

MEETING HELD AUGUST 1, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 1, 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 Saverio Terenzi, Bart Didden and John Branca.

It should be noted that Trustee Daniel Brakewood arrived at 6:10 p.m., Trustee Joseph Kenner arrived at 7:24 p.m., and Trustee Luis Marino was absent.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Assistant Village Manager, Christopher Steers; Assistant to the Village Manager, Elisa Sciarabba and Village Consulting Engineering, Dolph Rotfeld.

\* \* \* \* \*

On motion of Trustee Didden, seconded by Trustee Terenzi, the meeting was duly opened at 6:03 p.m.

ROLL CALL

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

At 6:04 p.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session for consultation with Special Counsel, Joel Sacks regarding the Fox Island Project. Included in the session were the Village Manager and the Village Attorney.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Didden, seconded by Trustee Branca, the executive session was closed at 6:25 p.m.

ROLL CALL

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

\* \* \* \* \*

At 6:26 p.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. The Village Manager and the Village Attorney were included in this session.

ROLL CALL

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

No action was taken in the executive session.

On motion of Trustee Didden, seconded by Trustee Branca, the executive session was closed at 6:35 p.m.

ROLL CALL

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

\*\*\*\*\*

At 6:36 p.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation. The Village Manager and the Village Attorney were included in this session.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Didden, seconded by Trustee Branca, the executive session was closed at 6:50 p.m.

ROLL CALL

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

\*\*\*\*\*

At 6:50 p.m., on motion of Trustee Didden, seconded by Trustee Branca, the Board of Trustees adjourned to an executive session to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation for the position of part-time Deputy Village Clerk. The Village Manager, the Village Attorney and the Village Clerk were included in this session.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Branca, seconded by Trustee Didden, the executive session was closed at 7:00 p.m.

ROLL CALL

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

\*\*\*\*\*

The Clerk stated that the next item on the agenda is an adjourned public hearing to consider an application submitted by Arnold and Shawn Diaz, for property located at 4 Hilltop Drive and Harbor Drive, known and designated as Section 142.63, Block 1, Lot 10, for a two lot subdivision located in a R7 Zoning District.

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

ROLL CALL

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

NOES: None

ABSENT: Trustees Marino and Kenner

Mayor Pilla gave the floor to John Colangelo, attorney for the applicant.

Mr. Colangelo said that we were here two weeks ago and made presentation at that time regarding this two lot subdivision. He said that he would review the presentation because the Mayor and other Trustees were not at the last hearing so would want them to have the opportunity to review the record. Mr. Colangelo said that he would recommend that the public hearing be adjourned to the next meeting so the full Board can decide on this application.

Trustee Didden noted that Trustee Marino will not be at the next meeting in August, August 15<sup>th</sup> and other members may not be in attendance for that meeting also but it is anticipated that there will be a full Board for the September monthly meeting.

Mayor Pilla said that he would like to have the Village's Planning Consultant, Patrick Cleary present to review this application.

Mr. Colangelo briefly reviewed the subdivision application and the process that it took with the Planning Commission who has given this application a favorable recommendation.

Mayor Pilla asked if there are any variances for these lots.

Mr. Colangelo said that both lots fully conform.

Trustee Branca asked if there were any easements.

Mr. Colangelo said that there are no easements stating that there are separate driveways for each of the lots and showed that to the Board on the plans.

Trustee Terenzi said that he did research regarding the State Environmental Quality Review Act (SEQRA) looking to see if economics fall under this review and it can not. He said that he did this because there is something dramatically wrong with the assessment on this road. Trustee Terenzi spoke further about the current assessment of this property at 1.5 million but it is on the market for 3.5 million. He also spoke about the total assessments of all the properties on Hilltop Drive which he believes are under assessed.

Mr. Colangelo said that the economics of assessing property has to be dealt with by the Town Assessor.

Aug. 1, '11

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

Ms. Solomon said that you are representing big organizations and not the people. She spoke about large housing projects and her concern about the impact of these developments to the Village and our school system.

The Mayor asked Ms. Solomon if she was in support or not of this application.

Ms. Solomon said that she was in support of this application.

Mayor Pilla recognized Arnold Diaz, applicant for this subdivision.

Mr. Diaz asked why are there these red herrings items being brought up. He said that the last time it was said that the house is too small for the neighborhood now it is the assessment so why are these things relevant. Mr. Diaz took offense to Trustee Terenzi's comments about the assessment and they continued speaking back and forth on this subject. Mr. Diaz said that they went through the assessment review for their project and the assessment was reduced. He said that he could ask for any amount for his house but it does not mean that is the amount that it would be sold for. Mr. Diaz said that at the price they are asking for their house there has been very little interest to see the home so it does not mean that is what it would be sold for that price.

Mr. Colangelo said to the Board that the assessment of property has nothing to do with this subdivision application.

Mayor Pilla said that recognizing Mr. Colangelo's request for a full Board he would ask that the hearing be adjourned.

Anthony Cerreto, the Village Attorney said that Mr. Cleary could provide the Planning perspective on the application.

Trustee Didden asked Mr. Colangelo if he would prefer that the hearing be adjourned to the Board's August 15<sup>th</sup> or September 6<sup>th</sup> meeting.

It should be noted that Trustee Kenner arrived at 7:24 p.m., during this portion of the public hearing.

Mr. Colangelo said that as soon as possible would be preferred.

Trustee Brakewood said that he is ready to take action this evening. There was further discussion between the Board on whether to adjourn the hearing or consider action of the application. Trustee Kenner said that he has no issue with taken action that he reviewed the record and is caught up.

Mr. Colangelo said that if the Board is ready to consider the application that would be fine with the applicant.

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

ROLL CALL

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

The Clerk presented the SEQR Determination Negative Declaration resolution for the Board's consider.

Trustee Branca asked Mr. Cerreto to explain the purpose of this resolution.

Mr. Cerreto said that the negative declaration is the finding of the Board of Trustees that there are no significant negative environmental impacts presented by this subdivision and Mr. Cleary has given the Board the details to support that finding.

**SEQR DETERMINATION OF SIGNIFICANCE  
NEGATIVE DECLARATION  
RESOLUTION OF THE VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES**

August 1, 2011

**DIAZ SUBDIVISION  
4 HILLTOP DRIVE/HARBOR DRIVE  
Section 142.63 Block 1 Lot 10**

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

**WHEREAS**, the Village of Port Chester Board of Trustees is in receipt of a subdivision application submitted by Shawn and Arnold Diaz; and

**WHEREAS**, the site is located at 4 Hilltop Drive and Harbor Drive, within the R-7 One Family Residence zoning district and is more specifically known and designated as Section 142.63, Block 1, Lot 10; and

**WHEREAS**, the action involves the subdivision of a 24,910 square foot parcel of land fronting on Hilltop Drive and Harbor Drive to create two new lots of 13,224 square feet, which will support the existing residence and 11,686 square feet, which will support a new single family residence; and

**WHEREAS**, the development is defined as an Unlisted Action.

**NOW THEREFORE BE IT RESOLVED**, that pursuant to Part 617 of the SEQR Regulations, the Village of Port Chester Board of Trustees hereby designates itself as the Lead Agency for the SEQR Review of this Unlisted Action, and in this capacity will conduct an Uncoordinated Review.

**BE IT FURTHER RESOLVED**, that pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law, the Lead Agency has determined that the proposed Unlisted Action will not have a significant effect on the environment for the reasons enumerated in the attached Negative Declaration Form.

**ROLL CALL**

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

*This resolution was thereupon duly adopted*

SEQR

617.21

Appendix F

**State Environmental Quality Review  
NEGATIVE DECLARATION  
Notice of Determination of Non-Significance**

Project Number \_\_\_\_\_

Date August 1, 2011

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Village of Port Chester Board of Trustees as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

**Name of Action:**

Diaz Subdivision

**SEQR Status:**

Type I

Unlisted

**Conditioned Negative Declaration:**

Yes

No

**Description of Action:**

The action involves the subdivision of a 24,910 square foot parcel of land fronting on Hilltop Drive and Harbor Drive to create two new lots of 13,224 square feet, which will support the existing residence and 11,686 square feet, which will support a new single family residence.

**Location:** (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended.)

4 Hilltop Drive/Harbor Drive, Port Chester, Westchester County

SEQR Negative Declaration

Page 2

**REASONS SUPPORTING THIS DETERMINATION:**

See attached.

**If Conditioned Negative Declaration,** provide on attachment the specific mitigation measures imposed.

**For Further Information:**

Contact Person:

C. Russo, Village Manager

Address:

222 Grace Church Street, Port Chester, NY 10573

Telephone Number:

914-939-2200

**For Type I Actions and Conditioned Negative declarations, a Copy of the Notice sent to:**

Commissioner, Dep't of Environmental Conservation, 50 Wolf Road, Albany, NY 12233-0001

NYSDEC Region 3, 21 South Putt Corners Road, New Paltz, NY 12561

Mayor, Village of Port Chester, 222 Grace Church Street, Port Chester, NY 10573

**REASONS SUPPORTING THIS DETERMINATION**

The action involves the subdivision of a 24,910 square foot parcel of land fronting on Hilltop Drive and Harbor Drive to create two new lots of 13,224 square feet, which will support the existing residence and 11,686 square feet, which will support a new single family residence.

Potential impacts relating to the ultimate development of the site include the following:

1. The development of the site to support 1 new single family residence and associated site improvements will result in temporary air quality impacts during construction. These temporary impacts to air quality will be carefully monitored by the Building Department and will be mitigated through the implementation of an approved construction management plan that will be submitted with the Building Permit, as well as through a continual reliance on construction Best Management Practices and equipment repair and maintenance. The site construction management plan will emphasize minimizing fugitive dust.
2. No negative impacts to surface water features will result from the proposed action. No surface water features are located on or in the immediate vicinity of the site. The project will increase the amount of impervious surfaces on the property. A Stormwater Management Plan, prepared in support of the application, has been designed to assure that the post development runoff rates will be equal to or less than the pre-development rates for the various storm events. Additionally, approval of the project shall be conditioned upon compliance with all applicable Phase II stormwater regulations, including the preparation of a Stormwater Pollution Prevention Plan (SWPPP) and the filing of a NYSDEC State Pollution Discharge Elimination System (SPEDES) General Permit, as may be required. These measures will assure that the proposed action will not result in any significant adverse environmental impacts to surface water features.
3. The development of the site may result in excavation of soil and rock material. This activity has the potential to increase the potential for soil erosion and sedimentation. These potentially adverse impacts will be mitigated through the installation of soil erosion and sedimentation control devices. These devices will be designed and installed in accordance with New York Guidelines for Urban Erosion and Sediment Control, Fourth Printing, dated April 1997 and the New York Standards and Specifications for Urban Erosion and Sediment Control.

The soil erosion and sediment control plan will minimize the downstream erosion hazard by controlling runoff at its source, minimizing runoff from disturbed areas and de-concentrating stormwater runoff.

In accordance with the requirements of the SPEDES General Permit and or the building permit, site assessment and inspections shall be provided for all construction activities associated with this action. This shall include an assessment of the site prior to the commencement of construction and a

certification in an inspection report that the appropriate erosion and sedimentation control measures described in the SWPPP and the General Permit have been adequately installed or implemented to ensure overall preparedness of the site for the commencement of construction. Following the commencement of construction, site inspections shall be conducted by a qualified professional at least every seven (7) calendar days and within 24 hours of the end of the end of a storm event of 0.5 inches or greater. The site contractor shall be responsible for implementing measures and correcting deficiencies noted during site inspections.

Should blasting be required to remove rock from the site, a blasting plan shall be submitted to the Building Department and the Village Engineer. This blasting plan shall fully document all aspects of the blasting protocol, and shall include procedures for notifying affected neighboring property owners, pre and post blast structural surveys, geotechnical monitoring, debris suppression techniques, traffic management plans, explosives handling and storage, bonding and insurance requirements.

Adhering to these measures will assure that no adverse environmental impacts will result from the excavation of soils and rock from the site.

4. Long-term noise impacts are not anticipated as a result of the development of the new residence and associated site improvements. Short term noise impacts associated with the construction of the project will occur. Construction activities are anticipated to generate noise levels of in the vicinity 85dBA measured at 50' from the noise source.

Short-term noise impacts shall be mitigated by maintaining construction equipment in good working order, providing mufflers and containing rock blasts within blasting mats. In conformance with Village ordinances, construction activities shall be limited to the hours of 8:00 AM to 5:00 PM Monday through Friday and 10:00 AM to 5:00 PM on Saturdays. Interior construction activities may take place at other hours, in accordance with the regulations set forth in Chapter 224 of the Village Code. The proposed action, when completed, will not produce noise in excess of the local ambient background noise levels. As a result, no permanent long term noise impacts are anticipated.

5. All solid waste generated by the project shall be collected on site, and shall be disposed of through arrangements with private carters or via Village collection. Similarly, all recyclables shall be similarly disposed of. No adverse impacts are anticipated.
6. The project can be accommodated by the Village's existing infrastructural network. The project is anticipated the result in a new daily water and sewage demand for the new single family dwelling. Connections into the sewer and water lines in Harbor Drive are proposed, and have adequate capacity to accommodate the new residences.
7. The project will not create any flooding impacts. The first floor elevation of the new dwelling is located above the base flood elevation.
8. The proposed action will not result in any negative impacts on wetland resources No wetlands are located in the vicinity of the site.
9. Vegetation removal will be necessary to accommodate this project. It has been established that no trees of significant size or character will be removed, and that those to be removed are species that are typical of the area. No adverse impacts are anticipated.
10. There will be no impact on a significant habitat area as a result of this project. No threatened or endangered species of animals or the habitat of such



species have been identified on the site according to the NYS Natural Heritage Inventory.

11. It is projected that the project will generate approximately 2 new peak hour vehicle trips. The surrounding roadway network will continue to operate at acceptable Levels of Service under all conditions. The project will not result in a significant impact to nearby intersections and there will not be any change in the Levels of Service from the No-Build to the Build condition. Additionally it has been determined that the proposed project driveways will operate at acceptable Levels of Service. No negative traffic impacts are anticipated.
12. The project will not have an adverse impact on the character of the neighborhood. The new residence has been designed to be set into the slope of the property, so it will not uncharacteristically rise up above neighboring properties. Additionally, because the new home will be set into the slope of the site, it will not interfere with the existing views from the existing dwelling toward Long Island Sound. As a result, no significant adverse impacts are anticipated.
13. The proposed action will not impair the character or quality of important historical, archaeological, or architectural resources. No such resources are located on or in the vicinity of the site according to the State Historic Preservation Office and the Westchester County Department of Planning.
14. The proposed action will result in a change in the way energy is currently used on the site. The new residence will consume energy for heating and cooling and electricity for lighting and appliance energy. The new building will be designed in accordance with all New York State Building Code requirements including stringent energy compliance standards. The new building will be energy efficient and well constructed, and although it will result an increase in the number dwelling units over the existing condition, the amount of energy consumed by the site will not be appreciably greater than current consumption levels. It is not anticipated that the project will overburden existing utility resources, and no adverse impacts are anticipated.
15. The proposed project does not present any opportunity to adversely affect public safety nor would it create a hazard to human health.
16. The project may result in the generation of additional new school children. The number of children is projected to be minimal, and will not overburden school capacities or resources and will be absorbed into the various grades of the Port Chester school system. Furthermore, the project will be fully taxable, and will generate new taxes to all taxing jurisdictions (approximately half of which will be school taxes). These annual taxes will more than offset the impact on the school created by the potential children generated by the project. No significant adverse impacts are anticipated.
17. It is not anticipated that the development of one new dwelling will place a significant new burden on the Police and Fire Departments, and it can be concluded that current staff and equipment are satisfactory to meet the emergency service needs of the project. No adverse emergency service impacts are anticipated.
18. The action will not result in changes in two or more elements of the environment, which alone would not have a significant effect on the environment, but when considered together, would result in a substantial adverse impact on the environment.
19. The proposed action is not related to another action which would be funded or approved by an agency which, when considered cumulatively, would meet one or any of the aforementioned criteria.

SUBDIVISION APPLICATION APPROVAL  
4 HILLTOP DRIVE AND HARBOR DRIVE  
SECTION 142.63, BLOCK 1, LOT 10 (DIAZ)

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, Arnold and Shawn Diaz, has filed an application for subdivision of property at 4 Hilltop Drive and Harbor Drive, known and designated as Section 142.63, Block 1, Lot 10 to create a two-lot subdivision, located in a R7 Zoning District; and

WHEREAS, the matter was referred to the Planning Commission for review and recommendation; and

WHEREAS, the Planning Commission has made a favorable recommendation by resolution dated May 23, 2011, for said application; and

WHEREAS, that the proposed subdivision is appropriate for the development of the Village and is in keeping with the character of the neighborhood. Now therefore, be it

RESOLVED, that the application of Arnold and Shawn Diaz, for a two-lot subdivision of property at 4 Hilltop Drive and Harbor Drive, known and designated as Section 142.63, Block 1, Lot 10, be and is hereby granted with the conditions set forth in the Planning Commission's resolution dated May 23, 2011.

ROLL CALL

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

\* \* \* \* \*

The Clerk stated that the next adjourned public hearing is to consider the advisability of amending the Code of the Village of Port Chester, Chapter 295, "Taxicabs" to extend the current licenses for taxicabs and dispatching company to November 30, 2011.

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

ROLL CALL

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

Mayor Pilla spoke about the road that the Board has taken regarding taxi reform that we brought in a transportation expert who recommended that our practices need to be improved and recommended that we use the County's licensing capabilities which was done for the taxi drivers licensing. He said that whereas he is ready to act that the full Board wanted to be here and Trustee Marino is away for the month of August so pursuant to Trustee Marino's request this extension till the month of November comes before us. The Mayor said that he would take comments from the Board before opening to the public.

Trustee Didden said that besides bringing this as an extension to November that he would like the Board to consider the action we are taking to move it to the County. He said that he is not on board with that proposal yet and the way that he looks at it is the issue is how many cars are we going to permit here in the Village.

Trustee Kenner said that this is just on the licenses.

The Mayor said yes to maintain the status quo for these licenses until the end of November.

Trustee Didden said that what he would propose to the Board that during this extension to November he would like us to consider the utilization of the seventy five cars that are currently registered to be on our streets. He said that he does not think we need more than seventy five and he also has concerns and questions about the utilization of the seventy five that some of those may just be licenses in effect shells to limit competition. Trustee Didden said that he has received information from various members of the community that want to work for themselves and want to have a car but are excluded because we have this seventy five maximum and while he will not be looking to discuss the licensing of dispatch companies he would like to see us maintain some sort of control over the number of cars on the street and thinks we could create business opportunities if we did some homework and did some study and saw if any of the current seventy five cars are actually being warehouse and not being used for the servicing of the public.

Mayor Pilla said lets do this that Trustee Didden has spoken about an interesting topic to discuss but lets keep it as a separate discussion so we can consider the law of extending the licensing to keeping the status quo.

Trustee Didden said that he just does not want to see the three months go by and not talking about it again until November.

The Mayor said respectfully before this chapter started if you looked at the cabs in Port Chester in 2005 stating that he has been in them, drove in them that he looked at the way we inspect them and license them and we do not do a very good job. He continued that the notion of thinking that we are going to turn from a caterpillar to a butterfly and what he considers horrible stating that he has been to taxi meetings and has seen the inconsistency of the fines and enforcement so he shudders when he thinks of the legal vulnerabilities that this Village has because of the situation that we created through the decades of the over regulations of taxis and we have a layup before us to get out the business, to lighten the load of government and give it to an entity that does not charge the taxpayers for it and does a good job so frankly he does not think we should waste our time doing anything else but noted that is his personal opinion. The Mayor said to commission staff to do an analysis is a separate discussion but in the mean time to maintain the status quo that we are here to talk about stating personally he does not think we should but respectfully to Trustee Marino he will vote to extend it to November and hopes that we dispose of this once and for all in the time frame.

Trustee Didden said to the Mayor that he respects his opinion but however he has not seen any indication that the County is doing this level of enforcement in any Villages in the County and why are we the first.

Mayor Pilla said that is not true about other Villages in the County.

Trustee Didden said that he would be happy to met with the Mayor to discuss that further and have a work session of the Board to talk about utilization of seventy five cars stating that he thinks honestly if we had all seventy five cars that were being utilized the level of competition would increase and he thinks it would increase the performance, the courtesy, the appearance and the maintenance of the cars that we have instead of our people being regulated of whatever shows up.

Trustee Branca said that we are talking about extending the licenses so let's keep on this subject.

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

Ms. Solomon said that yes you are going to maintain these licenses until November 30<sup>th</sup> but she wants the Board to understand that the census is wrong and we are a low to middle income community not an elite's community. She said that taxis' are about servicing the community and that the County knows nothing about us that they are living off our taxes. Ms. Solomon said that we should be a city so we can keep our taxes and said that we have a lot of committees in Port Chester and should have one that takes care of taxis right here in Port Chester that we need the licensing here in Port Chester.

Mayor Pilla recognized the next speaker.

Herry Salcedo said that he is a taxi driver in the Village and spoke about incidents when he was robbed in his cab three different times. He said that the last time he took the gun away from the robber and gave it to the police and a few meetings ago told this at a Board meeting and gave his information to the Mayor to check in on this matter but never heard back from the Mayor.

The Mayor asked if Mr. Salcedo had heard from the Police Department.

Mr. Salcedo said that he has not heard back from the Mayor.

Mayor Pilla asked the Manager's Assistant to get Mr. Salcedo's contact information.

Mr. Salcedo said that the Board talks about safety of the community that the taxis try to give the best service we can but the drivers are not safe but have to work because we have families to support. He said that he has been doing this for twenty eight years that he likes this job.

Mayor Pilla said to Mr. Salcedo so he was in favor of extending the licenses.

Mr. Salcedo said that yes he was but what he is trying to say is that you are concerned about the safety of the public but not the taxi drivers.

The Mayor said that he is concerned for Mr. Salcedo's safety, please do not think he is not concern for everyone's safety.

Mr. Salcedo said that taking us out of the Village of Port Chester that the police are suppose to do the enforcement so giving it away will not help anybody. He said that us as taxi

drivers do not want to see that happen. Mr. Salcedo said that they all vote and all want this to stay here and when this whole thing began a few years old the Mayor said that the only thing that would go to the County was the drivers licensing.

Mayor Pilla said that was the only change at that time.

Mr. Salcedo said yes at that time just the drivers licensing not the licenses for the car so now things have changed and you want us to go to out of town to the County. He said why go to the County the police should do their job here and do it right.

The Mayor said that Mr. Salcedo is in favor of extending this and that is what we are here to talk about. Mayor Pilla asked if anyone else would like to speak on extending the licenses for taxicabs and dispatch companies, there was none. He asked for a motion to close the hearing.

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

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca, Kenner and Mayor Pilla  
 NOES: None  
 ABSENT: Trustee Marino  
 DATE: August 1, 2011

Trustee Didden made a motion to approve Local Law No. 10, 2011, Trustee Branca seconded the motion.

Trustee Brakewood said that the only thing he would say is that this has taken years really that we have been looking at taxi reform. He said that a few years ago we got it right when the Village was not administering the drivers licenses correctly stating that what we saw at that time was taxi drivers paying a fee they were given a license with a code for background checks, printing and testing going on that was not happening so he thinks it was a smart thing for us to turn that over to the County to ensure that when the taxi drivers pay a fee that the work that is suppose to be associated with that application process is actually being done to ensure public safety and to ensure that everyone is adhering to the laws. Trustee Brakewood said that what he thinks is very important to keep in mind is that over the last few years that this has gone over to the County and this work has gone on at least as far as he has seem and he can be corrected if he is wrong as far as he knows none of the taxi drivers have failed that they have been fingerprinted taken the test and have all passed and he thinks that is a credit to the taxi industry and the drivers so that is something the people of Port Chester should keep in mind. He said that when we talk about safety it is safe being in one of Port Chester's cabs and he thinks that is important that we think about that in a positive light. Trustee Brakewood said that we do need to extend these licenses so we can do the homework stating that this next phase is more difficult and complicated so we need to do the homework and get it right.

Mayor Pilla asked for a request if it possible for Village staff to go to the Department of Motor Vehicles and ask them for the listing of taxi registrations in the Village of Port

Chester noting that we license them and there should be seventy five cars in Port Chester which would interesting to check and maybe we could get that information from the TLC.

Trustee Branca said if are no other comments he asked that the vote on the law be called.

Mr. Cerreto noted that since the law was drafted that the County has finalized operation on their Municipal Car Program so that has been reflected in the law and that there was one typo of the date of June 20, 2010 which should 2011 which has been changed.

Mayor Pilla asked if a motion to amend is required on this matter.

Mr. Cerreto said that is a small amendment and would not require new public notice for this law.

Trustee Didden asked if this is an extension or come November if we do not extend again it goes over to the County.

Mr. Cerreto said that the purpose of this local law is to maintain the status quo so these licenses would be extended until the end of November.

Trustee Kenner said that he had asked the Board of Ethics to give an opinion regarding his employment with the County and their proposal of the Revenue Sharing Program. He asked Mr. Cerreto if the final opinion has been completed on this matter.

Mr. Cerreto said that he believes that the Ethic Board has provided some minutes but that he has not provided the opinion which has not been completed yet.

Trustee Kenner said that he was provided with a memo from the Ethics Board and believes he can vote on this because it does not deal with the TLC.

Mr. Cerreto said that the Ethics Board took it one step further then just the Fine Sharing Program and with this one step further suggested that you recuse yourself totally on these matters. He said that he has not drafted the opinion yet.

Trustee Kenner said that he does not agree that he should recuse himself from this vote because this law would be maintaining the status quo.

Mr. Cerreto said that Trustee Kenner could make the distinction that you are maintaining the status quo no action is being taken either way but he would take the position that if we are to take a substantive action in the direction of the County's TLC he would confirm and collaborate their finding to recuse himself.

Trustee Kenner said that he would want to see their minutes because the memo he has strictly dealt with revenue sharing.

Mr. Cerreto said that he would consult with the Ethics Board as well because he wants to give them their opinion because you are entitled to the opinion not just minutes.

Trustee Kenner told the rest of the Board that he had a conference call with the Ethics Board and talked about the specific program of TLC and that we did not talk about any other County function.

Mr. Cerreto said that the fact is the Ethics Board went beyond and this local law would maintain the status quo.

Trustee Kenner said that if there are other points he should be aware of before voting on this he requested it be brought up now.

Mr. Cerreto said that Trustee Kenner should not worry about that now stating that he would give him the comfort of the fact that you can vote on this local law that it is maintaining the status quo and is not moving in any direction yet.

The Clerk noted for the record the motion as follows: On motion of Trustee Didden, seconded by Trustee Branca and approved, the following Local Law No. 10, 2011 was adopted:

ROLL CALL

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

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

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

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

SECTION 2. Background and legislative intent.

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

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

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

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

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

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

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

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

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

IZS has completed a draft report for Board review and discussion.

Pursuant to Local Law No. 7 of 2011, the Board further extended these licenses through August 31, 2011.

At a meeting of the Board of Trustees meeting on June 20, 2011, Dr. Staley was available and answered questions of the Board with regard to his report. At the same time, Barbara Monahan from the TLC staff made a presentation with regard to their establishment of a new for-hire license, namely the Municipal Car Program. Such hybrid license offers the Village a potentially attractive option should the Village desire to further relinquish taxi licensing in favor of the TLC. In addition, Ms. Monahan discussed a program relating to the joint enforcement of TLC's Rules and Regulations with the Village Police Department. The Board finds that this final interim licensing period is appropriate so as to conclude its due diligence as to a transition to a deregulated taxi industry. The Board has been advised that the Municipal Car Program license has most recently been established. The Board has also been advised that there are a few Westchester municipalities that have expressed interest in this program, but no formal action has been taken. The Board finds that this period of extension will allow staff to consult with these other municipalities to determine whether the TLC is a viable and a sustainable option. Prior to the expiration of this extension it is expected that the Board will consider the entire record and make an ultimate determination.

#### SECTION 3: Existing taxicab licensees extended

Existing and any new taxicab licenses issued pursuant to Section 295-13 are hereby extended and shall expire on November 30, 2011 at a prorated license fee.

#### SECTION 4: Existing Company dispatching licenses extended

Existing taxi dispatch company licenses issued pursuant to Section 295-20 are hereby extended and shall expire on November 30, 2011 at a prorated license fee.



SECTION 5: Supercession

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

SECTION 6: Effective Date

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

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

Adopted: August 1, 2011

\*\*\*\*\*

The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Westmore News and the Journal News on July 8, 2011 and July 15, 2011, certified by Angelina Brescia, Office Manager of the Westmore News and Cecilia Hernandez, Principal Clerk of the Journal News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, August 1, 2011, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend, Chapter 345 "Zoning" of the Village Code with regard to public notice requirements for land use applications to an approval body.

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

JOAN MANCUSO  
Village Clerk

Dated: July 8, 2011  
and July 15, 2011

On motion of Trustee Kenner, seconded by Trustee Didden, the public hearing was declared opened.

ROLL CALL

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

Mayor Pilla stated that the Village several years ago had adopted a law that provided for enhanced public notice requirements regarding land use applications. He briefly described the requirements which includes posting of signage at property location and the certified mailing of notices to property owners within a certain distance. The Mayor asked Anthony Cerreto, the Village Attorney to speak on the proposed law.

Mr. Cerreto told the Board before they get too far along that this proposed local law that it was referred to the Planning Commission for their July meeting that was held last

week. He said that the Commission would like further time on this proposal and would recommend that this hearing be adjourned to the next monthly meeting to be held on September 6<sup>th</sup>.

The Mayor said since this hearing was published he would like to hear from the public if they have any comments. He recognized Goldie Solomon.

Ms. Solomon asked what is changing with this law?

Mr. Cerreto said that it is very small but very important change. He said that with the current law property owners in certain districts are required to send notice within 500 feet of the property which is costly and burdensome to the applicant but with this proposal the distance of the notice requirement would be based on the type of application. Mr. Cerreto said that the applicant will still have the requirement for signage on the property for notice of the hearing along with the required notices in the newspapers.

Ms. Solomon told Mr. Cerreto that he does not know anything about us stating that we have zoning districts and are we changing zoning.

Mr. Cerreto said that what this proposed law is about is notice for example if someone wants to build a deck on their house if they were in a certain zoning district they would need to send by certified notice to all the property owners within 500 feet that they have an application to consider building a deck. He said that the surrounding neighbors should be notified but is it required for multiple streets over.

Ms. Solomon still disagreed with the explanation.

Mayor Pilla further explained the purpose and reasoning for the propose law. He asked if anyone else from the audience would like to speak on this proposed law. The Mayor recognized Richard Abel.

Mr. Abel said that he thinks it is a good change to the law and that the provision that you have to take down the signs is important. He asked what about the signage that is still up on applications that have been completed.

Mr. Cerreto said that the signage that is still up that Mr. Abel spoke about will be dealt with.

The Mayor asked if there were any other comments from the audience or the Board, there was none. He asked for a motion to adjourn the public hearing to September 6<sup>th</sup>.

On motion of Trustee Brakewood, seconded by Trustee Didden, the Board of Trustees adjourned the public hearing to September 6, 2011.

ROLL CALL

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

\* \* \* \* \*

Mayor Pilla said that before we go on with the presentation portion of the agenda is there anyone from the audience who would like to speak at this time. He recognized Goldie Solomon.

Ms. Solomon spoke about Neri Bakery and what a great business this is in our community and how Dominick Neri has done so much for our Village. She said that the 4<sup>th</sup> of July Committee recognized Mr. Neri for his contribution to the event and that the Board should do the same thing. Ms. Solomon also spoke about the Hispanic Festival that was held in Lyon Park yesterday that it was a great event better than the County's festival at the Valhalla Dam. She said that there are still ruts in the roads, that taxes are too high and that the County should be out of Port Chester that all they take is our taxes that we should be a city so we could keep more taxes and that there is not enough parking in the Village.

The Mayor recognized Richard Abel.

Mr. Abel asked about the resolution on the agenda regarding appointments to the Architectural Board of Review and why there are blank lines for these appointments of Board of Trustee members. He said that if there was a proposal by a Board member for these appointments why weren't the names put in. The Board discussed this further with Mr. Abel and said that when the resolution is presented they will propose names for consideration.

\* \* \* \* \*

Christopher Steers, the Assistant Village Manager and Director of Code Enforcement presented to the Board the Quarterly Code Enforcement Report. He reviewed the enforcement efficiency trends and spoke about the gap of cases working through the court process and cases heading toward that process. The Board spoke to Mr. Steers about the categories of the cases and he stated that there are processing issues due to staffing. Mr. Steers spoke about the overall compliance rate of 76% or better which he indicated is good but that the goal is higher.

Mr. Steers continued with the report regarding the court case life cycle of an illegal dwelling use/overcrowding use. The Board spoke further with Mr. Steers regarding this information. Mr. Steers told the Board that the first 18 month cycle of the Fire Safety Inspections have been completed with 82% of all parcels inspected and/or scheduled for inspection. He continued that 199 locations have ignored our repeated attempts to schedule and inspect and that these locations will be issued civil summonses beginning in the next two weeks.

Trustee Terenzi spoke about properties in the Town that almost went to foreclosure because they were not reaching the owners due to lack of proper mailing information.

Mr. Steers explained to the Board the multiple mailings and notice that are sent for the Fire Safety Inspection process. He told the Board that to date they have collected \$132,425.00 in Fire Inspection fees.

Trustee Branca commended Mr. Steers and the program regarding the Fire Inspection fees. There was further discussion between Mr. Steers and the Board regarding cost recovery of staff. He then updated the Board on the Building Department stats since March 21, 2011 when he was assigned to oversee this department. Mr. Steers told the Board the number of permits, foil searches, meetings on applications, phone calls, returned phone calls and stop orders. The Board noted that the business is being conducted in the Building Department. Mr. Steers also informed the Board that the Manager has also hired a full-time person to just

answer the phones in the Building Department effective today. Trustee Brakewood spoke about the stop work orders and there was further discussion regarding the increase of stop work orders.

Trustee Didden said that the last Board meeting Mr. Steers had provided the Board with a growth management plan for the Building Department and Code Enforcement Department and that he was to provide a proposal of the financial impact for these positions.

Mr. Steers said that he and Mr. Russo have to review this further and crunch the numbers but a rough estimate would be \$486,000 total including benefits. He said that this is a large amount and they may want a phased approach. There was further discussion regarding this additional staffing between the Board and Mr. Steers and Mr. Russo. Mr. Russo and Mr. Steers said that they could come back with this information for the next Board meeting.

Mayor Pilla asked Mr. Steers if he has done a review of the fines.

Mr. Steers spoke on this subject and noted that we currently have a fine of \$1,000 per violation per day and gave an example of what that may cost a property owner so would not recommend any change at this time.

The Board thanked Mr. Steers for his quarterly Code Enforcement Report.

\* \* \* \* \*

The Mayor said that the next category on the agenda are discussion items with the first being Strategic Goals. He said that the Board held a work shop on July 20<sup>th</sup> where this was discussed with the Board and the Manager but that Trustees Didden and Kenner were not able to attend so we are going to review the top goals. He said that these top game changing goals that the Board wants to move forward with for this year is the completion of the Comprehensive Plan, delivery of a integrated Planning & Zoning process, Consolidating of Sanitation Routes, a Business Improvement District, develop long term Infrastructure Plan, a Sewer District and a Housing Rehabilitation Program.

Trustee Brakewood said that he was glad that the Board is having this discussion thought that the digitizing of building and code records was a top goal but does not think the sanitation route consolidating would be a top priority.

Trustee Terenzi spoke about his recommendation regarding a sewer district and gave example of the financial impact of a district and the impact to property owners. There was further discussion amongst the Board and staff including Dolph Rotfeld the Village Consulting Engineer on this sewer district proposal and what the Village has done and prior expenditures for sewers. Trustee Terenzi said as a Village what can we do as a district or how could this be done and what would be the process of billing for sewers. Mr. Cerreto spoke on possible mechanics for such a district and noted that this could be done in a lot of different ways. There was further discussion on when this could be considered and that the Board would like in time for the next budget.

Trustee Didden said that he would like any funding that may be saved with having a sewer district be a benefit for the taxpayers. Mr. Russo spoke about working toward funding of capital projects from the General Fund. The Board further discussed the proposal of a sewer district and the requirement of milestones and deliverables.

The Board noted that they had seven items on their priority list and requested that Mr. Russo come back to the Board of what the priorities that could be moved forward with and provide the Board with the milestones/deliverables and what would be the required resources and project plans for the second meeting in September.

\* \* \* \* \*

Mayor Pilla said that the next discussion item is the Train Bridge Art Design by SUNY Purchase that Trustee Kenner had requested. The Mayor told the Board that the Dean from SUNY Purchase on this project could not attend this evening. He said that this proposal was conceived between the Village, the MTA and SUNY Purchase.

Trustee Kenner said that the reason he asked for this discussion item is the question of the design and why did the students choose birds.

The Mayor said that the rational of picking bids is two fold which represents intergenerational and diversity since we are a diverse community of many cultures that have mitigated to Port Chester.

There was further discussion amongst the Board about the proposed design.

Mayor Pilla told the Board that there will be a meeting with the MTA regarding the infrastructure for this project.

Trustee Brakewood said that students from SUNY would be bringing forward a proposal regarding gateway signage.

The Board spoke about the Sign Committee and their process and that this was a separate proposal regarding gateway signage.

The Mayor said that two students are working on this proposal and that they would come to the Board to present.

\* \* \* \* \*

The Mayor said that the next discussion item is regarding the proposal from General Code for scanning of documents. He asked Mr. Russo to update the Board.

Mr. Russo said that General Code came back in to review the files and documents within the Building Department, Code Enforcement Department, Planning and Zoning and that they have a good handle of what documents would be scanned. He said that they have provided proposals for onsite scanning and offsite scanning. Mr. Russo made the recommendation of the Phase I Offsite Scanning Proposal which is a cost of \$167,144.00.

Trustee Didden asked what would be the overall time line from start to finish of this project.

Mr. Steers said that scanning would take six months but that we have a lot of upfront work to be done before that process. He also said that there could be additional savings from our upfront work of going through the files and removing duplicates.

Trustee Didden inquired when would we begin shipping documents to the vendor for scanning and would the cost impact just this fiscal year or into the next.

Mr. Russo said the funding for his project would come from the impact agreement between the Village and Kingsport Apartments through their Industrial Development Agency closing. He also spoke about other uses for this funding.

The Board asked about the staffing needs that was detailed for these departments by Mr. Steers at the last Board meeting and what type of staffing would be needed for the preparation of the documents for scanning.

Mr. Russo and Mr. Steers spoke about the staffing needs and said that a one year Administrative Intern would be used for the upfront work. They said that a resolution would be presented at the next Board meeting on this matter. Mr. Steers also informed the Board that the Comprehensive Plan kickoff meeting was held today.

\* \* \* \* \*

Trustee Brakewood said that one of the goals under the first discussion was the Housing Rehabilitation Program and that he would like to further discuss consideration of such a program. He said that Trustee Terenzi has provided the Board with financial information for this program.

Trustee Terenzi said that he did an analysis for such a program noting the funding that has been received from the Mariner Project and is anticipated from the Castle Project would be the starting funding for such a program. He gave an example where property owners could borrow a maximum of \$25,000 per unit that is documented and there could be approximately 1.8 million in the fund for the 1<sup>st</sup> year which could result in the rehab of 100 units and that once the fund is established it would become a revolving fund with a required application fee and a declining penalty schedule if the house is sold before ten years.

Brakewood said that the there has been no purpose dedicated toward the use of the funds from major developments that is why he brought up this matter at the last meeting. He asked about defaults and how that would be handled.

Trustee Terenzi spoke on that issue with liens on the properties. He also said that there could be consideration of the Village's Industrial Development Agency to run this.

Trustee Kenner inquired who would administer this type of program.

Mayor Pilla said that his two goals are improving existing housing stock and reducing density in the Village. He said that there is half a million in funds with the County for Housing Rehabilitation and that the County could administer and oversee that portion. The Mayor said that we may want to split and have two funds. There was further discussion amongst the Board on that topic and that the County Planning Department could come and speak on their program at a future Board meeting. .

\* \* \* \* \*

AGREEMENT WITH  
PORT CHESTER SOCCER CLUB INC.

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

RESOLVED, that the Village Manager be authorized to enter into an agreement with Port Chester Soccer Club Inc., 22 Soundview Street, Port Chester, New York 10573 for the Village's Recreation Department Soccer Program for fiscal year 2011-2012 in the amount of \$30,000.00.

ROLL CALL

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

\* \* \* \* \*

The Clerk presented the next resolution appointments to the Board of Architectural Review.

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

The Board discussed this proposed resolution noting that the Board of Architectural Review is a seven member board that currently has two open positions and members that indicated that they have resigned or due to health reasons not able serve so meetings can not be regularly held due to a lack of the required quorum of five. Mayor Pilla spoke about possible consideration of reducing the number of members of this Board to five and it was mentioned that another option could be to combine this with the Planning Commission oversight. Trustee Didden said that he would rather not reduce the ABR until the Trustees that will be appointed has an opportunity to see the process and what the work load is.

Trustee Brakewood said that he would rather reduce the membership and raised the question that the members of the Board of Trustees who are appointed to the ABR will have terms. It was noted that the last paragraph of the resolution states that these appointments are made with the understanding that these members of the Board of Trustees will serve on a temporary basis pending further action of the Board. There was further discussion amongst the Board of the review done by the ABR and the time frame for such applications with the Village Attorney.

Trustee Kenner made a motion to amend the resolution that Trustee Terenzi be listed as the first appointed position and Trustee Branca be listed as the second appointed position, Trustee Didden seconded the motion.

ROLL CALL

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

BOARD OF ARCHITECTURAL REVIEW

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

WHEREAS, in 1966 there was established a Board of Architectural Review which is responsible for reviewing applications for building and sign permits; and

WHEREAS, the Board consists of seven members with one alternate and one of whom shall be a licensed architect in the State of New York; and

WHEREAS, the status of the membership is as follows:

- One full member vacancy
- Alternate member vacancy
- One inactive member that term is expired
- One inactive member whose term has yet to expire; and

WHEREAS, exigent circumstances requires the Board of Trustees to take action; and

WHEREAS, New York Village Law authorizes the appointment up to two members of the Board of Trustees to serve on another Board or Commission. Now, therefore be it

RESOLVED, that Trustee Saverio Terenzi is hereby appointed to fill the term of the open full member of the Board of Architectural Review immediately with said term to expire March 20, 2014; and be it further

RESOLVED, that Trustee John Branca is hereby appointed as the alternate member of the Board of Architectural Review immediately with said term to expire March 20, 2013; and be it further

RESOLVED, that the Village Clerk be authorized and directed to send notice to the two inactive members to determine their availability for continued service to the Board of Architectural Review; and be it further

RESOLVED, that Village staff be authorized to study and present policy options for the Board of Trustees' consideration with regard to this matter no later than September 6, 2011.

RESOLVED, that these appointments are made with the understanding that these members of the Board of Trustees will serve on a temporary basis pending further action of the Board.

ROLL CALL

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

Trustee Branca stated for the record that he will yield this appointment as soon as other appointments can be made and that he is doing this so the business of the Village could be done.

\*\*\*\*\*

INTERMUNICIPAL AGREEMENT FOR COUNTY BUS SHELTERS

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

WHEREAS, the Westchester County Bus Shelter Program has resulted in the construction and ongoing maintenance of 315 bus passenger shelters on Bee-Line bus routes throughout the County; and

WHEREAS, the Village of Port Chester has been a member of this program since its inception in 1996; and



WHEREAS, the County has negotiated a new license agreement with its vendor which will increase the revenue for the County and our municipality; and

WHEREAS, the vendor who will be responsible for periodic upkeep and maintenance of the shelters will also replacing old shelters and adding shelters at new locations over the next five years. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to enter into an inter-municipal agreement with the County of Westchester with regard to the County's Bus Shelter Program, with a five year term commencing April 1, 2011 and expiring on March 31, 2016.

ROLL CALL

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

\*\*\*\*\*

BID #11-11  
FLUTED DECORATIVE POLES FOR DOWNTOWN IMPROVEMENT PROJECT

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

WHEREAS, the Village of Port Chester advertised for Fluted Decorative Poles for the Downtown Improvement Project which six companies received the bid specifications; and

WHEREAS, on July 5, 2011, the Village received and opened one bid proposal; and

WHEREAS, Glenco Supply, Inc., PO Box 638, Oakhurst, New Jersey 07755 has submitted the only bid in the amount of \$30,920.00. Now therefore, be it

RESOLVED, that the Village of Port Chester accept the bid of Glenco Supply Inc. in the amount of \$30,920.00, which amount will be appropriated from the 2009 Parking Meter Project Capital Project #005.3320.200.2009.0096, and be it further

RESOLVED, that the Village Manager is hereby authorized to execute a contract for the Fluted Decorative Poles for Downtown Improvement Project with Glenco Supply, Inc., in accordance with the bid specifications.

ROLL CALL

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

\*\*\*\*\*

Mayor Pilla said that he would like to add two resolutions to the agenda regarding appointments to the Waterfront Commission. He said that Gene Ceccarelli has submitted a letter requesting to be considered for an appointment to this commission and that Mr. Ceccarelli was a member of the Comprehensive Plan Advisory Committee and for the appointment of Michael O'Connor who had previously served on the Waterfront Commission and is being recommended by the Chairman to be appointed again.

Trustee Kenner made a motion to add these appointments to the agenda, Trustee Brakewood seconded the motion.

ROLL CALL

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

Since there was an objection to the adding of these resolutions to this agenda these two resolutions will automatically be placed on the next Board of Trustee agenda meeting of August 15, 2011.

\*\*\*\*\*

The Clerk presented correspondence from Saint Peter's Episcopal Church requesting permission for a procession on August 13, 2011 from 4:00 p.m. to 5:00 p.m. for the Virgen of Asuncion.

The Board referred the correspondence from Saint Peter's Episcopal Church to staff.

\*\*\*\*\*

The Clerk presented correspondence from Andrea Winchester requesting to close off a portion of Linden Street for a Block Party on September 3, 2011 from 4:00 p.m. to 10:00 p.m.

The Board referred the correspondence from Andrea Winchester to staff.

\*\*\*\*\*

The Clerk presented correspondence from Lisa DiLeo requesting to close Breckenridge Avenue for a Block Party on September 17, 2011 from 4:00 p.m. to 11:00 p.m. with a rain date of September 18, 2011.

The Board referred the correspondence from Lisa DiLeo to staff.

\*\*\*\*\*

The Clerk presented the Board of Trustees minutes of July 5, 2011, July 18, 2011 and July 20, 201. She noted that Trustee Didden had noted a correction of the minutes of July 18<sup>th</sup> where he was not listed as being present which will be corrected.

Trustee Branca made a motion to approve the minutes, Trustee Brakewood seconded the motion.

ROLL CALL

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

Trustee Kenner recued from the minutes of July 18<sup>th</sup> and 20<sup>th</sup>, Trustee Didden recued from the minutes of July 5<sup>th</sup> and 20<sup>th</sup> and Mayor Pilla recued from the minutes of July 18<sup>th</sup> all noting that they were not present for those particular meetings.

\*\*\*\*\*

Mayor Pilla asked if anyone from the audience would like to address the Board at this time there was no one. He asked if the Board had any comments.

Trustee Brakewood spoke about the intersection of King Street and Indian Road noting that there was a vehicle accident at this location this past weekend and that this is a site of numerous accidents. He said that the hedge at this corner should be trimmed for better sight view and asked staff to contact the property regarding that and that there are other items to be addressed regarding this property. Trustee Brakewood thanked Trustee Terenzi for his analysis on a Housing Rehabilitation Program which he is in favor of establishing. He spoke further of why this type of program would be good for the Village.

Trustee Terenzi said that since the election this Board has come together that we are working well together and we all agree to disagree on subjects. He said that the Board is getting things done and that he looks forward to coming to these meetings.

Trustee Didden echoed Trustee Terenzi's comments and is happy to see that we are working toward certain goals. He said that some of the items that he is looking forward to at the September meetings are the public hearings on September 6<sup>th</sup> regarding certificates of occupancy requirements upon sale or transfer of real property and site plan review where code violations exists and the Budget work shop review on September 19<sup>th</sup> with the Village Manager, Police and Fire. Trustee Didden said that he is looking forward to this budget review with the Police and Fire so we can maximize these departments.

Trustee Branca told the Board that he will be having a morning meeting on Thursday, August 4<sup>th</sup> with representatives from G&S that they will do a walk trough at the bulkhead. He said that he was glad to preside over the last regular Board meeting but hopes that he does not have to do that for any future meetings.

Trustee Kenner told the Board that tomorrow morning, August 2<sup>nd</sup> there will be the Industrial Development Agency (IDA) closing regarding Kingsport which includes funding to the Village through an impact agreement. He said that he would like further discussion regarding the allotting of these funds. Trustee Kenner said that the Board received a notice from the Board of Ethics asking the Mayor and Trustees to fill an open position on their Board. Mr. Cerreto notified them that will be an additional opening on the Board of Ethics because Rev. Washington has indicated that his schedule does not allow him to continue to serve. Trustee Kenner asked that a notice be placed on the government cable channel that there are openings on the board of Ethics. He commended Trustee Terenzi on the information regarding a Housing Rehabilitation Program and would like to include the IDA Chairman in these discussions.

Mayor Pilla said that the Village has been waiting on the County regarding a Housing Rehabilitation Program and asked Trustee Kenner if he could help in his role with the County. He said that he has also been informed that the Community Development Block Grant funds have been suspended to the County because of their Housing Settlement issue. Staff notified the Board that this suspension effect the 2011 funding cycle. The Mayor said that the County may not change their mind regarding the housing settlement issue and asked staff to investigate this situation regarding the communities not in the settlement and can we

Aug. 1, '11

be separated out. Mayor Pilla also informed the Board that the Parking Summit meeting has been scheduled for August 16<sup>th</sup> to be held in the Senior Center.

\*\*\*\*\*

At 10:05 p.m., on motion of Trustee Didden, seconded by Trustee Branca, the Board of Trustees adjourned for a follow up executive session to discuss matters leading to the appointment of a particular person for the position of part-time Deputy Village Clerk. The Village Manager and the Village Clerk were included in this session.

ROLL CALL

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

No action was taken in executive session.

There being no further business on motion of Trustee Branca, seconded by Trustee Didden the executive session was adjourned and the meeting was closed at 10:10 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso  
Village Clerk