

**MEETING HELD OCTOBER 17, 2011**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, October 17, 2011 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Daniel Brakewood, Saverio Terenzi, 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; Village Engineering Consultant, Dolph Rotfeld; General Foreman, Rocky Morabito; Senior Nutrition Director, Carol Nielsen and Recreation Leader, Heather Krakowski.

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On motion of Trustee Didden, seconded by Trustee Marino the meeting was declared opened at 6:05 p.m.

ROLL CALL

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

At 6:05 p.m., Trustee Didden made a motion for an executive session for consultation with the Village Attorney regarding litigation in the matter of the Department of Justice vs. the Village of Port Chester, Trustee Marino seconded the motion. Also included in the session was the Village Manager.

ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Marino, seconded by Trustee Didden, the executive session was closed at 6:13 p.m.

ROLL CALL

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

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At 6:13 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session regarding the employment history of a particular person or corporation in regards to the Village of Rye Brook's Local Law for Affordable Housing Zone. Trustee Kenner recused himself from this session stating that he is an employee of the Westchester County Executive's office which is a party in the Affordable Housing settlement with the Federal Government which is why the Village of Rye Brook is considering this law. Included in this session were the Village Manager and Village Attorney.

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ROLL CALL

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

No action was taken in executive session.

On motion of Trustee Didden, seconded by Trustee Marino, the executive session was closed at 6:45 p.m.

ROLL CALL

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

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At 6:45 p.m., on motion of Trustee Didden, seconded by Trustee Terenzi, the Board of Trustees adjourned to an executive session for consultation with Labor Counsel, Terry O'Neill and associate regarding collective bargaining negotiations. Included in this session were the Village Manager and the Village Attorney.

ROLL CALL

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

No action was taken in this executive session.

On motion of Trustee Didden, seconded by Trustee Kenner, the executive session was closed and the public portion of the meeting was reopened at 7:05 p.m.

ROLL CALL

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

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Mayor Pilla said that before we start with the public hearings there is one resolution listed under police that the Board would consider at this time since the Police Chief is here but is unable to stay for later in the meeting.

The Clerk presented the resolution to request for a study by the New York State Division of Criminal Justice Services (DCJS) for an Administrative Studies Program.

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

Police Chief Krzeminski provided the Board with a report done by the DCJS for the Town of New Castle for their information. The Board discussed this proposal with the Chief and the Chief noted that a study through this program is at no cost to the Village.

NEW YORK DIVISION OF CRIMINAL JUSTICE SERVICES  
ADMINISTRATIVE STUDIES PROGRAM

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:

WHEREAS, police administrators are required to daily confront a difficult work environment of time-exigent matters, competing and often conflicting operational and policy demands, heightened public scrutiny and limited resources; and

WHEREAS, the Chief of Police has advised that the New York Division of Criminal Justice Services (DCJS) sponsors a number of programs to provide technical assistance to local law enforcement departments; and

WHEREAS, such studies are authorized pursuant to New York Executive Law, Article 35, Section 837(5) at the request of the head of the law enforcement agency; and

WHEREAS, under the Office of Public Safety, the Administrative Studies Program focuses on issues of particular interest to a local law enforcement department and would consist of a site visit, tour of the police facility, research, and the preparation of a written report with findings, recommendations and options for consideration, all at no charge to the municipality; and

WHEREAS, the Town of North Castle has participated in such program with the issuance of a final report in January, 2011; and

WHEREAS, in view of the foregoing, the Police Chief has recommended that the Village of Port Chester take advantage of the program, with particular attention given to staffing and the organization of the Police Department. Now, therefore, be it

RESOLVED, that the Board of Trustees supports the recommendation of the Chief of Police to engage the New York Division of Criminal Justice Services with regard to its Administrative Studies Program; and be it further

RESOLVED, that the Village Manager be and is hereby authorized to enter into any agreements necessary; and be it further

RESOLVED, that the Chief of Police ensure that members of the Department give their fullest cooperation to DCJS in their work; and be it further

RESOLVED, that the Board looks forward to receipt of the Report of the DCJS.

ROLL CALL

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

NOES: None

ABSENT: None

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The Mayor asked that the public hearings be considered out of order from the agenda and that the second item regarding public notice requirements be the first hearing.

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

Trustee Didden made a motion to re-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

Mayor Pilla said that this hearing is in the vein of continuance improvements within the Village. He said that about two years ago the prior Board adopted regulations regarding enhancement public notice requirements that currently provide for the posting of a sign at a location that has a land application before Planning, Zoning or the Board of Trustees along

with a requirement of certified mailing of notice within a 500 foot radius of the property. The Mayor said that we have had a large amount of complaints especially about the mailings and the radius so we are now at a point of considering changing some of these requirements which is the purpose of this public hearing. He concluded that this hearing has been adjourned from the last date which we had received recommendations from the Planning Commission on the mailing, radius and also for the Village to provide the necessary signage. Mayor Pilla stated that he was contacted by Edward Lynch regarding the proposal of the signs and he is here tonight to speak on that. The Mayor recognized Mr. Lynch.

Edward Lynch said that he was the former planner for the City of New Rochelle for sixteen years and with recommendations they produced a sign that he showed the Board that the City provides and the developer pays \$26.00 to City. He said that the sign provides the necessary information and with some blank lines for the placement of the case number with the essence of the application along with the date of the hearing. He said that the particular information is provided to the applicant and they can printout this information or even handwrite it with permanent ink on the sign.

Mayor Pilla noted that the Board has had prior discussions on this portion of the proposal and Mr. Lynch has come forward to explain how it is done with the City of New Rochelle. He asked Mr. Lynch how he became aware of this proposal.

Mr. Lynch said that he watches our Board meetings along with our Planning and Zoning meetings. He then offered his services to the Village at no charge.

The Mayor said that he would be in contact with Mr. Lynch in the future. He asked if there was anyone from the audience who would like to speak on this proposed law. Mayor Pilla recognized Goldie Solomon.

Ms. Solomon said that we need to look to elevate Port Chester not degrade our Village and that these signs degrade our Village. She said that people can go to Village Hall for this information and we do not need these signs stating that we are not a city.

Mayor Pilla told Ms. Solomon's point is well taken noting that it is a balancing act. He said that the law has a provision that signs have to be removed and if not will be fined. The Mayor recognized Richard Abel.

Mr. Abel said that this is a great idea but believes there is something from the law about prior signs still up and it does not look like the law deals with that.

Anthony Cerreto, the Village Attorney said that the law does provide for that situation and if the signs are not removed they would be violated.

Mr. Abel also spoke about signs when hearings have been adjourned that the new date was then not put on the sign. He said that it sounds like a great idea that the village provide these signs but said that he is not in favor of that saying the Village should not be in the sign business and especially if portions of the signs would be handwritten.

The Mayor asked if anyone else from the audience would like to speak. He recognized Bea Conetta.

Mrs. Conetta asked if the signs were taking the place of the letter notices.

Mayor Pilla said no that the signs have been in addition to the letters. He said that the law calls for certified mailing on certain applications and 1<sup>st</sup> class mailing for others.

Mr. Cerreto informed the Mayor that the law would remove the requirement that notice would be sent by certified mail and only require it by 1<sup>st</sup> class mailing.

Mrs. Conetta said that she thinks that signage is good.

The Mayor recognized the next speaker, Mario Karas.

Mr. Karas said that he does not think the signs are necessary stating that he has only seen them in Port Chester and Rye Brook. He said that if you have the sign then remove the mailing requirement.

Trustee Brakewood asked for clarification from staff that the law does not have the Village responsible for the sign.

Mr. Cerreto said as has been directed by the Board at the last hearing the law requires that the applicant is responsible for the signage.

Mayor Pilla inquired if we want the Village to do the sign or not.

Trustee Branca said that he was not in favor of the Village doing signs.

Trustee Brakewood said that he is fine with the way the signs are being done now which is by the applicants.

The Mayor said that he wanted the Board and the public to have the opportunity to further discuss this option regarding the signs.

Trustee Didden noted that all applicant have an escrow account set up when they begin the application process and inquired if they do not remove their signage can staff do the remove and the escrow account be charged for the removal in an amount say of one hundred dollars.

Mr. Cerreto said that he does not think we should use the escrow for that purpose and noted that the law provides the applicant five days for the removal.

Mayor Pilla spoke further about the law and requirement to remove the sign and how that would be enforced.

Mr. Cerreto said that there are fines for zoning violations which are substantial and it could also be made a condition of the approval.

The Mayor asked if there were any further comments from the Board or the public, there was none.

On motion of Trustee Kenner, seconded by Trustee Didden, 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 Marino and approved, the following Local Law No.15, 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 345 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO PUBLIC NOTICE REQUIREMENTS

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

345-110 (B). Mail notification.

(1)

The applicant shall give written notice to the record owner of each property within the notification area defined in Subsection **B(2)** below. If the address of record set forth on the tax assessment roll is not the property address, notices shall be sent to both the property address and the address of record. Notice hereunder shall be given by [certified mail, return receipt requested] U.S. First Class Mail, mailed at least 10 days prior to the initial public meeting in which the applicant's matter will be heard.

(2)

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

...

(6)

The applicant shall remove and/or revise the sign no later than five days after the applicable determination of the approval body or the applicant's withdrawal of an application. Signs not removed within such time period shall be grounds for enforcement and the penalties proscribed under this chapter[constitute letter under Chapter 208 of the Code of the Village of Port Chester and shall be subject to the penalties set forth in that chapter.]

....

345-110 ( C) Public hearings.

....

(2)

Publication. The Village shall place a notification in the official Village newspaper(s) no less than [twice in two successive weeks] ten (10) days prior to the initial public hearing in which the matter will be heard.

....

SECTION 2: This local law shall be effective upon publication and 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: October 17, 2011

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The Clerk stated that the next hearing is the adjourned public hearing on the assessment and appropriations of Phase II of the Sidewalk Betterment Program.

Trustee Brakewood made a motion to re-open the public hearing, Trustee Marino seconded the motion.

Trustee Branca said that he would recuse himself from this hearing because his property was in this phase.

ROLL CALL

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

NOES: None

ABSENT: None

Trustee Terenzi asked Mr. Rotfeld what would happen if when a property owner received their bill and then says the measurement was wrong.

Mr. Cerreto said that is a question that he should answer. He told the Board that it would be too late at that point stating that they had thirty days to object.

Joan Mancuso, the Village Clerk told the Board all of the property owners were sent notification of the hearings that included the amounts for each property already.

Mayor Pilla said that at the last hearing a property owner had complained about the measurements and inquired what the status is on that matter.

Dolph Rotfeld, the Village's consulting engineer said that the measurements for these properties on Washington Street were correct and provided the Board with a memo. He said that the property owners did not take into consideration the replacement of the driveway ramps and a portion of a path from the sidewalk to their stairs.

The Mayor asked what about the issue that was raised by the Board about property owners whose assessments are over five thousand dollars or more and can their payment period be extended.

Mr. Cerreto spoke on that issue and said that he conferred with our bonding attorney and the payment period can not be extended beyond ten years. There was further discussion between the Board and Mr. Cerreto on this subject.

Mayor Pilla asked if anyone from the audience would like to speak on the assessment and appropriations for Phase II of the Sidewalk Betterment Program. He recognized Goldie Solomon.

Ms. Solomon asked what about sidewalks at the MTA property on New Broad Street and other areas that are commercial properties.

The Mayor noted that this program is only for residential properties.

Ms. Solomon told the Board that they haven't anything on that and they are killing the taxpayers with more taxes/assessments.

Mayor Pilla recognized the next speaker, Richard Abel.

Mr. Abel noted that at the last Board meeting the Board accepted a donation from Marvin Ravikoff for improvements at Monument Park which including new sidewalks at no expense to the property owners.

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The Mayor asked if there were any further comments from the Board or the public, there were none.

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

ROLL CALL

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

NOES: None

ABSENT: None

Mr. Cerreto said that staff will provide for the next Board meeting the resolution for their action.

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The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Westmore News and Journal News on October 7, 2011, certified by Angelina Brescia, Office Manager of the Westmore News and Cecilia Hernandez, Principal Clerk of the Journal News.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, October 17, 2011, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, 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 to include by mail provided payments are postmarked on or before November 30, 2011.

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

JOAN MANCUSO  
Village Clerk

Dated: October 7, 2011

On motion of Trustee Marino, 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 this law will provide for the acceptance of the mailing of payments for the Parking Violation Amnesty Program. He asked if anyone from the audience would like to speak on this proposed law. The Mayor recognized Goldie Solomon.

Ms. Solomon said that regarding the new parking meters there are lots of people who do not understand them and that a lot of people do not speak or understand English.

The Mayor said that the new pay stations are also in Spanish.

Ms. Solomon asked for an explanation on the Amnesty Program.



Mayor Pilla explained the program that any parking tickets that are over thirty days old can be paid during the month of November at the original fine and this amendment to the law provides for these payments to be accepted through the mailing in addition to on-line or in person. He asked if anyone else from the audience would like to speak on this proposed law. The Mayor recognized John Reavis.

Mr. Reavis asked what is the cost of this program.

The Mayor said that his understanding is that the only cost is of the banners to advertise the program.

Christopher Russo, the Village Manager said that it will be about a \$2,000 upfront cost for the banner and mailing of the notices.

Mayor Pilla noted that we are trying to collect \$200,000 in revenue from this program.

Mr. Reavis asked what is the process cost from the contractor to do this program.

Trustee Didden said that the current contractor Complus will be overseeing this program and their contract provides them 12% of payments from within New York and 20% for out of state payments. He said that this is the contractual percentages that they currently receive.

The Board all agreed that the acceptance of mail payments is a good idea and is in favor of this amendment to the program.

Trustee Didden noted that the last day of November of this year has to be the postmark for the mailing of payments. He reminded all listening to check to see if they have any outstanding tickets that are 30 days or older. Trustee Didden said that it is all about public awareness of the program.

Trustee Marino also noted that the announcement/information for this program would be advertised in Spanish.

On motion of Trustee Brakewood, seconded by Trustee Didden, 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 Kenner, seconded by Trustee Marino and approved, the following Local Law No. 16, 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 AFFORDING ADDITIONAL MANNER  
OF PAYMENT WITH REGARD TO THE VILLAGE OF  
PORT CHESTER PARKING VIOLATIONS AMNESTY PROGRAM

SECTION 1: Pursuant to Local Law No. 13 of the 2011, the Board of Trustees adopted a local law establishing a one-time parking violations amnesty program for the Village of Port Chester.

SECTION 2: Section 3 of said Local Law is hereby amended as follows:

The Port Chester parking violations amnesty program shall only apply to parking tickets issued thirty days prior to November 1, 2011 and shall be effective for a period commencing on November 1, 2011 and ending on November 30, 2011. All payments must be made and physically delivered in person to the Parking Violations Bureau, 350 North Main Street, Port Chester, New York 10573 during regular business hours,[ or] made on the Internet via the Village's Parking Ticket Payment System, or by mail provided payments are postmarked on or before November 30, 2011.

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: October 17, 2011

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The Clerk read Affidavits of Publication stating that the following Public Notice was duly published in the Westmore News on October 7, 2011, certified by Angelina Brescia, Office Manager of the Westmore News and in the Journal News on October 9, 2011, certified 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 17, 2011, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, 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 Times (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.

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

JOAN MANCUSO  
Village Clerk

Dated: October 9, 2011

On motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees opened the public hearing.

ROLL CALL

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

Mayor Pilla said that this proposed law was requested by the neighbors on these streets after the Village held a neighborhood meeting regarding the prior alternate side of the street parking regulations that were repealed.

Mr. Russo said that is correct and that this proposal will provide for street cleaning on these streets either on Thursdays or Fridays between 8:30 a.m. to 11:30 a.m.

The Mayor asked Mr. Russo about the overnight parking signs that were posted prior to the alternate side of the street regulations.

Mr. Russo said that we were waiting to put up those signs at the same time as the street cleaning signs but will hold back on the overnight parking so it can be reviewed.

Trustee Terenzi noted that every time the Village puts on legislation regarding signage it is enacted then all the residents and/or business owners complain so he will not vote for any vehicle and traffic signage.

Mayor Pilla asked if there was anyone from the audience who would like to speak on their proposal for street cleaning on these streets, there was none.

On motion of Trustee Branca, 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

On motion of Trustee Branca, seconded by Trustee Didden and approved, the following Local Law No. 17, 2011 was adopted:

ROLL CALL

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

A LOCAL LAW AMENDING CHAPTER  
319 OF THE CODE OF THE VILLAGE OF  
PORT CHESTER ESTABLISHING ADDITIONAL  
LOCATIONS FOR STREET CLEANING

SECTION 1: Schedule XV, Section 319-76, pursuant to the provisions of Section 319-22 "Parking Prohibited Certain Times (Street Cleaning)" of the Code of the Village of Port Chester is hereby amended by:

Name of Street	Side	Time	Location
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Adding the following locations:

Monroe Place	West	Thursday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Woodland Avenue
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Monroe Place	East	Friday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Woodland Avenue
Fairview Avenue	West	Thursday 8:30 a.m. to 11:30 a.m.	From Woodland Avenue to Neuton Avenue
Fairview Avenue	East	Friday 8:30 a.m. to 11:30 a.m.	From Woodland Avenue to Neuton Avenue
Breckenridge Avenue	East	Thursday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Neuton Avenue
Breckenridge Avenue	West	Friday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Neuton Avenue
Perry Avenue	West	Thursday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Neuton Avenue
Perry Avenue	East	Friday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Neuton Avenue
Wesley Avenue	East	Thursday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Neuton Avenue
Wesley Avenue	West	Friday 8:30 a.m. to 11:30 a.m.	From Westchester Avenue to Neuton Avenue
Barton Avenue	West	Thursday 8:30 a.m. to 11:30 a.m.	From Irenhyl Avenue to Neuton Avenue
Barton Avenue	East	Friday 8:30 a.m. to 11:30 a.m.	From Irenhyl Avenue to Neuton Avenue
Irving Avenue	South	Thursday 8:30 a.m. to 11:30 a.m.	From N. Regent Street to Breckenridge Avenue
Irving Avenue	North	Friday 8:30 a.m. to 11:30 a.m.	From N. Regent Street to Breckenridge Avenue
Irenhyl Avenue	North	Thursday 8:30 a.m. to 11:30 a.m.	From N. Regent Street to Rye Brook Village line
Irenhyl Avenue	South	Friday 8:30 a.m. to 11:30 a.m.	From N. Regent Street to Rye Brook Village line
Neuton Avenue	South	Thursday 8:30 a.m. to 11:30 a.m.	From Wesley Avenue to Rye Brook Village line
Neuton Avenue	North	Friday 8:30 a.m. to 11:30 a.m.	From Wesley Avenue to Rye Brook Village line

SECTION 2: 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: October 17, 2011

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Mayor Pilla said that the next item is the quarterly budget review of Village Departments and that the Board has already reviewed the Police and Fire Departments with the Chiefs. He asked Mr. Russo to speak on the remaining departments.

Mr. Russo told the Board that all of the other budgets are in good shape.

Trustee Branca said that unless there are glaring items that are raised for our concern he does not think a quarterly review is needed and especially to go over the entire quarterly review is not worth it.

Trustee Didden said that it seems that Trustee Branca is okay with the status quo but he has some questions regarding the quarterly budget. He asked the Village Treasurer, Leonie Douglas if the Village received an invoice would it be part of this reporting.

Ms. Douglas said that is not the case unless there is a purchase order for it. She further explained the process to the Board and there was more discussion.

Trustee Kenner said that he thought the quarterly review was suppose to be on the expenses stating that these departments are fine so a review is not needed.

Trustee Didden said that he has eleven departments with one or more items that he would like to review. He noted that the Court under their part-time personnel line is at 75%.

Mayor Pilla noted that the department heads for the Public Works Department, Nutrition and Recreation are here this evening so would recommend starting with those departments.

Trustee Didden started with General Foreman, Rocky Morabito regarding the gasoline usage for the garage.

Mr. Morabito told the Board that we had this summer the highest prices for gasoline at \$3.66 per gallon which caused the higher percentage of cost for this budget line.

Trustee Didden asked if there is anything we could do to help reduce this cost.

Mr. Morabito said that personnel with vehicles could be sent a memo to shut off their engines instead of idling.

Trustee Marino said that regarding vehicle use that we need to start at the top noting that both the Manager and Assistant Manager have Village vehicles. There was a brief discussion about vehicles that are included by contract.

The Mayor commended the Department of Public Works and all the work they do including keeping the Village clean.

Trustee Brakewood asked about the status of street paving, curbing and other such work.

Mr. Russo said that the Board has awarded the bid for the curbing project which work will be starting. He said that paving will not be until next year once the capital projects are settled noting that there are no capital projects this year.

Trustee Didden continued that the next department is the Nutrition Program noting that there was no overtime for this department last year and it was established for this year and it is now at 56%.

Carol Nielsen, the Director of the Nutrition Program said that the use of this overtime line was because the Senior Center was opened later during the hurricane last month and the heat emergency in the summer. Mrs. Nielsen spoke about a need for more computers for the

center. The Board further discussed this situation regarding computers for the Senior Center and the possibility that there are older computers that could be used.

Trustee Didden then went to the Recreation Department budget and asked if the overtime budget for this department is a seasonal item.

Heather Krakowski, Recreation Leader said that is correct noting that the day camp starts earlier and continues later and noted that staff also attends the summer concert schedule which are night functions.

Trustee Didden asked Ms. Douglas if this item for this department could be loaded by time periods.

Trustee Terenzi said that it could but would be a large project that requires a large amount of information so would probably not be worth the exercise. He said that several day camps had lower number of participants and asked Ms. Krakowski how many were in our day camp.

Ms. Krakowski said that this summer we had about 25 participants less than last year but received more revenue for the camp and further explained.

Trustee Marino brought up the matter about Village vehicles that employees take home. He asked for a listing on this topic.

Mr. Russo said that information was provided in the past and may need to be updated. There was further discussion between the Board and Mr. Russo on this subject.

Trustee Terenzi said that certain employees have to reimburse the Village for a portion of the gas cost and how does that show in the budget.

Ms. Douglas said that the reimbursement is reflected in the gas budget line.

Trustee Didden then spoke on the part-time line for the Finance Office noting that it almost at 54%. He questioned if there is a need to give more money for the part-time line.

Ms. Douglas reviewed the personnel of the Finance Office noting that there are three full time employees including herself and one part-time person which that line was reduced during the budget. The Board briefly discussed the personnel situation with Ms. Douglas.

Ms. Douglas then spoke to the Board about certain revenue lines including sales tax, fines and forfeitures and others.

Mr. Russo spoke about the fire inspection fees that were collected last year totaling \$103,000 and noted that the Code Enforcement Department is now on the second round of these inspections. There was further discussion about code enforcement and court violation fines.

Trustee Didden asked about the status regarding personnel for the Building Department and Code Enforcement.

Mr. Russo spoke about the filling of the positions for Planning Director, secretary and replacement of retired employee who handled planning and zoning matters. He said that we still need to fill the assistant building inspector position and one code enforcement officer. Mr. Russo said that he with Assistant Village Manager, Christopher Steers will be providing a report on this staffing.

Trustee Didden said that at the next Board meeting there is a public hearing on the certificate of occupancy requirement and asked what staffing needs to be in place to

accomplish this requirement. There was a brief discussion on this topic. Trustee Didden then asked about the transition between the Planning Consultant and the Director of Planning. Mr. Russo said that there are other smaller items that need to address.

Mr. Russo then spoke about trends that the Board needs to aware of which Ms. Douglas noted concerning the liability insurance that this line may go over budget. Mr. Russo explained that we were under-covered regarding values of Village properties which needed to be adjusted. There were then discussions about workers compensation and unemployment insurance.

Trustee Brakewood brought up the topic of the next Village Election and suggested forecasting costs for the 2013 budget.

Trustee Terenzi inquired if he wants to create a reserve now for that budget stating that it does not make sense. He said that our assessables will be down by one million dollars so need to reduce cost further. The Board further discussed this topic.

Mayor Pilla spoke about data versus information regarding the budget.

The Board thanked Mr. Russo, Ms. Douglas and the department heads who participated in this budget review. They advised Ms. Douglas that they do not require the full reporting quarterly regarding the budget but pertinent information.

\* \* \* \* \*

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

Ms. Solomon questioned the comment made by the Manager that we are under evaluated stating that we are in a recession/depression and that we are not under assessed only the properties who are in the G&S project. She spoke about the conditions of our monuments that our assessments are too high noting there are eleven group homes in the Village off of the tax rolls and that the Village should not hire outsiders who do not know us. Ms. Solomon told the Board that they are violating our Bill of Rights. She spoke about the Department of Justice case and said that cumulative voting is no good in this Village that we should have choice voting and complained that there is no voter verification. Ms. Solomon said that our Village has had affordable housing for years that we have provided the labor force to all the surrounding elitist communities. She concluded that our assessments are too high and that the Board should not do anything to raise our taxes because we can not afford it. Mayor Pilla recognized the next speaker John Reavis.

Mr. Reavis spoke further about the jaywalking situation downtown and along Westchester Avenue. He said that he was out of town and saw two difference communities that have laws on jaywalking that they enforce. Mr. Reavis asked if the Village had such a law.

Mr. Cerreto said that the Village does not have a local law regarding jaywalking and is inquiring if there is State Law but does not believes so. He said that the matter that Mr. Reavis speaks of downtown may be more about the timing of lights which may be causing this situation of jaywalking.

Mr. Reavis spoke more on the jaywalking situation and his concerns. He said that police should be assigned in the areas where this is occurring to summons these violators. Mr. Reavis asked about the statement made by Trustee Terenzi about the reduction of our assessables by one million.

Trustee Terenzi said that he understands that there will be a 5% to 6% reduction and that percentage on our levy equates to about one million. He asked Mr. Reavis how a police officer would summons someone that is jaywalking if they do not have identification.

Mr. Reavis said that the police should be out of the cars and interacting with pedestrians. There was further discussion by the Board on police manpower and how it is used. The Mayor recognized the next speaker Steve Nielsen.

Mr. Nielsen said that he is president of the PC Drivers Association and spoke on taxicabs and dispatch companies licensing. He said that he and the Association hope that the Village researches why no other communities have gone to the Westchester County Taxi & Limousine Commission's (TLC) Muni Car Program. Mr. Nielsen said that when the discussion about taxis started several years ago the Mayor said that it would not include cars and now that has changed. He said that the Strategic Taxi Advisory Review Committee did not recommend that the caps on cars be removed. Mr. Nielsen said that the majority of people who work in the Port Chester taxi industry are residents, homeowners, tax payers and they provide a necessary service to the community and if you open this up it will not be good for our industry and the residents of Port Chester. He said that the taxi industry does not want the licensing for cars and companies to go to the TLC and is against any change. Mayor Pilla recognized Mario Karas.

Mr. Karas spoke again on the stop sign on Quintard Drive that he has requested to be removed. He said that he will never give up until it is removed and why was it so quick to be installed and now he has to speak against it at every meeting.

Mayor Pilla said that the Police Chief was investigating Mr. Karas' complaints regarding the sign but he has not received anything as of this time from the Police Chief. He said that he will follow up with the Chief.

Mr. Karas spoke on a situation he had with two of the cab companies that they had requested pick ups and they never came so he would only use a car service. The Mayor recognized Richard Abel.

Mr. Abel asked if there were any additions to the agenda.

Mayor Pilla said no there were not.

Mr. Abel asked about the executive session that was held earlier in the evening about Rye Brook's Affordable Housing.

The Mayor explained that the Board meet with a planning consultant, Vince Ferrandino who they have decided will speak on behalf of the Village at the public hearing. He recognized Bea Conetta.

Mrs. Conetta spoke about the Journal News article regarding the Department of Justice (DOJ) case costs. She said that our Village was without voting for four years and that she had spearheaded a letter campaign to get our right to vote back and soon after that campaign there was an agreement with DOJ for the cumulative voting election. Mrs. Conetta



said that she is sick of all the errors, mistakes and misjudgment in this case stating that the Board was not advised correctly. She said that the appeal of this case was a big mistake and we still have to deal with the Ruiz costs. Mrs. Conetta told the Board to put parties' aside listen to the people stating that they are representing us. She said that we as a Village is heading in the right direction. Mrs. Conetta concluded that she was shock to hear someone is running against the current Rye Town Receiver of Taxes, Nick Mecca who she believes is doing a great job.

Trustee Didden noted that all voters deserve a choice.

\* \* \* \* \*

Mayor Pilla said that he would take the resolution listed under Recreation at this time since the Ms. Krakowski, the Recreation Leader is here to answer any questions.

The Clerk presented the resolution authorizing the Village Manager to execute agreements for the After School Visual Arts and Reading Program.

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

Ms. Krakowski explained that this after school program is half funded and our portion is part of our budget.

Trustee Brakewood asked that the schools curriculum be reviewed and considered for these types of programs.

Trustee Didden asked for a workshop with the Board about the 2% tax cap in order for the Board to prioritize items because he feels programs like these may be lost because of the restrictions that taxes are capped at 2%.

RECREATION DEPARTMENT  
AFTER SCHOOL READING & VISUAL ART PROGRAMS

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, the Village of Port Chester Recreation Program requires instructors; and

WHEREAS, such services have been appropriated in the 2011-2012 Village Budget; and

WHEREAS, the Recreation Leader has selected several providers to facilitate these programs. Now, therefore be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to enter into agreements with the following individuals regarding the Village of Port Chester Recreation After-School Reading and Visual Art Program:

- Jean Tummarello as a Reading Facilitator in the amount of \$30.00 per two hour session
- Lesile Hatzel as a Reading Facilitator in the amount of \$30.00 per two hour session
- Eileen Nero as a Reading Specialist in the amount of \$40.00 per two hour session
- Dierdre McDermott as an Arts Specialist in the amount of \$40.00 per two hour session

- Pam Mickatavage as an Art Specialist in the amount of \$40.00 per two hour session.
- Barbara Kelly as an Arts Specialist in the amount of \$40.00 per two hour session.
- Anna Aiello as an Art and Reading Coordinator in the amount of \$40.00 per two hour session.; and be it further

RESOLVED, that funding be made from General Fund Youth Programs Department, Code 7310-434 Reading and 7310-435 Arts.

ROLL CALL

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

\* \* \* \* \*

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

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

Mr. Russo explained to the Board his review of the information on this matter and that his recommendation is that the Village should pay the additional \$8,620.00 to FairVote for services rendered as a result of a change in scope to their contract regarding the exit polling. There was continued discussion between the Board and Mr. Russo on this matter.

BUDGET AMENDMENT  
 FINAL PAYMENT TO FAIRVOTE  
 WITH REGARD TO CONSULTING SERVICES FOR 2010 VILLAGE ELECTION

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

WHEREAS, following a trial on liability and a hearing on the appropriate remedy for the Village of Port Chester's adjudged violation of Section 2 of the Voting Rights Act, the Village was granted its remedy of choice – cumulative voting – for the election of Village Trustees; and

WHEREAS, in anticipation of the Village Election in 2010, the first election for Trustees under such new electoral system, the Village entered into an agreement with FairVote, 6930 Carroll Avenue, Suite 610, Takoma Park, Maryland 20912 a national organization that promotes alternative electoral systems, to provide necessary technical assistance in the implementation of the remedy in accordance with the requirements of the subsequent Consent Decree; and

WHEREAS, said agreement provided for compensation not to exceed \$50,000, without additional written authority of the Village; and

WHEREAS, FairVote has submitted their final invoices for payment; and

WHEREAS, the Village processed payment to FairVote in the amount of \$48,840.00; and

WHEREAS, on August 15, 2011, a resolution was considered, but did not carry, that would authorize payment to FairVote in the amount of \$9,780.00 representing the total amount of the final invoices; and

WHEREAS, on September 6, 2011 a resolution was considered with regard to same and thereafter adopted as amended authorizing payment to FairVote only in the amount of \$1,160.00 which brought total payments to \$50,000.00; and

WHEREAS, since that time, the Village Manager has consulted with FairVote and obtained additional information regarding the outstanding amount which is \$8,620.00 and recommends that the Board authorize this amount to conclude this matter. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to make final payment to FairVote, 6930 Carroll Avenue, Suite 610, Takoma Park, Maryland 20912 in the amount of \$8,620.00 for consulting services with regard to the 2010 Village Trustees Cumulative Voting Election; and be it further

RESOLVED, that the Village Treasurer is authorized to adjust the 2011-12 General Fund Budget as follows:

GENERAL FUND		
Transfer From:		
Contingency		
1.1990.400	Contingency	\$ 8,620.00
Transfer To:		
Election		
1.1450.400	Election Contractual	\$ 8,620.00

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

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**CLOSEOUT OF CAPITAL PROJECTS**

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 there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village's independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out and remaining balances be transferred to the Debt Service Fund to assist in the paying off of debt as per the office of the State Comptroller's guidelines; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the following projects in the Capital Fund be closed out, and that the Capital and Debt Service Funds be modified as follows:

**Building Improvements / Building Reconstruction:**

<u>Project:</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance</u>
005.1110.0400.2008.0087: Court Clerk Office Expan-08/09	\$270,000.00	\$270,000.00	\$238,048.39	\$31,951.61
005.1620.2119.0000.0000: DPW Bldg Repairs-02/03	\$130,000.00	\$130,000.00	\$118,302.10	\$11,697.90
005.1620.0400.2005.0028: Police Bldg Repairs-05/06	\$570,000.00	\$50,000.00	\$577,187.28	\$(57,187.28)
005.1620.0400.2006.0049: Roof-222 Grace Church-06/07	\$735,000.00	\$735,000.00	\$742,045.33	\$(7,045.33)
005.1620.0400.2007.0067: 220 Grace Church Roof-07/08	\$200,000.00	\$200,000.00	\$193,762.97	\$6,237.03

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005.1640.2007.0000.0000: DPW Bldg w/Asbestos	\$143,331.85	\$143,331.85	\$123,257.85	\$20,074.00
005.3410.0400.2005.0026: Fire Dept Bldg Repairs-05/06	\$600,000.00	\$600,000.00	\$570,691.22	\$29,308.78
005.3410.0400.2007.0066: Fire Dept Bldg Imprv-07/08	\$525,000.00	\$525,000.00	\$522,949.40	\$2,050.60
005.7110.2114.0000.0000: Rec Park Bathrm Imprv-01/02	\$12,197.10	\$12,197.10	\$9,461.19	\$2,735.91
005.7230.2037.0000.0000: Marina Floats(9518)	\$19,678.00	\$19,678.00	\$23,212.52	<u>\$(3,534.52)</u>
				<b>\$(433,711.30)</b>

\$ 11,697.90	From:	Project 005.1620.2119.0000.0000: DPW Bldg Repairs-02/03
\$ 7,045.33	To:	Project 005.1620.0400.2006.0049: Roof-222 Grace Church-06/07
\$ 3,534.52	To:	Project 005.7230.2037.0000.0000: Marina Floats (9518)
\$ 1,118.05	To:	Project 005.1620.0400.2005.0028: Police Bldg Repairs-05/06

\$ 31,951.61	From:	Project 005.1110.0400.2008.0087: Court Clerk Office Expansion-08/09
\$ 6,237.03	From:	Project 005.1620.0400.2007.0067: 220 Grace Church Roof-07/08
\$ 20,074.00	From:	Project 005.1640.2007.0000.0000: DPW Bldg w/Asbestos
\$ 29,308.78	From:	Project 005.3410.0400.2005.0026: Fire Dept Bldg Repairs-05/06
\$ 2,050.60	From:	Project 005.3410.0400.2007.0066: Fire Dept Bldg Improvements-07/08
\$ 2,735.91	From:	Project 005.7110.2114.0000.0000: Rec Park Bathroom Improvements-01/02
\$ 433,711.30	From:	Project 005.3120.2090.0000.0000: Police Building Repairs-1999-2003 (Active Project)
\$ 526,069.23	To:	Project 005.1620.0400.2005.0028: Police Bldg Repairs-05/0

**Park Improvements:**

Project:	Budget	Revenues	Expenditures	Balance
005.6720.0400.2009.0101: CDBG Sr Patio/Bocce Crt-09/10	\$66,000.00	\$66,000.00	\$338.35	\$15,661.65
005.7110.0400.2004.0011: CDBG Abendroth Pk Imp-04/05	\$623,725.00	\$623,725.00	\$623,096.12	\$628.88
005.7110.0203.2005.0030: Showmobile-05/06	\$100,000.00	\$100,000.00	\$111,032.47	\$(11,032.47)
005.7110.0400.2006.0041: Summerfield Park Imp-06/07	\$250,000.00	\$250,000.00	\$248,505.68	\$1,494.32
005.7110.2116.0000.0000: CDBG Lyons Park Imp-01/02	\$199,521.00	\$199,521.00	\$200,078.70	\$(557.70)
005.7110.2127.0000.0000: Lyons Park Imp-02/03	\$79,702.21	\$79,702.21	\$76,607.29	\$3,150.47
005.7110.2128.0000.0000: Columbus Park Imp-02/03	\$510,000.00	\$510,000.00	\$519,066.14	\$(9,066.14)
005.7110.2129.0000.0000: Rec Park Imp-02/03	\$19,000.00	\$19,000.00	\$3,384.55	\$15,615.45
005.7110.2130.0000.0000: Survey-Rec,Lyons,Edgwd-02/03	\$15,000.00	\$15,000.00	\$13,300.15	\$1,699.85
005.7110.2131.0000.0000: PC Middle Schl Bsbll Fld-02/03	\$5,000.00	\$5,000.00	\$103.40	\$4,896.60
005.7110.2132.0000.0000: King St Baseball Field-02/03	\$4,522.35	\$4,522.35	\$5,136.31	\$(613.96)
005.7230.2134.0000.0000: Marina Imp(Floats/Ramps)-02/03	\$100,000.00	\$100,000.00	\$118,360.15	<u>\$(18,360.15)</u>
				<b>\$3,516.80</b>

\$ 15,661.65	From:	Project 005.6720.0400.2009.0101: CDBG Senior Patio / Bocce Court-09/10
\$ 15,661.65	To:	Project 005.7230.2134.0000.0000: Marina Improvements (Floats/Ramps)-02/03

\$ 628.88	From:	Project 005.7110.0400.2004.0011: CDBG Abendroth Park Improvements-04/05
\$ 613.96	To:	Project 005.7110.2132.0000.0000: King Street Baseball Field-02/03
\$ 14.92	To:	Project 005.7110.2116.0000.0000: CDBG Lyons Park Improvements-01/02

\$ 1,494.32	From:	Project 005.7110.0400.2006.0041: Summerfield Park Improvements-06/07
\$ 1,494.32	To:	Project 005.7110.0400.2009.0104: Abendroth Park Grading & Fence-09/10

\$ 3,150.47	From:	Project 005.7110.2127.0000.0000: Lyons Park Improvements-02/03
\$ 2,698.50	To:	Project 005.7230.2134.0000.0000: Marina Improvements (Floats/Ramps)-02/03
\$ 451.97	To:	Project 005.7110.2116.0000.0000: CDBG Lyons Park Improvements-01/02

\$ 15,615.45	From:	Project 005.7110.2129.0000.0000: Recreation Park Improvements-02/03
\$ 11,032.47	To:	Project 005.7110.0203.2005.0030: Showmobile-05/06
\$ 4,169.54	To:	Project 005.7110.2128.0000.0000: Columbus Park Improvements-02/03
\$ 90.81	To:	Project 005.7110.2116.0000.0000: CDBG Lyons Park Improvements-01/02
\$ 322.63	To:	Project 005.7110.0400.2009.0104: Abendroth Park Grading & Fence-09/10

\$ 1,699.85	From:	Project 005.7110.2130.0000.0000: Survey, Recreation, Lyons, & Edgewood Parks-02/03
\$ 1,699.85	To:	Project 005.7110.0400.2009.0104: Abendroth Park Grading & Fence-09/10

\$ 4,896.60	From:	Project 005.7110.2131.0000.0000: Port Chester Middle School Baseball Field-02/03
\$ 4,896.60	To:	Project 005.7110.2128.0000.0000: Columbus Park Improvements-02/03

**Machinery & Apparatus:**

Project:	Budget	Revenues	Expenditures	Balance
005.1640.2012.0000.0000: DPW Tree Planting (9817)	\$15,000.00	\$15,000.00	\$13,976.20	\$1,023.80
005.5110.2104.0000.0000: Fencing-2000/01	\$35,982.00	\$35,982.00	\$32,573.93	\$3,408.07
005.5130.2113.0000.0000: DPW Vehicles-2001/02	\$150,513.66	\$150,513.66	\$151,716.80	\$(1,203.14)
005.5130.2123.0000.0000: DPW Vehicles-2002/03	\$441,500.00	\$441,500.00	\$444,377.46	\$(2,877.46)
005.5140.0203.2009.0097: 12,000 GVW Dump Truck w/Plow	\$45,000.00	\$45,000.00	\$36,024.49	\$8,975.51
005.6989.2148.0000.0000: Downtwn Gateway-(ESD\$)-03/04	\$54,900.00	\$54,900.00	\$94,796.79	\$(39,896.79)
005.8160.0200.2008.0083: Container Lift for 6 Yd Loader	\$10,000.00	\$10,000.00	\$9,934.69	\$65.31
005.8160.0203.2009.0099: 25-Yd Recycling Truck-09/10	\$275,000.00	\$275,000.00	\$274,975.00	<u>\$25.00</u>
				<b>\$(30,479.70)</b>

\$ 1,203.14 From: Project 005.5140.0203.2009.0097: 12,000GVW Dump Truck with Plow-09/10  
 \$ 1,203.14 To: Project 005.5130.2113.0000.0000: DPW Vehicles-01/02

\$ 2,877.46 From: Project 005.5140.0203.2009.0097: 12,000GVW Dump Truck with Plow-09/10  
 \$ 2,877.46 To: Project 005.5130.2123.0000.0000: DPW Vehicles-02/03

\$ 1,023.80 From: Project 005.1640.2012.0000.0000: DPW Tree Planting (9817)  
 \$ 3,408.07 From: Project 005.5110.2104.0000.0000: Fencing-00/01  
 \$ 4,894.91 From: Project 005.5140.0203.2009.0097: 12,000GVW Dump Truck with Plow-09/10  
 \$ 65.31 From: Project 005.8160.0200.2008.0083: Container Lift for 6-Yd Loader-08/09  
 \$ 25.00 From: Project 005.8160.0203.2009.0099: 25 Yard Recycling Truck-09/10  
 \$ 9,417.09 To: Project 005.6989.2148.0000.0000: Downtown Gateway (Kiosks)-03/04

\*\*\$30,479.70 Deficit Balance remaining in Project 005.6989.2148.0000.0000: Downtown Gateway (Kiosks)-03/04 to be covered by a transfer from General Fund, either from Contingency or Fund Balance\*\*\*

**Street Improvement Projects:**

Project:	Budget	Revenues	Expenditures	Balance
005.5110.2120.0000.0000: DomBosco/Abendroth Rdwy	\$376,704.00	\$340,576.36	\$376,704.00	\$(36,127.64)
005.5110.0400.2005.0016: Street Resurfacing-2005/06	\$200,000.00	\$206,540.30	\$293,989.66	\$(87,449.36)
005.5110.0400.2006.0034: Street Resurfacing-2006/07	\$300,000.00	\$322,099.89	\$208,800.62	\$113,299.27
005.5110.0400.2007.0052: Street Resurfacing-2007/08	\$376,000.00	\$562,686.30	\$505,009.88	\$57,676.42
005.5110.0400.2007.0055: Street Improvements-2007/08	\$210,000.00	\$210,000.00	\$2,478.75	<u>\$207,521.25</u>
				<b>\$254,919.94</b>

\$ 36,127.64 From Project 005.5110.0400.2007.0055: Street Improvements-2007/08  
 \$ 36,127.64 To Project 005.5110.2120.0000.0000: Dom Bosco/Abendroth Park Roadway Improvements

\$ 87,449.36 From Project 005.5110.0400.2007.0055: Street Improvements-2007/08  
 \$ 87,449.36 To Project 005.5110.0400.2005.0016: Road Resurfacing-2005/06

\$ 83,944.25 From Project 005.5110.0400.2007.0055: Street Improvements-2007/08  
 \$ 113,299.27 From Project 005.5110.0400.2006.0034: Street Resurfacing-2006/07  
 \$ 57,676.42 From Project 005.5110.0400.2007.0052: Street Resurfacing-2007/08  
 \$ 254,919.94 To: Project 005.5110.0400.2010.0110: Road Resurfacing-2010/11 (Active Street Improvement Project)

**ROLL CALL**

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

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**YEAR END BUDGET MODIFICATIONS FOR  
 FY 2010-2011 GENERAL FUND BUDGET**

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

WHEREAS, New York State Law requires that all Budget be balance at the end of the fiscal year; and

WHEREAS, certain appropriation line items in the 2010-11 Fiscal Year General Fund Budget have been over expended and others under expended; and

WHEREAS, the Village of Port Chester is required to make all necessary adjustments to the Budget. The actual expenditures exceeded budget by \$335,777.95. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester does hereby authorizes the Treasurer to make all necessary modifications, adjustments and amendments of the 2010-11 General Fund Budget. The amendments are as follows:

Increase Estimated Revenues:		
001.0001.4995	Appropriated Fund Balance	\$335,777.95
Increase Appropriations:		
NYS Employee Benefits-ERS		
1.9000.0801	State Retirement-ERS	\$276,032.95
NYS Employee Benefits-PFS		
1.9010.0801	State Retirement-PFRS	\$59,745.00

ROLL CALL

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

\* \* \* \* \*

Mayor Pilla said that he had asked for the first item on the agenda regarding setting a policy for fund balance. He said that he would defer this discussion, members of the Board asked him what type of policy was the Mayor interested in. The Mayor said to look at a target of the percentage that would be held in the fund balance. He asked Leonie Douglas, the Village Treasurer to speak on this issue and our bond rating.

Ms. Douglas said that currently our rating is good and explained what the rating is based on which includes the percentage of fund balance. She said that if the Board sets a limit on the fund balance it will give the rating agency more confidence.

Trustee Kenner asked Ms. Douglas what her recommendation would be for the fund balance.

Mayor Pilla said that the New York Conference of Mayors (NYCOM) recommends any where between 5% to 12% of the total budget be the amount of fund balance.

Trustee Terenzi said that he sees the percentage being between 5% - 8% noting that the Town has a higher percentage because they have to guarantee the taxes.

The Mayor said that there may be some items that could come up so would lean more toward higher than 8%.

Ms. Douglas noted that a 10% fund balance would be 3.5 million dollars.

Trustee Kenner asked Ms. Douglas where are we now with the fund balance.

Trustee Terenzi said that we are now at about 15%.

Trustee Branca asked why are we looking to lock into something like this now. He said that we do not know what may lie ahead so does not feel we should lock into a number.

Trustee Terenzi said that it is more important that we are bringing down long term debt.

Trustee Brakewood does think it is good to have a policy that it would tie your hands not to just use the fund balance and he would target toward 10%.

Trustee Kenner asked what does it mean to have a policy does it require a law or a resolution.

Trustee Kenner asked what does it mean to have a policy does it require a law or a resolution.

Ms. Douglas said that the Board would adopt a resolution for the policy.

Trustee Kenner asked if it is binding.

Mayor Pilla said that it is binding until it is changed. He said that Tarrytown established such a policy and their bond rating went up.

Trustee Didden inquired if such a policy would list the percentage as a should or shall noting that the Village's investment policy is a shall.

The Mayor said that it is a shall and that we need to look at best practices. He said that staff will come back with a policy and resolution.

Trustee Didden asked about what action may happen if we go below the percentage.

There was brief discussion on Trustee Didden's question and it was noted that the Board could adjust the policy if more fund balance is required to be used to adjust the percentage.

\* \* \* \* \*

Mayor Pilla said that the next discussion item on the agenda is the Village of Rye Brook's notice regarding proposed law in reference to Affordable Housing. He said that Rye Brook sent us notice of a public hearing that they are considering a floating zone for affordable housing. The Mayor said that we all recognize that Rye Brook is split in two school districts and there is concerned from our Board that this housing may be place in portions of Rye Brook that is part of the Port Chester School District (District #4). He said that the Board earlier met with a planning consultant to express our concerns of the direction that Rye Brook is going in reference to the Port Chester School District.

Trustee Kenner noted that he had recuse himself from the earlier discussion and will for this discussion since he is employed by the County of Westchester which made a settlement regarding affordable housing which Rye Brook is an effective community of the settlement.

The Mayor stated that Vince Ferrandino is the consultant that will appear on behalf of the Village at the October 25<sup>th</sup> public hearing and noted that the Port Chester School District will speak separately on their concerns. He said that a resolution is not required to retain Mr. Ferrandino's firm because it is within the procurement policy for the Manager to authorize.

\* \* \* \* \*

The Clerk presented a report from Harry Howard Hook & Ladder Co. No. 1 on the election to active membership of Nikko Caballero.

The Board of Trustees noted the action taken by Harry Howard Hook & Ladder Co.

\* \* \* \* \*

The Clerk presented a report from Brooksville Engine & Hose Co. No. 5 on the expelling of Dwayne Winchester.

The Board of Trustees noted the action taken by Brooksville Engine & Hose Co.

\* \* \* \* \*

The Clerk presented reports from Reliance Engine & Hose Co. No. 1 on the election to active membership of Ivan Mazariegas and Jorge Carranza.

The Board of Trustees noted the actions taken by Reliance Engine & Hose Co.

\* \* \* \* \*

The Clerk presented correspondence from Fire Chief McFadden requesting the use of Oak Street Parking Lot on October 27, 2011 from 3:00 p.m. to 9:00 p.m. for their Annual Inspection.

The Board of Trustees referred to staff the request from Fire Chief McFadden subject to any conditions.

\* \* \* \* \*

The Clerk presented correspondence from the Port Chester American Legion Post 93 regarding the 2011 Veterans Day Ceremonies to be held on November 13, 2011 and request for appropriations.

The Board of Trustees referred to staff the request from the Port Chester American Legion Post 93 subject to any conditions.

\* \* \* \* \*

The Clerk presented the Board of Trustees minutes of September 6, 2011, September 19, 2011 and September 27, 2011.

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

Trustee Kenner recuse from the vote for the minutes of September 27<sup>th</sup> which he was absent and Trustee Branca recuse from the vote for the minutes of September 19<sup>th</sup> which he was absent.

ROLL CALL

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

\* \* \* \* \*

The Mayor asked if anyone from the audience would like to comment at this time. He recognized Richard Abel.

Mr. Abel inquired how much Mr. Ferrandino would be paid on the issue regarding the Village of Rye Brook's Affordable Housing Law.

Mayor Pilla informed Mr. Abel that it would be less than \$3,000 which only requires the Manager's authorization.

Mr. Abel asked if the Board knows what the Port Chester School is doing on this matter.

The Mayor said that he has spoken to the president of the School Board on this noting that their comments/concerns are separate from us.

Mr. Abel said that he understands the issue of this proposal of the Port Chester School District but is not sure the effect on Port Chester.



Trustee Terenzi expressed his thoughts regarding effects to Port Chester and there was a further a brief discussion on this topic from the Board.

Mr. Abel said that he would hate for us the Village of Port Chester to spend money on an issue that we are not an affected agency and this is not in our jurisdiction and we can not control. He said that he would not want us to get into litigation on this issue.

\* \* \* \* \*

The Mayor asked if any of the Trustees had comments at this time.

Trustee Brakewood said that regarding this affordable housing issue with Rye Brook that when individual Board members speak they are only speaking for themselves not for the Board that is why the Manager is retaining a consultant on this issue. He said that this is a very complex issue and it could be easy to pit Port Chester against Rye Brook noting that is not the case but really a matter more of between Westchester County, the Federal government and the non profit who sued the County. Trustee Brakewood said that he was glad that we went through the budget but we spent too much time and that regarding the budget he said that he had previously brought up the issue of the cost for the next election which he recommended putting away \$75,000 a year for a three year period to cover the cost for the 2013 election. Trustee Brakewood said that we have been talking about the Department of Justice (DOJ) case for five years and had always said that we are wasting money on this matter. He spoke further on the DOJ case and the cost of the firm of Jones Day on the appeal which has been denied by the judge. Trustee Brakewood said that he does not believe we got fair advice and that the Board owes it to themselves to do the homework on the attorneys that we engage that they do what they stated they can do because he thinks we were misled and asked for an opinion from the Village Attorney on that issue.

Trustee Terenzi said that he does not think this affordable housing matter is a Port Chester vs. Rye Brook thing but that the issue is our school district can not absorb more students. He said that Rye Brook has the opportunity to apply to the agreement in their municipality without impact to their school district. Trustee Terenzi noted the death of a Village resident Angelo "Kipper" Ianello sending condolences to his family.

Trustee Didden said that this Board has been talking about signs for zoning and planning matters but would like to raise the issue of signs on our right-a-ways for events in other communities. He noted seeing signs for a fall event to be held in Greenwich and asked for a discussion on this topic for the next agenda and that staff provide information of what is in our code on this subject. Trustee Didden spoke on the letter from the Rye Brook resident criticizing our police officers stating that he does not know that situation but observe an officer located at Marvin Place warning drivers of the new traffic pattern and signage at this location so they are trying to educate the public.

Trustee Branca spoke about the signage situation that Trustee Didden brought up and in the past some telephone poles were heavily used to post signs so agrees that we should look at this situation.

Trustee Marino provided a handout to the Board regarding the Fire Department for the next meeting. He said as he indicated earlier that he wants a list of all the cars that are

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taken home by staff for the next meeting. Trustee Marino concluded that the Police Department is doing the best job they can.

Trustee Kenner noted that the following night, October 18<sup>th</sup> the Board will be having a special meeting regarding the synthesis of the Comprehensive Plan at Village Hall.

Mayor Pilla followed up with Trustee Kenner's notice of the special meeting of the Board stating that we are aligning on the Comprehensive Plan and the update to the Local Waterfront Revitalization Plan (LWRP) which will have a public workshop on October 25<sup>th</sup> in the Senior Center.

There being no further business, on motion of Trustee Kenner, seconded by Trustee Didden, the meeting was closed at 10:20 p.m.

ROLL CALL

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

NOES: None

ABSENT: None

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Joan Mancuso', written over a horizontal line.

Joan Mancuso  
Village Clerk