

MEETING HELD OCTOBER 3, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, October 3, 2011 at 7:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

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

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Police Chief Joseph Krzeminski; Fire Chief Kevin McFadden; 1st Assistant Engineer Kevin McMinn and 2nd Assistant Engineer Edward Quinn.

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On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was declared opened at 7:05 p.m.

ROLL CALL

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

NOES: None

ABSENT: None

Mayor Pilla introduced Valerie Lopez a 3rd grader from Corpus Christi/Holy Rosary School who is a model student citizen who will lead us in the pledge of allegiance.

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

On motion of Trustee Didden, 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 said that the Village is seeking incremental changes and that the current law regarding public notice required sign at the location and mailing notices to property owners within 500 feet. He said that this proposed law would reduce the radius of the notice requirement on certain applications. The Mayor noted that the proposed law has been sent to the Planning Commission for their review and they have made some recommendations for changes to the proposed law. He asked the Village Attorney, Anthony Cerreto to speak on those recommendation changes.

Mr. Cerreto said that yes the Planning Commission has made recommendations to amend the proposed law and would recommend to the Board to adjourn this matter to the next Board meeting so he can provide the Board with the updated law. He reviewed the three

proposed changes from the Planning Commission with the Board as follows; that rather than the property owner securing the sign to be posted on the premises, the Village should make available the sign so that there is a more uniform and aesthetic appearance; substitute first-class mail for certified mail notice to those affected property owners given the increased cost of certified mailings and delete the requirement that the legal notice in the official newspapers be published in two successive weeks. Mr. Cerreto said that these are good changes and the Planning Commission is well intended with their recommendations.

The Mayor asked if there were any comments from the Board.

Trustee Branca questioned the recommendation that the Village would provide the signs and how many signs would the Village need to have because there are multiple hearings and applications before Planning.

Mr. Cerreto said that he would need to speak with Christopher Steers, the Assistant Village Manager who oversees planning about the operational aspect of that issue.

Trustee Branca questioned what would happen if we did not have enough signs.

Mr. Cerreto said that we would need to look at the history of the number of applications that we receive and review to determine how many signs would be adequate.

Trustee Marino questioned the cost of the signs.

Mr. Cerreto said that we need to look at the application fees so it would incorporate any costs for the signs. There was more discussion between the Board and staff regarding costs and fees.

Mayor Pilla said that the Planning Commission has made recommendations to change the law which Mr. Cerreto has spoke on but is concerned that the proposed changes especially regarding the signage would cause delay in moving this forward.

Trustee Brakewood agrees with the previous comments and does not want this delay by the Village with the signs. He said that he is concerned regarding the mailing notice about 1st class mailing opposed to certify mailing especially multi-families / landlords, commercial versus residential because you may want that proof of mailing.

Trustee Didden asked if Trustee Brakewood's previous request regarding plain language on the signage how that would be addressed with signs by the Village.

Mr. Cerreto spoke on that issue noting that with the signs being controlled by the Village there should be no issue with the necessary language.

The Mayor spoke further about signage and said that he appreciates the ability of the Planning in enhancing this proposed law but we are trying to make this process easier with the radius of the area requirement for mailings and what type of mailing so is concerned with the Village being responsible for signs because he does not want our control of that portion to delay the process for applicants.

Trustee Brakewood said that the signage is critical and an important portion of public notice so wants to make sure it is done correctly and accurately.

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

Ms. Solomon said that the signs are ugly and some are disappearing. She said that we are a diverse community and the signs can not be just in English but should be in Spanish also. Ms. Solomon stated again that the signs are ugly and they are downing our community.

Trustee Brakewood noted that the signs may be coming down when the applications are approved, denied or withdrawn.

The Mayor recognized Richard Abel.

Mr. Abel said that he would hate for the Village to go into the sign business. He noted as a newspaper publisher that the signs that are being put up are all caps and it is easier to read with upper and lower case. Mr. Abel said that in reference to the plain English discussion that the signs should be in plain English and the Village should approve the language of the signs in advance. He said that the law is a step in the right direction as long as signs are taken down when required.

Mayor Pilla asked Mr. Cerreto regarding the whole issue about changing the language and is the law flexible enough for that issue. He also asked the Village Manager, Christopher Russo can the recommendation from Planning that the Village provide the signage be operational.

Mr. Cerreto said that we can be involved operationally noting that the law was adopted about two years ago and if need be amended it can be changed again.

The Mayor said that he does not recommend delay of moving forward with this proposal on the initial changes regarding the radius and the mailing type.

Mr. Russo said operationally he would rather have it that the applicant would have the language approved by the Village and the applicant gets the sign. There was further discussion about what needs to be on the sign, the language, and the operational aspect.

Mr. Abel said that there is the legal part of the sign and then the description which is not the legal aspect.

Mr. Cerreto said no that it is the whole body of the sign.

Mayor Pilla spoke about the description which would be required to be approved by staff.

Mr. Cerreto said he would need direction from the Board to provide the final format of the law. The Board was in consensus that the Village should not make and provide the signs. Mr. Cerreto told the Board he would provide them with the final proposed law including the recommendations from the Planning Commission except for the portion that the Village would provide the signage.

Trustee Branca said that the language should have what the application is and if it is multiple variances state that simply that people should contact Village Hall for further information.

Trustee Brakewood noted that Mr. Russo said as long as the Village approved the language.

The Mayor asked for a motion to adjourn the public hearing to the next meeting stating that Mr. Cerreto will provide the updated law.

On motion of Trustee Branca, seconded by Trustee Didden, the public hearing was adjourned to October 17, 2011.

ROLL CALL

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

The Clerk stated that the next item on the agenda is the adjourned public hearing to consider the advisability of amending the Code of the Village of Port Chester, Chapter 345 entitled "Zoning" with regard to site plan review where code violations exists.

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

ROLL CALL

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

Mr. Cerreto noted that the Board had referred this proposed local law to the Planning Commission and before the law was provided to them he and Christopher Steers, the Assistant Village Manager revised the law and gave the revised law to Planning. He said that this matter was before the Planning Commission last week and they deferred their recommendation to the Board of Trustees until I conclude some legal research. Mr. Cerreto asked the Board to adjourn this hearing to the November monthly meeting so this legal research can be completed.

Trustee Didden asked if the adjournment should go the December monthly meeting instead in case the legal research takes longer. The Board further discussed if extra time is necessary and Mr. Cerreto indicated that the first meeting in November would be sufficient.

Mayor Pilla asked if anyone from the public would like to speak on this proposed law. He recognized John Reavis.

Mr. Reavis spoke about the third level of the G&S parking garage which emergency apparatus such as fire engines and ambulances can not get to along with the anticipated truck traffic from the Restaurant Depot site on South Regent Street and aren't those issues violations that should have been addressed before they were approved.

The Mayor said that those items may not be violations and told Mr. Reavis that those items could be addressed separately from this hearing. He asked if there was anyone else from the public who would like to speak. There was none.

On motion of Trustee Didden, seconded by Trustee Kenner, the public hearing was adjourned to November 7, 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 was duly published in the Westmore News and the Journal News on September 16, 2011 and September 23, 2011, certified by Angelina Brescia, Office Manager of the Westmore News and Florence Bonilla, Principal Clerk of the Journal News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, October 3, 2011, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law to amend, Chapter 345 "Zoning" of the Village Code with regard to temporary sales/construction trailers.

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: September 16, 2011
and September 23, 2011

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

ROLL CALL

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

The Mayor asked the Village Attorney to speak on this proposed law.

Mr. Cerreto said that this law is in response from an applicant for a location on Boston Post Road for a sales trailer for a new gym that is being developed. He said that the Building Inspector stated that this request is not addressed in our code and that State Law would oversee this use.

Trustee Branca expressed a need for a time limit on these trailers and spoke about the Caste Project on Willett Avenue that has gone through certain approvals cleared the area but no construction has started and does not want to see trailers at development locations for long periods of time.

Trustee Didden noted that this proposal would not allow a trailer until a building permit is issued.

Trustee Branca spoke about a scenario if a building permit is issued then there is litigation and the trailer is then at the site for a long length of time.

Trustee Didden said that the law states that it could be for six months and may be renewed for six months more.

Trustee Branca said that he is concerned that the language in the law is not strong enough that after the trailer is there it would stay too long. There was further discussion on this issue.

Trustee Brakewood asked what would happen now can these trailers be done now.

Mr. Cerreto said no it can not be done now.

Trustee Brakewood inquired as to the location of a trailer and how would it be done does it take away from parking.

Mr. Cerreto said that would have to be reviewed through the application process.

Trustee Brakewood asked why now this is being brought up noting that we had large projects in the Village which they did not have construction trailers. He mentioned the Mariner project which is being built on Abendroth.

Trustee Didden said that the Mariner project is leasing office space so does not has a trailer.

The Mayor asked if anyone else from the audience would like to speak on this proposed law. He recognized Doris Bailey-Reavis.

Mrs. Bailey-Reavis said that the comprehensive plan is coming close so why are you going into these situations because it would impact all of these zoning laws.

Mayor Pilla and Mrs. Bailey-Reavis had a further discussion about the comprehensive plan.

Mr. Cerreto said that the law provides the protection that Trustee Branca is looking for. He said that the granting of a trailer would be for a six month period and after the initial period an additional six months could be approved by the Building Inspector. Mr. Cerreto said that if construction stops for anytime beyond the sixty days the trailer has to be removed and the law has that the applicant also has to provide a bond.

Trustee Branca spoke further about the timing and said that he does not want it to be subjective. He said that he does not want to see a trailer on a site for many years.

Mayor Pilla spoke on the language of the law regarding the six month extension.

Mr. Cerreto said that the burden is on the applicant to satisfy the Building Inspector for their need for the additional time and that it is all tied to a building permit which now has a life of no more than two years.

Trustee Branca said that whether he is on the Board or not the first time he sees a problem he will follow up.

Trustee Brakewood said that he thinks generally this is a bad idea stating that the developer can make alternative plans. He said that there are other ways and does not seem compelled to adopt this law especially with sale trailers.

Mayor Pilla asked about the need for construction trailers.

Trustee Didden said that once the construction is done he would assume that they would apply for a certificate of occupancy to put the building in use so there should be no more need for a sales or construction trailer and would have to be removed before the certificate of occupancy is issued.

The Mayor continued that for some projects there is a need for a construction trailer.

Trustee Brakewood said that he wondered if there is a distinction because maybe they wanted a permit for this because it was not going to be on their site outside the building in the parking lot that is why they wanted to get a permit. He stated that construction trailers are on the site that the developer owns and that is the distinction.

Trustee Didden said that it could be a possibility that they are renting a building and have rights to the parking spaces.

Trustee Terenzi said that they received approval for the gym with the spaces allotted and they be putting the trailer in the located spaces.

Trustee Didden said that you do not need the parking spaces until you get the certificate of occupancy.

The Mayor asked if there was further discussion from the Board, there was none and asked if anyone else from the audience would like to speak on this proposed law, there was no one.

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

ROLL CALL

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

Mr. Cerreto said that there are two actions on the agenda for this law but Patrick Cleary, the Village's Planning Consultant informed us today that the action required of the Board is the law itself that it is a Type II action under SEQRA.

On motion of Trustee Didden, seconded by Trustee Terenzi and approved, the following Local Law No.14, 2011 was adopted:

ROLL CALL

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

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

A LOCAL LAW AMENDING THE CHAPTER 345 OF
THE CODE OF THE VILLAGE OF PORT CHESTER
WITH REGARD TO TEMPORARY SALES/CONSTRUCTION
TRAILERS

SECTION 1: Purpose and Intent.

Current provisions of Chapter 345 of the Code of the Village of Port Chester, Zoning Regulation, do not explicitly address temporary sales/construction trailers which are typical and customarily used in connection with development projects. The Village Board of Trustees desires to promote such development by clearly authorizing such trailers and further the general purposes of the Zoning Regulation by regulating the erection, maintenance and placement of such temporary uses.

SECTION 2: Chapter 345-2B of the Code of the Village of Port Chester is hereby amended as follows:

...

TEMPORARY SALES/CONSTRUCTION OFFICE TRAILER

A temporary structure that is used to generate sales of a development or to serve as the office for the contractor during construction of said development.

...

SECTION 2: Section 345-6 of the Code of the Village of Port Chester is hereby amended as follows:

A. Nothing in this Regulation shall be deemed to prohibit the following accessory and incidental uses:

....

(3) temporary sales/ construction office trailer

M. A temporary sales/construction office trailer shall be permitted in accordance with the following requirements:

- (1) A term for an initial period of six months following the issuance of a building permit, which may be extended for additional six-month periods on a showing by the applicant of business necessity. However, in no event shall the trailer be allowed to remain in excess of the time specified for the underlying building permit issued for the development. The trailer shall be removed prior to the issuance of a certificate of occupancy for the development.
- (2) The installation of the trailer must comply with all applicable provisions of the New York State Uniform Fire Prevention and Building Code.

- (3) The trailer shall not be used or occupied for residential use, nor serve as overnight habitation.
- (4) The trailer and attendant parking and/or storage areas shall be located on site so as not to interfere with safe ingress and egress to developed areas or areas under construction.
- (5) The trailer shall be removed if construction ceases for more than sixty (60) calendar days.
- (6) Any signage shall be compliance with section 345-15 (F), Sign Regulation.
- (7) A bond, in an amount to be fixed by the Village Manager or his/her designee, and in form acceptable to the Village Attorney, shall be posted by the applicant to secure the timely removal of the trailer.

SECTION 3: This local law shall be effective immediately on due notice and publication 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: October 3, 2011

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Mayor Pilla said that at this time the Board would hold a budget review session regarding the Fire Department.

Fire Chief Kevin McFadden told the Board that overall the Fire Department budget is doing well. He spoke about the maintenance line and that there are necessary repairs required for the elevator at the South End Fire House and a repair to a wall adjacent to the next property owner at Station 4. Chief McFadden discussed with the Board necessary expenditures including turnout gear for the volunteer members, physicals for the volunteer members and air packs. He then gave an overview of the current career personnel noting that we have eleven career firefighters which two are on light duty (one has been on light duty for a four year period and one for two years) and one career personnel is in the Academy. The Chief said that staffing level is below and that it should be at 14 or 16 but would be alright at 12. He asked that the overtime line be restored to what was proposed by him and the Manager before the final outcome of the budget. Chief McFadden said that there is minimum staffing during the day and that they are currently at 65% of the overtime in the 1st quarter of this fiscal year. He said that he would like to work with Mr. Russo and Ms. Douglas on what would be the necessary amount for overtime.

Trustee Kenner asked what is driving the overtime figures.

Chief McFadden spoke about the overtime and the majority is coverage for vacation time.

Mayor Pilla noted that the career firefighters are under contract and there are contractual obligations regarding vacation time that we have to oblige by.

Trustee Terenzi asked about our contractual obligations to Rye Brook for fire services.

The Chief explained the personnel requirements at Station 4 during the day along with Headquarters and at the Rye Brook Fire Station during certain afternoon/evening hours. He spoke further about the number of career coverage.

Trustee Didden asked about the light duty personnel and do we control the process on this.

Mr. Russo noted that there is a process through our carrier PERMA along with state retirement and workers compensation issues. He said that there are personnel and medical aspects regarding these matters that can not be discussed in an open meeting.

The Mayor spoke about the Village's workers compensation administrator PERMA and how well this administrator is doing on these issues.

Trustee Branca asked Chief McFadden to come back to the Board with the number for the career fire fighters and the necessary time needed for them to be working.

Chief McFadden said that it would be less of a time frame for a transfer stating that it would be about a 30 day turn around to be on the job working.

Mayor Pilla asked the Chief to speak about the ISO rating.

2nd Assistant Chief Edward Quinn said that ISO stands for the Insurance Service Organization rating for fire departments and when the rating is lower that insurance cost for homeowners is reduced. He said that currently we are rated a 4 and want to go to a 3 and that Mamaroneck recently got their rating down to a 2.

The Board thanked the Fire Chiefs for their input on their quarterly budget and requested that the Chiefs come back with more information regarding staff at the November monthly Board meeting.

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

Ms. Solomon said that we need to look to raise our community not lower it. She said that we are an antique community that assessments are all wrong and our taxes are killing us. Ms. Solomon said that October is to honor fire personnel month and that the health, safety and welfare is the most important aspects for our citizens and that depends on our police, fire and EMS. She continued that the D.A.R.E Program is also very important and wants it continued in our schools. Ms. Solomon said that our schools are overcrowded and that we do not need any more residential projects in the Village but that it is necessary to have affordable housing in our community because we are mainly low to moderate income households. She said that we have a large amount of group homes but neighboring elitist community have very few if any and as a Board you need to represent us. Ms. Solomon said that the Columbus Day Parade will be held on October 9th with line up beginning at 1 pm and the parade to start at 2 pm. She said that the taxpayers need help to get the taxes down and that we have more off the tax rolls than any other community in the County noting that religion is important but being off the tax rolls hurts the tax payers. Ms. Solomon concluded that the County and State knows nothing about us and we need to keep our services here and not give things away.

The Mayor recognized Bea Conetta.

Mrs. Conetta said that there are three things that are very important the first being the D.A.R.E. Program which is the most important thing to educate our children about the problems with alcohol and drugs and that this program can not be let go. She said that the second thing is the Rye Brook Affordable Housing proposal and thinks it will be a travesty if they build these in our school district #4. Mrs. Conetta said that she left a message for the County Executive and spoke to the new Port Chester School Superintendent on this matter and it seems that we are always taken advantage of for all of their projects on our borders and

that the Village needs to fight this. Her final statement deals with a letter to the editor by Gene Ceccarelli entitled Playland next in Lyon Park about all the projects that have been granted or being considered by the Planning Commission and she feels very strongly that Planning should not have given permission for the Mariner project and Restaurant Depot.

Mayor Pilla asked for a discussion item on the November 7th agenda regarding the Planning Commission. He asked if anyone else would like to speak at this time and recognized John Reavis.

Mr. Reavis said that he is also concerned about the D.A.R.E. Program noting that this is the only program that we provide that has a connection with our police and youth. He told the Board to find a way to fund this program. Mr. Reavis spoke further about emergency apparatus not being able to get to the 3rd level of the G&S parking level.

The Mayor spoke about the process that goes into the review of big projects that require input from emergency personnel regarding planning aspects.

Mr. Reavis said that any major projects need to be reviewed by the Manager and emergency personnel. He also spoke about jay walking and inquired if we do have a law on that matter. Mr. Reavis continued that there are issues regarding jay walking on Westchester Avenue and Main Street and if there is congestion in an area police should be assigned.

Mayor Pilla recognized Rev. J. Bruce Baker.

Rev. Baker noted that opposed to what Ms. Solomon said that there are not 50% of all the properties off of the tax rolls.

Trustee Terenzi said that it is more 18% off the rolls.

Rev. Baker also spoke about the D.A.R.E. Program noting that it is not the only game in town stating that the Community Care Coalition has been spreading this message and they are offering donation to the Village to continue compliance checks of off-premise alcohol retail establishments.

The Mayor recognized Mario Karas.

Mr. Karas spoke again about the stop sign on Quintard Drive stating that it does not work and asked to remove this sign and can the Village instead install speed bumps. He said that Peekskill has streets with speed humps and why can we not do the same.

Mayor Pilla told Mr. Karas that the police are checking on the use of speed humps. He recognized Richard Abel.

Mr. Abel said in the packages provided for the press it is missing the first resolution regarding the Rye Brook Affordable Housing proposal.

Trustee Didden noted that it was a placeholder on the agenda but no resolution was provided and the Board will have a discussion matter on this issue.

Mr. Abel said that hopefully the Board will put on the agenda the D.A.R.E. issue stating that this program is worthwhile and important. He said that the Village did not use all of the funding put aside for the Department of Justice appeal and why doesn't the Board use the unspent funding toward the D.A.R. E. Program. There was further discussion between the Board and Mr. Abel on his funding proposal and the D.A.R.E. Program.

Trustee Brakewood said that he has brought this evening a resolution that he will ask the Board to add to the agenda tonight regarding D.A.R.E and if it is not added tonight it will be placed on the next agenda.

The Mayor noted that this issue regarding continuing the D.A.R.E Program is as much about peer pressure and bully and the relationship with students and the police. He stated that the current D.A.R.E. Officer is also a certified teacher.

Mr. Abel said that that the overtime for the police and fire was cut by the Board and hopes that if the overtime for these departments goes over that their services do not stop.

Mayor Pilla asked if there was anyone else from the public who would like to speak and recognized Marcella Kissiner.

Ms. Kissiner expressed concerns with problems of drugs in our Village and that we need to do something urgent about drugs and supports the D.A.R.E Program which should also be done for high school students.

Ms. Solomon spoke about conditions of roads.

Mrs. Conetta said that she does not know why this is being debated about the D.A.R.E. Program that it is a very needed program for our youth. She also spoke about the Department of Justice appeal which members of the Board voted for that was funded for over \$200,000 so this Board can find the funding for D.A.R.E which would be spending money on our children who need help.

Mr. Reavis gave his final comments stating that at last week's Port Chester Day event, there was a table that provided literature about the D.A.R.E Program and as was stated peer pressure is the key to what is being done in our country.

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Mayor Pilla said that he would change the line up of the agenda at this time and start with the resolution under donation to consider the acceptance from the Port Chester Cares Community Coalition regarding compliance checks and then Trustee Brakewood has a resolution for consideration of an add-on regarding the D.A.R.E. Program.

Trustee Brakewood made a motion for discussion regarding the resolution of the donation from the Port Chester Cares Community Coalition, Trustee Marino seconded the motion.

The Board discussed this proposal with Ms. Meyers from the Port Chester Care Coalition and Police Chief Krzeminski and it was noted these compliance checks have to be initiated through the Westchester County District Attorney's office and that the last time they were done was in March of 2009 and that the compliance rate was 75% of the 15 establishments that were checked. There was further discussion between the Board, Police Chief Krzeminski and Ms. Meyers on when the donated funds would be transmitted.

DONATION FROM THE PORT CHESTER CARES COMMUNITY COALITION REGARDING COMPLIANCE CHECKS

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, in conjunction with the Westchester County District Attorney's Office, the Port Chester Police Department conducts compliance checks of off-premise retail establishments that sell alcohol; and

WHEREAS, funding for such compliance checks was not included in the Village's FY 2011-2012 Budget; and

WHEREAS; it costs the Village typically \$590.40 per day to conduct 15 establishments; and

WHEREAS, the Port Chester Cares Community Coalition made a presentation to the Board of Trustees that it would donate \$2,361.60 to allow for the Police Department to perform four days of compliance checks, subject to the following:

- that each of the establishments be checked at least once and for those out of compliance checked a second or third time; and

-that the checks be conducted within a four month time-frame; and

-that after the checks are completed that the Coalition, together with the Police Department, be able to present the results of the findings to the Board of Trustees; and

WHEREAS, the Board has since been made aware by the Police Department that the District Attorney's Office is available to work with the Village four times a year with regard to this program. Now, therefore, be it

RESOLVED, that the Board of Trustees finds and declares that underage drinking of alcohol is a serious public health issue; and be it further

RESOLVED, that the Board hereby accepts the gracious donation of the Port Chester Cares Community Coalition in the amount of \$2,361.60 that will assist in providing for four days of compliance checks of off-premises establishments; and be it further

RESOLVED, that the donation is accepted with the mutual understanding of the scheduling requirements of the District Attorney's Office and Police Department.

ROLL CALL

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

NOES: None

ABSENT: None

Mayor Pilla said that Trustee Brakewood has requested that the Board consider an add-on resolution regarding the D.A.R.E. Program.

There being no objections, Trustee Brakewood made a motion to add the resolution to the agenda for discussion, Trustee Marino seconded the motion.

ROLL CALL

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

NOES: None

ABSENT: None

Trustee Brakewood discussed his reasons why he has put forward this resolution supporting the D.A.R.E Program and the importance of continuing this program in our schools.

Police Chief Krzeminski provided the Board with a memo on how the Department administers this program including the costs.

Trustee Didden provided the Board with handouts on whether this program is effective.

There was further discussion amongst the Board on this subject.

D.A.R.E. PROGRAM

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, as follows:

Whereas, D.A.R.E.'s primary mission is to provide children with the information and skills they need to live drug-and-violence-free lives; and

Whereas, millions of U.S. children in more than 300,000 classrooms in 10,000 communities in all 50 states will benefit from D.A.R.E. this year; and

Whereas, the implementation of the D.A.R.E. program in Port Chester required a spirit of cooperation between the Village of Port Chester Police Department and the Port Chester-Rye Union Free School District; and

Whereas, the Village of Port Chester Police Department has invested in training an officer to deliver the D.A.R.E. curriculum; and

Whereas, the Port Chester-Rye Union Free School District has developed its 2011-2012 curriculum with the expectation that the D.A.R.E program would start in October; and

Whereas, the Village of Port Chester, Village of Rye Brook and the Port Chester-Rye Union Free School District are currently working to identify new funding sources for the D.A.R.E program; and

Whereas, the D.A.R.E. officer's position is funded by 2011-12 Village Budget adopted by the Board of Trustees; and

Whereas, the 2011-12 Village Budget also includes \$310,000 for overtime expenses. Now, therefore, be it

RESOLVED, that the Board of Trustees expresses strong support for the D.A.R.E. program and urges the Chief of Police to continue said program following the curriculum and timing used in 2010-11 school year.

ROLL CALL

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

* * * * *

DONATION REGARDING IMPROVEMENTS TO MONUMENT PARK

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

WHEREAS, Monument Park has been in a state of neglect and disrepair; and

WHEREAS, recognizing the Village's fiscal constraints and limited resources, Marvin Ravikoff has donated 19 trees to replace those damaged or blown down from recent storms, and has installed missing portions of the public sidewalk on New Broad Street adjacent to the Park, and desires to make even further improvements with the permission of the Village; and

WHEREAS, such further proposed improvements include replacing damaged sections and installing matching fencing where no fencing exists, as well as lighting, constructing state-of-the-art irrigation and a security system; and

WHEREAS, the Board of Trustees finds that parks offer intergenerational recreational opportunities, provide open space, revitalize neighborhoods and bring communities together; and be it further

RESOLVED, in an era of scarce village resources, volunteer efforts such as those undertaken by Marvin Ravikoff have proven to be invaluable in restoring municipal parks; and be it further

RESOLVED, that the Board of Trustees hereby accepts Mr. Ravikoff's current donation of improvements to Monument Park; and be it further
RESOLVED, that the Village Manager is hereby directed to work with Mr. Ravikoff on the plan for the remaining improvements to the Park for Village Board acceptance.

ROLL CALL

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

SETTING PUBLIC HEARING AFFORDING ADDITIONAL MANNER OF PAYMENT WITH REGARD TO THE VILLAGE OF PORT CHESTER 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 October 17, 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 affording additional manner of payment with regard to the Village of Port Chester 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

The Clerk presented the next resolution on the agenda a budget amendment regarding payment of the Village Early Retirement Incentive.

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

There was a brief discussion on the resolution. Staff advised the Board that the topic of the discussion regarding the individuals of the retirement is a matter for an executive session.

Trustee Marino made a motion to table this resolution. Trustee Kenner seconded the motion.

ROLL CALL

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

WESTCHESTER COUNTY FOOD SERVICE PERMIT
FOR SENIOR NUTRITION PROGRAM
220 GRACE CHURCH STREET

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

RESOLVED, that the Village Manager be authorized to submit an application to the Westchester County Health Department for renewal of permit number 01-K385-A which expires November 30, 2011 for food service establishment regarding the Port Chester Nutrition Program at 220 Grace Church Street.

ROLL CALL

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

The Clerk presented a resolution to set a public hearing regarding the licensing of taxicabs and dispatch companies.

Trustee Kenner recuse himself from this discussion and consider action on this matter stating that he is an employee of Westchester County and the Ethics Board has provided him an opinion to recuse from this matter.

Trustee Marino said that the Board has been discussing this issue for several years that the taxi drivers licensing process has been given to the County's Taxi and Limousine Commission and that he would like that the licensing for the taxicabs and dispatch companies remain in the Village.

Mayor Pilla spoke on what the Village has done in regard to licensing of the taxi industry including retaining an expert who made recommendations to remove the caps on cars and companies and regulate on licensing process.

There was further discussion between the Board on this matter and that Trustee Marino had requested this resolution and has provided his direction for the proposed law which will be drafted and provided to the Board.

SETTING PUBLIC HEARING TO AMEND THE CODE OF THE VILLAGE CHAPTER 295 "TAXICABS" WITH REGARD TO LICENSING OF TAXICABS AND DISPATCH COMPANIES

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

RESOLVED, that a public hearing is to be held on November 7, 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 295 "Taxicabs" with regard to licensing of taxicabs and dispatch companies.

ROLL CALL

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

SETTING PUBLIC HEARING TO AMEND CHAPTER 319 "VEHICLE AND TRAFFIC"
WITH REGARD TO ADDITIONAL LOCATIONS FOR
STREET CLEANING

On motion of TRUSTEE KENNER, seconded by TRUSTEE BRANCA, 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 17, 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 amending the Code of the Village of Port Chester, Chapter 319 "Vehicle and Traffic" Section 319-76 "Parking Prohibited Certain Time (Street Cleaning)" on the following streets, Monroe Place, Fairview Avenue, Breckenridge Avenue, Perry Avenue, Wesley Avenue, Barton Place, Irving Avenue, Irenhyl Avenue and Neuton Avenue.

ROLL CALL

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

Trustee Didden stated that he is voting against setting this hearing because these are the same streets that the Village attempted to establish alternate side of the street parking and once the signs were place the residents of these streets came out against it and it was repealed so is concerned that it would be the same situation regarding the street cleaning proposal.

Mayor Pilla noted that the Village held a neighborhood meeting with residents of these streets regarding the alternate side of the street parking and from that meeting the neighbors requested that there be street cleaning that is why the hearing is being proposed.

The Clerk presented a report from Fire Patrol & Rescue Co. No. 1 on the election to active membership of Michael Meagher.

The Board noted the action taken by Fire Patrol & Rescue Co. No. 1.

The Clerk stated that Mellor Engine & Hose Co. No. 3 has provided reports for new members and the removal of a member that was not received in time for this agenda.

Trustee Terenzi and Trustee Marino motioned to consider these reports.

The Clerk stated that the reports include the newly elected active memberships of Zachary Taylor, William Washington, Scott Vargas and Matthew Gordiski and the removal of Donato Pagnotta.

The Board noted the actions taken by Mellor Engine & Hose Co. No. 3

Mayor Pilla said that the Church of Our Lady of the Rosary has also provided correspondence regarding a request for a procession in honor of El Señor de los Milagros on October 16, 2011 that was received after the setting of the agenda.

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

* * * * *

The Board of Trustees then held discussion regarding setting a meeting regarding the Comprehensive Plan Synthesis.

The Clerk said that Christopher Steers, the Assistant Village Manager had provided dates of October 18th or October 19th to hold this meeting of the Board with staff and BFJ Planning, the consultant retained by the Village regarding this synthesis. The date of October 18th was selected by the Board for this meeting.

* * * * *

The next discussion item was on the Village of Rye Brook's notice regarding proposed law in reference to Affordable Housing.

Mayor Pilla explained that the Village of Rye Brook has notified us that they are considering a law regarding Affordable Housing in their Village and that the hearing has been scheduled.

Trustee Terenzi said that he opposes any affordable housing in the Village of Rye Brook that would be located in District #4 of the Port Chester School District.

Trustee Branca said that more information is needed from Rye Brook on their proposal so asked for this discussion to be continued at the next Board meeting scheduled for October 17th.

Mr. Cerreto said that the Village has received the notice of their hearing, the proposed law and the State Environmental Quality Review Act (SEQRA) document and we have sent a letter to Rye Brook requesting more information. He said that it is better to wait for the full information before expressing opinion. Mr. Cerreto noted that the Village can speak at Rye Brook's hearing which is schedule for October 25th.

Trustee Didden said that we have a responsibility to express an opinion and tonight we let everyone know we will express our rights.

Trustee Brakewood said that it is very important for us to provide considered input to their public hearing. He said that he does not think we can do that in the time frame that Rye Brook has provided. Trustee Brakewood asked staff to reach out to the Federal Monitor on this case because of the stipulation that was reached between the government and the County on this issue and the communities that it affects.

Trustee Kenner noted that there is no stipulation.

Trustee Brakewood said this should be our leverage that we need more time and should ask Rye Brook for more time. He said that our Planning Commission should review and have a public hearing noting that this should not be something that is to be rushed into.

Trustee Terenzi said that this is spot zoning so they can put affordable housing anywhere in their municipal boundaries. He said that he does not think economic reasons can be a SEQRA issue that we could pursue.

Mr. Cerreto said that there maybe some issues of what Rye Brook gave us that our Planner needs to review.

Mayor Pilla said that he, Trustee Didden, Mr. Russo and Mr. Cerreto meet with members of the Port Chester School Board today and the School District is an effective agency that needs to be informed of this proposal.

Trustee Didden said that we need a professional planning consultant to review this and make a report.

The Mayor said that there are multiple angles that need to be reviewed including legal and planning so we should continue this on October 17th.

Trustee Didden said that he does not think we may receive the additional information in time and if not we should send legal counsel to their hearing asking for an adjournment and if they close the hearing we should inform them that we will file an Article 78.

* * * * *

The final discussion item was regarding Board members for the Liaison Committees for the Library, School and Affordable Housing.

Mayor Pilla said that there are openings on these committees and asked for volunteers from the Board. He noted that there was a School Liaison meeting held today and that he is a member and that Trustee Didden attended.

Trustee Didden said that he would like to be considered for the School Committee.

The Mayor said that there is scheduled a Library meeting next week on October 19th and that currently he and Trustee Brakewood are on that committee.

Trustee Marino said that he would like to be considered for the Library Committee.

Trustee Marino made a motion to add two resolutions to the agenda for these appointments, Trustee Didden seconded the motion. There was no objection to the motion.

ROLL CALL

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

APPOINTMENT OF MEMBER TO SCHOOL DISTRICT LIAISON SUBCOMMITTEE

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

RESOLVED, that Trustee Bart Didden is hereby appointed to serve as a member of the School Liaison Subcommittee to fill the open position left by former Trustee Sorensen.

ROLL CALL

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

APPOINTMENT OF MEMBER TO
PORT CHESTER-RYE BROOK PUBLIC LIBRARY LIAISON SUBCOMMITTEE

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 Trustee Luis Marino is hereby appointed to serve as a member of the Port Chester-Rye Brook Public Library Liaison Subcommittee to fill the open position left by Trustee Sorensen.

ROLL CALL

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

The Board continued the discussion regarding the Affordable Housing Subcommittee which consists of Trustee Brakewood and Mayor Pilla. Trustee Didden said that he was not in favor of appointing anyone to this subcommittee and questioned if it is necessary to maintain. There was further discussion if this subcommittee is still required.

* * * * *

Mayor Pilla asked if there was anyone from the audience who would like to speak at this time. He recognized Police Chief Joseph Krzeminski.

Chief Krzeminski said that he speaking as a resident of the Village regarding the topic that the Board discussed regarding the affordable housing issue for the Village of Rye Brook. He said that the City of Rye has built affordable housing on our border which any children would go to the Rye School District but they limited the number of bedrooms to two bedroom units or one bedroom units with a den and Rye Brook should consider this so it would limit the impact of children in the schools.

The Mayor recognized Gene Ceccarelli.

Mr. Ceccarelli also spoke about the affordable housing issue and spoke out against the City of Rye development on Cottage Street which he was upset about because he did not believe that the location of their affordable housing which is in the City of Rye but is just off a Port Chester street was not in the spirit of the housing agreement. He said that he contacted the Federal Housing Monitor on that issue who was initially interested but then did not respond back. Mr. Ceccarelli said that it may be the same way regarding our concerns with the Village of Rye Brook's proposal.

* * * * *

Mayor Pilla said that he would call for executive session regarding real property negotiations with Ginsburg Development Companies and personnel regarding the retirement incentive resolution which was tabled. He asked before these sessions if the Board had any comments.

Trustee Brakewood spoke about public communications from the Police Chief.

Trustee Terenzi said that on the affordable housing matter with Rye Brook he does not know what we can do but stated he is not happy on how we are being treated by Rye Brook.

Trustee Didden commended the excellent work by the Recreation Department for Port Chester Day but said that as a Board we should meet with Recreation on how to make the event better. He spoke about the quality of the vendors and would like to improve the event. Trustee Didden also commended the Police Department on their work. He said that he would bring forward a resolution for the next meeting regarding programs through the Department of Criminal Justice Services to help the Police Department.

Mayor Pilla and Police Chief Krzeminski asked that Trustee Didden proposal be as a discussion item of the Board before a resolution is considered.

Trustee Branca spoke about the lack of service by Con Edison during and after Hurricane Irene and that there will be a liaison meeting with Con Ed along with staff including the Police and Fire Chiefs that he will attend.

Trustee Marino stated that the Columbus Day Parade will be held on October 9th and encouraged all to participate. He also called for a program to fix the Police Station.

Trustee Kenner asked that the Board hold an executive session concerning personnel for the position of Planning Director.

Mayor Pilla said that he would forgo his comments so the Board could hold the following executive sessions: real estate negotiations regarding Ginsburg Development Companies for the Fox Island Road Redevelopment; particular personnel regarding the Village early retirement incentive and appointment of particular person in reference to the position of Director of Planning.

At 10:45 p.m., Trustee Didden made a motion for the Board of Trustees to adjourn to an executive session regarding particular personnel regarding the Village early retirement incentive, Trustee Kenner seconded the motion. Included in the executive session were the Village Manager, the Village Attorney and the Village Treasurer.

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 Branca, seconded by Trustee Marino, the executive session was closed at 10:50 p.m.

ROLL CALL

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

Trustee Kenner made a motion for discussion on the resolution concerning the Early Retirement Incentive.

The Board further discussed this resolution and Trustee Terenzi said that he does not want that this be offset by fund balance at this time but rather that the lines be overspent and then make the necessary budget amendments before the end of the fiscal year. The Board inquired if they should amend the resolution on that issue and were told that if that is the procedure that they would like this to proceed that could just vote down the resolution at this time.

EARLY RETIREMENT INCENTIVE

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

WHEREAS, that by resolution adopted on June 20, 2011 the Board of Trustees authorized the Village Manager to propose an Early Retirement Incentive to each of the Village's collective bargaining labor unions on the following conditions, without regard to the minimum number of employees who may elect to participate:

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

WHEREAS; two (2) employees with a total of 79 years of service to the Village accepted the early retirement offer which totals \$79,000.00 for the incentive; and

WHEREAS; the payout cost for their accrued time on the books totals \$161,757.00. Now, therefore be it

RESOLVED, that the Board of Trustees authorized the Village Treasurer to fund the early retirement costs from appropriated fund balance and modify the General Fund Budget as follows:

GENERAL FUND

Increase Estimated Revenues

1.1.4995	Appropriated Fund Balance	\$240,757
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Increase Appropriations

1.3120.199	Final Retirement (Lump sum Payment)	\$154,106
1.3620.199	Final Retirement (Lump sum Payment)	\$ 86,651

ROLL CALL

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

At 10:55 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session regarding consultation with counsel in reference to real estate property negotiations with Ginsburg Development Companies for the Fox Island Road Redevelopment. Included in the session were the Village Attorney and Village Manager.

ROLL CALL

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

Oct. 3, '11

No action was taken in the executive session.

On motion of Trustee Branca, seconded by Trustee Marino, the executive session was closed at 11:00 p.m.

ROLL CALL

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

At 11:01 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session regarding to discuss matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person for the position of Planning Director. Included in the session were the Village Manager and Village Attorney.

No action was taken in the executive session.

On motion of Trustee Marino, seconded by Trustee Branca, there being no further business the executive session and the meeting was closed at 11:20 p.m.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso
Village Clerk