THE PEEKSKILL BUSINESS IMPROVEMENT DISTRICT ASSOCIATION

MINUTES of the MEETING of the BOARD OF DIRECTORS

May 3, 2011
(Continued on May 11, 2011)

On the third of May, 2011, at 6:08 p.m. a Regular Meeting of the Board of Directors of the Business Improvement District (the "BID") was held at the Senior Nutrition Room at The Neighborhood Center at 4 Nelson Avenue, Peekskill, NY 10566.

There being a quorum present, the meeting was called to order at 6:08 p.m. and the Reverend Jeannette Phillips presided as Chairman of the Meeting.

Present at the meeting were:

Christine Bobolia
Patrick Brown
Frank Cimino
Charles Emberger
Rick Finn
Jaime Leon
Arne Paglia
Thomas Pernice
Reverend Jeannette Phillips, Chairman
Patricia Riley
Patty Villanova

Note: Stephen Spiegel, Administrative Assistant, was present to record minutes.

The Chairman then advised that New Business concerns/proposals (each presentation being limited to 7 minutes) would be heard by the Board.

First Proposal: Marina Ciotti, Leslie Masson and Cosimo Bueti were ready to present their proposal for a request for funding for Festa Italiana, when Rick Finn suggested that the presentation be delayed pending the report from Corporation Counsel re: Board member Frank Cimino's role in the Italian Festival. This suggestion was accepted and Chairman Phillips directed Mr. Finn to continue.

Rick Finn distributed a memorandum from the Office of Corporation Counsel, Bernis Nelson, concerning a potential conflict of interest in the directorship of Frank Cimino on the Peekskill Business Improvement District Association Board of Directors and his plans to receive remuneration as an organizer in the upcoming activities of Festa Italiana 2011.

The final recommendation was for Mr. Cimino to disclose on record what remuneration he is to receive as an organizer of Festa Italiana and he is to recuse himself from voting and any discussions (including the action to remove himself from the meeting room) on matters pertaining to any financial support requested from the BID by Festa Italiana. There was considerable discussion to clarify this position.

Rick Finn moved to accept the recommendations described in the Memorandum. This was seconded by Patrick Brown.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Charles Emberger Rick Finn Jaime Leon Thomas Pernice Jeannette Phillips Patricia Riley Patty Villanova
Against:	0
Abstained:	Frank Cimino Arne Paglia

Marina Ciotti, Leslie Masson and Cosimo Bueti then returned to present their proposal for a request for funding for Festa Italiana, including a Powerpoint presentation reviewing the successful activities and attendance of last year's event. Board member Frank Cimino left the room prior to the presentation.

Board member Arne Paglia requested clarification on last year's support ($15,000.00) by the BID as being seed money – i.e. After the 2010 event, $5000.00 plus of the net proceeds was given to charity, instead of being retained for future operations. There was no official response from Festa Italiana organizers regarding disposition of last year's funds, however comments were made that it was understood that funds provided by the BID were on a sponsorship basis, only.

Frank Cimino returned to the meeting room after the presentation.

Chris Marra presented a report on Tourism efforts including:

- Airport Rack Brochure Program at The Westchester County Airport, whereby the BID could leave brochures/maps for 4 month periods @$300 or for 1 year @$650 – next available deadline is August 12, 2011.

- Deputy Mayor Don Bennett and Chris Marra distributed 150 brochures at Escapemaker.com's event in Brooklyn the week prior.

- 2011 NYS Main Street Grant Program: Documentation was presented showing that $300,000.00 is being applied for which would make available for a designated downtown area to 27 qualified building owners, including $60,000 for the renovation of The Gazebo; this is in addition to $190,000 already set aside. The City will be advised by the State in the first week in September, 2011.

- Re: the $500,000.00 Block Grant as of September 2010, $355,000 is already allocated for 6 property owners. When complete applications are received monies can be allocated, HOWEVER applicants only receive these grants IF they have completed their repairs/improvements by August 2012.

- Downtown Retail Recruitment Strategy and Implementation Program is a strategy and a set of recommendations by a consultant – Larissa Ortiz Associates which will allow the City to identify and attract retail businesses which will have a significant positive impact

on the economy of the downtown area. This wil be done through the efforts of an advisory committee of 9 members, including one position held by the BID Board. Meetings will be made on a regular basis, either in a physical room or by e-mail. The BID representative should be available by June 1, 2011.

Minutes of the meeting of April 5, 2011 were presented and reviewed. Patty Villanova advised that on page 5, there was an omission that she had stated for the record, that she A/K/A Side Effects had a lease. Also, Christine Bobolia noted that she had voted for the resolution – concerning the City of Peekskill's Corporation Counsel will review pertinent information and offer a ruling to be forwarded to the Board in two weeks – April 19. A prior resolution had included a four week timeframe and Ms. Bobolia had expressed a view against the four week timeframe, but had voted for the two week timeframe.

Rick Finn made a motion to accept the minutes with two edits. The motion was seconded by Patricia Riley.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino Charles Emberger Rick Finn Jaime Leon Thomas Pernice Jeannette Phillips Pat Riley Patty Villanova
Against:	0
Abstained:	0

Arne Paglia had left the room and did not participate in the vote.

Charles Emberger then reviewed the BID's financial information and the voucher payment process re: the payment of checks over $500.00. Mr. Emberger pointed out that the only checks of this nature that had been recently issued by the City were to the Administrative Assistant. Further the hourly rate and the total dollar amount for the year both had been approved by the Board and no further approvals should be necessary. Rick Finn added that when the City enters into a contract with a party, as in the case with Stephen Spiegel fulfilling his responsibilities as Administrative Assistant, this situation reflects an approval of payments on a regular basis, without requiring periodic approval by the Board.

Patty Villanova brought up the matter of discussing personnel matters in closed Executive session. Rick Finn advised that any discussion on compensation matters concerning the Administrative Assistant was to be made in open session.

Mrs. Phillips advised of the Executive Committee consisting of Chairman Jeannette Phillips, Vice-Chairman Patrick Brown, Secretary Christine Bobolia, Treasurer Jaime Leon and Board member Rick Finn to review the Code of Ethics/Conduct and if there is a matter of personnel to be brought before that group, Mrs. Phillips would advise the Board of any proceedings to be scheduled. Patty Villanova requested that in light of her request to the City Manager and the City's Corporation Counsel to investigate any possible conflicts of interest of Board member Bobolia, that pending any legal

opinion by the City concerning this matter, that Ms. Bobolia be suspended from participating on that committee. Mr. Finn advised that past protocol for the Board is that no single Board member has the right to personally request the City or the City's Corporation Counsel to initiate any investigations. All requests for such actions are to be forwarded to the City Manager and Corporate Counsel by the Board or by the Chair. As such, no investigation has been initiated. Ms. Bobolia asked how a grant properly administered by the City, not the BID, to her business, was considered a conflict of interest? Mr. Finn offered to follow up with Corporation Counsel and the Chair on any possible conflict of interest on this matter.

Copies of the Staff Report summary were distributed to the Board members. There was discussion of various issues focusing on feedback from BID members to the Administrative Assistant. Issues included a lack of parking on N. Division Street for a BID member's clients because of the presence of a significant number of vehicles by contractors working at a building on that street, and downtown signage being a problem for a number of businesses.

Rick Finn commented that the BID should be encouraging participation by members through a social networking event and by the BID's advocating for members to the City and the Common Council. Further, parking on N. Division St. for contractors working on The Quiet Man Pub, are limited to 2 places. Any violations of this policy should be reported to the police for resolution. The Common Council is in the midst of finalizing guidelines allowing business owners to choose from three approved types of signs and streamlining the process so that permits can be issued (at no cost) and business owners can get their signs on display quickly and efficiently. Instructions and regulations should be posted in the near future on the City and the BID websites.

There was discussion on the public comments and conduct of Board members and the possible review of such matters by the Executive Committee regarding the impact on the ability of the Board to work as an effective organization.

Rick Finn moved to accept the Staff Report as submitted, seconded by Christine Bobolia.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino Charles Emberger Rick Finn Jaime Leon Jeannette Phillips Pat Riley
Against:	Patty Villanova
Abstained:	Arne Paglia Thomas Pernice

Christine Bobolia, Chair of the Events Committee, advised the Board on the Committee's findings and recommendations (along with a written summary) after a series of meetings (5) concerning the following proposals submitted to the Board:

Youth Mural Arts: proposal from Kelli Bickman.

The committee recommended financial support by the Board of $500.00.

Rick Finn moved to accept the recommendation as stated, Pat Brown seconding the motion.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino Charles Emberger Rick Finn Jaime Leon Thomas Pernice Jeannette Phillips Pat Riley Patty Villanova
Against:	0
Abstained:	Arne Paglia

Caribbean Splash: proposal from Ted Bitter.

The committee recommended financial support by the Board of $4,000.00.

Rick Finn moved to accept the recommendation as stated, Pat Riley seconding the motion.

There was discussion on different costs of logistical support by the BID for any activity produced exclusive of BID control.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino Charles Emberger Rick Finn Jaime Leon Thomas Pernice Jeannette Phillips Pat Riley Patty Villanova
Against:	0
Abstained:	Arne Paglia

Rick Finn suggested adding clauses to contracts with other Festivals to allow/encourage participation by any BID members as vendors as a regular/standard clause.

Rick Finn moved to refer this matter to the Events Committee for their consideration, Christine Bobolia seconding the motion.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia

Patrick Brown
Frank Cimino
Charles Emberger
Rick Finn
Jaime Leon
Thomas Pernice
Jeannette Phillips
Pat Riley

Against: 0

Abstained: Arne Paglia
Patty Villanova

Open Studios: proposal from Larry D'Amico, President, Peekskill Arts Council ("PAC").

The committee recommended financial support by the Board of $750.00.

Thom Pernice recused himself from discussions and voting due to the fact that he is a PAC Board member.

Rick Finn moved to accept the recommendation as stated, Charlie Emberger seconding the motion.

After discussion, a vote was taken.

The resolution was adopted by the following vote:

In favor: Christine Bobolia
Patrick Brown
Frank Cimino
Charles Emberger
Rick Finn
Jaime Leon
Jeannette Phillips
Pat Riley

Against: 0

Abstained: Arne Paglia
Patty Villanova

Bindlestaff Family Circus: proposal from Tina Bongar.

An issue for discussion was: can an event involving a City entity (the Paramount) be eligible for financial support from the BID? Rick Finn responded that there was no conflict of interest as the Paramount is an independent non-profit organization.

This event had no track record in Peekskill; Bongarbiz was recognized as having an experienced track record as an event producer.

The committee recommended financial support by the Board of $2000.00.

After some discussion, Patty Villanova moved to support the event in the amount of $5500.00, seconded by Thom Pernice. A vote was taken.

The resolution was not adopted according to the following vote:

In favor:	Charles Emberger Thom Pernice Jeannette Phillips Pat Riley Patty Villanova
Against:	Christine Bobolia Patrick Brown Frank Cimino Rick Finn Jaime Leon
Abstained:	Arne Paglia

Discussion of several issues followed, including the possible sharing of e-mail lists in the promotion of BID members during the event, the Board was advised that the circus was carrying insurance of $7 million on its own and promotion and advertising would focus on on-line media such as The Patch and social media.

Rick Finn moved to support the event in the amount of $4000.00, seconded by Pat Brown.

Tina Bongar advised that $4000.00 was insufficient to fund the flying trapeze activity outlined in the proposal and that to accept the level of support @$4000.00, she would have to resubmit a proposal to the Events Committee to fund scholarships to the circus camp rather than present the flying trapeze activity.

A vote was taken.

The resolution was adopted according to the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino Rick Finn Jaime Leon Jeannette Phillips
Against:	Charles Emberger Arne Paglia Thom Pernice Pat Riley Patty Villanova
Abstained:	0

Rick Finn suggested to Ms. Bongar to investigate alternate sources of funding/sponsorship in the next month and return to the BID with her findings.

The time of the meeting was 8:25 pm and it was suggested that the Events Committee be stopped at this point in time and continued at a later date.

Rick Finn requested time to report on the matter of Patty Villanova remaining on or being removed from the BID Board according to the status of her lease. Mr. Finn advised that he submitted the lease information provided by Ms. Villanova prior to the election to the Corporation Counsel to determine if Ms. Villanova met the requirements as set out in the by-laws to be eligible to be a BID board member.

Corporation Counsel determined that only two pages of a four page lease had been submitted and that there was insufficient information/documentation to enable her to make a final determination. Corporation Counsel recommended that Ms. Villanova submit her original lease or a certified copy for examination.

After some discussion, Christine Bobolia moved that Patty Villanova provide her original lease or a certified copy of her original lease to the BID Board within one week, seconded by Frank Cimino.

The resolution was adopted according to the following vote:

In favor:	Christine Bobolia Frank Cimino Charles Emberger Rick Finn Jeannette Phillips Pat Riley
Against:	Arne Paglia Thom Pernice
Abstained:	Patrick Brown Jaime Leon Patty Villanova

Thom Pernice requested a special meeting for review of the remaining recommendations of the Events Committee. The Chair agreed that an expedited timeframe for such a meeting was in order and that she would advise the board of an appropriate date in a few days time.

Thom Pernice moved to adjourn the meeting, seconded by Patrick Brown.

The resolution was passed according to the following vote:

In favor:	Unanimous
Against:	0
Abstained:	0

The meeting was adjourned at 8:35 pm.

May 11, 2011 – Continuation of May 3, Meeting

On the eleventh of May, 2011, at 6:15 p.m. a continuation of the May 3rd Regular Meeting of the Board of Directors of the Business Improvement District Association (the "BID") was held at the Senior Nutrition Room at The Neighborhood Center at 4 Nelson Avenue, Peekskill, NY 10566.

There being a quorum present, the meeting was called to order at 6:15 p.m. and Patrick Brown, Vice-Chairman, presided as Chairman of the Meeting.

Present at the meeting were:

Christine Bobolia
Patrick Brown
Frank Cimino
Charles Emberger
Rick Finn
Arne Paglia
Thomas Pernice
Patricia Riley

Absent were Jaime Leon, Reverend Jeannette Phillips, Patty Villanova.

Note: Stephen Spiegel, Administrative Assistant, was present to record minutes.

The Chairman then advised that the minutes of the meeting of 5/03 would be merged with those of the present meeting.

Christine Bobolia, Chairman of the Events Committee, gave her report and recommendations to the Board on the proposal from Thomas Pernice for the Jazz and Blues Festival of 2011.

The major discussion points of concern were:

- this was a one day event @ budget of $17,000.00
- what were the clarifications of duties and responsibilities
- should there be one stage or two?
- Planned start time was noon; should this modified to 5:00 pm?
- Use of a beer truck: cheaper prices for consumers vs. loss of sales by BID member businesses.
- No accounting of 2010 receipts of Beer truck by BID (Division St Grill and Birdsall House shared profits?)
- 2010 advertising of $6614 was exclusive of $17,000.00 budget.
- 2010 radio and posters was sponsored/provided by Bertoline

Frank Cimino moved that Arne Paglia, as former Chairman of the Marketing and Events Committee provide a full accounting of expenses for the 2010 Jazz and Blues Festival. This was seconded by Christine Bobolia.

There was general discussion and Rick Finn moved to amend the motion with Arne working with Charles Emberger to provide a full budget/accounting of the costs by the next regular meeting in June. This was seconded by Frank Cimino.

The resolution was adopted by the following vote:

In favor: Christine Bobolia
Patrick Brown
Frank Cimino

Charles Emberger
Rick Finn
Thomas Pernice
Patricia Riley

Against: 0

Abstained: Arne Paglia

Rick Finn made a motion to adopt the recommendation for a $17,000.00 budget for the Jazz and Blues Festival. The motion was seconded by Patricia Riley.

There was considerable discussion by Thom Pernice on his vision for the event including a crafts area managed by April De Marco, food and beer on Brown Street, a stage for lower tier acts on Brown St. from noon to 4 pm, the main stage at Division and Park Sts from 4 – 11 pm, DJ/host to be a WBGO radio host, with 4 or 5 major acts, promotion via News 12, cablevision, and advertising via radio and t.v. in June and July, a sound system, crew and stage manager, the latter arrangements @ $1600.

Thom Pernice moved to amend the motion under consideration to allow for necessary budget increases to be recommended by the Marketing Committee with final approval by the Board. This was seconded by Rick Finn for purposes of discussion.

After some discussion, a vote was called.

The resolution was defeated by the following vote:

In favor: Thom Pernice

Against: Christine Bobolia
Patrick Brown
Frank Cimino
Charles Emberger
Rick Finn
Arne Paglia
Jeannette Phillips (by proxy)
Pat Riley

Abstained: 0

Arne Paglia made a motion to adopt a $15,000.00 budget for the Jazz and Blues Festival. The motion was seconded by Charles Emberger.

The resolution was defeated by the following vote:

In favor: Charles Emberger
Arne Paglia

Against: Christine Bobolia
Patrick Brown
Frank Cimino
Rick Finn
Thom Pernice
Jeannette Phillips (by proxy)

Pat Riley

Abstained: 0

Frank Cimino left the meeting about 7:00 pm. He assigned his proxy to Pat Riley.

Patrick Brown made a motion to adopt a $20,000.00 budget for the Jazz and Blues Festival subject to accountability and oversight. The motion was seconded by Rick Finn.

There was considerable discussion.

The resolution was adopted by the following vote:

In favor:	Patrick Brown Frank Cimino (by proxy) Rick Finn Thom Pernice Jeannette Phillips (by proxy) Pat Riley
Against:	Christine Bobolia Charles Emberger Arne Paglia

Christine Bobolia reported on the Events Committee's recommendations on the Italian Festival proposal. After discussion, Rick Finn moved to adopt a $15,000.00 budget subject to accountability and oversight. The motion was seconded by Pat Riley.

Discussion followed, including a request by Arne Paglia that in future, consideration of funding issues including options for sponsorships and seed (non-repetitive) money/grants be examined.
The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Rick Finn Thom Pernice Jeannette Phillips (by proxy) Pat Riley
Against:	Charles Emberger Arne Paglia
Abstained:	Frank Cimino

Charles Emberger left the meeting at 7:30 pm and gave his proxy to Patricia Riley.

Christine Bobolia reported on the Events Committee's recommendations on a Networking Event for BID members. Suggestions were made to hold the event at a non-restaurant venue, e.g. Elks' Club, with a collective catering effort by any BID restaurants. The recommended budget for the event was $2000.00.

Rick Finn moved to adopt the recommendations as stated, seconded by Thom Pernice.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino (by proxy) Charles Emberger (by proxy) Rick Finn Thom Pernice Jeannette Phillips (by proxy) Pat Riley
Abstained:	Arne Paglia
Against:	0

Christine Bobolia reported that the Events Committee had recommended putting on a Latin Festival, possibly in September. It was agreed to table further discussion at a later meeting.

The Marketing Committee was asked to make a report on its meetings – discussion was tabled for the meeting in June.

Consideration of an increase of 10% in the rental cost of spaces at the 2011 Farmers Market was suggested by the Chairman. Rick Finn moved that the Board approve this increase in rates, seconded by Pat Riley.

There was some discussion followed by a vote.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino (by proxy) Charles Emberger (by proxy) Rick Finn Thom Pernice Jeannette Phillips (by proxy) Pat Riley
Against:	Arne Paglia
Abstained:	0

Rick Finn gave the Board a verbal report along with a written form (see attached) entitled: ADMINISTRATIVE ASSISTANT REPORTING PROTOCOL, on the responsibilities of the Administrative Assistant staff person, as well as the position's reporting responsibilities and relationships with the members of the BID Board.

Rick Finn made a motion for the Board to approve the protocol as described in the document, seconded by Christine Bobolia.

The resolution was adopted by the following vote:

In favor:	Christine Bobolia Patrick Brown Frank Cimino (by proxy)

Charles Emberger (by proxy)
Rick Finn
Thom Pernice
Jeannette Phillips (by proxy)
Pat Riley

Against: Arne Paglia

Abstained: 0

New Business:

Christine Bobolia raised the matter that the BID had a responsibility to examine and address the issue of beautification programs in the BID district, e.g., for example, improvement to the condition of sidewalks, parking, lighting, etc. There was general agreement to place this matter on the agenda for the June meeting.

Rick Finn moved to adjourn the meeting, seconded by Thom Pernice.

The resolution was passed according to the following vote:

In favor: Unanimous

Against: 0

Abstained: 0

The meeting was adjourned at 7:45 pm.

Respectfully submitted,

Stephen Spiegel
May 31, 2011