

MEETING HELD DECEMBER 5, 2011

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 5, 2011 at 6:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Saverio Terenzi, John Branca and Luis Marino.

Trustees Daniel Brakewood, Bart Didden and Joseph Kenner arrived during the executive session.

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

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On motion of Trustee Marino, seconded by Trustee Branca, the meeting was opened at 6:00 p.m.

ROLL CALL

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

At 6:00 p.m., on motion of Trustee Marino, seconded by Trustee Branca, the Board of Trustees adjourned to an executive session to conduct an interview with a member of the Planning Commission.

ROLL CALL

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

No action was taken in executive session.

Trustee Didden made a motion to close the executive session at 6:15 p.m., Trustee Terenzi seconded the motion.

ROLL CALL

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

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The Board of Trustee then held a work session with Police Chief Joseph Krzeminski regarding management controls.

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Before the continuation of the meeting, Mayor Pilla and the Board held a moment of silence on the passing of Trustee Terenzi's wife and Trustee Didden's mother last week. The entire Board expressed their condolences.

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Mayor Pilla said that before the public hearing he would take three resolutions out of order regarding the appointment of the Director of Planning and Development, the appointment of the Court Clerk and the proposal from the Housing Action Council. He said that before the Board considers these resolutions is there anyone from the audience who would like to speak on these particular resolutions no one indicated they would like to speak on these items.

The Clerk presented the resolution of the appointment of Christopher Gomez as Director of Planning and Development.

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

Mayor Pilla introduced Mr. Gomez stating that he has been with the County of Westchester Department of Planning for over six years as an Associate Land Use Planner and Planner and had also worked with the New York City Department of Transportation as a Transportation Planner. The Mayor stated that Mr. Gomez has also in his position with the County worked on the County's Westchester 2025 proposal and with the Village on several items including presenting aspects regarding our Comprehensive Plan. He noted that we currently have two consultants that work for the Village, Patrick Cleary, our Planning Consultant and Dwight Douglas, as the Administrative Director of the Village's Industrial Development Agency and that there will be a transitional period with these consultants.

Trustee Kenner remarked that in his capacity as an Assistant to the County Executive he has worked with Mr. Gomez and the County's lost is the Village's gain. He said that he looks forward to working with Mr. Gomez for the Village.

Trustee Branca requested a report from the Village Manager on this transitional period and an exit time for Mr. Cleary.

Trustee Brakewood asked for an opinion if Trustee Kenner can vote on this matter if he would have a conflict since he is a County employee.

Trustee Kenner stated that he does not have any conflict in this matter.

Mayor Pilla asked Mr. Gomez if he would like to address the Board and the public.

Mr. Gomez thanked the Board for their consideration of his appointment and said that he looks forward to this position.

The Board further complimented Ms. Gomez's qualifications and stated that they look forward to working with him. Members of the Board expressed to the Manager the need to work with Mr. Cleary who has many years of knowledge regarding projects in the Village.

APPOINTMENT OF DIRECTOR OF PLANNING AND DEVELOPMENT

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

WHEREAS, it is evident that the Village of Port Chester requires the services of a full-time, in-house planner; and

WHEREAS, the Board of Trustees provided for such position in the Fiscal Year 2011-2012 Village Budget; and

WHEREAS, Christopher Gomez has accepted an offer from the Village Manager for appointment as Planning and Development Director at an annual salary of \$110,000; and

WHEREAS, pursuant to Section 77-5 of the Village Code, such appointment is subject to the confirmation and approval of the Board of Trustees. Now, therefore, be it

RESOLVED, that the appointment of Christopher Gomez is hereby conformed and approved by the Board of Trustees.

ROLL CALL

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

NOES: None

ABSENT: None

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The Mayor introduced the next resolution for consideration, the appointment of Regina Hill as Court Clerk.

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

Mayor Pilla and Christopher Russo, the Village Manager noted that Ms. Hill had worked for the Village of Port Chester as Assistant Court Clerk and Acting Court Clerk for over two years and was instrumental in organizing the Justice Court records. They said that Ms. Hill had left the Village for a position as the Court Administrator for the Town of Greenburgh which she was also instrumental in updating and organizing their court. The Mayor and Mr. Russo said that we are lucky that Ms. Hill would be coming back to the Village to serve as our Court Clerk. Mayor Pilla asked Ms. Hill if she would like to address the Board.

Ms. Hill thanked the Mayor and Board for considering her for the Court Clerk position and looks forward to coming back to Port Chester.

The Board congratulated Ms. Hill and said that they look forward to working with her.

APPOINTMENT OF COURT CLERK

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

WHEREAS, the Court Clerk has been without a Court Clerk since the retirement of Aimee Gunipero in 2010; and

WHEREAS, Regina Hill has accepted an offer from the Village Manager for appointment as Court Clerk at an annual salary of \$100,000; and

WHEREAS, pursuant to Section 77-5 of the Village Code, such appointment is subject to the confirmation and approval of the Board of Trustees. Now, therefore, be it

RESOLVED, that the appointment of Regina Hill is hereby conformed and approved by the Board of Trustees.

ROLL CALL

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

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The Mayor presented the next resolution to accept proposal of the Housing Action Council to provide assistance with regard to the Housing Assistance Program for the Village of Port Chester.

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

Trustee Kenner noted that there are a few items in the resolution that would need to be amended including the Community Development Block Grant funding amount is incorrect, the funding listing from a developer should be from the Mariner Project not the Castle Project and that the cost for the work per the proposal should be included in the resolution.

Mayor Pilla said that he would like a review of the proposal first then the Board could consider the amendments. He introduced Rose Noonan the Executive Director of the Housing Action Council who has provided the Village with a proposal for our consideration for this Housing Assistance Program.

Ms. Noonan reviewed the proposal with the Board which would include preparing a legal memorandum regarding the legal framework of an Affordable Housing Fund, the permissible sources of funding to be directed to the Fund and the eligible uses of the funds; preparing a statement of need which outlines the need and the goals for a Housing Assistance Program and outlines the basis for a Village-wide or a targeted program and this would be done in conjunction with the Decision Making Document which guides the Consultant into the design of the program and the implementation plan which may include the following categories; eligible uses, eligible properties, eligible applicants, scope of rehabilitation work, financial aspects, enforcement mechanism and program administration.

The Mayor noted that Ms. Noonan's proposal would be professional services and that under our procurement policy Ms. Noonan's and the Housing Action Council's qualifications would not require a bid for this program. There was a brief discussion about the procurement policy and professional services. He indicated that himself, Trustee Terenzi and staff members meet with Ms. Noonan regarding a Housing Rehabilitation Program and from that meeting she has provided this proposal.

Trustee Didden said that this seems to be a fast paced approach that the Mayor is pushing. He questioned the affordable housing aspect which he is not in favor of so is not ready to move forward on this proposal.

Mayor Pilla noted that there are terms and conditions of the funding one being through Community Development Block Grant (CDBG) and other from developers that needs to be considered with this program. He showed to the Board and audience some of

the power point presentation on the Neighborhood Revitalization Strategy Presentation that he made at the November 21st Board meeting.

Trustee Brakewood said that with regard to use of the funding noting that CDBG funding for sidewalks are in low to moderate income neighborhoods which the tenants of these properties are in those categories but the property owners, the landlords are not and are benefiting from these improvements so how does that work.

Ms. Noonan explained that the CDBG funding for this Program was granted through an application submitted by the Village to the County so the application would provide more information for the funds use but with all CDBG funding at least 51% of the funds must be used toward households that are no more than 80% of the Westchester County median income level and that the rest of the funding could be used beyond the income requirement.

Trustee Terenzi spoke about his thoughts for the program and how the funding could be used for seed money so this type of rehabilitation program can be ongoing. There was more discussion amongst the Board on Trustee Terenzi's comments and the Mayor noted that we are not here tonight to determine the program but rather to consider the proposal of Ms. Noonan from the Housing Action Council.

Trustee Branca said that the proposal considers a wide-range of products and housing and inquired if the Village Board will set the requirements.

Ms. Noonan said that the proposal is a discussion making document which she has given a broad range of items and after review with a committee that should include a section of the Board this will be narrowed down for further consideration.

Trustee Branca asked if the Village Board will have the final say for the parameters of the program. Ms. Noonan further explained the process toward presenting a program for consideration and the rest of the Board said that yes the Board of Trustees would have the final say.

Trustee Brakewood said that he would like to see the documentation of the different funding, the CDBG application and the resolutions regarding the development projects so he fully understands the requirements of the use of the funding. He said that he would like to volunteer for the subcommittee but believes it would be better that we move this forward as a complete Board. Trustee Terenzi said that our new Director of Planning and Development Christopher Gomez should also be included in these discussions which the Board agreed.

Trustee Marino inquired where would the cost of the proposal of \$8,500 be funded from.

Trustee Terenzi said that cost would come from the \$600,000 that the Mariner Project has funded.

Trustee Didden spoke further about the bullet points of the proposal and was not in favor of several aspects including down payment assistance, closing cost and the affordable housing aspect. He requested that a meeting with the Board on these matters happen before retaining Ms. Noonan. Trustee Didden said that he agrees with the Board as a whole being involved in this process and not a subcommittee.

Trustee Brakewood said that his thoughts is that this program should be about rehabilitation and not first time buyers, down payments and affordable housing.

The Mayor noted that what is before the Board is to retain the Housing Action Council and as has been suggested that the entire Board work with Ms. Noonan to bring forward a program for the use of this funding.

Trustee Kenner agreed with the Mayor to move forward with this resolution and that the proposal is just a range of options for the Board's consideration. He made a motion to amend the resolution to correctly list in the second whereas paragraph that the Community Development Block Grant award is \$550,000; that in the third whereas paragraph that the \$600,000 amount from the developer is the Mariner Project not the Castle Project and to add to the final resolved paragraph that cost of this assistance in the amount of \$8,500 would be funded from the Mariner Project funding, Trustee Marino seconded the motion to amend.

ROLL CALL

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

NOES: None

ABSENT: None

HOUSING ACTION COUNCIL PROPOSAL FOR

HOUSING ASSISTANCE PROGRAM FOR THE VILLAGE OF PORT CHESTER

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

WHEREAS, the Board of Trustees has identified the establishment of a Housing Assistance Program as a major policy objective in 2010-2011; and

WHEREAS, the Village has been notified of an award of \$550,000 of Community Development Block Grant funding through the Westchester County Urban Consortium; and

WHEREAS, the Village has also received \$600,000 from the developer of the Mariner Project with the same developer having made a prior commitment of \$200,000 upon final approval of the Castle Project; and

WHEREAS, Village staff have identified Rose Noonan, Esq., of the Housing Action Council as the specialized resource necessary to guide the Village; and

WHEREAS, such resource will provide the legal framework, program options and implementation strategies necessary to successfully execute the Board's policy objective in a short time-frame. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to accept the proposal of the Housing Action Council, 55 South Broadway, Tarrytown, New York 10591, dated November 26, 2011, to provide assistance with regard to a Housing Assistance Program for the Village of Port Chester in the amount of \$8,500 to be funded from Mariner Project funding.

ROLL CALL

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

NOES: None

ABSENT: None

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

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

ROLL CALL

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

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

Mr. Cerreto said that pursuant to a request of the Board he drafted this law and at the last Planning Commission meeting they reviewed the matter and gave a favorable recommendation which the Board has been provided. He said the law would provide to the Planning Commission on taking action on an application for site plan approval where the subject property is in violation.

Trustee Didden noted that he had requested this law and that Mr. Cerreto provided the Board with an opinion from the New York Attorney General regarding the proposed law. He asked that the Board adjourn or close this hearing so he can work with Mr. Cerreto and Assistant Manager, Christopher Steers on an updated law.

Mayor Pilla asked that more Board members than just Trustee Didden be involved in the review process with staff and that before coming back to set a new hearing that there be a full Board discussion on this matter.

Trustee Didden said that he was agreeable with the Mayor's request.

Mayor Pilla spoke further on the Attorney General's opinion and commented on site plan approval and why would this be necessary.

Trustee Didden said that this proposed law came out of the Port Chester shuffle game that someone gets caught with something in violation of their property and they then go to the Zoning Board or Planning Commission to bypass what they have done and get approvals for it. There was further discussion between Mayor Pilla and Trustee Didden on this topic.

Trustee Terenzi noted that this proposal is nothing new in the Village and when he was on the Zoning Board several years ago it was discussed.

Trustee Branca said that Trustee Didden's recommendation to sit with staff for an update to the proposal he agrees with. He said that by law the Village has to have an appeal process and that we had this situation when he was a Board member in the past.

Mr. Cerreto clarified for the Board and public that this law does not address the Zoning Board just Planning.

Mayor Pilla asked that this be brought back as a discussion for the full Board so the Village Attorney does not waste time on this matter.

Trustee Brakewood said that it does not appear that we are not that far off between the Attorney General's opinion and the law so it may not be too difficult to update.

Mr. Cerreto noted that the Attorney General's opinion is not binding.

The Mayor spoke further for a need that before moving ahead that the Board have a future discussion on the proposal.

Trustee Didden said that this was discussed by the Board prior to the law being drafted. He spoke further about the Zoning Board process and that he has no problem with some asking for a variance before doing the work but not after the work has been done which carries over to Planning.

Mayor Pilla said lets close the public hearing and go back to the well then we can come back with a new law. He asked before taking a motion to close the hearing is there anyone from the audience who would like to speak on this proposed law. The Mayor recognized Goldie Solomon.

Ms. Solomon said that the Board does not follow their agenda making the public wait for their comment section. She said that we are in a recession / depression that we always had affordable housing in this Village and if you knew our history you would not have to take all this time talking about things.

The Mayor told Ms. Solomon that this portion of the meeting is dealing with the public hearing on taking action on an application for site plan approval where the subject property is in violation. He asked her if she had any comments on that matter. She said no. Mayor Pilla asked if there was anyone else from the audience who would like to speak on this proposed law, there was none.

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

ROLL CALL

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

NOES: None

ABSENT: None

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Mayor Pilla said that for the public comment sections that each audience member will have five minutes for comments without comments from the Board noting that he would take notes on the comments that can be followed up with the Board during their comments at the end of the meeting or follow by staff if necessary. Trustee Terenzi noted that the Board's Rules of Procedures that was adopted allows for return comments from the Board. This was noted by the Mayor and he asked if anyone from the audience would like to speak at this time. He recognized Goldie Solomon.

Ms. Solomon said that taxes are killing us that there is too much off the tax rolls for non-profits. She said that we cannot take more residential development which is a burden on our School District. Ms. Solomon told the Board that we cannot cut health, safety and welfare services so do not reduce police, fire and public works. She said that the Village of Port Chester has more affordable housing for a Village our size than any other community in the County. Ms. Solomon said that on December 7th the Village will

have the Santa at the Waterfront event and said that parking may be a problem because it will be held in the area adjacent to the G&S parking lots. She concluded her comments to the Board that they need to know our history and they should follow the agenda and let the people speak sooner. Mayor Pilla recognized Richard Abel.

Mr. Abel sent his condolences to Trustees Terenzi and Didden on their losses which were recent and even so they are here tonight servicing their community which he highly recognizes. He said that the Board held a work session with the Police Chief at 6:15 p.m. this evening and asked if that was opened to the public because we were not aware it was. The Board said that yes it was an open session that the public could attend. Mr. Abel asked if there were any other additions to the agenda this evening. Mayor Pilla said no there are no additions. The Mayor recognized the next speak, Mario Karas.

Mr. Karas thanked the Village Manager and Department of Public Works personnel for correcting the sewer drain located near his home on Quintard Drive. He said that since it has been blocked there have been no raccoons living in it. Mr. Karas spoke again about his request that the stop sign that was place at the intersection of Quintard Drive and Field Place be removed. He said that he wants to hear from the Board on this issue because he will continue to come to every meeting because he wants it removed. Trustee Brakewood noted that the Board received a letter from Mr. Karas that will go to staff and go to the Traffic Commission for their review and report. Police Chief Krzeminski said that he will follow up with the Traffic Sergeant for this to go to the Traffic Commission. The Mayor recognized the next speaker.

William Beadle said that he was a marina permit holder and that he received notice to remove his boat by November 15th and when he went to do so that day his boat along with a some others had been move across the river to floats located in Greenwich. He said that his lines and a chain were cut. Mayor Pilla and Mr. Russo told Mr. Beadle that he can file a claim with the Village regarding the damages. Mr. Russo noted that it was an honest mistake that the remaining boats were removed on the 15th and not a day later. Joan Mancuso, the Village Clerk informed the Board that her office had sent to all the permit holders a letter two weeks or so before that they boats had to be removed by the 15th which has been the practice. There was further discussion between the Board and staff on what occurred this year and Trustee Brakewood suggested if it is not included on the application already to also request an email address for the permit holders so there is an additional method of notification. Mr. Beadle asked about the status of the bulkhead because there were limited slips this season and will it be that way next year. Mayor Pilla said that the bulkhead will be repaired. He recognized the next speaker.

Ivan Espejo said that he is interested in the discussion item regarding taxis. The Mayor asked if he had any comments regarding taxis. Mr. Espejo said that he is a taxi driver and just wants to know what will be discussed. Mayor Pilla said that when the Board has the discussion if Mr. Espejo wants to make any comments at that time he will be recognized.

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The Clerk presented the next resolution to closeout Capital Projects.

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

Trustee Terenzi stated that he had a discussion with Leonie Douglas, the Village Treasurer about some housekeeping issues with this resolution and in order to further resolve these matters asked that this resolution be tabled to the first meeting in January.

Trustee Brakewood questioned the transferring of Community Development Block Grant funding.

Trustee Terenzi said that is the housekeeping issues that he spoke about. He made a motion to table this resolution to January 3, 2012, Trustee Marino seconded the motion.

ROLL CALL

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

NOES: None

ABSENT: None

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The Clerk presented the next resolution a referral of G&S Port Chester, LLC petition of Mixed-Used Redevelopment of Retail D Site of the Modified Marina Redevelopment Project to the Planning Commission for their study and report.

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

Trustee Didden stated that he would recuse himself from this resolution and the second resolution listed under Planning also regarding G&S.

Trustee Terenzi spoke about the clearing out of open items with G&S before this referral and that the number item is the situation with the bulkhead.

Trustee Kenner said that he agrees with Trustee Terenzi and is not willing to move forward.

Trustee Branca said that there are three major items outstanding with G&S with the first being the bulkhead which is still in the hands of the engineers that we should be getting shortly, the second is the traffic improvements and the third is the situation regarding the sidewalks on Traverse Avenue that G&S wants the Village to finalize which is the next item on the agenda.

Trustee Terenzi asked what is the status of the meeting with G&S and their engineers on the bulkhead.

Mr. Russo said that staff is not satisfied with the process from the G&S engineers.

Mayor Pilla said that he has requested a phone conference with Mr. Wasser of G&S that will be held tomorrow on these issues. He said that this resolution is only to advance the proposal of Retail D to the Planning Commission for their review which could take several months and noted that the Board of Trustees is the final approval body for this application.

Trustee Terenzi noted that the feedback from the staff is that G&S is not cooperating so why should the Board move this forward.

Trustee Kenner said that he will not vote for this until after the phone conversation that the Mayor noted will happen tomorrow.

Trustee Brakewood said that he has no problem with advancing this to the Planning Commission because he would be shocked if they gave a favorable recommendation because the plans has sixteen units that have no windows, there is no parking and there is no elevator for four stories above one story of retail.

Trustee Marino said that he will not vote on this issue because of the way they are dealing with the Village.

Mr. Cerreto told the Board before they vote on this resolution that he would ask that they hold an executive session so he can consult with the Board.

Trustee Brakewood made a motion to table this resolution to the end of the meeting, Trustee Marino seconded the motion.

ROLL CALL

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

NOES: None

ABSENT: None

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The Clerk presented the next resolution authorizing letter of agreement with G&S Port Chester, LLC with regard to sidewalk improvements to Traverse Avenue.

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

The Board discussed this proposal. Mr. Cerreto said that the Board has been provided with a substitution resolution that includes the comments made by the Village's Planning Commission on this matter.

Trustee Branca made a motion to substitute the resolution, Trustee Kenner seconded the motion.

G&S PORT CHESTER, LLC
LETTER OF ACKNOWLEDGMENT REGARDING
TRAVERSE AVENUE SIDEWALK

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, in 1999 the Village Board of Trustees granted to G & S Port Chester, LLC approvals necessary for the development of the Modified Marina Redevelopment Project; and

WHEREAS, the approval called for placement of speed bumps, the removal of parking spaces and replacement of the sidewalk on the westerly side of Traverse Avenue; and

WHEREAS, the Village had requested that G & S not complete the sidewalk work while considering the parking issue; and

WHEREAS, street improvements, multi-level parking facility, and the major retail stores have since been constructed and have long been open for business; and

WHEREAS, the current Board of Trustees has been attempting to resolve outstanding issues between the Village and G & S; and

WHEREAS, existing conditions pose a potential liability exposure; and

WHEREAS, the Village's planning consultant reviewed this matter and his memo dated December 3, 2011 advises that the speed humps and removal of on-street parking are not necessary to address project-related impacts, that the elimination of on-street parking would appear to represent a more significant concern today, and that this modification does not represent a significant, material change to the approved site plan and would appropriately address current truck delivery and pedestrian circulation patterns; and

WHEREAS, the Police Department has conducted a review of existing parking which reveals a street cleaning regulation on this side of the street between 8:30 a.m. and 11:30 a.m. and that such regulations are adequate for the concentration of the neighborhood; and

WHEREAS, the Board affirms that the street parking should remain for the benefit of the residents of the neighborhood; and

WHEREAS, the Board finds that the area between the curb and the parking facility be finished as a concrete sidewalk; and

WHEREAS, G & S has advised that following Village authorization it will promptly undertake the sidewalk work on a schedule agreed upon before the winter season. Now, therefore, be it

RESOLVED, that on behalf of the Board of Trustees, the Mayor is authorized to sign a letter of acknowledgment with G & S Port Chester, LLC with regard to the foregoing so as to enable the sidewalk improvements to be made as soon as possible; and be it further

RESOLVED, that this is a Type II Action not requiring any review under the State Environmental Quality Review Act (SERQA).

ROLL CALL

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

REAPPOINTMENT OF MEMBER FOR
PLANNING COMMISSION

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

RESOLVED, that KEVIN PELLÓN, residing at 8 South Main Street, Port Chester, New York, be and he hereby is reappointed as a member of the Port Chester PLANNING COMMISSION, effective immediately with said term to expire June 16, 2014.

ROLL CALL

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

BUDGET AMENDMENT – DEA FUNDS
TASER ELECTRONIC CONTROL DEVICES FOR POLICE DEPT.

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 Police Chief recommends the use of DEA Funds assist in the purchasing of two (2) Taser Electronic Control Devices that have failed and not repairable in the amount of \$1,639.90, from Taser, 17800 North 85th Street, Scottsdale, AZ 85255-6311, who is a certified vendor for taser devices. 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 (\$1,639.90)

Revenues:

001-0001-2613 Use of Deferred DEA Funds \$1,639.90

Appropriations:

001-3120-0200 Police Equipment \$1,639.90

ROLL CALL

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

NOES: None

ABSENT: None

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Mayor Pilla continued with the agenda noting that the next category are discussion items with the first one regarding Parking Management. The Mayor made the following powerpoint presentation of a short-term downtown parking improvement plan. He gave the following background and current situation that Port Chester’s downtown is attracting many new stores and new shoppers which has put a strain at times on downtown parking availability and to better determine Village parking needs and identify short and long term improvements a Downtown Parking Town Hall meeting was held on August 16, 2011 which included Village staff, elected officials and downtown stakeholders (merchants, property owners, shoppers and residents) attended. Mayor Pilla noted that additionally, the Village has been working to identify other issues and opportunities to deliver short-term parking improvements and more costly longer term solutions must be considered sooner than later.

The Mayor continued the presentation that the major complaints / issues included; Friday & Saturday night parking is often at capacity; 7:30 a.m. – 9:30 a.m. Main Street / Abendroth Avenue on-street parking is often constrained noting that temporary demand exists from the Mariner Project as construction workers park on-street until 9:30 a.m. and that the Marina Parking lot is “off-line” before 9:30 a.m. per G&S restriction; limited downtown employee / merchant parking (less than 2 hours) exists which is an operational inconvenience and rental deterrent for employees to move their car or re-feed meters. He

said that there have been additional Village findings that Marvin Place parking (permit & meter) is highly under-utilized during the day; commuter parking has shifted from Marina Lot to Costco / Panera Lot; 2-hour on-street time restriction is not consistently enforced on Main Street and there is inadequate Main Street "Pay and Display" signage on Main Street and Westchester Avenue; the mid-tier MTA Parking Deck (at G&S Waterfront) appears under-utilized; parking enforcement officers sometimes use inconsistent discretion for correcting parking tickets issued in error for, errors sometimes occur reading pay and display ticket (time) in car windows, sometimes people are ticketed while queuing to pay at Pay Station and a network lag exists for payments to be synced across all Pay Stations.

Mayor Pilla then reviewed the actions taken to date which was to reconfigured Marvin Place parking of 63 spaces, adding 19 more parking spaces and increased the meters in this lot to 5 hours; monitored Marvin Place parking utilization; increased merchant parking permits on Marvin Place (+ 20) and installed "municipal parking" directional signage for Marvin Place, Main Street (near Tandori's), Oak & Grove, Westchester & Irving and East Broadway; presently working with G&S to arrange weekend valet parking (this can support more cars) with potential Main Street and Abendroth Avenue drop-off spots and identified under-utilized private parking on Wilkins Avenue (near Lifesavers) for possible public / private usage.

The Mayor concluded his presentation with additional recommendations and short-term action which include improve Main Street "Pay and Display" signage; consistently enforce on-street 2 hour time restriction, this will increase Shopper parking availability and can leverage available technology and training for "virtual tire chalking"; expand joint G&S Parking Management plan to include, Panera / Costco parking lot restrictions (early start time and short duration) shifting commuter parking to MTA lots and expand shopper parking; weekend valet parking (with Main Street / Abendroth Avenue drop off locations) that will increase shopper / customer parking capacity; establish appropriate directives for parking enforcement officers and police officers to take-back errant tickets issued for visual pay and display read errors, pay station queuing and pay station sync delay situations; assign / realign bike – walking police officer to direct parking and traffic flow; undertake expanded Downtown Parking Utilization Study during peak holiday period to identify additional needs and opportunities, establish rational basis for potential future Parking District, consider pricing policy changes to shift parking usage by discounting under-utilized back-fill parking; continue negotiating "win-win" changes to Marina Lot Parking Management Plan with G&S; consider Wilkins Avenue private parking lot rental for public/court usage (30 spaces); change on-street parking near Port Chester Court to 4 hour limit; monitor "pay and display" and "numbered space" parking operations during winter to identify improvements; consider Board policy to establish designated "Parking Fund" to deposit "excess" parking receipts for future parking deck down payment; continue to identify additional public-private parking partnership opportunities – MTA surface lot, Main Street and Westchester Avenue property owners, lower King Street, G&S and others.

There was further discussion between the Board and the Mayor regarding his presentation and they all agree that parking is in demand in the downtown and the future

need for a parking deck. Trustee Branca stated that he appreciated this detailed presentation and with all of this information it needed to be done at a meeting of its own. He said that we do need a parking deck by way of a parking authority or private funding.

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The Mayor said that the next discussion item is regarding taxis noting that at the last public hearing the Board decided to keep regulations in place and that he is concerned with the caps so had asked for a draft of a law to phase out the caps over a longer period but had then asked the Village Attorney not to go forward with the requested law. He said that we are in litigation and was in court today so asked the Village Attorney to comment. Mr. Cerreto said that he has been consistent in his opinion regarding taxis.

Mayor Pilla continued and spoke about Samuel Staley's report stating that we need to be better operationally with our approach and will ask the Board to retain Mr. Staley again since we are keeping in house licensing aspects so wants him to provide operational aspects and the utilization of taxis which Trustee Didden had asked for.

Trustee Terenzi questioned the Mayor's request to bring back Mr. Staley to review the caps and asked if the court removes the cap how can the Village be harmed. There were further comments between Trustee Terenzi and the Mayor on this topic.

The Mayor and Trustee Brakewood said that they are supportive of making a soft landing on the issue of caps. Trustee Marino said that the Village should consider this ourselves noting that he does not want more cars.

Mr. Cerreto told the Board that this discussion on taxis is premature and that he will give the Board a memo on what happen in court today. There was briefly further discussion of why this item was on the agenda as a discussion. Mayor Pilla said that he put it on the agenda since we had to go to court today.

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Mayor Pilla said that since Assistant Village Manager, Christopher Steers is here would take the discussion item regarding expediting certificate of occupancy (CO) searches next. He said that the Village has made radical changes of code enforcement and Building Department including working toward digitizing their records. The Mayor said that this discussion is on how we can break the log jam for CO searches and asked Mr. Steers to speak on this topic.

Mr. Steers explained to the Board how many searches are being conducted on a monthly basis in the area of 50 – 60 which each search takes between 2 ½ and 3 hours so requests take anywhere between 3 to 4 weeks to complete. He said that adding more staff, potentially one or two more interns could reduce the search period time in half and that a processing fee for these searches could be cost recovery of the personnel.

Trustee Branca said that the problem is with our records which need to be straighten out before going forward. The Board further discussed these records and the digitizing process that has been started with General Code.

Trustee Didden spoke about the CO law that he had proposed which would have been a net and are we now saying to go out to each property to conduct an inspection for a CO. There was further discussion on Trustee Didden's comment.

Trustee Brakewood inquired if property owners can be proactive to request an inspection. Mr. Steers spoke on this topic and there was further discussion between Mr. Steers and the Board on how property owners could be informed through a newsletter, the Village website and other means and what could be the processing fee which Mr. Steers said could be a flat rate between \$150 and \$200. Trustee Didden noted that even with a processing fee it would not guarantee that the search time would be greatly reduced because if in the end the result may be the same that there is not a proper CO and would take additional time.

The Board asked Mr. Steers what the cost would be to fill the intern positions that he mentioned. Mr. Steers said that one intern position would be between \$30,000 and \$45,000 depending on qualifications. Trustee Marino said that he is against spending additional money. The rest of the Board told Mr. Steers that they are supportive of getting the records up to date as quickly as possible but they would need more information on the cost for additional personnel so asked him to provide them with the information at a future meeting.

* * * * *

Mayor Pilla then spoke on the final discussion item regarding Home Rule Legislation. He said that Assemblyman George Latimer has sent a letter that the Board has received if there are any Home Rule items that the Village would like to bring forward. He said that he will provide the Board with some items for consideration and if any Trustees have any requests to forward to him.

* * * * *

The Mayor asked if there was anyone from the audience who would like to address the Board at this time, there was no one.

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Trustee Branca at 10:25 p.m., made a motion to adjourn to an executive session to consult with the Village Attorney regarding the G&S Port Chester, LLC resolution of a mixed-used redevelopment of Retail D site, Trustee Marino seconded the motion.

Trustee Didden stated his recusal again on this matter.

ROLL CALL

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

Also included in the executive session were the Village Manager and the Village Clerk. No action was taken in the executive session.

Trustee Kenner made a motion at 10:30 p.m., to close the executive session and re-open the public portion of the meeting, Trustee Marino seconded the motion.

ROLL CALL

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

The Board asked the Village Attorney procedurally if a new motion is required of the Board to further discuss the G&S resolution and Mr. Cerreto said yes.

Trustee Marino made a motion to bring back the resolution regarding the mixed-used redevelopment of Retail D site by G&S Port Chester, LLC, Trustee Branca seconded the motion.

Trustee Didden again stated this recusal on this matter.

ROLL CALL

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

The Board briefly discussed tabling this resolution.

Trustee Kenner made a motion to table the resolution to a date uncertain, Trustee Marino seconded the motion.

ROLL CALL

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

The vote to table did not carry positively or negatively, so a vote was taken on the resolution to refer the petition to the Planning Commission for their study and report.

G&S PORT CHESTER, LLC
MIXED-USED REDEVELOPMENT OF RETAIL D SITE

On motion of TRUSTEE MARINO, 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 refers petition from G&S Port Chester, LLC regarding proposed mixed-used redevelopment of Retail D site of the Downtown (Modified Marina) Redevelopment Project to the Planning Commission for their study and report.

ROLL CALL

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

Mayor Pilla asked if any of the Trustees would like to make any comments at this time.

Trustee Brakewood said that this was a difficult meeting this evening and comments made by Board members were not respectful. He said that he hopes that the Board would start acting like a Board.

Trustee Terenzi thanked everyone from the Board and the community of their support to him and his family during his very difficult family situation last week.

Trustee Didden also thanked the Board, the staff and the community on all their condolences of the passing of his Mother. He also noted the passing of Trustee Terenzi's uncle which occurred at the same time as his wife, Tillie, so expressed additional condolences. Trustee Didden noted that he attended a Fire Department event honoring the

75 years of volunteer service by Doug Studwell to the Harry Howard Hook & Ladder Company. He said that even though we are passionate on the Board we all respect each other.

Trustee Branca said that yes tonight was a tough meeting and the people got a look at the frustration that we face. He spoke about the services that the Village has to provide which is difficult with our manpower, the funding and resources that we have. Trustee Branca stated that our main responsibility as a Village is to provide the services.

Trustee Marino expressed his condolences to Trustees Terenzi and Didden and said that they have his support during this difficult time. He said that as a Trustee he is always going to look at how we spend the money and will question additional spending.

Trustee Kenner said that he agrees with Trustee Brakewood's comments about tonight's meeting which was like a circus. He said that we need to frame out the discussion items better so this atmosphere will not occur. Trustee Kenner expressed his condolences to Trustee Didden on the passing of his mother and spoke on how Trustee Terenzi's wife, Tillie was such a strong and welcoming person and will be greatly missed.


Mayor Pilla said that the behavior of the Board tonight was a disgrace and that the tone is set at the top which is the entire Board. He said that there is an element of hate coming from the Board that we have to be careful on how we speak. The Mayor said though that tonight's meeting had positive items of the appointments of a full time Village Planner and filling the position of Court Clerk. He said that the Village will be hosting Santa at the Waterfront on December 7th beginning 5:30 p.m., with a rain date of December 8th. Mayor Pilla said that the next Board meeting scheduled for December 19th will be a joint meeting with the Comprehensive Plan Advisory Committee (CPAC) and the consultants on the Comprehensive Plan and would like to invite the Planning Commission. The Mayor asked the Village Manager about the bid for specifications regarding streets and sidewalks for capital planning. Mr. Russo commented on this process. Mayor Pilla noted that the procurement policy needs to be followed on this type of service.

There being no further business, at 10:50 p.m., Trustee Didden made a motion to close the meeting, Trustee Marino seconded the motion.

ROLL CALL

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

Respectfully submitted,



Joan Mancuso
Village Clerk