

MEETING HELD APRIL 20, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Wednesday, April 20, 2011 at 6:00 P.M., in the Village of Port Chester Senior/Community Center, 220 Grace Church Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustee Bart Didden and Christopher Russo, the Village Manager were absent.

Also present were Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Director of Code Enforcement, Christopher Steers.

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On motion of Trustee Brakewood, seconded by Trustee Terenzi, the meeting was declared open at 6:05 p.m.

ROLL CALL

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

NOES: None

ABSENT: Trustee Didden

The Board held a budget work session with the Director of the Senior and Nutrition Program, Carol Nielsen. Mrs. Nielsen provided the Board with a handout regarding the revenue and cost of the meals.

Mayor Pilla asked Mrs. Nielsen about the cost of having the Senior Center opened on Saturdays for the program.

Mrs. Nielsen said that there are no salary costs just the cost of the meals and that the Saturday program services approximately 40 seniors on each Saturday.

The Mayor said that our budget reflects most of the facility costs strategically and should we think all cost is cost recoverable.

Mrs. Nielsen spoke about the different programs/classes that are offered through the Senior Program and it would be up to Board if they wanted to change the costs.

Trustee Brakewood said that the net for this program is approximately 254,000 meals served in the Center and delivered at home. He asked how do seniors get on the list for home delivered meals.

Mrs. Nielsen said that in order to have home delivery of meals seniors complete a form and it needs to be filled out by their doctor indicated that they can not get to the Center and require delivery of meals. There was further discussion with Mrs. Nielsen and the Board regarding costs per meal and payment made by seniors it was noted that we receive funding for this program from the Federal and State governments and income information that seniors have to provide. Mrs. Nielsen said that her staff has suggested raising the meal cost from \$1.50 to \$2.00 that would provide additional income of approximately \$13,000 and it would be more productive regarding reducing the time of making change for these payments.

Trustee Terenzi asked if raising the payment would cause a problem. Mrs. Nielsen said that

the seniors who do not paid will not increase. Trustee Terenzi asked if this increase is included in the budget. Mrs. Nielsen said that no it is not in the budget.

Mrs. Nielsen advised the Board that her department went out to bid on the food service contract for the Senior Program and received two bids last week and the low bidder which is the current vendor has lower the price which is a savings of over \$30,000 but noted that it is not in the budget and this still has to go to contract.

Trustee Marino spoke about the suggestion to raise the meal fee and noted that any increase is harder for the seniors. There was further discussion regarding the meal program fee and the Board told Mrs. Nielsen that she could go forward with the increase. Mrs. Nielsen said that she would speak further with staff on that matter.

Mayor Pilla asked Mrs. Nielsen if the net cost has changed much from the last year.

Mrs. Nielsen said that most items have remained flat. She said that Ms. Solomon has been asking for more computers.

Christopher Steers, Director of Code Enforcement said that the Village has some out of service computers that can be checked on for use in the Senior Center.

The Mayor said that is a great idea and we can also pursue outside donations.

Mayor Pilla and Board thanked Mrs. Nielsen for her input during this work session for the Senior/Nutrition Program.

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Mayor Pilla said that the next budget work session that the Board will hold will be with Heather Krakowski, Recreation Leader. The Mayor also recognized the members of the Recreation Commission in attendance Frank Errigo and Janice Kunicki.

Ms. Krakowski said that this proposed budget is similar to last year's budget.

Trustee Brakewood noted that this will be the first year that the Recreation Department is without the Superintendent of Recreation and asked Ms. Krakowski how it is going.

Ms. Krakowski said that her department will get much busier heading toward the camp program and other summer recreational programs.

Trustee Brakewood asked if the current staff is enough to handle that is needed for this department.

Ms. Krakowski said that for the 2011-2012 Budget it has one additional staff member.

Trustee Terenzi asked about the day camp including how many participants and cost. Ms. Krakowski said that the day camp has about 250 children and Trustee Terenzi said that would mean that it cost the Village about \$25 per child for this program. They then had a discussion regarding the Recreation Department's involvement with the baseball league which is much less than what was required by this department since the establishment of the Port Chester Youth Baseball League and further discussion regarding the league.

Trustee Kenner noted that the line for youth soccer has been adjusted from the previous budget. Ms. Krakowski said that is because there are more teams in this program. Mayor Pilla spoke about the revenue side of the youth soccer program.

Trustee Branca noted that the entire Recreation Department budget is down about \$15,000 in total spend but up \$8,000 on different areas. He said that he looks about the net amount and that the cause of this was the retirement payout of the Superintendent.

There was further discussion the total budget of the Recreation Department.

Trustee Marino noted that the overtime line is \$11,500 and who gets this overtime.

Ms. Krakowski said that the overtime covers her and staff beyond our normal work day noting that recreation programs are on the weekends and night. Trustee Marino asked if the overtime line could be reduced. There was further discussion on this subject and Mr. Steers noted that Ms. Krakowski's position is not a management position but she is overseeing the department. He said that the Village Manager is still working with the union on this and there could be reduction of overtime but would not adjust at this time.

Mayor Pilla asked what is the department doing to ride the wave of new programs.

Ms. Krakowski said that the department is always working toward new programs especially for younger participants for example the cub camp and programs for teenagers.

The Mayor asked what is the new program line used for.

Ms. Krakowski said for tennis and other programs.

Mayor Pilla said that he would like to challenge Ms. Krakowski to reach teens and what else would she ask for.

Ms. Krakowski said that if there was no funding restrictions what is needed for the Village is a Recreation Center and a pool. She noted that in the budget is one additional staff member which is needed.

The Mayor told Ms. Krakowski that she is doing an outstanding job in her new role with the Recreation Department. He and Board thanked Ms. Krakowski for her input regarding the budget for the Recreation Department.

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The Board then held a budget work session with Anthony Cerreto, the Village Attorney and Robert Peirce, the Code Enforcement Prosecutor.

Mr. Peirce explained to the Board that he was hired on a fixed monthly retainer that would cover twenty five hours a month and since being appointed as the Prosecutor for Code in November there is a large number of new cases plus the pending cases which total about 120 cases now. He told the Board how much time he can spend on a case with his retainer but for the full process including court time is requires twice as much time so he has been working many hours at no cost.

The Board spoke to Mr. Cerreto regarding the contractual budget line for prosecutorial services that is used to cover both prosecutors. Mr. Cerreto said that the flat fee per year for the Vehicle and Traffic Prosecutor is \$36,000 which will not change and currently the Code Prosecutor is the same amount.

Mr. Peirce said that his hourly rate is \$130 and with the current case load of code cases and the necessary hours for his work is would come to \$6,000 per month for a yearly cost of \$72,000. He spoke further on the case load and said that in about 45 days court cases will begin which will have convictions and revenue.

Trustee Brakewood inquired if they anticipate a net impact of his fees versus the revenue from convictions.

Mr. Peirce told the Board that in 60 days they have collected \$20,000 in fines.

Trustee Brakewood asked if the budget could reflect the increase for the expenditure that would come from the fines and forfeiture revenue.

Mr. Peirce said that the goal is to have properties come into compliance.

Mayor Pilla asked about the revenue line for civil cases.

Mr. Steers said that the civil cases have fines of \$15,000 and Mr. Cerreto noted that those fines have to be kept separately.

Trustee Branca stated that the line for fines and forfeiture has dropped.

Leonie Douglas, the Village Treasurer said that this line is not only for code enforcement fines but includes vehicle and traffic fines and court fines.

The Mayor asked Mr. Steers about revenue.

Mr. Steers said that the revenue the Mayor is speaking about is for fire inspections and so far this year they have collected between \$50,000 and \$60,000.

Trustee Branca stated that we have to collect \$700,000 for this line. Ms. Douglas spoke about the current revenue and Trustee Branca said that we still need more to make budget for this current year. Mayor Pilla asked Ms. Douglas if she is concerned of making budget regarding revenue. Ms. Douglas commented on the lag of collection with the Court and State that we do not have information for a period after collection but reports show that we are on target.

Mayor Pilla commented on the parking revenue due to the new pay station machines. Ms. Douglas said that the increase of credit card use with these machines resulting in the increase of revenue. Trustee Terenzi spoke about receivables. Ms. Douglas spoke on that process. There was further discussion on this subject. The Mayor noted that Ms. Douglas is very conservative regarding revenue forecasts and knows what she is talking about. He also said that last year the court had an audit by the State. Trustee Branca said that he wants to understand the process. Ms. Douglas explained for example money collected by the court in March is received by the Village in May and once received we go by the date the money is received by the Village so even though it comes in after the fiscal year it is accounted for in the month of the fiscal year that it is received.

The Mayor said that Mr. Peirce is asking for a \$12,000 increase and we are saying to use revenue to offset this cost. Mr. Cerreto said that this is a dovetail from last year where we did not have significant code enforcement and that the court process is now just starting on these cases. He said that they would go for the maximum fines on court cases but most importantly the Village wants compliance. Trustee Terenzi asked Mr. Peirce if an additional judge and dedicated court time would help the process. Mr. Peirce said that we need to get through the first few trials noting that we have a separate court calendar for code cases and that this is a multi-fold approach. Trustee Branca said that once the court process begins that we need to go through it will increase revenue for our budget. Mr. Steers said yes it would. Trustee Brakewood said that it appears that the Board wants to amend the budget to increase expenditures by \$12,000 and increase the revenue by \$12,000. Mr. Pierce spoke about his proposal that includes at a minimum of 90 cases because if owners want to settle and there is less trials he needs to get paid for his time leading up to an expected trial. Mayor Pilla suggested that once the process starts and the case load is determined that Mr. Peirce could report back to the Board on this issue. Trustee Brakewood said that he would like to hear from Mr. Peirce on a quarterly basis and the Mayor asked Ms. Douglas that the Board see the cost and revenue for the code prosecution. Mr. Peirce said that he is now spending hours that

would cost \$6,000 per month with anticipated new cases for an additional \$1,000 per month which is about 20 additional hours. Mayor Pilla asked Mr. Cerreto and Mr. Steers to review Mr. Peirce's billing. Mr. Cerreto said that Mr. Peirce itemizes all his invoices.

The Board continued with a budget work session with Mr. Cerreto regarding the law department.

Trustee Brakewood asked about if the cost for appealing the Department of Justice (DOJ) case is included in this budget. Mr. Cerreto said that the amount of the cap for the considered law firm is included in the proposed budget. Trustee Brakewood inquired as to where would any additional cost for the current attorney on this case Mr. Piscionere would come from. Mr. Cerreto said that it would be the same line as the funding for the appeal. Trustee Brakewood said that he thought the funding for the appeal was to be from this year's budget. Trustee Terenzi said that the Village Manger had a proposal regarding that item. There was further discussion amongst the Board and Ms. Douglas on this subject and she informed the Board that this funding would come from the fund balance. The Mayor said that he had spoken to Mr. Russo on this matter since he was not available for this work session this evening and it was noted that there will be a transition period with Mr. Piscionere to Mr. Carvin on the Department of Justice matter.

Mr. Cerreto spoke about the personnel line for his department noting that it includes his position plus a clerical person at an entry level to provide services to him the Attorney, the Village Manager and the Mayor. The Board questioned Ms. Douglas where the current temporary employee that is providing these services is being paid from and that it is under a seasonal line in the Manager's budget. There was further discussion regarding this position. Trustee Terenzi said that the clerical hire should be spread over a few lines not just under the attorney's line but also the Manager's and Mayor's.

The Board further discussed the matter regarding the appeal of the DOJ matter and funding for this issue. Trustee Terenzi stated that once these funds are encumbered it is held until used.

Trustee Kenner noted that there is \$120,000 for the labor counsel and what is that amount for since the contracts have been settled. Mr. Cerreto said there is one more year on the labor counsel's contract and that there are future union contract negotiations for CSEA and Fire. He said that he would defer to Mr. Russo regarding any personnel matters that the labor counsel is or would be involved in. Trustee Branca asked when the contract negotiations would start. Mr. Cerreto said that the CSEA contract expires on May 31st of this year and they are requesting negotiations of their contract.

The Board thanked Mr. Cerreto for his input regarding the budget for the Law Department.

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The Board then held a budget work session with Joan Mancuso, the Village Clerk regarding the Clerk's office.

Mrs. Mancuso told the Board that during last year's budget work sessions the Board authorized funding for a Deputy Village Clerk for half a year since she was losing temporary staffing after the 2010 Election process. She said that this position was advertised and she conducted interviews with recommendations to the Board but the position was never filled.

Mrs. Mancuso said that she had made request to the Manager and Treasurer for this full time position in the Tentative Budget for 2011-2012 but it was not included, so the requested amount for personnel services line should have been \$191,596 or \$196,596 compared to \$141,595. She explained briefly the duties and responsibilities of her office and that there is herself as the Clerk and one additional full time employee that the office does not close during the day since it is one of the most public offices of the Village and there is a need for one additional staff person. Mrs. Mancuso said that if the office remains as only two persons there will be a need to be closed to the public for certain hours during the day. The Board further discussed this position with Mrs. Mancuso and Mr. Steers noted that Mr. Russo had some ideas regarding this situation. The Board indicated that Mr. Russo should speak to Mrs. Mancuso regarding his recommendations in reference to her office.

Mrs. Mancuso told the Board that they could reduce the appropriation line regarding publication of notices if they have only one official newspaper and/or a policy of what paper to use for certain items. She said that this line is currently is \$18,000 and there could be a reduction of possibly half that if we did not have to publish every notice in two newspapers. The Board discussed this briefly and asked the Clerk to provide information on these costs.

The Board then discussed the appropriations for elections and it was noted that for the Fiscal Year 2011-2012 there is not a scheduled election. Mrs. Mancuso said that these figures were submitted even though there is not a scheduled election in case one may be required so the Board would have an estimate of the costs. The Board stated that they would remove the appropriations for the lines regarding election for this Tentative Budget.

The Board then discussed certain revenue lines for the Clerk's office with Mrs. Mancuso. She told the Board that the Village can not increase fees for vital statistics records because the New York Public Health Law does not allow this and it would need a request to the State Legislators. Mrs. Mancuso said that the fee is \$10.00 per certified copy and even though there is no longer the hospital in the Village there are more and more requests for birth certificates for many reasons and at least a third to a half of the requests need additional processing time because of documentation and corrections. She told the Board that one increase to the revenue line is regarding decal parking fees noting that the Village raised the parking meter fees for a 12 hour meter to \$5 a day but our current decal fees is just over \$1.70 a day so it was recommended to increase the annual fee from \$425.00 to \$620.00 which would be a daily rate of \$2.50 for the decal. Mrs. Mancuso said that this has been included in the Tentative Budget and would raise this revenue line from \$45,000 to \$70,000. The Board discussed further these recommendations and thanked Mrs. Mancuso for her input regarding the budget for the Clerk's Office.

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Mayor Pilla said that since Christopher Russo, the Village Manager is not here this evening he would defer the budget discussion for the Manager's Office and the Mayor's Office until the next work session.

Trustee Brakewood spoke about the salaries for the Mayor and the Trustees noting that the Board has eliminated benefits for the Board members and that the Board should consider reducing and/or eliminating the salary for the Board. He continued this discussion mentioning that the Village of Rye Brook, the City of Rye and the School Boards do not give

salaries to their members and asked if the Board can amend the budget to zero out these salaries or would it require a local law. The Board discussed further Trustee Brakewood's recommendation.

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Mayor Pilla recognized former Mayor Gerald Logan.

Mr. Logan said that he is here regarding the appropriation for the 4th of July Ceremonies which he is the president of the Committee. He spoke about the ceremonies and the costs and that they have maintained the same amount of their request for this coming budget. Mr. Logan said that the Village of Rye Brook and the Town of Rye also are giving the same amount in their budgets.

Ms. Douglas confirmed that the amount for this event is in the proposed budget at \$5,000.00 which was the same as last year.

Mayor Pilla thanked Mr. Logan for attending and all the work he does on this committee along with several other organizations in the Village.

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The Board held a brief discussion regarding the process regarding further discussions in reference to the Police Department.

Trustee Branca said that this should be in executive session and made a motion for an executive.

Mayor Pilla asked the Village Attorney for clarification of what the purpose of the executive session would be regarding the Police Department.

Mr. Cerreto said that if the Board is going to discuss contract negotiations or particular personnel of the Police Department that is grounds for an executive session. He continued that if the Board would be discussing policy for this department regarding the budget then that is not an executive session item.

There was further discussion regarding this process, no second was made on Trustee Branca's motion so matter was deferred to later in the agenda.

The Mayor said that this is the end of the budget work sessions at this time and before beginning the regular portion of the Board meeting the Board would take a ten minute recess.

The recess was taken at 7:40 p.m.

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At 7:50 p.m., the regular portion of the Board meeting was reopened.

Mayor Pilla introduced John Conyers of Savings Our Society regarding mentorship program in conjunction with the Port Chester Rotary Club.

Mr. Conyers thanked the Board for allowing him to speak this evening. He said that Saving Our Society officially started this year but he has been working in the Village for three years. Mr. Conyers said that Saving Our Society is a 501c3 not-for-profit corporation dedicated to helping the formerly incarcerated successfully reintegrate into their community. He said that our volunteer staff and operating board members are experienced professionals in re-entry work and related fields. Mr. Conyers said that we assist men, women and at-risk youth who have been directly or indirectly involved with the criminal justice system and now live in Westchester County. He noted that a large segment of the jail population is from the City but when released are going else where into the surrounding areas including this county.

Mr. Conyers said that these individuals who want to stay crime-free and drug-free to make a successful transition from prison to reintegration into the community are serviced through our organization. He said that participation is completely voluntary and open to the formerly incarcerated, their families and the concerned community-at-large. Mr. Conyers said that clients maybe referred to us from social services agencies, the courts, probation, and community groups and through our outreach activities. He said that we do this with individual case management and re-entry support group helping them with skills such as effective communication, computers, and resumes, interview skills to prepare them for jobs and also volunteer work.

Mr. Conyer said that the third component of this organization is a mentoring program which is on a one to one level that is new in this area and they have joined with the Port Chester – Rye Brook Rotary Club for this program. He said that he is here this evening to let the community at large know of this program and that we also have youth at risk programs and that we are located in the Summerfield Church.

Mayor Pilla thanked Mr. Conyers for his services besides the Saving Our Society organization he is involved with Open Door and the Rotary. He said that since we are not a city our Village does not have these types of services and because of Mr. Conyers and others in this organization they are making this available. The Mayor asked if others could volunteer for this mentoring program and what amount of time does it require.

Mr. Conyer said that we meet Wednesday evenings at Summerfield from 6:00 p.m. to 8:30 p.m. He said that this organization runs solely on private donations.

The Mayor also recognized the Rotary Club for partnering in this program and that there is an open call for additional mentors.

Mr. Conyers provided the Board with a handout for Saving Our Society that provided information on this program along with his phone number and email address.

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The Clerk stated that the next item on the agenda is the adjourned public hearing for the purpose of considering and discussing the proposed Tentative Budget for the Village of Port Chester for Fiscal Year starting June 1, 2011 and ending May 31, 2012.

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

ROLL CALL

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

Mayor Pilla stated that the Village Manager proposes a Tentative Budget that the Board then goes through a process with work shops with the departments like we held this evening then the Board could make changes to the Tentative Budget and if the Board makes no changes it would be the Manager's proposed budget.

Mr. Cerreto said that if the Board does not make changes it would be the Tentative Budget that would become the budget for the next fiscal year.

Trustee Terenzi noted that if the Manager's budget becomes the budget for the next fiscal year that the tax rate would be 3.76% increase and he and other members of the Board want to lower this rate.

The Mayor spoke about other communities noting that the Mayor of the Village of Rye Brook, Joan Feinstein was very happy with their budget that has a similar increase. He also spoke about Westchester County Executive Astorino's flat tax rate.

There was further discussion amongst the Board regarding the proposed tax rate versus the assessables and what those differences are and the impact of the tax rate and the assessables.

Trustee Brakewood said that the bottom line is the government is taking more or less from the tax payers and our budget is flat.

Trustee Terenzi spoke further about the rate.

Trustee Brakewood said that the focus should be government spending and holding the line on that spending.

Trustee Branca said that he is looking that we spend less money this year from last year and that this Board is charged with reducing the expenditures of the Village.

Mayor Pilla asked if anyone from the audience would like to speak on the proposed budget. He recognized Goldie Solomon.

Ms. Solomon said that we are over assessed and the assessments are done by the Town of Rye not Port Chester. She said that we are an antique housing community with some homes going back to the 1800's. Ms. Solomon said that the Village can not take assessment by the Town of Rye and that the residents and property owners can not take anymore taxes. She said that we have more off of the tax rolls with group homes and non profits that the County Sewer Treatment plant is in our Village and who would want to live near that plant. Ms. Solomon said that nothing is being sold except to non profits corporations which are off our tax rolls. She said that the Board are double dippers that most have daytime jobs and then as Board members with pay and benefits. Ms. Solomon said that we can not reduce health, safety and welfare for our Village that we need our police, fire and public works employees. She said that regarding the appeal of the Department of Justice matter that we need choice voting not cumulative voting and spoke about the UnityMarch that was held this past weekend. Ms. Solomon said that the Board hires out of the area people who are paid high salaries but do not know us and when they are not here at meetings they still get paid. She said that there is a need for Spanish speaking prosecutors for the court that we need to get the highest rent possible for space in Village Hall and that there are potholes throughout the Village. Ms. Solomon concluded that this Board had said that there would be zero tax increase with this budget.

Mayor Pilla recognized Joan DiBuono.

Ms. DiBuono spoke on behalf the Village Clerk, Mrs. Mancuso and that the Board should give her the help that she is requesting.

The Mayor recognized Richard Abel.

Mr. Abel agrees that the Village Clerk needs this position in her office and thought there was suppose to be a hire for this office and asked why there was not by the Board.

Mayor Pilla spoke about the requirements for the position of Deputy Clerk.

Mr. Abel spoke about property assessments and that more properties in Port Chester went down. There was further dialogue on this subject with Mr. Abel, Trustee Terenzi and Mayor Pilla. The Mayor noted that there was a New York Times Article that said that Port Chester is an up and coming community and that this article indicated that our medium housing price is \$358,000 compared to a few years ago when it was \$550,000. Trustee Terenzi spoke more on the Mayor's comments regarding housing pricing the rise and fall of the housing market in the last few years. Mr. Abel said that if the Village could bring down the taxes for property owners then more housing would sell. There was further discussion regarding the assessments of properties for residential and commercial owners.

Trustee Brakewood noted that the Board talked about the Clerk's office personnel earlier during that work session along with an increase of the salary for the Code Prosecutor which could be offset by revenue of the fines regarding code violations. He said that the Board has reduced their cost with no longer providing health benefits to the Board and that he also recommended during the work session to reduce or eliminate the Mayor and Board salaries and if eliminate would be a savings of \$43,000 per year.

Trustee Terenzi said that every Board member has their own situations and hopes that Trustee Brakewood would still be sitting on the Board next year when the Board has no salary.

Trustee Marino said that wasn't it Trustee Brakewood's comments to cut the police force.

Trustee Brakewood said that when the Board held the budget work session with the police it was stated that another Trustee that we need to cut over two million from the budget because of the drop in the property assessments. He said that he said to the Police Chief and his staff at this session to come back to the Board with a plan if we had to cut that amount from their budget since they are the one of the largest budgeted departments within the Village so the Board and the public would know what effect it would have with services. There was further discussion amongst the Board regarding this subject.

Mayor Pilla said that the next steps regarding the budget is to close this hearing since by State Law this is the last day that the hearing could be held, continue with our department work shops and hopefully amend the Tentative Budget. He said that the budget work session sessions scheduled for April 21st needs to be cancelled and there was a discussion of the Board with alternative dates, the date of April 27th was decided upon as the new date for the final work sessions.

Trustee Branca asked when does the Board need to adopt the budget is it by May 1st.

Mr. Cerreto said that since May 1st is a Sunday the Board can adopt on May 2nd. He said in reference to Trustee Brakewood's recommendation to zero the salaries of the Mayor if this required action by the Board as a local law the Board would need to set a hearing tonight for May 2nd. Mr. Cerreto said that he would confirm what action is required by the Board with an opinion.

Trustee Brakewood made a motion to add a resolution to the agenda to set a public hearing for May 2, 2011 to consider eliminating the salaries of the Mayor and Board of Trustees, Mayor Pilla seconded the motion to add on.

ROLL CALL

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

Trustee Terenzi said that since the motion did not carry to add this resolution on we can not hold a public hearing on the matter in time. He asked if we do not act on this proposal in the budget what would be the outcome.

Mr. Cerreto said that it would raise taxes for this in the budget.

Trustee Terenzi said that any Board member could choose not to take the salary as he is doing.

Mayor Pilla said that Trustee Terenzi said that the Board could not take the salary but he was told something else that he had to take the salary and could reallocate someplace else.

Trustee Branca said that taking the salary is voluntary.

Mayor Pilla said that he was going to amend his salary and asked if the Board is required to have a hearing to do that.

Trustee Brakewood said that is why it can not be voluntary.

The Mayor questioned if he wanted to amend his salary he could not do so.

Mr. Cerreto said that he would give an opinion to the Board on this matter.

Mayor Pilla asked if there were any further comments on the Tentative Budget, there was none so asked for a motion to close the public hearing.

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

ROLL CALL

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

The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Westmore News on April 15, 2011 certified by Angelina Brescia, Office Manger of the Westmore News and in the Journal News on April 13, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Wednesday, April 20, 2011, at or about 7:30 P.M., in the Village Senior/Community Center, 220 Grace Church Street, Port Chester, New York, to consider the advisability of adopting a local law amending the Code of the Village, Chapter 295, entitled "Taxicabs" to extend current licenses for taxicabs and current licenses of dispatch companies to August 31, 2011.

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 the Village Website 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 Brakewood, Terenzi, Branca, Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: Trustee Didden

Mayor Pilla asked Anthony Cerreto, the Village Attorney to provide an overview for this proposal law.

Mr. Cerreto said that the Village has been doing their due diligence regarding taxi reform and this proposed law will extend the current licenses to August 31, 2011. He said that this time will allow for the report from our taxi expert on alternatives including consideration of a proposal by the Westchester County Taxi and Limousine Commission (WCTLC). Mr. Cerreto said that the TLC has a meeting next week regarding a new program by the TLC called Municipal Cars and taxi zones. He said that this extension will allow us time to consider this proposal and this would be the final extension.

Mayor Pilla spoke about the TLC considerations and has spoken to our Police about more locations for taxi stands. He asked if there were any comments from the Board at this time there was none. The Mayor then asked if anyone from the audience would like to speak on this proposed law. He recognized Goldie Solomon.

Ms. Solomon said that everything should be done here and that it should not be done by the County. She said that she is in favor of these licenses staying here and that there are not many taxi car owners and company owners here to speak on this matter.

The Mayor noted that even though we only have to put notice of this hearing in the newspaper we also sent notice to all the owners. He said that the County also has a task force for their new proposal which a member of the Port Chester Taxi Association is on. Mayor Pilla asked if there was anyone else from the audience who would like to speak on this matter. He recognized Richard Abel.

Mr. Abel said that this has gone on for a few years now and isn't there lawsuits against the Village on this issue.

Mr. Cerreto said that there are two lawsuits, one by the four dispatch company owners because the Village issued a fifth company license and by the new dispatch company owner for more vehicles. He also spoke about the Institute for Justice who has been successfully fought against municipalities with taxi regulations and that he has spoken to them and they would provide assistance for us with the goal of deregulation.

Mr. Abel asked about the lawyers that are defending the Village against these lawsuits and what are the costs. He said that this seems like a simple process and that this been drawn out for very long.

Mr. Cerreto said that the lawyer for the Village regarding the four dispatch owners' suit was through our insurance company with no charge to the Village and this same lawyer is charging the Village a flat fee for defending the Village on the second suits with no additional costs.

Mayor Pilla spoke further that the County TLC is considering this new program.

Mr. Able said that it has been so long that the County is now proposing changing their laws.

The Mayor said that the County Program would be for any municipality that may want to participate.

Trustee Marino said that he had been a member of the Taxi Commission for the Village and has always been against going with the TLC.

Mr. Cerreto said that this proposed local law will maintain the status quo of the licenses for taxi cars and dispatch companies so the Board can consider all its options.

Trustee Brakewood said that this law would extend these licenses to August 31st and asked if that is enough time in order to get the report from our expert and the process for the County program to be considered.

Mr. Cerreto said that the Board has to make a decision regarding future licensing of taxis and companies and/or deregulation and a decision should be within this time period.

Mayor Pilla asked if there were anyone else who would like to speak on this proposed law there was none. He asked for a motion to close the public hearing.

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Didden

On motion of Trustee Kenner, seconded by Trustee Marino and approved, the following Local Law No.7, 2011 was adopted:

ROLL CALL

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

NOES: None

ABSENT: Trustee Didden

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

A LOCAL LAW AMENDING CHAPTER 295 OF THE CODE OF THE VILLAGE OF PORT CHESTER PROVIDING FOR FINAL INTERIM REGULATIONS FOR LICENSING OF VEHICLES AND COMPANY DISPATCHING

SECTION 1: This local law shall be entitled "A Local Law Providing for Final Interim Regulations with Regard to Chapter 295 of the Code of the Village of Port Chester Involving Licensing of Vehicles and Company Dispatching".

SECTION 2. Background and legislative intent.

The prior Board of Trustees proactively identified taxi reform as a priority policy initiative, finding that existing local legislation with regard to the subject of taxicabs and drivers is lacking to assure public safety, protect the riding public, and enable the Village to redeploy scarce staff resources to focus on essential government functions.

To accomplish such goals of taxi reform, the Board had undertaken a multi-step, publicly inclusive process. Specifically, the Board empowered the Taxi Commission, established a stakeholder-based Strategic Taxi Review Advisory Committee, and retained a specialized resource, IZS Consult (IZS), to comprehensively evaluate the Village's taxi regulations in order to provide, with reasoned support, any recommended change in policy direction.

Based on the outcome of the comprehensive IZS evaluation, the Board has increased the number of taxi stands and transferred licensing of taxi drivers from the Village Clerk's Office in favor of the Westchester County Taxi and Limousine Commission (TLC), which has been a notable success.

Recognizing the limitations posed by the existing regulatory environment, IZS's Final Report also recommended that the Village of Port Chester strengthen their regulations regarding taxi vehicles and dispatch companies to protect the public safety, and further recommended to incrementally phase out the existing caps for the number of taxi dispatch companies and to phase out the existing caps for the number of taxi vehicle licenses.. IZS subsequently provided an analysis with respect to taxi fares to determine their impact on taxi drivers. A determination has since been made by the Court affirming the Village's authority to adopt legislation to further the Village's taxi reform efforts.

Pursuant to Local Law No. 9, 2010, the licensing period for taxicab licenses and taxi dispatch company licenses was extended to December 31, 2010, at a pro-rated license fee mindful of certain pending litigation between the Village and the originally licensed taxi dispatch companies and between the Village and a holder of a taxicab license and new holder of a taxi dispatch company license.

Throughout the Country, the Institute of Justice (IJ) has led efforts including successful litigation against local taxi regulations which it believes are unduly restrictive and deny market entry. In response to the Village's request, IJ has offered to provide assistance should the Village wish to proceed towards taxi reform.

Since the adoption of Local Law No 9 of 2010, the Board has advanced a policy objective to seek to transfer or curtail unnecessary and cost-inefficient Village functions across-the board so as to relieve the taxpayer's financial burden. The Board finds that further Village regulatory involvement in the taxi industry may be counter to such newly-advanced policy, especially if other governmental entities or the private sector may be better equipped to perform these functions.

The IZS report emphasized deregulation of some aspects of the taxi industry, but made specific recommendations that, if implemented, would result in the Village accepting greater regulatory obligation overall. The Board finds that the Village has closely regulated the taxi industry for decades and that prudence dictates that a supplemental expert report should be obtained from IZS. Such report should investigate the feasibility of the Village relinquishing further taxi regulatory functions with an objective analysis of the capability of the TLC to assume same under the County's regulations. This supplemental report should also study and make specific recommendations on the limit, scope and impact of fare regulation if the Village has the ability to continue the authority over this discrete function. In addition, IZS should review the potential impacts of taxi vehicle deregulation on the supply of taxis in the Village with particular recommendation on the expansion, placement and management of taxi stands in the Village.

The Village currently provides for a senior citizen discount as part of the mandated fare schedule. Grant opportunities should be explored to determine whether a taxi voucher or token program can be implemented. Existing staff may be able to cost-effectively investigate this option and underwrite any grant application.

IZS has completed a draft report for review and discussion.

The Westchester County TLC staff has advised that it may be taking action on establishing new licensing provisions that are relevant to the Village's deliberations.

The Board finds that this final interim licensing period is appropriate so as to conclude its due diligence as to a transition to a deregulated taxi industry. The Board finds that this period is reasonable in term and further promotes the public health, safety and welfare.

SECTION 2: Existing taxicab licensees extended

Existing and any new taxicab licenses issued pursuant to Section 295-13 are hereby extended and shall expire on August 31, 2011 at a prorated license fee.

SECTION 3: Existing Company dispatching licenses extended

Existing taxi dispatch company licenses issued pursuant to Section 295-20 are hereby extended and shall expire on August 31, 2011 at a prorated license fee.

SECTION 4: Supercession

This local law shall supercede any applicable provisions of Chapter 295 to assure the intentions of the Board of Trustees a stated hereinabove.

SECTION 5: Effective Date

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

Adopted: April 20, 2011	BY ORDER OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, NEW YORK DENNIS PILLA, Mayor JOAN MANCUSO, Village Clerk
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Mayor Pilla said that the next item on the agenda is a discussion regarding staggering trustee elections.

Trustee Branca said that he would like to table this discussion since we have not received the final judgment from the court and does not want to put the Village in harms way with having this discussion.

Mayor Pilla said that he understand Trustee Branca's concerns but wants to ask staff for an opinion of a roadmap to change the election system. He said that while he was campaigning he heard from only a few people that wanted to appeal this case but the majority of people he spoke to want staggered terms.

Trustee Branca made a motion to table this discussion until after the final judgment from the court, Trustee Marino seconded the motion.

Trustee Brakewood said that he would speak on this in his final comments.

The Mayor made the request for the opinion.

ROLL CALL

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

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The Mayor asked if anyone from the audience would like to comment at this time. He recognized Goldie Solomon.

Ms. Solomon asked the Board if they have gone for city status.

Mayor Pilla said no.

Ms. Solomon said that city status would provide for us to received tax money and why doesn't the Village go for that. She said that G&S was given tax credits for their development and the Board needs to get our taxes down because it is not just our budget it is all taxes. Ms. Solomon told the Board that they must represent the people.

The Mayor recognized Joan DiBuono.

Ms. DiBuono spoke about Joan Mancuso, the Village Clerk and the work that she and her office does. She said that she is glad that she is being reappointed and that the Clerk's office needs the additional staff that Ms. Mancuso has asked for.

Mayor Pilla recognized Richard Abel.

Mr. Abel also spoke highly of Mrs. Mancuso and that she is being reappointed.

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APPOINTMENT OF VILLAGE CLERK

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

RESOLVED, that JOAN MANCUSO, be and she hereby is appointed CLERK for the Village of Port Chester, New York, said appointment to be effective immediately and to expire on April 1, 2013, at an annual compensation heretofore adopted by the Board of Trustees, payable every two weeks.

ROLL CALL

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

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PORT CHESTER FEST A MULTI-CULTURAL ART FESTIVAL

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 Council of Community Services is a vital Not-for-profit organization with an established charter to serve the community of Port Chester and coordinate services for Port Chester's residents across the different outreach groups and not-for-profit organizations in the Village, and

WHEREAS in 2007, the Council received a grant to conduct a 'Community Conversations' survey process with Port Chester residents that identified/ a multi-cultural arts festival, as an opportunity to showcase Port Chester's multi-cultural diversity as a positive strength, and

WHEREAS Port Chester has a large and prominent performing and fine arts presence and history, and a long legacy of celebrating these arts, including at the historic and celebrated Byram Arts Festival on the waterfront, and

WHEREAS the Council has aligned with many Arts and cultural organizations in Port Chester and Westchester, and

WHEREAS the Council has also partnered with G&S to permit the use of the Marina Parking Lot to be utilized to enhance the image of the Village and its downtown, and

WHEREAS the Council is therefore organizing a multi-cultural arts festival to occur on Saturday May 22nd at the Marina promenade in downtown Port Chester, and

WHEREAS the Port Chester Board of Trustees seeks to partner with NFP's and other village organizations seeking to celebrate the village's strengths of diversity, art, culture, and cuisine, and

WHEREAS the village government has complementary resources that could contribute to make this event a success, including the Police Department, Recreation Department, the Department of Public Works and the Village's stage. Now, therefore be it

RESOLVED, that the Board of Trustees officially announces the fourth Port Chester Festival of Arts and Culture to occur on Sunday May 21st at the Marina Promenade, and be it further

RESOLVED, that the Board declares the Village government as an event co-sponsor with the Council for Community Services, and be it further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the Council of Community Services regarding this event subject to legal review; and be it further

RESOLVED, that the Board authorizes and directs the participation of the Recreation Department, Police Department, and Department of Public Works, and Senior van with driver; the use of the Village mobile stage and public toilets; as well as permission to fly a banner over North Main Street from May 1st to May 21st announcing Port Chester Fest; and be it further

RESOLVED, that the Board invites all residents of Port Chester and our surrounding communities to join them on this date for such a wonderful event.

ROLL CALL

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

AGREEMENT
BRONX UMPIRES ALLIANCE
FOR ADULT SOFTBALL LEAGUE 2011 SEASON

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

RESOLVED, that the Village Manager is authorized to enter into an agreement with the Bronx Umpires Alliance, 60 Topland Road, White Plains, New York 10605 to provide umpiring services for the Village of Port Chester Recreation Department Adult Softball League for the 2011 Season at a fee of \$40.00 per umpire for two-umpire games and \$55 per umpire for single-umpire games.

ROLL CALL

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

The Clerk presented correspondence from Braking the Cycle requesting permission to travel our jurisdiction on Sunday, September 18, 2011 as part of their three-day bicycle ride to benefit the HIV / AIDS services of New York's LGBT Center.

The Board referred the staff the request from Braking the Cycle.

The Clerk presented correspondence from Michael Ritchie resigning from the Fire Advisory Board and the Ethics Board.

The Board accepted the resignations from Michael Ritchie.

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The Clerk presented the Code Enforcement Report for March of 2001.

The Board accepted the Code Enforcement Report.

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The Clerk presented a report from Brooksville Engine & Hose Co. #5 on the election to active membership of Steve Muriel and the resignations of Markee Winchester and Markus Ephrirm.

The Board noted the report from Brooksville Engine & Hose Co. #5.

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The Clerk presented a report from Harry Howard Hook & Ladder Co. No. 1 on the expelling of Peter DiLeo.

The Board noted the report from Harry Howard Hook & Ladder Co. No. 1.

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Mayor Pilla asked if there was anyone from the audience who would like to address the Board at this time there was none. He asked if any of the Trustees had any comments.

Trustee Brakewood said that this Board needs to be open and transparent for the public about items/budget. He said that it is healthy to lay it out on the table and not be done behind closed doors. Trustee Brakewood said that he is focused on how much money this government spends but we need to take into account the effect to services and departments and spoke further on the budget.

Trustee Terenzi said that is what he is trying to do is to reduce our spending. He spoke further about the tax rates.

Trustee Branca said that he would reserve his comments because we still have to finish the budget.

Trustee Marino said that there are ways to reduce but causing panic as was done when a Trustee threw on the table to drastically reduce the police force is not productive.

Trustee Kenner said that everything within this budget is being looked at so everything is on the table including the large amount of overtime budgeted at 1.4 million.

Mayor Pilla also spoke about the need for open transparent discussions on the budget and noted that voting no is voting for a 3.76 tax increase which he is not in favor of.

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At 9:31 p.m., on motion of Trustee Marino, seconded by Trustee Branca, the Board of Trustees adjourned to an executive session regarding police contract negotiations and particular police personnel. The following staff was included in this executive session, the Police Chief, the Village Attorney, the Assistant Manager/Director of Code Enforcement and the Village Treasurer.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Branca, seconded by Trustee Marino, there being no further business, the executive session and the meeting was closed at 10:05 p.m.

ROLL CALL

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

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joan Mancuso', written in a cursive style.

Joan Mancuso
Village Clerk