

MEETING HELD NOVEMBER 7, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, November 7, 2011 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York.

Present were Trustees Daniel Brakewood, Saverio Terenzi, Bart Didden, John Branca, Luis Marino and Joseph Kenner.

It should be noted that Mayor Dennis Pilla arrived at 6:05 p.m.

Also present were Village Manager, Christopher Russo; Village Clerk, Joan Mancuso; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Police Chief Joseph Krzeminski.

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On motion of Trustee Didden, seconded by Trustee Marino, the meeting was opened at 6:01 p.m.

ROLL CALL

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

The Board met with the members of the Village of Port Chester Professional Firefighters and these career firefighters made a presentation regarding staffing.

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At 6:35 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session to discuss the medical, financial, credit or employment history of a particular person or corporation, or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person or corporation related to the Police Department. Included on the executive session were the Police Chief, 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 executive session.

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

ROLL CALL

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

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Nov. 7, '11

At 6:50 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for an interview of a candidate for the Architectural Board of Review. Included in the executive 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 executive session.

On motion of Trustee Branca, seconded by Trustee Marino, the executive session was closed and the public portion of the meeting was re-opened at 6:58 p.m. and a short recess was held until 7:00 p.m.

ROLL CALL

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

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

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

ROLL CALL

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

Mayor Pilla said that the Board had adjourned this public hearing waiting for the final input from the Planning Commission. He said that Planning has reviewed this proposed law but are not complete with the review. The Mayor said that he will ask that the public hearing be adjourned until the monthly meeting in December so this matter can be on the Planning Commission's November agenda. He asked before he takes a motion to adjourn is there anyone from the audience who would like to speak on this proposal. He recognized Denise Ward.

Ms. Ward said that she is the Vice President of the Port Chester-Rye Bar Association whose membership wants to speak on this proposal. She asked for clarification that the Board is waiting for input from the Planning Commission before they consider.

Mayor Pilla said that is correct.

Ms. Ward said then she will wait until the adjourned hearing to make any comments.

The Mayor asked if there was anyone else from the audience who would like to speak on this proposed law at this time. There was none.

On motion of Trustee Didden, seconded by Trustee Brakewood, the public hearing was adjourned to December 5, 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 Journal News on October 28, 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, November 7, 2011, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the Code of the Village, Chapter 295, entitled "Taxicabs" to continue local regulation with respect to taxicabs and taxi dispatch companies.

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 the Village Website www.portchesterny.com

JOAN MANCUSO
Village Clerk

Dated: October 28, 2011

Before a motion to open the public hearing, Trustee Kenner said that he would be recusing from this public hearing since he is an employee of the County of Westchester but not the Westchester County Taxi and Limousine Commission (TLC) and the Village's Ethic Board has given an opinion that he should recuse himself on any matters regarding taxis. He left the dais and took a separate seat.

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

ROLL CALL

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

Mayor Pilla said that this proposed local law to retain the licensing regulations in the Village was a request by Trustee Marino. He said that this would keep the status quo and continue to cap the number of cars and companies.

Trustee Didden said that he would like a feasibility study of the use of the taxicabs.

The Mayor said that we could ask that the Clerk make a request to the companies for the trip sheets.

Trustee Didden said that he would ask to work with the Clerk on how to format the request for this information.

Mayor Pilla said that Trustee Didden's request to work with the Clerk is fine.

Trustee Brakewood mentioned that the Board has received a memo from Anthony Cerreto, the Village Attorney that basically the law is here but it does not stop the Board from considering this law in the future.

Trustee Marino said that he understands that and that his main objective is that this does not go to the County. He said that whatever might happen in the future he will consider but would not agree to send these licenses to the County. Trustee Marino said that we should make sure we keep this in our own house and asked for the police to enforce the regulations. He said that the taxi industry does good things for the community like providing discounted rates for seniors and school children. Trustee Marino noted that taxi drivers, car owners and company owners are residents of this Village that they pay taxes and provide a service in the community.

The Mayor said there are two issues at hand that need to be considered by the Board stating that this law will maintain the status quo but there is the issue regarding caps on companies and cars which we are being advised may not be legal and should be changed. He said separately there is the issue of whether taxi administration should remain under the domicile of the Village or going to the County is the other issue so told Trustee Marino we can keep in house but change the caps or we can move it to the County and change the caps.

Trustee Marino said that he understands that but asked the Mayor why he wants to send it to the County.

Mayor Pilla said that he would explain his position after he has heard from everyone else.

Trustee Terenzi asked how many municipalities use the County for taxi regulations.

Mayor Pilla said that Croton Harmon which has a relatively large taxi industry because they are the site of connections of trains for the upper lines that they are handled by the TLC. He said that the TLC also handles the taxi driver's licenses only for the Town of Bedford that they do not have any other licenses for cars or companies. The Mayor said those are two examples where the County is relied upon entirely for their taxi administration.

Trustee Brakewood said that this conversation regarding this local law does not preclude the Board from considering future action like the Mayor has spoken about.

The Mayor agreed that can be done.

Trustee Brakewood said that it is just a matter of when the Board would like to consider these other items.

Mayor Pilla said that he is hearing two things the legal issue regarding caps and Trustee Marino's recommendation that the administration not go to the County so he would recommend taking these issues in smaller bites stating let's get the Village out of harm way and deal with the caps in a separate matter then from who deals with the

administration of the taxis. The Mayor said that it is his opinion that the Village is not capable of providing the correct administrative oversight for these license requirements.

Trustee Marino said that he disagrees asking why should we give away these regulations that we should do it ourselves.

Mayor Pilla commented further about why he believes the Village should not continue these regulations. He asked if there was anyone from the audience who would like to speak on this proposed law. The Mayor recognized William Giangrande.

Mr. Giangrande spoke about the taxi stand area on Westchester Avenue that taxis are also using the parking meter spaces and the fire hydrant areas. He said that we should send taxi licensing to Westchester County and noted that he already sees outside cabs in the Village.

Jackie Gomez of Stamford, Connecticut said that the Village has already partially outsourced the taxi industry.

Mayor Pilla said that is correct for licensing for taxi drivers.

Ms. Gomez said that these drivers had to have background checks so asked how many were found to be criminals.

The Mayor said that not all of the drivers received licenses.

Ms. Gomez said that she sees all of the drivers are licensed and that outsourcing may not be the answer. She told the Mayor and Board that the people of Port Chester elects them to sit up there so they should listen to the people and work with them not against them.

Mayor Pilla said that drivers rent cars and he has been told that they are afraid to speak out against the forty or so car owners and the dispatch companies who do not like the direction that he wants to take but would suggest that everyone else is ok with his direction.

Ms. Gomez said let's stop the outsourcing unless you are going to outsource the police and fire departments and the Board itself so let's stop the outsourcing.

The Mayor asked Ms. Gomez how she feels about the caps on the number of cars and companies.

Ms. Gomez said didn't you give a license to another company so can she get a license for a dispatch company.

Mayor Pilla told Ms. Gomez that the Board would consider any application.

Yodna Vivanco-Small, owner of Village Taxi said that this has been a long issue for them and that she is trying to work together with the Village and our industry. Ms. Vivanco-Small provided the Board with a package of information regarding drug testing and criminal background checks.

The Mayor said that drug testing is already being done by the County for the drivers and has not heard of any problems since this process has been given to the County.

Ms. Vivanco-Small said that if we keep the companies and the drivers' licensing in the Village that what she has provided is the way to go. She said that she strongly supports Trustee Marino's opinion to keep everything here in Port Chester. Ms. Vivanco-Small said that she believes that the seniors would be hurt with a change because they get

rides at a discounted fee and if this went to the County their rates she believes will be higher. She said that Port Chester is a very small town and that we should work together to help these companies to continue working.

Mayor Pilla thanks Ms. Vivanco-Small for the offer of working together and said he thinks that is the only way that we will survive in Port Chester and the United States if we stop the bickering.

Ms. Vivanco-Small said that the Mayor had mentioned about the drivers who do not own the cars and spoke about their company's rules and regulations and how they deal with complaints.

The Mayor told Ms. Vivanco-Small that is great how they are being responsible. He recognized James Giangrande.

James Giangrande said that it is fine that the taxi drivers are out to make money but they are reckless at times and spoke about an incident when he was almost hit by a cab. He said that he thinks it should go to the County. The Mayor recognized Goldie Solomon.

Goldie Solomon said that she does not agree with a lot that has been said noting that we are a diverse community and are in a recession/depression. She said that the County knows nothing about us and everything should stay in our community. Ms. Solomon said that we can not be compared with any other community stating that we are our own community and need to take care of our people. She said that we pay our taxes and need everything done right here in Port Chester so it does not cost us the money to go to other areas.

Mayor Pilla said that while Westchester County may not know everything about the Village of Port Chester you say that he would suggest that the Village of Port Chester does not know that much about administering taxis. He recognized Steven Nielsen.

Steven Nielsen, President of the Port Chester Taxi Association said that we have been going back and forth for years on this subject. He said that it is time to give our drivers back their dignity and bring back their licensing here stating that these drivers provide half price rates for the seniors and discounted fares for students and where do you find that in any other village. Mr. Nielsen said that our drivers work 12 hour days seven days a week and they live right here in this Village paying their taxes in this Village and deserve having their licenses here in this Village. He told the Board that he encourages the passing of this law and keeping the regulations here.

The Mayor recognized Richard Abel.

Richard Abel said that his question is a procedural one asking if this law will continue the licensing of taxicabs and dispatch companies so we have this law already on the books.

The Mayor said that there is a sunset of the current regulations.

Anthony Cerreto, the Village Attorney said that the current licenses for cars and companies will expire at the end of November.

Mayor Pilla said that the Village Attorney had warned us that what we were doing was a constitutional issue.

Mr. Abel asked on the number of companies.

The Mayor said that the caps that we have on the number of cars and companies and from the record that he has seen there is no rational basis to restriction the number of cars or companies that it is not based on any supply and demand of taxis it is to penalize a Hispanic taxi industry for the traffic that occurs in Port Chester and does not think that is fair.

Mr. Abel said that even if you pass this law that in two weeks or so you could pass another law on the issues of caps that the Mayor is speaking about.

Mayor Pilla said that is correct.

Mr. Abel asked what would happen if this does not pass and nothing else is brought forward.

The Mayor said that there would be no regulations.

Mr. Cerreto said that if the law is not passed after the end of the month that no taxicabs or dispatch companies would be legally licensed in Port Chester.

Mr. Abel then asked if the Board does not pass this law tonight noting that over the last several years there has been a lot of public hearings on this so is not sure what law is going to be passed by the end of this month so if this does not pass is there another law to come separate from this one.

Mayor Pilla said that his goal tonight is to see where we are noting that he does not want to see the Village sued again. He spoke about the Institute of Justice who prosecutes these types of regulations especially caps on the number of cars and companies like we have.

Mr. Abel said if you do not send this to the County can you still remove the caps.

The Mayor said yes but that would be separate from this proposal.

Mr. Abel asked if there are any municipalities in Westchester County that there are caps.

Mayor Pilla said there may be but it is where they have it and have been challenged that they have not been successful.

Mr. Cerreto said that we are unique system here in Port Chester because we have caps on taxicabs as well as dispatch companies noting that most other communities do not have dispatch companies.

Mr. Abel said that he could see the cap on the number of cars because you do not want to have a free for all in the Village but for the number of companies in his opinion is free competition so asked what would happen if you open up companies but no more cars.

Trustee Terenzi questioned that if you capped the number of cars and not the companies so how would it work every time a new company opens up would the other companies have to give up so many cars.

Mr. Abel said that something has to give and spoke about the free market process.

Trustee Terenzi continued that if there are only seventy five licensed cars and Mr. Abel wants to open a company and has no cars how would he do that.

Mr. Abel said that he would have a problem.

Trustee Terenzi said that would be correct or he would have to buy some car licenses which creates the market that they are trying to protect. He spoke briefly on what

may be the law on the issue of free market noting that there have been the same taxi companies in other communities like New Rochelle for the last fifty years.

The Mayor spoke about existing companies who have a running start.

Trustee Terenzi said that those companies have created that good well over the years. He said that his only issue is with cabs whose drivers do not obey the rules and Mr. Abel's question about opening up for the number of taxicabs is that feasible for our community he does not know at this time. Trustee Terenzi continued that the question is does the seventy five cars fit the number for the Village and it appears that it does because we are not receiving complaints that there are not enough cabs.

Mr. Abel asked what happens if this does not pass.

Trustee Terenzi said that once the licenses expire they are null and void. There was further discussion between the Board and Mr. Abel on how long the Village has been looking into taxi reform and the cost to review. Mayor Pilla and Trustee Marino went back and forth about the beginning process to review taxi reform the consultant that studied this matter and the consultant cost.

Mayor Pilla said that we need to frame the discussion separating this about the County from the issue of caps. He spoke about his feelings of what may happen to the Village legally if we do not take care of the caps. The Mayor said lets save the County discussion for another day but we need to deal with the issue of the caps and commented on the waiting list for taxicabs and individuals on the waiting list that can not get a car because they are being sold at high amounts.

Trustee Terenzi said that should not happen regarding the license and that issue need to be adjusted in the law but the question is whether we are willing to send these licenses to the County or keep them here. He said that the Mayor has given us his opinion on that issue which is fine because we are here to debate the issue.

The Mayor said that he is not talking about the County but that the caps are the issue.

Mr. Cerreto told the Board that the issue at hand is the local law before us.

The Mayor agreed that the issue is the local law which he does not agree with because he feels it would put us in harm way. He said that we could keep it administered by the Village of Port Chester and thinks we have to gradually lift the caps. Mayor Pilla said that Samuel Staley, the transportation expert that the Village retained said that there is a gray market and his report shows that there is more of a demand for cars. He said that Mr. Staley's recommendation is to expand the number of cars over a time period and he would suggest that we take Mr. Staley's numbers and extend them.

Mr. Cerreto again told the Mayor and Board that the issue at hand is the proposed local law.

Mayor Pilla continued his comments of why he does not support this law. He recognized the next speaker.

Moses Morocho said that this talk about more licenses for the town that he does not see that the town growing so if there are more taxis there is not enough room for the cars. He said that what are needed are more taxi stands.

Mayor Pilla spoke about locations for consideration of additional taxi stands.

Mr. Morocho said that if you add more cars it will be the same thing.

Awilda Gonzalez said that she was on the Taxi Advisory Committee and they discussed to open and close licenses. She recommended giving car licenses to people on the waiting list who do not have a car license now with the rule that they can not transfer the license for sale and not give any additional cars to the companies.

Trustee Marino said that his point is not to go to the County for two reasons because we can handle the 75 cars that we have if it goes to the County there will be no limit on the number of cars and anybody can come to Port Chester. He said that he cares for these people in Port Chester and will fight to keep the oversight here which is our responsibility.

There was discussion between the Mayor and Trustee Marino about parking for taxis.

Mayor Pilla spoke about the recommendation of our counsel regarding taxi reform and that we may have been over ambitious with the County proposal but he does not believe we have the capability to do it. He said that he does not know how this law will go tonight but that either way he asked that the Village Attorney to draft a law to lift the caps by doubling the amount of time per Mr. Staley's report.

Ms. Vivanco-Small noted that the taxi drivers have the freedom to go someplace else to work if they are not happy. She said that they are the clients of the companies that the drivers pay to rent the cars. Ms. Vivanco-Small said that Village Taxi has been in business for over 45 years and spoke about the market for companies and what she paid to purchase this company and what it cost her to purchase cars with this company. She said that she invested her money here and thinks the Village should be supportive of businesses here and keep it here.

Trustee Terenzi said that it appears that Ms. Vivanco-Small is relying on the government laws to protect her company. There was further conversation between Trustee Terenzi and Ms. Vivanco-Small on this topic.

Mayor Pilla said to Ms. Vivanco-Small that the topic of lifting the caps he thinks should be done to give people like her a soft landing and that it should be done over a period of years and not months which we have no legal obligation to do and commented briefly about the court situation.

Ms. Vivanco-Small said that the Mayor should support their investments because that is what America has been built on not like other countries.

The Mayor said that he is respecting them that is why he would ease the opening of caps.

Trustee Terenzi talked about devaluating with the opening of additional licenses.

Mayor Pilla said that either we are going to do it or the judge will. There were further comments between the Mayor and Trustee Terenzi. The Mayor spoke on what he has moved forward or working on regarding taxi stands and grant funding to subsidize taxi fares noting that the Board failed to prioritize the grant to provide relief regarding the senior rate. He said that he is trying but that we are not working together.

Ms. Vivanco-Small said that even though the economy is not good we are dealing with the discounted senior rate but saying you are trying to help us by bringing in

someone else from outside she does not understand the Mayor's point of view. She asked the Mayor to respect the company owners' positions because we have invested in our businesses which we are still paying for.

Trustee Brakewood said that he wants to understand what we are doing regarding the regulations on the books.

Mr. Cerreto spoke about the Village regulations that goes back to 1951 and since that time there has been an increase to the regulations regarding licensing of cars and companies and caps on those licenses. He said that this Board has heard from him as to some of the trouble with that regulation but you have also heard tonight some of the unintended consequences from those regulations and that Mr. Staley has reported about a gray market but those issues are not part of this public hearing tonight

Trustee Brakewood said to Mr. Cerreto that he wants to hear what this new law will accomplish because it has been said tonight that we can adopt other laws regarding taxis and there are current regulations on the books so what is the purpose of this law before us.

Mr. Cerreto said that this law before you is because all licenses for taxicabs and taxi dispatch companies all come to an end at the end of this month.

Trustee Brakewood said that we have been passing extensions all along.

Mr. Cerreto said that we have heard from our expert Mr. Staley and have had a presentation from the TLC on their options and the whole idea was that hopefully by this point there would be a decision one way or the other as whether the County TLC was a good option. He said that he is hearing from at least one trustee who asked for this legislation that he is not convinced that the TLC is the answer.

Trustee Brakewood said that it was said that no matter if we pass this law tonight or not that we could always consider going to the TLC sixty days or longer from now.

Mr. Cerreto said that if six months from now the TLC Muni Car Program is used by three other municipalities and we are then convinced that is a good option this Board at any time can call for a public hearing.

Trustee Brakewood said that he is back at what is the purpose of this local law. He said that he understands that there is a sunset at the end of this month but what is going to change because we have been passing extensions and basically keeping the current law in effect so if we pass this we do not have to pass anymore extensions and that we are validating our current laws and it appears that we are sticking with our current laws for now and that we will not have to pass any further ad hoc extensions asking if that is basically what we are saying here.

Mr. Cerreto said that we are confirming our local law on the books right now that we are not taking any action with them right now and saying that we do not want to keep extending these licenses for no good reason because we are not convinced that TLC right now is the answer.

The Mayor asked or the caps rights.

Trustee Brakewood said that we are not saying that and Mr. Cerreto agreed. Trustee Brakewood continued that we are not saying anything about the caps or TLC but

are basically saying that the current law on the books we are going to keep for now and that is all we are saying that this law does not mention anything about the TLC.

Mr. Cerreto said that it does mention the TLC in the findings of the law which basically says that we are not convinced as a Board that the TLC is the answer to further deregulate our taxi industry noting that taxi drivers licensing went pretty well but the rest of the industry we are not convinced at this time.

Trustee Brakewood asked why would we want to make comments like that in our laws and does most of our laws forecast future policy decisions like that.

Mr. Cerreto said that if the Board adopts this law tonight you have all of the options that are available to you like you always would have. He said that what this does is as a Board we collectively are not convinced that policy decision that we thought we may be going in which was to the County TLC is not at this time a good option. Mr. Cerreto said that it reserves all other issues for your consideration so if you want to consider caps at another time that is your option. He said that the Mayor has proposed a law to remove the caps and that is a separate discussion.

Trustee Brakewood asked if the expert looked at this law and commented.

Mr. Cerreto said no he has not.

Trustee Brakewood said so the expert has not looked that this law.

Trustee Branca said that we are off on all these different paths but the bottom line is there is a sunset provision and that the current law will be rescinded at the end of the month Mr. Cerreto confirmed this. Trustee Branca concluded that the only thing we are doing is are we continuing this law or look at another option of TLC.

Mayor Pilla said that we are extending this law forever or until there are four votes to change it.

Trustee Branca noted that at any given time this Board can change any laws on the books in the Village of Port Chester. He asked that the Board take the vote.

Mr. Abel said that basically this is like extending what you have already have been doing except this has no end date. He said that if you pass this law there seems to be a mix up because there are five companies now but the law says four.

Mayor Pilla said no that the law does say five. He said that the action that this Board is acting on tonight is to maintain the system of taxicab and company administration for the Village to administer the licenses for taxicabs and companies the system that we have been doing since the seventies. He spoke further on the issues of the caps, gray market and administration that have a lot of problems according to Mr. Staley.

Mr. Abel asked if there is presently litigation on this law.

Mr. Cerreto spoke about the two litigation matters regarding taxis that one is a suit filed by the four incumbent taxi companies which is still in Federal Court and a case brought against us by one of the taxicab owners who was the beneficiary of the fifth license.

Trustee Brakewood said that he is not comfortable to vote on this without talking to Mr. Staley our expert. He said that since this is entangled with litigation should we speak to the Village Attorney under executive session so would ask that we table the vote until we speak to the Village Attorney and the expert.

Trustee Marino said that this has been ongoing for years now and he does not need to speak on it any longer. He stated as he said earlier he does not want this licensing to go to the County but wants it to stay here that we should be handling this.

Trustee Brakewood expressed his desire to hold off on taking action noting that there is still another Board meeting before these licenses will expire at the end of the month.

Awilda Gonzalez said that at a prior meeting the Board agreed to send the drivers licenses to the TLC to see how they worked. She does not think this is worth it that this has been extended for two or three years so enough already.

John Reavis said that they have heard everyone on this subject so the Board should close the public hearing.

Mayor Pilla said that Trustee Brakewood asked for a motion to table.

Mr. Reavis said that the Board can not act on Trustee Brakewood's motion until the public hearing is closed.

Mayor Pilla made his final comments on this topic that he is not in favor of this law that the Village does not have the proper resources to continue these licenses and is concerned with the caps that we currently have.

Trustee Brakewood said that he would make a motion to adjourn the public hearing. He said that he does not want to vote on something that he is afraid that it will put us in litigation.

Trustee Brakewood made a motion to adjourn the public hearing to November 15, 2011 to talk to counsel and the expert, Mayor Pilla seconded the motion.

ROLL CALL

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

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

ROLL CALL

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

On motion of Trustee Branca, seconded by Trustee Marino and approved, the following Local Law No. 18, 2011 was adopted:

ROLL CALL

- AYES: Trustees Terenzi, Didden, Branca and Marino
- 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 CHAPTER 295 OF THE CODE
OF THE VILLAGE OF PORT CHESTER TO CONTINUE LOCAL
REGULATION WITH RESPECT TO TAXICABS AND
TAXI DISPATCH COMPANIES

SECTION 1: This local law shall be entitled "A Local Law to Continue Local Regulation with Respect to Taxicabs and Taxi Dispatch Companies".

SECTION 2: Background and legislative intent

Since 1951, it appears that the Village of Port Chester has regulated the taxicab industry. Since that time, the Village increased its regulatory reach from taxi operators to the maximum fares that can be charged, the licensing of taxicabs and taxicab dispatch companies, and the imposition of other requirements on licensees in an effort to assure the comfort and protection of the riding public. Confirming a long-held concern of the impacts of the number of taxicabs operating in the Village, relatively recent amendments to the Village Code imposed a cap on the number of licenses for taxicabs and taxi dispatch companies.

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

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

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

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

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

At a meeting of the Board of Trustees on June 20, 2011, Dr. Staley was available and answered questions of the Board with regard to his report. At the same time, Barbara Monahan from the TLC staff made a presentation with regard to its' establishment of a new for-hire license, namely the Municipal Car Program. Such hybrid license was offered to the Village as a potentially attractive option should the Village desire to further relinquish taxi licensing in favor of the TLC. In addition Ms. Monahan discussed a program relating to the joint enforcement of TLC's Rules and Regulations with the Village Police Department.

Pursuant to Local Law 7 of 2011, the Board further extended the licenses for taxicabs and taxi dispatch companies through August 31, 2011. Pursuant to Local Law No. 10 of 2011, these licenses were further extended to November 30, 2011 wherein it was stated the Board's present intent to consider the entire record and make an ultimate determination prior to such expiry.

The Board takes notice that Dr. Staley's Final Report emphasized stronger regulatory controls by the Village in certain areas while phasing out the regulatory caps. Further, the Board takes notice that it was at the Board's further request that Dr. Staley provide further investigation and supplemental report to determine whether to relinquish regulatory authority altogether over taxis as part of a broader, strategic approach to the delivery of goods and services. Ultimately, the final arbiter of policy is that of the Board of Trustees.

The Board has been since advised that while the TLC has made presentations to three other municipalities in the County as to its Municipal Car Program, no municipality has adopted the requisite legislation. Based on the foregoing, therefore, the Board has significant concerns with taking the step of relinquishing further taxi licensing functions to the TLC. Until the TLC has some experience with implementing the Municipal Car Program, the Board concludes that the County does not present a viable option for consideration.

The Board's conclusion leaves it with the alternative of deregulating taxicabs and taxi dispatch companies or continuing to license the remaining aspects of the taxi industry. The Board finds that the Village has regulated taxis for some 60 years. The Board finds and declares that there is a substantial value in retaining such local regulatory authority in order to protect the public health, safety and welfare.

Accordingly, it is the Board's intention by this local law to come to a resolve on the issue. Licenses for taxicabs and taxi dispatch companies shall be continued so that they will expire on the respective expiration dates of such licenses in the Village Code and prior to the Board's original extension of the license periods. Thereafter, all such licenses shall be reviewed and issued in the usual course.

SECTION 2: Existing taxicab licenses extended.

Existing and new taxicab licenses issued pursuant to Section 295-13 are hereby extended and shall expire on June 30, 2012 at a prorated license fee.

SECTION 3: Existing taxi dispatching licenses extended

Existing taxi dispatch company licenses issued pursuant to Section 295-20 are hereby extended and shall expire on March 31, 2012 at a prorated license fee.

SECTION 4: Supercession

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

SECTION 5: Effective date

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

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

Adopted: November 7, 2011

Mayor Pilla stated that before the Board continues with the presentation on the agenda from the Friends of the Rotary that the Board had meet earlier with a candidate for the Village's Architectural Board of Review (ABR), Ciro Cuono who is a licensed engineer in the State of the New York. He said that we have on the agenda, the resignation from David Fragiacommo from the ABR since he has relocated out of the Village which will open up a position for an appointment.

The Clerk presented the resignation of David Fragiacomio from the Architectural Board of Review.

The Board of Trustees noted Mr. Fragiacomio's resignation and thanked him for his service to the community.

Mayor Pilla said that the Board would like to add-on a resolution at this time to appoint Mr. Cuono to this open position.

There being no objection, on motion of Trustee Didden, seconded by Trustee Kenner, the Board of Trustees added the following appointment resolution to the agenda.

ROLL CALL

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

APPOINTMENT OF MEMBER OF THE BOARD OF ARCHITECTURAL REVIEW

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 CIRO CUONO, residing at 325 King Street 4i, Port Chester, New York, be and he hereby is appointed as a member of the Port Chester BOARD OF ARCHITECTURAL REVIEW, effective immediately in place and instead of the expired term of David Fragiacomio with said term to expire March 20, 2014.

ROLL CALL

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

The Mayor said that we will continued with the agenda with a presentation by former Mayor Gerald Logan on behalf of the Friends of the Rotary Club requesting placement of benches in memory of Donald C. Richards.

Former Mayor Logan spoke about Mr. Richards who was a lifelong resident, graduating from the Port Chester High School, attended RPI with a degree in electrical engineering, served in the Navy as a Lieutenant, worked as an electrical engineer in Manhattan then took over his father's insurance business where he became the owner and president of D.C. Richards Insurance which was located on North Main Street. He said that Don was active in many organizations including the Port Chester Rye Brook Rotary Club, 40/40 Club, Port Chester Chamber of Commerce, the American Legion and the Port Chester Old Timers Athletic Association. Mr. Logan said when Mr. Richards was president of the Rotary Club they formed a Charity Foundation which has given \$150,000 in local scholarships and \$175,000 to local, domestic and international charities. He said Don lived on Glendale Place in the Village until his death in 2007 and the Rotary Club is proposing that two benches each eight feet in length be placed in Lyon Park outside the left field fence of the baseball field. Mr. Logan that there would be no expense to the

Village and that it would be a great thing for the Rotary Club if the Board would approve this request.

Mayor Pilla noted that former Mayor Logan has presented this proposal to the Park Commission who has provided the Board with correspondence that they are in favor of this proposal and noted that under Mayor Logan's term it was established a process regarding memorial guidelines with an application that was used for this request.

The Board was of a consensus to consider an add-on resolution to accept this donation at this time.

There being no objections, on motion of Trustee Marino, seconded by Trustee Brakewood, the following resolution was added to the agenda.

ROLL CALL

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

DONATION OF PLACEMENT OF BENCHES IN LYON PARK IN MEMORY OF DONALD C. RICHARDS BY THE FRIENDS OF THE ROTARY CLUB

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

WHEREAS, the Friends of the Port Chester-Rye Brook Rotary Club has made an application for a memorial of benches in Lyon Park in memory of Donald C. Richards; and

WHEREAS, Mr. Richards was a lifelong resident of the Village and the owner and President of D.C. Richards Insurance which was located in the Village since the mid 1970's; and

WHEREAS, Mr. Richards also was active in many organizations throughout the Village including serving as President of the Port Chester-Rye Brook Rotary Club which initiated a Foundation that has awarded hundreds of thousands in scholarships and to charities; and

WHEREAS, the Friends of the Port Chester-Rye Brook Rotary Club has presented this proposal to the Village's Park Commission who has made a favorable recommendation for the proposal that two benches donated by the Friends of the Rotary and that they will be responsible for all related expenses with said benches that are to be located beyond the outfield fences of the baseball fields at Lyon Park. Now, therefore be it

RESOLVED, that the Board of Trustees hereby accepts the donation of the Friends of the Rotary Club for the placement of two benches in Lyon Park in memory of Donald C. Richards subject to conditions of the Village Manager.

ROLL CALL

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

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

Mr. Reavis asked about the status of jaywalking situation that he has brought up at several meetings. He said until this is resolved he will continue to speak on this at every meeting.

Mr. Cerreto said that there is a State law on the books regarding jaywalking and that it depends on the enforcement of the Police Department.

Mr. Reavis said that the Police Chief and all administrators have issues that they need to be followed up on so asked that for a future meeting there be a policy and status regarding jaywalking.

Mayor Pilla said that the Police Chief will be asked to update the Board on that subject.

Mr. Reavis noted that on the agenda under reports there is one expelling a member from one of the Fire Companies. He said that this is dealing with a personnel issue and did not think it should be included on the agenda because it becomes a public document.

Mr. Cerreto noted that this is an action of the Fire Company by their by-laws but Mr. Reavis does raise a question about process so will follow up.

Mr. Reavis concluded his comments about the process of the Park Commission regarding the Rotary request and that he is glad that processes are going through the Boards and Commissions but that the Planning Commission has the ability of too much oversight that he thinks should be overseen by the Board of Trustees.

The Mayor recognized Goldie Solomon.

Ms. Solomon told the Board not to cut anything to do with the health, welfare and safety of our Village. She said that Station 4 of the Fire Department will not be fully manned by the professional fire fighters and said that this should not be cut. Ms. Solomon said that taxes are killing us and the property assessments are too high. She noted that tomorrow is Election Day and that everyone who is qualified to vote should do so. Ms. Solomon said that Veterans Day is on November 11th which we should honor all veterans and active service personnel. She concluded her comments that she has recently been told that the property on New Broad Street that she thought was owned by the MTA is owned by someone else so the Village should follow up on the lack of sidewalks along this property.

Mayor Pilla noted that there has also been a request regarding handicapped parking for the Bethesda Church in the area of New Broad Street that he will ask the Police Chief to follow up with the Traffic Sergeant if there could be this type of parking on a part-time basis. He recognized Denise Ward.

Ms. Ward said that the BAR Association met with Village staff and they are working with them on the proposed law regarding the certificate of occupancy requirements. She said that the BAR is in favor of a law to get the Building Department up to date but they want to work toward a productive law that everyone would benefit from. There was further discussion between the Board and Ms. Ward on this subject. The Mayor recognized Richard Abel.

Mr. Abel said that he supports the resolution for free holiday parking request from the Chamber. He asked about the resolution for staff for the Finance office and was told that it would be explained when the resolution is presented. Mr. Abel inquired if the resolution regarding the settlement with Cesar Ruiz is the final settlement. Mayor Pilla and Mr. Cerreto said yes that it was. The Mayor recognized the next speaker.

Tony Cerreta of Lafayette Drive and a property owner of building where the Willett House is located on Abendroth and Willett Avenues said that the Village conducted a parking summit a few months ago which several downtown property and business owners left their contact information but has not heard as to the status and/or results to relive parking problems in the downtown.

Mayor Pilla said that he is looking at the consideration of valet parking.

Mr. Cerreta said that valet parking is for the restaurants but not the tenants and their employees. He spoke about the time consuming process for employees to park since the construction workers of the Mariner project are using on street parking because they have been kicked out from using the Marina Parking Lot before its start time of 9:30 a.m. Mr. Cerreta said that he understand the issue of the Marina lot was been abused by commuters but does not see the complexity for G&S to move back the start time to 8:30 a.m. instead of 9:30 a.m. There was further discussion between the Board, the Village Manager and Mr. Cerreta regarding the Marina Parking Lot and downtown parking issues.

The Mayor recognized Mario Karas.

Mr. Karas spoke again about the stop sign on Quintard Drive that he wants removed. He asked how he can get this done.

Trustee Brakewood suggested that Mr. Karas go through the process that he send a letter to the Board who would referred the matter to staff and necessary Board or Commission for their review and report. Police Chief Krzeminski agreed that the letter would start the process.

* * * * *

USE OF DEA FUNDS

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 is upgrading its cell phones from Nextel to Verizon, NYS Contract #PS63766, and the onetime cost for the Police Department is \$1,979.82. The Police Chief recommends the use of DEA Funds for the upgrade. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2011-12 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	(\$1,979.82)
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The Clerk presented the next resolution on the agenda to award the bid for the 2011-2014 Emergency Repairs to Joken Development Corp.

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

Mr. Russo explained this bid to the Board and there was a brief discussion.

BID AWARD – 2011-2014 EMERGENCY REPAIRS

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, pursuant to General Municipal Law, Section 103, the Village of Port Chester has sought competitive bids for 2011-2014 Emergency Repairs (Bid #18-11) so that it may proactively and cost-effectively have a contractor on retainer to perform work on an emergency basis; and

WHEREAS, nine contractors received the bid specifications and four of these contractors submitted bid proposals for opening on October 26, 2011; and

WHEREAS, Joken Development Corp., 9 Belway Place, White Plains, New York 10601 has submitted the lowest bid per annexed Revised Bid Sheets C1 through C28 which are annexed hereto and made a part of this resolution; and

WHEREAS, the Village Engineer has reviewed the bids and recommends awarding the bid to Joken Development Corp., as the lowest responsible bidder having met all the specifications as set forth in the bid documents. Now, therefore be it

RESOLVED, that the Village of Port Chester accepts the bid from Joken Development Corp., which meets all bid specifications and be it further

RESOLVED that the Village Manager be authorized to enter into an agreement with Joken Development Corp. for such emergency repairs.

ROLL CALL

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

* * * * *

The Clerk presented the next resolution on the agenda a budget amendment regarding additional personnel for the Treasurer’s Office.

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

There was discussion between the Board and Leonie Douglas, the Village Treasurer regarding the requested addition personnel for the Treasurer’s office for a full-time intermediate clerk. There was further discussion how the funding process would be regarding this position by transfer from the contingency account or over expending the line. The Board voted on the resolution.

ADDITIONAL PERSONNEL FOR TREASURER’S OFFICE

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 the Board of Trustees hereby authorizes the Village Treasurer to transfer \$25,000 from the Contingency account for additional personnel in the Treasurer's Office and the General Fund Budget be modify as follows:

GENERAL FUND

Transfer from Contingency A/C		
1.1990.400	Contingency	\$25,000
Transfer to Finance Department		
1.1320.100	Salaries	\$25,000

ROLL CALL

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

Trustee Didden said that he would make a motion at the end of the meeting to consider an add-on resolution that instead of a budget amendment would authorize the Manager and Treasurer for the hiring of the part-time intermediate clerk.

INVESTMENT POLICY FOR THE VILLAGE OF PORT CHESTER

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, pursuant to General Municipal Law, Section 39, local governments in the State of New York, including villages, are required to adopt a comprehensive written investment policy; and

WHEREAS, local governments are required to review their investment policies on an annual basis; and

WHEREAS, the Village of Port Chester has reviewed its policy since adoption in 1993; Now, therefore, be it

RESOLVED, that the Board of Trustees does hereby approve and adopt the attached Investment Policy for the Village of Port Chester.

ROLL CALL

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

INVESTMENT POLICY FOR THE VILLAGE OF PORT CHESTER

I. SCOPE

This investment policy applies to all moneys and other financial resources available for investment on its own behalf or on behalf of any other entity of individual.

II. OBJECTIVES

The primary objectives of the local government’s investment activities are, in priority order,

- to conform with all applicable federal, state and other legal requirements (legal);
- to adequately safeguard principal (safety);
- to provide sufficient liquidity to meet all operating requirements (liquidity); and
- to obtain a reasonable rate of return (yield).

III. DELEGATION OF AUTHORITY

The governing board’s responsibility for administration of the investment program is delegated to the Village Treasurer who shall establish written procedures for the operation of the investment program consistent with these investment guidelines. Such procedures shall include an adequate internal control structure to provide a satisfactory level of accountability based on a data base or records incorporating description and amounts of investments, transaction dates, and other relevant information and regulate the activities of subordinate employees.

IV. PRUDENCE

All participants in the investment process shall seek to act responsibly as custodians of the public trust and shall avoid any transaction that might impair public confidence in the Village of Port Chester to govern effectively.

Investments shall be made with judgment and care, under circumstances then prevailing, which persons of prudence discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the safety of the principal as well as the probable income to be derived.

All participants involved in the investment process shall refrain from personal business activity that could conflict with proper execution of the investment program, or which could impair their ability to make impartial investment decisions.

V. DIVERSIFICATION

It is the policy of the Village of Port Chester to diversify its deposits and investments by financial institution, by investment instrument, and by maturity scheduling.

VI. INTERNAL CONTROLS

It is the policy of the Village of Port Chester for all moneys collected by any officer or employee of the government to transfer those funds to the Village Treasurer within one day of deposit, or which the time period specified in law, whichever is shorter.

The Village Treasurer is responsible for establishing and maintaining an internal control structure to provide reasonable, but not absolute, assurance that deposits and investments are safeguarded against loss from unauthorized use or disposition, that transactions are executed in accordance with management’s authorization and recorded properly, and are managed in compliance with applicable laws and regulations.

VII. DESIGNATION OF DEPOSITARIES

The banks and trust companies authorized for the deposit of monies up to the following maximum amounts are:

<u>Depository Name</u>	<u>Maximum Amount</u>	<u>Officer</u>
JP Morgan Chase, N.A.	15,000,000	Peter Johnson
Wells Fargo Bank	15,000,000	Carmen Olave

Bank of NY Mellon for		
Cut Water Asset Mngt NY CLASS	15,000,000	Dierdre Jordan
TD Bank	15,000,000	Caren Roeder
M & T Bank	15,000,000	Andrea Wagonseller

VIII. COLLATERALIZING OF DEPOSITS

In accordance with the provisions of General Municipal Law, §10, all deposits of the Village of Port Chester, including certificates of deposit and special time deposits, in excess of the amount insured under the provisions of the Federal Deposit Insurance Act shall be secured:

1. By a pledge of "eligible securities" with an aggregate "market value", or provided by General Municipal Law, §10, equal to the aggregate amount of deposits from the categories designated in Appendix A to the policy.
2. By an eligible "irrevocable letter of credit" issued by a qualified bank other than the bank with the deposits in favor of the government for a term not to exceed 90 days with an aggregate value equal to 140% of the aggregate amount of deposits and the agreed upon interest, if any. A qualified bank is one whose commercial paper and other unsecured short-term debt obligations are rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization or by a bank that is in compliance with applicable federal minimum risk-based capital requirements.
3. By an eligible surety bond payable to the government for an amount at least equal to 100% of the aggregate amount of deposits and the agreed upon interest, if any, executed by an insurance company authorized to do business in New York State, whose claims - paying ability is rated in the highest rating category by at least two nationally recognized statistical rating organizations.

IX. SAFEKEEPING AND COLLATERALIZATION

Eligible securities used for collateralizing deposits shall be held by (the depository and/or a third party) bank or trust company subject to security and custodial agreements.

The security agreement shall provide that eligible securities are being pledged to secure local government deposits together with agreed upon interest, if any, and any costs or expenses arising out of the collection of such deposits upon default. It shall also provide the conditions under which the securities may be sold, presented for payment, substituted or released and the events, which will enable the local government to exercise its rights against the pledged securities. In the event that the securities are not registered or inscribed in the name of the local government, such securities shall be delivered in a form suitable for transfer or with an assignment in blank to the Village of Port Chester or its custodial bank.

The custodial agreement shall provide that securities held by the bank or trust company, or agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement should also describe that the custodian shall confirm the receipt, substitution or release of the securities. The agreement shall provide for the frequency of revaluation of eligible securities and for the substitution of securities when a change in the rating of a security may cause ineligibility. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

X. PERMITTED INVESTMENTS

As authorized by General Municipal Law, §11, the Village of Port Chester authorizes the Village Treasurer to invest moneys not required for immediate expenditure

for terms not to exceed its projected cash flow needs in the following types of investments:

- Special time deposit accounts;
- Certificates of deposit;
- Obligations of the United States of America;
- Obligations guaranteed by agencies of the United States of America where the payment of principal and interest are guaranteed by the United States of America;
- Obligations of the State of New York;
- Obligations issued pursuant to LFL §24.00 or 25.00 (with approval of the State Comptroller) by any municipality, school district or district corporation other than the (Village of Port Chester);
- Obligations of public authorities, public housing authorities, urban renewal agencies and industrial development agencies where the general State statutes governing such entities or whose specific enabling legislation authorizes such investments.
- Certificates of Participation (COPS) issued pursuant to GML, §109-b,
- Obligations of this local government, but only with any moneys in a reserve fund established pursuant to GML, §6-c, 6-d, 6-e, 6-g, 6-h, 6-j, 6-k, 6-l, 6-m, or 6-n.

All investment obligations shall be payable or redeemable at the option of the Village of Port Chester within such times as the proceeds will be needed to meet expenditures for purposes for which the moneys were provided and, in the case of obligations purchased with the proceeds of bonds or notes, shall be payable or redeemable at the option of the Village of Port Chester within two years of the date of purchase.

XI. AUTHORIZED FINANCIAL INSTITUTIONS AND DEALERS

The Village of Port Chester shall maintain a list of financial institutions and dealers approved for investment purposes and establish appropriate limits to the amount of investments, which can be made with each financial institutions or dealer. All financial institutions with which the local government conducts business must be credit worthy. Banks shall provide their most recent Consolidated Report of Condition (Call Report) at the request of the Village of Port Chester. Security dealers not affiliated with a bank shall be required to be classified as reporting dealers affiliated with the New York Federal Reserve Bank, as primary dealers. The Village Treasurer is responsible for evaluating the financial position and maintaining a listing of proposed depositaries, trading partners and custodians. Such listing shall be evaluated at least annually.

XII. PURCHASE OF INVESTMENTS

The Village Treasurer is authorized to contract for the purchase of investments:

1. Directly, including through a repurchase agreement, from an authorized trading partner.
2. By participation in a cooperative investment program with another authorized governmental entity pursuant to Article 5G of the General Municipal Law where such program meets all the requirements set forth in the Office of the State Comptroller Opinion No. 88-46, and the specific program has been authorized by the governing board.
3. By utilizing an ongoing investment program with an authorized tracking partner pursuant to a contract authorized by the governing board.

All purchased obligations, unless registered or inscribed in the name of the local government, shall be purchased through, delivered to and held in the custody of a bank or trust company. Such obligations shall be purchased, sold or presented for redemption or payment by such bank or trust company only in accordance with prior written authorization from the officer authorized to make the investment. All such transactions

shall be confirmed in writing to the Village of Port Chester by the bank or trust company. Any obligation held in the custody of a bank or trust company shall be held pursuant to a written custodial agreement as described in General Municipal Law, §10.

The custodial agreement shall provide that securities held by the bank or trust company, as agent of and custodian for, the local government, will be kept separate and apart from the general assets of the custodial bank or trust company and will not, in any circumstances, be commingled with or become part of the backing for any other deposit or other liabilities. The agreement shall describe how the custodian shall confirm the receipt and release of the securities. Such agreement shall include all provisions necessary to provide the local government a perfected interest in the securities.

XIII. REPURCHASE AGREEMENTS

Repurchase agreements are authorized subject to the following restrictions:

- all repurchase agreements must be entered into subject to a Master Repurchase Agreement.
- Trading partners are limited to banks or trust companies authorized to do business in New York State and primary reporting dealers.
- Obligations shall be limited to obligations of the United States of America and obligations of agencies of the United State of America where principal and interest are guaranteed by the United States of America.
- No substitution of securities will be allowed.
- The custodian shall be a party other than the trading partner.

Appendix A Schedule of Eligible Securities

- _____ (i) Obligations issued, or fully insured or guaranteed as to the payment of principal and interest, by the United States of America, an agency thereof or a United States government sponsored corporation.
- _____ (ii) Obligations issued or fully guaranteed by the International Bank for Reconstruction and Development, the Inter-American Development Bank, the Asian Development Bank, and the African Development Bank.
- _____ (iii) Obligations partially insured or guaranteed by any agency of the United States of America, at a proportion of the Market Value of the obligation that represents the amount of the insurance or guaranty.
- _____ (iv) Obligations issued or fully insured or guaranteed by the State of New York, obligations issued by a municipal corporation, school district or district corporation of such State or obligations of any public benefit corporation which under a specific State statute may be accepted as security for deposit of public moneys.
- _____ (v) Obligations issued by states (other than the State of New York) of the United States rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _____ (vi) Obligations of Puerto Rico rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _____ (vii) Obligations of counties, cities and other governmental entities of a state other than the State of New York having the power to levy taxes that are backed by the full faith and credit of such governmental entity and rated in one of the three highest rating categories by at least one nationally recognized statistical rating organization.
- _____ (viii) Obligations of domestic corporations rated in one of the two highest rating categories by at least one nationally recognized statistical rating organization.

- _____ (ix) Any mortgage related securities, as defined in the Securities Exchange Act of 1934, as amended, which may be purchased by banks under the limitations established by bank regulatory agencies.
- _____ (x) Commercial paper and bankers' acceptance issued by a bank, other than the Bank, rated in the highest short term category by at least one nationally recognized statistical rating organization and having maturities of not longer than 60 days from the date they are pledged.
- _____ (xi) Zero coupon obligations of the United States government marketed as "Treasury strips".

STIPULATION REGARDING LEGAL FEES FOR
PLAINTIFF-INTERVENOR CESAR RUIZ
REGARDING VOTING RIGHTS ACT CASE

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

WHEREAS, by resolution adopted on December 6, 2010, the Board of Trustees authorized special counsel, Piscionere & Nemarow, to enter into a stipulation with counsel for the Plaintiff-Intervenor, Cesar Ruiz, with regard to his claim for attorneys' fees in the matter of United States v. Village of Port Chester that resulted in a determination adverse to the Village; and

WHEREAS, the stipulation made provision for payment in an agreed-upon amount of \$125,000 should the Village elect not to appeal the matter to the United States Court of Appeals; and

WHEREAS, the stipulation made further provision such that in the event the Village elected to take an appeal and was unsuccessful, the entire amount of Mr. Ruiz' entitlement to attorneys' fees could be litigated; and

WHEREAS, the Village took an appeal which ultimately was dismissed by the Court of Appeals on motion by the Federal Government; and

WHEREAS, Mr. Ruiz' counsel has since made demand for additional attorneys' fees which have been the subject of extensive negotiation with special counsel; and

WHEREAS, such negotiations have been concluded; and

WHEREAS, the Board determines that such negotiated amount is in the best interest of the Village of Port Chester in lieu of the expense and uncertain result of litigating the issue in the District Court. Now, therefore be it

RESOLVED, that the Village Treasurer be authorized to make payment representing attorneys' fees to Cesar Ruiz, Plaintiff-Intervenor, in the total amount of \$145,000; and be it further

RESOLVED, that at the direction of Plaintiff-Intervenor's counsel, Randolph Scott-McLaughlin, payment of \$13,000 shall be made to co-counsel, Richard St. Paul with the balance of \$132,000 payable to him, and be it further

RESOLVED, that such payment be funded from the remaining balance of \$148,313 in special litigation line 1.1420.401 and that \$145,000 be transferred to Judgment & Claims line 1.1930.400.

ROLL CALL

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

HOLIDAY PARKING FOR 2011

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, by letter from the President of the Chamber of Commerce dated October 26, 2011, request has been made that there be free parking on North Main Street, South Main Street, Abendroth Avenue, the lower portion of Willett Avenue from North Main Street to Abendroth Avenue and Westchester Avenue from December 14, 2011 to December 28, 2011 for the Holiday Season; and

WHEREAS, this practice has been a tradition in the Village of Port Chester for many years; and

WHEREAS, this practice not only encourages shoppers and visitors to the Village, the "Restaurant Capital of Westchester County", but also increases property values and the Village's tax base. Now, therefore, be

RESOLVED, that enforcement be suspended so that there will be free parking for up to the maximum two hours of parking in a space on North Main Street, South Main Street, Abendroth Avenue, the lower portion of Willett Avenue from North Main Street to Abendroth Avenue and Westchester Avenue for the 2011 Holiday Season from December 14, 2011 to December 28, 2011.

ROLL CALL

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

Trustee Didden stated that he voted no because he would like the Chamber to come forward with something else besides this free parking to highlight the downtown merchants during the holidays.

Mayor Pilla said that the first discussion item is the proposed legislation with regard to certificate of occupancy requirements. He said that staff would provide an update on this proposal.

Mr. Russo noted that Christopher Steers, the Assistant Village Manager was not able to attend tonight's meeting and was unable to speak to him on this matter so would ask that this discussion be moved to a future agenda.

Trustee Didden noted that this proposal has been before the Board since two months ago so Mr. Russo should have had the opportunity to speak to Mr. Steers before today so would like to discuss this topic tonight.

Mr. Russo said that this proposal is a good idea but not for now since there is not the necessary staffing to complete this requirement.

Trustee Didden said that he wants to know what additional staffing is required to complete this proposal.

Mr. Russo said that he and Mr. Steers made a presentation to the Board regarding staffing that was in two phases and that the second phase staffing would be needed to move this forward. He said that he can provide the staffing proposal for the Building and Code Departments for the next Board meeting.

There was further discussion on the subject of the proposed certificate of occupancy requirements between the Board and Mr. Russo that staff has meet with the BAR Association on this proposal and that the BAR is asking to discuss this proposal further with the Board of Trustees. Mayor Pilla asked how the Board of Trustees would like to engage the BAR. It was a consensus of the Board that the entire Board of Trustees to meet with the BAR and then there would be a follow up with staff.

Denise Ward, the Vice-President of the Port Chester-Rye BAR Association thanked the Board for allowing the BAR to meet with staff on this subject and that they look forward with meeting the Board of Trustees.

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The Mayor said that the next discussion item is regarding a Residential Rehabilitation Program. He said that the Village secured a half a million grant in 2008 that would implement a program for five years. Mayor Pilla said that this grant would be implemented through Westchester County Planning and that they can not start this implementation until January. He said that Mr. Russo and Mr. Steers need to engage the County's Assistant Planning Director Norma Drummond on this matter.

Trustee Terenzi said that what the Mayor is talking about is not the subject of this discussion which he wanted to speak about the funding from the Mariner Project for a residential rehabilitation program which could be added to the component of the grant with the County.

Mr. Russo said that he is putting together for the Board's next meeting a report that will cover both aspects.

Trustee Terenzi spoke further about the seed money from the Mariner Project.

Trustee Brakewood said that what needs to be determined is how to proceed and who would administer the program.

Mr. Russo said that the narrative for the program is essential and can be further discussed at the next Board meeting.

* * * * *

Trustee Didden said that he had requested the next discussion item regarding a Phase-Out Program for Billboards. He said that he has spoken to staff in the past on this subject and he is suggesting to the Board for our next meeting a resolution be on the agenda for a request for proposal for a planner to provide a roadmap for this phase-out.

Trustee Brakewood said that Mr. Cerreto provided some information on this subject that he is not sure about.

Mr. Cerreto told the Board that they would need a seasoned planner to take on this approach.

Trustee Terenzi asked about the approach that the Board should consider.

Mr. Cerreto said that there are two approaches that could be used the first eminent domain or the second amortization out over a number of years.

Trustee Brakewood spoke about current technology regarding billboards and can we include regulations that would not allow that if amortization is used.

Trustee Didden suggested a moratorium on the technology upgrades to billboards.

Mayor Pilla also said that companies are wrapping buildings with signage.

Mr. Cerreto said there are constitutional rights that need to be considered when proposing a moratorium. He said that he would provide a resolution to the Board to go out for a request for proposal for a specialized planner on this topic.

* * * * *

Trustee Didden said that he also requested this discussion regarding signage for events / activities on the Village right-a-ways and that staff provided the Board with Chapter 208 regarding Littering and Advertising Material Distribution and Chapter 272 regarding Signs and Billboards. He noted that the Village of Rye Brook has an ordinance regulating political signage. Trustee Didden said that the signage that he brought up at an earlier meeting was advertising for an event in the bordering community in Connecticut which falls under our regulations and we should enforce the regulation by the Police Department or other departments.

Mayor Pilla inquired about context neutral of signage.

Mr. Cerreto said that under Chapter 272 Section 21 prohibits and Section 23 the Village has the right to remove.

The Mayor said that we need to enforce the law.

Mr. Cerreto said that there is the matter of determining where the right-a-way starts and begins.

Trustee Brakewood spoke about other municipal regulations regarding this type of signage noting that Harrison was sued regarding political signage so they allow it.

Mr. Cerreto said that he would give an opinion to the Board on this topic.

* * * * *

Mayor Pilla stated that the last discussion item is an update regarding the United Hospital site. He said that he was invited by Supervisor Carvin to a meeting along with the School Board President regarding the filing of a tax certiorari case by Starwoods. The Mayor said that most recently he has received a call from Starwoods that they would like to re-engage the Village and asked for a meeting that is being held this week with staff so would like to ask the Board that Trustees Terenzi, Branca and himself also be included in this meeting.

Trustee Didden said that the Port Chester School District made comments to the Village of Rye Brook that they do not want any more residential in District #4 but what about this site.

Mayor Pilla said that they also said that they would consider other options. There was further discussion about residential impacts of this site.

Trustee Branca said that developers talk about site specific but we have to bring forward the ancillary impacts of proposals to traffic, infrastructure and other impacts including to the schools.

The Mayor said that we need to hear first from Starwoods what they are asking for.

Trustee Brakewood agreed that the impacts beyond this site are the most important.

There was final discussion on this subject and the Board was of a consensus that Trustees Terenzi, Branca and the Mayor would attend the meeting with Starwoods on behalf of the Board.

The Clerk presented reports from Fire Patrol & Rescue Co. No. 1 on the election to active membership of Nick Hazel and Matt Smith.

The Board of Trustees noted the actions taken by Fire Patrol & Rescue Co. No. 1

The Clerk presented a report from Putnam Engine & Hose Co. No. 2 on the election to active membership of Estuardo Perez.

The Board of Trustees noted the action taken by Putnam Engine & Hose Co. # 2.

The Clerk presented a report from Harry Howard Hook & Ladder Co. No. 1 on the expelling of member Dan Crowley.

The Board noted the action taken Harry Howard Hook & Ladder Co. No. 1.

The Clerk presented correspondence from the Tamarack Tower Foundation requesting permission to hold the Annual Turkey Trot on November 24, 2011 on Village streets starting at 9:30 a.m., to hang a banner on Putnam Avenue and placement of sign at Messina Park to publicize the event.

The Board of Trustees referred to staff the correspondence from the Tamarack Tower Foundation for their Annual Turkey Trot for approval upon any necessary conditions.

The Clerk presented the Board of Trustees minutes of October 3, 2011, October 17, 2011 and October 18, 2011.

On motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees minutes as noted were approved.

ROLL CALL

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

Trustee Didden noted that the Board had earlier voted down the resolution that would use funds from the contingency account for additional personnel for the

Treasurer's Office and that he said that he would make a motion for an add-on to authorize the filling of this position without using contingency.

Trustee Didden made a motion to add-on a resolution authorizing addition personnel for the Finance Office, Trustee Terenzi seconded the motion.

The Board discussed further the funding process transferring funding contingency versus adjusting expenditure of this position from lines that are not completely expended before the vote on the consideration of the add-on. The Mayor said that he was not in agreement to over-expend the personnel line instead of transferring from contingency.

ROLL CALL

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

ADDITIONAL PERSONNEL FOR TREASURER'S OFFICE

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

RESOLVED, that the Village Treasurer and Village Manager are hereby authorized to fill the requested position for a full-time Intermediate Account Clerk for the Treasurer's Office.

ROLL CALL

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

* * * * *

Mayor Pilla asked if anyone from the audience would like to make any comments at this time. He recognized Gene Ceccarelli.

Mr. Ceccarelli said that there needs to be a dual track of the Master Plan and the United Hospital Site. He asked what is status regarding the bulkhead.

Mayor Pilla said that the engineer is study the bulkhead. Trustee Branca stated that nothing is happening with the bulkhead.

Mr. Ceccarelli asked what raised the issue regarding billboards.

The Mayor said that this is one of several items that has being requested to be reviewed.

Mr. Ceccarelli also expressed concerns regarding certain buildings on Westchester Avenue and Main Street that are eye sores including the former auto school building on Westchester that is owned by the MTA.

Mayor Pilla said that there will be a meeting with the MTA regarding the auto school property and other issues.

Mr. Ceccarelli concluded his comments that he has concerns regarding the traffic/parking studies that is being done for Planning Commission matters and spoke about a proposal of a European type restaurant to be located on Willett Avenue at

Abendroth Avenue that these studies saying that there will be no negative impacts so he understands the earlier comments about parking issues downtown.

The Mayor recognized Richard Abel.

Mr. Abel noted that tomorrow is Election Day and encouraged everyone to use their right to vote. He said that he is happy that the Board voted for the free parking downtown during the holidays and disagrees with Trustee Didden's comments that there is no holiday shopping in this area.

Trustee Didden said that Mr. Abel is a board member of the Chamber and asked him if the Chamber promotes the free parking.

Mr. Abel said that yes that the Chamber does promotes this in many ways. He concluded his comments that the Board tonight did not show any respect to each other understanding that there are issues with valid point that can be dealt with respectfully.

* * * * *

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

Trustee Brakewood said that regarding the taxi law that he would have like to support it but could not when our professional consultant has not reviewed it and our attorney is providing caution. He said that is why he voted against it. Trustee Brakewood said that regarding the budget amendment resolution for the additional personnel of the Treasurer's office he understands the direction that some of the Board went in but would like a public discussion and a vote to take place which we did and not just have the line overspent. He said that fires that happen in the Village underscores the need for code enforcement and that he fully supports code enforcement. Trustee Brakewood said that when fires do occurs and there are multi violations landlords should be held responsible through their insurance policies because if you knowingly violate the code to utilize insurance it should not be allowed. He spoke about the Port Chester High School Boys Soccer Team who had an undefeated season until one goal was made in a playoff game. Trustee Brakewood congratulated this Soccer Team for their season. He concluded his comments noting that Mayor Pilla was recognized by the Chamber of Commerce at their Annual Dinner last week so congratulated him on this honor.

Trustee Terenzi spoke about his past experience on the Board of Trustees many years ago and that members did not like each other but with this Board he has a great amount of respect for all of the members even if they have differing options. He also noted that tomorrow is Election Day and no matter who wins in the District 6 County Legislator position either of the candidates Trustee Brakewood or Rye Councilman Gelfard will serve our community well.

Trustee Didden questioned Trustee Brakewood's idea about the property owners insurance regarding a situation of a fire and gave an example of electrical work. Trustee Brakewood commented further on his reasoning. Trustee Didden said that regarding Mr. Abel's comment about the disrespect of the Board that he has the upmost respect to all the members of the Board and professional staff and that we need spirited discussion. He also echoed the recognition of Mayor Pilla by the Chamber.

Trustee Branca said that he would forego his comments this evening.

Trustee Marino said that the entire Board works well together but there are times that we do not always agree. He also congratulated the Mayor for his recognition by the Chamber.

Trustee Kenner also congratulated the Mayor and said that he was able to sign the Mayor's proclamation as the Deputy Mayor which was an honor. He said that the Board received a letter from the Park Commission regarding activities in the parks that they were not informed of. Trustee Kenner asked the Manager if there is a process missing that is causing this.

Mr. Russo said that the two instances that they wrote about were oversights.

Mayor Pilla spoke about the other honorees of the Chamber Pat Sestito, Vice President of TD Bank and Rosa and Javier Castillo owners of Misti Restaurant. He said that it was a great honor to be recognized by the Chamber along with these other honorees. The Mayor spoke about emergency preparedness. He said that we are pioneers in some areas but believes that we are not the best suited for the taxi regulations so has been seeking reform. Mayor Pilla concluded that change is an organization ability to adapt.

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At 11:00 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustee adjourned to an executive session for consultation with the Village Attorney regarding pending litigation in the Village Justice Court. The Village Manager was included in the session.

ROLL CALL

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

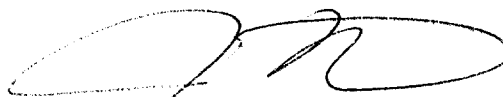
No action was taken in the executive session.

There being no further business, on motion of Trustee Branca, seconded by Trustee Marino, the executive session and the meeting was closed at 11:10 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