forward a consolidated report to the Board of Trustees with regard to the administration of the FOIL on a quarterly basis.
- (f) The records access officers shall insure that agency personnel:
 - (1) Maintain an up-to-date subject matter list.
 - (2) Assist persons seeking records to identify the records sought, if necessary, and when appropriate, indicate the manner in which the records are filed, retrieved or generated to assist persons in reasonably describing records.
 - (3) Contact persons seeking records when a request is voluminous or when locating the records involves substantial effort, so that personnel may ascertain the nature of records of primary interest and attempt to reasonably reduce the volume of records requested.
 - (4) Upon locating the records, take one of the following actions:
 - (i) Make records available for inspection; or,
 - (ii) Deny access to the records in whole or in part and explain in writing the reasons therefore.
 - (5) Upon request for copies of records:
 - (i) Make a copy available upon payment or offer to pay established fees, if any, in accordance with Section 8; or,
 - (ii) Permit the requester to copy those records.

- (6) Upon request, certify that a record is a true copy; and
- (7) Upon failure to locate records, certify that;
 - (i) The *Village of Port Chester* is not the custodian for such records, or
 - (ii) The records of which *The Village of Port Chester* is a custodian cannot be found after diligent search.

Section 3 Location:

Records shall be available for public inspection and copying at:

Police Records

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

Building Department/Code Enforcement Department/Planning and Zoning Records

Christopher Steers, Director of Code Enforcement
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

All Other Records

Joan Mancuso, Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573

Section 4 Hours for public inspection:

Requests for public access to records shall be accepted and records produced during all hours regularly open for business. These hours are: 9:00 a.m. to 4:30 p.m.

Section 5 Requests for public access to records:

- (a) A written request is required, which may be made by mail, fax or electronically.
- (b) If records are maintained on the Internet, the requester shall be informed that the records are accessible via the Internet and in printed form either on paper or other information storage medium.
- (c) A response shall be given within five business days of receipt of a request by:
 - (1) informing a person requesting records that the request or portion of the request does not reasonably describe the records sought, including direction, to the extent possible, that would enable that person to request records reasonably described;
 - (2) granting or denying access to records in whole or in part;
 - (3) acknowledging the receipt of a request in writing, including an approximate date when the request will be granted or denied in whole or in part, which shall be reasonable under the circumstances of the request and shall not be more than twenty business days after the date of the acknowledgment, or if it is known that circumstances prevent disclosure within twenty business days from the date of such acknowledgment, providing a statement in writing indicating the reason for inability to grant the request within that time and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part; or

- (4) if the receipt of request was acknowledged in writing and included an approximate date when the request would be granted in whole or in part within twenty business days of such acknowledgment, but circumstances prevent disclosure within that time, providing a statement in writing within twenty business days of such acknowledgment specifying the reason for the inability to do so and a date certain, within a reasonable period under the circumstances of the request, when the request will be granted in whole or in part.
- (d) In determining a reasonable time for granting or denying a request under the circumstances of a request, personnel shall consider the volume of a request, the ease or difficulty in locating, retrieving or generating records, the complexity of the request, the need to review records to determine the extent to which they must be disclosed, the number of requests received by the agency, and similar factors that bear on the ability to grant access to records promptly and within a reasonable time.
- (e) A failure to comply with the time limitations described herein shall constitute a denial of a request that may be appealed. Such failure shall include situations in which an officer or employee:
 - (1) fails to grant access to the records sought, deny access in writing or acknowledge the receipt of a request within five business days of the receipt of a request;
 - (2) acknowledges the receipt of a request within five business days but fails to furnish an approximate date when the request will be granted or denied in whole or in part;
 - (3) furnishes an acknowledgment of the receipt of a request within five business days with an approximate date for granting or denying access in whole or in part that is unreasonable under the circumstances of the request;
 - (4) fails to respond to a request within a reasonable time after the approximate date given or within twenty business days after the date of the acknowledgment of the receipt of a request;
 - (5) determines to grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request, but fails to do so, unless the agency provides the reason for its inability to do so in writing and a date certain within which the request will be granted in whole or in part;
 - (6) does not grant a request in whole or in part within twenty business days of the acknowledgment of the receipt of a request and fails to provide the reason in writing explaining the inability to do so and a date certain by which the request will be granted in whole or in part; or
 - (7) responds to a request, stating that more than twenty business days is needed to grant or deny the request in whole or in part and provides a date certain within which that will be accomplished, but such date is unreasonable under the circumstances of the request.

Section 6 Subject matter list:

- (a) The records access officer shall maintain a reasonably detailed current list by subject matter of all records in the village's possession, whether or not records are available pursuant to subdivision two of Section eighty-seven of the Public Officers Law.
- (b) The subject matter list shall be sufficiently detailed to permit identification of the category of the record sought.
- (c) The subject matter list shall be updated annually. The most recent update shall appear on the first page of the subject matter list.

Section 7 Denial of access to records:

- (a) Denial of access to records shall be in writing stating the reason therefor and advising the requester of the right to appeal to the individual or body established to determine appeals, who shall be identified by name, title, business address and business phone number.
- (b) If requested records are not provided promptly, as required in Section 5 of these regulations, such failure shall also be deemed a denial of access.
- (b) The following person or persons or body shall determine appeals regarding denial of access to records under the Freedom of Information Law:

Christopher J. Russo
 Village Manager
 222 Grace Church Street
 Port Chester, New York 10573
 914-939-2200

- (d) Any person denied access to records may appeal within thirty days of a denial.
- (e) The time for deciding an appeal by the individual or body designated to determine appeals shall commence upon receipt of a written appeal identifying:
 - (1) the date and location of requests for records;
 - (2) a description, to the extent possible, of the records that were denied;
and
 - (3) the name and return address of the person denied access.
- (f) A failure to determine an appeal within ten business days of its receipt by granting access to the records sought or fully explaining the reasons for further denial in writing shall constitute a denial of the appeal.
- (g) The person or body designated to determine appeals shall transmit to the Committee on Open Government copies of all appeals upon receipt of appeals. Such copies shall be addressed to:

Committee on Open Government
 Department of State
 One Commerce Plaza
 99 Washington Avenue, Suite 650
 Albany, NY 12231
- (h) The person or body designated to determine appeals shall inform the appellant and the Committee on Open Government of its determination in writing within ten business days of receipt of an appeal. The determination shall be transmitted to the Committee on Open Government in the same manner as set forth subdivision (f) of this section.

Section 8 Fees:

- (a) There shall be no fee charged for:
 - (1) inspection of records;
 - (2) search for records; or
 - (3) any certification pursuant to this part.
- (b) Copies may be provided without charging a fee.
- (c) Fees for copies may be charged, provided that:
 - (1) the fee for copying records shall not exceed 25 cents per page for photocopies not exceeding 9 by 14 inches.

- (2) the fee for photocopies of records in excess of 9 x 14 inches shall not exceed the actual cost of reproduction; or
 - (3) the village has the authority to redact portions of a paper record and does so prior to disclosure of the record by making a photocopy from which the proper redactions are made.
- (d) The fee an agency may charge for a copy of any other record is based on the actual cost of reproduction and may include only the following:
- (1) an amount equal to the hourly salary attributed to the lowest paid employee who has the necessary skill required to prepare a copy of the requested record, but only when more than two hours of the employee's time is necessary to do so; and
 - (2) the actual cost of the storage devices or media provided to the person making the request in complying with such request; or
 - (3) the actual cost to the agency of engaging an outside professional service to prepare a copy of a record, but only when an agency's information technology equipment is inadequate to prepare a copy, and if such service is used to prepare the copy.
- (e) When the village has the ability to retrieve or extract a record or data maintained in a computer storage system with reasonable effort, or when doing so requires less employee time than engaging in manual retrieval or redactions from non-electronic records, the agency shall be required to retrieve or extract such record or data electronically. In such case, the agency may charge a fee in accordance with paragraph (d)(1) and (2) above.
- (f) The village shall inform a person requesting a record of the estimated cost of preparing a copy of the record if more than two hours of an agency employee's time is needed, or if it is necessary to retain an outside professional service to prepare a copy of the record.
- (g) The village may require that the fee for copying or reproducing a record be paid in advance of the preparation of such copy.
- (h) The village may waive a fee in whole or in part when making copies of records available.

Section 9 Public notice:

A notice containing the title or name and business address of the records access officers and appeals person or body and the location where records can be seen or copies shall be posted in a conspicuous location at Village Hall. A copy of these rules shall be placed on the Village's Website.

Section 10 Severability:

If any provision of these regulations or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of these regulations or the application thereof to other persons and circumstances.

PUBLIC NOTICE
YOU HAVE A RIGHT TO ACCESS TO PUBLIC RECORDS

The amended Freedom of Information Law, which took effect on January 1, 1978, gives you the right of access to many of the public records.

The Village of Port Chester has adopted rules and regulations governing when, where, and how you can access public records.

These regulations can be seen at all places where records are kept. According to these regulations, records can be seen and copied at:

Building Department/Code Enforcement Department/Planning and Zoning Records

Village of Port Chester
Attn: Code Enforcement Department
222 Grace Church Street
Port Chester, N.Y. 10573

Police Records

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

All Other Records

Village of Port Chester
Attn: Clerk's Office
222 Grace Church Street
Port Chester, New York, 10573

The following officials will help you to exercise your right to access:

Records Access Officer(s):

Police Records

Lt. James Ladearious, Staff Services, Police Department
Village of Port Chester
350 North Main Street
Port Chester, New York 10573
(914) 939-1000

Building Department/Code Enforcement Department/Planning and Zoning Records

Christopher Steers, Director of Code Enforcement
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573
(914) 305-2553

All Other Records

Joan Mancuso, Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, New York, 10573
(914) 935-5202

If you are denied access to a record, you may appeal to the following person(s) or body:

Christopher J. Russo
Village Manager
222 Grace Church Street
Port Chester, New York 10573
914-939-2200

Adopted: March 1, 2010
Revised: April 4, 2011

SETTING PUBLIC HEARING
GRANT APPLICATIONS TO WESTCHESTER COUNTY
COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM

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

RESOLVED, that a public hearing be held on Monday, May 2, 2011, in the Village Justice Courtroom, 350 North Main Street, Port Chester, NY, at or about 7:00 PM, to consider the grant applications to the Westchester County Community Development Block Grant Program and any additional grant applications which may be proposed prior to or at said public hearing.

ROLL CALL

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

SIDEWALK PHASE II CAPITAL PROJECT
VERNON HILLS CONTRACTING CORP.

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

WHEREAS, on March 14, 2010 due to a severe storm several Village trees were uprooted on Smith Street, Austin Place, Field Place and Priscilla Lane causing damages to curb, driveways and sidewalks, etc., thereby deeming the situation as an emergency; and

WHEREAS, the Village Engineer and former DPW Foreman reviewed the situations and determined that these repairs were necessary and were required; and

WHEREAS, the firm of Vernon Hills Contracting Corp., 395 N. MacQuesten Parkway, Mount Vernon, NY 10550 who is currently contracted for sidewalk work in the area was contacted by the Village Engineer to perform these emergency services; and

WHEREAS, a supporting resolution is required to authorize payment. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester does hereby authorizes the Treasurer to make payment of \$29,122.63 to Vernon Hills Contracting Corp. , 295 N. MacQuesten Parkway, MT. Vernon, NY 10550 from Sidewalk Phase II Capital Project #5.5110.0400. 2009.105

ROLL CALL

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

2011 TREE PLANTING PROGRAM

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

WHEREAS, the Board dedicated funds in the 2010-11 Budget toward tree planting and replacement to further enhance the beauty and character of the Village; and

WHEREAS, on March 14, 2011, seven bids were received and opened; and

WHEREAS, Village staff has reviewed the bid documents and determined that Ascape Landscape and Construction Corp., 634 Route 303, Blauvelt, NY, was the lowest responsible bidder meeting all of the bid requirements for a total bid price of \$19,250.00. Now, therefore be it

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with Ascape Landscape and Construction Corp., for a total bid price of \$19,250.00.

ROLL CALL

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

RESOLUTION PROVIDING FOR PERMISSION TO THE PUBLIC PERFORMANCE OF MUSIC IN COMPLIANCE WITH COPYRIGHT LAW

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, founded in 1939, Broadcast Music Inc. ("BMI") represents more than 475,000 songwriters, composers and publishers with more than 6.5 million works; and

WHEREAS, BMI is recognized as a performing rights organization that issues licenses on behalf of the copyright owner or his/her agent granting businesses and organizations the right to perform the work in, or transmit the work to, the public; and

WHEREAS, municipalities also have the legal obligation to obtain permission from the copyright owner or representative for music that is performed in public; and

WHEREAS, BMI and the International Municipal Law Association have worked together to provide a music licensing program specifically for local governments which conduct, sponsor or present music at festivals, concert programs, community center dances, parades, just to name a few such events, and have agreed upon a model Music Performance Agreement; and

WHEREAS, such Model Agreement eliminates the need for separate agreements with songwriters, composers and publishers; and

WHEREAS, the Village of Port Chester has a strong tradition of conducting, sponsoring and presenting music at such events for the benefit of the community; and

WHEREAS, the Village is therefore required to enter into a license agreement with BMI in order to satisfy Copyright Law, funds for such purpose is to be set aside in Recreation Department Special Events budget line. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an annual license agreement with Broadcast Music, Inc. ("BMI"), 10 Music Square East, Nashville, Tennessee 37203-4399, granting the Village permission to conduct, sponsor and present music in public, said license agreement providing for a base license fee based on the population of the local government based on a published schedule which in 2011 is \$309.00 and a special events fee based upon 1% of gross revenue.

ROLL CALL

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

The Clerk presented the minutes of February 7, 2011, February 16, 2011 and March 17, 2011.

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

ROLL CALL

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

Deputy Mayor Brakewood abstained from the minutes of February 7, 2011 since he was not in attendance and Trustee Kenner abstained from the minutes of March 17, 2011 for the same reason.

The Clerk presented correspondence from the Church of the Lady of the Rosary requesting permission for a procession for the Living Way of the Cross on Good Friday, April 22nd from Corpus Christi Church to Holy Rosary Church.

The Board referred the correspondence from the Church of the Lady of the Rosary to staff.

The Clerk presented correspondence from the Independence Day Committee requesting financial contribution for the 4th of July Festivities.

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

The Clerk presented correspondence from Bartaco regarding use of portion of Marina Parking lot adjacent to their restaurant located on Willett Avenue for Cinco de Mayo Festival on May 5th from 3:00 p.m. to 9:00 p.m.

The Board referred the correspondence from Bartaco to staff.

Deputy Mayor Brakewood asked if there was anyone from the audience who would like to comment at this time.

Mr. Karas asked about Mr. Gray the Building Inspector and what happened to him.

Mr. Russo explained the replacement of Mr. Gray with the new Building Inspector, Peter Tringali.

The Deputy Mayor asked if the Board had any comments

Trustee Didden commended Trustee Brakewood for his service this evening as Deputy Mayor. He said that he sent out a newsletter yesterday that explained the difference about the tax rate and the tax assessment and that he could provide this information to residents if they are interested.

Trustee Terenzi said that the budget is a serious issue that the deficit is 8% and that there is a lot of heaving lifting to do

Trustee Kenner echo Trustee Terenzi's comments about the budget agreeing that we have to do radical changes but that we also can not let our State government continue down this road that local municipalities can not take regarding unfunded mandates, retirements and benefits. He said that he would like the resident members of the Audit/Finance Committee to provide comments on the budget.

Trustee Terenzi said that he would contact these members.

Trustee Branca said that the budget is very serious business especially for seniors. He said that Westchester County is the highest taxes county in the State and that he would like that there be no tax increase.

Trustee Marino noted that there was a fire last week but not a large like the one last month on Midland Avenue so there was no press of this but the Village's Fire Department put it out quickly. He thanked again the residents and organizations for helping regarding families that have been affected by fires.

Deputy Mayor Brakewood noted that tomorrow April 5th is the Re-Organization meeting and the swearing in ceremony for Mayor Pilla. He invited the public to attend the budget work shops. He said that the re-organization meeting has resolutions to appoint justices but the Board has not received insight on the judges from the Director of Code Enforcement and the prosecutors.

Trustees Branca, Kenner and Didden said that they have spoken to personnel and received comments regarding the judges.

Trustee Terenzi noted that the Board had no input the last time the judges were appointed that it went thirty days which allowed the Mayor to make the appointments himself without the Board. There was further discussion amongst the Board regarding the proposed appointments of the justices.

Deputy Mayor Brakewood said that he would contact staff but would have preferred formal recommendations. He spoke further about outsourcing that we have to bring solutions to the table.

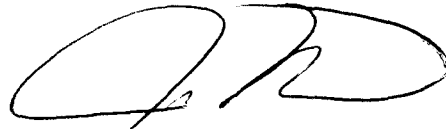
Apr. 4, '11

There being no further business on motion of Trustee Didden, seconded by Trustee Marino, the meeting was closed at 10:20 p.m.

ROLL CALL

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

Respectfully submitted,

A handwritten signature in black ink, appearing to be 'JM' with a large loop, positioned above the printed name.

Joan Mancuso
Village Clerk