

MEETING HELD SEPTEMBER 6, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, September 6, 2011 at 5:30 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, Bart Didden, Luis Marino and Joseph Kenner.

It should be noted that Trustee John Branca arrived at 5: 45 p.m. and Mayor Dennis Pilla arrived at 5:42 p.m.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Assistant to the Village Manager, Christopher Steers and Village Treasurer, Leonie Douglas.

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On motion of Trustee Didden, seconded by Trustee Marino, the meeting was opened at 5:40 p.m.

ROLL CALL

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

At 5:40 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive for consultation with Special Counsel for real property negotiations regarding the Fox Island Project. Included in the executive session were the Village Manager, the Village Attorney, the Assistant Village Manager and the Special Counsel for Ginsburg Development Company.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Didden, seconded by Trustee Marino, the executive session was closed at 7:15 p.m.

ROLL CALL

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

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At 7:15 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for matters leading to the appointment of a particular person to the Architectural Board of Review.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Didden, seconded by Trustee Terenzi, the executive session was closed and the public portion of the meeting was re-opened at 7:20 p.m.

ROLL CALL

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

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The Clerk stated that the first public hearing on the agenda is an adjournment to consider the advisability of adopting a local law amending Chapter 345 entitled "Zoning" with regard to public notice requirements.

Trustee Brakewood motioned to open the public hearing, Trustee Didden seconded the motion.

ROLL CALL

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

Mayor Pilla said that he would take comments from the audience on this proposed law. He recognized John Reavis.

Mr. Reavis asked for a summary of the law.

The Mayor said that the current law requires signage on the property and mailing of notices to surrounding property owners within five hundred feet. He said that depending on the type of zoning change or application that if it does not intensify or change the use this proposed law would reduce the radius of the number of feet for the notice requirement to two hundred and fifty feet. Mayor Pilla said that this proposed law was referred to the Planning Commission to review and make a report but they were not able to meet to review this matter.

Anthony Cerreto, the Village Attorney said that is correct.

Trustee Brakewood said that this particular change deals with the size of the radius for the reason of the application and the purpose of this law that has been in effect for about one year is to make the public aware that there is a matter with regard to that property before Planning or Zoning. He said currently the signage that is required at the location gives certain information but is it not in plain English of what the application is for so even though there is signage the public does not know what is being proposed.

Trustee Branca said that is not the purpose of the sign but the purpose is to inform the public of the date of the meeting and where they can get more information on the matter.

Trustee Brakewood said that he would like more information on the signage of what the change to the property is and asked if this could be added to the proposed law.

The Mayor asked Mr. Cerreto if any type of change along those lines would be a significant change which would require re-notice of the hearing.

Mr. Cerreto said that since the Board has not heard back from the Planning Commission yet there may be additional changes that they may recommend. He said if that is the case the law could be amended further regarding this issue of the information on the signage. Mr. Cerreto said that he would recommend closing this hearing tonight and wait until Planning can review and provide any recommendations so if there are amendments to the law the Board would have to reschedule and re-notice the hearing.

Mayor Pilla asked about the time of re-noticing the hearing.

Mr. Cerreto said that the notice would require that for two consecutive weeks the public notice will be published in the official newspapers prior to the hearing.

The Mayor asked when is Planning to meet again?

Mr. Cerreto said they meet the fourth Monday of each month.

Mayor Pilla noted that there is a construction time that at the end of the day we want to lighten the burden for some of these applications where they are required to send out a large amount of mailings for the radius and that some of these costs are prohibited in some of these cases. He said that if Trustee Brakewood's inquiry may lengthen the time period we may want to consider a second pass for that proposal so this change could move forward.

Trustee Brakewood said that they could wait on his recommendation.

The Mayor said that he likes Trustee Brakewood's proposal but is considering the timing.

Mr. Cerreto said that they should not be in the same spot next month where we have a law that is substantially different then the law that we are looking at tonight which would require another public hearing anyway. He said that the best thing to do is to close this public hearing then we would get the Planning Commission's recommendation speak to Trustee Brakewood's request and provide that information to Planning for consideration so that any changes can be considered with a new law that a new public hearing would have to be scheduled for.

Trustee Didden said that he disagrees with closing the public hearing and would simply suggest that the notice on the sign be that the application is available for review at the Building Department.

Mayor Pilla interjected also the Village website.

Trustee Didden continued that for the meeting the agenda is on the Village website.

The Mayor said that may be an insignificant change.

Trustee Didden said that not all of the information of an application can be included in the sign because of some of the details and gave an example about a side yard variance.

Trustee Brakewood said that is why he is asking for more information in plain English so anyone passing by would get an understanding of what is being proposed.

Mayor Pilla said that we would have to define what plain is.

Trustee Brakewood said that he is fine with decoupling these proposals and that he is in agreement that we need to reduce the mailings on the certain applications as soon as possible. He said that he stills wants to make the signs more informative.

The Mayor spoke about general information and does not want this suggestion to bog down moving ahead about the mailings.

Trustee Didden said that we can not get away from mailings and gave an example.

Trustee Brakewood said that he is fine with the way the law has been constructed but at some point would like to more information on the signage.

Mayor Pilla said that he hears Trustee Brakewood loud and clear.

Mr. Cerreto said that as the code stand now it requires a brief description of the application that is easy enough to do and easy to say and the language can be in layman terms it needs to be and can be reviewed by staff. He said that the notice tells people what the application is all about so that is in the Code right now.

Trustee Terenzi said that the signage does not have to indict the size requirements of the variance but that it is a side yard or rear yard variance.

The Mayor said that he does not think that is a significant change but an enhancement.

Mr. Cerreto said that his point is that the Planning Commission has not met and they had some ideas from what was proposed and there is a good possibility that there may be changes to the law from their recommendations.

Trustee Kenner asked if the Board should wait for the report from the Planning Commission.

Mayor Pilla suggested that they proceed optimistically with the notion that we may need a second pass stating that this would reduce the mailing requirement so these poor people can get on with their minor projects before the frost comes. He recommended that this hearing be adjourned to October and if not ready for that date the Board could either close the hearing and reschedule or adjourn to a later date.

Trustee Brakewood said that Mr. Steers has shown him as the Code reads now and the Code is fine and that maybe it is the way that it is administered that needs to be reviewed.

On motion of Trustee Didden, seconded by Trustee Brakewood, adjourned the public hearing to October 3, 2011.

ROLL CALL

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

NOES: None

ABSENT: None

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The Clerk read Affidavits of Publication stating that the following Public Notice were duly published in the Journal News and Westmore News on August 12, 2011 and August 19, 2011, certified by Florence Bonilla, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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 Tuesday, September 6, 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 regarding taking action on an application for site plan approval where the subject property is in violation.

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

JOAN MANCUSO
Village Clerk

Dated: August 12, 2011
and August 19, 2011

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

ROLL CALL

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

NOES: None

ABSENT: None

Mayor Pilla said that the Village is on a journey and the matter that we have before us tonight to change Chapter 345 Zoning with regard to site plan review where code violations exists is a progression along the road of where we are going in this Village for some time actually involving two big priorities which is improving the housing stock in the Village to be safe and not overcrowded noting that it is safety here regarding violations in particular and the second big priority from a few weeks ago is the integration of our planning, zoning and building process itself. He said that during this journey we separated code out to be its own unit there is this necessary integration between the two and this is an example of when code and the building process do come together and that is one of the reasons why we created this position of Assistant Village Manager under which the Code Enforcement Unit and the Building Department and Planning all come together and this law is the manifestation of those priorities now that we have resources basically to do this. The Mayor said that Mr. Steers will shepherd these applications through Planning and Zoning. Mayor Pilla asked if anyone from the audience would like to speak on this proposed law. He recognized Richard Abel.

Mr. Abel asked if you have a property with code violations this would stop it from getting a certificate of occupancy (CO) to be provided.

Mr. Cerreto said that the purpose of this local law is not to reward folks that have applied for site plan approval with violations pending who have no intentions of curing those violations.

Mr. Abel said his question would be if he had a building with violations but is going for a site plan review to tear down the building so would I have to cure the violations before getting a demolition permit.

Mayor Pilla said that Mr. Abel hit the nail on the head here that the key question for him is that the law in general says that you can not go to Planning or Zoning if you have any violations that we want you to correct it first however if the application includes the remediation of those violations it is allowed. He asked Mr. Cerreto and Mr. Steers if that is correct.

Mr. Cerreto and Christopher Steers said yes.

Trustee Didden said that it makes it easier for him that everyone else is trying to sell his idea. He said that the original idea of this law was that Port Chester has been habitual that when someone was caught with violations they would go to the Zoning Board of Appeals or file a site plan application to permit what was done illegally. He spoke further on the proposed law and that the property owner would have to remedy the violations before a CO was issued.

Mr. Abel continued his comments stating what if a property is a two family in the books but is a three family which has been used as a three family for forty years would they have to rip out the third apartment before they can go for a new permit / application to legally have a three family.

There was further discussion amongst the Board on why and how people would think a property would legally have more units then what it is even though it has been that way for a long time.

Mayor Pilla spoke on the section of the proposed law 345-23 H (7) which speaks on this subject as follows: Notwithstanding any inconsistent provisions of this chapter, no application for site plan approval shall be deemed complete and considered by the Planning Commission for review or consideration if it shall appear that the subject premises is in violation of this chapter or any other chapter of the Code of the Village of Port Chester, provided that the appropriate enforcement officer or employee of the Village shall determine that a violation has occurred and has commenced enforcement proceedings in or before the appropriate tribunal and until any of the following events shall occur:

- (1) The apparent violation has been corrected, cured or removed as reported to the Planning Commission by the appropriate enforcement officer or employee.
- (2) A final determination has been rendered by the appropriate tribunal dismissing the enforcement proceedings
- (3) A final determination has been rendered by the appropriate tribunal finding the applicant guilty of violating the Code, the fine or penalty has been paid and the violation
- (4) The application seeks to correct to correct or cure the apparent violation.

Mr. Cerreto said that is the way the law was drafted and that the intention of the Code so that applicants would not profit from a site plan approval if they are in violation. He said that if they are coming to make application to correct the violation that is pending all the better for the Village and all the better for all of us concerned and that is why it was written in

that manner. Mr. Cerreto said that we do not want people to go to court and use the court as the excuse not to do the right thing by the Village. He said that this law was written not to reward those folks who are in violation that have no intention of ever coming in compliance.

Trustee Terenzi said that he would like to bring up a point because we tried to do this about ten years ago on the Zoning Board and there was not a will to get it done. He said that the Zoning Board was tried of people coming in for variances that people knew had five families in a two family house stating that he does not know why this was blocked because he knows this language comes from the same conversations that happened ten years ago.

Mr. Cerreto said that this law deals with site plan approval and there may be another chapter that deals with zoning.

Trustee Terenzi questioned what would be a site plan on a multi-family property.

Mr. Steers said one would be an addition to the dwelling.

Trustee Terenzi said that there would be a zoning variances involved with that.

Mr. Steers said not necessarily. He said that they may be coming forward with similar language for zoning variances as well.

Trustee Terenzi said that he thought this was more on the line with asking for zoning variances. He said that this is great but does not know the practicality of it.

The Mayor said that this is a journey and that we have to take steps and do see the need of following this up. He said that he has received complaint calls that put this on his radar and spoke further about a property in front of Planning that was seeking to incorporate the illegal use and basically change it.

Trustee Terenzi said that we agree this is something that we do not want to happen.

Mayor Pilla agreed noting that we also do not want them to knock down the illegal thing and then come back that they are killing two birds with one stone basically.

Mr. Abel said that was his question then it is built into the law it is not that you have to cure the problem in order to apply that you correct the problem with the application.

Mr. Steers said that there is a distinction that needs to be made noting that if a notice of violation is issued then there is generally no fines attached but if it is in court there will be fines attached and part of the compliance process is to pay for those fines.

Trustee Terenzi said that he would like also to see something on zoning variances.

Mayor Pilla said next time.

Trustee Terenzi said why next time.

Trustee Didden said that when this was originally discussed with staff he thought that it would include the aspect regarding zoning.

Mr. Cerreto said that he drew a distinction for now between the Zoning Board and Planning Commission now that he believes the Zoning Board has a self created hardship is one of the factors that the Zoning Board can turn down an applicant and if they are in violation that is a self created hardship and that can be the basis for denial.

The Mayor asked if that needs to be refined.

Mr. Cerreto said no that it needs to be repeated to the Zoning Board.

Trustee Brakewood said that he agrees what Mr. Cerreto is saying about the Zoning Board that it is more of a sticky issue because of the nature of the Zoning Board. He said that people go to the Zoning Board seeking relief and it is an independent board compared to the Planning Commission noting that you are not seeking relief from the Planning Commission.

Mr. Cerreto said that at the end of the day the Zoning Board has the discretion to waive a particular application to the Zoning Board that they have that right it is theirs. He said that as a practical matter the Zoning Board should look at self created hardships and if they believe someone is in violation that it could be one of the factors for denying.

Trustee Terenzi asked if they can waive Code violations.

Trustee Brakewood said that they could rectify a violation by issuing a variance to the Code for that particular violation. He spoke about his time on the Zoning Board of when people who would come to do something like close in their porch which is operating as a four family home but it is really a three family home so you wonder why are they closing in their front porch because they want to make it a five family home but they need a variance in order to rectify the fact that they are operating as a four family home to get the permit to close in the porch.

Trustee Terenzi asked why would we give them that ability when it is illegal to start out with.

Mayor Pilla said that is why that is a separate chapter.

Trustee Brakewood said that he has other concerns with this particular law agreeing that we are missing a big part of zoning. He said that the proposed law does not seem fully baked as he reads it with uses of the words should or shall and reward or granted and an appropriate tribunal and who would that be.

Mayor Pilla said that purpose and intent is broad general background.

Trustee Brakewood said that the other language that he is not sure about is the appropriate tribunal and who would that be.

Mr. Cerreto said that it provides flexibility in the event that our Justice Court is not the one that is enforcing the proceeding.

Trustee Brakewood asked if there is some way to specify without being too specific.

Mr. Cerreto said that he could look at that.

Trustee Branca said that he agrees with the use of the word tribunal.

The Mayor spoke about this portion of the law where it states appropriate tribunal so does it have to be in court.

Mr. Cerreto said that it would be any of the four items.

Mayor Pilla said that it is listed as in court and any of the items but that it may not necessarily be in court so does not think it should be both. He asked why would you want to stall something that the property owner wants to correct.

Mr. Steers said that it would matter if there are fines involved.

The Mayor said that he does not think it should be an "and" stating that we have to adjourn this matter anyway.

Mr. Cerreto said that it has to be in court.

Mayor Pilla said that he does not know if practically that it always does.

Trustee Didden said that the court is the right of the accused to find his day in court.

Mayor Pilla said that it is more a smoking gun that you caught someone they want to correct the problem by site plan approval so we have to wait for it to go before a court. He said that we have spent many hours talking about the backlog through the court process and he does not want anyone to get off easy but that he wants to be a fast path to correct these problems.

Trustee Didden said that just going to a meeting with the Director of Code Enforcement and the Prosecutor it is a judicial function.

The Mayor said that he is not sure so that is his question.

Trustee Didden asked if Mr. Steers can impose a fine along with the prosecutor if the accused agrees with it without entering it into the court system.

Mr. Steers said that is a legal question.

Trustee Branca said that you can not do it because the prosecutor is the officer of the court so he has to go to the court.

Trustee Didden said that is his point so the tribunal wording in the law is appropriate.

Trustee Brakewood said that the law should have a definition for tribunal and that it should be any of the four items listed not all of the four.

Mr. Cerreto said that would be a pretty low bar.

Trustee Brakewood said yes it would be.

Trustee Didden stated isn't that what we have now and that he wanted more.

Mr. Cerreto said that is not what we have right now.

There was further discussion between the Board and staff on the wording regarding this section of the law.

Trustee Didden said that the property owner would need to do items one through three before getting to four which is the right to submit an application to cure.

Mr. Cerreto said that this is significantly different because Planning has no requirement now. He said that they have a policy that they enforce time to time but they do not have the force of law to back up their position that when they get applications in front of them that are in violation what do they do with the application. Mr. Cerreto said that this would address that problem.

Trustee Brakewood said that he would take number 4 off.

Mayor Pilla said that it seems that we would be making people do double the work and that it does not necessarily when you think about curing something or changing a use it may cause a person to go in twice which may not be necessary.

Trustee Terenzi asked would an application for the Planning Commission trigger an inspection because how we would know there is an illegal use there.

Mr. Steers said that part of the process is for all of those things to be reviewed prior to the application being determined that it is complete. He said that is part of the process he is trying to replace now. Mr. Steers said that is how they found violations at a certain location and coordinated that with the Planning Commission

Trustee Terenzi said to Mr. Steers that he did an inspection and what cause them to do that.

Mr. Steers said that they reviewed the case history for an open case and whether they did an inspection specifically for that case the answer is no.

Trustee Terenzi said for example if there is no open case in the file and someone has a two family that is a three family who would know the difference unless one of the Planning Commissioners went by the location and saw something.

Mr. Steers said that in that particular instance we would not know.

Trustee Didden said that in the past it was commonly known that if you had a violation you would put in a set a plan to legitimize the violation.

Trustee Terenzi said that there is no doubt about that but would typically go before the Zoning Board and we are talking about site plan approvals. He said that he is trying to understand who is coming before of us with an existing house built one hundred years ago that needs site plan approval. Trustee Terenzi said that he was given one example if someone wanted to put an addition on his house but his feeling is that most of the time an application like that would be an issue of a side or back yard variance.

Trustee Branca spoke about his property and if he wanted to put an addition on he would not need any variances.

Trustee Terenzi asked Trustee Branca if he thought that it would be about half the time.

Trustee Branca said that yes there is a percentage but would not know what that percentage might be.

Trustee Didden said that the justification at the Planning Commission level is that when you have a commercial piece of property where the use has changed and they did not come with a new site plan application for the change of use and that is probably the biggest one that happens at the Planning Commission more so. He said that we all agree that there is a hole on the Zoning Board side that we are going to get to.

Mayor Pilla questioned if we need #4 asking is it important in terms for us to streamline the correction of problems are and is it left to be through a mediation or violation process.

Mr. Steers said that he worked in jurisdictions where it worked both ways and that it is a policy decision.

Mayor Pilla said that he likes that flexibility as long as it is enforced.

Trustee Branca said that we will find situations where it will be the applicant's right to go to the Zoning Board to seek relief. He then spoke about a corner lot that is forced to go to the ZBA if they wanted to extend the driveway.

Trustee Didden continued on the subject of extending a driveway that Trustee Branca brought up and if that person extended the driveway illegally and then went to the ZBA for something done illegally.

Trustee Branca said then there would be no recourse.

Trustee Terenzi said that for his property if he knocked down his garage he would not be able to use his driveway anymore because it would be consider front yard parking. He asked Trustee Branca where he would go for that situation.

Trustee Branca said the Zoning Board of Appeals.

The Mayor said that as a policy matter that the Village has been proceeding on code enforcement and housing rehabilitation with a carrot and stick approach. He said that given someone an ability to motive them to correct the issue by improving it and by streamlining the application especially in this community is important that we complete, correct and cure everything but also have that flexibility on certain situations.

Mr. Steers said he agrees with item four to change the language from seeks to correct.

Trustee Didden said that it is easy to cloud the intent and purpose of the law. He spoke about commerce and when a change of use is profiting from an illegal use.

Trustee Kenner asked Mr. Steers for clarification regarding item #4.

Mr. Steers said that the application is corrected or cured of apparent violation.

Trustee Kenner said that he would think that would be number one.

Mayor Pilla said that number one is that the violation was cured and number four deals with the application.

Mr. Steers said that they may correct it outside of the application process but for instance if you need to go through the application process to change a site plan that in the process of changing the site plan that illegal operation has been removed that is what number four addresses.

Mayor Pilla spoke about a situation with an illegal apartment that they would take out the illegal use before they went to the Planning Commission for example.

Trustee Brakewood asked Mr. Steers if he is saying that they should go get a variance.

The Mayor said that this is not excusing anyone from variances.

Mr. Steers said that these are two different things planning versus zoning applications.

Trustee Brakewood said that then taking out my driveway if it is not a correct use that part of the application would be the requirement of taking my driveway out which is the problem.

Mr. Steers said that in that instance that would be accurate but whether or not it requires zoning approval as well it may or may not so they would have to go through that process as well.

The Mayor said that #4 is sometimes necessary that we have to hear back from Planning before moving forward so why do we adjourn this hearing.

Mr. Steers noted that whether it is by the court or based on violation that he thinks it should be either.

Mayor Pilla said that Mr. Steers is getting to what he had asked before.

Mr. Steers explained further.

Mr. Cerreto spoke about making the paragraphs consistent so between him and Mr. Steers they need to talk further on the appropriate language.

Mayor Pilla asked that Mr. Cerreto and Mr. Steers bring any changes to this proposal to the Planning Commission. He asked if there was anyone else from the audience who would like to speak on the proposed law or anything that the Board has discussed with staff on this matter there was none.

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was adjourned to October 3, 2011.

ROLL CALL

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

The Clerk read Affidavits of Publication stating that the following Public Notice were duly published in the Journal News and Westmore News on August 19, 2011 and August 26, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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 Tuesday, September 6, 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", Section 345-25 and Chapter 151 "Building Code Administration and Enforcement", Section 151-7 of the Village Code with regard to certificate of occupancy requirements.

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

JOAN MANCUSO
Village Clerk

Dated: August 19, 2011
and August 26, 2011

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

ROLL CALL

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

Mr. Cerreto said that simply this legislation was proposed by Trustee Didden to set the public hearing by the Board of Trustees which would impose a requirement that an updated certificate of occupancy be obtained prior to closing of the title of property or property refinancing. He said that this is a significant change in the way that the Village has been operating formally and that informally this approach has been taken already as a practical matter when folks want to buy or sell their property they would make inquires with

the Building Department to inquire what the legal use of their property is noting that process that practice will not be changed by this local law but will formalize it into our Village Code.

Trustee Brakewood said that this was proposed by the Board, former Trustee Crane in fact several years ago and asked the difference from then to now.

Mr. Cerreto explained that when this was brought up by the Board previously there was no similar legislation on the books but since that time Peekskill has adopted similar legislation which they are enforcing which has not been challenged.

Trustee Didden said that the Chairman of the Village's Industrial Development Agency who is also a real estate broker is in full support of this proposed law.

Trustee Brakewood asked about a legal certificate of occupancy (CO) and what makes it legal opposed to what may be in the file.

Trustee Didden said that is a great question but what is fair to talk about is that Trustee Terenzi and himself while talking to Mr. Steers came across a number of files that did not have a properly execute certificate of occupancy in their files so rather than allowing a transaction or assist a transaction from occurring a new document CO has to be obtained.

The Mayor said that this is the effect of poor practices of the Village so it is important to understand the magnitude and scope of work that is required noting that it is a self created problem.

Trustee Brakewood said that no CO is clearly different from an inaccurate CO then.

Trustee Terenzi said that an inaccurate CO is worst then no CO. The Board briefly discussed further lack of CO's, inaccurate CO's and legal CO's.

Mr. Steers said for background for those locations that have an actual CO noting that we have CO's dating back to 1927 and were required back as late as 1925 but before that there was no requirement so structures built in the 1900's there is likely no CO unless they have had some work done over the years. He said that a CO is issued based on the initial construction of the building and states very plainly that it is for the construction of the building and what type it is one family, two family etc. Mr. Steers continued that what changes are made to the structure that require an issuance of a new CO is a certificate of completion should also indicate what the CO is being issued for what type of structure it is and the improvement that were done and most instances permits have been issued to locations but no CO's have been issued for that work and when you look back further at those particular locations more often than not there is no initial CO on record but you would have to think at that point then how was this property built and look at other records that we may have on hand to see if there is any inclination as to what may be lawfully allowed there compared to zoning and come to a determination. He said that in other instances there are things called search and CO letters that were issued that are not CO's stating that they never have been or never will be that they are just a piece of paper trying to identify the law of the use which it does not do accurately. Mr. Steers said that those of the things that we have been changing and fighting to rectify and identify all of these issues.

Trustee Brakewood asked if anyone in Port Chester has a legal CO.

Mayor Pilla and Mr. Steers said about 40%.

Mr. Cerreto said that he wasn't sure if Trustee Brakewood's question was answer by Mr. Steer's remarks.

Trustee Brakewood said if Trustee Didden's statement was accurate then the question was answer but if it is not then is wasn't.

Mr. Cerreto said that he thinks Mr. Steers answered the questions as to the number of portion of properties that do not have certificates of occupancy. He noted that there has been a requirement of a CO since the first zoning ordinance back in 1927 which is a requirement of the Village and for whatever reason people have not gotten their CO.

Trustee Brakewood asked so why should we wait for properties to turn over if 60% of the people in the Village do not have legal CO why should we be waiting until the property turns over to issue a legal CO or determine what needs to happen to make it a legal CO. He asked why are we not proactively reaching out to people set up a process and legal structures to rectify this situation now.

Mr. Cerreto said that if we had the resources to do that then it would be a wonderful idea.

Trustee Didden said that it is a resource question and also those who know they are operating their property illegally will not volunteer.

Trustee Brakewood said that a lot of people in the Village are law abiding citizens noting that he would want to make sure he had legal CO's not that there is a 50/50 chance that I may have one with no fault of mine own why would I wait to turn over the property.

Mayor Pilla spoke about the law of unintended consequences could cause us major issues. He asked if anyone from the audience would like to speak on this proposed law. The Mayor recognized John Reavis.

Mr. Reavis voiced concerns of residents who a large majority are Hispanics that have been caught up in shady deals. He agrees with the change of ownership proposal but if you do there will need to be more resources additional costs / taxes to property owners. Mr. Reavis said that not all property owners have the funds and resources to do this process. He commended the Board for going forward to do the right thing but do so in a productive manner with the community and that there needs to be a public standpoint to go forward in a positive manner.

Mayor Pilla said to Mr. Reavis that he is saying that it is important for us consider our Village residents' ability in general of any costs and the process for the proper CO.

Mr. Reavis said yes that we have move forward in a positive manner and try to do a public relation campaign.

Trustee Didden said that this proposed law said that in no less than 60 days if a property owner decides to have a closing on their house.

Mr. Reavis said that he agrees with the law as proposed but is concerned with the consequences for people.

Trustee Terenzi asked Mr. Reavis that he is saying that he feels very strong that the resources that would be needed to do a proactive search or proactive program where we would get everyone to get their CO's in order lets assume that it may cost three or four

hundred thousand dollars to do that. He said that later in the agenda there will be a matter that is costing the Village for a sidewalk program that it is in his opinion the cost of maybe four hundred thousand to clean up a situation where we have an overcrowding situation and quality of life in Port Chester gets diminishes when we have that and the school system takes a big burden of that along with the police, fire and sanitation as it relates to spending four hundred thousand dollars which is a number he is just throwing out there we can't do that because there are some people who have purchased a home, got a mortgage noting that there are lawyers for the bank and the buyers and sellers and some how at that closing table somebody thought they were buying a four family but it was only a two family house so you are telling me these are the priorities that we have to juggle because they got duped at a closing.

Mr. Reavis said lets go forward with what has been proposed stating that there has been a lot of things that have been done wrong that many of us have been involved in and that we need to move forward in a productive manner. He said that those persons that got caught in those types of situations that it is water over the dam but just make sure we build a dam that we are working with so we do not have leaks.

The Mayor recognized the next speaker.

Denise Ward, Esq., Vice President of the Port Chester-Rye Bar Association said that their association had a special meeting on this proposal. She and the Bar commended the Board for taking on this issue but asked that they work with the Village to voice their concerns and that an amnesty program in conjunction with the proposal may address some issues. Ms. Ward said that she deals mostly with estate issues and spoke further on those types of issues. She said that part of the problem is the record issue within the Village and that the members of the Bar wants the necessary staff to come up with a process to deal with the situation and does not want the Village sued.

Trustee Terenzi asked Ms. Ward how is the process of an estate is done between family members in reference to certificates of occupancies.

Ms. Ward spoke on the process. There was further dialogue between Trustee Terenzi and Ms. Ward regarding the process and the records.

Mr. Steers spoke about the building records for properties and that there was no certificate of occupancy requirement for buildings built before 1927 and that they also rely on information from index cards that are available.

Trustee Terenzi asked if the information from the index cards would hold up in court.

Mr. Steers said yes it would.

Ms. Ward asked if Mr. Steers is talking about the assessment card.

Trustee Terenzi said no that the Building Department also has index cards on the properties.

Mr. Steers noted that the Town did a property wide review in 1967 and wrote down everything that was there. He said that there are a lot of things that we can collate together to get a clear picture of what is there.

Ms. Ward said that they also want to reflect the comments of the gentleman who spoke before her that there are a lot of people out there who have relied on the document in their hands.

Trustee Terenzi asked Ms. Ward if it is a fraudulent document how is that handled.

Ms. Ward said that if they are holding a fraudulent document signed by an official of the Village she would ask the Village Attorney.

Trustee Terenzi said that the Village is exposed.

Ms. Ward said that the BAR is not looking to do that that is why we are not seeking to point the finger back.

Mayor Pilla said that the notion of working with the legal community to implement something when it is the right time to do it is to him very exciting. He asked Mr. Steers is he could implement this proposed law tomorrow if it went forward.

Mr. Steers said no.

Trustee Didden asked Mr. Steers if he is doing this process today.

Mr. Steers said yes that they are doing this through searches today and that the number that they are doing now would be a small percentage compared to the number that they would be required to do with this law.

Trustee Didden said to Mr. Steers that didn't the Board speak to him about this proposal in conjunction with department staffing.

Mr. Steers said that phase one of that re-staffing was just to deal with the current workload and that phase two we would be able to address that.

Mayor Pilla said that is one of the big fears he is concerned about.

Ms. Ward asked Mr. Steers that he is speaking of the process that title companies or anyone that makes a freedom of information request for the record. .

Mr. Steers said that this would be done through other requests which are searches and zoning verifications.

Ms. Ward said that when the title companies are making those requests is there a time frame. She said that she does not want the BAR Association to tell the Village that they are holding us up on this information noting that our association's goal is trying to make it faster.

Trustee Didden asked Ms. Ward is it our responsibility for your ability to make a living rather than protect the people of this Village.

Ms. Ward said not at all that it is your taxpayer's ability to transfer their property.

Trustee Didden said to Ms. Ward that she is saying that we have a larger duty to the seller than to the potential buyer.

Ms. Ward said that no that she believes that the Village has an equal duty to both parties.

Trustee Didden asked Ms. Ward what is she asking of the Board.

Ms. Ward said that she and the Bar are asking that the Board not to impede or slow down the process noting that Mr. Steers has acknowledge that they can not handle this today.

Trustee Didden said that Mr. Steers has said that what is in this proposal is what he is doing today and the Bar has not been so impeded because Mr. Gioffre the first time this

hearing was held and made a presentation and he was asked if he had been impeded in his practice dealing with the Village of Port Chester so far and his answer was no.

Mayor Pilla said that the Building Department is not doing all of this today because he is not doing to the transfer of title that does not fall under a radar for a CO and that he is not doing it with regard to refinancing necessarily and he can not keep up stating no disrespect to Mr. Steers who has told the Board what necessary staffing is needed which are not in place but they have trouble keeping up with the work load today and adding on top of that at a time when they can not keep up does not make sense why we are considering this now.

Trustee Didden said to the Mayor that he is carrying someone body else's water instead of the majority of the Board.

The Mayor said that he is carrying everyone's water who live in Port Chester.

Ms. Ward said that they are not seeking to make it a difficult process.

Trustee Didden spoke about the length of time he has resided in his home and that the majority of homeowners are not selling quickly. He said that he is considering Mr. Reavis concerns about going forward with a full Village review stating that if a seller of any piece of property can not afford an inspection he can not believe that.

Trustee Terenzi asked how many property transfers are done in a year.

Mr. Steers said that they are working on 50 to 70 property searches per month.

Trustee Terenzi asked if these are for transfers or sale of properties.

Mr. Steers said that is the numbers for searches for the documentations for CO and zoning verifications.

Ms. Ward stated that approximately a third of those are sales that fall apart.

Trustee Didden asked how much slower can we make it that it is fair and reasonable and unbiased to every single property owner in the Village. He said that we can not make it any slower.

Ms. Ward said that they do not want to make it any slower.

Trustee Didden said that what he is saying is that you can not make it any slower in impacting the market place impacting the Village and you can not tell me that for the next ten years you we will do odd number houses and the next ten years we will do even number houses will not slow up your business.

Mayor Pilla noted that Mr. Steers has stated that he can not do this today so how can we say that you can not make it slower.

Trustee Didden said that we are staffing Mr. Steers' departments to get there.

The Mayor noted that there is not staffing today.

Trustee Brakewood spoke about Section 151-7(I) of the proposed law and suggested changing the number of days for this process from 60 days to 120 or 180 days instead.

There was further discussion between the Board and Ms. Ward about lengthen the period and issues regarding that locking into an interest rate and losing a deal because of the length of time.

Trustee Brakewood noted that if a property owner had a CO proactively six months prior and if a buyer came along they are already prepared for the transaction on their end. Again there were further comments from the Board and Ms. Ward about being proactive in this process.

Mr. Steers noted that out of the 500 or so searches that they do a year it affects about 10 now and if this proposed law moves forward it would then make all 500 have this requirement which is a significant difference. He said that the law is good it is just a matter of having the capacity to do so.

Ms. Ward said that this is one of the things regarding the timing that their association would like to work with the Village on.

Trustee Didden said that the interest of Ms. Ward's association is counter to the majority of this Village.

Ms. Ward said that she disagrees with that statement.

Trustee Terenzi told Trustee Didden that you also have to protect the buyer and seller too.

Mayor Pilla said that this will have to be adjourned because it still requires the review of Planning noting that he rather just close the hearing.

Trustees Didden and Kenner asked why this needs to go to Planning.

Mr. Cerreto said that this is a zoning change which requires the review of the Planning Commission.

Trustee Didden expressed frustration that we will never get off the mark and will still be talking about this six months from now.

Trustee Branca asked about Section 151-7(H) of the proposed law and the involvement of the Village Engineer.

Mr. Steers aid that it requirement is based on an open building permit. He said that you may not need a building permit for the CO process and provided an example of an open permit.

Trustee Branca asked for more clarification on this issue and Mr. Steers spoke further. The Mayor recognized Bea Conetta.

Mrs. Conetta said that there is so much distraction on this issue and said that isn't this law that if someone wants to sell or buy a home it would require a CO. She spoke about a fire on Adee Street and the effects that this fire had to the tenants of this building and how important it is to have the proper CO. Mrs. Conetta said that she thinks this is a fantastic thing that it protects the buyer, will solve many problems and is part of cleaning up our housing in Port Chester. She said that she feels sorry for people who were duped when buying their homes.

Trustee Marino said that this law is going to work for the people who will buy a property being told it was more units then what it actually is. He said that he is for this proposed law but there is a lot of confusion that we have to tell these owners that you brought a two family and not a three family and someone lied to you. Trustee Marino asked how much more money to pay for a CO.

Trustee Didden said that the cost for a CO for a one or two family dwelling is \$50.00.

Mayor Pilla said that there are also other costs.

Mr. Steers there is a fee for the application for the CO and if everything is fine it would be \$50.00.

The Mayor recognized Richard Abel.

Mr. Abel said that this will effect refinancing.

Mayor Pilla said that is correct.

Trustee Terenzi spoke about certain areas where this would not affect a refinancing.

Mr. Abel said that because of this tough economy maybe the law can be written that it is only on sale of property as opposed to refinancing which is a different case and this could drag this out for homeowners looking to refinance.

Trustee Didden spoke about an incident of records that block refinancing multi family homes which we could not inspect but with this law we have the means to do the inspection.

Mr. Abel said how about all of the single family home owners.

Trustee Didden said that the refinancing business will be flat for the next ten years since the rate are around 3.5% now and how much lower can they go.

Mr. Abel said that they should start with the selling of homes and that when you throw in the refinancing aspect it raises the number that staff could handle.

Trustee Didden said that the commercial entity that he spoke about Mr. Abel is not worry about.

Mr. Abel said no that is not the case and is not saying that is right but a law is for everyone not just that one and you are going to penalize all the good people who needs the money for that other organization.

Mayor Pilla said that it should not be acceptance oriented.

Mr. Abel suggested that the Village can live within its means doing it on transfer of title as opposed to all the rest and then you do not have to spend four hundred thousand dollars to add staff.

Trustee Didden said that we have to do that regardless regarding staff.

The Mayor said that we have been successful making progress in Port Chester with an incremental approach and agrees with that approach.

Mr. Abel asked Trustee Didden if he has a CO on his house.

Trustee Didden said that he does not know.

Mr. Abel said not to over burden the staff and penalize the good people of Port Chester who seeks to refinance and pay taxes.

Mayor asked if anyone else would like to speak on this proposed law. He recognized Chris Pierro.

Mr. Pierro said that he routinely requested municipal searches and what has come to the forefront is that all the title companies are complaining about the slow turn around from the Building Department on these searches. He said that we all realize that this department is under staffed with a great core group of people but they can not do it all now and it will be some time before they can. Mr. Pierro said that he agrees with extending the time to six

months so that all realtors and lawyers are notified and that there is the focus on multi family housing stock.

Trustee Didden asked Mr. Pierro if he is saying to delay the implementation of this.

Mr. Pierro said not deal put it into effect but let the broker and lawyers know.

Trustee Didden said that the law says that you have to apply no less than 60 days before closing that Mr. Pierro is recommending no less than six months.

Mr. Pierro said that you do not want to interrupt the flow of commerce.

There was further discussion amongst the Board regarding a broader window of time for this process to be considered before implementing this law.

Trustee Didden said that he likes compromise and asked can we agree to the Mayor that he can get behind this if we say that a valid life of a CO is one year.

The Mayor said that he would reserve his comments until he hears from everyone.

Mr. Pierro spoke about a recent transaction that took two months to get final information to close. He said that it is paramount to get these CO's as quickly as possibly.

Trustee Didden spoke about the scanning of documents which will improve the process. There was further discussion between Trustee Didden and Mr. Pierro about the 60 day requirement.

Trustee Terenzi said that this idea of a subcommittee with the Bar could it work with the Planning Commission on this proposal. There was additional discussion on review by Planning, concerns with delaying this proposal, issues to implement and process of local laws. There was further discussion between Trustees Didden, Terenzi and Mayor Pilla on these subjects.

Trustee Didden said that the most minimal approach will be in October when this gets adjourned so the Bar can come with their suggestions.

Mr. Pierro commended the Board and applauded them. He said that there is a need to go after the more glaring issues over illegal housing.

Mayor Pilla said that this is not a minimal approach.

Trustee Didden said that maximum approach would be going street by street.

The Mayor recognized Rev. J. Bruce Baker.

Rev. Baker said that he agrees with the essence but has concerns not only with the staff's ability to accomplish this. He said that there are other matters in the Village that needs to get done and that there should be a more efficient way to proceed.

Mrs. Conetta said that she did not realize that this also includes refinancing. She said lets start with baby steps that the idea is great start with sales which will not be a big burden on staff that would be a compromise.

Ms. Ward said that refinancing is a tough issue noting that there is nobody to go after no one on the hook except your tax payers. She said that the Bar wants reliable documents.

Trustee Brakewood said that it seems we are losing a little perspective on this issue. He said that the purpose of a CO is to ensure the safety of residents. Trustee Brakewood spoke further about what drives a multifamily purchase which is revenue.

Trustee Terenzi noted that someone can not get financing unless the CO shows the number of units.

Trustee Brakewood spoke further about effects if what the property should be and the stories about illegal multi-families sold as the correct number of units and then made back into the higher number. He said that this is a big deal and the right thing to do noting that it would reduce assessables and there is more work that needs to be done before moving forward with this proposal. Trustee Brakewood also asked for more information on the Peekskill Law.

Mr. Cerreto said that he spoke to their Corporation Counsel and that he was told that the law works but they also put on additional staff. There were further comments from the Board regarding the Peekskill law.

Mr. Reavis noted what protection is there for the buyer when no bank or possibly no lawyer involved in home sale process.

The Mayor asked Mr. Russo if they are ready to implement this today. There were comments from the Board on the Mayor's inquiry.

Trustee Branca noted that Planning stills needs to review this so this will need to be adjourned.

Mayor Pilla said that he is asking this question because there is an action on the agenda for this proposal so would like to know if it is adopted can it be implemented now.

Mr. Russo said that it is not quite a yes or no that we are not formally ready to implement. He said that he thinks this is a good idea but need more information from Peekskill on their law and process. Mr. Russo spoke about experience and where we have had experience is on commercial properties of four or more.

Trustee Didden said that our problem is the two and three families that are operating as four and five families which we can not get into and check on.

Mayor Pilla said back in 2003 before he was an elected official he thought that this was the only way we could implement an effective code enforcement program because he never thought at that time we would have such a Code Enforcement Program and now we have one. The Mayor spoke about the issue of refinancing which leads to a large number of issues that it could cause because of delays so implementing this law today when we are not ready to operationalize it would stigmatize the real estate market in the Village of Port Chester and adversely effect values overall. He said that he is not ready to approve this today that this is not ready for prime time and that he likes the proposal of the Bar working with us and take an incremental approach. Mayor Pilla said that he would recommend closing the public hearing and go through this process with Planning and the Bar. He concluded that there needs to be an incremental approach with the carrot which is grants and funding related to housing, the stick which is enforcement of Code Enforcement and the third component education outreach which is lacking so he thinks we need to get that going before moving ahead on this proposal.

Trustee Kenner said that there has been a referral to the Planning Commission and the comments from the Bar so asked if we can make this time bound.

The Mayor said that they will let us know when it is ready.

Trustee Didden said that he has spoken to Mr. Cerreto and Mr. Steers for the last three months on this proposal. He also spoke about other changes including the State approving an additional judge for the Village Court which can increase the processing within the court. Trustee Didden said that we have about 5,500 properties in Port Chester and that we have buyers and sellers and how many victims would we have in the next 40 year that it would be less than 5,500 if all of them violated the law but how many will we help which can be hundred of thousands of prospective buyers.

Mr. Pierro commented about bank owned properties and that it is important to make sure they correct situations.

The Mayor said this all speaks to an incremental approach. He told Trustee Didden that he is not saying this is a bad idea in fact this will ensure buyers going forward but we need to implement it in a way where we insulate the community from unintentional consequences and implement it in a time and manner that we can keep up with it.

Trustee Didden asked the Mayor for an effective date something so we can achieve the goal.

Mayor Pilla said lets' staff get back to us but how about Veterans Day, November 12th.

Trustee Didden said how about six weeks, the second meeting in October.

Mr. Steers said for the Board's consideration he also agrees that this is a good law good process and that anytime he has implemented something like this in any other jurisdiction there has been a timeline implementation of 90 to 180 days.

The Mayor recommended that by Halloween staff come back with the final proposal.

Trustee Didden said that the approval could happen in November with a start date of January 1st.

Mayor Pilla said that he does not want to circumvent staff that he wants to agree with something that they can live with.

Trustee Didden said that they are the employees and work for the Board on behalf for the taxpayers and that if they can not get this together and going with input from the concerned parties in four months then we have to find some new administrators.

The Mayor inquired that this was referred to Planning.

Mr. Cerreto said that it was referred and was on their August meeting but they did not have a quorum in August so will be on their September meeting.

The Mayor spoke about closing the hearing and if there will be significant changes. The Board further discussed closing or adjourning the hearing.

Mr. Cerreto said that the only reason why you would close the public hearing is that you expect that the law will change in a significant way.

The Mayor said that he does expect significant change.

Trustee Didden asked Mr. Cerreto if we close this hearing and take no action what happens.

Mr. Cerreto said that someone on the Board would have to introduce the local law again.

Trustee Didden asked for clarification that if the hearing is closed and the Board did not vote it down it wouldn't automatically become effective by a lack of action in a number of days.

Mayor Pilla said that would not happen that it required an affirmative action by the Board.

Trustee Didden said that is not the way it happens in Planning or Zoning.

Mr. Cerreto said that the Board is not obligated to adopt a local law and if you take no action nothing happens unless someone brings back the proposal for consideration.

The Mayor spoke about some of the items that has been suggested which he believes are significant changes so is recommending that the Board close the public hearing and asked to keep this moving that a discussion item be placed on the first meeting in November on this subject and invite these committees to report to the Board at that meeting.

Trustee Terenzi made a motion to adjourn the public hearing to November 7, 2011, Trustee Kenner seconded the motion.

ROLL CALL

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

Trustee Branca made a motion to close the public hearing, Trustee Marino seconded the motion.

Trustee Didden said that since the motion to adjourn this matter failed and now there is a motion to close the hearing that if this motion carries any member of this Board can make a motion to pass the law as it has been presented to us even tonight. He said that he encourages the closure of this hearing and then move forward for the approval of the law.

Mr. Cerreto said that the Board can not consider approval without the recommendation of the Planning Commission.

ROLL CALL

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

The Clerk read Affidavits of Publication stating that the following Public Notice were duly published in the Westmore News on August 19, 2011, certified by Angelina Brescia, Office Manager of the Westmore News and in the Journal News on August 21, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, September 6, 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 amending Chapter 319 entitled "Vehicle and Traffic" regarding change of the traffic pattern to one way and changes to parking on Marvin Place.

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

JOAN MANCUSO
Village Clerk

On motion of Trustee Brakewood, seconded by Trustee Marino, the public hearing was declared opened.

ROLL CALL

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

Mayor Pilla summarized the proposed law that would make Marvin Place a one way street from Highland Street to Willett Avenue and provide parallel parking on one side that will be designated for decal parking that there will be additional decal parking spaces on the side where parking now exists, that there will be two handicapped parking spaces on the each end of the other side where parking now exists along with meter parking.

Mr. Russo said that meter parking for this lot will be changed from two hour to a maximum of five hours and with this new traffic pattern it will provide an additional 19 spaces in this area.

The Mayor asked about the number of decal parking spaces stating that they have been reduced.

Mr. Russo said that the number of decal spaces has been reduced by what is currently issued and that this area has not been fully utilized and noted that this will lead into the next public hearing to have all of the spaces for the Highland Street Parking Lot be for two hours because that lot is fully utilized so Marvin Place can be used for the longer term parking.

Mayor Pilla further explained that the Village held a parking summit meeting to discuss the downtown parking situation and the participants were advised of this proposed law.

The Board further discussed decal parking and it was noted that the decal parking for this area is not for commuters and that the reason the meter parking is being proposed for five hours is so this location can be more fully used by residents and employees of the downtown area.

Mayor Pilla further explained that the Village held a parking summit meeting to discuss the downtown parking situation and employees of businesses want free parking.

Trustee Brakewood said that we talked about this it made a lot of sense but it makes him a bit nervous because every time we do something to parking or street signs we then get people coming and complaining.

Joan Mancuso, the Village Clerk told the Board that beside the regular notice requirements that her office also sent out notice of this hearing to all the current decal holders and to the Chamber of Commerce for both hearings.

The Mayor said that he had vetted the information for both of these hearings at the parking summit meeting and there were no objections to the proposals. He said that he also spoke to the Executive Board of the Chamber on these matters and even though it was not presented formally to their members the Chamber had forward the information of the hearing via email and the Executive Director was in favor of the proposals. Mayor Pilla asked if there was anyone from the audience who would like to speak on this proposed law. There was none.

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

ROLL CALL

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

On motion of Trustee Marino, seconded by Trustee Brakewood and approved, the following Local Law No. 11, 2011 was adopted:

ROLL CALL

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

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

A LOCAL LAW AMENDING CHAPTER 319
 VEHICLE AND TRAFFIC OF THE CODE OF
 THE VILLAGE OF PORT CHESTER WITH
 REGARD TO PARKING AND TRAFFIC
 REGULATIONS ON MARVIN PLACE

SECTION 1. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-65.

§ 319-65. Schedule IV: One Way Streets.

Name of Street	Directions	Location
.....		
Marvin Place	South	Highland Street to Willett Avenue

.....
 SECTION 2. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-69.

§ 319-69. Schedule VIII: Stop Intersections.

Stop Sign on	Direction of Travel	At Intersection of
.....		
ADD Marvin Place	South	Willett Avenue
DELETE Marvin Place	North	Highland Street
.....		

SECTION 3. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-87C.

§ 319-87C. Schedule XXVI: Parking Meter Zones.

Name of Lot	Time Limit (hours)	Location
.....		
DELETE Parking Lot No. 12	2	East side of Marvin Place from a point 7 ½ feet from the south curblineline of Highland Street for a distance of 77 feet south for 9 spaces
.....		

SECTION 4. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-87E.

§ 319-87E. Schedule XXVI: Parking Meter Zones.

Name of Lot	Time Limit (hours)	Location
.....		
DELETE Parking Lot No. 12	12	37 spaces, east side of Marvin Place (decal only)
ADD Parking Lot No. 12	5	33 spaces, east side of Marvin Place
.....		

SECTION 5. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-89.

§ 319-89. Schedule XXVIII: Decal Parking

Parking Lot	Restrictions
.....	
DELETE No. 12 Marvin Place	Decal valid only at designated area

ADD

No. 12 Marvin Place

19 spaces on the west side – parallel parking
11 spaces on the east side from Willett Avenue

SECTION 6. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-90.

§ 319-90. Schedule XXIX: Handicapped Parking

Name of Street or Parking Area

Number of Spaces and Location

.....

DELETE

Marvin Place

2, the first two spaces on the south side of the parking lot.

ADD

Marvin Place

First three (3) spaces, on the easterly side directly from Highland Street
First two (2) spaces on the easterly side directly from Willett Avenue

.....

SECTION 7: This local law shall be effective immediately upon filing with the Secretary of State.

Adopted: September 6, 2011

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

The Clerk read Affidavits of Publication stating that the following Public Notice were duly published in the Westmore News on August 19, 2011, certified by Angelina Brescia, Office Manager of the Westmore News and in the Journal News on August 21, 2011, certified by Cecilia Hernandez, Principal Clerk of the Journal News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Tuesday, September 6, 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 amending Chapter 319 entitled "Vehicle and Traffic" that all the parking meter spaces for Parking Lot No. 11 on Highland Street be two (2) hour limit.

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

JOAN MANCUSO
Village Clerk

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

ROLL CALL

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

Mayor Pilla spoke again on the proposed change to all two hour meters for this parking lot. He asked if there was anyone who would like to speak on this proposed law. There was none.

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

ROLL CALL

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

On motion of Trustee Didden, seconded by Trustee Kenner and approved, the following Local Law No. 12, 2011 was adopted:

ROLL CALL

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

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

A LOCAL LAW AMENDING CHAPTER 319
VEHICLE AND TRAFFIC OF THE CODE OF
THE VILLAGE OF PORT CHESTER FOR
PARKING LOT NO. 11 – HIGHLAND STREET

SECTION 1. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-87C.

§ 319-87C. Schedule XXVI: Parking Meter Zones.

Name of Lot	Time Limit (hours)	Location
..... ADD		
Parking Lot No. 11	2	19 meters on the south side and 16 meters on the north side of Highland Street from North Main Street to Abendroth Avenue

SECTION 2. Chapter 319 of the Code of the Village of Port Chester is hereby amended for Section 319-87E.

§ 319-87E. Schedule XXVI: Parking Meter Zones.

Name of Lot	Time Limit (hours)	Location
.....		
DELETE		
Parking Lot No. 11	12	South side of Highland Street, from North Main Street to Abendroth Avenue

SECTION 3: 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: September 6, 2011

* * * * *

Mayor Pilla asked if anyone from the audience would like to speak at this time. He recognized John Reavis.

Mr. Reavis questioned the language for the third, fourth and fifth executive sessions on tonight's agenda regarding appointments and personnel.

Mayor Pilla said that the language used is from the open meetings law.

Mr. Reavis expressed concerns regarding traffic especially pedestrians crossing against the traffic signals along Westchester Avenue and Main Street. He said that we are now getting into the fall and winter months where it gets darker earlier and other weather conditions could make this even more dangerous. Mr. Reavis suggested that the police be stationed at locations and issue jaywalking violations noting that when there are accidents or road work being done on Interstate 95 much more traffic come onto our roads in this area which creates traffic flow problems on these roadways.

The Mayor recognized the next speaker.

Ralph Balse of 22 Drew Street said that he is a resident in this Port Chester Housing Authority Senior Apartments. He said that he was stuck in the elevator at this location for two hours and made complaints to Mr. Colangelo, the Director of the Housing Authority that the intercom for the elevator is not working and other issues at this facility.

Mayor Pilla said that there would be a follow up with the Building Inspector and the Director of the Housing Authority on these issues.

Trustee Didden asked that the Mayor schedule a session with the Director on issues related to their properties.

The Mayor said that he has sent a message to Mr. Colangelo and noted that the Housing Authority has tenant representatives that Mr. Balse might want to consider becoming.

Mr. Balse said that he has requested being a tenant representative but someone else was assigned.

Mayor Pilla recognized Bea Conetta.

Mrs. Conetta spoke about an article in the Westmore News that Gene Ceccarelli wrote about development first and infrastructure second. She mentioned several applications before Planning like one for an upscale bar that does not require parking, G&S's application for residential downtown, the Mariner Project which is being built on Abendroth Avenue which was approved by Planning with no input by the Board of Trustees that is being built right out to the sidewalk which she does not like and the Restaurant Depot application approved by Planning and not by the Board of Trustees. Mrs. Conetta said that these items should not be approved by Planning but by the Board of Trustees. She spoke about the tenth year anniversary of 9/11 and that there was coverage to put out our American Flags on that day to commemorate. Mrs. Conetta noted that primaries will be held next week and that more need to come out to vote on in the primaries. She said that Trustee Brakewood is on the primary ballot and it would be great that one of our own could represent us as a County Legislator.

The Mayor noted that the Village has a beautiful 9/11 ceremony planned for Sunday at Lyon Park beginning at 4:00 p.m. He recognized Mario Karas.

Mr. Karas of 45 Quintard Drive spoke about the stop sign that was place on Quintard Drive which backs up vehicles that blocks his driveway noting that the worst times are in the morning and the afternoons since schools have opened. He also asked that the storm drain at this location be blocked so animals can not get in there.

Mayor Pilla recognized Richard Abel.

Mr. Abel said that a parking amnesty program previously was budgeted back in the 90's. He said that this program should not be used to balance the budget that these programs do not always work. There was a discussion between Trustee Terenzi and Mr. Abel about the prior amnesty program. Mr. Abel asked if there are any additions to the agenda.

The Mayor said that yes there will be one add on for an appointment to the Architectural Board of Review.

* * * * *

Mayor Pilla said that the Board held an executive session with a candidate for the Architectural Board of Review and would ask for a motion to add a resolution to the agenda at this time for the appointment of Susan Plant who would replace either Trustee Terenzi or Trustee Branca from their temporary appointment to the ABR.

Trustee Marino made a motion to add-on the proposed resolution.

Mr. Cerreto told the Board that a resignation is required prior to the motion to consider this appointment.

Trustee Branca provided the Clerk with his resignation as the alternate member of the Architectural Board of Review dated September 6, 2011.

The Board of Trustees noted Trustee Branca's resignation and thanked him for his service on the ABR.

The Clerk noted that Trustee Marino made a motion to add-on a resolution for the appointment of Susan Plant. Trustee Didden seconded this motion, there was no objection for this add-on.

ROLL CALL

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

APPOINTMENT OF ALTERNATE MEMBER OF THE BOARD OF ARCHITECTURAL REVIEW

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:

RESOLVED, that SUSAN E. PLANT, residing at 104 Hawley Avenue, Port Chester, New York, be and she hereby is appointed as the alternate member of the Port Chester BOARD OF ARCHITECTURAL REVIEW, effective immediately in place and instead of the unexpired term of John Branca with said term to expire March 20, 2013.

ROLL CALL

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

Mayor Pilla said that before the Board continues with the resolutions as listed on the agenda, staff has indicated that there is in the audience representatives from Complus, the Village's contractor regarding parking ticket processing regarding the resolution to set a hearing for a parking violations amnesty program. He said that the Board would take this resolution at this time.

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

Trustee Didden spoke about the proposed program along with Steve Hitsman of Complus. The Board further discussed the proposal with Mr. Hitsman how the process would work and if more than thirty days for the program should be considered. Mr. Hitsman said that these types of programs work best with a thirty day window but suggested pushing the program dates from the month of October to the month of November so the Village would have more time to promote this before it took effect. The Board agreed with Mr. Hitsman's recommendation.

Trustee Kenner made a motion to amend Section 3 of the proposed law by changing the dates listed in the first sentence as follows: October 3, 2011 to November 1, 2011; October 3, 2011 to November 1, 2011 and October 31, 2011 to November 30, 2011 and also amend Section 5 that the local law would automatically expire on November 30, 2011 instead of October 31, 2011, Trustee Marino seconded the motion to amend the proposed law.

ROLL CALL

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

SETTING PUBLIC HEARING WITH REGARD TO ESTABLISHING A ONE-TIME PARKING VIOLATIONS AMNESTY PROGRAM

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

RESOLVED, that a public hearing is to be held on September 19, 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 establishing a One-Time Parking Violations Amnesty Program for the Village of Port Chester.

ROLL CALL

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

REAPPOINTMENT OF MEMBER FOR PLANNING COMMISSION

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

RESOLVED, that GREGG GREGORY, residing at 40 Halstead Avenue, Port Chester, New York, be and he hereby is reappointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire June 16, 2014.

ROLL CALL

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

The Clerk presented the next resolution regarding a budget for payment to FairVote in reference to the 2010 Village Trustee Election.

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

Mayor Pilla spoke about the work that FairVote did as a consultation to the Village regarding the implementation of the consent decree and cumulative voting system for the 2010 election process. The Board discussed the resolution with the Mayor and staff and they were advised that FairVote had a contract with amount not to exceed \$50,000.00 unless there

ROLL CALL

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

The Clerk presented the next resolution on the agenda to reject all bids for the Security and Surveillance Project for the Waterfront Promenade and Columbus Park.

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

There was a discussion about the process for this project and why it is being recommended that these bids be rejected. The Manager was asked if this project is still needed because it has taken several years to get to the point and is there still a need for surveillance systems at these locations. Mr. Russo said that yes there is still a need. He told the Board that the Community Development Block Grant funding for this project needs to be use by February of 2012 and that we could rebid for the purchase of the equipment by that date and install later.

REJECT BID #09-11
SECURITY & SURVEILLANCE PROJECT FOR
WATERFRONT PROMENADE AND COLUMBUS PARK

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 any and all bids received and opened for Bid # 09-11 Security & Surveillance Project for Waterfront Promenade and Columbus Park are hereby rejected.

ROLL CALL

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

BID AWARD – CONCRETE CURB REPLACEMENT

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

WHEREAS, the Village of Port Chester went out to bid for Concrete Curb Replacement; and

WHEREAS, six contractors received the bid specifications and three of these contractors submitted bid proposals on July 27, 2011; and

WHEREAS, Northeast Landscape Masonry Assoc., 84 Calvert Street, Harrison, New York 10528 has submitted the lowest bid in the amount of \$32,450.00; and

WHEREAS, the Village's Engineering Consultant, Dolph Rotfeld Engineering, PC has reviewed the bids and recommends awarding the bid to Northeast Landscape Masonry Assoc., with said bid meeting all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Village of Port Chester accept the bid of Northeast Landscape Masonry Assoc., in the amount of \$32,450.00, and appropriation be made in the Road Resurfacing Project FY 2010-2011 #5.5110.400.2010.110, and be it

RESOLVED, that the Village Manager is hereby authorized to execute a contract for the Concrete Curb Replacement Project with Northeast Landscape Masonry Assoc., in accordance with the bid specifications, and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the Road Resurfacing Project FY 2010-11 for an extra \$167,914 received from NYS CHIPS reserve and that the Road Resurfacing Project FY 2010-11 be modified as follows:

MODIFY ROAD RESURFACING PROJECT FY 2010-11 from \$600,000 to \$767,914

REVENUE:

005.0005.3501.2010.110 CHIPS \$167,914

APPROPRIATION:

005-5110-0400-2010-110 Street Maintenance \$167,914

ROLL CALL

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

NOES: None

ABSENT: None

1ST AMENDMENT TO AGREEMENT WITH THE COUNTY OF WESTCHESTER FOR THE BENT AVENUE SIDEWALK IMPROVEMENT 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:

RESOLVED, that the Village Manager be and is authorized to enter into the First Amendment to Agreement with the County of Westchester with regard to the Community Development Block Grant for the Bent Avenue Sidewalk Improvement Project Contract #C67-10-T35 in the amount of \$198,000.00 for the term beginning April 13, 2011 and to extend term to June 15, 2012.

ROLL CALL

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

NOES: None

ABSENT: None

SETTING PUBLIC HEARING AND REFERRAL TO PLANNING COMMISSION CHAPTER 345 "ZONING" WITH REGARD TO TEMPORARY SALES/CONSTRUCTION TRAILERS

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 is to be held on October 3, 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 temporary sales/construction trailers; and be it further

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

ROLL CALL

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

* * * * *

Mayor Pilla said that he had requested a discussion item regarding the Cablevision Franchise Agreement but due to the late time and the Board will be hold some executive sessions at the end of this meeting he would defer this discussion to a later date.

* * * * *

The Clerk presented correspondence from the Columbus Day Celebration Committee requesting permission for the Annual Columbus Day Parade scheduled for October 9, 2011 with a rain date of October 16th and appropriation for this event.

The Board noted the correspondence from the Columbus Day Celebration Committee and referred matter to staff.

* * * * *

The Clerk presented correspondence from the Kiwanis Club of Mamaroneck-Harrison-Rye requesting the use of the show mobile on September 11, 2011 for their Annual Car Show at Harbor Island Park in Mamaroneck.

The Board discussed this request with the Village Manager and he indicated that the Village has only given permission for the use of the show mobile to other local municipalities which has included the Village of Mamaroneck. The Board referred the correspondence from the Kiwanis Club of Mamaroneck-Harrison-Rye to staff to reject the request.

* * * * *

The Clerk presented correspondence from Saint Peter’s Episcopal Church requesting permission for a procession on September 17, 2011 for the patronage of “Señor de Exaltacion”.

The Board noted the correspondence from Saint Peter’s Episcopal Church and referred the matter to staff subject to their conditions.

On motion of Trustee Didden, seconded by Trustee Branca, the Board of Trustees approved the minutes of August 1, 2011, August 15, 2011 and August 22, 2011.

ROLL CALL

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

Mayor Pilla asked if there was anyone in the audience who would like to address the Board at this time there was none.

Trustee Brakewood thanked the staff and departments for all of their work during Tropical Storm Irene. He said that schools are back in session so everyone should drive carefully. Trustee Brakewood noted that there was information regarding the denial of the appeal in the Department of Justice matter and would like a visit from our appeal attorney. He also spoke about complaints of residents regarding property maintenance and code enforcement issues of properties owned by banks and how can the Village enforce these matters.

Trustee Terenzi commended Trustee Marino for all the work he did during the storm as a volunteer fire fighter and the rest of the Fire Department and volunteers.

Trustee Branca spoke about the lack of response by Con Edison to the Village during the storm. He thanked the Village Manager for getting Con Edison crews here and will write to the CEO that a crew should be station here during a major storm event.

Trustee Didden asked the Mayor to invite the Town Assessor to a meeting and noted that the next Board meeting will include a budgetary review of certain departments.

Mayor Pilla said that he would invite the Town Assessor for a meeting in October. He said that the Village faired quite well during Tropical Storm Irene compared to other Sound Shore Communities but stated that the Village needs to more formalize our emergency practices.

Trustee Marino spoke about the storm management with Fire and Police who did a great job along with the Public Works Department.

At 11:56 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for consultation with Labor Counsel, Terry O'Neil and associates regarding contract negotiations. The Village Manager, the Village Attorney, the Assistant Village Manager and the Village Treasurer were included in the executive session.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Kenner, seconded by Trustee Marino, the executive session was closed at 12:35 a.m., and the Board adjourned to an new executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation related to the Building and Planning Department staffing plan the Building Inspector position and the Village Treasurer's office. The Village Manager, the Village Attorney, the Assistant Village Manager and the Village Treasurer were included in this session.

ROLL CALL

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

No action was taken in executive session

At 12:48 a.m., on motion of Trustee Branca, seconded by Trustee Marino, the executive session was closed and there being no further business the meeting was closed.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso
Village Clerk