

MEETING HELD JUNE 20, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 20, 2011 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

It should be noted that Trustee Bart Didden arrived at 6:30 p.m., and Village Manager, Christopher Russo was absent.

Also present were Village Clerk, Joan Mancuso; Assistant Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Assistant to the Village Manager, Elisa Sciarabba; Police Captain John Telesca and Village Engineer, Dolph Rotfeld.

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On motion of Trustee Marino, seconded by Trustee Terenzi, the Board of Trustees opened the meeting at 6:00 p.m.

ROLL CALL

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

At 6:05 p.m., on motion of Trustee Kenner, seconded by Trustee Branca the Board adjourned to an executive session to discuss a matter of labor contract negotiations.

ROLL CALL

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

Within the executive session discussion, a motion was made by Trustee Branca, seconded by Trustee Marino to introduce the following resolution for consideration by the Board.

That the Village Manager to authorized to propose an Early Retirement Incentive to each of the Village's collective bargaining labor unions: CSEA, CSEA Supervisors, Police, Firefighters Association, employees with at least 30 years of service would be eligible, must agree and retire no later than September 30, 2011, in consideration, eligible employees who opted in would receive \$1,000 for every fully completed year of service.

Trustee Didden made a motion to amend the proposed resolution to add that this incentive would only be available if at least 5 employees, across all unions, agree to opt in to receive the incentive, Trustee Terenzi seconded the motion.

ROLL CALL

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

EARLY RETIREMENT INCENTIVE

On motion TRUSTEE BRANCA, 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 propose an Early Retirement Incentive to each of the Village's collective bargaining labor unions: CSEA, CSEA Supervisors, Police and Firefighters Association,

- Employees with at least 30 years of service would be eligible
- Must agree and retire no later than September 30, 2011
- In consideration, eligible employees who opted in would receive \$1,000 for every fully completed year of service.

; and be it further

RESOLVED, that this incentive would only be available if at least 5 employees, across all unions, agree to opt in to receive the incentive.

ROLL CALL

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

On motion of Trustee Marino, seconded by Trustee Kenner, the executive session was closed at 6:54 p.m.

ROLL CALL

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

At 6:55 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session in reference to personnel regarding open positions.

ROLL CALL

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

No action was taken in this executive session.

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

ROLL CALL

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

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Mayor Pilla said that we have a presentation regarding taxi reform from the Westchester County Taxi & Limousine Commission (TLC) of their new Municipal Car Program. He explained that the previous Board has been reviewing taxi reform during the last several years and that there have been more demands of increasing the number of taxis and companies in the Village and along with that several suits against the Village on those issues. The Mayor noted that during this process of taxi reform the Village retained an expert Samuel Staley who is going to speak via the internet this evening to speak on his involvement with the process. He said that he would ask Mr. Staley to speak on his involvement with taxi reform for the Village.

Mr. Staley said that he was retained as a consultant by the Village several years ago to review our regulations regarding taxis and consideration of deregulating the industry. He said that he has also worked as a consultant for other municipalities throughout the United States on this issue. Mr. Staley said that the Village over regulated the industry and during his involvement with the Village the prior Board gave over the licensing requirement for taxi drivers to Westchester County and since that time he has been asked to review and report on taxi cars and dispatch companies along with fares. He said that now the County has this new program for licensing Municipal Cars and that he has reviewed their program which would permit the County to regulate vehicles in the matter similar to how they regulate drivers. Mr. Staley said that these rules are not intended to regulate car companies or fares and that the Village could continue to regulate companies by managing a system of parking space leases as outlined in his earlier report on the economic impact of deregulation of taxicabs in the Village.

Mayor Pilla asked Mr. Staley what he would predict the impact of more cars and companies would be if the Village deregulates.

Mr. Staley said that he does not believe there would be more than about a 20% increase but not an overwhelming amount because it would be based on demand and spoke further on this subject. Mr. Staley said that in his opinion if the Village deregulated or went with the County Program it would not be a great impact. He spoke further about traffic regulations that would need to be changed for greater traffic flow in areas and the approach of the Village leasing taxi stands.

The Mayor said that we are in a situation that our regulations are anticompetitive that the Village retained an expert to review and study this matter and this expert does not see a great impact happening to the Village with deregulating. The Mayor said that the Village

had previously licensed taxi drivers and that this licensing function was given to the TLC that had a lot of controversy but no issues once completed. Mayor Pilla said that in the audience from the TLC are Barbara Monohan, the Chairperson/CEO and Thomas Riccio who would speak on the County's new Program regarding Municipal Cars.

Ms. Monohan thanked the Mayor and Board for letting her explained the Municipal Car Program through the Westchester County Taxi & Limousine Commission. She said that the WCTLC is authorized by its Rules and Regulations to establish a second livery vehicle permit known as the Municipal Car Permit to be issued to applicants located only in those municipalities within Westchester County that do not regulate taxi-cabs. Ms. Monohan said that the designated vehicle, driver and Dispatch Company shall be regulated by the WCTLC and upon a completed and processed application that the Dispatch Company will receive authorization to register their vehicles with NY State DMV as a WCTLC Municipal Car bearing "WC" plates. She continued that a participating municipality must state in its Code that any and all livery vehicles and drivers be licensed by the WCTLC and be affiliated with a duly licensed WCTLC base station and that Municipal Cars are subject to and must abide by all WCTLC Rules and Regulations as defined by Law. Ms. Monohan said that a Municipal Car is any four door motor vehicle having a passenger capacity of not more than seven persons in addition to the driver that is engaged in the business of carrying persons for compensation whether it be operated from a street stand or subject to radio-dispatched calls from a garage/base station. She said that Municipal Cars must be affiliated with a licensed WCTLC base station and bear company markings on the exterior of the vehicle including its WCTLC Permit Number.

Ms. Monohan reviewed where a Municipal can operate. She said that these cars would operate in participating municipalities and in those areas of the County where there are no present taxi regulations. Ms. Monohan continued that Municipal Cars will have authority granted by the WCTLC for inter-municipal travel, doing point-to-point trips within the host municipality and drop-offs-only in all other Westchester municipalities. She said that Municipal Cars can pick-up and drop-off at the Westchester County Airport but they do not have the privileges and benefits under the County's Reciprocal Agreement with New York City and Nassau County which includes access to major New York Airports. Ms. Monohan said that livery vehicles bearing the Municipal Car permit will not be authorized to conduct business outside of Westchester County.

Ms. Monohan said that the host municipalities will set a Rate of Fare Schedule for trips within the municipality and that Municipal Car Companies (base stations) will establish Rate of Fare Schedule fro trips to other municipalities within the County of Westchester. She said that any person who drives a livery vehicle whether such a person is the owner of the vehicle or employed by a livery vehicle owner or operator is a municipal car driver. Ms. Monohan said such person would undergo the same permit application process as other for-hire applicants seeking a WCTLC Driver's Permit and will be subject to all WCTLC rules and regulations. She concluded that the permit fees for Municipal Cars is \$250 annually for

vehicles and \$135 annually for drivers and that vehicle owners and drivers are subject to first-time fingerprint fee of \$90.00 and mandatory drug-testing with yearly renewals.

Mayor Pilla thanked Ms. Monohan for the information of this program and recapped several items of the County's Municipal Car Program. He asked Ms. Monohan if the Village eliminated our taxi regulations and went with the County program what would be the process and briefly spoke about fares and whether vouchers would be acceptable.

Ms. Monohan said that the Village would need to have language in our code stating that the taxi licensing would be done through the County under this program. She spoke about vouchers.

The Mayor said that the Village has an inspection process for our taxi cars but that the car owners and the companies are provided with the dates of inspection which are done by a private garage and requires a police officer to be on hand for the inspections and that the County had an inspection program which includes spot inspections.

Ms. Monohan said that the County inspects vehicles every six months that they do not do spot inspections but their inspectors do go to the base stations to conduct the inspections. She said that the County wants to provide services to municipalities but we do not want to just come in and take over but that the municipality must authorize going into this program with specific language.

Trustee Didden asked if the Municipal Car Program restricts other municipal cars from coming into Port Chester.

Ms. Monohan explained where these vehicles can operate.

Trustee Didden asked further about enforcement.

Ms. Monohan said that the enforcement issue is only allowed if the municipality allows such enforcement.

Mayor Pilla spoke further on this subject and asked Anthony Cerreto, the Village Attorney what our current code says about other taxis or car for hires coming into the Village.

Mr. Cerreto said that our current code does not allow pick up by outside companies in the Village only that they can drop off. There was further discussion on this subject.

Trustee Brakewood asked Ms. Monohan if the Village would have the option of having these municipal cars and taxis.

Ms. Monohan said no that you could not have both. There was further discussion on the subject of deregulation.

Trustee Kenner asked Mr. Staley what was the number that he gave earlier that he predicted would be the increase percentage of vehicles if the Village deregulated the industry.

Mr. Staley said that he believes that there would be a 20% increase and that would equate to an additional 17 cars noting that these would not be full time vehicles that in fact the vast majority would be during peak time / high demand times. He spoke further about the

full time operators have a client base and that part time operators are more during these peak periods.

Mayor Pilla stated that the current licenses expire at the end of August and that the Board has several options being joining the County's Municipal Car Program, let the current licenses expire and have no regulations at all or the Village keeping licensing taxis. He spoke about our restrictions regarding enforcement.

Ms. Monohan said that the police department roles would stay as is regarding your local code and the County with permission by the Village could come in and help enforce. She reviewed the Municipal Fine Revenue Sharing Program with the Board noting that there would enhance municipal revenue at no additional cost to the municipality. Ms. Monohan said that we would receive a portion of fines collected from your enforcement efforts stating that WCTLC fines range from \$125 to \$1,000 that TLC enforcement is another tool on patrol and highlighted those benefits which includes safety and compliance checks, writing and issuing TLC summonses and training of the Village's Police Department on the law and be provided with reference materials and TLC summonses. She said that WCTLC would take care of all the summons processing, tracking data to our Police Department, that TLC summonses and cases are adjudicated at WCTLC Court, WCTLC Court Clerk will provide your Department and Officers with court notification and noted that 95% of all TLC summonses are disposed of in pre-trial conference so court appearance time for your officers is minimal. Ms. Monohan said that this program would provide to the Village with 25% of the fines that are issued by the Port Chester Police Department regarding TLC summonses.

The Mayor noted that this revenue opportunity required an inter-municipal agreement with the County.

Trustee Marino criticized this revenue sharing program. He said that the Village should keep all of the revenue here and does not agree with going to the County. Trustee Marino said that the Village should change our policies and rules and keep the licensing and enforcement of taxis in the Village. He stated that there are already outside car companies picking up in Port Chester. There was further discussion on the subject of pick ups by outside companies. The Mayor asked Captain John Telesca to speak on the Police Department's view on this program.

Captain Telesca said that the Police Department has already received the training from the County's TLC and they are prepared to work with the County to enforce the regulations if the Board decides to go with the TLC. He said that the TLC is very equip and this change would create a much safer environment and hopes that it would prevent things that the Police Department had to deal with in the past. There was further discussion amongst Mayor Pilla, Captain Telesca and Trustee Marino regarding enforcement. Trustee Didden asked Captain Telesca if the Village would adopt the TLC codes would we get better enforcement. Captain said yes we would. There was further discussion between Trustee Didden and Captain Telesca on this matter.

Trustee Didden said that it appears that the WCTL Court Clerk would provide our department and officers with court notification so if our officers would need to go to White Plains for the TLC Court regarding these summonses and that could take away our officers from patrolling in our Village. Ms. Monohan spoke about the 95% of summonses that are disposed of. She said that TLC could arrange to come to Port Chester for hearings. Trustee Didden said that there could be overtime on our department in these matters. Ms. Monohan said that TLC works hard that no overtime is sustained by municipalities. There was further discussion on this subject between Trustee Didden and Captain Telesca.

Trustee Brakewood said that all of the Village officers do enforcement and the County officers do enforce also.

Ms. Monohan said that is correct but if the County officers issue violations the Village would not get any revenue on those violations but if the Village is in the Municipal Fine Revenue Sharing Program and the Village officers issued violations then the Village would receive 25% of those fines and the County would retain 75%. There was further discussion with the Board and Ms. Monohan on this subject. Mayor Pilla noted with this program we would become agents of the TLC.

Trustee Brakewood asked if the development of this program was envisioned to be rolled out in municipalities that had no taxis or municipalities like us.

Ms. Monohan spoke about the development of this program and that the County reviewed this proposal with the Police Chief Association who was in favor of this proposal.

Mayor Pilla asked for a written report from the Police Department on the pros and cons of the County Program.

Trustee Brakewood asked if there are additional resources that would come into the Village for enforcement. Ms. Monohan said that their police and inspectors do come into Port Chester for the base stations (cars for hire) and we would come in whenever the Village wanted. Trustee Brakewood asked how often they do come in. Ms. Monohan said that the base stations are inspected once a year and whenever there are complaints.

Trustee Kenner noted that he is an employee of the County and would ask for an opinion from the Ethics Board.

Mayor Pilla asked if there was a consensus or not from the Board on the Village considering opting into this program. Mr. Cerreto advised the Mayor to hold off on getting a consensus until the Ethics Board provides their opinion.

Trustee Brakewood went back to the revenue sharing proposal and questioned if we are doing 90% of the work why are we only retaining 25% of the revenue. Trustee Marino also expressed his dissatisfaction regarding this revenue sharing program and if we can not do all of the enforcement now then we need to change our laws.

Trustee Didden indicated that it seems the only benefit of the County's municipal car program is the cap on taxi cars would go away. The Mayor said that is a possibility but is not

definite. Trustee Marino disagreed stating that the vehicle cap would go away and that anyone could register a car. Trustee Didden said that we got to this point because of litigation and the only way that would happen is a lift on the cars because the County would not cap. Ms. Monohan concurred that the County would not cap the number of vehicles.

Trustee Didden said that he is tending to agree with Trustee Marino that this proposed County Municipal Car Program may not be the best option for the Village because there would be more taxi type vehicles and we would not retain all of the fines that may be issued on violations. Captain Telesca explained that our Police Department has already been trained to enforce the County regulations. Ms. Monohan further explained that the Village's Police Department can not enforce the County's car for hire regulations unless the County licenses these vehicles. Mayor Pilla said that we have not been good at taking on laws but the County is equipped, trained and prepared for training our officers which they have and also enforcing themselves these laws.

Trustee Brakewood said that the Board should get the recommendation from staff. Trustee Branca suggested that at this time since Trustee Kenner needs an opinion from the Ethic Board and we have asked that Captain Telesca provide a report on this matter. He would also ask that the report include what it would cost or take to get us to the same level of enforcement as the County so the Board can compare. Mayor Pilla asked Captain Telesca if this report could be provided to the Board for our next meeting on July 5th. The Captain said that is possible.

Mayor Pilla said that there is a separate decision that the Board needs to make about our current taxi licenses. He will ask for an executive session regarding taxi litigation also for the July 5th meeting. The Board discussed with staff the meeting dates of the Board meetings for July and August and timing to hold a public hearing when the Board decides its direction in this matter. Trustee Marino stated that he will not be available for the August Board meetings and asked if the decision regarding the current licenses could be done in September. Mr. Cerreto noted that the existing taxi licenses expire at the end of August and would not recommend extending the licenses further.

The Mayor and Board thanked Ms. Monohan and Mr. Riccio for coming this evening and explaining the County's Municipal Car Program and Revenue Sharing Program.

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Mayor Pilla stated that the next section of the agenda are reports with the first being an update on the Comprehensive Plan from Assistant Village Manager, Christopher Steers.

Mr. Steers said that on May 23rd staff met with the Board of Trustees regarding the status of the Comprehensive Plan and that discussion resulted in the Board's direction to re-prioritize the planning studies required to update the draft comprehensive plan in order to produce the needed data and analysis to successfully complete a Generic Environmental Impact Statement (GEIS). He said further staff was directed to conduct a follow up meeting with the Comprehensive Plan Advisory Committee (CPAC) to discuss the status of the plan,

to identify the priorities of the CPAC and finally to reach consensus on the next steps necessary to successfully complete the plan, Mr. Steers stated that meeting occurred on June 2nd and the results of which were an agreement to move forward with two priority studies; a Corridor Study of the US-1 corridor and a Density Study of the downtown. He said that these studies will create the foundation for the final Comprehensive Plan, SEQR, and the recommended zoning changes and their implementation.

Trustee Terenzi spoke about the Corridor Study of US-1 and understands the study of this main thoroughfare but wants to understand what would be developed along this corridor except the United Hospital site.

Mr. Steers said that there is much more that this study would include beside land use and zoning for that particular site about also economic and fiscal impacts, infrastructure, traffic and parking all issues along this route.

Trustee Kenner said that this proposal is for a density study in the downtown and why wouldn't we include the entire Village for this study.

Mr. Steers said that it can be a broader study and decision would be up to the Board but also increase the cost of the study.

Trustee Brakewood inquired if the density study would show where new density would go and where density would be taken away.

Trustee Kenner said that he would want both analyses.

Mr. Steers responded to the density questions noting that the study would show the right areas where density could be added and where it would be removed in other areas. He also explained the transfer of rights.

Trustee Kenner said that he thought it was the desire that density would be removed from residential areas.

Trustee Didden said that his viewpoint of the Village is that he has more focus of the commercial area and as far as the housing side the density needs to go down. He said that there are two large areas the United Hospital site and Fox Island that density will increase and all other density should go down because the traffic congestion is too much.

Mr. Steers said that we are not predicting anything yet that the studies need to be done to determine what we will go forward with.

Trustee Didden said that CPAC gave us views of areas and he would give them more weight than what a consulting report may provide. He spoke further explaining planning studies that were given to the Planning Commission.

Mr. Steers explained the rational of how we got where we are is because none of the studies have been done.

Mayor Pilla spoke about the proposed timelines included in the provided spreadsheet for the Master Plan. He said that when we started the Master Plan process there was the

downturn of the economy and we do not know when this downturn would turnaround so he would prefer that the timeline be more refined and condensed. The Mayor spoke about the vacancies in our downtown area noting that there are some vacancies on 1st floors but greater numbers on the 2nd and 3rd floors of downtown which needs to be addressed and does not want to wait to the completion of the Comprehensive plan process which can take 18 to 20 months.

Mr. Steers said that our ability to move forward on certain issues is not stopped. There was further discussion between the Mayor and Mr. Steers on this topic.

Trustee Brakewood noted that the Board had previously retained two vendors for studies for this plan and did we go with these vendors and how do they fit in this chart.

Mr. Steers said that the prior consultants that were retained are not going to be used and further explained that he and staff have taken the opportunity to meet with Frank Fish of BFJ Consulting who was retained to update the Local Waterfront Revitalization Plan (LWRP) and Vince Ferrandino of Ferrandino & Associates who was retained on the United Hospital project and that staff recommends utilizing the resources of these two consultants due to their historic knowledge of the surrounding issues, current related involvement and other qualifications.

Trustee Brakewood said so we authorized these other agreements but they have not been executed.

Mr. Steers and Mr. Cerreto said the Manager has not gone forward with those agreements. Mr. Cerreto stated that it would require an action of the Board to cancel those authorizations.

Trustee Brakewood asked what would be the difference approach now on the required studies to this plan.

Mr. Steers said that the current analyses would be the US-1 Corridor Study that includes land use, zoning, economic/fiscal, infrastructure, traffic and parking and the Density Study that would include housing, zoning, population growth trends and build-out analysis. There was further discussion between Trustee Brakewood and Mr. Steers about the prior proposals and the input that our Planning Consultant provided to go with these other studies. Trustee Brakewood said that he has more faith in the path Mr. Steers is directing us because he has gone through such a process in Florida.

Trustee Kenner said that the Board was misled with the prior proposal and hopes this is the correct path to complete this plan because we have lost several months again to move this forward which is quite disturbing to him. He asked Mr. Steers when is the next meeting he would have with the CPAC?

Mr. Steers said the next CPAC meeting is scheduled for July 7th. He spoke further on the 1st meeting he had with CPAC.

Trustee Kenner expressed his dissatisfaction that this plan has not moved forward that Mr. Cleary the Planning Consultant was directed to lead this process and came with a recommendation of certain studies and now there is a new proposal of studies. He said that he has faith in Mr. Steers but the process and lost of time is very frustrating.

Trustee Didden noted that Mr. Steers is here every day and that Mr. Cleary was only in the Village once a week so we now have a better handle of what needs to be done and the Board can follow up with Mr. Steers anytime regarding the process.

Mayor Pilla also expressed his dissatisfaction and said it seems that for four years we have gotten misinformation. He asked how can we get this done sooner.

Mr. Steers said that this is a multi-prong approach and part of the process is filling the open position of planner.

The Mayor noted that Mr. Steers said that we are going to use the consultant that is updating the LWRP which is through a grant and what about the other consultant.

Mr. Steers said the other consultant Ferrandino & Associates was hired for the SEQRA review for the United Hospital site and that they have already leverage time of a few months by using these consultants. There was further discussion between the Mayor and Mr. Steers on this topic.

Mr. Steers continued with the report on the necessary tasks with task #1 being the plan synthesis and update and explained what that would entail, task #2 would be the zoning recommendations, task #3 would finalize the draft plan, task #4 would be the Generic Environmental impact statement (DEIS) and concurrent to task #1 which would #1A is the US-1 Corridor Study.

Mayor Pilla asked Mr. Steers how much these tasks/studies would cost.

Mr. Steers said that if the Board is agreeable with the approach then they could go forward with the scope of the costs. There was a brief discussion regarding costs and that the Manager in a memo that he provided to the Board earlier had anticipated that these costs would be about \$200,000. Mayor Pilla and Mr. Steers further discussed the cost and timing.

Trustee Brakewood noted from the report that Mr. Steers has provided that it indicates that it would be 13 months from when the process starts that the plan would be adopted. He said that the final document of the plan has to come before the Board and there may be strong views on certain aspects of the plan that may not be agreeable so if the plan does not get adopted what would then happen.

Mr. Steers said that the purpose of the monthly meeting with CPAC and the monthly reports to the Board is so this would be an open process and hopefully this process everyone will understand the course that it is taking and adjustments can be made so a final plan can be adopted. There was further discussion between Mr. Steers and the Board regarding the activities of the timeline of the chart that was provided.

The Mayor noted that is calls for a three month period to tighten the plan and as stated earlier would like timeframes condensed because the Board has been waiting a long time to complete the plan for adoption. He said that there does not seem to be any intention of separating certain items from the adoption of the plan and asked Mr. Steers when he could provide a report on costs and more details.

Mr. Steers said that he could provide this information for the Board's next meeting.

Trustee Kenner asked for this discussion item be on for the July 18th Board meeting. He said that there are several members of the CPAC in the audience and would like to hear from them on their meeting with Mr. Steers and the process so far.

The Mayor recognized Gene Ceccarelli.

Mr. Ceccarelli said that he went to a hearing on the North Salem plan done by Ferrandino & Associates which was very good. He said that North Salem was happy with the plan noting that it can change down the road. Mr. Ceccarelli also saw another plan that received an award and noted that these two plans were less than 100 pages and our plan was over 300 pages which it too much. He spoke about a zoning moratorium that should be put in place while we work toward adoption of the plan and zoning.

Mayor Pilla said that we did use a moratorium for a short period when we first were provided with the plan from CPAC and that moratoriums can not be for long extended time periods.

Mr. Cerreto said that that moratoriums need to be reasonable in scope and reasonable in time and if the timeframe proposed by Mr. Steers is reasonable the Board could consider such a moratorium.

The Mayor said that he does not want to stop developments and there was more discussion between the Mayor and Mr. Cerreto on the subject of moratoriums. Mayor Pilla recognized Doris Bailey-Reavis.

Mrs. Bailey-Reavis said that she supports recommendation of a moratorium and also supports Mr. Steers. She said that we need to do something soon and is concerned with planning projects in the Village and feels like the Village has been given away.

Mayor Pilla recognized Blanca Lopez.

Ms. Lopez stressed the need for of a full time planner. She said that she is concerned about the proposed studies noting that we need to not focus on just the downtown area but the entire Village. Ms. Lopez said that it is good that the CPAC is involved with this process but we are just advisors and it will depend on who will implement the plan.

The Mayor recognized Michael Scarola.

Mr. Scarola said that he has briefly reviewed Mr. Steers' memo so needs additional time to absorb this information. He said that CPAC had a very constructed discussion with Mr. Steers and the CPAC is clear on what the end product would be. Mr. Scarola stated that

the memo is heavily focused on the downtown and the United Hospital site and will confer with Mr. Steers.

Mayor Pilla said that the charts shows it would take five months to finalize the plan and asked that this time period be reduced along with more information of the milestones. He and the Board thanked Mr. Steers for this report on the Comprehensive Plan along with the comments from the member of CPAC.

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Mayor Pilla said that the next report is an update regarding the Safe Housing Advisory Committee and Trustee Didden is the Chairman of this committee so would give the floor to him to make the report.

Trustee Didden said that Mr. Steers has provided the Board with a summary report and Strategic Plan detailing the culmination of several months of meetings and collaboration with the members of the Safe Housing Advisory Committee and other interested members of the community. He said that he and Trustee Marino are the Board members of this Committee and in the audience resident members which include Ms. Solomon, Ms. Lopez, Mr. Ceccarelli and Mrs. Bailey-Reavis. Trustee Didden spoke about the desired outcomes of this Committee which would be a collaborative effort to formulate a viable sustained education and outreach program as a means of bridging cultural barriers and the recommendation of other strategic actions to more effectively address the safe housing concerns with the Village. He said that our goal is to create effective messages and delivery systems to reach as many residents as possible in the shortest amount of time and our objective is to help prevent the loss of life and property.

Trustee Didden then reviewed the issues to be addressed and the challenges.

Trustee Brakewood spoke highly of the presentation and suggested that this would have been good to show at this meeting to the public. He said that under the challenges what concerns him is the listing of cultural barriers and that it is not really cultural but economic barriers. Trustee Brakewood spoke further on this topic.

Trustee Didden spoke on Trustee Brakewood's comments and noted that the Committee researched public information that is available through the State regarding safe housing and that most of these pamphlets are not in Spanish. He said that they will follow up with our State Representatives on that issue.

Mayor Pilla suggested working with the real estate community and that before someone buys a home that it is inspected by the Village.

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The Mayor said that the last report on the agenda is the Code Enforcement monthly report. He gave the floor to Mr. Steers for this report.

Mr. Steers said that he just provided the Board with this monthly report regarding Code Enforcement and was not going to give a full presentation on this report but will on the next quarterly report.

Trustee Brakewood said that he had a few comments on this report. He spoke about the layout of the report and especially the statistics page which has a lot of information and if Mr. Steers could provide a snapshot of certain items of these statistics of a larger period of time.

Mr. Steers said that the next monthly report will show 18 months.

Trustee Brakewood said that we had a spike in graffiti incidents last December and it has fallen off. He asked what is happening with graffiti.

Mr. Steers said that there have been fewer issues regarding graffiti. He said that the adopt-a-box program for the postal boxes is being enforced.

Trustee Brakewood spoke about the enforcement efficiency trends regarding active cases and closed cases.

Mr. Steers spoke about issues that go back to the Building Department records regarding certificates of occupancies and permits.

Trustee Brakewood asked Mr. Steers if the staff he has to get the required work done is acceptable or does he need more resources.

Mr. Steers spoke on the use of personnel within the Building Department and Code Enforcement and future hires.

Trustee Brakewood asked Mr. Steers to make a recommendation to the Board if help is needed and concluded speaking on the life cycle of court cases and there was further discussion on this topic between the Board and Mr. Steers.

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Mayor Pilla said that the Board would take public comments at this time and asked if anyone from the audience would like to address the Board. He recognized the first speaker.

Patricia Johnson of 44 Quintard Drive read a statement to the Board regarding the placement of a stop sign on Quintard Drive in front of her house which is not at an intersection. She said that they were not informed of this change and contacted the Police Chief, the Manager and the Board because this stop sign in front of her house is problematic and not a logical location on Quintard Drive. Mrs. Johnson said that supposedly a traffic study was conducted at the corner of Quintard and Renshaw Place so this is more of a reason why the stop sign should have been placed at Renshaw instead of in front of their house which is not at an intersection. Mrs. Johnson said that the Village has created more of a hazardous situation noting that their street does not have sidewalks and she feels that these stop signs were placed where they were on her street to appease the two or three neighbors that have been very vocal to the Board and the Mayor's office. She also noted that a neighbor on

Field Place has been in contact with the Village for quite some time because there are no street signs at the intersection of Field Place and Quintard which can put residents at risks if emergency vehicles can not locate the proper streets. Mrs. Johnson conclude that a pattern has developed since the placement of the stop sign in front of their house that after 11 o'clock at night a vehicle is choosing to blare their horn at what she can only think is a sign of their displeasure stopping where they have to stop. She said that this situation should have been handled better and urges the Board to review this decision because it is obvious that it can be better thought out and be of a better benefit to everyone rather than to a selected few.

Mayor Pilla spoke about the initial request for these stop signs and the process that was taken. He asked that the Police Chief consider Mrs. Johnson's request and report to the Board. There was further discussion between the Board and Mrs. Johnson regarding the location of the stop signs, off-set stop signs in Harrisons, complaints when stop signs are installed and notice regarding these changes. The Mayor recognized the next speaker.

Richard Kochanowicz of Quintard Drive provided a petition signed by residents of the neighborhoods of Quintard Drive that the stop sign be moved from in front of 44 Quintard Drive and moved to the corner of Renshaw Place and Quintard Drive.

The Mayor recognized William Giangrande.

Mr. Giangrande spoke about trucks parking in certain locations where signage states they can not. He thanked Police Officer Badge #15 for helping him when his vehicle broke down and noted that the crossing light at the Mill Street is not working properly. Mr. Giangrande concluded that the blinking school light located on King Street will cost \$7,000 to fix and is the responsibility of the Village.

Mayor Pilla recognized John Reavis.

Mr. Reavis made comments regarding the Comprehensive Plan report and noted with these studies that there are traffic flow issues in the Village that need to be addressed. He said that regarding the presentation by the County for their new program regarding taxis that there are more logistics that the Village needs to be concerned with regarding this presentation. Mr. Reavis said that regarding both issues of traffic and taxis that Westchester Avenue is much too congested noting that taxis are needed for pickup and drop off at the train station but this area needs to be re-examine for a better location then on Westchester Avenue. He said that the movement of the CPAC document is well and that the Board recognizes that this group needs to stay in tact for its completion to final adoption.

The Mayor recognized John Giangrande.

Mr. Giangrande spoke about his accident last week and commended the EMT and Ambulance Corps. He said that another municipality fire department trucks were in the Village at Corpus Christi during the Palm Sunday weekend for a wedding and they were blowing their horns and blocking the driveway. He said that this should not have been allowed even though they were fire trucks.

Mayor Pilla recognized Goldie Solomon.

Ms. Solomon said that the Board should take public comments earlier that is it almost 10 o'clock. She said that taxes are killing us and spoke about the problems with G&S and that pot holes are not being taken cared of. Ms. Solomon said that the Board can not cut anything with the Port Chester Fire Department and Police Departments that we need services for health, safety and welfare. She said that our memorials also need to be cleaned. Ms. Solomon spoke about the new housing units the Mariner and Castle projects and how will our schools be affected with these projects. She said that dog run loose at the marina that Westchester County Sewage Treatment plant is located in our Village so we should not have to pay any County taxes because we have this plant here because no elitist community would allow something like that to be in their communities. Ms. Solomon said that there are too many properties off of the tax rolls including non-profits and group homes. She concluded that there will be a Hispanic Festival held at Lyon Park on July 31st and the 4th of July ceremony are on July 4th which she is on the Independence Day Committee and thanked Neri Bakery for their additional sponsorship of the fireworks for this celebration.

The Mayor recognized Richard Abel.

Mr. Abel said that a simple way for notice in reference to the stop sign controversy is to put up a sign that says that there is consideration of a placement of a sign like you require for zoning and planning applications. He congratulated Trustee Kenner for invoking the Ethic Board for their opinion regarding the County Municipal Car Program. Mr. Abel spoke about the Corporation Counsel resolution on the agenda and noted that this has been a political appointment in the past and would not recommend this position but instead get additional staff for the Village Attorney. He concluded that the resolution regarding booting and towing that he would recommend that it be limited to commercial properties.

Mayor Pilla recognized George Ford.

Mr. Ford thanked the Board for their consideration of the stop signs on Quintard Drive stating that it was a hard but right decision to place them there. He said that he was taken aback regarding Mrs. Johnson's statement that residents were being appeased. Mr. Ford said that everyone agrees that a stop sign is needed but would agree replacement of this particular sign if the Police and Traffic Commission agreed.

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Mayor Pilla said that the first resolution on the agenda is regarding the appointment of a Corporation Counsel. He said that he placed this item on the agenda and would withdraw at this time.

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The Clerk presented that next resolution on the agenda to authorize the TEFRA/Municipal Impact Fee Agreement regarding the Industrial Development Agency Project for Kingsport Apartments L.P.

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

Trustee Kenner spoke about this Industrial Development Agency (IDA) Project noting that he is the Vice President of the IDA and the Mayor is also a member of the agency. He said that Kingsport Apartments which is a senior housing project requested funding through the IDA and the Agency negotiated a new PILOT along with something else that is new a Municipal Impact Fee Agreement with monies going directly to the Village that will run for forty years with a first payment of \$600,000 and then following years payments starting at \$20,000 and in every fifth year will increase by 5%. He recommended that this money from the Municipal Impact Fee Agreement go toward debt services and contingency for use toward the Comprehensive Plan process.

The Board further discussed this project, the new PILOT and the Municipal Impact Fee Agreement.

RESOLUTION OF THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER (i) APPROVING A PROPOSED BOND ISSUANCE BY THE VILLAGE OF PORT CHESTER INDUSTRIAL DEVELOPMENT AGENCY IN CONNECTION WITH A CERTAIN PROJECT (AS MORE PARTICULARLY DESCRIBED HEREIN) TO BE UNDERTAKEN BY KINGSPORT APARTMENTS LP; AND (ii) AUTHORIZING THE EXECUTION AND DELIVERY OF A CERTAIN MUNICIPAL IMPACT FEE AGREEMENT RELATING TO THE PROJECT

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 (the "Board"):

WHEREAS, **KINGSPORT APARTMENTS LP**, for itself and/or on behalf of an entity to be formed (hereinafter and collectively, the "Company") previously submitted an application (the "Application") to the Village of Port Chester Industrial Development Agency (the "Issuer"), requesting that the Issuer issue its housing revenue bonds and/or debt obligation in a principal amount not to exceed \$15,000,000 in one or more series or issues (collectively, the "Obligation") for the purpose of financing a certain project (the "Project") consisting of: (A) the acquisition by the Issuer of a leasehold interest in an approximately 1.57-acre site located at 245 King Street, Port Chester, New York, TMID No. 136.078-3-50 (the "Land") and the existing improvements located thereon, including a multi-level building structure with 129 housing units and related storage facilities (the "Existing Improvements"); (B) the renovation, reconstruction, refurbishing and equipping by the Company as agent of the Issuer of the Existing Improvements in order to (i) modernize approximately one hundred twenty one (121) one-bedroom apartments and seven (7) studio apartments that, in accordance with the Internal Revenue Code of 1986, as amended (the "Code") and applicable regulations promulgated by the United States Department of Housing and Urban Development ("HUD") and New York State Housing Finance Agency ("HFA") and/or Division of Housing and Community Renewal ("DHCR"), will be leased to households of persons 62 years of age or older and earning 60% or less of the area's median gross income, (ii) modernize one non-subsidized superintendent's apartment, and (iii) install, construct and equip certain structural and mechanical upgrades and improvements to the Existing Improvements, including renovations to the common areas, heating systems, plumbing, roof, windows and elevators (items (i), (ii) and (iii) collectively, the "Improvements"); (C) the acquisition of and installation in and around the Existing Improvements and Improvements of certain machinery, fixtures, equipment and other items of tangible personal property (the "Equipment" and, collectively with the Land, the Existing Improvements and the Improvements, the "Facility"); (D) paying certain costs and expenses incidental to the issuance of the Obligation (the costs associated with items (A) through (D) above being hereinafter collectively referred to as the "Project Costs"); and (E) the lease of the Issuer's interest in the Facility back to the Company; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), interest on the Obligation will not qualify for exclusion from gross income for federal income tax purposes unless the issuance of the Obligation is approved by the Board and a public hearing is held to consider both the issuance of the Obligation and the nature and location of the Facility has been conducted following reasonable public notice; and

WHEREAS, pursuant to and in accordance with Article 18-A of the New York General Municipal Law ("GML") and Section 147(f) of the Code, the Issuer duly scheduled and conducted public hearings regarding the Project on February 9, 2011 and June 8, 2011, each at 222 Grace Church Street, Port Chester, New York, 10573 (the "Public Hearings"); and

WHEREAS, in connection with the undertaking of the Project, it is further contemplated that the Company will enter into a Municipal Impact Fee Agreement (the "Municipal Impact Fee Agreement") with and for the benefit of the Village; and

WHEREAS, to aid the Board in its deliberations, the Issuer has made available to the Board (a) the Application; (b) the Issuer's Project Resolutions; (d) the Notices and Minutes for the Public Hearings; and (e) a form of Municipal Impact Fee Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER AS FOLLOWS:

Section 1. That for the sole purpose of qualifying the interest payable on the Obligation for exclusion from gross income for federal income tax purposes pursuant to the provisions of Sections 103 and 141 through 150 of the Code, the Board, as the "applicable elected representative" (as such term is construed under Section 147(f)(2)(E) of the Code), hereby approves the issuance by the Issuer of the Obligation, provided that the Obligation, and the premium (if any) and interest thereon, shall be special obligations of the Issuer shall never be a debt of the State of New York (the "State") or any political subdivision thereof, including without limitation the Village, and neither the State nor any political subdivision thereof, including, without limitation, the Village, shall be liable thereon.

Section 2. The Board hereby approves the form and terms of the Municipal Impact Fee Agreement. The Board hereby authorizes the Village Manager to execute and deliver the Municipal Impact Fee Agreement in substantially the form presented to this meeting, with such revisions and modifications as may be approved by the Village Attorney.

Section 3. These resolutions shall take effect immediately.

ROLL CALL

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

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ABENDROTH PARK IMPROVEMENT PROJECT PHASE III
CHANGE ORDERS #1 & #2 FOR SENTRALE CONSTRUCTION CORP.

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

WHEREAS, by resolution adopted on January 18, 2011, Sentrale Construction Corp., 206 Ferris Avenue, White Plains, New York 10603 was awarded the bid for the Abendroth Park Improvements Project Phase III in the amount of \$245,851.00; and

WHEREAS, this project is part of the Community Development Block Grant Program through Westchester County and has been overseen by the County's Planning Department; and

WHEREAS, there has been a request to the contractor to provide and install three (3) additional trees (Red Maple) and to complete 66 liner feet of additional curbing for this project; and

WHEREAS, the contractor has provided proposals for each of these request with the cost for the additional tree being \$395.00 each for a total of \$1,185.00 and the cost of the additional curbing being \$32.00 per linear foot for a total of \$2,122.00. Now therefore be it

RESOLVED, that the proposals submitted by Sentral Construction Corp., for the Abendroth Park Improvements Project III for three (3) additional (Red Maple) trees in the amount \$1,185.00 is hereby approved as Change Order #1 and the proposal for the installation of 66 linear feet of additional curbing in the amount of \$2,112.00 is hereby approved as Change Order #2 thereby increasing the total contract price to \$249,148.00.

ROLL CALL

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

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The Clerk presented the next resolution on the agenda to set a public hearing to consider the advisability of amending the Code of the Village of Port Chester, Chapter 345 "Zoning" with regards to public notice requirements and refer matter to the Planning Commission and the Zoning Board of Appeals for their study and report.

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

Anthony Cerreto, the Village Attorney explained our public notice requirements for these applications which were adopted a few years ago and the purpose of this change.

Trustee Didden inquired if we can add to the law that when an applicant abandons their application that the signage needs to be removed.

Mr. Cerreto said that he will amend the proposed law to include that and will provide the Board with the updated version.

REFERRAL TO PLANNING COMMISSION AND ZONING BOARD OF APPEALS
CHAPTER 345 "ZONING" REGARDING PUBLIC NOTICE REQUIREMENTS

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

RESOLVED, that a public hearing is to be held on August 1, 2011 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 345:“Zoning” with regard to public notice requirements; and be it further

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

ROLL CALL

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

Original Proposed Local Law:

A LOCAL LAW AMENDING CHAPTER 345 OF THE
CODE OF THE VILLAGE OF PORT CHESTER
WITH REGARD TO PUBLIC NOTICE REQUIREMENTS

SECTION 1: Section 345-110(B) of the Code of the Village of Port Chester is hereby amended as follows:

345-110(B). Mail notification.

...
(2)

Except for applications made under the provisions of Article XVIII, the notification area shall be defined as follows: [for the R-20, R-7 and R-5 Districts,] a radius line measured 500 feet from the property lines of the subject property for an application for a use variance, interpretation or zoning amendment that would result in the establishment of a use that is not currently permitted or the enlargement of a prior legal nonconforming use; for all other matters [districts,] a radius line measured [250] 200 feet from the property lines of the subject property. Should the radius line extend into the public right-of-way, the lots directly opposite the portion of the radius line within the public right-of-way shall also be included in the notification area. For zoning changes or amendments encompassing multiple parcels, notice shall also be given to all parcels within the area affected by the proposed zone change or amendment, as well as those parcels within the radius line measured from the boundaries of the area affected by the proposed zone change or amendment.

SECTION 2: This local law shall be effective upon publication and filing with the Secretary of State.

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The Clerk presented the next resolution declaring the official newspaper for the Village of Port Chester.

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

The Board discussed this proposed resolution that would declare the Westmore News as the official newspaper of the Village and that the Journal News would be an alternate newspaper that could be additionally utilized on an as needed basis in the discretion of the Village Manager.

Trustee Brakewood said that even though the Village is using alternate means to notice procurements those being Bidnet and the Village website that he feels that more contractors and/or companies would view the Journal News for these notices. He said that he would like to include the Journal News for procurement items. There was further discussion

between the Board and staff on this subject and the Manager’s discretionally ability to use the Journal News. Trustee Didden also brought up the topic of eminent domain notices that require consecutive notice for fourteen days. Mr. Cerreto said that these issues will be brought to the Manager’s attention and staff could come back to the Board on this matter.

Trustee Didden made a motion to table the resolution declaring the official newspaper for the Village of Port Chester, Trustee Marino seconded the motion.

ROLL CALL

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

SETTING PUBLIC HEARING
CHAPTER 319 “VEHICLE & TRAFFIC”
REGARDING ALTERNATE-SIDE PARKING

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

RESOLVED, that a public hearing be held on July 5, 2011 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law by amending Chapter 319, entitled “Vehicle and Traffic” repealing Local Law No. 12, 2010 providing for alternate-side parking and reverting to the provisions of the Subsections 319-24, 319-75A, 319-78 and 319-91 of this chapter as they existed prior to Local Law No. 12 of 2010.

ROLL CALL

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

RESOLUTION SUPPORTING AMENDMENTS TO THE
COUNTY ADMINISTRATIVE CODE WITH REGARD TO
THE IMPOUNDMENT AND TOWING OF VEHICLES FROM
PRIVATE PROPERTY

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

WHEREAS, the Board of Trustees has received a report from the Port Chester Police Department that it receives an unacceptable number of complaints with regard to the impoundment and towing of vehicles parked on private property; and

WHEREAS, anecdotal evidence suggest that even this number may not fully reflect the problem; and

WHEREAS, New York State, General Business Law, Section 399-v provides that owners of a "parking facility", or a privately-owned facility having a parking capacity of 5 or more motor vehicles, must post a modicum of notice on the premises with contact information of both the owner and tow or booting operator and stating that unauthorized vehicles will be towed at the vehicle owner's expense and that owners of a parking facility shall not charge for the towing and storage of such vehicle; and

WHEREAS, the statute also authorizes local governments to adopt legislation affording greater protection to the consumer, including, but not limited to, the following areas:

- proscribing the reasonable amount that a commercial tower may charge
- requiring written contracts between the parking facility owner and commercial tower, which contracts may also be filed with the municipality
- requiring the parking facility owner to be present when the vehicle is towed
- regulating the hours when a commercial tower must be available to release a vehicle that is towed; and

WHEREAS, the County of Westchester regulates this subject, codified in the County Administrative Code, Sections 863.214-863.218 and provides for the maximum rates that may be charged by booting and towing companies; and

WHEREAS, the Code does not address many other areas that are authorized by State Law nor clearly define the role of local police departments in its enforcement; and

WHEREAS, the Board acknowledges the rights of property owners to deal with vehicles that are parked without permission, but finds that the potential for abuse and predatory conduct justifies the need for more comprehensive regulation; and

WHEREAS, although the Board is aware that the larger municipalities, such as the City of Yonkers, have adopted local laws in this areas, the Board finds that a uniform, County approach is the most appropriate solution in the first instance. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby supports amendment to the consumer protection provisions of the Westchester County Administrative Code with regard to the impoundment and towing of vehicles from private commercial property; and be it further

RESOLVED, that the Mayor, on behalf of the Board of Trustees, forward correspondence to County Legislator Martin Rogowsky to advocate on the Village of Port Chester's behalf, together with a certified copy of this resolution; and be it further

RESOLVED, that the Mayor is likewise authorized to raise this issue at the earliest opportunity with the Westchester Municipal Officials Association for a coordinated approach with other Westchester communities.

ROLL CALL

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

NOES: None

ABSENT: None

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Mayor Pilla said that there are four discussion items on the agenda and that he placed the first one on regarding a Downtown Parking Summit. He said that the good news is that parking in Port Chester is bad at times now especially Thursday, Friday and Saturday nights so the good news is people are coming to Port Chester. The Mayor said that the police are working on some incentives regarding parking and would like to call for a downtown parking

summit to look at the tactical needs on this issue. He said that a call would be made to business owners, staff and G&S to make changes to the Marina lot because we have to work on ways regarding parking because we can not build a parking deck in a year so would like a policy for Saturdays and weekends. Mayor Pilla said that when we did the ordinance for the Marina Parking Lot it was done as a pilot so now we need to revisit this. He said that we would need to get dates from G&S when we they would be available to attend this proposed summit.

Trustee Didden said that he had requested a discussion item regarding the parking enforcement policies and procedures for the Marina parking lot which ties into the Mayor's discussion. He said that he has spoken to the Police Department about the enforcement times and policies of this lot and how the parking enforcement officers need to physically mark the vehicle tires and that we could install the parking meter pay stations that would be programmed not to take money but issue parking receipt that reports that could be provided for better enforcement. Trustee Didden said that we should ask G&S for the funding for these stations.

There was further discussion amongst the Board on the subject of the pay station and the Mayor said that we can bring this to G&S for consideration. He said that he would like to hold this parking summit within two weeks and it could be held during the day. Mayor Pilla said that when the date is finalized he would inform the Board.

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The Mayor said that the next discussion item was requested by Trustee Didden regarding an update in reference to scofflaw amendments.

Trustee Didden said that we have identified over 1 million dollars of scofflaw violations and that the Village Attorney has found another community interested in this legislation and that both will work on proposal to bring to the Board.

Mayor Pilla said that Trustee Didden has worked separately on issues such as this and had suggested to past Boards if they would like to be liaisons on certain matters. He proposed this suggestion to the Board for their consideration.

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Mayor Pilla said that the final discussion item was requested by Trustee Didden regarding Building Department Records.

Trustee Didden said that there is an issue of past practices of records of the Building Department. He asked the Board if they would want the Village Attorney to draft a local law that anyone coming for a certificate of occupancy (CO) search or record would be required to have an inspection of the property.

Trustee Terenzi expressed concerns when property owners are seeking to refinance and would an inspection be required for that issuance because of possible delays with this process. He said that he see no problem for an inspection on the sale of a property.

Trustee Didden spoke about documentation that has been provided in the past and the actuality of these documents.

Trustee Terenzi said that he is concerned when someone wants to refinance and they may have a pool or something else and are held up for six months.

Mayor Pilla also expressed concerns with knowing the age of our housing stocks and maybe we would want to start smaller.

Mr. Steers spoke on this subject and the department records and that back in 1955 there was a complete inventory and inspection process of all the properties in the Village. He said that they have been successful in tracking down legal use information and if someone requests a CO and there is not one for the property something is not issued. There was further discussion about the documents and what type of document is preferred which Mr. Steers said the preferred document would be a re-occupancy. Trustee Branca asked Mr. Steers to put together documents for the Board to consider and to be codified. Mr. Steers said that some already exists. The Mayor and Mr. Steers spoke about a certain property and the documentation on this location and Mr. Steers said that further discussion were held with the Village Prosecutor that this documentation is not acceptable more discussion on this topic continued.

Trustee Didden asked Mr. Steers if he would agree with codifying change of owner would require inspection or his suggestion that if there is no documentation it would require an inspection.

Trustee Brakewood said that if the Board is interested in surring up the records what is the best way to execute this. He said that we need to come up with an optimal plan. There was further discussion between the Board and Mr. Steers and Mr. Steers said that the best way we have used is a tenant to occupy which has not fully been used.

Mr. Cerreto noted that the City of Peekskill has a law that if selling a property it has to be inspected and this law has not been challenged in five years.

Trustee Brakewood said why do we not do a complete walk through as was done in 1955?

Trustee Didden said that in 1955 property owners welcomed this process but would not be so now. He said that we should at least start with inspections for the properties for sale.

Mr. Steers said that this needs to be multi prong approach.

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The Clerk presented correspondence from the Church of Our Lady of the Rosary requesting permission for a procession on Jun2 26, 2011 from Corpus Christi Church to Holy Rosary Church.

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

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The Clerk presented the Board of Trustees minutes from March 21, 2011, April 4, 2011 and June 6, 2011.

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

ROLL CALL

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

NOES: None

ABSENT: None

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Mayor Pilla asked if there was anyone from the audience who would like to address the Board at this time. He recognized Richard Abel.

Mr. Abel informed the Board that former Mayor Peter Iasillo was ill and in Greenwich Hospital. He said that we should all give our prayers to him for a quick recovery.

The Mayor recognized Gene Ceccarelli.

Mr. Ceccarelli thanked Mr. Steers, Mr. Cerreto and Mr. Russo regarding the Comprehensive Plan process including the Comprehensive Plan Advisory Committee.

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The Mayor asked if any of the Trustees had any comments.

Trustee Brakewood spoke on where he stands regarding the issue of the Corporation Counsel. He said that years ago he voted to remove this position because it was a political position in the Village which added very little value but noted that things have now changed stating that we have many legal consultants/firms that do legal work for the Village. Trustee Brakewood continued that all of this legal work needs to be coordinated and that he is looking to bring back the position of Corporation Counsel who would be the chief counsel to oversee all of these legal matters and that this position would work to serve the entire Board. He recommended setting a three month target for this person to review all the legal items for savings. Trustee Brakewood said that other Board members are indicating that only one person was brought forward for this position but believes this went through a competitive process that nine applicants applied and the Board interviewed three. He said that the Board needs to regroup on this issue and would like an executive session or public session for the next Board meeting on this matter.

Trustee Brakewood said that he is concerned at how we are approaching the Starwoods and G&S projects stating that we are not communicating correctly with these developers that when we need to engage them it needs to be transparent and public so would recommend that the entire Board meet with these developers.

Mayor Pilla said that there is a process regarding development applications and when the Board of Trustees needs to be involved. He asked Mr. Steers to comment on this issue.

Mr. Steers explained the review process of applications which begins with staff and the developer.

Trustee Brakewood inquired regarding the payment in lieu for the Castle and Mariner projects.

Mr. Cerreto spoke briefly on these projects and told the Board that he would get more information from our Planning Consultant, Mr. Cleary.

Trustee Brakewood said that he is disappointed with how our Planning Consultant, Mr. Cleary represented recommendations on the Comprehensive Plan and that he is concerned that this person is still retained by the Village and should be let go.

Trustee Terenzi said that regarding the position of Corporation Counsel that four years ago the prior Board got rid of this position and now this individual was brought to the Board unannounced. He said that this individual is a prominent person in government for the democrats serving for former County Executive Spano so this is just politics to show up and coming persons from Port Chester that they can get their persons in our Village.

Trustee Didden said that the points that Trustee Brakewood made about the Corporation Counsel is all from his playbook from last August. He spoke about all the work that the Village Attorney does for the Village and agreed with renewing his agreement for two years. Trustee Didden said that he agrees with Trustee Brakewood's opinion of a few years ago that we do not need a Corporation Counsel but instead a legal clerk for the Village Attorney. He said that he would rather take this proposed money for the position of Corporation Counsel and give it to the Fire Department where we removed a large amount from their overtime budget.

Trustee Brakewood said that his only objective is to bring someone in to review all of the legal items. He said that he is not getting anything for this and would recue himself if this was brought back to appoint this particular person as Corporation Counsel.

Mayor Pilla concurred that Trustee Brakewood has no involvement with this particular person or with the party for this appointment.

Trustee Branca said that he is for the Corporation Counsel position because we have spent over \$500,000 on legal consultants. He said call it whatever you want if we can pay someone \$40,000 instead of these legal fees he wants it. Trustee Branca said that our Village Attorney is buried and needs help so let's stop playing politics because it is all about cutting costs.

Trustee Marino said that he does not think we need this position for a Corporation Counsel. He said that we have cut police and fire and that we need to look at the way we spend money because if we are going to hire for this position it should not be for just ten hours a week. Trustee Marino said that the Board discussed at the last meeting follow-ups

regarding the emergency access route on Alto Avenue for the Fox Island Affordable Housing Project that came from the Traffic Commission and would like this information as soon as possible.

Trustee Kenner said that this whole issue regarding the corporation counsel is legal management which he believes needs to be by the Village Manager and the Board of Trustees. He said that he does not want this position and if we need staff rather use this proposed money toward the Village Attorney or Clerk's offices. Trustee Kenner requested updated attendance information for Boards and Commissions. He said that dates were given for a work shop meeting of the Board but no date has been finalized. There was a brief discussion regarding this work shop meeting and there was a consensus to hold said meeting on July 20th even though Trustee Kenner would not be available on that date.

Trustee Brakewood asked for the backup of the proposals that were received for the position of Corporation Counsel.

Mayor Pilla said again that Trustee Brakewood had nothing to do with this proposed hire for Corporation Counsel. He spoke briefly that G&S has a proposed change for residential units for the former Coneyz lot and that Starwood would like to move forward so he had suggested a smaller group of Board members including him and Trustees Terenzi and Branca to meet with them then come back to the Board.

There being no further business on motion of Trustee Didden, seconded by Trustee Kenner, the meeting was declared closed at 11:40 p.m.

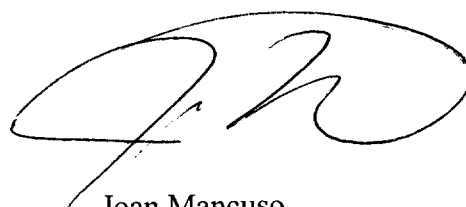
ROLL CALL

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

NOES: None

ABSENT: None

Respectfully submitted,



Joan Mancuso
Village Clerk