

MEETING HELD MAY 23, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, May 23, 2011 at 5:30 P.M., in the Village Justice Courtroom, at 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustee John Branca arrived at 5:40 p.m., Trustee Saverio Terenzi arrived at 5:50 p.m., and Trustee Daniel Brakewood was absent.

Also present were Village Clerk, Joan Mancuso, Assistant Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Planning Consultant, Patrick Clerk and Village Consulting Engineering, Dolph Rotfeld.

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On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was opened at 5:35 p.m.

ROLL CALL

AYES: Trustees Didden, Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: Trustees Brakewood, Terenzi and Branca

The Mayor stated that the first item on the agenda is authorizing the Village Manager to enter into an employment agreement with the Village Attorney, Anthony Cerreto.

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

Trustee Kenner said not for this particular agreement but would like in future agreements such as these that there is a formula regarding the years of service for the severance, suggesting that it be something like two weeks for every year of service.

Mr. Cerreto said that was considered for his agreement but with his number of years the proposed severance for this contract would be over seven months instead of six months.

The Board further discussed this and other items in the Attorney's employment contract. They all commended Mr. Cerreto for all the hard work that he does for the Village.

EMPLOYMENT AGREEMENT FOR
VILLAGE ATTORNEY

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

RESOLVED, that the Village Manager be authorized to enter into an employment agreement with the Village Attorney, Anthony Cerreto, for a additional two year term to expire on May 31, 2013 with compensation at a gross annual salary for FY 2011-2012 in the amount of \$135,762.00 delivered in accordance with the payroll periods as have been or will be established by the Village for payment of its employees; and be it further

RESOLVED, that compensation for successive fiscal years shall be fixed by budget resolution of the Board of Trustees, but in no event shall the Attorney's annual salary be in a lower amount than the year previous.

ROLL CALL

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

NOES: None

ABSENT: Trustees Brakewood and Terenzi

The Clerk then presented a correspondence from Yvette Segal requesting the closure of Rex Road on June 5, 2011 from 11:30 a.m. to 2:30 p.m. for party.

The Board referred the correspondence from Yvette Segal to staff subject to conditions.

Mayor Pilla stated that the main purpose of this meeting is the subject of the Comprehensive Plan and would turn it over to Christopher Steers, the Assistant Manager to lead the discussion.

Mr. Steers said that Christopher Russo, the Village Manager had provided the Board with a memo on where we were and were headed with the plan which has led to this meeting tonight. He provided the Board with an outline of discussion points regarding the process of the Comprehensive Plan and noted that he has spoken to members of the Board, staff and members of the Comprehensive Plan Advisory Committee (CPAC) over the last several days. Mr. Steers said that he has reviewed the plan and stated it is a visionary summary and not a plan.

Trustee Kenner said as a former member of the CPAC the members were of the belief that all the work they did would produce the necessary plan that the Village could use to make the necessary changes to our regulations. He said that a visionary process provides the overview but does not give us the tools for change. Trustee Kenner questioned where did we go wrong in this process.

Mr. Steers said that Trustee Kenner is correct that the visionary process is very good but the detail of the strategy is the problem.

Trustee Kenner spoke about the legal standing of a Comprehensive Plan.

Mr. Cerreto and Mr. Steers noted that a Comprehensive Plan is not just legal standing but obligations. There was further discussion on that subject and the direction that the Board wants to go whether it be the acceptance of the visionary summary or the full Comprehensive Plan. Mayor Pilla and the Board members in attendance all agree that they want the Comprehensive Plan.

Mr. Steers said that it is readily apparent that the need to fill the position of Planning and Development Director needs to be accomplished for this process and other planning and development within the Village. He said that this has been a budgeted position for several fiscal years but the current budgeted funding may not provide the necessary funding to fill this position to its full capability. Mr. Steers spoke on the process that has been taken so far toward filling this position.

Mayor Pilla noted that the Village's Industrial Development Agency is willing to share in the cost for this director. He noted that he and Trustee Kenner are members of the IDA also.

Mr. Steers said that he has spoken to staff about next steps regarding the Comprehensive Plan but would like to meet with the CPAC members.

Mayor Pilla said that the CPAC worked very hard on this plan and agrees that they need to be further involved in this process. He said that since they have provided the plan does the CPAC need to be reconstituted. There was a brief discussion on this subject.

Mr. Steers spoke about a possible smaller focus group of CPAC members for this process.

Trustee Branca said that he would like the process as quickly as possible and commended Trustees Kenner and Didden for pushing this issue.

Trustee Didden said that he would like to hear from our Planning Consultant, Patrick Cleary and our Village Engineer, Dolph Rotfeld who are here this evening before we move forward. He spoke about the selection of the consultant, the Laberge Group on this project and inferred that the focus groups were led in certain directions on subject matters such as density and affordable housing during the process.

Mr. Steers said that his goal is to get clear direction to move the plan forward and if the Board asked him if Laberge produced the document that they were to provide he would say that they did not.

Trustee Didden spoke more about the consultant the Laberge Group and what has and has not occurred during this process.

Trustee Kenner spoke about Mr. Steers meeting with CPAC to further the progress and spoke about the request for proposals that had been done to provide analyses regarding build-out and the fiscal impact for the Comprehensive Plan. He asked if these studies are not going forward with the consultants that the Board retained.

Mr. Steers said that these studies are premature and spoke about certain studies that the County is doing and census information.

Trustee Kenner noted that two different firms were retained for these studies and is that the norm or should we be looking for one firm to provide these analyses. He spoke about the pros and cons of having one firm or more than one.

Mr. Steers said that municipalities often just use one firm for the analysis of their master plans but understands the logic of having more than one for check and balances.

Trustee Kenner asked if the two consultants that we have retained have master plan experience in Westchester.

Patrick Cleary, the Village Planning Consultant said that yes both firms have experience in Westchester County and both can do all the analyses.

Trustee Terenzi said that he is concerned about the affordable housing ideals and the down zoning of two families to one family and in particular the build out model regarding the plan before us. He said that he wants to know what has been spent to date on this project and what it will cost to go forward to have a complete master plan noting that this project was paid through UDAG funding which has been all but spent. Trustee

Terenzi said that he is not against going forward toward adoption but wants all this information.

Mr. Steers said all that can be put together for the Board. He spoke further about meeting with CPAC and additional studies.

Mayor Pilla inquired why not use the vision plan to get to the comprehensive plan.

Mr. Steers commented on the Mayor's statement regarding using the vision plan toward the comprehensive plan. He also said that he will provide the Board with a timeline and milestones for the completion of the plan which would take between 18 to 20 months. He said that expenses for the necessary work can be backfilled with grants and escrow funding.

There was further discussion amongst the Board and Mr. Steers about timing information and costs.

Mr. Steers also noted that there is a lot of technical experience available within the State that we can use regarding studies.

Trustee Marino said that it has been at least two years since the draft plan was given to the Board and asked how long does it usually take to complete such a plan.

Mr. Steers said that the process for a Comprehensive Plan is approximately three years. There was further discussion regarding the timeline.

The Mayor said that we need to correct the course so we can complete this process.

Mr. Steers said that he would like to meet with the CPAC and come to the Board after this they meet.

Trustee Didden said that he stills wants to hear from Mr. Cleary.

Mr. Cleary spoke about the Laberge process of the plan which had a lot of good information but was missing the draft environmental impact statement (DEIS) which is required to adopt the plan. He said that when the plan was reviewed by staff and it did not contain the DEIS, Larberge indicated that they had fulfilled their contract and the DEIS would require more funding. Mr. Cleary said that this process will cost about \$100,000. He noted that since the time of the filing of the Comprehensive Plan from the CPAC things have changed noting that the plan used the 2000 census information and there has since been the 2010 census and new development has occurred and is in the process or still in planning stages beside other things.

Trustee Didden spoke about the affordable housing component of the plan that was challenged. There was further discussion on this subject between Trustee Didden and Mr. Cleary with Trustee Didden suggesting that the consultant, the Laberge Group and other Board members had agendas regarding certain components including affordable housing and building heights that was not reflective of the CPAC and the Village as a whole.

Mr. Steers said that this discussion gets to his point that the necessary analysis was not done to the specifically.

Mayor Pilla said to Trustee Didden that his suggestion that there were agendas by the consultant or the Board is incorrect that the process was an open one that all the presentations and focus groups were for the entire population of the Village .

Dolph Rotfeld, the Village Engineering Consultant said that what has happened has happened and we need to move forward.

Trustee Terenzi spoke about the affordable housing aspect that included the state regulations and if a majority of the CPAC was agreeable to this he is disappointed.

Mr. Cleary told the Board that the affordable housing aspect was included in the plan but an analysis was not done on it so once the analysis is done it may show that it is not required.

Mr. Steers said that he will provide the Board with a report for their June 6th meeting with a timeline, the comments from the CPAC and expenses.

Trustee Didden said that he feels that the Village lost money on this process with the Laberge Group.

Mayor Pilla said that he does not agree with Trustee Didden's opinion.

Trustee Didden commented further on this subject.

Trustee Kenner asked Mr. Steers if all members of the CPAC will be part of this process or certain members.

Mr. Steers said that with the CPAC there was no designation of a chairperson and that it is his understanding that not all members were involved with the entire process. He said that he has spoken to Neil Pagano and Michael Scarola who are CPAC members and are in the audience tonight and that they are very willing to work with him to move this process along.

Trustee Kenner noted that there was a core group of CPAC members that meet with Laberge and that Mr. Pagano and Mr. Scarola was part of that group.

Mayor Pilla spoke about the process in appointing the entirety of the whole group for CPAC which reflected all of the Village so wants the smaller group to also have that representation.

Mr. Rotfeld spoke about items that need to be analyzed regarding this plan and the Village in general with those being increase of traffic and population. He said that there is newer information to direct where to go and we have staff that can do some of the analysis. Mr. Rotfeld recommended that the Village consider an economic development plan for the downtown/river area which should go first.

The Mayor spoke about one of the Village's Community Development Block Grant applications that would consider what Mr. Rotfeld is speaking about. He recapped and said basically the plan that the CPAC presented is to go forward for adoption with doing the required studies and spoke about the sequence of adoption of the Plan.

Trustee Branca said that at this point in time what we can do is pick and choose the areas where we need to address right away, suggesting traffic and infrastructure is high on the list. He said that he agrees that these studies must be done.

Trustee Kenner said that he would like to hear from the former members of the CPAC that are here this evening, Mr. Pagano and Mr. Scarola.

Mayor Pilla said that what has to change during this process is that everyone was invited and most did not attend including Board members and staff. He said that he wants this participating going forward.

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Trustee Kenner said that there should also be consequences if this is not completed in the timeframe that will be provided.

Mr. Steers said that that if the product is not completed within the timeframe he will take the consequences.

Neil Pagano spoke about the process that CPAC was involved in for this plan and that he did not sign on for just a vision plan but for a full Comprehensive Plan. He indicated that he believes that we have the person to take ownership of this project in Mr. Steers which he is glad about. Mr. Pagano said that there are issues that need to be addressed to finish this plan and said that he felt that the Village was at the mercy of the consultants during the process and that they took \$250,000 from the Village. He concluded that he is not on board if the Board does not want to adopt the complete plan.

Michael Scarola said that he has met with Mr. Steers on the project and expressed his concerns and observations. He said that he is impressed with the commitment and statement made by Mr. Steers regarding Laberge and looks forward to working with Mr. Steers and members of CPAC to move this project to final adoption.

Mayor Pilla said that these members of the Board embrace the proposal by Mr. Steers for further information for our June 6th meeting.


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There being no further business on motion of Trustee Branca, seconded by Trustee Marino, the meeting was closed at 6:30 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso
Village Clerk