

**VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES  
Meeting, Monday, June 17, 2013  
Regular Meeting: 7:00 P.M.  
VILLAGE JUSTICE COURTROOM  
350 North Main Street  
Port Chester, New York  
**AGENDA****

**TIME: 7:00 P.M.**

| <b>I</b>   | <b>AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:</b>  | <b>ACTION</b> |
|------------|--|---------------|
| 1          | Public Hearing on modification to Permit Amnesty Program   |               |
| 2          | Public Hearing on increasing parking meter time limit to three hours.  |               |
| <b>II</b>  | <b>PUBLIC COMMENTS</b>   | <b>ACTION</b> |
|            |  |               |
| <b>III</b> | <b>PRESENTATION</b>  | <b>ACTION</b> |
| 1          | By Andy Hamilton – Mid-Atlantic Coordinator on behalf of the East Coast Greenway Alliance(ECG) Status Update |               |
| 2          | Grant Writing Work Group Update – by Director of Planning & Development Christopher N. Gomez.                |               |
| <b>IV</b>  | <b>RESOLUTIONS</b>   | <b>ACTION</b> |
|            | <b>Finance</b>   |               |
| 1          | \$640,000 Bond Resolution for Street Resurfacing & Street Sweeper  |               |
| 2          | \$775,000 Bond Resolution for Five (5) Police cars and Acquisition & Installation of Parking Pay Stations    |               |
| 3          | \$300,000 Bond Resolution for Police Building Improvement  |               |
| 4          | \$1,700,000 Bond Resolution for Sewer Improvement  |               |
|            | <b>Parks / Recreation</b>  |               |
| 5          | Authorize the Village Manager to enter into an agreement with Summer Entertainers for 2013.                  |               |

|            |  |               |
|------------|--|---------------|
| 6          | Authorization for Village Manager to enter into a renewal agreement with the Port Chester Council for the Arts for 2013-2014                                     |               |
|            | <b>Courts</b>  |               |
| 7          | Authorize the Village Manager to enter into a renewal agreement with Court Interpreter Olga Hurtado for two (2) years.   |               |
| 8          | Authorize the Village Manager to enter into a renewal agreement with Court Reporter Gail Letizia for another two (2) years.                                      |               |
| <b>V</b>   | <b>REPORT OF THE VILLAGE MANAGER</b>   |               |
| 1          | Updates on actions and initiatives   |               |
|            | <b>REPORT OF THE POLICE CHIEF</b>  |               |
| 1          | Traffic and detour issues related to the Ridge Street bridge closure over I-287 in the Village of Rye Brook from Wednesday, June 5, 2013 to August 16, 2013.     |               |
| <b>VI</b>  | <b>DISCUSSIONS</b>   | <b>ACTION</b> |
| 1          | Revise Rules of Procedure of the Board of Trustees.  |               |
| 2          | Co-sponsoring the Caring & Loving Foundation Multi-Cultural Festival July 14, 2013.  |               |
| <b>VII</b> | <b>CORRESPONDENCE</b>  | <b>ACTION</b> |
| 1          | From the Park Commission recommending recognition of Dominick Neri of Neri's Bakery  |               |
| 2          | From Sandy Palma - Banner Request for Caring & Loving Foundation Multi-Cultural Festival July 14, 2013.  |               |
| 3          | From Reliance Engine & Hose Co. No. 1, on the election of Andrew Fanelli into membership.  |               |
| 4          | From Harry Howard Hook & Ladder Co. No. 1 on the election of John Evans into membership.   |               |
| 5          | From Mitchell A. Combs Ph.D. Principal of Port Chester High School invitation to attend graduation ceremony on Friday June 21, 2013.                             |               |
| 6          | From Planning Commission recommendation regarding modification to Permit Amnesty Program.  |               |
| 7          | From Planning Commission resolution regarding term of Permit Amnesty Program.  |               |
| 8          | From Saint Frances African Methodist Episcopal Zion Church requesting the use of 1/2 of the Grove Street parking lot on July 27 2013 from 12:00 Noon to 5:00 PM. |               |
| 9          | From Washington Engine & Hose Co No 4 Inc. accepting the resignation of active member Timothy Hannigan.  |               |

|             |   |               |
|-------------|---|---------------|
| <b>VIII</b> | <b>MINUTES</b>                            |               |
| 1           | Minutes from April 29, 2013               |               |
| 2           | Minutes from May 6, 2013                  |               |
| 3           | Minutes from May 13, 2013                 |               |
| <b>IX</b>   | <b>PUBLIC COMMENTS AND BOARD COMMENTS</b> | <b>ACTION</b> |
|             |   |               |

**TIME:** \_\_\_\_\_

AFFIDAVIT OF PUBLICATION  
AND  
NOTICE OF PUBLICATION RE

**AN INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY  
PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF FOR OWNERS OF  
ONE AND TWO-FAMILY RESIDENCES**

SECTION 1: Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the Board of Trustees adopted an interim local law establishing a permit amnesty program to all properties within the Village of Port Chester under certain terms and conditions.

By Local Law No. 1 of 2013 the amnesty period was extended from December 31, 2012 to April 31, 2013 and by Local Law No of 10 of 2013, the amnesty period was further extended to October 31, 2013 so as to provide more opportunity for individuals to learn and participate in the program.

Based on public input, the Board finds that the amnesty program should be modified in substantive respect. The Board is mindful of the often considerable expense that may be incurred in bringing one and two-family dwellings, and any accessory buildings or structures, into code compliance. The Board finds that the owners of such residences typically lack the income stream necessary to retain the design professionals needed to prepare a permit application, much less than afford the expense of making any necessary improvements. At the same time, however, the Board is aware of the need for the Building Inspector to have all relevant documentation for his review and determination so as not to compromise the integrity of the permitting process, and assure the protection of the public health, safety and welfare. Moreover, the Board finds that relief may also be required to ease the burden of proof ordinarily required of owners to establish legal nonconforming use status where a proper building permit was issued for certain work to such dwellings and where the use has existed for many number of years. In accepting the Village Manager's recommendations on this matter, the Board finds that one and two-family residences are the only occupancy types relegated to the State Residential Code and that the additional relief for owners of these properties on a voluntary basis to be provided herein is both appropriate and desirable and is the minimum necessary to accomplish the Board's intentions.

SECTION 2. Section 3 (entitled "Permits") of Local Law No. 4 of 2012 is hereby amended as follows:

A. Applicants are eligible to proceed on a streamlined basis for work in one and two-family dwellings that involve "minor improvements," or work that is valued at less than \$10,000 in present construction cost and/or less than 500 square feet in area. It does not include work that is subject to permit involving specialized trades, such as electrical, HVAC and plumbing. A separate permit application may be required in such instance(s).

1. To be accorded the favorable treatment under this section, submissions need not be in the form of full construction documents. They may be in the form of a sealed drawing from a licensed professional. Such drawing shall, however, contain at a minimum the following information satisfactory to the Building Inspector:

(a) Dwelling without an addition

i. An outline that delineates the space(s) in question, measurements of room size, ceiling heights and adequate egress.

ii. Bedrooms shall be required to show window size.

iii. Other rooms, including bedrooms, shall be required to verify adequate light and ventilation.

iv. All spaces shall be required to show placement of required smoke and CO2 detectors.

(b) Dwelling with an addition

All requirements as stated above and an updated survey to show setbacks.

(c) Decks

Plans must show size of deck, support system (footings, depth and adequate size, framing and structural supports), guards and railings and proper and adequate attachment to dwelling

2. The applicant's design professional shall certify that the work in question meets the minimum Code at the time of construction and is structurally sound.

3. Applicants under this section are not required to secure interim inspections by the Building Inspector prior to the inspection for the certificate of occupancy

B. For those applications under the Permit Amnesty Program involving open expired permits, the Building Inspector is authorized to renew said permit(s) under the umbrella of a single new permit that will encompass any number of open expired permits. All work related to those open expired permit(s) may be closed out under a single new permit as may be practical in the judgment of the Building inspector. Such expedited process would avoid the need for an applicant to obtain a new permit and pay the requisite fees for each expired permit.

SECTION 3: Section 4 (entitled "Zoning") of Local Law No. 4 of 2012 is hereby amended as follows:

[For those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1975 Zoning Regulation that may involve the need for some dimensional variance from the requirements under the applicable zoning regulation, the Building Inspector is authorized to accept deviance from certain of the requirements as "de minimus". To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be preexisting and have been issued a building permit prior to the effective date of the 1975 Zoning Regulation.

2. The subject building or structure must otherwise comply with the applicable building code at the time of construction or alteration.
3. The area or dimensional requirement involves front, rear and/or side yard setbacks(s).
4. The set-back encroachment is ten (10) inches or less.
5. The building or structure complies with all other aspects of the Village of Port Chester planning and zoning regulations.

Such deviances may be deemed “de minimus” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.]

Those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1955 Zoning Regulation, relating to structures that were preexisting the Code change, that may involve the need for some dimensional and/or use variance from the requirements under the applicable zoning regulation, are hereby deemed to be lawfully nonconforming. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be preexisting and have been issued a lawful building permit prior to the effective date of the 1955 Zoning Regulation.
2. The building or structure complies with all other aspects of the Village of Port Chester planning and zoning regulations and the Building Code in effect at the time of construction.

Such buildings or structures are deemed “lawfully nonconforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

#### SECTION 4: Validity and severability.

Should any section of or provision of this local law be decided by a court of competent jurisdiction be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the local law not in whole or in part so decided to be unconstitutional or otherwise invalid.

#### SECTION 5: Effective Date.

This local law shall be effective upon due publication and filing with the Secretary of State.

**RECOMMENDATION RESOLUTION  
VILLAGE OF PORT CHESTER PLANNING COMMISSION  
INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY  
PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF TO OWNERS  
OF ONE- AND TWO-FAMILY RESIDENCES**

**June 11, 2013**

On the motion of COMMISSIONER Gregory, seconded by COMMISSIONER Coperine, the following resolution was adopted by the Planning Commission of the Village of Port Chester, New York:

**WHEREAS**, the Village Board of Trustees adopted by local law a Permit Amnesty Program; and

**WHEREAS**, pursuant to Section 345-34 of the Village Code, the Village Board of Trustees forwarded to the Planning Commission a proposed local law that would amend the Permit Amnesty Program to provide additional relief to owners of one- and two-family residences in the Village of Port Chester; and

**WHEREAS**, the Planning Commission discussed the draft interim local law described above with the Building Inspector and Village Attorney, and now therefore let it be

**RESOLVED**, that the Planning Commission recommend the Village Board of Trustees adopt the proposed local law amending the Amnesty Program to provide additional relief to one- and two-family property owners as described herein.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

AYES: Coperine, Gregory, Ortiz and Scarola  
NAYES: none  
ABSTAINED: none  
ABSENT: Antaki, Baxter. Cervinka and Pellon

\_\_\_\_\_  
Michael Scarola, Chairman

DATE: June 11, 2013

**RECOMMENDATION RESOLUTION  
VILLAGE OF PORT CHESTER PLANNING COMMISSION  
AMNESTY PROGRAM EXTENSION**

**June 11, 2013**

On the motion of COMMISSIONER Gregory, seconded by COMMISSIONER Ortiz,  
the following resolution was adopted by the Planning Commission of the Village of Port Chester,  
New York:

**WHEREAS**, the Village's Permit Amnesty Program currently expires October 31, 2013; and

**WHEREAS**, the Village Board of Trustees may again extend the expiration of the Permit Amnesty Program; and

**WHEREAS**, the Planning Commission wants to be recognized as having proactively commented on this issue; and now therefore let it be

**RESOLVED**, should the Village Board of Trustees consider extending the Permit Amnesty Program past the October 31, 2013 expiration date, , the Planning Commission opposes such any extension beyond October 31, 2014.

APPROVED AS TO FORM:

) \_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

Ayes: Coperine, Gregory, Ortiz and Scarola

Nays:

Abstained:

Absent: Antaki, Baxter. Cervinka and Pellon

\_\_\_\_\_  
Michael Scarola, Chairman

DATE: June 11, 2013

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER,  
CHAPTER 319, VEHICLE AND TRAFFIC, TO INCREASE THE MAXIMUM METER  
LIMIT IN THE METERED DOWNTOWN AREA TO THREE HOURS

SECTION1: The Code of the Village of Port Chester, Schedule XXVI: Parking Meter Zones, is hereby amended as follows:

A. Three [two] hour limit. Parking meter zones are hereby established pursuant to Section 319-33A on the following streets for the parking of vehicles for not more than [two] three hours at a rate as set forth in Chapter 175, Fees.

...

B. Parking lot use 7:00 a.m. to [7:00 p.m.] 9:00 p.m. Monday through Saturday except Sundays and holidays, parking meter zones are hereby established pursuant to Section 319-33A on the following parking lots for the parking of vehicles for not more than the time limit specified at the rate specified in Chapter 175, Fees.

| Name of Lot        | Time Limit (hours) | Location   |
|--------------------|--------------------|--|
| Parking Lot No. 4  | [2] <u>3</u>       | Between Westchester Avenue and Irving Avenue, all except 12 spaces at the west side of the lot facing post office                    |
| Parking Lot No. 11 | [2] <u>3</u>       | Both sides of Highland Street, from North Main Street to Abendroth Avenue  |
| Parking Lot No. 13 | [2] <u>3</u>       | Between Oak Street and Grove Street, both sides of center mall   |
| Parking Lot No. 16 | [2] <u>3</u>       | Between Willett Avenue and Adee Street, from the Willett Avenue entrance of Parking Lot No. 16, south, to Parking Lot 17, 23 spaces. |
| Parking Lot No. 17 | [2] <u>3</u>       | Between Adee Street and Willett Avenue, from the King Street entrance of Parking Lot No. 17, north, to Parking Lot 16, 43 spaces.    |

SECTION 2. This local law shall be effective immediately on filing with the Secretary of State.

Traffic Bureau  
Port Chester Police Department  
350 North Main Street  
Port Chester, New York 10573

To: Joseph M. Krzeminski, Chief of Police  
From: Sergeant Charles Vaccaro, Traffic Bureau  
Re: Meter Time Limit Parking Change  
Date: 5/15/2013

Concurrent with the increase of meter parking hours (Local Law #9) adopted April 29<sup>th</sup>, 2013 was the intent to increase the two hour parking limit to a three hour limit from 6pm to 9pm Monday thru Saturday. In the previous Memo dated 4/10/2013 I detailed the changes regarding signage, staffing and other concerns. The change from a two hour parking limit to a three hour parking limit from 6pm to 9pm Mon-Sat can easily be accomplished at the 29 Paystations in the Village. This programming can be accomplished to cover Westchester Avenue, part of North Main Street, South Main Street and the municipal parking lots. However, the 450 single and double head meters cannot be programmed to change the parking limit at a specific time as required at 6pm. These meters are located in the business district on Abendroth Avenue, Adee Street, Broad Street, Grace Church Street, Horton Avenue, Irving Avenue, King Street, New Broad Street, North Pearl Street, Poningo Street and Willett Avenue.

Considering the impossibility of programming the single and double head meters, I would recommend increasing the current two hour limit meters to three hours. The signage would be easier for the drivers to understand as there would not be two separate time rules. The increase of an hour would not considerably affect enforcement or the turnover of meters. It will allow shoppers and restaurant patrons the opportunity to stay an extra hour. In order to change the limited time parking from two hours to three hours in the metered downtown area these are the changes required:

319-87 Schedule XXVI: Parking Meter Zones

- A. Two-hour limit. Parking meter zones are hereby established pursuant to § 319-33A on the following streets for the parking of vehicles for not more than [two] three hours at a rate as set forth in Chapter 175, Fees.
  
- C. Parking lot use 7:00 a.m. to 7:00 p.m. Monday through Saturday except Sundays and holidays, parking meter zones are hereby established pursuant to § 319-33A on the following parking lots for the parking of vehicles for not more than the time limit specified at the rate specified in Chapter 175, Fees.

| <u>Name of Lot</u> | <u>Time Limit (hours)</u> | <u>Location</u>   |
|--------------------|---------------------------|---|
| Parking Lot No. 4  | [2] <u>3</u>              | Between Westchester Avenue and Irving Avenue, all except 12 spaces at the west side of the lot facing post office |
| Parking Lot No. 11 | [2] <u>3</u>              | Both Sides of Highland Street, from North Main Street to Abendroth Avenue   |
| Parking Lot No. 13 | [2] <u>3</u>              | Between Oak Street and Grove Street, both sides of center mall  |

- Parking Lot No. 16 [2] 3 Between Willett Avenue and Adee Street, from the Willett Avenue entrance of Parking Lot No. 16, south, to Parking Lot No. 17, 23 spaces
- Parking Lot No. 17 [2] 3 Between Adee Street and Willett Avenue, from the King Street entrance of Parking Lot No. 17, north, to Parking Lot No. 16, 43 spaces

SET PUBLIC HEARING TO CONSIDER A LOCAL LAW AMENDING THE CODE  
OF THE VILLAGE OF PORT CHESTER TO INCREASE THE MAXIMUM METER  
LIMIT IN THE METERED DOWNTOWN AREA TO THREE HOURS

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE

CECCARELLI, the following resolution was adopted by the Board of Trustees of the  
Village of Port Chester, New York:

RESOLVED, that a public hearing is to be held on June 17, 2013 at 7:00 p.m. at  
the Police Headquarters/Justice Court Courtroom, 2<sup>nd</sup> Floor, 350 North Main Street, Port  
Chester, to consider the advisability of a local law amending the Code of the Village of  
Port Chester to increase the maximum meter limit in the metered downtown area to three  
hours.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustee Adams, Brakewood, Terenzi, Kenner, Ceccarelli and Mayor Pagano.

NOES: Trustee Marino.

ABSENT: None

DATE: May 20, 2013

# **PUBLIC COMMENTS**

# **PRESENTATION**



May 15, 2013

Port Chester, New York  
222 Grace Church Street  
Port Chester NY 10573

Andy Hamilton, RLA, APBP  
Mid-Atlantic Coordinator  
East Coast Greenway Alliance  
1099 Pebble Hill Road  
Doylestown, PA 18901

**Board of Trustees**

David Read, MA (Chair)  
Paul Haydt, FL (Vice Chair)  
Elizabeth Brody, NY (Secretary)  
Robert Russo, NJ (Treasurer)  
Jacob Dolan, NC  
Gail Kirkland, GA  
Robert Kruts, NY  
Anne Maleady, MA  
Steve Mitchell, CT  
Al Nierenberg, MA  
Stephen Rees, ME  
Maria Sawczuk, DE  
Larry Silver, PA

**Advisory Board**

Chuck Flink, Alta Planning + Design (Chair)  
Deborah Apps, President & CEO, Trans Canada Trail  
Wayne Clark, CISCO Systems (retired), Cycling Advocate  
Andy Clarke, Executive Director, League of American Bicyclists  
Mary Glassman, First Selectman, Simsbury, CT  
Tony Hiss, Environmental Author  
John Horsley, Executive Director, AASHTO  
Wil Hylton, GQ Magazine  
Harry Jaffe, Washingtonian Magazine  
Patricia King, ECGA Co-Founder  
Keith Laughlin, President Rails-to-Trails Conservancy  
Jeff Miller, President/CEO, Alliance for Biking and Walking  
Ellen Moyer, former Mayor, Annapolis, MD  
Jeff Olson, Alta Planning + Design  
Bill O'Neill, Founder, Fuss and O'Neill  
Jean-François Pronovost, Director, Vélo Québec  
Chuck Sloan, Chairman, Trust for the Appalachian Trail Lands  
Pablo Torres, Environmental Advocate  
Karen Votava, ECGA Co-Founder

**Executive Director**

Dennis Markatos-Soriano

Dear Mayor Pagano and Board of Trustees,

On behalf of the East Coast Greenway Alliance (ECG) I am writing to update you on the status of the East Coast Greenway's effort in Westchester County and Port Chester. The East Coast Greenway is a system of trails, interconnected by roadways that starts in Calais, Maine and ends in Key West, Florida, connecting 15 states and the District of Columbia. The East Coast Greenway is 2,900 miles in length. Today it is 29% completed off road trail and the ECG is energetically signing the entire route from Maine to Florida.

In January 2011 Mayor Pilla and the Board of Trustees of Port Chester signed a resolution recognizing the East Coast Greenway and supporting the effort to install signage along the route. In the past year we have been working with NYSDOT to get an MUTCD compliant sign accepted into the NYSDOT manual for the ECG. That approval has been completed. Additionally NYSDOT has completed a tour of the alignment of the East Coast Greenway and completed a signage plan for same.

This letter is to inform you all of the steps that have been taken and to initiate the next step with the town of Port Chester to implement the installation of signs.

Please see the enclosures that include the agreement with NYSDOT, the sign plan which is in the form of photographs with signage superimposed, and the resolution of support from 2011.

I look forward to working with Port Chester to complete the installation of these signs along the ECG alignment.

Sincerely,

Andy Hamilton, RLA, APBP



# RESOLUTIONS

**VILLAGE OF PORT CHESTER  
FY 2013-14 CAPITAL PROJECT PLAN  
ADOPTED BUDGET**

| RESOLUTION # | PROJECT:<br>PROJECT NAME      | G/L Code        | PROJECT<br>COST<br>FY 2013-14 | FUNDING SOURCE<br>FY 2013-14          | FUNDING<br>AMOUNT      | BOND<br>RESOLUTION<br>DATE | MAXIMUM<br>MATURITY<br>(PPU) |
|--------------|-------------------------------|-----------------|-------------------------------|---------------------------------------|------------------------|----------------------------|------------------------------|
| 2            | FIVE (5) POLICE CARS          | 3120-203-2013-# | \$175,000                     | <i>Serial Bond</i>                    | \$175,000              |                            | 5 YEARS                      |
| 3            | POLICE BUILDING IMPROVEMENT   | 3120-400-2013.# | \$300,000                     | <i>Serial Bond</i>                    | \$300,000              |                            | 25 YEARS                     |
| 2            | NEW PAYSTATIONS-FY 2013-14    | 3230.200.2013-# | \$600,000                     | <i>Serial Bond</i>                    | \$600,000              |                            | 5 YEARS                      |
|              | BRINING SYSTEM                | 5110-200-2013-# | \$5,000                       | Transfer from GF                      | \$5,000                |                            | 5 YEARS                      |
|              | FORD TRUCK-MODEL 350          | 5110-203-2013-# | \$30,000                      | Transfer from GF                      | \$30,000               |                            | 5 YEARS                      |
| 1            | STREET RESURFACING FY 2013-14 | 5110-400-2013-# | \$650,000                     | C.H.I.P.S - NYS<br><i>Serial Bond</i> | \$150,000<br>\$500,000 |                            | 15 YEARS                     |
| 1            | SWEeper                       | 5190-203-203-#  | \$140,000                     | <i>Serial Bond</i>                    | \$140,000              |                            | 15 YEARS                     |
| 4            | SEWER IMPROVEMENT FY 2013-14  | 8120-400-2013-# | \$1,700,000                   | <i>Serial Bonds</i>                   | \$1,700,000            |                            | 30 YEARS                     |
|              |                               |                 |                               | <b>TOTAL DEBT -</b>                   | <b>\$3,415,000</b>     |                            |                              |
|              |                               |                 |                               | TRANSFER FR GF                        | \$35,000               |                            |                              |
|              |                               |                 |                               | TOTAL CHIPS                           | \$150,000              |                            |                              |
| <b>TOTAL</b> |                               |                 | <b>\$3,600,000</b>            |                                       | <b>\$3,600,000</b>     |                            |                              |



## PORT CHESTER TYMCO 435

2 messages

Walter Titcomb <waltert@triusonline.com>  
To: fcapasso@triusonline.com

Fri, May 24, 2013 at 10:42 AM

FRANK

HERE ARE SOME BUDGET #'S FOR THE TYMCO 435'S THAT YOU REQUESTED

1-2013 IH DEMO-\$ 159,000.00 (2200 miles,18 hrs)

2-2013 IH NEW-\$ 169,000.00

3-2014 ISUZU NEW-\$138,000.00

*THANK YOU*

*Walter K. Titcomb*

*DIRECTOR OF OPERATIONS*

E-MAIL: [WALTERT@TRIUSONLINE.COM](mailto:WALTERT@TRIUSONLINE.COM)

WEB SITE: [WWW.TRIUSONLINE.COM](http://WWW.TRIUSONLINE.COM)

TRIOUS INC.

P.O. BOX 158

458 JOHNSON AVE.

BOHEMIA, NEW YORK 11716-0158

PH. 1-631-244-8600 EXT. 225



# MODEL 435 REGENERATIVE AIR SWEEPER / CONVENTIONAL TRUCK PACKAGE

## GENERAL SPECIFICATIONS

### SWEEPER AUXILIARY ENGINE

Engine .....Kubota V2403MT, 4 cyl. (Tier 4i)  
 Displacement ..... 148.5 cubic inches (2426cc)  
 Horsepower .....56 @ 2,600 RPM (41.7 kW)  
 Net Torque ..... 121 ft-lb @ 1800 RPM (164 Nm)  
 Fuel water separator  
 Air cleaner ..... Dry type  
 Oil filter, spin on ..... Full flow  
 Cooling ..... Liquid  
 Auxiliary engine shutdown system  
 Air filter pre-cleaner

### BLOWER, Rubber Lined

Aluminum alloy high volume open face turbine  
 Purpose ..... Creates blast and suction  
 Bearings ..... Anti-friction  
 Housing ..... Abrasion resistant, replaceable liner  
 Drive ..... Heavy duty power band

### DUST SEPARATOR

Type .....Cyclonic, multipass, centrifugal separation  
 Size ..... 18.5" x 22.5"  
 (470mm x 572mm) cylindrical area  
 Location ..... Adjacent to hopper  
 Particulate removal ..... Through 22.5" x .5"  
 (572mm x 13mm) skimmer slot into hopper  
 Inspection ..... Access port for cleaning  
 Dust separator cleanout plug extension handle

### HOPPER

Capacity (volumetric) .....4.0 cubic yards  
 (3.06 m<sup>3</sup>)  
 Capacity (useable) .....3.5 cubic yards  
 (2.68 m<sup>3</sup>)  
 Construction ..... Welded steel plate  
 Dump door size .....74" x 81 1/4" (1880mm x 2064mm)  
 Dumping method .....Hydraulic with tilt up  
 Dumping height .....81.375" (2067mm)  
 Dump door hydraulically opened/closed  
 Hopper screen ..... Lifts with door for easy cleaning

### STORAGE COMPARTMENTS

Rear (2) .....Total of 26.6 cu. ft. capacity  
 No Front Storage Compartment

### PICK-UP HEAD

Function ..... Air blast and suction chamber  
 Width ..... 78" (1981mm) I.D.  
 Head area ..... 2,028 sq. inches (1.34m<sup>2</sup>)  
 Suspension ..... 4 springs, 2 drag links  
 Skids ..... DUO-SKIDS®  
 Double wide, long life carbide  
 Heavy duty suction & pressure hose 12" diameter  
 (305mm)  
 Removable suction hose transition  
 Pressure bleeder .....Integral for  
 leaf/light material pickup  
 Reverse pick-up head system

### HYDRAULIC SYSTEM

Operates gutter broom(s), dump and pick-up head  
 Drive .....Gear driven from auxiliary engine  
 Capacity .....5 GPM (18.925LPM)  
 Reservoir ..... 13.5 gal.  
 (51.1L) .....with 80 mesh suction strainer, sight/  
 temperature gauge  
 Filter ..... 10 micron in-line

### GUTTER BROOM, TWIN Patented

Standard equipment includes floodlight and  
 parabolic mirror  
 Drive ..... Constant speed  
 non-reversible hydraulic motor  
 Adjustment ..... Adjustable for  
 down pressure, pattern and wear  
 Down pressure ..... Automatically  
 adjusts to requirement  
 Flexibility ..... All directions integral  
 anti-damage "swing away" relief valve  
 Broom ..... Steel wire vertical digger 36" (914 mm)

### DUST CONTROL SYSTEM

System of water spray nozzles for airborne dust  
 suppression  
 Pump ..... Electric diaphragm  
 Reservoir Polyethylene ..... 150 gal.  
 Filter ..... 80 mesh in-line  
 Low water shut-off ..... Safety shut-off  
 with low water warning light in cab coupled with  
 liquid level sensor  
 Spray nozzles ..... At gutter broom(s)  
 and inside hopper

### CONTROLS

**Inside cab (lighted)** ..... Pick-up head,  
 gutter broom(s), ignition and tachometer (auxiliary  
 engine), voltmeter, low water warning system (for  
 dust control system), all safety lights, hour meter,  
 pressure bleeder, auxiliary fuse panel  
**Outside cab** ..... Dump

### SAFETY WARNING DEVICES

Alternating LED rear flashers (2)  
 Back up alarm

### OPTIONAL EQUIPMENT

Air purge  
 Auto Sweep Interrupt  
 Auxiliary hand hose 6" dia. (152mm)  
 Auxiliary hydraulic system  
 Gutter broom tilt adjuster(s) ..... (right, left, dual)  
 Gutter broom variable speed  
 Gutter broom Drop-Down  
 High output water system  
 Hi/Low pressure washdown system  
 Hopper drain system  
 Hopper deluge system

Low emissions package  
 Magnet (Light and Standard Duty)  
 Pick-up head curtain lifter  
 Sound Reduction Engineering (SRE®)  
 Stainless Steel Blower Housing  
 Stainless Steel Dust Separator  
 Stainless Steel Hopper Drain  
 Stainless Steel Hopper Screen  
 Stainless Steel Hopper  
 Color (other than TYMCO standard white)

*Special options are available for your individual requirements. Contact your local dealer or TYMCO.*

### CAB/CHASSIS:

#### Minimum Requirements

Suggested make & model ..... International 4300 M-7  
 GVW ..... 25,500 lbs (11,557kg)  
 Engine ..... Maxx Force 7 390 CID (6.4L) V8  
 Diesel - 220HP  
 Transmission ..... Allison 2500 RDS series,  
 6 speed automatic w/external oil filter  
 Alternator ..... 120 amp  
 Battery ..... Dual (2) 1300 CCA  
 Wheelbase ..... 154" (3912 mm)  
 Fuel tank ..... 52 gal. (197L)  
 Tires (2-front, 4-rear) ..... 255/70R x 22.5  
 Steering (Dual) ..... Integral Power Assisted w/tilt  
 Brakes ..... Dual Air w/13.2 CFM Air Compressor  
 Instruments & lights ..... Full package as required  
 Dual gauge package  
 Back-up alarm  
 Air conditioned cab  
 AM/FM stereo radio  
 Consult factory for sweeper specifications and other  
 available truck chassis.

### GENERAL:

#### SWEEPING WIDTH

Pick-up head only .....78" (1981mm)  
 With 1 gutter broom .....106" (2692mm)  
 With 2 gutter brooms .....132" (3429mm)

#### OVERALL DIMENSIONS: (Approximate)

Length .....242" (6147mm)  
 Width .....102" (2591mm)  
 Height @ truck\* .....97" (2464mm)  
 Height with cab mounted light bar\* 100.5" (2553mm)  
 Empty weight\* ..... 15,220 lbs (6004kg)  
 Weight (sweeper)\* ..... 5,485 lbs (2488kg)

\*May vary with equipment.

**1-800-258-9626**

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06/18/12

# Model 435<sup>®</sup>

## Conventional Truck Package



**FROM THE PEOPLE WHO *INVENTED* REGENERATIVE AIR SWEEPING!**

**The Conventional Truck Package for the TYMCO<sup>®</sup> Model 435<sup>®</sup> based on the International<sup>®</sup> DuraStar<sup>®</sup> brings all of the advantages of a conventional truck, while maintaining features existing TYMCO owners with cabover trucks expect.**

- **Operator Friendly Ergonomics.**
- **Excellent Gutter Broom Visibility.**
- **Travels Up to Highway Speeds.**
- **Easy Cab Accessibility and Engine Serviceability.**
- **Excellent Turning Radius And Maneuverability.**
- **Cleans Streets and Roads of Bulk and Fines.**
- **Dumps into Most 30 Yard Containers.**



# **TYMCO Regenerative Air Cleans Deeper<sup>™</sup>**

MADE IN WACO, TEXAS

**USA**



*The Model 435 delivers street sweeping performance in a mid-sized package. With the Conventional Truck Package, the Model 435 has a payload of over 8000 lbs. and overall sweeping path of 132 inches.*



*This package offers adjustable high back air suspension seats, 2-stage cabin air filters, heated power mirrors, as well as dual tilt steering wheels, instrument panels and controls among other great features.*



*With the Conventional Truck Package, the Model 435 has a 81 inch dump height. (Most 30 yard containers are approximately 69 inches)*



**1-800-258-9626**

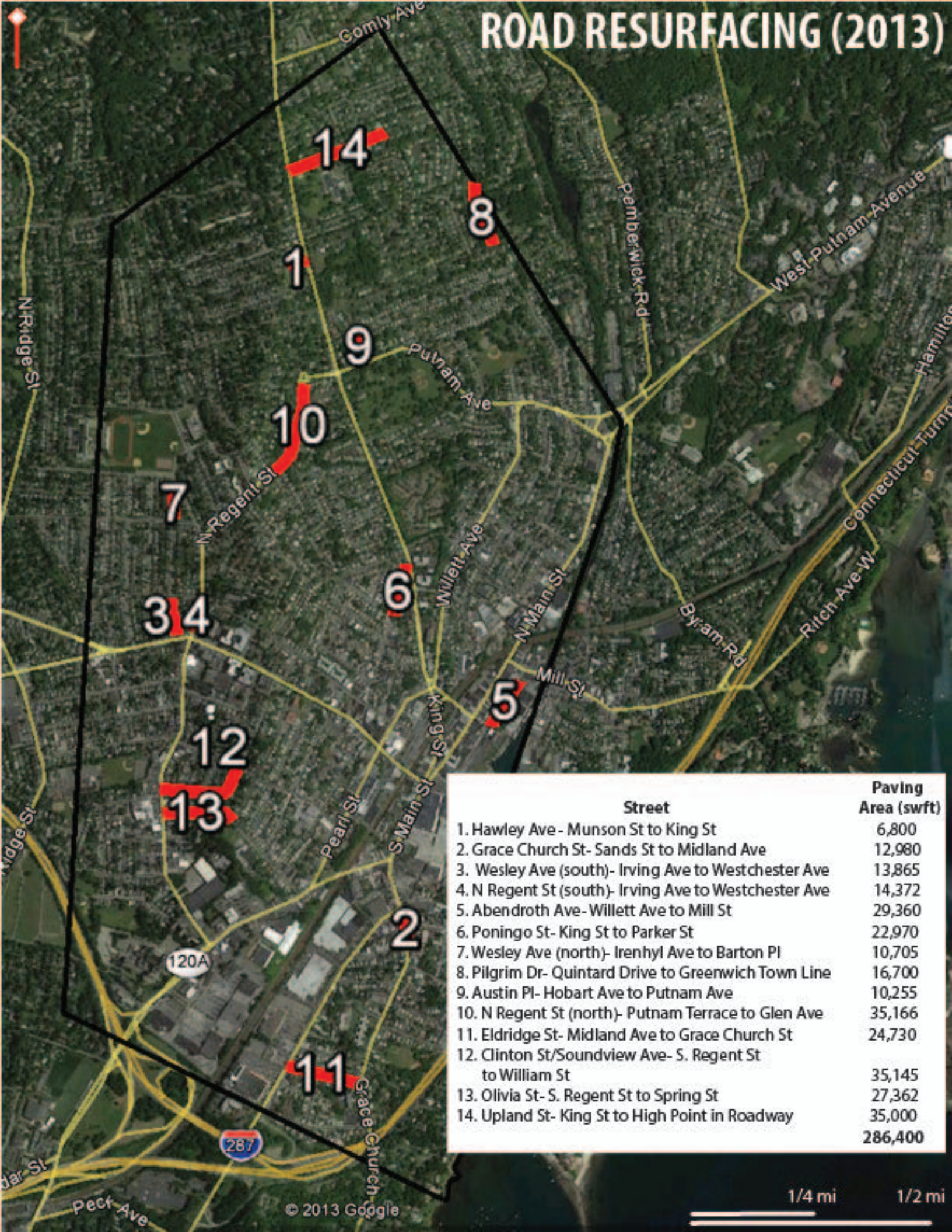
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# ROAD RESURFACING (2013)



| Street   | Paving Area (swft) |
|--|--------------------|
| 1. Hawley Ave - Munson St to King St                     | 6,800              |
| 2. Grace Church St- Sands St to Midland Ave              | 12,980             |
| 3. Wesley Ave (south)- Irving Ave to Westchester Ave     | 13,865             |
| 4. N Regent St (south)- Irving Ave to Westchester Ave    | 14,372             |
| 5. Abendroth Ave- Willett Ave to Mill St                 | 29,360             |
| 6. Poningo St- King St to Parker St                      | 22,970             |
| 7. Wesley Ave (north)- Irenhyl Ave to Barton Pl          | 10,705             |
| 8. Pilgrim Dr- Quintard Drive to Greenwich Town Line     | 16,700             |
| 9. Austin Pl- Hobart Ave to Putnam Ave                   | 10,255             |
| 10. N Regent St (north)- Putnam Terrace to Glen Ave      | 35,166             |
| 11. Eldridge St- Midland Ave to Grace Church St          | 24,730             |
| 12. Clinton St/Soundview Ave- S. Regent St to William St | 35,145             |
| 13. Olivia St- S. Regent St to Spring St                 | 27,362             |
| 14. Upland St- King St to High Point in Roadway          | 35,000             |
| <b>Total</b>   | <b>286,400</b>     |

Port Chester  
2013 Paving

Abendroth Avenue – From Willett Avenue to New Pavement (29,360 sf)

Austin Place – From Hobart Avenue to Putnam Avenue (10,255 sf)

Clinton Street – From South Regent Street to Soundview Street (26,135 sf)

Eldridge Street – From Midland Avenue to Grace Church Street (24,730 sf)

Grace Church Street – From Sands Street to Midland Avenue (12,980 sf)

Hawley Avenue – From Munson Street to King Street (6,800 sf)

North Regent Street – From Irving Avenue to Westchester Avenue (14,372 sf)  
From Putnam Terrace to Glen Avenue (34,166 sf)

Olivia Street – From South Regent Street to Spring Street (27,362 sf)

Pilgrim Drive – From Quintard Drive to Greenwich Line (16,700 sf)

Poningo Street – From King Street to Parker Street (22,970 sf)

Upland Street – From King Street to High Point In Roadway (35,000 sf)

Soundview Avenue – From Clinton Street to William Street (9,010 sf)

Wesley Avenue – From Irving Avenue to Westchester Avenue (13,865 sf)  
From Irenhyl Avenue to Barton Place (10,705 sf)

Total sf = 294,410 sf

**EXTRACTS FROM MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK**

*(B - \$640,000 – Streets/Machinery & Apparatus, 15 years)*

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Hall, in the Village of Port Chester, New York, on \_\_\_\_\_, 2013 at \_:\_\_\_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Trustee \_\_\_\_\_ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee \_\_\_\_\_. The Board of Trustees of the Village was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with \_\_\_\_ negative votes and \_\_\_\_ votes absent.

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$640,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF (I) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO VILLAGE STREETS AND (II) THE ACQUISITION OF MACHINERY AND APPARATUS FOR CONSTRUCTION AND MAINTENANCE.**

**WHEREAS**, the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition, construction and reconstruction of improvements to Village streets (\$500,000) and (ii) the acquisition of machinery and apparatus for construction and maintenance (\$140,000), including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$640,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$640,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized

for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition, construction and reconstruction of improvements to Village streets, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$500,000 for which \$500,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 20(c) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of machinery and apparatus for construction and maintenance, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$140,000 for which \$140,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$790,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from (i) the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, and (ii) New York State grants in the estimated amount of \$150,000; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond

anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in

connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and

effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively

evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village"), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on \_\_\_\_\_, 2013, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees of the Village.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees of the Village who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_ day of \_\_\_\_\_, 2013.

**(SEAL)**

---

**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, has on the \_\_\_\_ day of \_\_\_\_\_, 2013, duly adopted, pursuant to the Local Finance Law of New York, a bond resolution which:

(1) authorizes the Board of Trustees of the Village to finance the costs of (i) the acquisition, construction and reconstruction of improvements to Village streets (\$500,000) and (ii) the acquisition of machinery and apparatus for construction and maintenance (\$140,000), and authorizes the issuance of up to \$640,000 aggregate principal amount of serial bonds of the Village to finance the costs of such purposes, and

(2) states the estimated maximum total costs of such acquisition, construction and reconstruction to be not in excess of \$790,000, states that such costs will be financed, in whole or in part, with the issuance of obligations authorized in such bond resolution and grants received by the State of New York and sets forth the plan of financing of the costs of such purposes, and

(3) determines the period of probable usefulness of the purposes to be fifteen (15) years, and

(4) determines that the maximum maturity of such serial bonds will be in excess of five (5) years, and

(5) delegates to the Village Treasurer the power to prescribe the terms, form and contents of such serial bonds and the power to authorize the issuance of, and the power to prescribe the terms, form and contents of, any bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and to issue, sell and deliver such serial bonds and such bond anticipation notes, and

(6) states that the validity of such serial bonds, or of such bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if (a) such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or (b) the provisions of law, which should have been complied with as of the date of publication of such bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Such bond resolution is subject to a permissive referendum under the provisions of Article 9 of the Village Law and petitions protesting against such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval may be filed with the Village Clerk at any time within thirty (30) days after the date of the adoption of such bond resolution.

By order of the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York.

Dated: \_\_\_\_\_, 2013

/s/ JANUSZ R. RICHARDS

**JANUSZ R. RICHARDS**

Village Clerk

Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
AFFIDAVIT AS TO POSTING**

**STATE OF NEW YORK** )  
 )**SS.:**  
**COUNTY OF WESTCHESTER** )

**JANUSZ R. RICHARDS**, being duly sworn, **DEPOSES AND SAYS:**

1. That she is the Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in County of Westchester.

2. On the \_\_\_ day of \_\_\_\_\_ 2013, he posted a form of Public Notice relative to the bond resolution relating to the financing of the costs of (i) the acquisition, construction and reconstruction of improvements to Village streets and (ii) the acquisition of machinery and apparatus for construction and maintenance adopted by the Board of Trustees of the Village on \_\_\_\_\_, 2013, a true copy of which is annexed hereto and made a part hereof, in the six (6) conspicuous places in the Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
CERTIFICATE OF NO PROTEST**

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, **HEREBY CERTIFY** as follows:

1. The Board of Trustees of the Village at a regular meeting thereof duly called and held on \_\_\_\_\_, 2013, adopted a bond resolution having the following title:

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE  
ISSUANCE OF UP TO \$640,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL  
FINANCE LAW, TO FINANCE THE COSTS OF (I) THE ACQUISITION,  
CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO  
VILLAGE STREETS AND (II) THE ACQUISITION OF MACHINERY AND  
APPARATUS FOR CONSTRUCTION AND MAINTENANCE.**

2. On and prior to the date hereof, no petition or petitions protesting such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval have been filed with the Village Clerk.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_\_ day of \_\_\_\_\_, 2013.

**(SEAL)**

\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, on \_\_\_\_\_, 2013. The effectiveness of such bond resolution was subject to a permissive referendum and notice thereof was given as prescribed by law. The period of time prescribed by law has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2013

/s/ JANUSZ R. RICHARDS  
\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**EXTRACTS FROM MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK**

*(A - \$775,000 – Various Purposes, 5 years)*

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Hall, in the Village of Port Chester, New York, on \_\_\_\_\_, 2013 at \_:\_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Trustee \_\_\_\_\_ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee \_\_\_\_\_. The Board of Trustees of the Village was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with \_\_\_\_ negative votes and \_\_\_\_ votes absent.

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$775,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF (I) THE ACQUISITION, OF MOTOR VEHICLES AND (II) THE ACQUISITION OF PARKING PAY STATIONS.**

**WHEREAS**, the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of (i) the acquisition of motor vehicles (\$175,000) and (ii) the acquisition of parking pay stations (\$600,000) in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$775,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$775,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized

for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of motor vehicles, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at an estimated maximum cost of \$175,000 for which \$175,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of parking pay stations, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$600,000 for which \$600,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 50 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$775,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from (i) the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of the serial bonds authorized herein shall not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond

anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in

connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and

effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively

evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This resolution shall be effective immediately upon its due adoption by the Board of Trustees of the Village.

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village"), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on \_\_\_\_\_, 2013, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees of the Village.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees of the Village who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_ day of \_\_\_\_\_, 2013.

(SEAL)

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**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, on \_\_\_\_\_, 2013. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2013

/s/ JANUSZ R. RICHARDS  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

## ***THE CRUISERS DIVISION*** ***(TCD)***

420 Mt. Pleasant Ave  
Mamaroneck, NY 10543  
(914) 381-7700  
(914) 381-5645 fax  
[gg@copcars.net](mailto:gg@copcars.net)

June 12, 2013.

Rocky Morabito  
Port Chester DPW  
350 North Main Street  
Port Chester, NY 10573  
[rmorabito@portchesterny.com](mailto:rmorabito@portchesterny.com)  
914-939-8076 fax

New Car:  
Westchester County Police Vehicle Contract #RFB-WC-308

2013 Chevy Impala 9C1 – Marked Black and White Impala's

Options  
Power Driver Seat  
Body Side Molding  
Trunk led Light Package  
Rubber Floor  
Rear door locks inop  
Rear window switches inop  
DS Spot Light  
Red White Dome Light  
Side Heated Mirrors  
Wig Wags  
Push Bar  
New Led's in Reverse and front bumper sides (Ion Surface Mount)  
New Grill Led's Linz6 RW RW  
Liberty Lighthbar with Cencom  
Speaker  
New Pro Cell Single Prisoner with Protection Bar  
Trunk Tray?  
New Console  
Havis C-SM-830  
C-SM-600  
C-SM-SA-1-HD  
MD-204  
DS-PAN-111 Dock  
LPS-104 Power Supply  
C-ARPB-101 Armrest with Printer Mount  
C-CUP-2-I  
MC-B AND MC 2 Each  
Install Customer Supplied 2 Way Radio  
Install Customer Supplied Computer Panasonic 31 with external AirCard  
Misc. Wiring accessories  
Supply Antenna cable and Mast  
Stripes and Lettering with New Color design

The Total For equipment and labor will be \$33,927.25

Respectfully Submitted:

Gary Gerstein



# VILLAGE OF PORT CHESTER

## OFFICE OF THE VILLAGE MANAGER

### MEMORANDUM

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TO: Mayor and Board of Trustees

FROM: Christopher Ameigh

THROUGH: Christopher D Steers

DATE: June 13, 2013

RE: Pay Station Conversion BID Funding

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#### **Budgeted Bond Amount for Project \$600,000**

**PROJECT SCOPE:** Currently the Draft proposal for a Bid specification for conversion of existing Parking Meters to Digital Pay Station Technology estimates. (see the attached Backup Document for Specific Locations)

- 38 Digital Pay and Display Meters to be installed.
- 369 Coin Operated Parking Meters to be removed.

**PROJECT COST:** The Village solicited a proposal from our previous pay station vendor for an estimate on unit pricing and installation costs. (see the attached Backup Document for Estimate).

| Cost         | With All Basic AC    | With All Solar      |
|--------------|----------------------|---------------------|
| Per Unit     | \$ 10,000.00         | \$ 13,784.20        |
| Modem        | \$ 595.00            | \$ 595.00           |
| Installation | \$ 250.00            | \$ 250.00           |
| Shipping     | \$ 500.00            | \$ 500.00           |
| Unit Count   | 43                   | 43                  |
| <b>Total</b> | <b>\$ 487,835.00</b> | <b>\$ 650,555.6</b> |

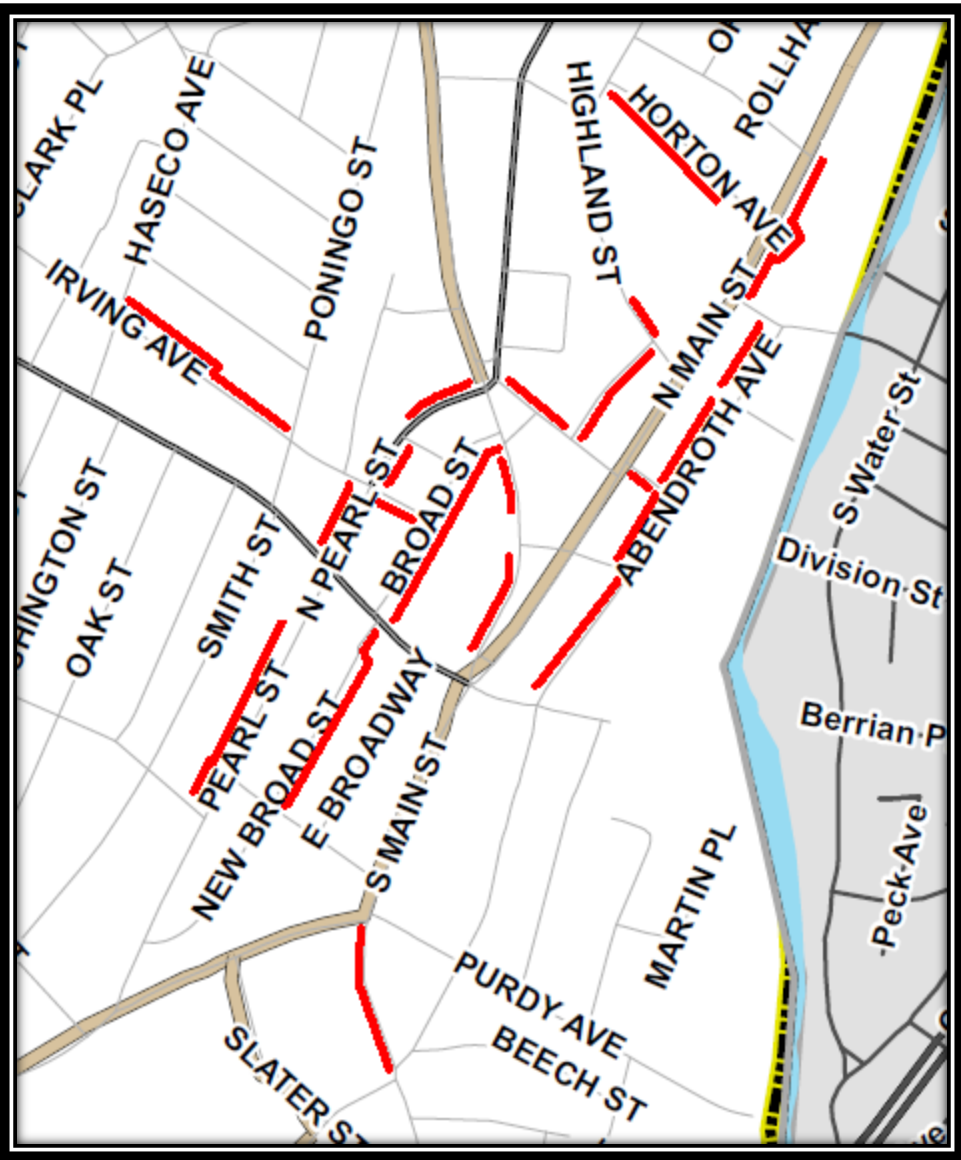
Solar Vs AC power will be worked out on a unit by unit basis depending on location. The unit count is also flexible depending on our desired standard for unit dispersement.

There will also be an expense for installing concrete pads for certain locations to use as anchors. This will be assessed as part of the Bid Specification. We may choose the option to install these pads ourselves or to contract depending on need and expense.

# Proposed Parking Pay Station Bid Locations

The following locations are not finalized but have been discussed and vetted by Staff for inclusion in the forthcoming Parking Meter Conversion Bid Specification

| Street Location        | Pay Stations to be installed | Coin Meters to be removed |
|------------------------|------------------------------|---------------------------|
| Grace Church Street    | 2                            | 18                        |
| North Pearl Street     | 3                            | 28                        |
| Lower Irving Avenue    | 1                            | 6                         |
| Broad Street           | 3                            | 35                        |
| King Street            | 1                            | 13                        |
| Pearl Street           | 2                            | 15                        |
| New Broad Street       | 2                            | 22                        |
| Willet Avenue          | 1                            | 10                        |
| Highland Street        | 1                            | 10                        |
| Marvin Lot             | 2                            | 44                        |
| Upper Irving Avenue    | 4                            | 36                        |
| Horton Avenue          | 2                            | 23                        |
| N. Main Street         | 2                            | 21                        |
| Lower Abendroth Avenue | 3                            | 29                        |
| Lower King Street      | 3                            | 23                        |
| Upper Abendroth Avenue | 6                            | 50                        |
| Lower Willet Avenue    | 1                            | 6                         |
| Upper N. Main Street   | 4                            | 39                        |
| <b>Totals</b>          | <b>43</b>                    | <b>428</b>                |



## Grace Church Street Locations

### Grace Church St.

- 2 Pay Stations
- 18 Coin Operated Meters Replaced



## Upper Pearl and Broad Locations

### N. Pearl St.

- 3 Pay Stations
- 28 Coin Operated Meters Replaced

### Irving Ave.

- 1 Pay Station
- 6 Coin Operated Meters Replaced

### Broad St.

- 3 Pay Stations
- 35 Coin Operated Meters Replaced

### King St.

- 1 Pay Station
- 13 Coin Operated Meters Replaced



# Lower Pearl Street and New Broad Street Locations

## Pearl St.

- 2 Pay Stations
- 15 Coin Operated Meters Replaced

## New Broad St.

- 2 Pay Stations
- 22 Coin Operated Meters Replaced



## Lower Willet Avenue and Highland Street Locations

### Willet Ave.

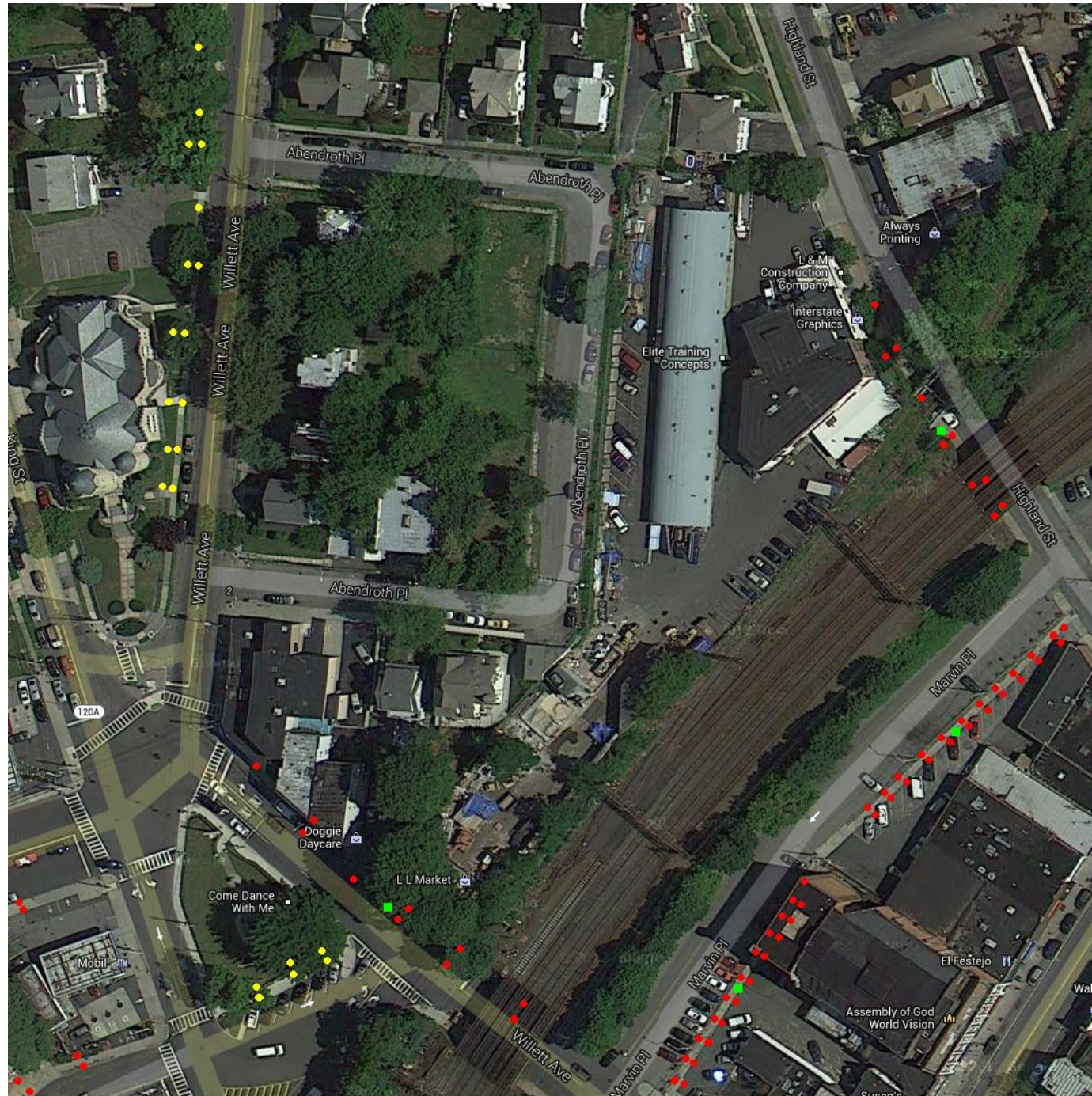
- 1 Pay Station
- 10 Coin Operated Meters Replaced

### Highland St.

- 1 Pay Station
- 10 Coin Operated Meters Replaced

### Marvin Lot

- 2 Pay Stations
- 44 Coin Operated Meters Replaced



## Irving Avenue Locations

### Irving Ave.

- 4 Pay Stations
- 36 Coin Operated Meters Replaced



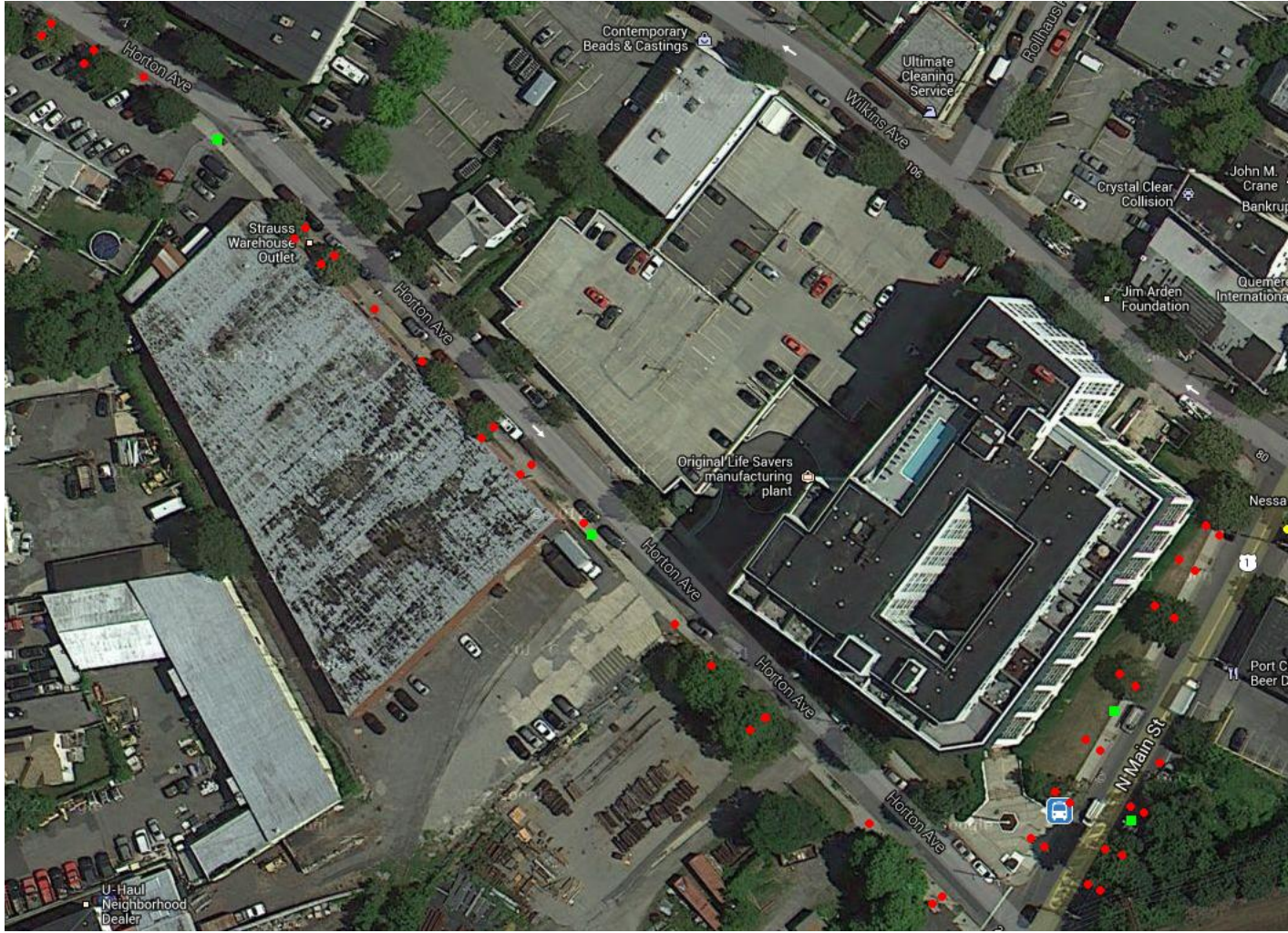
# Horton and Landmark Square Locations

## Horton Ave.

- 2 Pay Station
- 23 Coin Operated Meters Replaced

## N. Main St.

- 2 Pay Stations
- 21 Coin Operated Meters Replaced



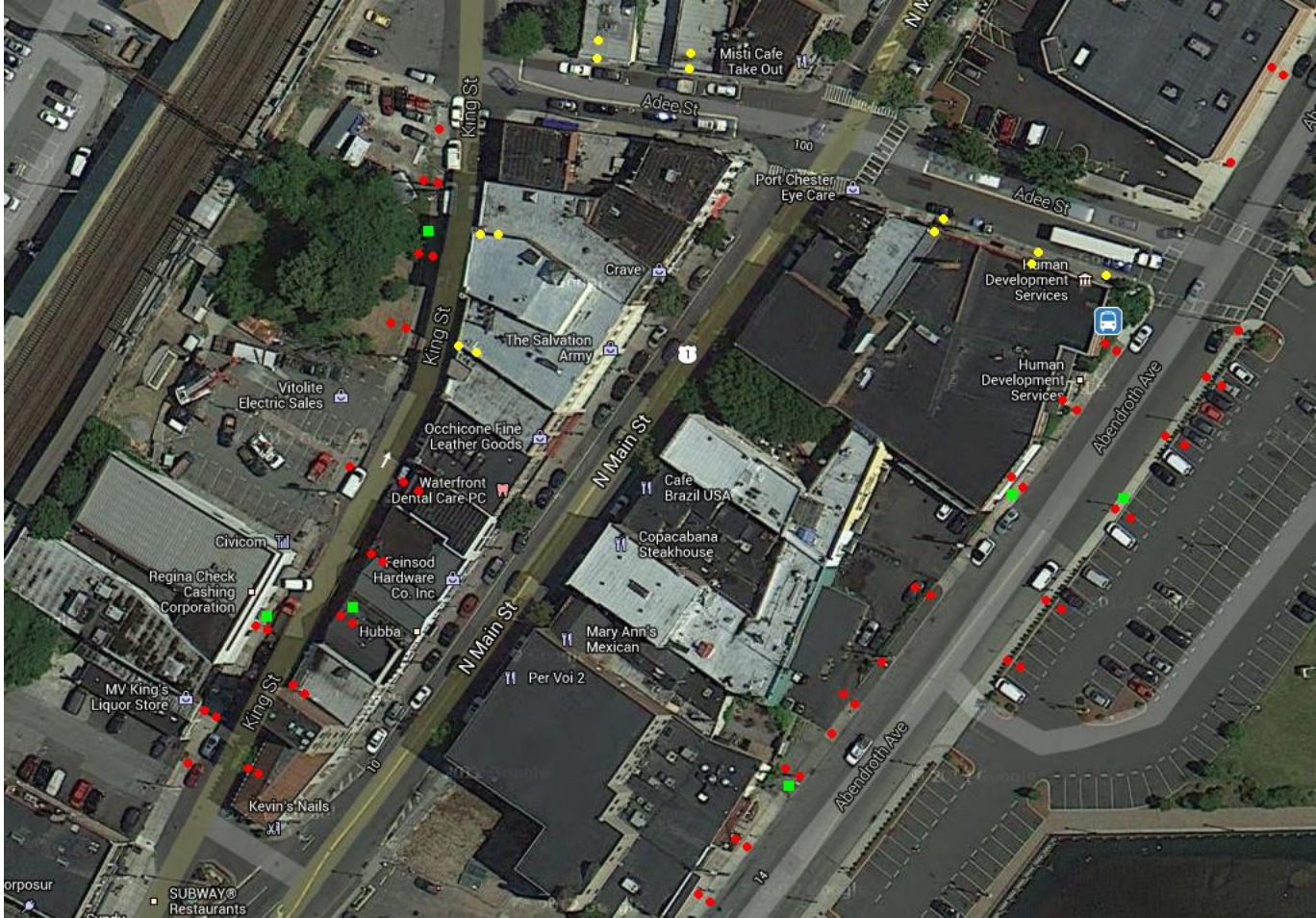
# Lower Abendroth and King Street Locations

## Abendroth Ave.

- 3 Pay Stations
- 29 Coin Operated Meters Replaced

## King St.

- 3 Pay Stations
- 23 Coin Operated Meters Replaced



# Upper Abendroth Locations

## Abendroth Ave.

- 6 Pay Stations
- 50 Coin Operated Meters replaced

## Willett Ave.

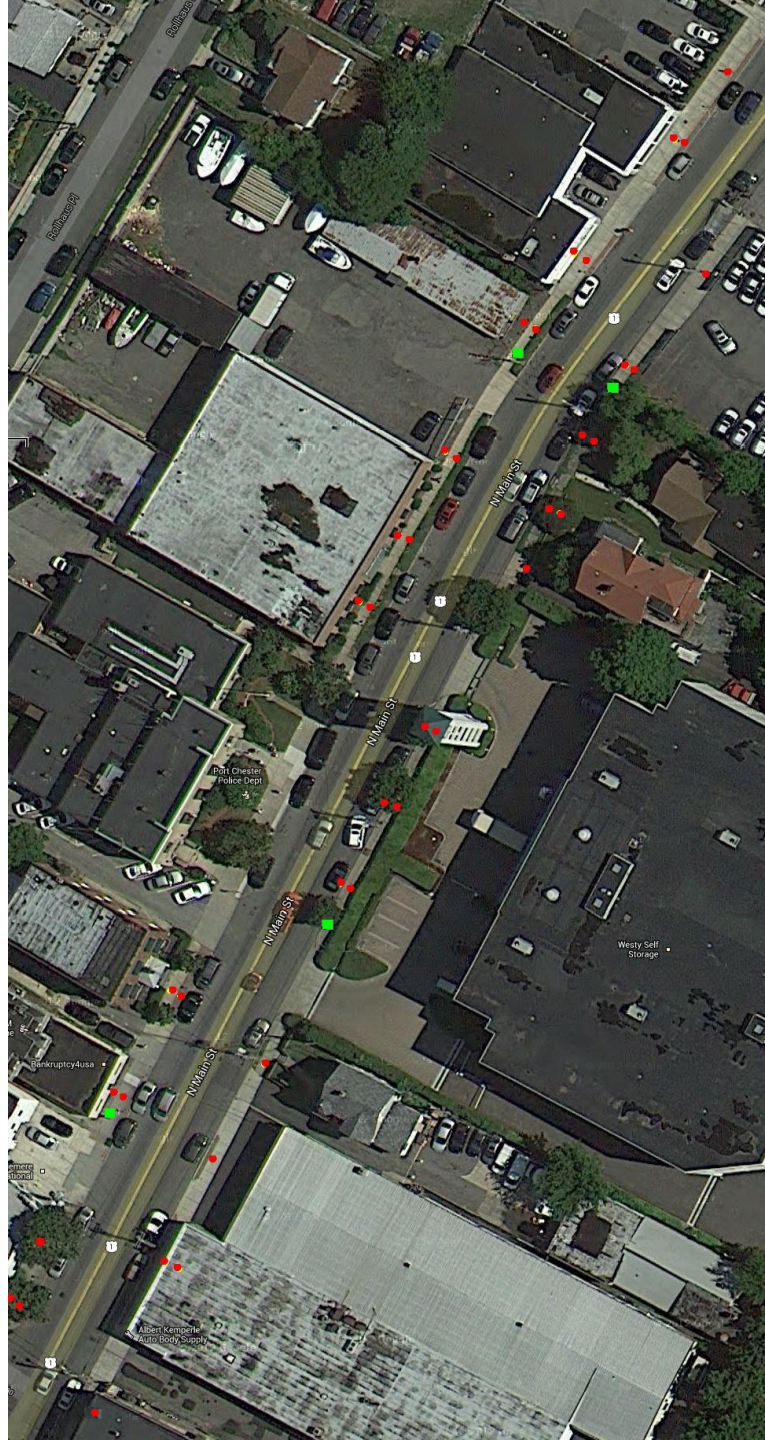
- 1 Pay Station
- 6 Coin Operated Meters Replaced

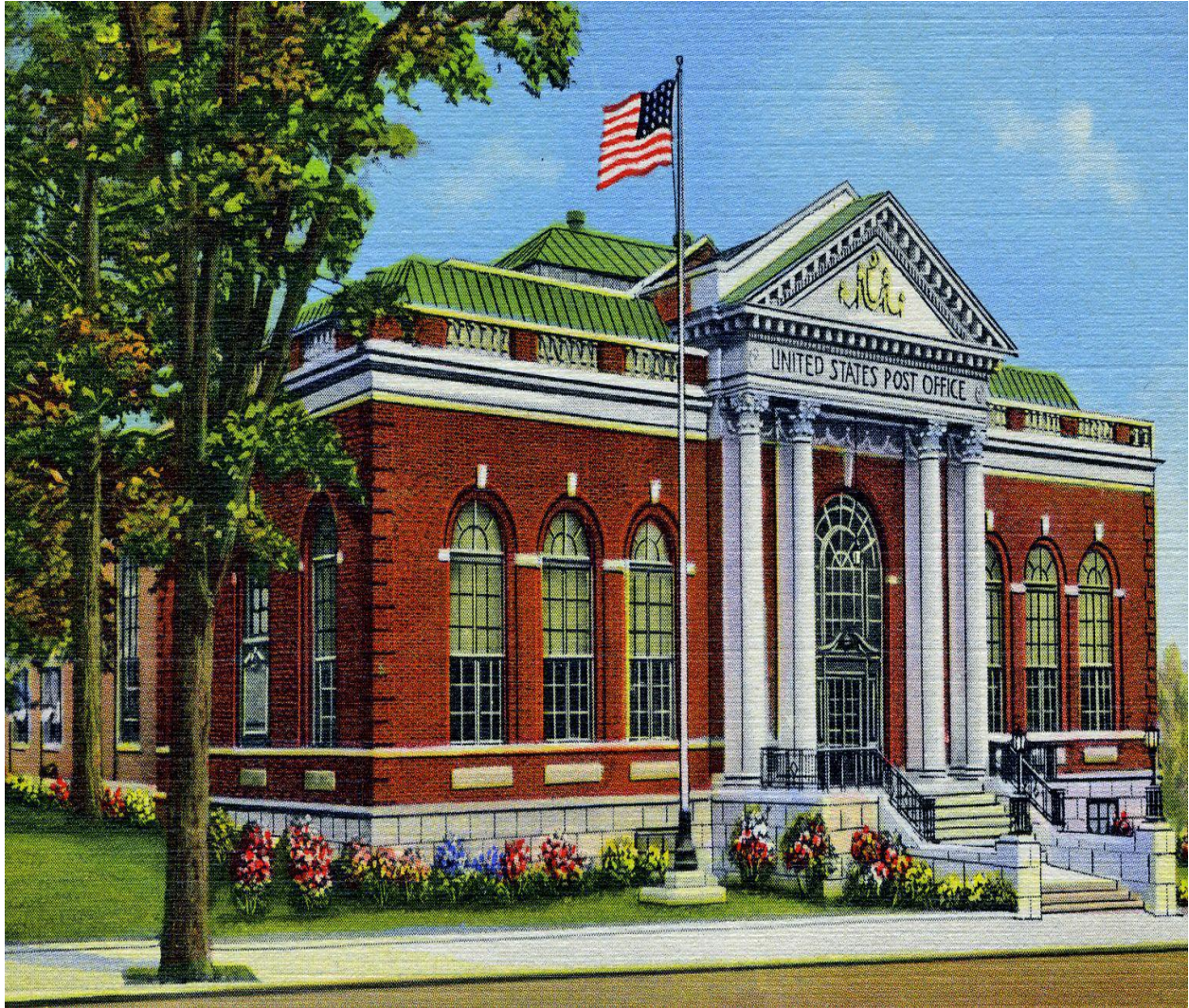


# Upper N. Main Street Locations

## N. Main st.

- 4 Pay Stations
- 39 Coin Operated Meters replaced

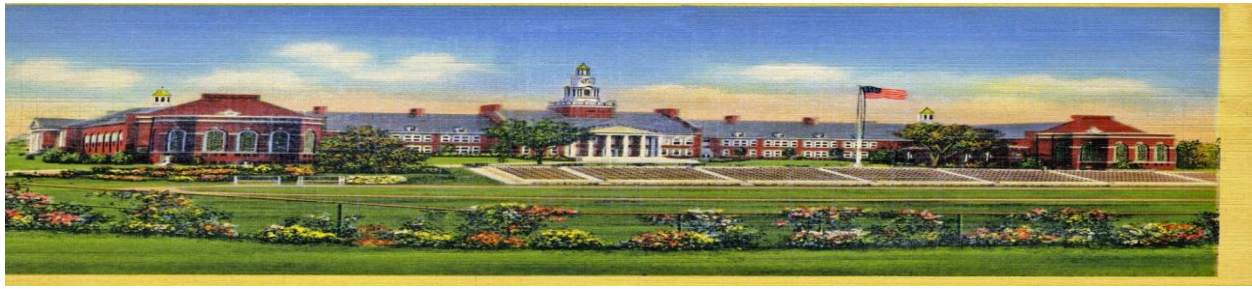




# Village of Port Chester, NY

Presented By:





## Realizing the Benefits of Pay-by-Space Metered Technology

As creatures of habit, we migrate to the old not the new. We're slow to adopt advanced technologies readily, even if these technologies replace the old with the new and bring with them a host of benefits.

Across the country, city officials are faced with problem of how to seamlessly transition from a proven, but outdated, parking meter solution to an advanced technology that offers improved payment options, streamlines parking operations and revenue, and keeps the parking faithful? The answers lay in finding an equitable solution that benefited all parties. For most cities, that means a switch from the time-honored single space meters to modern technology that embraced multi-space metering in a now deeply entrenched digital era. For the parker, that meant flexible payment options that yielded an array of service. Enter Digital Payment Technologies (DPT), which stepped in to offer its multi-space on-street LUKE parking meter.

### Why Multi-Space?

#### 1. Cost effectiveness

Single-space meters that accept credit cards are prohibitively expensive.

#### 2. Reduce maintenance

Multi-space units help to reduce maintenance on a per meter basis; single-space multi-payment meters do not.

#### 3. Ease of implementation

Multi-space meter technology is easier to administer than other options such as in-car meters that require a distribution system for purchasing and reloading the devices. Likewise, multi-space meters, as opposed to in-car meters, do not present a great learning curve challenge to use.

#### 4. Reduce downtime

Fewer meters require less time to service when problems occur.

#### 5. Increase payment Options

Multi-space meters provide a wider range of payment options, thus allowing rate increases to keep up with cost increases due to labor, maintenance, and supplies.

#### 6. Increase revenue

As parkers can no longer receive free parking if a single-space meter breaks down. Multi-space meters are networked so that even if one meter stops working, parkers are still required to pay at any other on-street meter.



## Winning over the Public

Municipalities should embark on a multi-pronged public relations campaign to woo the public to adopt the new meters. Distribute informational brochures to business associations to disseminate to parkers in the area. Have parking staff train public service ambassadors, employees of the municipality or business associations who assist people with directions, to use the LUKE meters and to distribute informational brochures to the public. Have staff ready to assist the public at the meters soon after implementation. Extended PR reaches beyond the parking perimeter by leveraging digital and broadcast media—cable TV and the internet. As the first meters roll out, hold a press conference to draw attention to the technology and how intuitive it is to use. Signage is key to enhance visibility and educate on correct use.

## All meters require regular maintenance

Multi-space meter technology requires regular maintenance particularly in cold or humid/damp environments. The better maintained and cleaned the meters are, the less likely they will jam or malfunction.

## A public education plan is vital

Even with all of the concerted PR efforts made to educate the public on using its smart meters, there will still be issues raised about how or where to pay.

## Have patience

Any new system will have problems that could not be anticipated, and the users will have a learning curve to overcome. Parkers will voice complaints simply because of the change. Patience is needed to overcome this initial period. There's no doubt smart technology trumps outdated operations, bringing with it a host of benefits, financial and operational. The sooner multi-space parking technology is adopted, the quicker the benefits can accrue and trickle down to the end user – the parker.

## About Digital Payment Technologies

Digital Payment Technologies (DPT) is an innovative leader in the design, manufacture and distribution of multi-space parking meters, parking management software, and online services for the North American parking industry. The company's products provide complete financial tracking, control and reporting for parking revenue collected by municipalities, universities, parking management companies, and national parks, from customer payment through to bank deposit.

### **Digital Payment Technologies**

4105 Grandview Highway  
Burnaby, BC  
V5C 6B4  
888.687.6822 | [digitalpaytech.com](http://digitalpaytech.com)

## About CTRNY

Cincinnati Time Recorder (CTRNY) has been selling, installing, and servicing parking control and time and attendance solutions for over 63 years. CTRNY's parking division offers a wide range of products and services, anything from vehicle barrier gates to revenue based parking control solutions. Since we are not limited to proprietary product lines, we can hand pick, stylize and dovetail unique solutions and tailor them to a perfect-fit for your specific needs. At CTR, we see ourselves as unique in crafting perfect client solutions.

### **CTRNY**

907 Broadway  
New York, NY 10010  
800.777.5226 | [www.ctrny.com](http://www.ctrny.com)

## Luke Pay Station with Solar Power

| Part Number      | Description                                       | Quantity | Unit Price   | Extended     |
|------------------|---|----------|--------------|--------------|
| <b>900.0001</b>  | LUKEII-100A                                       | 64       | \$ 13,784.20 | \$882,188.80 |
|                  | 38K-Solar-CBCx-x-P                                |          |              |              |
|                  | Includes:   |          |              |              |
|                  | 38-Key Keypad                                     |          |              |              |
|                  | Slimline Solar Panel                              |          |              |              |
|                  | Coin Acceptor, Bill Validator, Credit Card Reader |          |              |              |
|                  | 2in Thermal Printer                               |          |              |              |
|                  | P-Label, set of 2                                 |          |              |              |
|                  | CDMA installation Kit                             |          |              |              |
| <b>900.CDMA</b>  | CDMA Data Modem (Verizon)                         | 64       | \$ 595.00    | \$ 38,080.00 |
| <b>000.LABOR</b> | Luke II Installation and Training (Per Machine)   | 64       | \$ 250.00    | \$ 16,000.00 |
| <b>SH</b>        | Shipping & Handling                               | 64       | \$ 500.00    | \$ 32,000.00 |

**Total System Investment: \$ 968,268.80**

Includes the following configuration options:

-Accepts Credit Cards

-Accepts Coins

-Solar Powered Operation

-Accepts Bills

-Wireless CDMA Modems (Verizon)

-This unit is **NOT** capable of dispensing change

## Spare Parts

| Part Number     | Description                    | Quantity | Unit Price | Extended     |
|-----------------|--------------------------------|----------|------------|--------------|
| <b>450.0018</b> | Key Green Ext Access-L/S       | 2        | \$ 25.00   | \$ 50.00     |
| <b>450.0019</b> | Key Yellow Ext Access-L/S      | 1        | \$ 25.00   | \$ 25.00     |
| <b>450.0033</b> | Key-Bill Stacker Access-L2     | 2        | \$ 25.00   | \$ 50.00     |
| <b>450.0006</b> | Key-Access Hopper/Canister Lid | 2        | \$ 10.00   | \$ 10.00     |
| <b>115.0108</b> | Coin Canister Box Assembly-L2  | 64       | \$ 600.00  | \$ 38,400.00 |
| <b>115.0132</b> | 1000 Note Bill Stacker w/lock  | 64       | \$ 485.00  | \$ 31,040.00 |
| <b>880.1028</b> | USB Data Key-L/S               | 1        | \$ 65.00   | \$ 65.00     |

**Spare Parts Total: \$ 69,640.00**

## EMS Services

| Part Number | Description   | Quantity | Monthly Price | Extended Monthly Price |
|-------------|---|----------|---------------|------------------------|
| EMS.Silver  | *EMS Silver Package (Basic + Real Time Credit Card Processing, Real Time Reporting, and Real Time Alarming & Monitoring)<br>-Per Pay Station -Per Month | 64       | \$ 75.00      | \$ 4,800.00            |

\*EMS Silver Package – Basic +3 features (\$75.00/unit/month)

-Remote Configuration

-Batch Credit Card Processing

-Stall Data

\*Requires EMS Agreement to be signed directly with Digital Payment Technologies, Inc.

## Maintenance Contracts

| Part Number | Description   | Quantity | Unit Price | Extended    |
|-------------|---|----------|------------|-------------|
| 000.Depot   | Yearly maintenance for Luke Pay Stations w/Digital (Depot Service Only)<br>-Per Pay Station, Per Year | 64       | \$ 565.00  | \$36,160.00 |
| 000.Onsite  | Yearly maintenance for Luke Pay Stations (Onsite Labor Only)<br>-Per Pay Station, Per Year            | 64       | \$ 400.00  | \$25,600.00 |

## WARRANTY

Prices quoted include a one (1) year warranty on the equipment for both parts and labor.

## DELIVERY

All equipment is shipped F.O.B. shipping point and subject to local sales tax if applicable. Please allow a minimum of eight to twelve weeks from the date of Digital Payments acceptance of order.

## **CTRNY Installation includes:**

1. Mounting and connecting all Luke Pay Stations on existing appropriate surface. (Mounting surface is the responsibility of the purchaser and must be in acceptable condition.)
2. All final connections.
3. Initial setup and programming of Rate Structures.
4. End user training for municipal employees, PEO's, Maintenance, PR representatives, etc.

Note: In order to perform the installation the following work is to be performed by others:

1. Supply 120 VAC, 20 AMP dedicated circuit to the pedestal of each Luke Pay Station.
2. Furnish all concrete islands or pads necessary for the proper installation of the equipment.
3. Supply and install any stanchions necessary for the protection of the equipment (if necessary)
4. All permits, variances and licensing fees are the responsibility of the purchaser.

## **ASSUMPTIONS:**

**(1):** *Prices quoted are for the installation of the equipment listed in this Proposal only. All concrete pads, electrical work, conduits and communication lines (if necessary) required, are to be provided and installed by others.*

**(2):** *Purchaser is obligated to provide appropriate computer hardware for software installation (if applicable).*

*Purchaser also must supply a TCPIP connection for online support*

**(3):** *All permits, variances and licensing fees are the responsibility of the purchaser.*

**(4):** *Any additional site related work, can be quoted at an additional cost to the customer on an as needed basis.*

**EXTRACTS FROM MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK**

*(C-\$300,000 – Building Improvements, 25 years)*

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Hall, in the Village of Port Chester, New York, on \_\_\_\_\_, 2013 at \_:\_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Trustee \_\_\_\_\_ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee \_\_\_\_\_. The Board of Trustees of the Village was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with \_\_\_\_ negative votes and \_\_\_\_ votes absent.

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$300,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO VILLAGE BUILDINGS.**

**WHEREAS**, the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to Village buildings, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$300,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$300,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of improvements to Village buildings, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (collectively, the “Project”).

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$300,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board

of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is an object or purpose, or of a class of object or purpose, as described in subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty-five (25) years (such buildings being of “Class A” construction as that term is defined in Section 11.00 of the Local Finance Law). The serial bonds authorized herein shall have a maximum maturity of twenty-five (25) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The

Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project

financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the “Rule”) promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village’s continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the “Commitment”) to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement

made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village"), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on \_\_\_\_\_, 2013, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees of the Village.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees of the Village who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_ day of \_\_\_\_\_, 2013.

**(SEAL)**

---

**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, has on the \_\_\_\_ day of \_\_\_\_\_, 2013, duly adopted, pursuant to the Local Finance Law of New York, a bond resolution which:

(1) authorizes the Board of Trustees of the Village to finance the costs of the acquisition, construction and reconstruction of improvements to Village buildings, and authorizes the issuance of up to \$300,000 aggregate principal amount of serial bonds of the Village to finance the costs of such purpose, and

(2) states the estimated maximum total costs of such acquisition, construction and reconstruction to be not in excess of \$300,000, states that such costs will be financed, in whole or in part, with the issuance of obligations authorized in such bond resolution and sets forth the plan of financing of the costs of such purpose, and

(3) determines the period of probable usefulness of the purpose to be twenty-five (25) years, and

(4) determines that the maximum maturity of such serial bonds will be in excess of five (5) years, and

(5) delegates to the Village Treasurer the power to prescribe the terms, form and contents of such serial bonds and the power to authorize the issuance of, and the power to prescribe the terms, form and contents of, any bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and to issue, sell and deliver such serial bonds and such bond anticipation notes, and

(6) states that the validity of such serial bonds, or of such bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if (a) such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or (b) the provisions of law, which should have been complied with as of the date of publication of such bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Such bond resolution is subject to a permissive referendum under the provisions of Article 9 of the Village Law and petitions protesting against such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval may be filed with the Village Clerk at any time within thirty (30) days after the date of the adoption of such bond resolution.

By order of the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York.

Dated: \_\_\_\_\_, 2013

/s/ JANUSZ R. RICHARDS

**JANUSZ R. RICHARDS**

Village Clerk

Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
AFFIDAVIT AS TO POSTING**

**STATE OF NEW YORK** )  
 )**SS.:**  
**COUNTY OF WESTCHESTER** )

**JANUSZ R. RICHARDS**, being duly sworn, **DEPOSES AND SAYS:**

1. That she is the Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in County of Westchester.

2. On the \_\_\_ day of \_\_\_\_\_, 2013, he posted a form of Public Notice relative to the bond resolution relating to the financing of the costs of the acquisition, construction and reconstruction of improvements to Village buildings, adopted by the Board of Trustees of the Village on \_\_\_\_\_, 2013, a true copy of which is annexed hereto and made a part hereof, in the six (6) conspicuous places in the Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
CERTIFICATE OF NO PROTEST**

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, **HEREBY CERTIFY** as follows:

1. The Board of Trustees of the Village at a regular meeting thereof duly called and held on \_\_\_\_\_, 2013, adopted a bond resolution having the following title:

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE  
ISSUANCE OF UP TO \$300,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL  
FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION,  
CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO  
VILLAGE BUILDINGS.**

2. On and prior to the date hereof, no petition or petitions protesting such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval have been filed with the Village Clerk.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_ day of \_\_\_\_\_, 2013.

(SEAL)

\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, on \_\_\_\_\_, 2013. The effectiveness of such bond resolution was subject to a permissive referendum and notice thereof was given as prescribed by law. The period of time prescribed by law has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2013

/s/ JANUSZ R. RICHARDS

**JANUSZ R. RICHARDS**

Village Clerk

Village of Port Chester, New York



LOCATION PLAN



**POLICE STATION DRAINAGE**  
 VILLAGE OF FORT CHERTER  
 WESTCHESTER COUNTY, NEW YORK

DATE: 02/27/2022  
 TIME: 10:00 AM  
 PROJECT: POLICE STATION DRAINAGE  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]

1/1



49 North Macquesten Parkway  
Mount Vernon, NY 10550.  
Office: (914)-668-3513  
Fax: (914)-380-6437  
Mobile: (914)-906-3629

**E-mail:santos.restoration@yahoo.com.**

**COMPANY LICENSE**

License # WC-WC-17822-H06  
NYC IBM # 20244  
GAF Roofing License Number # AU09434

**INSURANCE POLICY**

Liability Insurance Policy # MPV87015  
Workers' Compensation Insurance Policy # WCV87015  
Disability # DBL 561811- 4  
Liability Umbrella Policy Number CXG2900598  
Liability covers \$2,000,000  
Liability Umbrella covers \$5,000,000

**PROPOSED CONTRACT MANUAL**

**Project # S-C 2013 – 00437**

**Date:** April 29, 2013

**Attn:** Dolph Rotfeld  
222 Grace Church Street.  
Port Chester, N.Y. 10573.

**Job Site:** 350 Main Street  
Port Chester, N.Y. 10573.

**Inspection:**

A site inspection was preformed of the police Station property listed on April 15, 2013 to review façade conditions and masonry assemblies. This was prompted by the recent report of deteriorating masonry conditions and interior leaks from the Port Chester Building Department. Present at the inspection were

Mr. Dolph Rotfeld - Dolph Rotfeld Engineering P.C.  
Mr. Joseph Krzeminski-Chief of Port Chest Police.  
Mr. Claudio Santos – Santos Restoration Inc.  
Mr. Darius Toraby - Darius Toraby Architects P.C.  
Mr. Andrew Foord –Darius Toraby Architects P.C.

**Findings:**

Brick masonry exhibiting washed out mortar joints at the South and East Facade were directly below the pre-cast parapet stones. The pre-cast concrete decorative parapets stones have locally displace and /or deteriorated along the South Façade. One of the pre-cast elements on the North Facade is crumbling at the Third Floor. The Steel lintels at the window and door opening have been caulked against the adjacent masonry trapping water at the junction between the lintels and bricks above, contributing to interior leaks and water damage.

**Recommendation:**

**Masonry Probe # 1:**

Removal of the brick veneers at the probe opening at the South Facade is recommended to access the conditions of the brick and backup block. This probe should be at least 2'X2' directly below a joint in the pre-cast elements. Care should be taken to insure the stone elements are not disturbed, and subsequent shoring is to be install to prevent further shifting while this probe is open.

**Masonry Probe # 2:**

A second probe should be made at the crumbling pre-cast stone at the North Facade to determine its composition, anchorage, and conditions causing its disintegration. This removal can be accomplished from roof level.

**Note:**

Upon review of the probe result appropriate repairs and waterproofing detailed can be provided for the contract price. We are grateful for this opportunity to be of service.

*Clarify  
details of  
what is  
meant*

**Total cost for the three probe mention in the above proposed work = \$3,200.00**

**CONTRACT PROPOSAL:**

- All necessary materials will be provided by Santos Restoration.
- Santos Restoration will provide liability insurance from the beginning of the job through its completion.
- Santos Restoration will also provide Workers Compensation for our employees for the service provided in its entirety.
- All work will be done by Santos Restoration workers.
- Santos Restoration will cordon off the work area to ensure safety of pedestrians.

**CLEANING UP:**

The contractors will, at all times, keep the premises free from accumulation of debris and rubbish and if necessary clean daily.

The contractor shall remove from the premises all debris, rubbish, equipment, and surplus materials and shall leave the building and property broom clean or its equivalent on a daily basis.

**WORK SCHEDULE:**

All of the work will be performed during standard working hours (8:00 am to 5:00 pm) Monday through Friday, unless otherwise agreed upon by Owner.

**Contract Agreement**



**Contractor:**  
Santos Restoration Inc.

Date: 4/29/2013

\_\_\_\_\_  
Dolph Rotfeld

Date:    /   /   

**Thank you for business!!!!**

**CLIENT:**

Attn: Daniel A. Peluso  
Company: Village of Port Chester  
Street: 222 Grace Church Street  
  
City, St, Zip: Port Chester , NY 10573  
Phone: (914)939-5200  
Fax:

**WORK TO BE PERFORMED AT:**

Site: Lead Decon  
Company: Port Chester Police Department  
Street: 350 North Main Street  
City, St, Zip: Port Chester , NY 10573  
Site Contact: Daniel A. Peluso  
Phone: (914)939-5200

**BID NAME:** Lead Decon  
**DATE:** May 20, 2013  
**BID NO:** 13NCDB0089  
**PAGE 1 OF 2**

Dear Mr. Peluso,

Moran Environmental Recovery (MER) appreciates this opportunity to be of service. MER is a specialized provider of integrated environmental and industrial services. Below is the scope of work and pricing for the services requested.

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**SCOPE OF WORK:**

- MER to provide Labor, Equipment and materials to remove Lead, Brass and plastic from catch pit at end of shooting range. Remove all loose Lead Paint within shooting range. Hepa Vac entire work area. Use a spray allied Lead lock down throughout work area. All waste is put into 17H drums and taken off site for disposal. All movable items will be removed by others from work area.

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**PROJECT PRICING:**

- |  |                |
|--|----------------|
| • Labor, Material & Equipment                              | \$5,300.00     |
| • Hazardous Waste Lead Disposal                            | \$ 280.00/55DM |
| • Transportation of Drums to an approved disposal facility | \$ 450.00/load |

**Special Note:** This proposal includes fuel costs based on the average published cost of fuel as of the BID DATE. In accordance with the ENERGY SURCHARGE terms on page 2, additional fuel surcharges may apply when the work is performed.

**TERMS AND CONDITIONS:**

|   |                                |                                     |  |                                       |
|---|--------------------------------|-------------------------------------|--|---------------------------------------|
| <b>Payment Terms:</b>   | <input type="checkbox"/> C.O.D | <input type="checkbox"/> 1% 10 Days | <input checked="" type="checkbox"/> NET 30 | <input type="checkbox"/> Other: _____ |
| Visa, MasterCard & American Express payments accepted.<br>Payments not made by due date will be subject to 1.5% monthly late fee.<br>This proposal may be withdrawn if not accepted within 30 days. |                                |                                     |  |                                       |

- **SITE CONDITIONS:** MER will have free and clear access to the site and where applicable, Owner will supply a constant and sufficient source of running water and electricity to perform the project. Work to be performed in accordance with all local, state and federal regulations. This proposal is contingent upon strikes, accidents, or other delays beyond our control.
- **MINIMUM CHARGE:** All services performed by MER are subject to a \$1,000 Minimum Charge.
- **TAXES:** All applicable Federal, State, or Local taxes and/or surcharges will be included at time of invoice. Tax-exempt entities must provide proof of tax-exempt status prior to execution of the proposed work.
- **CHANGE ORDERS:** Work to be performed in accordance with all written drawing and specifications referenced above. Any deviation from those specifications will be executed only upon receipt of written orders and may result in additional charges.
- **WASTE DISPOSAL:** Disposal pricing is based upon generator information, off specification charges may apply if upon receipt at the disposal facility the material to be disposed of differs from what has been quoted. If applicable, Federal, State or local waste disposal taxes and/or surcharges will be added to the invoice.
- **ENERGY SURCHARGE:** The cost of fuel is included in Equipment Rates for all "fuel driven equipment" based on the posted price of diesel at the time of this proposal. An additional Fuel Surcharge may be assessed at the time the work is performed based on changes in the cost of fuel as reported on the Weekly US Average On-Highway Diesel Price published by the US Department of Energy at <http://tonto.eia.doc.gov/oog/info/wohdp/diesel.asp>. Any Fuel Surcharges will be established and applied on a monthly basis as appropriate for the period the work is executed.

To authorize the performance of this proposal, please execute the "Proposal Acceptance" below and return to the attention of Doug Brittingham. If you have any questions regarding this quotation or would like further information on our services, please feel free to call me at 203-270-0095. In the event that I cannot be reached, please contact our office at 203-270-0095 and ask for assistance.

Sincerely,

*Doug Brittingham*

Doug Brittingham  
 Sr. Account Manager

**PROPOSAL ACCEPTANCE:**

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**CUSTOMER:**

The above prices and conditions are satisfactory and are hereby accepted. MER is authorized to perform the work as proposed. The person signing below is doing so as a duly authorized Representative of Customer.

Signature: \_\_\_\_\_ Name: \_\_\_\_\_  
Date: \_\_\_\_\_ Title: \_\_\_\_\_  
PO Number \_\_\_\_\_

This proposal when executed represents a legal and binding Contract.

## Steers, Christopher

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**From:** Brancati, Edward  
**Sent:** Tuesday, June 04, 2013 9:14 AM  
**To:** Steers, Christopher  
**Cc:** John Mccarthy; Morabito, Rocky (DPW); Telesca, John  
**Subject:** FW: PESH Violations PD

fyi

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**From:** Velardo, Steven  
**Sent:** Monday, June 03, 2013 5:29 PM  
**To:** Brancati, Edward  
**Cc:** Miley, Peter  
**Subject:** PESH Violations PD

Good afternoon ED,

The following is an update on the progress of work completed to remedy PESH Violations in regards to: Inspection # 315100677 that was performed on 3/12/2013.

Completed Work As of 6/3/2013:

- Citation 1 Item 2 (B) Exit Signs Detective Bureau
- Citation 1 Item 4 (A) Exit Sign Rear Hall (removed not active exit)
- Citation 1 Item 4 (B) Exit Signs Detective Bureau
- Citation 1 Item 5 (A) Fire Extinguisher Garage
- Citation 1 Item 5 (B) Fire Extinguisher DWI Room
- Citation 1 Item 6 (A) Fire Extinguisher Near Elevator Room
- Citation 1 Item 7 (A) Three Outlets Basement
- Citation 1 Item 9 (A) GFI Outlet Locker room Bathroom
- Citation 1 Item 10 (A) Electrical Junction Box Kitchen
- Citation 1 Item 11 (A) Outlet Faceplate Detective Bureau
- Citation 1 Item 11 (B) Outlet Faceplate Hallway
- Citation 1 Item 12 (A) Lamp Socket Kitchen
- Citation 1 Item 12 (b) Lamp Socket Boiler Area

Thank You,  
Steve Velardo

New York State Department of Labor  
Public Employee Safety and Health Bureau  
120 Bloomingdale Road - Room 255

White Plains, NY 10605  
Phone: (914)997-9514 FAX: (914)997-9528



## Notice of Violation and Order to Comply

To:  
Attn: Mayor  
Village of Port Chester  
222 Grace Church St  
Port Chester, NY 10573

Inspection Number: 315100677  
Inspection Date(s): 03/12/2013 -  
Issuance Date: 05/08/2013  
CSHO ID: E2033

Inspection Site:  
Port Chester Vill PD  
350 N Main St  
Port Chester, NY 10573

*The violation(s) described in this Notice of Violation and Order to Comply is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 12 NYCRR Part 65 et seq and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals at their website: [www.labor.state.ny.us/iba](http://www.labor.state.ny.us/iba).

**Posting** - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

**Penalty Assessment** - An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

**Informal Conference** - If an informal conference is requested, it must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the PESH district office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (DOSH-907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within twenty (20) working days (excluding weekends and State holidays) from the posting of this Notice.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained, so far as possible, in a dry condition:

a) Port Chester Vill PD - A floor in a boiler room adjacent to an elevator room was covered with one inch of standing water exposing employees to different types of hazards from slip on a wet floor to electrocution when maintenance staff are performing tasks including but not limited to service a boiler or to access an elevator shaft.

Date By Which Violation Must be Abated: 07/15/2013

**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.37(a)(4) Safeguard(s) designed to protect employees during an emergency, including but not limited to sprinkler systems, alarm systems, fire doors, and exit lighting were not in proper working order at all times:

a) Port Chester Vill PD - The Employer did not post signs along the exit access indicating the direction of travel to the nearest exit and exit discharge which are not immediately apparent at the basement, exposing employees to fire hazards while performing tasks including but not limited to their regularly assigned duties. The line-of-sight must be visible at all times.

b) Port Chester Vill PD - The Employer did not post signs along the exit access indicating the direction of travel to the nearest exit and exit discharge which are not immediately apparent at the Detective Bureau, exposing employees to fire hazards while performing tasks including but not limited to their regularly assigned duties. The line-of-sight must be visible at all times.

Date By Which Violation Must be Abated: 06/24/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

**Establishment:** Port Chester Vill PD  
**Inspection Site:** 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.37(b)(1) Exit route(s) were not adequately lighted so that an employee with normal vision can see along the exit route:

a) Port Chester Vill PD - An evidence room does not have lighting so that an employee working in this room cannot find an exit route in case of emergency while performing tasks including but not limited to their regularly assigned duties.

Date By Which Violation Must be Abated: 06/03/2013

**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.37(b)(6) Exit sign(s) were not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source:

a) Port Chester Vill PD - The "Exit" sign located in the rear hallway was unlit exposing employees to the hazard of being trapped in fire or other emergency while performing tasks including but not limited to their regularly assigned duties.

b) Port Chester Vill PD - The "Exit" sign located near the Detective Bureau was unlit exposing employees to the hazard of being trapped in fire or other emergency while performing tasks including but not limited to their regularly assigned duties.

Date By Which Violation Must be Abated: 06/24/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

**Establishment:** Port Chester Vill PD  
**Inspection Site:** 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 5** Type of Violation: **Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

- a) Port Chester Vill PD - A class ABC fire extinguisher found in the garage was not mounted, located and identified exposing employees to fire hazards while employees performing tasks including but not limited to do use fire and prevent its spread.
- b) Port Chester Vill PD - A class ABC fire extinguisher found in the DWI room was not mounted exposing employees to fire hazards while employees performing tasks including but not limited to do use fire and prevent its spread.

Date By Which Violation Must be Abated: 06/03/2013

**Citation 1 Item 6** Type of Violation: **Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

- a) Port Chester Vill PD - A class ABC fire extinguisher located near the Elevator room had its inspection tag missing exposing employees to fire hazards while employees performing tasks including but not limited to do use fire and prevent its spread.

Date By Which Violation Must be Abated: 06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

a) Port Chester Vill PD - Three electrical outlets located in a basement were hanging in the air with open boxes and faceplates missing exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using these electrical outlets.

Date By Which Violation Must be Abated: 06/10/2013

**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

a) Port Chester Vill PD - An electrical panel marked "30 amp DP Breaker" located in the old kitchen in the basement has four unlabeled screw in type fuses from eight total, exposing employees to unexpected electrical shocks when employees are performing tasks including but not limited to changing the fuse in the electrical breaker panel.

b) Port Chester Vill PD - The Murrey Electrical Circuit Breaker Panel (Main) located in the basement has 12 (twelve) unlabeled circuit breakers from 15 (fifteen), exposing employees to unexpected electrical shocks when employees are performing tasks including but not limited to working with the electrical equipment.

Date By Which Violation Must be Abated: 06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.304(b)(3)(i): All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms or on rooftops did not have ground-fault circuit-interrupter protection for personnel:

a) Port Chester Vill PD - A receptacle outlet installed in a locker room bathroom does not have GFCI protection for personnel exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to routine maintenance or using the outlet in a bathroom.

Date By Which Violation Must be Abated: 06/03/2013

**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Openings through which conductors enter cutout boxes, cabinets, or fittings were not effectively closed:

a) Port Chester Vill PD - An electrical junction box located in the basement kitchen does not have a coupling member for an electrical conduit exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using an electrical junction box.

Date By Which Violation Must be Abated: 06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

**Establishment:** Port Chester Vill PD  
**Inspection Site:** 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

- a) Port Chester Vill PD - An electrical outlet located on the left wall in the Detective Bureau behind a TV screen has its faceplate missing exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using electrical appliances.
- b) Port Chester Vill PD - An electrical outlet located in the hallway near the secretary office has its faceplate missing exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using electrical appliances.

Date By Which Violation Must be Abated:

06/03/2013



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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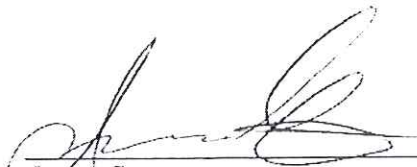
**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles located within 2.44 m (8.0 ft) above the floor had live parts exposed to employee contact:

- a) Port Chester Vill PD - A lamp with a broken light bulb in a socket located in the kitchen may have live parts exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work in the kitchen.
- b) Port Chester Vill PD - A lamp with a broken light bulb in a socket located in the boiler area may have live parts exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work in the boiler room.

Date By Which Violation Must be Abated:

06/03/2013

  
James Cutrone  
Supv. Safety and Health Inspector

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.

### INVESTIGATION NARRATIVE

|   |   |                   |
|---|---|-------------------|
| REPORTING DISTRICT:                       | White Plains  |                   |
| INVESTIGATION TYPE                        | ESTABLISHMENT NAME AND SITE ADDRESS                         |                   |
| <input type="checkbox"/> COMPLAINT        | Port Chester PD<br>350 N Main St.<br>Port Chester, NY 10573 |                   |
| <input type="checkbox"/> ACCIDENT         |   |                   |
| <input type="checkbox"/> PROGRAMMED       |   |                   |
| <input type="checkbox"/> MONITORING       |   |                   |
| <input type="checkbox"/> FOLLOWUP         | DATE(S) OF INVESTIGATION:                                   | INSPECTION NUMBER |
| <input checked="" type="checkbox"/> OTHER | March 12, 2013  | 315100677         |

A referral safety inspection was initiated by the NYS Department of Labor Public Employee Safety and Health (PESH) Bureau at the Port Chester Police Department, 350 N Main St, Port Chester, NY 10573 on March 12<sup>th</sup> 2013. The inspection was conducted by Safety & Health Inspector Larisa Streltsova in accordance with NYS Labor Law Article 2 Section 27-a, "Public Employee Safety and Health Act".

Employees at this location are represented by PBA. Employee representatives contacted by the inspector prior to starting the opening conference.

Angel Sanchez – PBA 2<sup>nd</sup> Vice President

An opening conference was conducted on March 12, 2013. At this time the PESH Act, and the scope of the inspection were explained to the participants. Present during the opening conference:

Joseph M. Krzeminski – Chief of Police, Port Chester Police Department  
Angel Sanchez – PBA 2<sup>nd</sup> Vice President

The following materials were explained to participants during the opening conference:

SH 909 – PESH Act

12 NYCRR – Parts 801, 802, 803, 804, 805, and 820

SH 907 – Employer's Rights and Responsibilities pamphlet

P 906 – Employee's Rights and Responsibilities pamphlet

Log and Summary of Injuries and Illnesses/recordkeeping information and forms (SH 900, SH 900.1, SH 900.2)

P 206 – Consultation Assistance pamphlet

SH 908 – PESH poster

SH 918 – Penalty Information for Public Employers

NYS Right to Know / Hazard Communication information

12 NYCRR Part 800.6 - Workplace Violence Prevention Program rule

These materials may be accessed at:

<http://www.labor.ny.gov/workerprotection/safetyhealth/inspector%20reference%20material.shtm>

A "Public Employee Safety and Health Bureau Inspection Reference Material" handout was distributed to participants.

A walkaround inspection of the facility was conducted on March 12<sup>th</sup> 2013. Participating in the walkaround portion of the inspection:

Angel Sanchez – PBA 2<sup>nd</sup> Vice President

The inspection site consists of a two story building with basement. The building houses the Police Department and the Justice Court offices, and includes a lunch room, toilet facilities, inmate cells, a garage, a boiler room and an old kitchen, a firing range and a recreation room in the basement. The inspector utilized the following equipment during the course of the investigation:

Cannon Camera  
Circuit Tester Ideal 61-051  
Voltage Detector GT-12  
Tape Measure

The walkaround included an examination of the Police offices, a Court Room, a garage, a basement and storage areas. The alleged hazards listed in the referral were examined and evaluated regarding compliance with PESH standards. Listed below were the inspector's observations of conditions relevant to the alleged hazards in the complaint, applicable PESH standard, if any, and determination of whether a violation exists.

Alleged hazard: exit routs and exit signs

Conditions observed: The direction of travel to the nearest exit and exit discharge was not immediately apparent near the Detective Bureau. "EXIT" signs along the exit access were not posted. Sign "EXIT" in the rear hallway was unlit.

Standards violated: 1910.037(a)(4) & 1910.037(b)(6)

Alleged hazard: Boiler room has standing water on a floor.

Conditions observed: There was standing water on a floor in the boiler room.

Standard violated: 1910.022(a)(2)

Alleged hazard: No lighting in the evidence room

Conditions observed: No lighting in the evidence room and other rooms.

Standard violated: 1910.037(b)(1) & 1910.305(j)(1)(i)

Alleged hazard: Unidentified wire coiled up in the garage.

Conditions observed: The Employer keeps the coiled wire under the garage ceiling about 7 (seven) feet above the floor. No live electrical parts discovered during the inspection.

No violation exists.

Alleged hazard: Open junction boxes in the kitchen and firing range

Conditions observed: There were found several electrical outlets with the open boxes and an electrical junction box with missing coupling in the kitchen area.

Standard violated: 1910.303(b)(2) and 1910.305(b)(1)(i)

Alleged hazard: Missing faceplates on electrical outlets.

Condition observed: There were electrical outlets with missing faceplates.

Standard violated: 1910.305(b)(2)(i)

During the walkaround inspection several physical violations were discovered.

A closing conference was conducted on April 29, 2013. Present during the closing conference:

Joseph M. Krzeminski – Chief of Police, Port Chester Police Department  
Richard Grall – PBA, Vice President

The following materials were explained to participants during the closing conference in addition to observations made during the walkaround portion of the inspection.

DOSH 904 - Closing Conference Pamphlet

This pamphlet may be accessed at:  
<http://www.labor.ny.gov/workerprotection/safetyhealth/inspector%20reference%20material.shtm>

Penalty information and appeal rights were explained.

| ORDERS ISSUED: | CSHO NAME (TYPED) | DATE PREPARED |
|----------------|-------------------|---------------|
| YES            | Larisa Streltsova | 04/05/2013    |
| NO             |                   |               |

DOSH 914 (12-09)



## Variations

An employer may request permanent variations from a standard promulgated under the Act. They must give employees notice of each application and the opportunity to participate in a hearing.

The Commissioner may issue a permanent variance after due process, including a hearing, if evidence shows that the conditions, practices, means, methods, operations or processes used or proposed by the employer are as safe and healthful as those if the employer complied with the standard.

The employer, employee or employee representative or the Commissioner may apply to modify or revoke a permanent variance at any time after six months from its issuance.

An employer may apply for a temporary variance from a newly promulgated standard if they cannot comply by the effective date because of the unavailability of materials, equipment or technical personnel.

## Recordkeeping

Part 801 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York specifies the recordkeeping requirements established by the Commissioner of Labor under Section 27-a of the Labor Law. Contact one of the offices listed on this brochure for a copy.

## Discrimination

No employer may discharge or otherwise discipline or in any manner discriminate against any person because the employee has filed a complaint or started any proceeding under or related to this program.

Employees who think they are being discriminated against may file a complaint with the Commissioner of Labor. The Commissioner must investigate the allegation and make a determination.

## Funding Assistance Available

Under the terms of the Act, the New York State Occupational Safety and Health Hazard Abatement Board can help alleviate the cost of capital projects to abate occupational safety and health hazards cited by a PESH inspector or identified in a report of a PESH consultant. Public employers, except for State Agencies and public authorities created by the State, may apply for 75 percent reimbursement under this program. However, the public employer must correct, by a variance or other means, any cited violation by the abatement date.

For more information contact the Secretary, to the Board, NYS Department of Labor, Bldg. 12, Rm. 166, State Office Campus, Albany NY 12240. Telephone (518) 457-7629.

For additional information, contact the nearest district office:

**ALBANY DISTRICT**  
State Office Campus,  
Bldg. 12, Rm. 158  
Albany, NY 12240  
Tel: (518) 457-5508

**BINGHAMTON DISTRICT**  
44 Hawley Street, Room 901  
Binghamton, NY 13901  
Tel: (607) 721-8211

**BUFFALO DISTRICT**  
65 Court Street  
Buffalo, NY 14202  
Tel: (716) 847-7133

**GARDEN CITY**  
400 Oak Street  
Garden City, NY 11530  
Tel: (516) 228-3970

**NEW YORK CITY DISTRICT**  
75 Varick St., 7th Floor  
New York, NY 10013  
Tel: (212) 775-3548

**ROCHESTER DISTRICT**  
109 South Union St., Rm. 402  
Rochester, NY 14607  
Tel: (585) 258-4570

**SYRACUSE DISTRICT**  
450 South Salina Street  
Syracuse, NY 13201  
Tel: (315) 479-3210

**UTICA DISTRICT**  
207 Genesee Street  
Utica, NY 13501  
Tel: (315) 793-2258

**WHITE PLAINS DISTRICT**  
120 Bloomingdale Drive  
White Plains, NY 10605  
Tel: (914) 997-9514

PROTECT all Workers  
ASSIST the Unemployed  
CONNECT Employers and Workers

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.

DIVISION OF SAFETY & HEALTH

# Employer Rights and Responsibilities under the

NYS Public Employee  
Safety and Health Act



1-800-4-NYS-DOL  
www.labor.ny.gov



*New York States Public Employee Occupational Safety and Health Act of 1980 provides safety and health coverage to all public employees at the state and local level. The Act offers the same safety and health standards that apply to workers in the private sector (OSHA Standards) to employees in the public sector. This brochure gives you a broad view of the features of the law.*

### **Employer Responsibilities**

Under the Act, employers include the State, any political subdivision of the State, and public authorities created by the State. Each employer must furnish its employees with a job and a workplace free from recognized hazards, reasonably and adequately protect the lives, safety or health of its employees, and comply with the safety and health standards (OSHA Standards) promulgated by the Commissioner of Labor under the Act.

### **Standards**

The law requires the Commissioner of Labor to adopt all standards promulgated under the United States Occupational Safety and Health Act.

### **Inspections**

The Commissioner of Labor has exclusive authority to enforce the safety and health standards promulgated under the Act. An inspection can result from a complaint, an accident or as part of a regularly scheduled inspection program. Imminent danger complaint inspections receive the highest inspection priority. A representative of the employer and a representative of the employees have a right to accompany the inspector during the course of an inspection. This is known as the "walkaround."

### **Enforcement**

If a Notice of Violation and Order to Comply is issued to an employer, it will describe the violation, refer to the standard alleged to have been violated, the type of violation (serious, non-serious, willful or repeat), and set time for compliance. When the Commissioner issues an order to comply, the employer must post it or a copy of it in a conspicuous place at or near each place of violation cited, clearly visible to

affected employees. The Commissioner will also give copies of Orders to Comply to all organizations that represent employees.

### **Penalty Assessment**

An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and of up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

### **Informal Conference**

An informal conference is how a Supervising Inspector of the Public Employee Safety and Health (PESH) Bureau meets with an employer, employee, or an authorized representative of the employees to discuss issues arising from an inspection and the resultant orders to comply. To request an informal conference, contact the nearest PESH district office by telephone or letter, within 20 working days from the issue date on the orders.

### **Judicial Enforcement**

If the employer does not comply with the order by the deadline, we can take legal action pursuant to Article 78 of the Civil Practice Law and Rules.

### **Appeals**

If an employer does not agree with an order, they may appeal to the Industrial Board of Appeals within 60 days. The appeal should be addressed to the Industrial Board of Appeals, Empire State Plaza, Agency Bldg.-2, 20<sup>th</sup> Floor, Albany NY, 12223. If an employer or an employee is dissatisfied with a decision of the Industrial Board of Appeals, either may begin a proceeding according to Article 78 of the Civil Practice Law and Rules, within 60 days after the Board's decision.

### **Alternative Compliance Agreement**

If the Public Employer proposes an alternative method of compliance, PESH may enter into an alternative compliance agreement. PESH will ask Division of Safety and Health's Engineering Services Unit (ESU) to assist in the review of the Employer's proposal. The Employer will submit their alternative to ESU, who will review and then schedule a

meeting to discuss and refine the proposal.

The meeting attendees will be the Employer, affected Unions and PESH. They will write up the results of this meeting into an alternative compliance agreement agreed to by all parties. PESH will conduct a follow-up inspection to ensure the employer has complied with the alternative compliance agreement.

### **Injunctions**

When inspectors observe a situation that may present an imminent danger of serious physical harm or death to an employee, they must notify the employees involved and the employer, and request immediate corrective action. If the employer concurs with the inspector and acts to remove the imminent danger, no injunction is necessary. If the employer does not concur and refuses act on the danger, the inspector will advise both parties that the Commissioner of Labor will take legal action to alleviate the situation. In such situations, the Commissioner must seek an injunction within 48 hours. In the event that the Commissioner fails to take action, any person affected by the situation may pursue an injunction.

### **Consultation**

The Public Employee Safety and Health Bureau staff includes experienced safety and health consultants. They are available, upon request, to any employer for guidance on safety and health matters. The consultant will review the employer's premises and operations to see if they comply with the safety and health standards in effect. These findings will not be orders to comply but will be recommendations to the employer. Such recommendations may become a public document and be released upon request.

### **Petition to Modify an Abatement Date**

If the employer is unable to correct a violation because of unavailability of professional or technical personnel, or of materials and equipment needed to come into compliance, they may apply for a Petition to Modify an Abatement Date. The employer must prove they are taking all available steps to protect the employees exposed to the hazard and are instituting an effective program to achieve compliance as quickly as possible.

**PROTECT | ASSIST | CONNECT**

# CLOSING CONFERENCE

PUBLIC EMPLOYEE SAFETY  
AND  
HEALTH BUREAU



STATE OF NEW YORK  
DEPARTMENT OF LABOR

DIVISION OF SAFETY AND HEALTH

SH904 (10/06)

In accordance with the Public Employee Safety and Health (PEOSH) Act of 1980, an inspection of your establishment was conducted by an Inspector or Hygienist of the PESH Bureau's Enforcement Unit. At the conclusion of every inspection, a closing conference to discuss the findings of the inspection is held with management and employee representatives. If no violations are found, the Inspector/Hygienist will advise you of this fact and will answer any questions you may have.

*THIS FLYER PROVIDES INFORMATION FOR  
THOSE CASES IN WHICH VIOLATIONS WERE FOUND.*

When violations have been found, the Inspector/Hygienist at the closing conference will discuss information in the following areas:

- the type of violations found, and the issuance of a *Notice of Violations and Order to Comply*,
- the abatement measures which can be taken,
- the free consultation services available through PESH,
- the approximate abatement period which will be assigned,
- what a "Petition for Modification of an Abatement Date" is and how to apply for one,
- the Appeal process available to employers,
- the availability of funding from the Hazard Abatement Board.

#### TYPES OF VIOLATIONS

**SERIOUS** - A serious violation shall be deemed to exist, in a place of employment, if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

**NONSERIOUS** - a violation that has a direct relationship to job safety and health, but is not serious in nature.

**WILLFUL** - a violation in which the employer either knowingly failed to comply with a legal requirement or acted with plain indifference to employee safety.

**REPEAT** - a repeat violation is issued to an employer who has been cited previously for a substantially similar condition.

## NOTICE OF VIOLATION AND ORDER TO COMPLY

A *Notice of Violation and Order to Comply* will be issued to you; such notice will describe each violation found and list the date by which the violation must be corrected. The notice (or a copy of it) must be posted at or near each place where a violation occurred for three (3) working days or until the violation is corrected.

If you do not agree with the violations issued, you may appeal such issuance as follows:

INFORMAL CONFERENCE - If you believe that a violation(s) is not valid, you may request an informal conference by writing to the district office which issued the notice within 20 working days (excluding weekends and State holidays) from the receipt of the notice.

**NOTE:** An informal conference may be requested to discuss methods of compliance or the abatement period.

FORMAL APPEAL - If you wish to appeal the violation(s) issued, you may do so by filing a petition with the Industrial Board of Appeals (IBA) within 60 days of the issuance date of the notice. A petition may be filed with the Board which is located at Empire State Plaza, Agency Building 2, 20th Floor, Albany, NY 12223.

**NOTE:** An appeal to the IBA does not relieve the obligation to correct the cited violations by the abatement date unless the employer has been granted a stay of enforcement by the Board.

ALTERNATIVE COMPLIANCE AGREEMENT - In situations where citations have been issued and the Public Employer proposes an alternative method of compliance, PESH may enter into an alternative compliance agreement. PESH will enlist the services of the Division of Safety and Health's Engineering Services Unit (ESU) to assist in the review of the Employer's proposal. The Employer will submit their proposal for an alternative method of compliance to ESU who will review and then schedule a meeting to discuss and refine the proposal. The meeting attendees will be the Employer, affected Unions and PESH. The results of this meeting will be written up into an alternative compliance agreement to which all parties have agreed. PESH will follow up with an inspection to ensure the employer has complied with the alternative compliance agreement.

## COMPLYING VIOLATIONS

You must correct the violations cited in the notice by the abatement date listed. Once you have corrected all violations issued, complete the *Certification - Status of Pending Orders* form which was mailed to you with the notice.

If you are unable to correct a violation(s) because of the unavailability of professional or technical personnel, or of the materials and equipment needed to come into compliance, you may apply, no later than the day following the abatement date, for a *Petition to Modify an Abatement Date (PMA)* to extend the abatement date. In addition, in order to qualify for a PMA, you must be able to prove that all available steps are being

taken to protect the employees exposed to the hazard cited and to institute an effective program for coming into compliance as quickly as possible. Further information on a PMA, can be obtained from the district office which issued the Notice.

#### FOLLOW-UP INSPECTIONS

A compliance inspection will be conducted to determine if the violations listed on the Notice have been corrected. If this follow-up inspection shows that violations have not been abated by the date assigned, a *Notification of Failure to Abate Violations and Order to Comply (FTA Notice)* will be issued. The FTA Notice will list a *Per Day Penalty Assessment For Each Violation* which had not been corrected by its abatement date. Such penalty will be assessed daily until the violation(s) is complied. The penalty for a nonserious violation is up to \$50 per day; the penalty for a serious violation is up to \$200 per day.

FORMAL APPEAL - If you wish to appeal the finding of the revisit to the inspection site or the amount of the per day penalty, you may do so by filing a petition with the Industrial Board of Appeals (IBA) within 60 days of the issuance of the FTA Notice. A petition may be filed with the Board which is located at Empire State Plaza, Agency Building 2, 20th Floor, Albany, NY 12223.

#### ASSISTANCE AVAILABLE

CONSULTATION SERVICES - The PESH Bureau's Consultation Unit includes experienced safety and health staff who are available to assist you to comply the violations listed on the *Notice of Violation and Order to Comply*. To request this *FREE* consultation service, contact the PESH district office nearest you.

**NOTE:** It is not necessary to have received a notice to request the services of a consultant. They are available to review any procedure or method used at your establishment at any time.

HAZARD ABATEMENT BOARD FUNDING - The Board is empowered to provide 75% reimbursement to help alleviate the cost of capital projects designed to abate hazards found by either a PESH Inspector or Consultant. Such reimbursement is available to all public employers except for State Agencies and Public Authorities created by the State. Further information may be obtained from the Board, NYS Department of Labor, Building 12, State Campus, Albany, NY 12240.

**NOTE:** An application to the Board does not relieve a public employer who has been issued a Notice of the obligation to correct the violations cited by the abatement date.

PERMANENT VARIANCE - If you believe that the conditions, practices, operations, etc., used or proposed to be used at the work site, provide a place of employment which is as safe and healthful as that which would prevail if the employer complied with the standard, you may submit a request for a permanent variance. Such request must be submitted no later than the day following the abatement date. Further information may be obtained from the district office which issued the notice.



STATE OF NEW YORK - DEPARTMENT OF LABOR  
DIVISION OF SAFETY AND HEALTH  
PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU

**PENALTY INFORMATION FOR PUBLIC EMPLOYERS**

Effective immediately, any violation listed on a "Notice of Violation and Order to Comply" (NYPESH-2) which is not complied by the abatement date given on the Notice is subject to a PER DAY penalty assessment.

The penalty amount will be assessed as follows:

| <u>TYPE OF VIOLATION</u> | <u>PENALTY AMOUNT</u>         |
|--------------------------|-------------------------------|
| Non-serious              | Up to \$50.00 <i>PER DAY</i>  |
| Serious                  | Up to \$200.00 <i>PER DAY</i> |

At the time of the follow up inspection, any violation(s) which is uncomplied will be assessed a penalty amount. The exact amount of the penalty for each violation will be listed on the "Notification of Failure to Abate Violation and Order to Comply" (NYPESH-2B) issued after the follow up inspection. The daily penalty will start with the abatement date given on the Notice of Violation (NYPESH-2) and continue to accrue until the violation(s) is complied and such compliance is verified by the PESH Bureau. The district office which issued the Notice should be notified, in writing, when violations have been complied.

In addition to the ongoing penalty assessment, the Commissioner of Labor must refer the case to the Attorney General for appropriate action in accordance with the provisions of the Labor Law for all violations which are uncomplied by the Date of Final Inspection (item 15) listed on the Failure to Abate Notice (NYPESH-2B).



STATE OF NEW YORK

OCCUPATIONAL SAFETY AND HEALTH  
HAZARD ABATEMENT BOARD

BLDG. 12, RM 166  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NY 12240

**NOTICE OF FUNDING ASSISTANCE  
AVAILABLE TO  
PUBLIC EMPLOYERS**

The Public Employee Safety and Health (PESH) Act of 1980 established and empowered the New York State Occupational Safety and Health Hazard Abatement Board to help defray the cost of capital abatement projects\* necessary to abate violations cited by the public employee enforcement program or to comply with hazard abatement recommendations issued by the public employee consultation program. Eligible public employers may apply for reimbursement of 75 percent of the reasonable cost of capital abatement projects.

STATE AGENCIES AND PUBLIC AUTHORITIES CREATED BY THE STATE ARE NOT ELIGIBLE.

For further information, including application forms, contact the Secretary to the Board, at the address shown above or by telephone at (518) 457-7629.

\*"Capital Abatement Project" is any undertaking requiring an expenditure of at least one thousand dollars (\$1,000) for the improvement of buildings, structures and other facilities and/or for the acquisition of machinery, apparatus or equipment where such improvement and/or acquisition is necessary to correct occupational safety and health conditions found by the public employee enforcement program to violate the New York State Public Employee Occupational Safety and Health Act or to comply with hazard abatement recommendations issued by the public employee consultation program. Maintenance (including projects undertaken in response to violations or recommendations issued under 29 CFR 1910.1001 (k) (2) which covers the cleanup of spills and releases of asbestos containing materials), repairs and personal protective equipment for firefighters DO NOT COME WITHIN THE SCOPE OF THIS DEFINITION.



STATE OF NEW YORK

**OCCUPATIONAL SAFETY AND HEALTH  
HAZARD ABATEMENT BOARD**

BUILDING 12, ROOM 166  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NY 12240

**INSTRUCTIONS ON HOW TO OBTAIN CAPITAL ABATEMENT PROJECT FUNDING**

Article 2, Section 27-a of the NYS Labor Law, the Public Employee Safety and Health (PESH) Act, provides for seventy-five percent funding of the total covered expenditures of a Capital Abatement Project.

**"CAPITAL ABATEMENT PROJECT"** is defined as any undertaking requiring an expenditure of at least one thousand dollars (\$1,000) for the improvement of buildings, structures and other facilities and/or for the acquisition of machinery, apparatus or equipment where such improvement and/or acquisition is necessary to correct occupational safety and health conditions found by the public employee enforcement program to violate the New York State Public Employee Occupational Safety and Health Act, or to comply with hazard abatement recommendations issued by the public employee consultation program. **Maintenance**, (including projects undertaken in response to violations or recommendations issued under 29 CFR 1910.1001 (k) (2) which covers the cleanup of spills and releases of asbestos containing materials), **repairs, and personal protective equipment for firefighters** DO NOT COME WITHIN THE SCOPE OF THIS DEFINITION.

**RENTED PREMISES:** If a project is proposed for a facility or premises which is rented, contact the Secretary to the Board before proceeding any further.

**ELIGIBILITY:** Any political subdivision of the State, *except a State Agency or Public Authority created by the state*, which has been issued violations or hazard abatement recommendations by staff of the Public Employee Safety and Health (PESH) Bureau is eligible to apply for funding. The municipality's chief executive or administrative officer or an agency head may file an application which must be countersigned by the responsible fiscal officer.

**APPLICATION PROCESS**

The application process consists of two parts - a request for review and an application for funding. Since a separate Notice of Violation and Order to Comply or Hazard Abatement Recommendation is issued for each premise visited, a separate request/application must be submitted for each premise.

**PART I - REQUEST FOR REVIEW OF PROJECT DESIGN**

1. Prepare the "Request For Review of Capital Abatement Project Design" (in duplicate) for each facility or premise involved; an original signature of the Administrative Officer/Chief Executive AND the Agency Fiscal Officer must appear on both copies of the Request form.
2. Submit a copy of the "Notice of Violation and Order to Comply" or the Hazard Abatement Recommendation issued to the facility or premise involved.
3. Attach a brief statement of how the proposed project design will abate the hazards for which the violations or recommendations were issued, and the estimated cost of the project design, if known.
4. Submit any plans, blueprints or sketches, detailed specifications and/or other technical data which describes the proposed project design. All plans, blueprints or sketches submitted must have the New York State registrant seal and signature of the architect or professional engineer who prepared them. This material will be retained by the Hazard Abatement Board.

5. Prepare a "Petition for Modification of Abatement Date" (PMA) form.

**NOTE:** YOU MUST SUBMIT A PMA REQUEST - if the abatement date assigned to the violations or recommendations is less than 12 months from the date the proposed project design is submitted.

Since applying for reimbursement from the Board *does not relieve you of your responsibility to comply the hazards found by the abatement date*, you are advised to send a complete PMA request with the project design.

Failure to comply the hazards or to request a PMA in a timely manner can result in the assessment of a penalty and/or legal action.

Forward all material requested to the Board, Building 12, Room 166  
State Office Building Campus, Albany, NY 12240

Upon receipt of a "Request for Review of a Capital Abatement Project Design", the Board will issue an acknowledgement letter for the proposed project design. If a Petition for Modification of an Abatement Date (PMA) was not required at the time the proposed project design was filed, the acknowledgement letter will advise the applicant of the need to monitor the progress of the request so that a PMA can be filed in a timely manner, if necessary.

The review process by the Board will establish (a) that the project meets the criteria for a capital improvement; (b) that any missing or unclear information is provided; and (c) that such project will bring the applicant into compliance with the requirements of the PESH Act.

If the proposed project design is disapproved, the Secretary to the Board will indicate the reason(s) for disapproval. Modified proposals may be submitted for reconsideration.

Upon a determination that the proposed project design is eligible for consideration, an "Application For Capital Abatement Project Funding" with a letter approving the proposed project design will be sent to the applicant. Then, the applicant may make all necessary capital improvements to comply the violations/recommendations in accordance with the proposed project design.

## **PART II - APPLICATION FOR CAPITAL ABATEMENT PROJECT FUNDING**

1. Complete the "Application for Capital Abatement Project Funding" (original only) for each facility or premise involved. The certification statement must contain the original signature of the Chief Executive/Administrative Officer AND the Agency Fiscal Officer.
2. Attach any supporting documentation for the cost data submitted.

**NOTE:** Expenditures may include all costs attendant to a project design, such as, materials, machinery, apparatus and equipment, costs payable to contractors or vendors, and fees for certifications by professional engineers or registered architects.

The cost of labor or services provided by full time employees of an applicant's municipality or political subdivision must be indicated separately.

3. Submit a copy of the letter approving the proposed project design.

Forward all material requested to the Board, Building 12, Room 166,  
State Office Building Campus, Albany, NY 12240

Once a review establishes that the application material is complete, and a field inspection by staff of the PESH Bureau verifies compliance with the violations/recommendations issued, the funding application will be put on the agenda for the next scheduled meeting of the Hazard Abatement Board.

**Public Employee Safety and Health Act**

Article 2, Section 27-a  
Of the New York State Labor Law



As Amended  
Effective September 30, 2007

# Public Employee Safety and Health

As Amended effective September 30, 2007

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**§ 27-a. Safety and Health standards for public employees**

**1. Definitions. As used in this section:**

- a. "Employer" means the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality thereof.
- b. "Employees" means persons permitted to work by an employer.
- c. "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to article fourteen of the civil service law.
- d. "Public employee" means any employee of the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality.
- e. "System components" means life safety harness, belts, ascending devices, carabiners, descent control devices, rope grab devices and snap-links.

**2. Application.** A safety or health standard promulgated under the provisions of this section shall apply to every public employee and the commissioner shall have exclusive authority to enforce such standard in accordance with the provisions of this chapter, notwithstanding any other safety or health standard or any other provision in this chapter or in any other general, local or special law or charter. However, this section shall not supersede any inconsistent provision of the education law, as applied to any school building certified by the commissioner of education as being in compliance with such law, and the regulations promulgated pursuant thereto, on the effective date of this section, or as applied to any application for certification which is pending before the effective date of this section.

**3. Duties.**

- a. Every employer shall: (1) furnish to each of its employees, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees and which will provide reasonable and adequate protection to the lives, safety or health of its employees; and (2) comply with the safety and health standards promulgated under this section. In applying this paragraph, fundamental distinctions between private and public employment shall be recognized.
- b. Every employee shall comply with the safety and health standards and all rules, regulations and orders issued pursuant to this section which are applicable to his own actions and conduct.
- c. The state shall promulgate a plan for the development and enforcement of occupational safety and health standards with respect to public employers and employees, in accordance with section eighteen (b) of the United States Occupational Safety and Health Act of 1970 (Public Law 91-596) which provides: "(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement."

**4. Safety and health standards.**

- a. The commissioner shall by rule adopt all safety and health standards promulgated under the United States Occupational Safety and Health Act of 1970 (Public Law, 91-596) which are in effect on the effective date of this section, in order to provide reasonable and adequate protection to the lives, safety and health of public employees and shall promulgate and repeal such rules and regulations as may be necessary to conform to the standards established pursuant to such act or pursuant to paragraph b of this subdivision.
- b. Notwithstanding the provisions of paragraph a of this subdivision, the commissioner, in consultation with the state occupational safety and health hazard abatement board, shall promulgate rules and regulations recommended to him by such board which establish standards whenever such board finds (i) that no federal standard exists for the particular condition being addressed and that such a standard is necessary for the protection of the public employees at risk, or (ii) a federal standard exists, but conditions in public workplaces in this state require a different standard, and such state standard will be at least as effective in providing safe and healthful places of employment as the federal standard.

c. Except for an employer located in a city with a population of over one million, any employer who employs a firefighter shall provide safety ropes and system components for use by such firefighter. The commissioner shall by rule adopt the codes, standards and recommended practices promulgated by the most recent edition of National Fire Protection Association 1983, Standard on Fire Service Life Safety Rope and System Components, and as are appropriate to the nature of the risk to which the firefighter shall be exposed. Such safety ropes and system components shall be adequate to protect the health and safety of the firefighter. The employer shall ensure that the firefighter is instructed in the proper use of the safety ropes and system components.

In order to ensure the adequacy of the safety ropes and system components, the employer must routinely inspect and ensure that:

- (1) Existing safety ropes and system components meet the codes, standards and recommended practices adopted by the commissioner.
- (2) Existing safety ropes and system components still perform their function and to identify any of their limitations such as but not limited to:
  - (i) Checking the labels or stamps on the equipment; and
  - (ii) Checking any documentation or equipment specifications; and
  - (iii) Contacting the supplier or the approval agency;
- (3) Firefighters are informed of the limitations of any safety ropes and system components;
- (4) Firefighters are not allowed or required to use any safety ropes or system components beyond their limitations;
- (5) Existing and new safety ropes and system components have no visible defects that limit their safe use;
- (6) Safety ropes and system components are used, cleaned, maintained and stored according to manufacturer's instructions;
- (7) The firefighter is instructed in identifying to the employer any defects that the firefighter may find in safety ropes and system components; and
- (8) Any identified defects are corrected or immediate action is taken by the employer to eliminate the use of this equipment.

d. Any person who may be adversely affected by a standard issued under this section may, within thirty days after the effective date of such standard, commence a proceeding for judicial review pursuant to article seventy-eight of the civil practice law and rules.

#### 5. Inspections.

- a. Any employee or representative of employees who believes that a violation of a safety or health standard exists, or that an imminent danger exists, may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, his name and the names of individual employees or representatives of employees shall be withheld. Such inspections shall be made forthwith.
- b. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.
- c. The authority of the commissioner to inspect a premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he has reason to believe that a violation of this section exists.

- d. No employee who accompanies the commissioner on an inspection shall suffer any reduction in wages.
  - e. The commissioner may, upon his own initiative, conduct an inspection of any premises occupied by a public employer if he has reason to believe that a violation of this section has occurred or if he has a general administrative plan for the enforcement of this section, including general schedule inspections, which provide a rational administrative basis for such inspecting. Within ninety days of enactment of this paragraph the commissioner shall publish the general administrative plan and shall adopt regulations on the conduct of inspections in locker rooms and other areas involving the personal property and privacy rights of public employees.
  - f. Any information obtained by the commissioner under this section shall be obtained with a minimum burden upon the employers.
- 5-a. Notwithstanding any other provisions of law, when a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.
6. Enforcement procedures.
- a. If the commissioner determines that an employer has violated a provision of this section, or a safety or health standard or regulation promulgated under this section, he or she shall with reasonable promptness issue to the employer an order to comply which shall describe particularly the nature of the violation including a reference to the provision of this section, standard, regulation or order alleged to have been violated, shall fix a reasonable time for compliance and may establish the penalty to be assessed for failure to correct the violation by the time fixed for compliance. An employer who fails to correct a non-serious violation by the time fixed for compliance may be assessed a civil penalty of up to fifty dollars per day until the violation is corrected. An employer who fails to correct a serious violation by the time fixed for compliance may be assessed a civil penalty of up to two hundred dollars per day until the violation is corrected. Pursuant to section 18(k) of the United States Occupational Safety and Health Act of 1970 (Public Law, 91-596), a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. A non-serious violation shall be defined as any violation that does not fall under the definition of serious violation. The commissioner shall not assess a penalty against an employer for failure to correct a violation of a standard which is the subject of an application for a temporary order granting a variance or a violation which is the subject of a petition to modify an order to comply, provided however, that upon issuance by the commissioner of a determination denying such variance or petition to modify, or upon expiration of a temporary variance or modified compliance period, the time fixed for compliance shall recommence and the employer become liable for the penalties provided herein.
  - b. Where the commissioner issues to an employer an order to comply, the employer shall post such order or a copy thereof in a conspicuous place at or near each place of violation cited in the order, where it is clearly visible to affected employees. The commissioner shall make such order available to employee representatives.
  - c. Any employer, or other party affected by a determination of the industrial commissioner issued pursuant to this section may petition the industrial board of appeals for review of such determination in accordance with section one hundred one of this chapter. Judicial review of the decision of the industrial board of appeals may be obtained by any party affected by such decision by commencing a proceeding pursuant to article seventy-eight of the civil practice law and rules within sixty days after such decision is issued.
  - d. If the time for compliance with an order of the commissioner issued pursuant to this section has elapsed, and the employer has not complied with the provisions of the order, the commissioner shall seek judicial enforcement of such order by commencing a proceeding pursuant to article seventy-eight of the civil practice law and rules. Where an employer has complied with an order in all respects other than the payment of a penalty imposed pursuant to this subdivision, the commissioner may file with the county clerk of the county where the employer has its place of business the order of the commissioner continuing the amount of civil penalty found to be due. The filing of such order shall have the full force and effect of a judgment duly

docketed in the office of such clerk. The order or decision may be enforced by and in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

#### 7. Injunction proceedings.

- a. The supreme court of the state shall have jurisdiction, upon petition of the industrial commissioner, pursuant to the civil practice law and rules to restrain any conditions or practices in any place of public employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the abatement procedures otherwise provided for by this section. Such proceeding shall be brought in the county in which the violation is alleged to exist. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. The employer may contest such order pursuant to the civil practice law and rules.
- b. Whenever and as soon as an inspector concludes that conditions or practices described in paragraph a of this subdivision exist in any place of public employment, he shall inform the affected employees and employers of the danger and that he is recommending to the industrial commissioner that relief be sought.
- c. If the industrial commissioner fails to seek relief under this section within forty-eight hours of being notified of such condition, any employee who may be injured by reason of such failure, or the authorized employee representative of such employees, may seek injunctive relief as provided in paragraph a of this subdivision.

#### 8. Variances.

- a. Any employer may apply to the commissioner for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of paragraph b of this subdivision and establishes that (1) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (2) he is taking all available steps to safeguard employees against the hazards covered by the standard, and (3) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this subdivision shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing, provided the commissioner may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice so long as the requirements of this subdivision are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No interim renewal of an order may remain in effect longer than one hundred and eighty days.
- b. An application for a temporary variance order shall contain: (1) a specification of the standard or portion thereof from which the employer or owner seeks a variance; (2) a representation by the employer, supported by representations from qualified persons who have firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor; (3) a statement of the steps he has taken and will take, with specific dates, to protect employees against the hazard covered by the standard; (4) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take, with dates specified, to come into compliance with the standard; and (5) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition

the commissioner for a hearing. The commissioner is also authorized to grant a variance from any standard or portion thereof whenever he determines that such variance is necessary to permit an employer to participate in an experiment approved by him designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

- c. Any affected employer may apply to the commissioner for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The commissioner shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, any employee or employee representative, or by the commissioner on his own motion, in the manner prescribed for its issuance under this subdivision at any time after six months from its issuance.
- d. Any person, who may be adversely affected by a rule or order issued under this subdivision may challenge the validity or applicability of such rule or order by commencing, within sixty days, a proceeding pursuant to article seventy-eight of the civil practice law and rules.

#### 9. Recordkeeping.

- a. In accordance with the commissioner's regulations, each employer shall make, keep and preserve, and make available to the commissioner such records regarding his activities relating to this section as the commissioner deems necessary or appropriate for developing information regarding the causes and prevention of occupational accidents and illness. Such regulations may include provisions requiring that employers to conduct periodic inspections. The commissioner shall also issue regulations requiring that employers, through posting of notices, training or other appropriate means, keep their employees informed of their protections.
- b. The commissioner shall prescribe regulations requiring employers to maintain accurate records and to make public periodic reports of work-related deaths, and injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve lost time from work, medical treatment, loss of consciousness, restriction of work or motion or transfer to another job.
- c. The commissioner shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which the regulation requires to be monitored or measured. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring and have access to the records thereof. Such regulations shall also make appropriate provisions for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by any safety and health standard promulgated under this section, and shall inform any employee who is being exposed of the corrective action being taken and the time limit for correction.

#### 10. Discrimination against employees.

- a. No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or others of any right afforded by this section.
- b. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this subdivision may, within thirty days after such violation occurs, file a complaint with the commissioner alleging such discrimination. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as he deems appropriate, and shall, if requested withhold the name of the complainant from the employer. If upon such investigation, the commissioner determines that the provisions

of this subdivision have been violated, he shall request the attorney general to bring an action in the supreme court against the person or persons alleged to have violated the provisions of this subdivision. In any such action the supreme court shall have jurisdiction, for cause shown, to restrain violations of this subdivision and order all appropriate relief, including rehiring or reinstatement of the employee to his former position with all back pay.

- c. Within ninety days of this receipt of a complaint filed under this subdivision the commissioner shall notify the complainant and his representative by registered mail of his determination.
- d. Nothing in this subdivision shall be deemed to diminish the rights of any employee under any law, rule or regulation or under any collective bargaining agreement.

11. Wherever notice is required to be given to an authorized employee representative under this section, notice shall be given to all organizations representing employees at the worksite in question. Notice should be given to the office of the employee representative as well as to the representative at the worksite. Representatives who wish this dual notice must inform the department of the person who is to be notified. Such notice shall be in writing unless the inspection is being conducted under subdivision five-a of this section.

12. The commissioner may initiate voluntary compliance programs, including, but not limited to, a public employee consultation program to provide on-site consultation to public employers desiring such services as an adjunct to the commissioner's inspections pursuant to this section. Whenever an on-site consultation is performed under this subdivision, a report shall be issued of any findings of noncompliance with the regulations promulgated under this section and the report shall be made public.

13. Regulations. The commissioner may promulgate such procedural regulations as he shall consider necessary and proper to effectuate the purposes and provisions of this section.

14. A commission to report on the operation and effect of this section is hereby established.

- a. Such commission shall examine the incidence of work related injuries, the incidence of injuries to the public, and the effect of this section upon insurance costs of public employers. Such commission shall be empowered to recommend additional or corrective legislation to advance the purposes of this section.
- b. Such commission shall be composed of three members, one of whom shall be chosen by the speaker of the assembly, one of whom shall be chosen by the temporary president of the senate, and one of whom shall be chosen by the governor.
- c. Members of the commission shall serve without compensation, except for expenses reasonably incurred in the discharge of their duties under this subdivision.
- d. The commission shall issue an interim report to the legislature and the governor, which report shall be issued one year after the effective date of this section. A final report shall be issued two years after such effective date.

15. New York state occupational safety and health hazard abatement board; creation and procedure.

- a. The New York state occupational safety and health hazard abatement board is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this subdivision.
- b. The membership of the board shall consist of five persons appointed by the governor of whom one shall be upon the recommendation of the temporary president of the senate, one upon the recommendation of the speaker of the assembly, and one upon the recommendation of the state comptroller. Members shall serve at the pleasure of the governor, and the governor may replace any member in accordance with the provisions contained herein for the appointment of members.

The governor shall designate one of the members to serve as chairman. The board shall act by a majority vote of its members, and a quorum to conduct business shall consist of three members. Any determination of the board shall be evidenced by a certification thereof executed by all the members present and voting. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his place, and to vote or otherwise act on his behalf in his absence. Such representative shall not be authorized to delegate any of his duties or functions to any other person. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office.

- c. No elected public officer or public employee shall be eligible for appointment as a member of the board.
  - d. The members of the board and their representatives shall serve without salary or per diem allowance but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties pursuant to this section, provided however that such members and representatives are not, at the time such expenses are incurred, public employees or public officers otherwise entitled to such reimbursement.
  - e. The board shall meet at least four times a year with at least one meeting in each calendar quarter. The chairman shall designate the days of meeting, and shall provide each member with at least three weeks written notice of the date of such meeting.
  - f. Staff services for the board shall be performed insofar as practicable, by personnel of the department of labor. Additional professional and technical services may be secured from other state departments or agencies, with the consent of the head of such department or agency.
16. New York state occupational safety and health hazard abatement board; powers and duties.
- (A) a. The board created pursuant to subdivision fifteen of this section shall have the power, and it shall be its duty to receive, review and act upon applications for funding of capital projects designed to abate occupational safety and health hazards which have been found by the commissioner to violate the provisions of this section or which have been identified in a report of the public employee consultation program. The board shall fund seventy-five percent of the cost of any capital abatement project necessary to comply with an order issued by the commissioner pursuant to the provisions of this section or with a recommendation for hazard abatement issued by the public employee consultation program.
  - b. In determining the order in which applicants shall receive grants from the fund, and the amount of such funding, the board shall consider the following factors:
    - (1) the degree of possible physical harm which the hazard to be abated could inflict on the public employees and other citizens at risk;
    - (2) the imminent nature of the possible infliction of harm;
    - (3) the number of public employees and other citizens at risk;
  - (B) a. The board shall have the power, and it shall be its duty to receive, review, and act upon applications for funding for programs designed to provide occupational safety and health training and education for employees pursuant to the provisions of article twenty-nine of this chapter.
  - b. The board shall, by the promulgation of rules and regulations, establish procedures and criteria that are necessary and appropriate to carry out the provisions of article twenty-nine of this chapter, which shall include criteria for the evaluation and selection of applications for grants and the auditing of performance thereunder.
  - (C) a. The board may require as part of such applications made pursuant to the provisions of this subdivision such information as it deems necessary and shall act upon such applications within a reasonable time. The board shall furnish the state budget director, state industrial commissioner, state comptroller, temporary president of the senate and speaker of the assembly with a copy of each application within three days following receipt thereof by the board.
  - b. That an employer has applied for funds pursuant to the provisions of this subdivision shall not relieve that employer of the obligation to correct any violation of this section by variance or other means.
  - (D) a. The board, in the formulation of standards pursuant to paragraph b of subdivision four of this section, shall have the power to conduct public hearings, administer oaths and take sworn or unsworn testimony at such hearings. The board may, by subpoena issued by the chair, compel the attendance of witnesses and the production of all books, records and other evidence relative to any matter under inquiry in the formulation of such standards.
  - b. The board may contract with occupational health professionals and industrial safety engineers to provide expert assistance in the formulation of standards pursuant to paragraph b of subdivision four of this section.

- c. The board is authorized, after public hearings, to recommend standards to the commissioner. The board, in addition to acting on its own initiative, shall review, consider and make recommendations regarding requests for new standards presented to such board by public employers, employees or authorized employee representatives.

Legislative History:

Add, L 1980, ch 729, § 4, eff Dec 27, 1980.

Former § 27-a, add, L 1937, ch 819, § 11; repealed, L 1975, ch 756, § 2, eff Aug 9, 1975.

Sub 1, par e, add, L 2007, ch 433, § 1, eff Sept 30, 2007.

Sub 3, par a, amd, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, amd, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, amd, L 2007, ch 433, § 1, eff Sept 30, 2007.

Sub 4, par a, amd, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, par b, add, L 1990, ch 706, § 1, eff July 22, 1990.

Former sub 4, par b, deleted, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, par c, add, L 2007, ch 433, § 2, eff Sept 30, 2007.

Former sub 4, par c, redesignated sub 4, par d, L 2007, ch 433, § 2, eff Sept 30, 2007.

Sub 4, par d, formerly sub 4, par c, so designated sub 4, par d, L 2007, ch 433, § 2, eff Sept 30, 2007.

Sub 5, par e, amd, L 1984, ch 86, § 1, eff April 17, 1984.

Sub 5-a, add, L 1990, ch 706, § 2, eff July 22, 1990.

## Dolph Rotfeld Engineering, P.C.

### M E M O

TO: CHRIS STEERS  
FROM: DOLPH ROTFELD  
**SUBJECT: POLICE HEADQUARTERS**  
DATE: JUNE 12, 2013

As per our work at the subject site, please be advised as follows.

1. We met with people from Santos Restoration, Inc., to discuss conducting test probes regarding the condition of the brick wall. A proposal has been submitted for the investigation and report by Santos in the amount of \$3,200.00, which I believe to be fair and reasonable.
2. After discussion with the firms, we are forwarding to you a proposal from Moran Environmental Recovery (MER) to remove and dispose of the lead contamination from the pistol range. This proposal was less costly, \$5,300.00, than one to provide only a study and report for the removal of the material.
3. Most of the drainage work to relieve the interior flooding has been completed. The remaining items to be done are the roof drainage from the annex roof and from a portion of the court room roof to be piped away from the alcove between the Parking Violation Bureau and the detective room in the police area.

DR



**EXTRACTS FROM MINUTES OF A MEETING OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK**

*(D - \$1,700,000 – Sewer Improvements)*

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Hall, in the Village of Port Chester, New York, on \_\_\_\_\_, 2013 at \_:\_ P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

ABSENT:

ALSO PRESENT:

\* \* \* \* \*

Trustee \_\_\_\_\_ submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee \_\_\_\_\_. The Board of Trustees of the Village was polled. The motion was adopted by a vote of \_\_\_\_ affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with \_\_\_\_ negative votes and \_\_\_\_ votes absent.

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE ISSUANCE OF UP TO \$1,700,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO VILLAGE STORM AND SANITARY SEWER SYSTEMS.**

**WHEREAS**, the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the acquisition, construction and reconstruction of improvements to Village storm and sanitary sewer systems, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto (the “Project”), at a total estimated cost not to exceed \$1,700,000, all in accordance with the Local Finance Law;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York, as follows:

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal amount not to exceed \$1,700,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of improvements to Village storm and sanitary sewer systems, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto.

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$1,700,000; (b) no money has

heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of the serial bonds authorized herein shall be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board of Trustees of the Village took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

Section 3. It is hereby determined that the Project is an object or purpose, or of a class of object or purpose, as described in subdivision 4 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is thirty (30) years. The serial bonds authorized herein shall have a maximum maturity of thirty (30) years computed from the earlier of (a) the date of the first issue of such serial bonds, or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 4. Subject to the terms and conditions of this bond resolution and the Local Finance Law, including the provisions of Sections 21.00, 30.00, 50.00 and 56.00 to 60.00, inclusive, the power to authorize serial bonds as authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, the power to prescribe the terms, form and contents of such serial bonds and such bond anticipation notes, and the power to issue, sell and deliver such serial bonds and such bond anticipation notes, are hereby delegated to the Village Treasurer, as the chief fiscal officer of the Village. The Village Treasurer is hereby authorized to execute on behalf of the Village all serial bonds issued

pursuant to this bond resolution, and all bond anticipation notes issued in anticipation of the issuance of such serial bonds, and the Village Clerk is hereby authorized to impress the seal of the Village (or to have imprinted a facsimile thereof) on all such serial bonds and all such bond anticipation notes and to attest such seal. Each interest coupon, if any, representing interest payable on such serial bonds shall be authenticated by the manual or facsimile signature of the Village Treasurer.

Section 5. The faith and credit of the Village are hereby and shall be irrevocably pledged for the punctual payment of the principal of and interest on all obligations authorized and issued pursuant to this bond resolution as the same shall become due.

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Journal News, a newspaper having a general circulation in the Village. The validity of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this bond resolution, or such summary thereof, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Section 7. Prior to the issuance of any obligations authorized herein, the Board of Trustees of the Village shall comply with all applicable provisions prescribed in Article 8 of the Environmental Conservation Law, all regulations promulgated thereunder by the New York State Department of Environmental Conservation, and all applicable Federal laws and regulations in connection with environmental quality review relating to the Project (collectively, the “environmental compliance proceedings”). In the event that any of the environmental compliance proceedings are not completed, or require amendment or modification subsequent to the date of adoption of this bond resolution, the Board of Trustees of the Village will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel. It is hereby determined by the Board of Trustees of the Village that the Project will not have a significant effect on the environment.

Section 8. The Village hereby declares its intention to issue the serial bonds authorized herein, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds (collectively, the “obligations”), to finance the costs of the Project. The Village covenants for the benefit of the holders of such obligations that it will not make any use of the proceeds of such obligations, any funds reasonably expected to be used to pay the principal of or interest on such obligations or any other funds of the Village, and will not make any use of the Project which would cause the interest on such obligations to become subject to federal income taxation under the Internal Revenue Code of 1986, as amended (the “Code”) (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code, and that it will not take any action or omit to take any action with respect to such obligations, the proceeds thereof or the Project

financed thereby, if such action or omission would cause the interest on such obligations to become subject to federal income taxation under the Code (except for the federal alternative minimum tax imposed on corporations by section 55 of the Code), or subject the Village to any penalties under section 148 of the Code. The foregoing covenants shall remain in full force and effect notwithstanding the defeasance of any serial bonds authorized and issued under this bond resolution or any other provisions hereof, until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of any obligations authorized herein may be applied to reimburse expenditures or commitments of the Village made in connection with the Project on or after a date which is not more than sixty (60) days prior to the date of adoption of this bond resolution by the Board of Trustees of the Village.

Section 9. For the benefit of the holders and beneficial owners from time to time of the serial bonds authorized herein, and of bond anticipation notes issued in anticipation of the issuance of such serial bonds, the Village agrees, in accordance with and as an obligated person with respect to such obligations under, Rule 15c2-12 (the "Rule") promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934, to provide or cause to be provided such financial information and operating data, financial statements and notices, in such manner as may be required for purposes of the Rule. In order to describe and specify certain terms of the Village's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Village Treasurer is authorized and directed to sign and deliver, in the name and on behalf of the Village, the commitment authorized by subsection 6(c) of the Rule (the "Commitment") to be placed on file with the Village Clerk, which shall constitute the continuing disclosure agreement

made by the Village for the benefit of holders and beneficial owners of such obligations authorized herein in accordance with the Rule, with any changes or amendments that are not inconsistent with this bond resolution and not substantially adverse to the Village and that are approved by the Village Treasurer on behalf of the Village, all of which shall be conclusively evidenced by the signing of the Commitment or amendments thereto. The agreement formed collectively by this paragraph and the Commitment shall be the Village's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the availability of funds and their annual appropriation to meet costs the Village would be required to incur to perform thereunder. The Village Treasurer is further authorized and directed to establish procedures in order to ensure compliance by the Village with its continuing disclosure agreement, including the timely provision of information and notices. Prior to making any filing in accordance with the agreement or providing notice of the occurrence of any material event, the Village Treasurer shall consult with, as appropriate, the Village Attorney and bond counsel or other qualified independent special counsel to the Village and shall be entitled to rely upon any legal advice provided by the Village Attorney and such bond counsel or other qualified independent special counsel in determining whether a filing should be made.

Section 10. This bond resolution is subject to a permissive referendum and will take effect upon its adoption by the Board of Trustees of the Village and the expiration of the period prescribed in the Village Law during which petitions for a permissive referendum may be submitted and filed with the Village Clerk.

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester, located in the County of Westchester, State of New York (the "Village"), **HEREBY CERTIFY** as follows:

1. A regular meeting of the Board of Trustees of the Village was duly held on \_\_\_\_\_, 2013, and minutes of such meeting have been duly recorded in the Minute Book kept by me in accordance with the law for the purpose of recording the minutes of meetings of the Board of Trustees of the Village.

2. I have compared the attached extract with such minutes so recorded and such extract is a true and correct copy of such minutes and of the whole thereof insofar as such minutes relate to matters referred to in such extract.

3. Such minutes correctly state the time when such meeting was convened and the place where such meeting was held and the members of the Board of Trustees of the Village who attended such meeting.

4. Notice of such meeting was given as prescribed by law and such meeting was open to all persons who were entitled by law to attend such meeting.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_ day of \_\_\_\_\_, 2013.

(SEAL)

---

**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

## PUBLIC NOTICE

**NOTICE IS HEREBY GIVEN** that the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in the County of Westchester, has on the \_\_\_\_ day of \_\_\_\_\_, 2013, duly adopted, pursuant to the Local Finance Law of New York, a bond resolution which:

(1) authorizes the Board of Trustees of the Village to finance the costs of the acquisition, construction and reconstruction of improvements to Village storm and sanitary sewer systems, and authorizes the issuance of up to \$1,700,000 aggregate principal amount of serial bonds of the Village to finance the costs of such purpose, and

(2) states the estimated maximum total costs of such acquisition, construction and reconstruction to be not in excess of \$1,700,000, states that such costs will be financed, in whole or in part, with the issuance of obligations authorized in such bond resolution and sets forth the plan of financing of the costs of such purpose, and

(3) determines the period of probable usefulness of the purpose to be thirty (30) years, and

(4) determines that the maximum maturity of such serial bonds will be in excess of five (5) years, and

(5) delegates to the Village Treasurer the power to prescribe the terms, form and contents of such serial bonds and the power to authorize the issuance of, and the power to prescribe the terms, form and contents of, any bond anticipation notes issued in anticipation of the issuance of such serial bonds, including renewals thereof, and to issue, sell and deliver such serial bonds and such bond anticipation notes, and

(6) states that the validity of such serial bonds, or of such bond anticipation notes issued in anticipation of the issuance of such serial bonds, may be contested only if (a) such obligations are authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or (b) the provisions of law, which should have been complied with as of the date of publication of such bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or (c) if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Such bond resolution is subject to a permissive referendum under the provisions of Article 9 of the Village Law and petitions protesting against such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval may be filed with the Village Clerk at any time within thirty (30) days after the date of the adoption of such bond resolution.

By order of the Board of Trustees of the Village of Port Chester, County of Westchester, State of New York.

Dated: \_\_\_\_\_, 2013

/s/ JANUSZ RIHCARDS

**JANUSZ R. RICHARDS**

Village Clerk

Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
AFFIDAVIT AS TO POSTING**

**STATE OF NEW YORK** )  
 )**SS.:**  
**COUNTY OF WESTCHESTER** )

**JANUSZ R. RICHARDS**, being duly sworn, **DEPOSES AND SAYS:**

1. That she is the Village Clerk of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York, located in County of Westchester.

2. On the \_\_\_ day of \_\_\_\_\_, 2013, he posted a form of Public Notice relative to the bond resolution relating to the financing of the costs of the acquisition, construction and reconstruction of improvements to Village storm and sanitary sewer systems, adopted by the Board of Trustees of the Village on \_\_\_\_\_, 2013, a true copy of which is annexed hereto and made a part hereof, in the six (6) conspicuous places in the Village:

- 1.
- 2.
- 3.
- 4.
- 5.
- 6.

Sworn to before me this \_\_\_\_\_  
day of \_\_\_\_\_, 2013

\_\_\_\_\_  
**NOTARY PUBLIC**

\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK  
CERTIFICATE OF NO PROTEST**

I, **JANUSZ R. RICHARDS**, Village Clerk of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, **HEREBY CERTIFY** as follows:

1. The Board of Trustees of the Village at a regular meeting thereof duly called and held on \_\_\_\_\_, 2013, adopted a bond resolution having the following title:

**BOND RESOLUTION, DATED \_\_\_\_\_, 2013, AUTHORIZING THE  
ISSUANCE OF UP TO \$1,700,000 AGGREGATE PRINCIPAL AMOUNT  
SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF  
WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL  
FINANCE LAW, TO FINANCE THE COSTS OF THE ACQUISITION,  
CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO  
VILLAGE STORM AND SANITARY SEWER SYSTEMS.**

2. On and prior to the date hereof, no petition or petitions protesting such bond resolution and requesting that it be submitted to the electors of the Village for their approval or disapproval have been filed with the Village Clerk.

**IN WITNESS WHEREOF**, I have hereunto set my hand and impressed the seal of the Village, this \_\_\_\_ day of \_\_\_\_\_, 2013.

**(SEAL)**

\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, NEW YORK**

**ESTOPPEL NOTICE**

The bond resolution published herewith was adopted by the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, on \_\_\_\_\_, 2013. The effectiveness of such bond resolution was subject to a permissive referendum and notice thereof was given as prescribed by law. The period of time prescribed by law has elapsed for the submission and filing of a petition for a permissive referendum and a valid petition has not been submitted and filed. The validity of the obligations authorized by such bond resolution may be hereafter contested only if such obligations were authorized for an object or purpose, or class of object or purpose, for which the Village is not authorized to expend money, or the provisions of law, which should have been complied with as of the date of publication of this notice, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of publication of this notice, or if such obligations were authorized in violation of the provisions of the Constitution of the State of New York.

Date: \_\_\_\_\_, 2013

/s/ JANUSZ R. RICHARDS  
\_\_\_\_\_  
**JANUSZ R. RICHARDS**  
Village Clerk  
Village of Port Chester, New York

**VILLAGE OF PORT CHESTER  
FY 2013-14 CAPITAL PROJECT PLAN  
ADOPTED BUDGET**

| PROJECT:<br>PROJECT NAME      | G/L Code         | PROJECT COST |             | FUNDING SOURCE<br>FY 2013-14   | FUNDING AMOUNT            | BOND RESOLUTION DATE | MAXIMUM MATURITY (PPU) |
|-------------------------------|------------------|--------------|-------------|--------------------------------|---------------------------|----------------------|------------------------|
|                               |                  | FY 2013-14   | FY 2013-14  |                                |                           |                      |                        |
| FIVE (5) POLICE CARS          | 3120-0203-2013-# | \$175,000    | \$175,000   | Serial Bond                    | \$175,000                 |                      | 5 YEARS                |
| POLICE BUIDLING IMPROVEMENT   | 3120-0400-2013-# | \$300,000    | \$300,000   | Serial Bond                    | \$300,000                 |                      | 10 YEARS               |
| NEW PAYSTATIONS-FY2013-14     | 3230.200.2013-#  | \$600,000    | \$600,000   | Serial Bond                    | \$600,000                 |                      | 7 Years                |
| BRINING SYSTEM                | 5110-200-2013-#  | \$5,000      | \$5,000     | Transfer from GF               | \$5,000                   |                      | 5 YEARS                |
| FORD TRUCK-MODEL 350          | 5110-0203-2013-# | \$30,000     | \$30,000    | Transfer from GF               | \$30,000                  |                      | 5 YEARS                |
| STREET RESURFACING FY 2013-14 | 5110-0400-2013-# | \$650,000    | \$150,000   | C.H.I.P.S - NYS<br>Serial Bond | \$500,000                 |                      | 15 YEARS               |
| SWEEPER                       | 519-203-2013-#   | \$140,000    | \$140,000   | Serial Bond                    | \$140,000                 |                      | 15 YEARS               |
| SEWER IMPROVEMENT FY 2013-14  | 8120-0400-2013-# | \$1,700,000  | \$1,700,000 | Serial Bonds                   | \$1,700,000               |                      | 30 YEARS               |
| <b>TOTAL</b>                  |                  |              |             |                                |                           |                      |                        |
|                               |                  |              |             | TOTAL DEBT -                   | \$3,415,000               |                      |                        |
|                               |                  |              |             | TRANSFER FR GF                 | \$35,000                  |                      |                        |
|                               |                  |              |             | TOTAL CHIPS                    | \$150,000                 |                      |                        |
|                               |                  |              |             |                                | <u><u>\$3,600,000</u></u> |                      |                        |

VILLAGE OF PORT CHESTER  
 FY 2013-14 SEWER ENTERPRISE FUND REVENUES  
 TENTATIVE BUDGET

SEWER ENTERPRISE FUND - 007-007 -  
 2122 - SEWER USER FEES  
 2128 - INT & PEN ON SEWER ACCOUNTS  
 2597 - SEWER SRV/CONNECTION CHRG

|  | FY 2013-14<br>REQUESTED | FY 2013-14<br>RECOMMENDED |
|--|-------------------------|---------------------------|
|  | 1,724,538               | 1,724,538                 |
|  | 5,000                   | 5,000                     |
|  | 22,000                  | 22,000                    |
|  | <u>1,751,538</u>        | <u>1,751,538</u>          |

**TOTAL REVENUES**

VILLAGE OF PORT CHESTER  
 FY 2012-13 SEWER ENTERPRISE FUND APPROPRIATIONS  
 TENTATIVE BUDGET

|  | FY 2013-14<br>REQUESTED | FY 2013-14<br>RECOMMENDED |
|--|-------------------------|---------------------------|
| <b>SEWER ENTERPRISE FUND -007</b>      |                         |                           |
| DEPARTMENT                             |                         |                           |
| 1990 - CONTINGENT ACCOUNT              | 17,500                  | 17,500                    |
| 400 - CONTRACTUAL                      | <u>17,500</u>           | <u>17,500</u>             |
|  |                         |                           |
| <b>TOTAL CONTINGENT ACCOUNT</b>        |                         |                           |
|  |                         |                           |
| DEPARTMENT                             |                         |                           |
| <b>8120 - SANITARY SEWER</b>           |                         |                           |
| 101 - PERSONNEL SERVICES               | 15,000                  | 15,000                    |
| 200 - EQUIPMENT                        | 50,000                  | 50,000                    |
| 400 - CONTRACTUAL                      | 258,538                 | 258,541                   |
| 401 - MATERIAL & SUPPLIES              | 10,000                  | 10,000                    |
| 413 - LIGHT & POWER                    | 8,000                   | 8,000                     |
| 462 SOFTWARE SUPPORT (KVS)             | 1,500                   | 1,500                     |
| 477 - BOND/BAN FILING FEES             | 2,500                   | 2,500                     |
| 492 AUDITORS FEES                      | 3,500                   | 3,500                     |
|  | <u>334,038</u>          | <u>334,041</u>            |
| <b>TOTAL SANITARY SEWER</b>            |                         |                           |
|  |                         |                           |
| DEPARTMENT                             |                         |                           |
| <b>9900 - TRANSFERS TO OTHER FUNDS</b> |                         |                           |
| 901 - TRANSFER TO GENERAL FUND         | 1,400,000               | 1,400,000                 |
|  | <u>1,400,000</u>        | <u>1,400,000</u>          |
| <b>TOTAL TRANSFER TO GENERAL FUND</b>  |                         |                           |
|  |                         |                           |
| <b>TOTAL SEWER ENTERPRISE FUND</b>     | <u><u>1,751,538</u></u> | <u><u>1,751,541</u></u>   |
|  |                         |                           |
| <b>SUMMARY OF TRANSFER TO GEN FUND</b> |                         |                           |
| SALARY & BENEFITS                      | 388,591                 | 388,591                   |
| BOND PRINCIPAL                         | 192,046                 | 192,046                   |
| BOND INTEREST                          | 106,022                 | 106,022                   |
| <b>TOTAL TRANSFER TO GENERAL FUND</b>  | <u><u>686,659</u></u>   | <u><u>686,659</u></u>     |

**VILLAGE OF PORT CHESTER**  
**FY 2013-14 SEWER FUND SALARY SCHEDULE**  
**TENTATIVE BUDGET**

| <u>Position</u>                              | <u>Positions</u> | <u>Step &amp; Grade</u>  | <u>2012-13</u>   |                           | <u>Explanation/<br/>Hourly Rate</u> | <u>2013-14</u>   |                  |  |
|--|------------------|--------------------------|------------------|---------------------------|-------------------------------------|------------------|------------------|--|
|  |                  |                          | <u>SALARY</u>    | <u>SALARY</u>             |                                     | <u>SALARY</u>    | <u>Positions</u> |  |
| <b><u>DEPT - 1320 Finance</u></b>            |                  |                          |                  |                           |                                     |                  |                  |  |
| Treasurer                                    | 0                | MGMNT                    | \$ 124,000       |                           |                                     | \$ 127,100       | 0                |  |
| Jr. Accountant                               | 0                | 18-6-1                   | \$ 72,800        |                           |                                     | \$ 77,153        | 0                |  |
| Int Acct Clerk                               | 0                | 12-3-0                   | \$ 49,129        | 13A-4-0                   |                                     | \$ 57,843        | 0                |  |
| Int Acct Clerk                               | 0                | 12-2-0                   | \$ 47,398        | 13A-3-0                   |                                     | \$ 55,896        | 0                |  |
|  | 0                | <b>TOTAL - 1320-0100</b> | <b>\$ 29,333</b> | <b>(10% of \$317,992)</b> |                                     | <b>\$ 31,799</b> | <b>0</b>         |  |
| <b><u>DEPT - 1420 Law</u></b>                |                  |                          |                  |                           |                                     |                  |                  |  |
| Village Attorney                             |                  | MGMNT                    | \$ 135,762       |                           |                                     | \$ 139,156       | 0                |  |
| Sr. Office Asst.                             | 0                | 12-1-0                   | \$ 55,059        | To 1230                   |                                     | \$ -             | 0                |  |
|  | 0                | <b>TOTAL - 1420-0100</b> | <b>\$ 19,082</b> | <b>(10% of \$139,156)</b> |                                     | <b>\$ 13,916</b> | <b>0</b>         |  |
| <b><u>DEPT - 1640 Central Garage</u></b>     |                  |                          |                  |                           |                                     |                  |                  |  |
| Auto Mechanic                                | 0                | 16A-6-1                  | \$ 68,089        | 16A-6-1                   |                                     | \$ 71,700        | 0                |  |
| Auto Mechanic                                | 0                | 16A-6-4                  | \$ 69,790        | 16A-6-5                   |                                     | \$ 74,218        | 0                |  |
| Auto Mechanic                                | 0                | 16A-2-0                  | \$ 59,303        | 16A-4-0                   |                                     | \$ 66,852        | 0                |  |
| Auto Mechanic                                | 0                | 16A-2-0                  | \$ 59,303        | 16A-3-0                   |                                     | \$ 64,661        | 0                |  |
|  | 0                | <b>TOTAL -1640-0100</b>  | <b>\$ 25,649</b> | <b>(10% of \$277,431)</b> |                                     | <b>\$ 27,743</b> | <b>0</b>         |  |
| <b><u>DEPT - 5110 Street Maintenance</u></b> |                  |                          |                  |                           |                                     |                  |                  |  |
| Maint Wrk-Carp                               | 0                | 15A-6-3                  | \$ 66,891        |                           |                                     | \$ 70,384        | 0                |  |
| Skilled Laborer                              | 0                | 12-6-0                   | \$ 54,323        |                           |                                     | \$ 57,225        | 0                |  |
| Maint Mech- Elec                             | 0                | 15A-6-0                  | \$ 65,503        |                           |                                     | \$ 68,996        | 0                |  |
| MEO  | 0                | 14-6-1                   | \$ 60,522        |                           |                                     | \$ 63,730        | 0                |  |
| MEO Sanittion                                | 0                | 14-6-2                   | \$ 60,522        |                           |                                     | \$ 64,191        | 0                |  |
| Lead Mnt Mech San                            | 0                | 15-6-5                   | \$ 65,956        | To 8160                   |                                     | \$ -             | 0                |  |
| Maint Worker-Masor                           | 0                | 13-3-0                   | \$ 49,911        |                           |                                     | \$ 54,483        | 0                |  |
| MEO  | 0                | 12-6-2                   | \$ 55,250        |                           |                                     | \$ 58,152        | 0                |  |
| Skilled Laborer                              | 0                | 12-6-0                   | \$ 52,592        |                           |                                     | \$ 57,225        | 0                |  |
| Gen Repairman                                | 0                | 15A-6-4                  | \$ 64,863        |                           |                                     | \$ 71,163        | 0                |  |
| Laborer                                      | 0                | 10-6-0                   | \$ 49,535        |                           |                                     | \$ 52,179        | 0                |  |
|  | 0                | <b>TOTAL 5110-0100</b>   | <b>\$ 64,587</b> | <b>(10% of \$617,728)</b> |                                     | <b>\$ 61,773</b> | <b>0</b>         |  |

| <u>DEPT - 7110 Parks</u>          | <u>Position</u>   | <u>Positions</u> | <u>Step &amp; Grade</u> | <u>2012-13</u> | <u>Explanation/<br/>Hourly Rate</u> | <u>2013-14</u> | <u>Positions</u> |
|-----------------------------------|---|------------------|-------------------------|----------------|-------------------------------------|----------------|------------------|
|                                   |   |                  |                         | <u>SALARY</u>  |                                     | <u>SALARY</u>  |                  |
|                                   | Lead Maint Mech   | 0                | 16-6-4                  | \$ 68,289      |                                     | \$ 71,821      | 0                |
|                                   |   | 0                | TOTAL - 7110-0100       | \$ 68,289      |                                     | \$ 71,821      | 0                |
| <u>DEPT - 8120 Sanitary Sewer</u> |   |                  |                         |                |                                     |                |                  |
|                                   | Sewer Over-time   |                  |                         | \$ 15,000      |                                     | \$ 15,000      |                  |
|                                   |   |                  | TOTAL 8120-101          | \$ 15,000      |                                     | \$ 15,000      |                  |
|                                   |   |                  |                         |                |                                     |                |                  |
|                                   | TOTAL SALARIES & SEWER OVER-TIME                                  |                  |                         | \$ 221,939     |                                     | \$ 222,052     |                  |
|                                   | FRINGE BENEFITS 75% OF SALARIES                                   |                  |                         | \$ 388,393.43  |                                     | \$ 388,590.48  |                  |
|                                   | <i>(NYS Retirement, Medical, Workers Comp, FICA/Med, MTA Tax)</i> |                  |                         |                |                                     |                |                  |

VILLAGE OF PORT CHESTER  
GROSS SEWER DEBT SERVICE  
OUTSTANDING SERIAL BONDS

| FY Ended<br>May 31: | All Outstanding Bond Issues |                      |                        |
|---------------------|-----------------------------|----------------------|------------------------|
|                     | Principal                   | Interest             | Total Debt Service     |
| 2013                | \$ 171,296.39               | \$ 112,078.10        | \$ 283,374.49          |
| 2014                | \$ 192,046.39               | \$ 106,021.34        | \$ 298,067.73          |
| 2015                | \$ 207,426.21               | \$ 99,505.49         | \$ 306,931.70          |
| 2016                | \$ 216,170.03               | \$ 92,541.82         | \$ 308,711.85          |
| 2017                | \$ 223,774.85               | \$ 85,275.98         | \$ 309,050.83          |
| 2018                | \$ 232,707.67               | \$ 76,823.69         | \$ 309,531.36          |
| 2019                | \$ 241,761.49               | \$ 68,664.75         | \$ 310,426.24          |
| 2020                | \$ 248,900.31               | \$ 59,517.45         | \$ 308,417.76          |
| 2021                | \$ 258,129.13               | \$ 50,971.14         | \$ 309,100.27          |
| 2022                | \$ 267,936.95               | \$ 41,969.66         | \$ 309,906.61          |
| 2023                | \$ 248,040.59               | \$ 33,079.35         | \$ 281,119.94          |
| 2024                | \$ 206,647.41               | \$ 24,813.87         | \$ 231,461.28          |
| 2025                | \$ 214,337.22               | \$ 16,502.40         | \$ 230,839.62          |
| 2026                | \$ 166,436.04               | \$ 8,880.65          | \$ 175,316.69          |
| 2027                | \$ 73,230.68                | \$ 2,977.23          | \$ 76,207.91           |
| 2028                | \$ 22,997.50                | \$ 988.91            | \$ 23,986.41           |
|                     | <u>\$ 3,191,838.86</u>      | <u>\$ 880,611.83</u> | <u>\$ 4,072,450.69</u> |



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# **Village of Port Chester Adopted Sewer Fund Budget Presentation Fiscal Year June 1, 2013 to May 31, 2014**

**APRIL 29, 2013**



# **Sewer Fund Budget at a Glance**

---

|   |                    |
|---|--------------------|
| <b>Appropriations</b>                           | <b>\$1,751,538</b> |
| <b>Sewer Rents</b>                              | <b>\$1,724,538</b> |
| <b>Other Revenues</b>                           | <b>\$27,000</b>    |
| <b>Estimated Water Consumption</b>              |                    |
| <b>Based on Prior Year Per CCF</b>              | <b>1,303,826</b>   |
| <b>Sewer Rates Per CCF</b>                      | <b>\$1.32268</b>   |
| <b>Avg. Yearly Sewer Consumption CCF</b>        | <b>120 CCF</b>     |
| <b>Avg. Yearly Sewer Bill (120 x \$1.32268)</b> | <b>\$158.72</b>    |



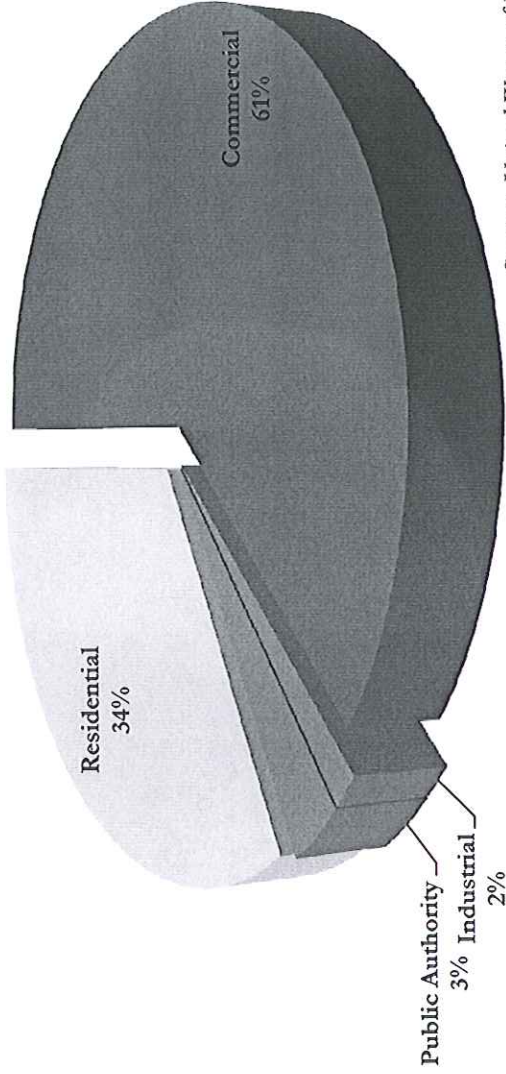
# Sewer Rent Vs. Tax Levy

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| <u>NON-HOMESTEAD</u>                                   | <u>ASSESS VALUES</u>  | <u>%</u>   | <u>TAX LEVY</u>     |
|--|-----------------------|------------|---------------------|
| Assessed Value Taxed                                   | \$ 876,647,721        | 65%        | \$ 9,379,880        |
| Exempt Properties                                      | \$ <u>464,460,500</u> | <u>35%</u> | \$ <u>5,050,704</u> |
| Total  | \$1,340,508,221       | 100%       | \$14,430,584        |
| Exempt Prop.   |                       |            |                     |
| Billed by Water Co.                                    | \$ 280,519,000        | 60%        | \$ 3,030,422        |
| Sewer Rent Fees  |                       |            | \$ 1,724,538        |
| \$ Value of Exempt Property Based on Consumption (35%) | \$ 603,588            |            |                     |



# Village Water Consumption by Land Use



Source: United Water of Westchester

| <u>Land Use</u>  | <u>Units of Water Consumed (CCF)</u> | <u>% of Total Consumption</u> |
|------------------|--------------------------------------|-------------------------------|
| Commercial       | 795,833                              | 61%                           |
| Industrial       | 20,691                               | 2%                            |
| Public Authority | 44,438                               | 3%                            |
| Residential      | 442,864                              | 34%                           |
| <b>Total</b>     | <b>1,303,826</b>                     | <b>100%</b>                   |



# Sewer Rate Calculation

## FY 2013-14

---

**Sewer Rent Revenues**

**\$1,724,538**

**Prior Year Water Consumption**

**1,303,826 CCF**

**Rate per CCF**

**\$1.32268**



# Sewer Assessment Vs. Sewer Rents

---

|  |                     |
|--|---------------------|
| Adopted Tax Levy FY 2013-14                | \$21,896,497        |
| Proposed Sewer Rent FY 2013-14             | <u>\$ 1,724,538</u> |
| Potential Tax Levy Increase for FY 2013-14 | \$23,621,035        |

FY 2012-13 Tax Levied \$21,896,467

➤ Potential Tax Levy Increase \$1,724,568

➤ Potential Tax Levy % Increase 7.86%



# Sewer Assessment Vs. Sewer Rent

---

| <u>Description</u>                  | <u>Assessed Value</u> | <u>Percentage</u> | <u>Potential Levy</u>            |
|-------------------------------------|-----------------------|-------------------|----------------------------------|
| Homestead                           | \$1,509,768,381       | 58.911412%        | \$13,915,485.25                  |
| Non-Homestead                       | \$ <u>869,820,705</u> | <u>41.088588%</u> | \$ <u>9,705,549.75</u>           |
| Total                               | \$2,379,589,086       | 100.000000%       | \$23,621,035.00                  |
| ➤ Potential Homestead Tax Rate:     |                       |                   | \$9.216967 or (19.81% Increase)  |
| ➤ Potential Non-Homestead Tax Rate: |                       |                   | \$11.158104 or (13.00% Increase) |



# Sewer Assessment Vs. Sewer Rent

---

| <u>Description</u>  | <u>FY 2012-13</u> | <u>FY 2013-14</u> | <u>Potential FY 2013-14</u> |
|---|-------------------|-------------------|-----------------------------|
| Avg. Assessed Value   | \$463,283         | \$439,000         | \$439,000                   |
| Homestead Tax Rate<br>(per \$1,000)                         | \$7.692742        | \$8.544038        | \$9.216967                  |
| Avg. Village Tax  | \$3,564           | \$3,751           | \$4,046                     |
| Avg. Tax Bill Increase                                      |                   | \$187             | \$482                       |
| Potential Increase of Avg. Tax Bill over Adopted FY 2013-14 |                   |                   | \$295 more                  |





# Outstanding Long Term Sewer Debt for the Next Ten Years

---

| May 31, | Principal | Interest | Total   |
|---------|-----------|----------|---------|
| 2013    | \$171,296 | 118,356  | 289,652 |
| 2014    | 192,046   | 106,022  | 298,068 |
| 2015    | 207,426   | 99,506   | 306,932 |
| 2016    | 216,170   | 92,542   | 308,712 |
| 2017    | 223,775   | 85,276   | 309,051 |
| 2018    | 232,708   | 76,824   | 309,532 |
| 2019    | 241,761   | 68,665   | 310,426 |
| 2020    | 248,900   | 59,518   | 308,418 |
| 2021    | 258,129   | 50,971   | 309,100 |
| 2022    | 267,937   | 41,970   | 309,907 |



\$3,500,000 expended to date

Phase I: Downtown  
\$1,709,750

- Replacement or Sealing of Sanitary Lines
- 15 locations
- 12, 810 linear feet

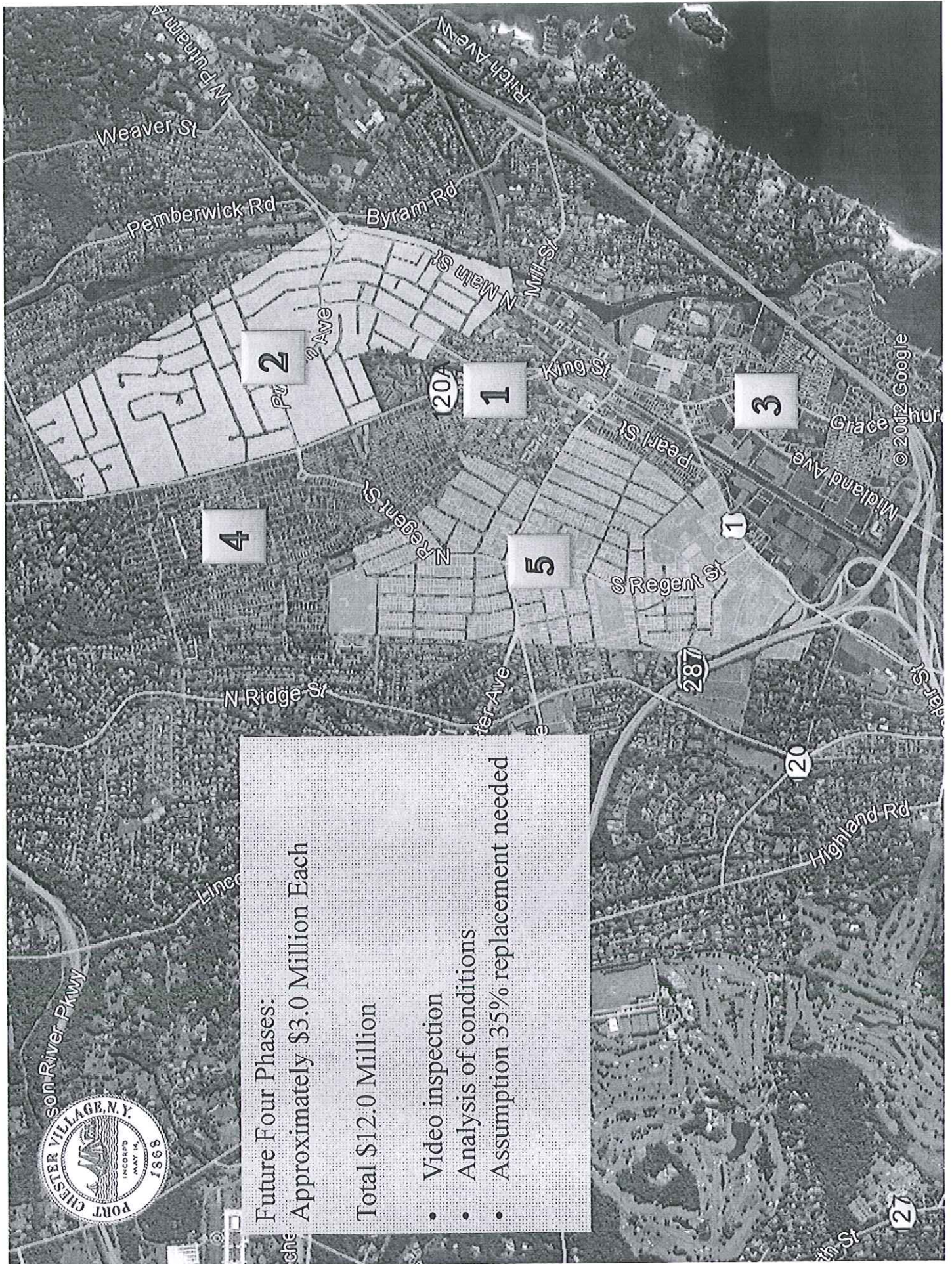
| Village of Port Chester                               |   |                        |               |          |                      |                |
|---|---|------------------------|---------------|----------|----------------------|----------------|
| Proposed Sanitary Sewer Improvement Projects: Phase I |   |                        |               |          |                      |                |
| Number  | Location                                    | Pipe Diameter (inches) | Length (feet) | Type     | Remediation          | Estimated Cost |
| 1   | Traverse Ave<br>(Townsend to Purdy)         | 8                      | 1,000         | Sanitary | Excavate & Replace   | \$225,000      |
| 2   | Townsend Ave<br>(Main to Purdy)             | 8                      | 450           | Sanitary | Excavate & Replace   | \$90,000       |
| 3   | Lower King St<br>(At Bulkeley Drain)        | 8                      | 60            | Sanitary | Excavate & Replace   | \$65,000       |
| 4   | North Main St.<br>(Willet to Westchester)   | 8                      | 1,000         | Sanitary | Excavate & Replace   | \$350,000      |
| 5   | Highland Ave<br>(Metro North to North Main) | 10                     | 400           | Sanitary | Excavate & Replace   | \$120,000      |
| 6   | Highland Ave.<br>(Locust to Metro North)    | 10                     | 1,600         | Sanitary | CIPP & Seal Services | \$96,000       |
| 7   | Broad Street<br>(Irving to King)            | 18                     | 325           | Sanitary | CIPP & Seal Services | \$27,625       |
| 8   | Irving Ave<br>(Pontage to Broad)            | 18                     | 650           | Sanitary | CIPP & Seal Services | \$55,250       |
| 9   | Lower King St<br>(Broad to Bulkeley Drain)  | 18                     | 1,100         | Sanitary | CIPP & Seal Services | \$99,000       |
| 10  | Irving Ave<br>(Clark to Pontage)            | 10                     | 1,100         | Sanitary | CIPP & Seal Services | \$77,000       |
| 11  | North Main St.<br>(Willems to Rectory)      | 8                      | 725           | Sanitary | Excavate & Replace   | \$199,375      |
| 12  | Wilkins Ave<br>(Locust to North Main)       | 15                     | 975           | Sanitary | CIPP & Seal Services | \$63,375       |
| 13  | Willet Ave Willet<br>(King to North Main)   | 10                     | 600           | Sanitary | CIPP & Seal Services | \$39,000       |
| 14  | North Main St<br>(Westchester to Adce)      | 10                     | 875           | Sanitary | CIPP & Seal Services | \$56,875       |
| 15  | Midland Ave<br>(Grace Church to Leonard)    | 12                     | 1,950         | Sanitary | CIPP & Seal Services | \$146,250      |
| Total   |   |                        | 12,810        |          |                      | \$1,709,750    |



Future Four Phases:  
Approximately \$3.0 Million Each

Total \$12.0 Million

- Video inspection
- Analysis of conditions
- Assumption 35% replacement needed



RESOLUTION

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

WHEREAS, the Village of Port Chester Recreation Department conducts an outdoor entertainment program; and

WHEREAS, the Village selects groups to perform over the course of the year; and

WHEREAS, an agreement is required to support payment for such groups. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into the following agreements to provide entertainment for FY 2013 – 2014 as indicated;

- Angie Rubino & Band, compensation to be \$1,100.00 for Lyon Park Concert
- Bookends, compensation to be \$800.00 for Lyon Park Concert
- MoJo Monde, compensation to be \$500.00 for Lyon Park Concert
- Rich Bobinski Orchestra, compensation to be \$720.00 for Lyon Park Concert
- The Greyhounds, compensation to be \$500.00 for Lyon Park Concert
- Markx Laiko Bolivian, compensation to be \$850.00 for Downtown Concert
- Back to the Garden 1969, compensation to be \$850.00 for Downtown Concert
- Juarez-Show Mariachi, compensation to be \$575.00 for Port Chester Day
- Rave-On Band, compensation to be \$500.00 for Port Chester Day
- Amy Gallatin and Stillwaters, compensation to be \$750.00 for Port Chester Day
- Blues Patrol, compensation to be \$850.00 for Port Chester Day
- The Baron’s Band, compensation to be \$800.00 for Port Chester Day.
- Mark Rudzinzki –Sound System, compensation to be \$1,000.00 for Port Chester Day

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

ROLL CALL

AYES:


NOES:

ABSENT:

DATE:

## MEMORANDUM

TO: Janusz Richards  
Village Clerk

From: Heather Krakowski   
Recreation Leader

Subject: Summer Entertainment Contracts

Date: May 31, 2013

---

Enclosed are the contracts for the Summer Entertainers for the Lyon Park Concert Series, Dancing under the Stars-downtown on Main Street, and Port Chester Day (August 24<sup>th</sup>). I am requesting that the agreements be put on the Agenda for Board approval, signed and return to Recreation Office.

Should you require anything further please let me know.

Thank you for your attention in this matter.

Cc: C. Steers  
Village Manager

Encl.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

- 1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
- 2. Name of Band or Group THE BOCK-ENDS
- 3. Number of Musicians FIVE
- 4. Type of Engagement CONCERT
- 5. Date and Hours of Engagement FRIDAY, JULY 12, 2013. HOURS: 7:30 TO 9 PM
- 6. Compensation Agreed upon \$ 800.00
- 7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354  
Telephone

LOU BELLOFATTO  
Print name of Signatory Musician

X \_\_\_\_\_  
Signature of Signatory Musician

44 EAST HAYESTOWN RD. UNIT 14  
Street Address

DANBURY CT. 06811  
City State Zip Code

203-300-5850  
Telephone (on day of the event)

**Note:**

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

- 1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
- 2. Name of Band or Group MONO MONDE
- 3. Number of Musicians FIVE
- 4. Type of Engagement CONCERT
- 5. Date and Hours of Engagement FRIDAY, JULY 19, 2013 - HOURS: 7:30 TO 9 PM
- 6. Compensation Agreed upon \$ 500.00
- 7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354  
Telephone

CHRIS FOX  
Print name of Signatory Musician

X \_\_\_\_\_  
Signature of Signatory Musician

100 SOUTH BEDFORD RD. SUITE 340  
Street Address

MT. KISCO NY 10549  
City State Zip Code

917-923-1798  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
2. Name of Band or Group THE RICH BOZINSKI ORCHESTRA
3. Number of Musicians SIX
4. Type of Engagement CONCERT
5. Date and Hours of Engagement JULY 26, 2013 - HOURS: 7:30 TO 9:00 PM
6. Compensation Agreed upon \$ 720.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354)  
Telephone

JUNE INGRAM  
Print name of Signatory Musician

X June Ingram  
Signature of Signatory Musician

352 PACKER RD.  
Street Address

MYSTIC CT. 06355-1124  
City State Zip Code

WORK. 860-439-2910 HOME. 860-536-2452  
Telephone (on day of the event)  
C. 860 - 908 - 7877

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

We will arrive at 6:00 PM for set up - please have two dedicated power lines live at that time.

Thank you!

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
2. Name of Band or Group THE GREYHOUNDS
3. Number of Musicians FIVE
4. Type of Engagement CONCERT
5. Date and Hours of Engagement FRIDAY, AUGUST 2, 2013 - HOURS: 7:30 TO 9:00 PM
6. Compensation Agreed upon \$ 500.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354)  
Telephone

STU MILLMAN  
Print name of Signatory Musician

X [Signature]  
Signature of Signatory Musician

12 FOWLER AVE.  
Street Address

ROGHKEEPSIE NY 12603  
City State Zip Code

1-845-242-4671  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

- 1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
- 2. Name of Band or Group ANGIE RUBINO AND BAND
- 3. Number of Musicians EIGHT
- 4. Type of Engagement CONCERT
- 5. Date and Hours of Engagement AUGUST 9, 2013 - HOURS: 7:30 TO 9:00 PM
- 6. Compensation Agreed upon \$1100.00 (\$200 FOR SOUND SYSTEM)
- 7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354  
Telephone

ANGIE RUBINO  
Print name of Signatory Musician

X (Angie Rubino)  
Signature of Signatory Musician

6 MAPLEWOOD LANE  
Street Address

PORT CHESTER NY 10573  
City State Zip Code

937-3550 CELL 720-9988  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement DOWNTOWN PORT CHESTER  
PORT CHESTER, NY
2. Name of Band or Group MARKX LAIKO BOLIVIAN
3. Number of Musicians EIGHT
4. Type of Engagement CONCERT
5. Date and Hours of Engagement WEDNESDAY, AUGUST 14, 2013 - HOURS: 7:00 TO 8:30 PM
6. Compensation Agreed upon \$850.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354)  
Telephone

JERRY RIVEROS  
Print name of Signatory Musician

X [Signature]  
Signature of Signatory Musician

328 WILLET AVENUE  
Street Address

PORT CHESTER NY 10573  
City State Zip Code

914-282-7901  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

- 1. Name and address of Place of Engagement DOWNTOWN PORT CHESTER  
PORT CHESTER, NY
- 2. Name of Band or Group BACK TO THE GARDEN 1969
- 3. Number of Musicians SIX
- 4. Type of Engagement CONCERT
- 5. Date and Hours of Engagement WEDNESDAY, AUGUST 21, 2013 - HOURS: 7:00 TO 8:30 PM
- 6. Compensation Agreed upon \$ 850.00
- 7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354  
Telephone

GARY ADAMSON  
Print name of Signatory Musician

X [Signature]  
Signature of Signatory Musician

15 FAIRLAWN ST.  
Street Address

RYE NY 10580  
City State Zip Code

914-921-1343  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
2. Name of Band or Group JUAREZ-SHOW MARIACHI
3. Number of Musicians FIVE
4. Type of Engagement CONCERT
5. Date and Hours of Engagement SATURDAY-AUGUST 24, 2013 - HOURS: 12:00 TO 1:00 PM
6. Compensation Agreed upon \$575.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354  
Telephone

DAVID ALVAREZ  
Print name of Signatory Musician

X [Signature]  
Signature of Signatory Musician

158 COCHRAN PLACE  
Street Address

VALLEY STREAM, L.I., NY 11581  
City State Zip Code

1-718-507-8217- Cell-1-646-229-4524  
Telephone (on day of the event)

**Note:**

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
2. Name of Band or Group RAVE-ON
3. Number of Musicians THREE
4. Type of Engagement CONCERT
5. Date and Hours of Engagement SATURDAY - AUGUST 24, 2013 - HOURS: 1:30 TO 2:30 PM
6. Compensation Agreed upon \$ 500.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager

Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939 - 2354  
Telephone

CHRIS ROSELLE

Print name of Signatory Musician

X Chris Roselle  
Signature of Signatory Musician

2299 MORRISON AVE.  
Street Address

UNION NJ 07083  
City State Zip Code

908-687-3808  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

Please have check made out to:  
Christian Roselle

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
2. Name of Band or Group AMY GALLATIN (~~SOMETHING ABOUT YOU~~)  
AND STILLWATERS
3. Number of Musicians FOUR
4. Type of Engagement CONCERT
5. Date and Hours of Engagement SATURDAY, AUGUST 24, 2013 - HOURS: 4:30 TO 5<sup>30</sup> PM
6. Compensation Agreed upon \$ 750.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939-2354)  
Telephone

AMY GALLATIN  
Print Name of Signatory Musician

X [Signature]  
Signature of Signatory Musician

188 POND CIRCLE  
Street Address

GLASTONBURY CT. 06033  
City State Zip Code

860-633-2574  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

⇒ PLEASE NOTE: BAND NAME IS AMY GALLATIN AND STILLWATERS ←

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
2. Name of Band or Group BLUES PATROL
3. Number of Musicians EIGHT
4. Type of Engagement CONCERT
5. Date and Hours of Engagement SATURDAY, AUGUST 24, 2013 - HOURS: 6:00 TO 7:15 PM
6. Compensation Agreed upon \$ 850.00
7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager  
Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street  
Street Address

Port Chester, New York 10573  
City State Zip Code

(914-939-2354)  
Telephone

William Frenz  
Print name of Signatory Musician

X [Signature]  
Signature of Signatory Musician

30 MORGAN AVE.  
Street Address

GREENWICH CT. 06831  
City State Zip Code

203-532-9217  
Telephone (on day of the event)

**Note:**

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

CONTRACT

This contract for the personal services of musicians on the engagement described below is made this 10<sup>th</sup> day of APRIL 2013 between the undersigned purchaser of music therein called "Purchaser" and the undersigned musician or musicians.

- 1. Name and address of Place of Engagement LYONS PARK  
PORT CHESTER, NY
- 2. Name of Band or Group THE BARON'S
- 3. Number of Musicians NINE
- 4. Type of Engagement CONCERT
- 5. Date and Hours of Engagement SATURDAY, AUGUST 24, 2013 - HOURS: 7:45 TO 9:00 AM
- 6. Compensation Agreed upon \$ 800.00
- 7. Purchaser Will Make Payments as Follows: Payment will be made following engagement

IN WITNESS WHEREOF, the parties hereto have hereunto set their names on the day and year first above written.

Christopher Steers - Village Manager

Print Purchaser's Full and Correct Name

X \_\_\_\_\_  
Signature of Purchaser

222 Grace Church Street

Street Address

Port Chester, New York 10573

City State Zip Code

(914-939 - 2354  
Telephone

RICH GRASS GMS MANAGEMENT

Print name of Signatory Musician

X Rich Grass  
Signature of Signatory Musician

585 ELLSWORTH ST. #2G

Street Address

BRIDGEPORT CT. 06605

City State Zip Code

203-334-9285  
Telephone (on day of the event)

Note:

In case of inclement weather, on the date of engagement, the Village of Port Chester would have the authority to cancel the engagement, provided that the Musician or Musicians' are notified by two o'clock pm on the date of the engagement. An alternate date, schedule permitting, would be re-scheduled. In order to receive payment, you must complete the attached W-9 form and submit an invoice along with the signed contract. Please send signed contract, along with attachments to: Heather Krakowski, Village of Port Chester Recreation Department Room 160, 222 Grace Church Street, Port Chester, NY 10573.

Rubino, Angelo

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To: HEATHER KRAKOWSKI  
Subject: AGREEMENT FOR SOUND SYSTEM

The Mark Rudzinski Sound System Company agrees to provide a sound system, with speakers, to cover a vast area for Port Chester Day on Saturday, August 24th., 2013.

The Mark Rudzinski Sound System Company will provide microphones for up to ten musicians'.

The Mark Reudzinski Sound System Company will provide the sound system from 11:45 AM to 9:00 PM.

The price aged upon between the Village of Port Chester and the Mark Rudzinski Sound System is \$1,000.00. Payment will be made following the engagement.

In case of inclement weather, on the date of engagement, the engagement may be held on the following day, Sunday, August 25th., 2013.

To receive payment, you must complete attached 1099 form and submit an invoice along with enclosed signed contracts.

Please send signed contracts along with attachments to:

Heather Krakowski  
Village of Port Chester Room 106  
222 Grace Church St.  
Port Chester, NY, 10573

Christopher Steers-Village Manager

Mark Rudzinski

X \_\_\_\_\_  
Name Purchaser  
222 Grace Church Steet  
Address  
Port Chester, N.Y., 10573  
City State Zip  
914-939-2354  
Telephone

X \_\_\_\_\_  
Name of Vendor  
PO Box 184  
Address  
Botsford, Ct., 06404  
City State Zip  
203-259-8586  
Telephone

AUTHORIZING AGREEMENT TO CONTINUE LONG-STANDING PUBLIC-  
PRIVATE PARTNERSHIP WITH PORT CHESTER COUNCIL OF THE ARTS, INC.  
FOR FY 2013-2014

On motion of TRUSTEE \_\_\_\_\_, seconded by TRUSTEE \_\_\_\_\_

, the following resolution was adopted by the Board of Trustees of the  
Village of Port Chester, New York:

WHEREAS, through a long-standing agreement with the Port Chester Council of the Arts, the Village of Port Chester has provided a theater and arts program; and

WHEREAS, such agreement provides a cross-generational opportunity for talented individuals to participate in programming that is given for the benefit of all Village residents; and

WHEREAS, the Council has submitted a budget and programming to renew the program for FY 2013-2014. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with the Port Chester Council of the Arts, Inc., P.O. Box 15, 211 South Ridge Street, Rye Brook, New York 10573, to provide theater and arts programming for the benefit of the residents of the Village of Port Chester for FY 2013-2014, compensation to be in the amount of \$32,000.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Villager Attorney

## **AGREEMENT**

This Agreement made the \_\_\_\_\_ day of June, 2013, by and between the VILLAGE OF PORT CHESTER (hereinafter called “VILLAGE”, a municipal corporation with an office at 222 Grace Church Street, Port Chester, New York 10573, and the PORT CHESTER COUNCIL FOR THE ARTS, INC., (hereafter called “COUNCIL”), a not-for-profit corporation with its office at P. O. Box 15, 211 South Ridge Street, Rye Brook, New York 10573.

### WITNESSETH

**WHEREAS**, through a long-standing agreement with the Council, the Village has provided a theater and arts program providing a cross-generational opportunity for talented individuals to participate in programming that is given for the benefit of its residents; and

**WHEREAS**, the parties respectively desire to continue to offer and to operate such program;.

**NOW, THEREFORE**, in consideration of the covenants hereinafter set out, the parties mutually agree as follows:

1. That this agreement will be for a term of one (1) year commencing on June 1, 2013 and terminating on May 31, 2014.
2. That the Council will coordinate and present the programs set out in Exhibit A hereto annexed and made a part hereof as if more fully set out herein and will make the same available to the general public in the same manner as was done in the 2012-2013 Fiscal Year.

3. In consideration, the Village shall make payment to the Council for services rendered in the amount of \$32,000, payable in three installments as set out in Exhibit B annexed hereto.
4. In addition to the amount paid by the Village, the Council will charge fees for those taking part and attending the program at the rates set out in Exhibit A. Such monies will be used to defray costs and expenses over and above paid by the Village. These charges will not be increased over the term of this Agreement without the consent of the Village.
5. The Council will provide general liability insurance in the same amount as in the agreement for FY 2012-2013 for all programs and that the Village assumes no responsibility with respect to same. In addition, persons employed to work on the programs or by the Council shall be solely employees or contractors of the Council and the Village shall have no relationship to, or obligation for, such employees or contractors to file any reports with respect to the same. It shall also be the obligation of the Council to obtain insurance for programs at all locations, which programs are those of the Council, its employees and contractors, and not those of the Village, and the Village shall have no control over same or responsibility therefore since they are programs exclusively run and controlled by the Council.
6. The Village agrees to review funding for the program as part of its annual budget review process for FY 2013-2014 and if the Council's proposed compensation is acceptable to the Village, the Village has the option to extend the agreement for an additional year on such proposed terms.
7. It is understood and agreed that the monies provided by the Village are for the programs set out in Exhibit A and that the designation of amounts for each program may be transferred between programs without limitation so long as a full accounting is made to

the Village showing that the full amount of the payment provided was used for one or more of the purposes set out in Exhibit A.

8. The Council acknowledges the Village's Harassment and Anti-Discrimination Policy, copy of which has been made available to it.
9. All correspondence under this agreement shall be sent as follows:
  - a. Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573
  - b. Port Chester Council for the Arts, Inc.  
P.O. Box 15  
211 South Ridge Street  
Rye Brook, New York 10573
10. This agreement in its entirety shall not be altered or amended except by a writing signed by the parties hereto.
11. This agreement shall be binding on the parties hereto, their successors and assigns, except that this is a service contract and may not be assigned without the consent of both parties.

**IN WITNESS WHEREOF** the parties hereto have hereunto set their hands and seals the day and year first above written.

VILLAGE OF PORT CHESTER

By: \_\_\_\_\_  
CHRISTOPHER D. STEERS  
Village Manager

PORT CHESTER COUNCIL FOR THE ARTS, INC.

By: \_\_\_\_\_  
DENISE COLANGELO,  
Executive Director

Approved as to Form:

\_\_\_\_\_  
Village Attorney



|    | A  | B                                    | C            | D                  | E   |
|----|--|--------------------------------------|--------------|--------------------|---|
| 1  | Court Interpreters and Stenographer Survey   |                                      |              |                    |   |
| 2  | As of June 7, 2013   |                                      |              |                    |   |
| 3  |  |                                      |              |                    |   |
| 4  |  |                                      |              |                    |   |
| 5  | COURT  | SPANISH INTERPRETER UP TO 3.25 HOURS | ALL DAY RATE | COURT STENOGRAPHER | ADDITIONAL COMMENTS                                 |
| 6  |  |                                      |              |                    |   |
| 7  | Mount Kisco  | \$160.00                             | \$250.00     | \$305.00           | Precise Translations used for Interpreting          |
| 8  | Hastings   | \$160.00                             | \$250.00     | \$305.00           | Precise Translations used for Interpreting          |
| 9  | Bronxville   | don't use one                        |              | \$180.00           | Language Line used for interpreting -\$15 per call  |
| 10 | Sleepy Hollow  | \$125.00                             |              | \$180.00           | Rates are for night court                           |
| 11 | New Castle   | \$140.00                             |              | \$200.00           | LE Translations used for Interpreting               |
| 12 | Pelham   | \$160.00                             | \$250.00     | \$185.00           | Precise Translations used for Interpreting          |
| 13 | Mamaroneck   | \$225.00                             |              | \$260.00           |   |
| 14 | North Castle   | \$160.00                             | \$250.00     | \$220.00           | Precise Translations used for Interpreting          |
| 15 | Somers   | \$160.00                             | \$250.00     | \$190.00           | Precise Translations used for Interpreting          |
| 16 | Tuckahoe   |                                      |              | \$160.00           | Interpreter as needed-she did not provide a rate    |
| 17 | Port Chester   |                                      | \$225.00     | \$225.00           | Small Claims/Traffic night court is \$150 per night |
| 18 |  |                                      |              |                    |   |
| 19 | *Precise day or night rate is \$160 for 3.25 hours an additional \$90 if after 3.25 hours. |                                      |              |                    |   |
| 20 | *Precise charges \$225 for all other languages   |                                      |              |                    |   |
| 21 | *Olga also interprets for Italian and Portuguese (saves us an additional \$225 per day)    |                                      |              |                    |   |
| 22 | *The Village is reimbursed \$25 per day from Westchester County Department of Finance for  |                                      |              |                    |   |
| 23 | Spanish Interpreters and revenue ranges from \$4,700 to \$5,500 yearly.                    |                                      |              |                    |   |
| 24 | *Gail does not charge if the Judges request a transcript.                                  |                                      |              |                    |   |
| 25 | *FY 2013-14 Budgeted amounts for Interpreter - \$40,000, and for Court Report - \$35,000   |                                      |              |                    |   |

**Village Justice Court**

**Court Interpreter & Reporter**

**G/L 1.1110.407 - Interpreter - \$40,000 Budget FY 2012-13**

**G/L 1.1110.408 - Court Reporter - \$35,000 Budget FY 2012-13**

| <b>Court Date</b> | <b>Court Time</b> | <b>Court Hours</b> | <b>1.1110.407 Interpreter</b> | <b>Olga Hurtado</b> | <b>1.1110.408 Reporter</b> | <b>Gail Letizia</b> |
|-------------------|-------------------|--------------------|-------------------------------|---------------------|----------------------------|---------------------|
| 6/1/2012          | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/4/2012          | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/5/2012          | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 6/6/2012          | 9am to 12 pm      | 3 hours            |                               |                     | \$ 225                     | \$ 225              |
| 6/7/2012          | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              |                            |                     |
| 6/8/2012          | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/11/2012         | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/13/2012         | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              | \$ 150                     | \$ 150              |
| 6/14/2012         | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/15/2012         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/18/2012         | 9am to 12 pm      | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/19/2012         | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 6/21/2012         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/22/2012         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/25/2012         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/28/2012         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/29/2012         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| <b>June Total</b> |                   |                    | <b>\$ 3,375</b>               | <b>\$ 3,375</b>     | <b>\$ 3,075</b>            | <b>\$ 3,075</b>     |
| 7/2/2012          | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/6/2012          | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/9/2012          | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/10/2012         | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 7/12/2013         | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |

| <b>Court Date</b>   | <b>Court Time</b> | <b>Court Hours</b> | <b>1.1110.407 Interpreter</b> | <b>Olga Hurtado</b> | <b>1.1110.408 Reporter</b> | <b>Gail Letizia</b> |
|---------------------|-------------------|--------------------|-------------------------------|---------------------|----------------------------|---------------------|
| 7/13/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/16/2012           | 6 pm to 8 pm      | 2 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/16/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              |                            |                     |
| 7/19/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/20/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/23/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/24/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 7/25/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              | \$ 150                     | \$ 150              |
| 7/26/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/27/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/30/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| <b>July Total</b>   |                   |                    | <b>\$ 3,375</b>               | <b>\$ 3,375</b>     | <b>\$ 2,850</b>            | <b>\$ 2,850</b>     |
| 8/2/2012            | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/3/2012            | 9 am to 12 pm     | 3 hours            |                               |                     | \$ 225                     | \$ 225              |
| 8/9/2012            | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/10/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/13/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/14/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 8/16/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/17/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/20/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/22/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              | \$ 150                     | \$ 150              |
| 8/23/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/24/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/27/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/28/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 8/30/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 8/31/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| <b>August Total</b> |                   |                    | <b>\$ 3,150</b>               | <b>\$ 3,150</b>     | <b>\$ 3,075</b>            | <b>\$ 3,075</b>     |
| 9/6/2012            | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/7/2012            | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/10/2012           | 9 am to 12 pm     | 3 hous             | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |

| <b>Court Date</b>   | <b>Court Time</b> | <b>Court Hours</b> | <b>1.1110.407 Interpreter</b> | <b>Olga Hurtado</b> | <b>1.1110.408 Reporter</b> | <b>Gail Letizia</b> |
|---------------------|-------------------|--------------------|-------------------------------|---------------------|----------------------------|---------------------|
| 9/13/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/14/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/17/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/19/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              | \$ 225                     | \$ 225              |
| 9/19/2012           | 6 pm to 8 pm      | 2 hours            |                               |                     | \$ 150                     | \$ 150              |
| 9/20/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/21/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/24/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/25/2012           | 6 pm to 8 pm      | 2 hours            | \$ 150                        | \$ 150              |                            |                     |
| 9/27/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/28/2012           | 9 am to 12 pm     | 3 hours            | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| <b>Sept Total</b>   |                   |                    | <b>\$ 2,775</b>               | <b>\$ 2,775</b>     | <b>\$ 2,850</b>            | <b>\$ 2,850</b>     |
| <b>June to Sept</b> |                   |                    | <b>\$ 12,675</b>              | <b>\$ 12,675</b>    | <b>\$ 11,850</b>           | <b>\$ 11,850</b>    |

*N.B.: Olga Hurtado has been paid \$36,375 from June 1, 2012 to May 6, 2013, of which \$2,700 was for election interpreting services.*

*Gail Letizia has been paid \$31,575 from June 1, 2012 to May 6, 2013.*

*Please note that Westchester County reimburses the Village \$25 for Court Interpreter services for each Court Session. Approximately \$4,700 yearly.*

The above hours are only an estimate. Sometimes we end before 12 and sometimes we end after 12.

**RESOLUTION  
COURT INTERPRETER AGREEMENT**

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

WHEREAS, Olga Hurtado, 170 Elm Street, New Rochelle, New York, has long provided court interpreter services to the Port Chester Justice Court; and

WHEREAS, Ms. Hurtado has proposed a renewal of her agreement with the Village for an additional two years at no increase in rates of compensation; and

WHEREAS, the Village Manager recommends such renewal. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to execute an agreement with Olga Hurtado, 170 Elm Street, New Rochelle, New York, as Interpreter for the Justice Court and the Village Attorney for a term of two years, commencing on June 1, 2013 and ending on May 31, 2015, compensation to be as provided in the fee proposal dated May 1, 2013, as follows: Monday, Wednesday, Thursday, Friday, Traffic and Criminal Court @225.00 per day (starting at 9:00 a.m. until conclusion of calendar), Tuesday evenings Traffic Court and on Wednesday evenings Small Claims session at \$150.00 per night until conclusion of calendar.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

**OLGA HURTADO**

170 Elm Street  
New Rochelle, New York 10805

(914) 469-6555

May 1, 2013

Mr. Christopher Steer  
Village Manager  
222 Grace Church St.  
Port Chester, New York 10573

RE: Contract Renewal Court Interpreter

To Whom It May Concern:

It has come to my attention that my contract with the Village as Court Certified Interpreter is due for renewal. I have been employed since 1999 with the Village.

My fee schedule has been \$225.00 per day court session and \$150.00 per night court session. The Village is paid a fee of \$25.00 by the County of Westchester for each day Court is in session.

I understand that my services shall be provided at the request of the Court, and also when the Village Attorney requires an interpreter for 50-H hearings and depositions in his defense of claims against the Village.

I look forward to my continued service to the Village.

Very truly yours,

Olga Hurtado

## AGREEMENT

THIS AGREEMENT, made the \_\_\_\_ day of June 2013, by and between VILLAGE OF PORT CHESTER, (hereinafter referred to as "Village "), a municipal corporation with an office at 222 Grace Church Street, Port Chester, New York, and OLGA HURTADO (hereinafter referred to as "Contractor "), 170 Elm Street, New Rochelle, New York 10805.

WHEREAS, the Village of Port Chester is a municipal corporation responsible, under law, for the health and welfare of its residents, and

WHEREAS, there has been a shift in the population of the Village so that more and more of its residents are people who speak Spanish not as a second language, but as their only language, and

WHEREAS, as a result the Justice Court requires a court certified Spanish interpreter so that it can properly hear matters before it. Now, therefore, the parties do mutually agree as follows:

1. This is a contract for professional services.
2. The services to be provided will be Spanish translating and interpreting.
3. The services to the Justice Court will be shall be provided on an "as- needed" Basis for the Justice Court with schedule and compensation to be as follows: Monday, Wednesday, Thursday and Friday, - Flat rate of \$225.00 per day; session starting at 9:00 a.m. until 5:00 p.m. or conclusion of calendar. Tuesday evenings – Traffic Court – and Wednesday evenings — Small Claims Session — Flat rate of \$150 per evening until conclusion of calendar.
4. That the Contractor will make herself available to the Court on reasonable notice for pre -trial conferences and jury trials or other such additional proceedings available at a rate of \$225 per day.
5. That the Contractor may not assign this agreement or make any substitutions without reasonable notice and the prior consent of the Court Clerk and the presiding judge.
6. This agreement shall be for a term commencing on June 1, 2013 and ending on the 31st day of May, 2015, subject, however, to the right of either party to terminate this agreement at any time on sixty (60) days written notice to the other at the address shown above.
8. In performing these services, it is mutually agreed and understood that the Contractor shall be and all times acting and performing same as independent contractor. Nothing in this agreement is intended to create an employer /employee relationship, or to allow the Village to exercise control or direction over the manner or method by which the Contractor performs the services which are the subject of this agreement.

9. This agreement is entire and shall not be altered or amended except by a writing signed by the parties hereto.

10. In the event of a dispute or controversy between the parties arising out of or relating to this agreement, the parties agree that such disputes will be adjudicated in a court of competent jurisdiction in the State of New York.

11. This agreement shall be governed by and construed in accordance with the laws of the State of New York.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

VILLAGE OF PORT CHESTER

By \_\_\_\_\_  
Christopher D. Steers,  
Village Manager

\_\_\_\_\_  
OLGA HURTADO

# Memo

**To:** Mr. Chris Steers, Village Manager

**From:** Regina Hill *RH*

**CC:**

**Date:** May 17, 2013

**Re:** Gail Letizia and Olga Hurtado

---

After speaking to Judge Sisca and Judge Troy, we highly recommend renewing the resolutions for Gail Letizia as Court Stenographer and Olga Hurtado as Spanish Interpreter for the Village Court. Thank you.

# Memo

To: Ms. Leonie Douglas, Treasurer  
From: Regina Hill  
CC: Mr. Chris Steers, Village Manager  
Date: June 14, 2013  
Re: Gail Letizia and Olga Hurtado

---

Olga Hurtado is a certified interpreter and interprets for other courts in New York State and she is paid via a voucher.

Gail Letizia is a stenographer for other courts in New York State and she is paid via a voucher.



**Certificate of Attestation of Exemption  
From New York State Workers' Compensation  
and/or Disability Benefits Insurance Coverage**

**\*\*This form cannot be used to waive the workers' compensation rights or obligations of any party.\*\***

The applicant may use this Certificate of Attestation of Exemption **ONLY** to show a government entity that New York State specific workers' compensation and/or disability benefits insurance is not required. The applicant may **NOT** use this form to show another business or that business's insurance carrier that such insurance is not required.

**Please provide this form to the government entity from which you are requesting a permit, license or contract. This Certificate will not be accepted by government officials one year after the date printed on the form.**

**In the Application of  
(Legal Entity Name and Address):**

OLGA HURTADO  
DBA: OLGA HURTADO  
170 ELM ST.  
NEW ROCHELLE, NY 10805  
PHONE: 914-469-6555 FEIN: XXXXX5480

**Business Applying For:**  
**OTHER: WORKERS COMP ELECT TO BE EXEMPT**

**From: PORT CHESTER VILLAGE COURT**

**Workers' Compensation Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE SPECIFIC WORKERS' COMPENSATION INSURANCE COVERAGE** for the following reason:  
The business is owned by one individual and is not a corporation. Other than the owner, there are no employees, day labor, leased employees, borrowed employees, part-time employees, unpaid volunteers (including family members) or subcontractors.

**Disability Benefits Exemption Statement:**

The above named business is certifying that it is **NOT REQUIRED TO OBTAIN NEW YORK STATE STATUTORY DISABILITY BENEFITS INSURANCE COVERAGE** for the following reason:  
The business **MUST** be either: 1) owned by one individual; OR 2) is a partnership (including LLC, LLP, PLLP, RLLP, or LP) under the laws of New York State and is not a corporation; OR 3) is a one or two person owned corporation, with those individuals owning all of the stock and holding all offices of the corporation (in a two person owned corporation each individual must be an officer and own at least one share of stock); OR 4) is a business with no NYS location. In addition, the business does not require disability benefits coverage at this time since it has not employed one or more individuals on at least 30 days in any calendar year in New York State. (Independent contractors are not considered to be employees under the Disability Benefits Law.)

I, OLGA HURTADO, am the Sole Proprietor with the above-named legal entity. I affirm that due to my position with the above-named business I have the knowledge, information and authority to make this Certificate of Attestation of Exemption. I hereby affirm that the statements made herein are true, that I have not made any materially false statements and I make this Certificate of Attestation of Exemption under the penalties of perjury. I further affirm that I understand that any false statement, representation or concealment will subject me to felony criminal prosecution, including jail and civil liability in accordance with the Workers' Compensation Law and all other New York State laws. By submitting this Certificate of Attestation of Exemption to the government entity listed above I also hereby affirm that if circumstances change so that workers' compensation insurance and/or disability benefits coverage is required, the above-named legal entity will immediately acquire appropriate New York State specific workers' compensation insurance and/or disability benefits coverage and also immediately furnish proof of that coverage on forms approved by the Chair of the Workers' Compensation Board to the government entity listed above.

|                      |                   |              |
|----------------------|-------------------|--------------|
| <b>SIGN<br/>HERE</b> | <b>Signature:</b> | <b>Date:</b> |
|----------------------|-------------------|--------------|

|  |  |   |
|--|--|---|
| <b>Exemption Certificate Number</b><br>2013-030647 |  | <b>Received</b><br>May 21, 2013<br><b>NYS Workers' Compensation Board</b> |
|--|--|---|

**Village Justice Court**

**Court Interpreter & Reporter**

**G/L 1.1110.407 - Interpreter - \$40,000 Budget FY 2012-13**

**G/L 1.1110.408 - Court Reporter - \$35,000 Budget FY 2012-13**

| <b>Court Date</b> | <b>Court Time</b> | <b>Court Hours</b> | <b>1.1110.407 Interpreter</b> | <b>Olga Hurtado</b> | <b>1.1110.408 Reporter</b> | <b>Gail Letizia</b> |
|-------------------|-------------------|--------------------|-------------------------------|---------------------|----------------------------|---------------------|
| 6/1/2012          |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/4/2012          |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/5/2012          |                   |                    | \$ 150                        | \$ 150              |                            |                     |
| 6/6/2012          |                   |                    |                               |                     | \$ 225                     | \$ 225              |
| 6/7/2012          |                   |                    | \$ 225                        | \$ 225              |                            |                     |
| 6/8/2012          |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/11/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/13/2012         |                   |                    | \$ 150                        | \$ 150              | \$ 150                     | \$ 150              |
| 6/14/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/15/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/18/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/19/2012         |                   |                    | \$ 150                        | \$ 150              |                            |                     |
| 6/21/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/22/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/25/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/28/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 6/29/2012         |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
|                   |                   |                    |                               |                     |                            |                     |
| <b>June Total</b> |                   |                    | <b>\$ 3,375</b>               | <b>\$ 3,375</b>     | <b>\$ 3,075</b>            | <b>\$ 3,075</b>     |
| 7/2/2012          |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/6/2012          |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/9/2012          |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 7/10/2012         |                   |                    | \$ 150                        | \$ 150              |                            |                     |

| Court Date          | Court Time | Court Hours | 1.1110.407 Interpreter | Olga Hurtado    | 1.1110.408 Reporter | Gail Letizia    |
|---------------------|------------|-------------|------------------------|-----------------|---------------------|-----------------|
| 7/12/2013           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/13/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/16/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/16/2012           |            |             | \$ 225                 | \$ 225          |                     |                 |
| 7/19/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/20/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/23/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/24/2012           |            |             | \$ 150                 | \$ 150          |                     |                 |
| 7/25/2012           |            |             | \$ 150                 | \$ 150          | \$ 150              | \$ 150          |
| 7/26/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/27/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 7/30/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
|                     |            |             |                        |                 |                     |                 |
| <b>July Total</b>   |            |             | <b>\$ 3,375</b>        | <b>\$ 3,375</b> | <b>\$ 2,850</b>     | <b>\$ 2,850</b> |
| 8/2/2012            |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/3/2012            |            |             |                        |                 | \$ 225              | \$ 225          |
| 8/9/2012            |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/10/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/13/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/14/2012           |            |             | \$ 150                 | \$ 150          |                     |                 |
| 8/16/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/17/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/20/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/22/2012           |            |             | \$ 150                 | \$ 150          | \$ 150              | \$ 150          |
| 8/23/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/24/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/27/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/28/2012           |            |             | \$ 150                 | \$ 150          |                     |                 |
| 8/30/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| 8/31/2012           |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |
| <b>August Total</b> |            |             | <b>\$ 3,150</b>        | <b>\$ 3,150</b> | <b>\$ 3,075</b>     | <b>\$ 3,075</b> |
| 9/6/2012            |            |             | \$ 225                 | \$ 225          | \$ 225              | \$ 225          |

| <b>Court Date</b>   | <b>Court Time</b> | <b>Court Hours</b> | <b>1.1110.407 Interpreter</b> | <b>Olga Hurtado</b> | <b>1.1110.408 Reporter</b> | <b>Gail Letizia</b> |
|---------------------|-------------------|--------------------|-------------------------------|---------------------|----------------------------|---------------------|
| 9/7/2012            |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/10/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/13/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/14/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/17/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/19/2012           |                   |                    | \$ 150                        | \$ 150              | \$ 225                     | \$ 225              |
| 9/19/2012           |                   |                    |                               |                     | \$ 150                     | \$ 150              |
| 9/20/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/21/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/24/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/25/2012           |                   |                    | \$ 150                        | \$ 150              |                            |                     |
| 9/27/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| 9/28/2012           |                   |                    | \$ 225                        | \$ 225              | \$ 225                     | \$ 225              |
| <b>Sept Total</b>   |                   |                    | <b>\$ 2,775</b>               | <b>\$ 2,775</b>     | <b>\$ 2,850</b>            | <b>\$ 2,850</b>     |
| <b>June to Sept</b> |                   |                    | <b>\$ 12,675</b>              | <b>\$ 12,675</b>    | <b>\$ 11,850</b>           | <b>\$ 11,850</b>    |

*N.B.: Olga Hurtado has been paid \$36,375 from June 1, 2012 to May 6, 2013, of which \$2,700 was for election interpreting services.*

*Gail Letizia has been paid \$31,575 from June 1, 2012 to May 6, 2013.*

*Please note that Westchester Cournty reimburses the Village \$25 for Court Interpreter services for each Court Session. Approximately \$4,700 yearly.*

**RESOLUTION  
COURT REPORTER AGREEMENT**

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

WHEREAS, Gail Letizia, P.O. Box 588, Bronxville, New York 10708, has long provided court reporter services to the Port Chester Justice Court; and

WHEREAS, Ms. Letizia has proposed a renewal of her agreement with the Village for an additional two years at no increase in rates of compensation; and

WHEREAS, the Village Manager recommends such renewal. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to execute an agreement with Gail Letizia, P.O. Box 588, Bronxville, New York, as Court Reporter for the Justice Court for a term of two years, commencing on June 1, 2013 and ending on May 31, 2015, compensation to be as provided in the fee proposal dated May 2, 2013, as follows: Monday, Thursday and Friday. \$225 per day (starting time 9:00 a.m. until 5:00 p.m.) any session running past 5:00 p.m. an additional \$50 per hour, and on Wednesday evenings Small Claims session at \$150.00 per night until 10:00 p.m. and any session past 10:00 p.m. an additional \$150.00.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

To Village Clerk for BOT  
5-3-13

VILLAGE OF PORT CHESTER

MAY 03 2013

RECEIVED *vm*

Gail M. Letizia, Court Reporter  
16 Saxon Woods Park Drive  
White Plains, New York 10605

Christopher Steers, Village Manager  
Village of Port Chester  
222 Grace Church Street  
Port Chester, New York 10573

May 2, 2013

Dear Mr. Steers:

It has come to my attention that my contract with the Village of Port Chester as Court Stenographer is due for renewal.

I have been employed with the Village since 1993. My contract expired May 31<sup>st</sup>, 2013. With your approval, I would like to continue my contract for another two (2) years at the same rates:

Monday, Thursday, Friday @\$225.00 per day, starting time 9:00 a.m. until 5:00 p.m. Any session running past 5:00 p.m. an additional \$50 per hour will be charged.

Wednesday night Small Claims Session @ \$150.00 per night until 10:00 p.m. Any session running past 10:00 p.m. an additional \$150.00 will be charged.

If, in the event, the need to hire an outside agency arises due to a conflict in my scheduling, the Village will pay fee of agency.

Very truly yours,



Gail M. Letizia

Cc: Regina Hill, Court Clerk

## AGREEMENT

THIS AGREEMENT, made the \_\_\_\_ day of June 2013 by and between VILLAGE OF PORT CHESTER, (hereinafter referred to as "Village "), a municipal corporation with an office at 222 Grace Church Street, Port Chester, New York, and GAIL LETIZIA, P.O. Box 588, Bronxville, New York 10708, (hereinafter referred to as "Contractor "), party of the second part.

WITNESSETH:

WHEREAS, the Village requires the services of a court reporter for the Port Chester Village Justice Court; and

WHEREAS, the Reporter wishes to be retained in such capacity all on the following terms and conditions: Now, therefore, the parties do mutually agree as follows:

1. This is a contract for professional services.
2. That such services will be provided on an "as needed" basis for the Justice Court with schedule and compensation to be as follows: Monday, Wednesday, Thursday and Friday, flat rate of \$225.00 per day; session starting at 9:00 a.m. until 5:00 p.m. After 5:00 p.m., an additional \$50/hour. Wednesday evenings, Small Claims Session — Flat rate of \$150.00; session starting at 7:00 p.m. until 10:00 p.m. Any session that is past 10:00 p.m. an additional flat rate of \$150.00 until conclusion of calendar.
3. That the Reporter will make herself available to the Court on reasonable notice for pre-trial conferences and jury trials or other such additional proceedings at a flat rate of \$225 per day.
4. That the Reporter may not assign this agreement or make any substitutions without reasonable notice and the prior consent of the Court Clerk and the presiding judge.
5. This agreement shall be for a term commencing on June 1, 2013 and ending on the 31 day of May, 2015, subject, however, to the right of either party to terminate this agreement at any time on sixty (60) days written notice to the other at the address shown above.
6. In performing these services, it is mutually agreed and understood that the Reporter shall be and all times acting and performing same as an independent contractor. Nothing in this agreement is intended to create an employer /employee relationship, or to allow the Village exercise control or direction over the manner or method by which the Reporter performs the services which are the subject of this agreement.
7. This agreement is entire and shall not be altered or amended except by a writing signed by the parties hereto.

8. In the event of a dispute or controversy between the parties arising out of or relating to this agreement, the parties agree that such disputes will be adjudicated in a court of competent jurisdiction in the State of New York.

9. This agreement shall be governed by and construed in accordance with the laws of the State of New York

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands and seals the day and year first above written.

VILLAGE OF PORT CHESTER

By \_\_\_\_\_  
Christopher D. Steers,  
Village Manager

\_\_\_\_\_  
GAIL LETIZIA

# Memo

**To:** Mr. Chris Steers, Village Manager

**From:** Regina Hill *RH*

**CC:**

**Date:** May 17, 2013

**Re:** Gail Letizia and Olga Hurtado

---

After speaking to Judge Sisca and Judge Troy, we highly recommend renewing the resolutions for Gail Letizia as Court Stenographer and Olga Hurtado as Spanish Interpreter for the Village Court. Thank you.

# Memo

To: Ms. Leonie Douglas, Treasurer  
From: Regina Hill  
CC: Mr. Chris Steers, Village Manager  
Date: June 14, 2013  
Re: Gail Letizia and Olga Hurtado

---

Olga Hurtado is a certified interpreter and interprets for other courts in New York State and she is paid via a voucher.

Gail Letizia is a stenographer for other courts in New York State and she is paid via a voucher.

REPORT  
OF  
THE VILLAGE MANAGER



interns will provide the additional resources necessary to process the growing search backlog and significantly improve our service delivery in this area.

Both actions will be implemented in accordance with the June 13<sup>th</sup> resolution approving the use of contingency funds. These actions are in furtherance of the number one listed Board priority.

## INITIATIVES:

**High Performance Teaming:** As a management initiative and protocol to better manage my span of control the following staff "*Work Groups*" have been established:

- Safety Committee
- Quality of Life Work Group
- Grant Writing Work Group
- Records Management Work Group

Each work Group performs a specialize function in areas assigned (see attachments).

## PROJECTS:

- **Traffic signal and road improvements located at the intersections of Pearl & Broad at Westchester Ave:** As you are aware staff issued a notice to G & S to commence the Westchester Avenue Improvements Project. We received a reply from John Fatlings of G&S that the work will commence forthwith (see attached).
- **350 North Main Street:** the assessment of the current conditions at the Police and Court building includes the need for exterior drainage work, interior drainage work, painting, possible lead abatement, pointing of the brick around key sites of the building, and repairs to the cell blocks. To date we are aware of at least two union complaints on the condition of the building, one to OSHA and one to PESH (the NY Department of Labor). The PESH complaint resulted in the issuance of a Notice of Violation on 5/8/13 (attached).

PESH NOV: Staff met with Safety and Health Inspector on June 6<sup>th</sup>, 2013. The outcome of the meeting was as follows: of the 18 violations cited, 13 had been complied with as of that date (attached); of the remaining violations (electrical in nature) we were within the mandated compliance period of July 15<sup>th</sup>; about three other violations required us to request Permission to Modify Abatement Date (a PMA), which was granted. We were also notified of a second Notice of Violation that was pending issuance under the Industrial Hygiene Division relating to mold and other conditions within the basement. At the end of the day we were ahead of the game as we have been dealing with the concerns prior to the issuance of the NOV.

- The exterior drainage work is has been completed.
- DPW has received some quotes for the brick pointing. They are on the high side and break the cap for necessitating a bid. Working with the Village Engineer on Bid specs.
- Quotes have been received relating to a lead assessment and remediation. The award is pending the related Bond resolution.

- The final report on the cell block repairs has been received from JCJ. We will be moving forward with low cost fixes for the current conditions as recommended. DPW has been instructed to clean and paint the cells in the interim. We have not been re-contacted as of yet by COC regarding their inspection report; no violations have been cited. The project is being approached as a maintenance and repair program based on existing conditions and not an architectural alteration or improvement effort.
  - The interior renovations within the court room have been completed.
- **NIXLE 360:** NIXLE 360 is a comprehensive all-in one messaging platform that allows public safety agencies to connect and engage their residents through all communication channels including voice. NIXLE 360 is a completely web-based application that leverages comprehensive databases of geographically-located phone numbers that do not require citizen opt-in for emergency usage.

Implementation Status:

- Staff has completed system integration with our phone system, Email system, and Web portal.
  - The Emergency Service Listing (ESL) is pending final authorization from Verizon. This part of the process has been tedious at best due to contractual limitations on their side.
  - Final implementation pending ESL data.
- **Promenade Cameras:** Promenade cameras have been installed and are operational.

**PRIORITY LIST**

- **Amnesty Program:** Additional amendments proposed for 1 and 2 family home owners. Public hearing on June 17th.
- **Marina Bulkhead District:** Under Development.

Attachments.

CC: Tony Cerreto, Village Attorney  
 Peter Miley, Building Inspector / Code Enforcement Director  
 Christopher Ameigh, Administrative Aide  
 Ed Brancati, HR /Risk Management  
 Maryanne Veltri, Office Assistant  
 File



781 Elmgrove Road, Rochester, New York 14624  
 (800) 836-8834 • (585) 328-1810  
 FAX (585) 328-8189

**MUNICIPITY™ CHANGE ORDER #PO0100\_06122013 – ADDITIONAL PRODUCTS/SERVICES**

This Change Order is subject to General Code’s Content Management Solutions Terms and Conditions, which are available at [www.generalcode.com/TCdocs](http://www.generalcode.com/TCdocs) and are incorporated herein by reference, and the client authorizes General Code to proceed with the project.

**Client:** Village of Port Chester  
**Address:** 222 Grace Church Street  
 Port Chester, NY 10573

**Contact Person:** Christopher Steers  
**Date:** June 12, 2013

| Item   | Unit Price  | Units | Total              |
|--|-------------|-------|--------------------|
| Municipality GIS 20/20 (Web Based GIS Module)                    | \$6000.00   | 1     | \$6000.00          |
| Municipality Work Order Module                                   | \$4300.00   | 1     | \$4300.00          |
| Droid Application (one-time \$1,500 setup fee included in price) | \$500.00    | 10    | \$6500.00          |
| Municipality Web with Credit Card and Check Processing           | \$10,900.00 | 1     | 10,900.00          |
| <b>Total Project Price</b>                                       |             |       | <b>\$27,700.00</b> |

**Timeline:** This service will be provided within 60 days from receipt of the signed Change Order.

**Payment Terms:** 50% on receipt of signed change order; 50% on delivery.

**Price Validity:** Price is valid for 30 days from June 12, 2013

**(Client please fill out) Invoice for this Change Order to be sent to:**

**Department:** \_\_\_\_\_ **Contact Name:** \_\_\_\_\_

The prices and specifications in this Change Order are satisfactory and are hereby accepted. All work is to be performed under the same terms and conditions as specified in the original contract unless otherwise specified.

**Village of Port Chester, Westchester County, New York**

**Signature** \_\_\_\_\_ **Date** \_\_\_\_\_

**Name** \_\_\_\_\_ **Title** \_\_\_\_\_

*Please fax to General Code at 585/328-8189  
 or email to [sales@generalcode.com](mailto:sales@generalcode.com)*

## CHANGE ORDER FORM

|   |
|---|
| <b>Municipity™ Recommended Minimum Specifications</b> |
|---|

**Server:**

|                  |   |
|------------------|---|
| CPU              | Pentium IV 1 GHz or better required   |
| Memory           | If server running only Municipity: 2 GB RAM recommended<br>If server running additional applications: increase by 1 GB per additional application |
| Operating System | Windows Server 2003 or above with current service pack  |
| Database Engine  | MS SQL Server 2005 or above with all SQL tools installed  |
| Network Protocol | Must be TCP/IP; the network address and sub-net mask must be the same on both the server and the workstations                                     |
| Browser          | Internet Explorer 6.0 or higher   |
| Hard Drives      | Assume 20,000 pictures from inspections per 1 GB of hard drive space, RAID array recommended  |
| NIC              | For network connectivity  |
| UPS/Tape Backup  | UPS and tape or other backup system to ensure data integrity  |
| Software         | Microsoft Outlook version 2000 SP-3 or better   |

**Workstations:**

|                  |   |
|------------------|---|
| CPU              | Pentium IV or better recommended  |
| Memory           | 512 MB RAM or better - 1GB RAM recommended  |
| Operating System | Windows XP Professional, Windows Vista Business, Windows 7  |
| Network Protocol | Must be TCP/IP; the network address and sub-net mask must be the same on both the server and the workstations |
| Browser          | Internet Explorer 6.0 or later  |
| NIC              | Access to the network server running Municipity   |
| Monitor          | 17" monitor or better recommended for optimal viewing   |
| Resolution       | Minimum Screen resolution of 1024x768   |
| Scanner          | If scanning documents into Municipity is required - a scanner that supports TWAIN drivers                     |
| Software         | Microsoft Outlook version 2000 SP-3 or better   |

**Laptop/Tablet PC:**

|                    |   |
|--------------------|---|
| CPU                | Pentium IV or better recommended  |
| Memory             | 1GB RAM recommended   |
| Operating System   | Windows XP Professional, Windows Vista Business, Windows 7  |
| Network Connection | Must be TCP/IP; the network address and sub-net mask must be the same on both the server and the laptop - used for synchronization to the main database |
| Browser            | Internet Explorer 7.0 or later  |

## CHANGE ORDER FORM

### Android:

|         |  |
|---------|--|
| General | Android 2.3 or greater; persistent data connection [cellular (preferred) or wifi]; camera recommended for taking photos in the field |
|---------|--|

### Remote Support:

|               |  |
|---------------|--|
| Remote Access | As part of this purchase, the municipality agrees to allow remote access to your Server and Desktop system(s) with a minimum of a 56kb modem. If your municipality has broadband Internet service, the preferred access method would be via TCP/IP over the Internet (utilizing software such as GoToMeeting or GoToAssist). |
|---------------|--|

AUTHORIZING BUDGET TRANSFER

TO FUND BUILDING/CODE ENFORCEMENT EFFORTS

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

WHEREAS, the Board of Trustees has most recently ranked code enforcement as its first policy priority' and

WHEREAS, the Village Manager has advised the Board that he seeks to move forward with his plans to purchase updates to the MUNICIPALITY software as part of the ongoing effort to modernize the Village's information resources and recruit two additional administrative interns to assist in the growing backlog in municipal searches; and

WHEREAS, it is appropriate that the funds required to accomplish these initiatives should come the contingency line in the FY 2013-2014 Budget. Now, therefore, be it

RESOLVED, that the Village Treasurer is hereby authorized to modify the General Fund FY 2013-14 Budget as follows:

**GENERAL FUND**

**Transfer from Appropriation:**

|             |             |           |
|-------------|-------------|-----------|
| Contingency |             |           |
| 1.1990.400  | Contingency | \$113,672 |

**Transfer to Appropriation:**

|                     |                              |          |
|---------------------|------------------------------|----------|
| Building Department |                              |          |
| 1.3620.100          | Personnel Services           | \$64,167 |
| 1.3620.462          | Software & Systems Support   | \$13,850 |
| Code Enforcement    |                              |          |
| 1.3989.462          | Software & System Support    | \$13,850 |
| Employee Benefits   |                              |          |
| 1.9030.802          | Social Security              | \$3,979  |
| 1.9030.810          | Medicare (Employer Share)    | \$930    |
| 1.9060.807          | Hospital & Medical Insurance | \$16,896 |

APPROVED AS TO FORM:

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Anthony M. Cerreto  
Village Attorney

Roll Call

AYES:

NOES:

ABSENT:

Date:

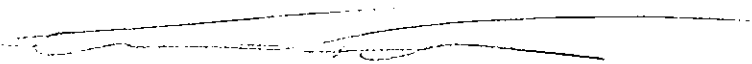


# VILLAGE OF PORT CHESTER

## OFFICE OF THE VILLAGE MANAGER

### MEMORANDUM

TO: Tony Cerreto, Village Attorney  
Ed Brancati, HR /Risk Management  
Peter Miley, Building Inspector / Code Enforcement Director  
Ed Quinn, Assistant Fire Chief  
James Ladeairous, Lieutenant VPCPD  
Christopher Summa, Department of Public Works

FROM:   
Christopher D. Steers, Village Manager

DATE: May 28<sup>th</sup>, 2013

RE: Safety Committee

As a follow up to the May 14<sup>th</sup>, staff meeting this memorandum re-establishes a "Safety Committee" for the Village with the above referenced members.

The Mission Statement for the Committee is as follows:

"The Purpose of the Safety Committee is to assure a safe work environment for all employees. The specific role of the committee is to provide a forum to record safety issues recognized by employees, to provide education regarding safety in the work place, and to review conditions which may create hazards to employees. The committee is designated to meet on a scheduled and routine basis to assure timely review of such issues, to recommend controls to promote safe practices in all areas of employment, and to reduce such recommendations into a safety manual."

Mr. Brancati will be the Chair person of the committee and report on issues, recommendations, and the status of the safety manual to the Village Manager's Office. The safety of Village employees is paramount and as such the works of this Safety Committee is an important endeavor that will ultimately benefit us all.

Thank you in advance for your contributions and cooperation.

CC: Christopher Ameigh, Administrative Aide  
Maryanne Veltri, Office Assistant  
File



# VILLAGE OF PORT CHESTER

## OFFICE OF THE VILLAGE MANAGER

### MEMORANDUM

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TO: Joe Krzeminski, Chief of Police  
Kevin McMinn, Fire Chief  
Peter Miley, Building Inspector / Code Enforcement Director  
Rocky Morabito, DPW General Foreman  
Tony Cerreto, Village Attorney

  
FROM: Christopher D. Steers, Village Manager

DATE: June 11<sup>th</sup>, 2013

RE: Quality of Life Work Group

---

As a follow up to the May 14<sup>th</sup>, staff meeting this memorandum establishes a "Quality of Life Work Group" for the Village with the above referenced members.

Mr. Krzeminski and Mr. Miley will Co- Chair the Working Group and report on initiatives, Public Safety recommends, and apparent priorities to the Village Manager's Office on a quarterly basis.

The Work Group should seek to create and implement policies and procedures for effective interdepartmental cooperation, referrals, joint inspections, and public safety initiatives. Focus areas may include but not be limited to:

- Abandoned Properties
- Nuisances
- Scofflaws
- Joint Prosecutions
- Sweeps
- Unlicensed Contractors

The work group should seek to create collaboration and more routinized coordination on related public safety concerns. Thank you in advance for your contributions and cooperation.

CC: Christopher Ameigh, Administrative Aide  
Maryanne Veltri, Office Assistant  
File



# VILLAGE OF PORT CHESTER

## OFFICE OF THE VILLAGE MANAGER

### MEMORANDUM

TO: Christopher Gomez, Director of Planning and Development  
Christopher Ameigh, Administrative Aide  
Jessica Youngblood, Administrative Intern, Planning

FROM:   
Christopher D. Steers, Village Manager

DATE: May 28<sup>th</sup>, 2013

RE: Grant Writing Work Group

As a follow up to the May 14<sup>th</sup>, staff meeting this memorandum establishes a "Grant Writing Work Group" for the Village with the above referenced members.

Mr. Gomez will be the Chair Person of the Working Group and report on recommendations, grant opportunities, and the status of grant applications to the Village Manager's Office.

The Work Group should seek to create a mission, and a statement thereof. The group's initial efforts should be to identify and analyze existing grants and associated contracts currently secured by the Village. Further, the work group is charged with maintaining a proactive methodology maintaining awareness of pending grant cycles, and actively seeking out and successfully applying for targeted funding opportunities.

Thank you in advance for your contributions and cooperation.

CC: Maryanne Veltri, Office Assistant  
File



# VILLAGE OF PORT CHESTER

## OFFICE OF THE VILLAGE MANAGER

### MEMORANDUM

---

TO: Tony Cerreto, Village Attorney  
Janusz Richards, Village Clerk  
Christopher Ameigh, Administrative Aide

FROM: Christopher D. Steers, Village Manager

DATE: June 11<sup>th</sup>, 2013

RE: Records Management Work Group

---

As a follow up to the May 14<sup>th</sup>, staff meeting this memorandum establishes a "Records Management Work Group" for the Village with the above referenced members.

Mr. Richards will be the Chair Person of the Working Group and report on policy initiatives, recommended training, and recommended procedures to the Village Manager's Office.

The Work Group should seek to create and implement policies and procedures for proper records management throughout the Village. Focus areas may include but not be limited to:

- Retention Guidelines
- Integrated Records Management / IT
- Digitization
- Public Access
- Guidelines for Records Management Liaisons

The work group will be the key to the proper and effective management of Village records in accordance with NYS Law. Thank you in advance for your contributions and cooperation.

CC: Maryanne Veltri, Office Assistant  
File



VILLAGE OF  
**PORT CHESTER**

222 Grace Church Street, Port Chester, NY 10573

Christopher D. Steers  
Village Manager

(914) 939-2200  
Fax: (914) 937-3169  
E-mail: [csteers@portchesterny.com](mailto:csteers@portchesterny.com)

June 12, 2013

FAX (212) 286-4178 AND E-MAIL

G&S Investors  
211 East 43rd Street, 25th Floor  
New York, New York 10017  
Attn: Mr. Gregg Wasser

G&S Port Chester LLC  
G&S Port Chester Retail 1 LLC  
211 East 43rd Street, 25th Floor  
New York, New York 10017  
Attn: Mr. Doug Riley

Re: Village of Port Chester, New York  
Modified Marina Redevelopment Project (the "Project")  
Land Acquisition and Disposition Agreement dated as of July 14, 1999  
Undertaking and Escrow Agreement, dated as of January 12, 2012  
Request to Commence Westchester Avenue Improvements Project

Gentlemen:

Please accept this correspondence in connection with that certain Undertaking and Escrow Agreement, dated as of January 12, 2012 (the "Undertaking Agreement"), and entered into by the Village and G&S Port Chester LLC and G&S Port Chester Retail 1 LLC (collectively, "G&S"). Reference is also made to that Land Acquisition and Disposition Agreement dated as of July 14, 1999 ("LADA", as amended) entered into with regard to the captioned project (the "Project"), pursuant to which such Project and LADA the Undertaking Agreement was negotiated and entered into for purposes of addressing certain yet-to-be completed Required Public Improvements to be installed and constructed by G&S (the "Scope of Work" and "Scope Modifications", as defined within the Undertaking Agreement). Further reference is made to (i) that certain Memorandum of Understanding and Finding Agreement, dated as of March 16, 2012 entered into by G&S, the Village and Marvin Ravikoff (the "Additional Escrow Agreement", as referenced in the Undertaking Agreement"), such MOU relating to payment of certain aspects of the Scope of Work and Scope Modifications; and (ii) that certain Verde Contract, as

Mr. Wasser/Mr. Riley

Page 2

June 12, 2013

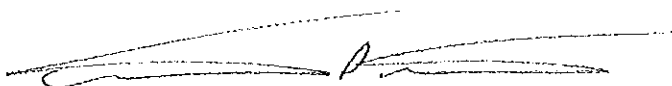
defined within the Undertaking Agreement, as amended. Copies of the Undertaking Agreement, MOU and Verde Contract are enclosed for reference.

Please note that the Village entered into the Undertaking Agreement in good faith and has at all times satisfied its obligations thereunder, including the issuance of certain Certificates of Completion, as defined within the LADA. However, neither the Scope of Work, nor the Scope Modifications have been initiated or completed by G&S. Pursuant to and in accordance with Section 1(a) of the Undertaking Agreement, G&S committed to completing the Scope of Work and Scope Modifications on or before December 31, 2012.

Please accept this correspondence as a request to immediately commence and timely complete the Scope of Work and Scope Modifications. Pursuant to Section 2(e) of the Undertaking Agreement, please also accept this correspondence as written notice of the Village's intention to undertake the Assignment of the Verde Contract and all funds held in the Escrow Account (collectively, the "Assignment") if G&S fails to immediately commence the Scope of Work and Scope Modifications. Please note that in the event that the Village elects to undertake the Assignment, and pursuant to the Undertaking Agreement, all costs and expenses associated with the Scope of Work and Scope Modifications incurred by the Village (including all costs associated with General Exclusions, if any, under the Verde Contract), shall be exclusively payable by G&S.

We ask that you please immediately contact the undersigned to confirm the date of commencement for the Scope of Work and Scope Modifications.

Very truly yours,



Christopher D. Steers  
Village Manager

CDC:mtv

## UNDERTAKING AND ESCROW AGREEMENT

This Undertaking and Escrow Agreement (the "Agreement"), dated as of the 12th day of January, 2012, is made by and between G&S PORT CHESTER LLC, a limited liability company organized and duly existing under the laws of the State of New York with offices at 211 East 43<sup>rd</sup> Street, New York, New York (herein, "G&S"), and VILLAGE OF PORT CHESTER, a municipal corporation duly organized under the laws of the State of New York with offices at 222 Grace Church Street, Port Chester, New York 10573 (the "Village"), with acknowledgment by G&S PORT CHESTER RETAIL 1 LLC, a limited liability company organized and duly existing under the laws of the State of New York with offices at 211 East 43<sup>rd</sup> Street, New York, New York (herein, "Retail 1").

### WITNESSETH:

WHEREAS, in furtherance of a certain Modified Marina Redevelopment Project (the "Project"), G&S and the Village, along with the Village of Port Chester Industrial Development Agency (the "Agency"), entered into a Land Acquisition and Disposition Agreement, dated as of July 14, 1999, and amendments thereto (collectively, the "LADA"), wherein the parties thereto memorialized their respective rights and obligations in connection with the Project; and

WHEREAS, in furtherance of the Project and applicable provisions of the LADA, the Agency, by and through the Village, acquired certain parcels of real estate within the Village (the "Land") to be incorporated into the Project, with the Land being divided into several units (the Land, as divided, together with any improvements thereon, a "Unit") and thereafter developed by G&S and/or the Unit Lessees into a multi-tenanted waterfront retail complex within which the Unit Lessees have leased commercial retail space to various subtenants; and

WHEREAS, pursuant to and as defined within the LADA, G&S is required to construct certain "Required Public Improvements" associated with the Project, the remaining scope of such Required Public Improvements (the "Scope of Work") to be completed by G&S having been redefined within a certain Eleventh Amendment to Land Acquisition and Disposition Agreement, executed on or about November 11, 2008, and entered into by the Village, G&S and the Agency (the "11<sup>th</sup> Amendment"); and

WHEREAS, in furtherance of the G&S' continuing obligations under the LADA and the 11<sup>th</sup> Amendment, G&S, by and through G&S Port Chester Retail 1, LLC ("Retail 1"), entered into a certain contract relating to the Scope of Work with Verde Electric Maintenance Corp. ("Verde"), dated as of June 2, 2011 (the "Verde Contract"), pursuant to which Retail 1 engaged Verde to install and construct the Scope of Work in accordance with Plans and Specifications prepared by Dunn Engineering Associates, P.C., dated as of November, 16, 2009 (the "Plans and Specs"); and

WHEREAS, as of the date hereof, installation of the Scope of Work has not commenced and the Village and G&S may consider certain modifications to the Scope of Work (the "Scope Modifications"); and

WHEREAS, in furtherance of the Project and the timely completion of the Required Public Improvements by G&S, the Village and G&S desire to enter into this Agreement for the purposes of (i) establishing an escrow structure for payment of costs associated with the Scope of Work; (ii) establishing a timeframe for completion of the Scope of Work and, if approved by the Village and G&S, the Scope Modifications; and (iii) memorializing the Village's agreement to issue certain Certificates of Completion, as defined within and governed by the LADA.

NOW, THEREFORE, in consideration of the above recitals, each of which is incorporated herein by this reference, and in consideration of the following terms, covenants, representations, and undertakings herein, and other good and valuable consideration, the receipt, adequacy and sufficiency of which are hereby acknowledged, it is agreed to as follows:

1. Undertaking of Scope of Work and Scope Modifications. G&S hereby reaffirms its obligations to complete the Required Public Improvements pursuant to the LADA and 11<sup>th</sup> Amendment. In furtherance of same, G&S and the Village agree as follows:

- (a) Completion Date. G&S, by and through Retail 1 or otherwise, shall complete the Scope of Work and, if approved by the Village and G&S, the Scope Modifications, on or before December 31, 2012 (the "Completion Date").
- (b) Scope Modifications. G&S and the Village shall mutually agree whether or not Scope Modifications will be undertaken on or before January 31, 2012. If the parties hereto agree that Scope Modifications will be made and undertaken, G&S shall immediately undertake planning and permitting therefore. In all events, G&S shall use commercially reasonable efforts to commence the Scope of Work and, if approved by the Village and G&S, the Scope Modifications, on or before May 1, 2012. If Scope Modifications are undertaken, payment for same will be provided for in a separate instrument as hereinafter described (the "Additional Escrow Agreement").
- (c) Responsibility for Payment. Other than as set forth herein and in such Additional Escrow Agreement, if any, G&S shall be exclusively responsible for the undertaking of the Scope of Work pursuant to the Verde Contract, and if the Scope Modifications are approved by the Village and G&S, also undertaking same pursuant to an amended Verde Contract ("Amended Verde Contract"), the terms of which shall be reviewed and reasonably approved by the Village. Other than as set forth herein and in such Additional Escrow Agreement, if any, G&S shall be responsible to pay Verde for all costs and fees associated with the Scope of Work, Verde Contract, Scope Modifications, and Amended Verde Contract.

2. Verde Contract; Escrow Provisions and Requirements.

- (a) Verde Contract. As of the date hereof, G&S, by and through Retail 1, has paid a total of \$35,219.99 to Verde in furtherance of the Verde Contract, and a balance of \$351,001.51 remains to be paid to Verde upon completion of the Scope of Work.
- (b) Escrow Requirements. Within Ten (10) business days of the date hereof, G&S shall establish a restricted account (the "Escrow Account") to hold a minimum

\$361,001.51 in cash IN ESCROW for the exclusive payment of amounts due to Verde in connection with the Verde Contract and Scope of Work. The Escrow Account shall be established by G&S in accordance with the provisions hereof with a New York State chartered banking institution, in the name of G&S, with signature cards requiring signatures of both a G&S-authorized representative and Christopher J. Russo, Village Manager, ex officio, who shall act for and on behalf of the Village in accordance with the terms of this Agreement. G&S shall provide the Village with copies of Escrow Account establishment documentation and duplicate Escrow Account statements shall be delivered to the Village by the selected banking institution.

- (c) Release of Escrow Funds. As the Scope of Work is completed and the necessary equipment therefor is procured, G&S will periodically (and not more often than monthly) submit reasonable evidence of such completion or procurement to the Village together with a request for the Village to execute such checks to be drawn on the Escrow Account in respect of payments to such parties, including G&S, as G&S shall request to account for the value of the completed Scope of Work or acquired equipment. The Village shall, on or within ten (10) days of receipt of such request, either cause such check or checks to be signed and delivered back to G&S, or submit a reasonably detailed written objection to the claimed evidence of completion or procurement. Upon final completion of the Scope of Work, and inspection and acceptance thereof by the Village (which inspection the Village agrees to perform with reasonable promptness upon the written request of G&S), and written evidence of full payment to Verde, the Village shall execute a check payable to G&S for the balance of the Escrow Account, if any.
- (d) Scope Modifications; Additional Escrow. On or after the date hereof, and in all events prior to the commencement of any work in furtherance of the Scope Modifications, G&S and the Village, along with any third party authorized by the Village and G&S, may enter into an additional and separate escrow agreement ("Additional Escrow Agreement") relating to the funding of Scope Modifications and an Amended Verde Contract, as may be agreed upon by the Village and G&S, and such Amended Verde Contract approved by the Village.
- (e) Failure to Complete; Assignment of Contracts. In the event that G&S (and/or Retail 1) fails to complete the Scope of Work (and if approved by the Village and G&S, the Scope Modifications) on or before the Completion Date, then, if the Village so elects, upon notice in writing to G&S of not less than thirty (30) days, the Village shall be entitled to, and G&S hereby assigns and sets over, all funds held within the Escrow Account to be utilized by the Village for, and only for, the completion of any such portion of the Scope of Work as is not complete on the Completion Date. In such an event, G&S hereby appoints the Village as attorney in fact to execute all documents, instruments and drafts necessary to transfer funds held in the Escrow Account to the Village. In addition, in the event that G&S (and/or Retail 1) fails to complete the Scope of Work (and if approved by the Village and G&S, the Scope Modifications) on or before the Completion Date, G&S and/or Retail 1, as their interests may appear, do hereby transfer and assign the Verde Contract (along with any Amended Verde Contract), and set over their respective rights to enforce same, to the Village, which the Village may elect to

assume for purposes of the Scope of Work and/or Scope Modifications. In the event that the Village elects to utilize the Escrow Account in such fashion, any funds remaining in the Escrow Account (or the representative amount thereof if the funds are in fact transferred to the Village) after completion of the Scope of Work shall be promptly returned to G&S by the Village, and the Village shall provide to G&S an accounting of the application of such funds to the Scope of Work. Limited Role of Village; Limitation of Liability. The parties hereto acknowledge and agree that the Village shall have the same responsibility for ownership and maintenance of the completed Scope of Work as is provided for in the LADA, as if such Scope of Work were completed by G&S pursuant to the terms of the LADA without the creation of this escrow arrangement. Except as provided in the previous sentence, the Village shall have no liability with regard to the Required Public Improvements or the Verde Contract, unless otherwise assumed by the Village pursuant to Section 2(c), above. The Village shall not be required to appropriate any funds or incur any costs whatsoever with respect to the Scope of Work beyond the responsibilities it would have had pursuant to the terms of the LADA. Further, the Village's liability and obligations with respect to payment for any Scope Modifications shall be exclusively limited to any funding as may be provided by the Village pursuant to the Additional Escrow Agreement.

3. Certificates of Completion.

In consideration of the foregoing and only after funding of the Escrow Account, the Village agrees to issue Certificates of Completion, as defined within Section 9.7 of the LADA, to G&S in connection with the Project and relating to Units 1, 2A, 2C (Walgreens portion only) and 4A, subject to G&S' receipt of permanent certificates of occupancy for all spaces leased within each such Unit prior to the date hereof. The foregoing Certificates of Completion shall be executed and delivered by the Village Manager within ten (10) days of written request therefore from G&S, which request shall be accompanied by copies of the applicable permanent certificates of occupancy for the leased spaces in each such Unit. In the event that the copy of the permanent certificate of occupancy for any such leased space is not available to G&S, or the appropriate inspection has not yet been duly undertaken, the Village agrees promptly to cause, upon written request by G&S, a duplicate copy to be issued or to cause the appropriate inspection to be undertaken in order that any deficiencies in qualification may be addressed by G&S.

4. Miscellaneous Provisions.

(a) Severability. In the event any of the provisions of this Agreement are deemed to be invalid and unenforceable, those provisions shall be severable from the remainder of this Agreement.

(b) Counterparts. This Agreement may be executed in any number of counterparts each of which shall be deemed an original but which together shall constitute a single instrument.

(c) Notice Provisions. All notices, invoices, claims and other communications hereunder shall be in writing and shall be deemed to be duly given if personally delivered or mailed first class, postage prepaid, or by nationally-recognized overnight courier, as follows:

To the Village: Village of Port Chester, New York  
222 Grace Church Street  
Port Chester, New York 10573  
Attn: Village Manager

With a Copy to: Harris Beach PLLC  
677 Broadway, Suite 1101  
Albany, New York 12207  
Attn: Justin S. Miller, Esq.

To G&S and Unit 1: G&S Port Chester LLC  
211 East 43<sup>rd</sup> Street  
New York, New York 10017  
Attn: Managing Member

With a copy to: DelBello Donnellan Weingarten Wise & Wiederkehr LLP  
1 North Lexington Avenue  
White Plains, NY 10601  
Attn: Mark P. Weingarten, Esq.


or at such other address as any party may from time to time furnish to the other party by notice given in accordance with the provisions of this Section. All notices shall be deemed given when mailed or personally delivered in the manner provided in this Section.

(d) Governing Law. This Agreement shall be governed by, and all matters in connection herewith shall be construed and enforced in accordance with, the laws of the State of New York applicable to agreements executed and to be wholly performed therein and the parties hereto hereby agree to submit to the personal jurisdiction of the federal or state courts located in Westchester County, New York.

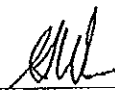
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IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

VILLAGE OF PORT CHESTER

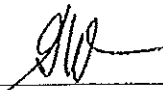
By:   
Name: Christopher Russo  
Title: Village Manager

G&S PORT CHESTER LLC

By:   
Name: GREGG WASSER  
Title: MANAGER

ACKNOWLEDGED AND AGREED:

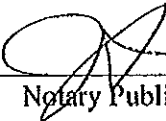
G&S PORT CHESTER RETAIL I LLC;

By:   
Name: GREGG WASSER  
Title: MANAGER

[Acknowledgment Page to Undertaking and Escrow Agreement]

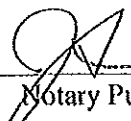
STATE OF NEW YORK )  
 ) ss.:  
COUNTY OF WESTCHESTER )

On the 12th day of January in the year 2012, before me, the undersigned, personally appeared Christopher Russo, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

STATE OF NEW YORK )  
 ) ss.: JOSEPH AMICONE  
COUNTY OF WESTCHESTER ) Notary Public, State of New York  
 No. 02AM6217217  
 Qualified in Saratoga County  
 Commission Expires February 8, 2014

On the 12th day of January in the year 2012, before me, the undersigned, personally appeared GREGG WASSER, personally known to me or proved to me on the basis of satisfactory evidence to be the individual whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his capacity, and that by his signature on the instrument, the individual, or the person upon behalf of which the individual acted, executed the instrument.

  
\_\_\_\_\_  
Notary Public

JOSEPH AMICONE  
Notary Public, State of New York  
No. 02AM6217217  
Qualified in Saratoga County  
Commission Expires February 8, 2014



**VERDE**  
ELECTRIC MAINTENANCE CORP.

89 Edison Avenue • Mt. Vernon, New York 10550  
Phone 914-664-7000 • Facsimile 914-668-7997

11/14/2012

G&S Investors  
211 E. 43rd St.  
New York, NY 10017  
Attn: John Fallings

Port Chester Redevelopment -phase II  
V.E.M.C Job #4450- revised pricing due to scope changes

**Description of Work**

**Total**

|  |                      |
|--|----------------------|
| Traffic Signal Plan at Westchester Avenue at Broad Street  | \$ 171,427.50        |
| Traffic Signal Plan at Westchester Avenue at Pearl Street  | \$ 160,660.00        |
| Roadway Improvements - Paving and Concrete Sidewalk and Curb   | \$ 30,725.00         |
| Pavement Markings and Signing  | \$ 16,430.00         |
| Additional work as per revised drawings 8/8/12   | \$ 184,000.00        |
| Credit for quantity changes and drainage modification changes per site visit (rock removal excluded) | \$ (38,665.00)       |
| Credit for pearl st widening   | \$ (31,395.25)       |
| <b>Total for Project:</b>  | <b>\$ 493,182.25</b> |

**Rock Excavation on T&M basis**

**General Exclusions:**

- No rock or boulder excavation of any kind.
- No overtime, weekend, holiday, night or accelerated hours.
- No sales tax.
- No bond.
- No utility company charges.
- No Hazmat.
- No temporary services.
- This quotation does not include any sales tax.

Very truly yours,  
Verde Electric Maintenance Corp.

Richard DiLeonardo  
Project Manager





211 E. 43<sup>rd</sup> Street, 25<sup>th</sup> Floor  
New York, NY 10017

ISSUING OFFICE RETURN ADDRESS: G&S Investors, 211 E 43<sup>rd</sup> Street, New York NY 10017  
Order Number: PCRoad2  
Date: 06-02-11  
Account Distribution:

Contractor: Verde Electric MAINT CORP.  
89 Edison Avenue  
Mt Vernon, NY 10550

- Instructions:
1. Invoices must be rendered in TRIPLICATE to G&S.
  2. Order Number must appear on all Invoices.
  3. Triplicate of this order bearing the signature of an authorized representative of G&S must be attached to final Invoice.
  4. Contractor - Sign and return original to issuing office within five (5) days.

Attention: Robert Craig/Gulio Monaco

Perform work in accordance with plans/specifications referred to below at a cost of: \$379,242.50

Work to be performed at: Port Chester, NY

Description of Work: Supply all necessary labor and materials for the installation of work in the Plans and Specifications engineered by: Dunn Engineering Associates, P.C., dated: 11/16/09. Exclusions include: rock and boulder excavation, overtime/accelerated hours, weekend, holiday, and night hours, hazmat, permit fees, bond, utility company charges, sales tax.

Commencement Date of Work: On or about ASAP

Completion of Work: On or about Sept 1

Value of any article(s) entrusted by G&S to Contractor:

Terms of Payment: 30/30/30 + 10% FINAL UPON PUNCHLIST & SIGNOFF BY ANJ

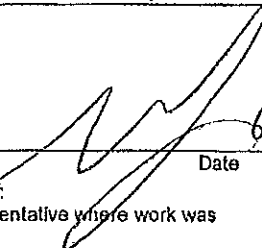
Accepted/Agreed to:

This order is subject to the attached Terms and Conditions which comprise an integral part of this order.

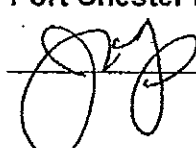
Contractor:

G&S Port Chester Retail 1 LLC

By:



By:



Date

6-6-11

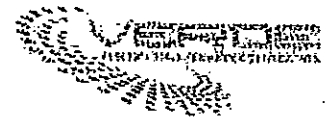
Date

6-3-11

For Final Invoice Sign-Off:  
Signature of G&S Representative where work was performed.

Date Completed:

April 13, 2010



G&S Investors  
211 E. 43<sup>rd</sup> Street  
New York, NY 10017  
Attn: John Faltings

Via Email: [fallings@gsinvestors.com](mailto:fallings@gsinvestors.com)

**RE: Port Chester Phase II  
Roadway Improvements  
V.E.M.C. Estimate #45-10R**

We are pleased to submit the following quotation in the following amount: \$379,242.50  
(Three hundred seventy nine thousand two hundred forty two dollars and fifty cents)

**Description of work:**

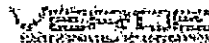
|  |              |
|--|--------------|
| Traffic Signal Plan @ Westchester Ave. @ Broad Street    | \$171,427.50 |
| Traffic Signal Plan @ Westchester Ave. @ Pearl Street    | \$160,660.00 |
| Roadway Improvements-Paving and concrete Sidewalk & Curb | \$30,725.00  |
| Pavement Markings and Signage                            | \$16,430.00  |

**Verde Electric Maintenance Corp.** will provide all necessary labor and materials for the installation of work in the Plans and Specifications engineered by: Durin Engineering Associates, P.C., dated: 11/16/09.

**General Exclusions:**

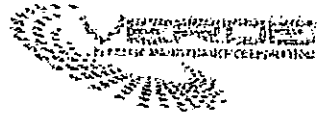
- No rock or boulder excavation of any kind.
- No overtime, weekend, holiday, night or accelerated hours.
- No sales tax.
- No bond.
- No utility company charges.
- No Hazmat.
- No temporary services.
- No permit fees.
- This quotation does not include any sales tax.

\* It is the responsibility of the contractor to provide Verde Electric Maintenance Corp. with a Sales Tax Exempt Form or a Capital Improvement Form or else tax will be billed on the above amount accordingly.



89 Edson Avenue  
Mt. Vernon, New York 10550

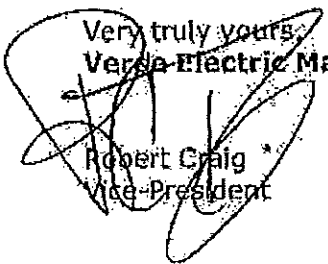
Phone 914-664-7000  
Facsimile 914-668-7997

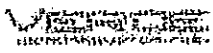


**RE: Port Chester Phase II  
Roadway Improvements  
V.E.M.C. Estimate #45-10R**

All work shall be performed in a workmanlike manner during normal working hours by IBEW Local 1249. The work shall be accepted by all agencies having jurisdiction. Should you have any questions or require any further assistance please do not hesitate to contact our office.

We thank you for the opportunity to provide you with a quotation for this work and look forward to a favorable response.

Very truly yours,  
**Verde Electric Maintenance Corp.**  
  
Robert Craig  
Vice-President



89 Edison Avenue Phone 914-668-7000  
Mt. Vernon, New York 10550 Facsimile 914-668-7997

## TERMS AND CONDITIONS

1. Contractor shall furnish all requisite services, materials, equipment, tools and labor to perform the work described on the face hereof (the "Work"). The Work shall be performed in accordance with the requirements of all governmental authorities having jurisdiction and by skilled workmen in a good and workmanlike manner, shall conform to the plans and specifications, and shall be subject to Owner's approval. Contractor shall correct, at its expense, any defects in material or workmanship which appears within a period of one (1) year from the date the Work is finally accepted by Owner.
2. With respect to all materials, equipment, machines, tools, labor and any goods or services which may be required to perform the Work under this contract, Contractor: (A) shall furnish all of the same unless otherwise specified on the face hereof; (B) shall obtain and pay for all necessary permits (including building and construction permits) unless otherwise specified on the face hereof; and (C) warrants that the same shall have been produced or furnished in compliance with all applicable laws and regulations.
3. Upon completion of the Work and final acceptance by Owner, title and risk of loss or damage to the Work shall pass to Owner. The amount due Contractor shall be paid within thirty (30) days after Contractor submits evidence (including receipts and releases from all parties furnishing services, labor or material) satisfactory to Owner that all bills and other indebtedness which could result in a lien against the Work or premises have been paid or released. If the Contractor price is to be paid in more than one installment, Owner shall be entitled to retain up to ten percent (10%) of the amount of each installment to ensure the faithful performance of the contract and the discharge of all bills, indebtedness and liens.
4. Contractor is an independent contractor and nothing herein contained shall be construed as creating any relationship with Owner; nor shall it be construed as creating any relationship between Owner and Contractor's employees. Contractor agrees to comply with all laws, rules, regulations and ordinances applicable to it as such employer, including without limitation, the withholding and contribution provision of any law affecting income or payroll of its employees, as well as any applicable state unemployment insurance or compensation act.
5. Contractor assumes all risk of loss of or damage to any articles entrusted to Contractor by Owner while in Contractor's possession or under Contractor's control. In the event of loss or irreparable damage to said articles, Contractor shall promptly reimburse Owner for the value of the articles. Any other damages to the articles shall be promptly repaired by Contractor at its expense.
6. Contractor shall indemnify, defend and hold harmless Owners, its parent, subsidiaries and affiliates against any and all actions, claims, demands, suits, losses, costs, damages, fines and penalties (except where reimbursement of fines and penalties is prohibited by law). Judgments expense (including reasonable attorney's fees) and causes of action of every kind and character (including those of the parties and their agents and employees) directly or indirectly incurred or to be incurred and arising out of or in connection with the Work by any act or omission of Contractor or any subcontractor, agent, employee, invitee or licensee of Contractor. Owner shall cooperate with Contractor, as reasonably requested, in any suit being defended by Contractor hereunder, and Contractor shall not consent to any judgment, order or decree against Owner without Owners' prior written consent. Contractor shall keep Owner fully informed at all times with respect to material developments in all such actions, claims, demands and suits.
7. Contractor shall furnish evidence to Owner that Contractor is licensed by governmental authorities to perform the Work covered by the contract and is authorized to do business in the state where the Work is to be performed. Contractor shall pay all sales, use or other taxes arising from the performance of the Work and the materials used. All such taxes are included in the contract price.
8. Before commencing any work, Contractor shall provide Owner with certificates evidencing the existence of insurance policies providing the following minimum insurance coverage: (A) statutory worker's compensation and employer's liability of \$1,000,000; (B) comprehensive general liability (including contractual and completed operations coverage) of \$2,000,000 combined single limit; and (C) comprehensive automobile liability of \$1,000,000 combined single limit. All such policies shall name Owner as an additional insured and shall provide that the insurance will not be canceled or amended without ten (10) days prior written notice to Owner. Contractor shall maintain such insurance in effect throughout the term of this contract. Neither the purchase of insurance nor the furnishing of evidence of insurance to Owner shall be in satisfaction of Contractor's obligations hereunder or in any way modify Contractor's agreement to indemnify Owner as contained in Section 6 hereof. All insurance shall be on an occurrence basis.
9. For purposes of audit, Owner shall have the right, both prior to making any payment to Contractor and until two (2) years after final acceptance of the Work by Owner, to examine, either directly or through its authorized representatives or agents, during business hours and for a reasonable length of time, all books, records, accounts, correspondence, instructions, receipts, manuals and memoranda insofar as they are pertinent to this contract and to make copies thereto at Owners' expense. Owners' right of audit shall not apply to Contractor's trade secrets or other proprietary information properly designated as such.
10. Owner may terminate this contract immediately upon written notice in the event that Contractor shall be in breach of this contract or shall suffer an act of bankruptcy or insolvency, however evidenced.
11. Any assignment of this contract, or any interest herein or of any money due or to become due to Contractor hereunder and any subcontractor of any part of the Work to be performed hereunder without Owner's prior written consent shall, at Owners' option, be null and void. In no case shall any subcontractor relieve Contractor of its liability and obligations under this contract. Except as otherwise provided herein, this contract shall insure to the Owner and be binding upon the successors and assigns of the parties hereto.
12. This contract contains the entire agreement and understanding of the parties with respect to the subject matter hereof. It may not be amended, added to or superseded except by a written agreement signed by the parties which expressly refers to this contract and the specific provisions hereof which are affected by such amendments.
13. The failure of either party to insist on the strict performance of any of the terms and conditions hereof shall not be deemed a waiver of any rights or remedies that such party may have for any subsequent breach of default and either party's right to insist on strict performance of this contract shall not be affected by any previous waiver or course of dealing.
14. Any invalid or unenforceable provision hereof shall be deemed severed from this contract and the balance of the contract shall be construed and enforced as if the contract did not contain the particular provision held to be invalid or unenforceable.

## Steers, Christopher

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**From:** Brancati, Edward  
**Sent:** Tuesday, June 04, 2013 9:14 AM  
**To:** Steers, Christopher  
**Cc:** John Mccarthy; Morabito, Rocky (DPW); Telesca, John  
**Subject:** FW: PESH Violations PD

fyi

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**From:** Velardo, Steven  
**Sent:** Monday, June 03, 2013 5:29 PM  
**To:** Brancati, Edward  
**Cc:** Miley, Peter  
**Subject:** PESH Violations PD

Good afternoon ED,

The following is an update on the progress of work completed to remedy PESH Violations in regards to: Inspection # 315100677 that was performed on 3/12/2013.

Completed Work As of 6/3/2013:

- Citation 1 Item 2 (B) Exit Signs Detective Bureau
- Citation 1 Item 4 (A) Exit Sign Rear Hall (removed not active exit)
- Citation 1 Item 4 (B) Exit Signs Detective Bureau
- Citation 1 Item 5 (A) Fire Extinguisher Garage
- Citation 1 Item 5 (B) Fire Extinguisher DWI Room
- Citation 1 Item 6 (A) Fire Extinguisher Near Elevator Room
- Citation 1 Item 7 (A) Three Outlets Basement
- Citation 1 Item 9 (A) GFI Outlet Locker room Bathroom
- Citation 1 Item 10 (A) Electrical Junction Box Kitchen
- Citation 1 Item 11 (A) Outlet Faceplate Detective Bureau
- Citation 1 Item 11 (B) Outlet Faceplate Hallway
- Citation 1 Item 12 (A) Lamp Socket Kitchen
- Citation 1 Item 12 (b) Lamp Socket Boiler Area

Thank You,  
Steve Velardo

New York State Department of Labor  
Public Employee Safety and Health Bureau  
120 Bloomingdale Road - Room 255

White Plains, NY 10605  
Phone: (914)997-9514 FAX: (914)997-9528



## Notice of Violation and Order to Comply

To:  
Attn: Mayor  
Village of Port Chester  
222 Grace Church St  
Port Chester, NY 10573

Inspection Number: 315100677  
Inspection Date(s): 03/12/2013 -  
Issuance Date: 05/08/2013  
CSHO ID: E2033

Inspection Site:  
Port Chester Vill PD  
350 N Main St  
Port Chester, NY 10573

*The violation(s) described in this Notice of Violation and Order to Comply is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

This Notice of Violation and Order to Comply (this Notice) describes violations of the Public Employee Safety and Health Act of 1980. You must abate the violations cited in this Notice by the dates listed below. An employer who wishes to file an appeal of the violation(s) cited, including but not limited to appeals which raise issues concerning the application of the cited standard(s) to the employer or to the violation(s) cited, as well as issues concerning the appropriateness of the abatement period(s), must do so within 60 days of the issuance date of this Notice by filing a petition with the Industrial Board of Appeals. Appeals of the violation(s) cited, including but not limited to appeals raising the issues listed above, will be considered time barred if not filed within the 60 day period. The details of such appeal process are set forth at 12 NYCRR Part 65 et seq and Section 101 of the Labor Law. Additional information may also be obtained from the Industrial Board of Appeals at their website: [www.labor.state.ny.us/iba](http://www.labor.state.ny.us/iba).

**Posting** - The law requires that a copy of this Notice be posted immediately in a prominent place at or near the location of the violation(s) cited below. This Notice must remain posted until the violation(s) cited below have been abated, or for 3 working days (excluding weekends and State holidays), whichever is longer.

**Penalty Assessment** - An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

**Informal Conference** - If an informal conference is requested, it must be made to the nearest PESH district office by telephone or letter, within 20 working days from the date of issuance given on this Notice.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far.

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under this Act. An employee who believes that he/she has been discriminated against may file a complaint no later than 30 days after the discrimination occurred with the PESH district office at the address shown above.

**Employer Rights and Responsibilities** - The enclosed booklet (DOSH-907) outlines additional employer rights and responsibilities and should be read in conjunction with this notification.

**Notice to Employees** - An employee (or an authorized employee representative) may object to the abatement date set for a violation if the employee believes the date to be unreasonable. The objection must be filed at the nearest PESH district office within twenty (20) working days (excluding weekends and State holidays) from the posting of this Notice.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 1** Type of Violation: **Serious**

29 CFR 1910.22(a)(2): Floor(s) of workroom(s) were not maintained, so far as possible, in a dry condition:

a) Port Chester Vill PD - A floor in a boiler room adjacent to an elevator room was covered with one inch of standing water exposing employees to different types of hazards from slip on a wet floor to electrocution when maintenance staff are performing tasks including but not limited to service a boiler or to access an elevator shaft.

Date By Which Violation Must be Abated: 07/15/2013

**Citation 1 Item 2** Type of Violation: **Serious**

29 CFR 1910.37(a)(4) Safeguard(s) designed to protect employees during an emergency, including but not limited to sprinkler systems, alarm systems, fire doors, and exit lighting were not in proper working order at all times:

a) Port Chester Vill PD - The Employer did not post signs along the exit access indicating the direction of travel to the nearest exit and exit discharge which are not immediately apparent at the basement, exposing employees to fire hazards while performing tasks including but not limited to their regularly assigned duties. The line-of-sight must be visible at all times.

b) Port Chester Vill PD - The Employer did not post signs along the exit access indicating the direction of travel to the nearest exit and exit discharge which are not immediately apparent at the Detective Bureau, exposing employees to fire hazards while performing tasks including but not limited to their regularly assigned duties. The line-of-sight must be visible at all times.

Date By Which Violation Must be Abated: 06/24/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 3** Type of Violation: **Serious**

29 CFR 1910.37(b)(1) Exit route(s) were not adequately lighted so that an employee with normal vision can see along the exit route:

a) Port Chester Vill PD - An evidence room does not have lighting so that an employee working in this room cannot find an exit route in case of emergency while performing tasks including but not limited to their regularly assigned duties.

Date By Which Violation Must be Abated: 06/03/2013

**Citation 1 Item 4** Type of Violation: **Serious**

29 CFR 1910.37(b)(6) Exit sign(s) were not illuminated to a surface value of at least five foot-candles (54 lux) by a reliable light source:

a) Port Chester Vill PD - The "Exit" sign located in the rear hallway was unlit exposing employees to the hazard of being trapped in fire or other emergency while performing tasks including but not limited to their regularly assigned duties.

b) Port Chester Vill PD - The "Exit" sign located near the Detective Bureau was unlit exposing employees to the hazard of being trapped in fire or other emergency while performing tasks including but not limited to their regularly assigned duties.

Date By Which Violation Must be Abated: 06/24/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 5 Type of Violation: Serious**

29 CFR 1910.157(c)(1): Portable fire extinguishers were not mounted, located and identified so that they were readily accessible without subjecting the employees to injuries:

- a) Port Chester Vill PD - A class ABC fire extinguisher found in the garage was not mounted, located and identified exposing employees to fire hazards while employees performing tasks including but not limited to do use fire and prevent its spread.
- b) Port Chester Vill PD - A class ABC fire extinguisher found in the DWI room was not mounted exposing employees to fire hazards while employees performing tasks including but not limited to do use fire and prevent its spread.

Date By Which Violation Must be Abated: 06/03/2013

**Citation 1 Item 6 Type of Violation: Serious**

29 CFR 1910.157(e)(3): Portable fire extinguishers were not subjected to an annual maintenance check:

- a) Port Chester Vill PD - A class ABC fire extinguisher located near the Elevator room had its inspection tag missing exposing employees to fire hazards while employees performing tasks including but not limited to do use fire and prevent its spread.

Date By Which Violation Must be Abated: 06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 7** Type of Violation: **Serious**

29 CFR 1910.303(b)(2): Listed or labeled electrical equipment was not used or installed in accordance with instructions included in the listing or labeling:

a) Port Chester Vill PD - Three electrical outlets located in a basement were hanging in the air with open boxes and faceplates missing exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using these electrical outlets.

Date By Which Violation Must be Abated: 06/10/2013

**Citation 1 Item 8** Type of Violation: **Serious**

29 CFR 1910.303(f)(2): Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident:

a) Port Chester Vill PD - An electrical panel marked "30 amp DP Breaker" located in the old kitchen in the basement has four unlabeled screw in type fuses from eight total, exposing employees to unexpected electrical shocks when employees are performing tasks including but not limited to changing the fuse in the electrical breaker panel.

b) Port Chester Vill PD - The Murrey Electrical Circuit Breaker Panel (Main) located in the basement has 12 (twelve) unlabeled circuit breakers from 15 (fifteen), exposing employees to unexpected electrical shocks when employees are performing tasks including but not limited to working with the electrical equipment.

Date By Which Violation Must be Abated: 06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 9** Type of Violation: **Serious**

29 CFR 1910.304(b)(3)(i): All 125-volt, single-phase, 15- and 20-ampere receptacles installed in bathrooms or on rooftops did not have ground-fault circuit-interrupter protection for personnel:

a) Port Chester Vill PD - A receptacle outlet installed in a locker room bathroom does not have GFCI protection for personnel exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to routine maintenance or using the outlet in a bathroom.

Date By Which Violation Must be Abated: 06/03/2013

**Citation 1 Item 10** Type of Violation: **Serious**

29 CFR 1910.305(b)(1)(i): Openings through which conductors enter cutout boxes, cabinets, or fittings were not effectively closed:

a) Port Chester Vill PD - An electrical junction box located in the basement kitchen does not have a coupling member for an electrical conduit exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using an electrical junction box.

Date By Which Violation Must be Abated: 06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 11** Type of Violation: **Serious**

29 CFR 1910.305(b)(2)(i): Each outlet box in completed installations did not have a cover, faceplate, or fixture canopy:

- a) Port Chester Vill PD - An electrical outlet located on the left wall in the Detective Bureau behind a TV screen has its faceplate missing exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using electrical appliances.
- b) Port Chester Vill PD - An electrical outlet located in the hallway near the secretary office has its faceplate missing exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work using electrical appliances.

Date By Which Violation Must be Abated:

06/03/2013

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.



**Notice of Violation and Order to Comply**

Establishment: Port Chester Vill PD  
Inspection Site: 350 N Main St, Port Chester, NY 10573

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**Citation 1 Item 12** Type of Violation: **Serious**

29 CFR 1910.305(j)(1)(i): Fixtures, lampholders, lamps, rosettes, and receptacles located within 2.44 m (8.0 ft) above the floor had live parts exposed to employee contact:

- a) Port Chester Vill PD - A lamp with a broken light bulb in a socket located in the kitchen may have live parts exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work in the kitchen.
- b) Port Chester Vill PD - A lamp with a broken light bulb in a socket located in the boiler area may have live parts exposing employees to the hazard of contact with the electric current while employees are performing tasks including but not limited to perform their work in the boiler room.

Date By Which Violation Must be Abated:

06/03/2013

  
James Cutrone  
Supv. Safety and Health Inspector

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See pages 1 through 2 of this Notice of Violation and Order to Comply for information on employer and employee rights and responsibilities.

**INVESTIGATION NARRATIVE**

|   |   |                   |
|---|---|-------------------|
| REPORTING DISTRICT:                       | White Plains  |                   |
| INVESTIGATION TYPE                        | ESTABLISHMENT NAME AND SITE ADDRESS                         |                   |
| COMPLAINT                                 | Port Chester PD<br>350 N Main St.<br>Port Chester, NY 10573 |                   |
| ACCIDENT                                  |   |                   |
| PROGRAMMED                                |   |                   |
| MONITORING                                |   |                   |
| FOLLOWUP                                  | DATE(S) OF INVESTIGATION:                                   | INSPECTION NUMBER |
| <input checked="" type="checkbox"/> OTHER | March 12, 2013  | 315100677         |

A referral safety inspection was initiated by the NYS Department of Labor Public Employee Safety and Health (PESH) Bureau at the Port Chester Police Department, 350 N Main St, Port Chester, NY 10573 on March 12<sup>th</sup> 2013. The inspection was conducted by Safety & Health Inspector Larisa Streltsova in accordance with NYS Labor Law Article 2 Section 27-a, "Public Employee Safety and Health Act".

Employees at this location are represented by PBA. Employee representatives contacted by the inspector prior to starting the opening conference.

Angel Sanchez – PBA 2<sup>nd</sup> Vice President

An opening conference was conducted on March 12, 2013. At this time the PESH Act, and the scope of the inspection were explained to the participants. Present during the opening conference:

Joseph M. Krzeminski – Chief of Police, Port Chester Police Department  
Angel Sanchez – PBA 2<sup>nd</sup> Vice President

The following materials were explained to participants during the opening conference:

- SH 909 – PESH Act
- 12 NYCRR – Parts 801, 802, 803, 804, 805, and 820
- SH 907 – Employer's Rights and Responsibilities pamphlet
- P 906 – Employee's Rights and Responsibilities pamphlet
- Log and Summary of Injuries and Illnesses/recordkeeping information and forms (SH 900, SH 900.1, SH 900.2)
- P 206 – Consultation Assistance pamphlet
- SH 908 – PESH poster
- SH 918 – Penalty Information for Public Employers
- NYS Right to Know / Hazard Communication information
- 12 NYCRR Part 800.6 - Workplace Violence Prevention Program rule

These materials may be accessed at:

<http://www.labor.ny.gov/workerprotection/safetyhealth/inspector%20reference%20material.shtm>

A "Public Employee Safety and Health Bureau Inspection Reference Material" handout was distributed to participants.

A walkaround inspection of the facility was conducted on March 12<sup>th</sup> 2013. Participating in the walkaround portion of the inspection:

Angel Sanchez – PBA 2<sup>nd</sup> Vice President

The inspection site consists of a two story building with basement. The building houses the Police Department and the Justice Court offices, and includes a lunch room, toilet facilities, inmate cells, a garage, a boiler room and an old kitchen, a firing range and a recreation room in the basement. The inspector utilized the following equipment during the course of the investigation:

Cannon Camera  
Circuit Tester Ideal 61-051  
Voltage Detector GT-12  
Tape Measure

The walkaround included an examination of the Police offices, a Court Room, a garage, a basement and storage areas. The alleged hazards listed in the referral were examined and evaluated regarding compliance with PESH standards. Listed below were the inspector's observations of conditions relevant to the alleged hazards in the complaint, applicable PESH standard, if any, and determination of whether a violation exists.

Alleged hazard: exit routs and exit signs

Conditions observed: The direction of travel to the nearest exit and exit discharge was not immediately apparent near the Detective Bureau. "EXIT" signs along the exit access were not posted. Sign "EXIT" in the rear hallway was unlit.

Standards violated: 1910.037(a)(4) & 1910.037(b)(6)

Alleged hazard: Boiler room has standing water on a floor.

Conditions observed: There was standing water on a floor in the boiler room.

Standard violated: 1910.022(a)(2)

Alleged hazard: No lighting in the evidence room

Conditions observed: No lighting in the evidence room and other rooms.

Standard violated: 1910.037(b)(1) & 1910.305(j)(1)(i)

Alleged hazard: Unidentified wire coiled up in the garage.

Conditions observed: The Employer keeps the coiled wire under the garage ceiling about 7 (seven) feet above the floor. No live electrical parts discovered during the inspection.

No violation exists.

Alleged hazard: Open junction boxes in the kitchen and firing range

Conditions observed: There were found several electrical outlets with the open boxes and an electrical junction box with missing coupling in the kitchen area.

Standard violated: 1910.303(b)(2) and 1910.305(b)(1)(i)

Alleged hazard: Missing faceplates on electrical outlets.

Condition observed: There were electrical outlets with missing faceplates.

Standard violated: 1910.305(b)(2)(i)

During the walkaround inspection several physical violations were discovered.

A closing conference was conducted on April 29, 2013. Present during the closing conference:

Joseph M. Krzeminski – Chief of Police, Port Chester Police Department  
Richard Grali – PBA, Vice President

The following materials were explained to participants during the closing conference in addition to observations made during the walkaround portion of the inspection.

DOSH 904 - Closing Conference Pamphlet

This pamphlet may be accessed at:

<http://www.labor.ny.gov/workerprotection/safetyhealth/inspector%20reference%20material.shtm>

Penalty information and appeal rights were explained.

| ORDERS ISSUED: | CSHO NAME (TYPED) | DATE       |
|----------------|-------------------|------------|
| YES            | Larisa Streltsova | PREPARED   |
| NO             |                   | 04/05/2013 |

DOSH 914 (12-09)



## Variations

An employer may request permanent variations from a standard promulgated under the Act. They must give employees notice of each application and the opportunity to participate in a hearing.

The Commissioner may issue a permanent variance after due process, including a hearing, if evidence shows that the conditions, practices, means, methods, operations or processes used or proposed by the employer are as safe and healthful as those if the employer complied with the standard.

The employer, employee or employee representative or the Commissioner may apply to modify or revoke a permanent variance at any time after six months from its issuance.

An employer may apply for a temporary variance from a newly promulgated standard if they cannot comply by the effective date because of the unavailability of materials, equipment or technical personnel.

## Recordkeeping

Part 801 of Title 12 of the Official Compilation of Codes, Rules and Regulations of the State of New York specifies the recordkeeping requirements established by the Commissioner of Labor under Section 27-a of the Labor Law. Contact one of the offices listed on this brochure for a copy.

## Discrimination

No employer may discharge or otherwise discipline or in any manner discriminate against any person because the employee has filed a complaint or started any proceeding under or related to this program.

Employees who think they are being discriminated against may file a complaint with the Commissioner of Labor. The Commissioner must investigate the allegation and make a determination.

## Funding Assistance Available

Under the terms of the Act, the New York State Occupational Safety and Health Hazard Abatement Board can help alleviate the cost of capital projects to abate occupational safety and health hazards cited by a PESH inspector or identified in a report of a PESH consultant. Public employers, except for State Agencies and public authorities created by the State, may apply for 75 percent reimbursement under this program. However, the public employer must correct by a variance or other means, any cited violation by the abatement date.

For more information contact the Secretary to the Board, NYS Department of Labor, Bldg. 12, Rm. 166, State Office Campus, Albany NY 12240. Telephone (518) 457-7629.

For additional information, contact the nearest district office:

**ALBANY DISTRICT**  
State Office Campus,  
Bldg. 12, Rm. 158  
Albany, NY 12240  
Tel: (518) 457-5508

**BINGHAMTON DISTRICT**  
44 Hawley Street, Room 901  
Binghamton, NY 13901  
Tel: (607) 721-8211

**BUFFALO DISTRICT**  
65 Court Street  
Buffalo, NY 14202  
Tel: (716) 847-7133

**GARDEN CITY**  
400 Oak Street  
Garden City, NY 11530  
Tel: (516) 228-3970

**NEW YORK CITY DISTRICT**  
75 Varick St., 7th Floor  
New York, NY 10013  
Tel: (212) 775-3548

**ROCHESTER DISTRICT**  
109 South Union St., Rm. 402  
Rochester, NY 14607  
Tel: (585) 258-4570

**SYRACUSE DISTRICT**  
450 South Salina Street  
Syracuse, NY 13201  
Tel: (315) 479-3210

**UTICA DISTRICT**  
207 Genesee Street  
Utica, NY 13501  
Tel: (315) 793-2258

**WHITE PLAINS DISTRICT**  
120 Bloomingdale Drive  
White Plains, NY 10605  
Tel: (914) 997-9514

**PROTECT all Workers**  
**ASSIST the Unemployed**  
**CONNECT Employers and Workers**

The New York State Department of Labor is an Equal Opportunity Employer/Program. Auxiliary aids and services are available upon request to individuals with disabilities.

DIVISION OF SAFETY & HEALTH

**Employer Rights  
and Responsibilities  
under the**

*NYS Public Employee  
Safety and Health Act*



**1-800-4-NYS-DOL**  
**www.labor.ny.gov**

**NYS**  
**DEPARTMENT**  
**OF LABOR**

*New York State's Public Employee Occupational Safety and Health Act of 1980 provides safety and health coverage to all public employees at the state and local level. The Act offers the same safety and health standards that apply to workers in the private sector (OSHA Standards) to employees in the public sector. This brochure gives you a broad view of the features of the law.*

### **Employer Responsibilities**

Under the Act, employers include the State, any political subdivision of the State, and public authorities created by the State. Each employer must furnish its employees with a job and a workplace free from recognized hazards; reasonably and adequately protect the lives, safety or health of its employees; and comply with the safety and health standards (OSHA Standards) promulgated by the Commissioner of Labor under the Act.

### **Standards**

The law requires the Commissioner of Labor to adopt all standards promulgated under the United States Occupational Safety and Health Act.

### **Inspections**

The Commissioner of Labor has exclusive authority to enforce the safety and health standards promulgated under the Act. An inspection can result from a complaint, an accident or as part of a regularly scheduled inspection program. Imminent danger complaint inspections receive the highest inspection priority. A representative of the employer and a representative of the employees have a right to accompany the inspector during the course of an inspection. This is known as the "walkaround."

### **Enforcement**

If a Notice of Violation and Order to Comply is issued to an employer, it will describe the violation, refer to the standard alleged to have been violated, the type of violation (serious, non-serious, willful or repeat), and set time for compliance. When the Commissioner issues an order to comply, the employer must post it or a copy of it in a conspicuous place at or near each place of violation cited, clearly visible to

affected employees. The Commissioner will also give copies of Orders to Comply to all organizations that represent employees.

### **Penalty Assessment**

An employer that fails to correct a violation by its abatement date is subject to a PER DAY penalty assessment. We will assess a penalty of up to \$50 per day for each non-serious violation, and of up to \$200 per day for each serious violation, until the violations are corrected. The penalty assessed for each violation will appear in the Failure to Abate notice.

### **Informal Conference**

An informal conference is how a Supervising Inspector of the Public Employee Safety and Health (PESH) Bureau meets with an employer, employee, or an authorized representative of the employees to discuss issues arising from an inspection and the resultant orders to comply. To request an informal conference, contact the nearest PESH district office by telephone or letter, within 20 working days from the issue date on the orders.

### **Judicial Enforcement**

If the employer does not comply with the order by the deadline, we can take legal action pursuant to Article 78 of the Civil Practice Law and Rules.

### **Appeals**

If an employer does not agree with an order, they may appeal to the Industrial Board of Appeals within 60 days. The appeal should be addressed to the Industrial Board of Appeals, Empire State Plaza, Agency Bldg., 2, 20<sup>th</sup> Floor, Albany NY, 12223. If an employer or an employee is dissatisfied with a decision of the Industrial Board of Appeals, either may begin a proceeding according to Article 78 of the Civil Practice Law and Rules, within 60 days after the Board's decision.

### **Alternative Compliance Agreement**

If the Public Employer proposes an alternative method of compliance, PESH may enter into an alternative compliance agreement. PESH will ask Division of Safety and Health's Engineering Services Unit (ESU) to assist in the review of the Employer's proposal. The Employer will submit their alternative to ESU, who will review and then schedule a

meeting to discuss and refine the proposal.

The meeting attendees will be the Employer, affected Unions and PESH. They will write up the results of this meeting into an alternative compliance agreement agreed to by all parties. PESH will conduct a follow-up inspection to ensure the employer has complied with the alternative compliance agreement.

### **Injunctions**

When inspectors observe a situation that may present an imminent danger of serious physical harm or death to an employee, they must notify the employees involved and the employer and request immediate corrective action. If the employer concurs with the inspector and acts to remove the imminent danger, no injunction is necessary. If the employer does not concur and refuses act on the danger, the inspector will advise both parties that the Commissioner of Labor will take legal action to alleviate the situation. In such situations, the Commissioner must seek an injunction within 48 hours. In the event that the Commissioner fails to take action, any person affected by the situation may pursue an injunction.

### **Consultation**

The Public Employee Safety and Health Bureau staff includes experienced safety and health consultants. They are available, upon request, to any employer for guidance on safety and health matters. The consultant will review the employer's premises and operations to see if they comply with the safety and health standards in effect. These findings will not be orders to comply but will be recommendations to the employer. Such recommendations may become a public document and be released upon request.

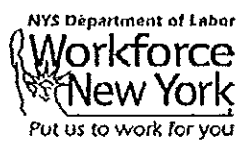
### **Petition to Modify an Abatement Date**

If the employer is unable to correct a violation because of unavailability of professional or technical personnel, or of materials and equipment needed to come into compliance, they may apply for a Petition to Modify an Abatement Date. The employer must prove they are taking all available steps to protect the employees exposed to the hazard and are instituting an effective program to achieve compliance as quickly as possible.

**PROTECT | ASSIST | CONNECT**

# CLOSING CONFERENCE

PUBLIC EMPLOYEE SAFETY  
AND  
HEALTH BUREAU



STATE OF NEW YORK  
DEPARTMENT OF LABOR

DIVISION OF SAFETY AND HEALTH

SH904 (10/06)

In accordance with the Public Employee Safety and Health (PESH) Act of 1980, an inspection of your establishment was conducted by an Inspector or Hygienist of the PESH Bureau's Enforcement Unit. At the conclusion of every inspection, a closing conference to discuss the findings of the inspection is held with management and employee representatives. If no violations are found, the Inspector/Hygienist will advise you of this fact and will answer any questions you may have.

**THIS FLYER PROVIDES INFORMATION FOR  
THOSE CASES IN WHICH VIOLATIONS WERE FOUND.**

When violations have been found, the Inspector/Hygienist at the closing conference will discuss information in the following areas:

- the type of violations found, and the issuance of a *Notice of Violations and Order to Comply*,
- the abatement measures which can be taken,
- the free consultation services available through PESH,
- the approximate abatement period which will be assigned,
- what a "Petition for Modification of an Abatement Date" is and how to apply for one,
- the Appeal process available to employers,
- the availability of funding from the Hazard Abatement Board.

#### TYPES OF VIOLATIONS

**SERIOUS** - A serious violation shall be deemed to exist, in a place of employment, if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

**NONSERIOUS** - a violation that has a direct relationship to job safety and health, but is not serious in nature.

**WILLFUL** - a violation in which the employer either knowingly failed to comply with a legal requirement or acted with plain indifference to employee safety.

**REPEAT** - a repeat violation is issued to an employer who has been cited previously for a substantially similar condition.

## NOTICE OF VIOLATION AND ORDER TO COMPLY

A *Notice of Violation and Order to Comply* will be issued to you; such notice will describe each violation found and list the date by which the violation must be corrected. The notice (or a copy of it) must be posted at or near each place where a violation occurred for three (3) working days or until the violation is corrected.

If you do not agree with the violations issued, you may appeal such issuance as follows:

INFORMAL CONFERENCE - If you believe that a violation(s) is not valid, you may request an informal conference by writing to the district office which issued the notice within 20 working days (excluding weekends and State holidays) from the receipt of the notice.

**NOTE:** An informal conference may be requested to discuss methods of compliance or the abatement period.

FORMAL APPEAL - If you wish to appeal the violation(s) issued, you may do so by filing a petition with the Industrial Board of Appeals (IBA) within 60 days of the issuance date of the notice. A petition may be filed with the Board which is located at Empire State Plaza, Agency Building 2, 20th Floor, Albany, NY 12223.

**NOTE:** An appeal to the IBA does not relieve the obligation to correct the cited violations by the abatement date unless the employer has been granted a stay of enforcement by the Board.

ALTERNATIVE COMPLIANCE AGREEMENT - In situations where citations have been issued and the Public Employer proposes an alternative method of compliance, PESH may enter into an alternative compliance agreement. PESH will enlist the services of the Division of Safety and Health's Engineering Services Unit (ESU) to assist in the review of the Employer's proposal. The Employer will submit their proposal for an alternative method of compliance to ESU who will review and then schedule a meeting to discuss and refine the proposal. The meeting attendees will be the Employer, affected Unions and PESH. The results of this meeting will be written up into an alternative compliance agreement to which all parties have agreed. PESH will follow up with an inspection to ensure the employer has complied with the alternative compliance agreement.

## COMPLYING VIOLATIONS

You must correct the violations cited in the notice by the abatement date listed. Once you have corrected all violations issued, complete the *Certification - Status of Pending Orders* form which was mailed to you with the notice.

If you are unable to correct a violation(s) because of the unavailability of professional or technical personnel, or of the materials and equipment needed to come into compliance, you may apply, no later than the day following the abatement date, for a *Petition to Modify an Abatement Date (PMA)* to extend the abatement date. In addition, in order to qualify for a PMA, you must be able to prove that all available steps are being

taken to protect the employees exposed to the hazard cited and to institute an effective program for coming into compliance as quickly as possible. Further information on a PMA, can be obtained from the district office which issued the Notice.

#### FOLLOW-UP INSPECTIONS

A compliance inspection will be conducted to determine if the violations listed on the Notice have been corrected. If this follow-up inspection shows that violations have not been abated by the date assigned, a *Notification of Failure to Abate Violations and Order to Comply (FTA Notice)* will be issued. The FTA Notice will list a *Per Day Penalty Assessment For Each Violation* which had not been corrected by its abatement date. Such penalty will be assessed daily until the violation(s) is complied. The penalty for a nonserious violation is up to \$50 per day; the penalty for a serious violation is up to \$200 per day.

FORMAL APPEAL - If you wish to appeal the finding of the revisit to the inspection site or the amount of the per day penalty, you may do so by filing a petition with the Industrial Board of Appeals (IBA) within 60 days of the issuance of the FTA Notice. A petition may be filed with the Board which is located at Empire State Plaza, Agency Building 2, 20th Floor, Albany, NY 12223.

#### ASSISTANCE AVAILABLE

CONSULTATION SERVICES - The PESH Bureau's Consultation Unit includes experienced safety and health staff who are available to assist you to comply the violations listed on the *Notice of Violation and Order to Comply*. To request this *FREE* consultation service, contact the PESH district office nearest you.

**NOTE:** It is not necessary to have received a notice to request the services of a consultant. They are available to review any procedure or method used at your establishment at any time.

HAZARD ABATEMENT BOARD FUNDING - The Board is empowered to provide 75% reimbursement to help alleviate the cost of capital projects designed to abate hazards found by either a PESH Inspector or Consultant. Such reimbursement is available to all public employers except for State Agencies and Public Authorities created by the State. Further information may be obtained from the Board, NYS Department of Labor, Building 12, State Campus, Albany, NY 12240.

**NOTE:** An application to the Board does not relieve a public employer who has been issued a Notice of the obligation to correct the violations cited by the abatement date.

PERMANENT VARIANCE - If you believe that the conditions, practices, operations, etc., used or proposed to be used at the work site, provide a place of employment which is as safe and healthful as that which would prevail if the employer complied with the standard, you may submit a request for a permanent variance. Such request must be submitted no later than the day following the abatement date. Further information may be obtained from the district office which issued the notice.



STATE OF NEW YORK - DEPARTMENT OF LABOR  
DIVISION OF SAFETY AND HEALTH  
PUBLIC EMPLOYEE SAFETY AND HEALTH BUREAU

**PENALTY INFORMATION FOR PUBLIC EMPLOYERS**

Effective immediately, any violation listed on a "Notice of Violation and Order to Comply" (NYPESH-2) which is not complied by the abatement date given on the Notice is subject to a PER DAY penalty assessment.

The penalty amount will be assessed as follows:

| <u>TYPE OF VIOLATION</u> | <u>PENALTY AMOUNT</u>         |
|--------------------------|-------------------------------|
| Non-serious              | Up to \$50.00 <i>PER DAY</i>  |
| Serious                  | Up to \$200.00 <i>PER DAY</i> |

At the time of the follow up inspection, any violation(s) which is uncomplied will be assessed a penalty amount. The exact amount of the penalty for each violation will be listed on the "Notification of Failure to Abate Violation and Order to Comply" (NYPESH-2B) issued after the follow up inspection. The daily penalty will start with the abatement date given on the Notice of Violation (NYPESH-2) and continue to accrue until the violation(s) is complied and such compliance is verified by the PESH Bureau. The district office which issued the Notice should be notified, in writing, when violations have been complied.

In addition to the ongoing penalty assessment, the Commissioner of Labor must refer the case to the Attorney General for appropriate action in accordance with the provisions of the Labor Law for all violations which are uncomplied by the Date of Final Inspection (item 15) listed on the Failure to Abate Notice (NYPESH-2B).



STATE OF NEW YORK

OCCUPATIONAL SAFETY AND HEALTH  
HAZARD ABATEMENT BOARD

BLDG. 12, RM 166  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NY 12240

NOTICE OF FUNDING ASSISTANCE  
AVAILABLE TO  
PUBLIC EMPLOYERS

The Public Employee Safety and Health (PESH) Act of 1980 established and empowered the New York State Occupational Safety and Health Hazard Abatement Board to help defray the cost of capital abatement projects\* necessary to abate violations cited by the public employee enforcement program or to comply with hazard abatement recommendations issued by the public employee consultation program. Eligible public employers may apply for reimbursement of 75 percent of the reasonable cost of capital abatement projects.

STATE AGENCIES AND PUBLIC AUTHORITIES CREATED BY THE STATE ARE NOT ELIGIBLE.

For further information, including application forms, contact the Secretary to the Board, at the address shown above or by telephone at (518) 457-7629.

\*"Capital Abatement Project" is any undertaking requiring an expenditure of at least one thousand dollars (\$1,000) for the improvement of buildings, structures and other facilities and/or for the acquisition of machinery, apparatus or equipment where such improvement and/or acquisition is necessary to correct occupational safety and health conditions found by the public employee enforcement program to violate the New York State Public Employee Occupational Safety and Health Act or to comply with hazard abatement recommendations issued by the public employee consultation program. Maintenance (including projects undertaken in response to violations or recommendations issued under 29 CFR 1910.1001 (k) (2) which covers the cleanup of spills and releases of asbestos containing materials), repairs and personal protective equipment for firefighters DO NOT COME WITHIN THE SCOPE OF THIS DEFINITION.



STATE OF NEW YORK

**OCCUPATIONAL SAFETY AND HEALTH  
HAZARD ABATEMENT BOARD**

BUILDING 12, ROOM 166  
STATE OFFICE BUILDING CAMPUS  
ALBANY, NY 12240

**INSTRUCTIONS ON HOW TO OBTAIN CAPITAL ABATEMENT PROJECT FUNDING**

Article 2, Section 27-a of the NYS Labor Law, the Public Employee Safety and Health (PESH) Act, provides for seventy-five percent funding of the total covered expenditures of a Capital Abatement Project.

**"CAPITAL ABATEMENT PROJECT"** is defined as any undertaking requiring an expenditure of at least one thousand dollars (\$1,000) for the improvement of buildings, structures and other facilities and/or for the acquisition of machinery, apparatus or equipment where such improvement and/or acquisition is necessary to correct occupational safety and health conditions found by the public employee enforcement program to violate the New York State Public Employee Occupational Safety and Health Act, or to comply with hazard abatement recommendations issued by the public employee consultation program. **Maintenance**, (including projects undertaken in response to violations or recommendations issued under 29 CFR 1910.1001 (k) (2) which covers the cleanup of spills and releases of asbestos containing materials), **repairs, and personal protective equipment for firefighters** **DO NOT COME WITHIN THE SCOPE OF THIS DEFINITION.**

**RENTED PREMISES:** If a project is proposed for a facility or premises which is rented, contact the Secretary to the Board before proceeding any further.

**ELIGIBILITY:** Any political subdivision of the State, *except a State Agency or Public Authority created by the state*, which has been issued violations or hazard abatement recommendations by staff of the Public Employee Safety and Health (PESH) Bureau is eligible to apply for funding. The municipality's chief executive or administrative officer or an agency head may file an application which must be countersigned by the responsible fiscal officer.

**APPLICATION PROCESS**

The application process consists of two parts - a request for review and an application for funding. Since a separate Notice of Violation and Order to Comply or Hazard Abatement Recommendation is issued for each premise visited, a separate request/application must be submitted for each premise.

**PART I - REQUEST FOR REVIEW OF PROJECT DESIGN**

1. Prepare the "Request For Review of Capital Abatement Project Design" (in duplicate) for each facility or premise involved; an original signature of the Administrative Officer/Chief Executive **AND** the Agency Fiscal Officer must appear on both copies of the Request form.
2. Submit a copy of the "Notice of Violation and Order to Comply" or the Hazard Abatement Recommendation issued to the facility or premise involved.
3. Attach a brief statement of how the proposed project design will abate the hazards for which the violations or recommendations were issued, and the estimated cost of the project design, if known.
4. Submit any plans, blueprints or sketches, detailed specifications and/or other technical data which describes the proposed project design. All plans, blueprints or sketches submitted must have the New York State registrant seal and signature of the architect or professional engineer who prepared them. This material will be retained by the Hazard Abatement Board.

5. Prepare a "Petition for Modification of Abatement Date" (PMA) form.

**NOTE:** YOU MUST SUBMIT A PMA REQUEST - if the abatement date assigned to the violations or recommendations is less than 12 months from the date the proposed project design is submitted.

Since applying for reimbursement from the Board *does not relieve you of your responsibility to comply the hazards found by the abatement date*, you are advised to send a complete PMA request with the project design.

Failure to comply the hazards or to request a PMA in a timely manner can result in the assessment of a penalty and/or legal action.

Forward all material requested to the Board, Building 12, Room 166  
State Office Building Campus, Albany, NY 12240

Upon receipt of a "Request for Review of a Capital Abatement Project Design", the Board will issue an acknowledgement letter for the proposed project design. If a Petition for Modification of an Abatement Date (PMA) was not required at the time the proposed project design was filed, the acknowledgement letter will advise the applicant of the need to monitor the progress of the request so that a PMA can be filed in a timely manner, if necessary.

The review process by the Board will establish (a) that the project meets the criteria for a capital improvement; (b) that any missing or unclear information is provided; and (c) that such project will bring the applicant into compliance with the requirements of the PESH Act.

If the proposed project design is disapproved, the Secretary to the Board will indicate the reason(s) for disapproval. Modified proposals may be submitted for reconsideration.

Upon a determination that the proposed project design is eligible for consideration, an "Application For Capital Abatement Project Funding" with a letter approving the proposed project design will be sent to the applicant. Then, the applicant may make all necessary capital improvements to comply the violations/recommendations in accordance with the proposed project design.

## **PART II - APPLICATION FOR CAPITAL ABATEMENT PROJECT FUNDING**

1. Complete the "Application for Capital Abatement Project Funding" (original only) for each facility or premise involved. The certification statement must contain the original signature of the Chief Executive/Administrative Officer AND the Agency Fiscal Officer.
2. Attach any supporting documentation for the cost data submitted.

**NOTE:** Expenditures may include all costs attendant to a project design, such as, materials, machinery, apparatus and equipment, costs payable to contractors or vendors, and fees for certifications by professional engineers or registered architects.

The cost of labor or services provided by full time employees of an applicant's municipality or political subdivision must be indicated separately.

3. Submit a copy of the letter approving the proposed project design.

Forward all material requested to the Board, Building 12, Room 166,  
State Office Building Campus, Albany, NY 12240

Once a review establishes that the application material is complete, and a field inspection by staff of the PESH Bureau verifies compliance with the violations/recommendations issued, the funding application will be put on the agenda for the next scheduled meeting of the Hazard Abatement Board.

**Public Employee Safety and Health Act**

Article 2, Section 27-a  
Of the New York State Labor Law



As Amended  
Effective September 30, 2007

# Public Employee Safety and Health

As Amended effective September 30, 2007

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§ 27-a. Safety and Health standards for public employees

1. Definitions. As used in this section:

- a. "Employer" means the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality thereof.
- b. "Employees" means persons permitted to work by an employer.
- c. "Authorized employee representative" means an employee authorized by the employees or the designated representative of an employee organization recognized or certified to represent the employees pursuant to article fourteen of the civil service law.
- d. "Public employee" means any employee of the state, any political subdivision of the state, a public authority or any other governmental agency or instrumentality.
- e. "System components" means life safety harness, belts, ascending devices, carabiners, descent control devices, rope grab devices and snap-links.

2. Application. A safety or health standard promulgated under the provisions of this section shall apply to every public employee and the commissioner shall have exclusive authority to enforce such standard in accordance with the provisions of this chapter, notwithstanding any other safety or health standard or any other provision in this chapter or in any other general, local or special law or charter. However, this section shall not supersede any inconsistent provision of the education law, as applied to any school building certified by the commissioner of education as being in compliance with such law, and the regulations promulgated pursuant thereto, on the effective date of this section, or as applied to any application for certification which is pending before the effective date of this section.

3. Duties.

- a. Every employer shall: (1) furnish to each of its employees, employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to its employees and which will provide reasonable and adequate protection to the lives, safety or health of its employees; and (2) comply with the safety and health standards promulgated under this section. In applying this paragraph, fundamental distinctions between private and public employment shall be recognized.
- b. Every employee shall comply with the safety and health standards and all rules, regulations and orders issued pursuant to this section which are applicable to his own actions and conduct.
- c. The state shall promulgate a plan for the development and enforcement of occupational safety and health standards with respect to public employers and employees, in accordance with section eighteen (b) of the United States Occupational Safety and Health Act of 1970 (Public Law 91-596) which provides: "(b) Any State which, at any time, desires to assume responsibility for development and enforcement therein of occupational safety and health standards relating to any occupational safety or health issue with respect to which a Federal standard has been promulgated under section 6 shall submit a State plan for the development of such standards and their enforcement."

4. Safety and health standards.

- a. The commissioner shall by rule adopt all safety and health standards promulgated under the United States Occupational Safety and Health Act of 1970 (Public Law, 91-596) which are in effect on the effective date of this section, in order to provide reasonable and adequate protection to the lives, safety and health of public employees and shall promulgate and repeal such rules and regulations as may be necessary to conform to the standards established pursuant to such act or pursuant to paragraph b of this subdivision.
- b. Notwithstanding the provisions of paragraph a of this subdivision, the commissioner, in consultation with the state occupational safety and health hazard abatement board, shall promulgate rules and regulations recommended to him by such board which establish standards whenever such board finds (i) that no federal standard exists for the particular condition being addressed and that such a standard is necessary for the protection of the public employees at risk, or (ii) a federal standard exists, but conditions in public workplaces in this state require a different standard, and such state standard will be at least as effective in providing safe and healthful places of employment as the federal standard.

c. Except for an employer located in a city with a population of over one million, any employer who employs a firefighter shall provide safety ropes and system components for use by such firefighter. The commissioner shall by rule adopt the codes, standards and recommended practices promulgated by the most recent edition of National Fire Protection Association 1983, Standard on Fire Service Life Safety Rope and System Components, and as are appropriate to the nature of the risk to which the firefighter shall be exposed. Such safety ropes and system components shall be adequate to protect the health and safety of the firefighter. The employer shall ensure that the firefighter is instructed in the proper use of the safety ropes and system components.

In order to ensure the adequacy of the safety ropes and system components, the employer must routinely inspect and ensure that:

- (1) Existing safety ropes and system components meet the codes, standards and recommended practices adopted by the commissioner.
  - (2) Existing safety ropes and system components still perform their function and to identify any of their limitations such as but not limited to:
    - (i) Checking the labels or stamps on the equipment; and
    - (ii) Checking any documentation or equipment specifications; and
    - (iii) Contacting the supplier or the approval agency;
  - (3) Firefighters are informed of the limitations of any safety ropes and system components;
  - (4) Firefighters are not allowed or required to use any safety ropes or system components beyond their limitations;
  - (5) Existing and new safety ropes and system components have no visible defects that limit their safe use;
  - (6) Safety ropes and system components are used, cleaned, maintained and stored according to manufacturer's instructions;
  - (7) The firefighter is instructed in identifying to the employer any defects that the firefighter may find in safety ropes and system components; and
  - (8) Any identified defects are corrected or immediate action is taken by the employer to eliminate the use of this equipment.
- d. Any person who may be adversely affected by a standard issued under this section may, within thirty days after the effective date of such standard, commence a proceeding for judicial review pursuant to article seventy-eight of the civil practice law and rules.

#### 5. Inspections.

- a. Any employee or representative of employees who believes that a violation of a safety or health standard exists, or that an imminent danger exists, may request an inspection by giving notice to the commissioner of such violation or danger. Such notice and request shall be in writing, shall set forth with reasonable particularity the grounds for the notice, shall be signed by such employee or representative of employees, and a copy shall be provided by the commissioner to the employer or the person in charge no later than the time of inspection, except that on the request of the person giving such notice, his name and the names of individual employees or representatives of employees shall be withheld. Such inspections shall be made forthwith.
- b. A representative of the employer and an authorized employee representative shall be given the opportunity to accompany the commissioner during an inspection for the purpose of aiding such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of safety and health in the workplace.
- c. The authority of the commissioner to inspect a premises pursuant to such an employee complaint shall not be limited to the alleged violation contained in such complaint. The commissioner may inspect any other area of the premises in which he has reason to believe that a violation of this section exists.

- d. No employee who accompanies the commissioner on an inspection shall suffer any reduction in wages.
  - e. The commissioner may, upon his own initiative, conduct an inspection of any premises occupied by a public employer if he has reason to believe that a violation of this section has occurred or if he has a general administrative plan for the enforcement of this section, including general schedule inspections, which provide a rational administrative basis for such inspecting. Within ninety days of enactment of this paragraph the commissioner shall publish the general administrative plan and shall adopt regulations on the conduct of inspections in locker rooms and other areas involving the personal property and privacy rights of public employees.
  - f. Any information obtained by the commissioner under this section shall be obtained with a minimum burden upon the employers.
- 5-a. Notwithstanding any other provisions of law, when a request for an inspection has been made in a situation where there is an allegation of an imminent danger such that an employee would be subjecting himself or herself to serious injury or death because of the hazardous condition in the workplace, the inspection shall be given the highest priority by the department and shall be carried out immediately.
6. Enforcement procedures.
- a. If the commissioner determines that an employer has violated a provision of this section, or a safety or health standard or regulation promulgated under this section, he or she shall with reasonable promptness issue to the employer an order to comply which shall describe particularly the nature of the violation including a reference to the provision of this section, standard, regulation or order alleged to have been violated, shall fix a reasonable time for compliance and may establish the penalty to be assessed for failure to correct the violation by the time fixed for compliance. An employer who fails to correct a non-serious violation by the time fixed for compliance may be assessed a civil penalty of up to fifty dollars per day until the violation is corrected. An employer who fails to correct a serious violation by the time fixed for compliance may be assessed a civil penalty of up to two hundred dollars per day until the violation is corrected. Pursuant to section 18(k) of the United States Occupational Safety and Health Act of 1970 (Public Law, 91-596), a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation. A non-serious violation shall be defined as any violation that does not fall under the definition of serious violation. The commissioner shall not assess a penalty against an employer for failure to correct a violation of a standard which is the subject of an application for a temporary order granting a variance or a violation which is the subject of a petition to modify an order to comply, provided however, that upon issuance by the commissioner of a determination denying such variance or petition to modify, or upon expiration of a temporary variance or modified compliance period, the time fixed for compliance shall recommence and the employer become liable for the penalties provided herein.
  - b. Where the commissioner issues to an employer an order to comply, the employer shall post such order or a copy thereof in a conspicuous place at or near each place of violation cited in the order, where it is clearly visible to affected employees. The commissioner shall make such order available to employee representatives.
  - c. Any employer, or other party affected by a determination of the industrial commissioner issued pursuant to this section may petition the industrial board of appeals for review of such determination in accordance with section one hundred one of this chapter. Judicial review of the decision of the industrial board of appeals may be obtained by any party affected by such decision by commencing a proceeding pursuant to article seventy-eight of the civil practice law and rules within sixty days after such decision is issued.
  - d. If the time for compliance with an order of the commissioner issued pursuant to this section has elapsed, and the employer has not complied with the provisions of the order, the commissioner shall seek judicial enforcement of such order by commencing a proceeding pursuant to article seventy-eight of the civil practice law and rules. Where an employer has complied with an order in all respects other than the payment of a penalty imposed pursuant to this subdivision, the commissioner may file with the county clerk of the county where the employer has its place of business the order of the commissioner continuing the amount of civil penalty found to be due. The filing of such order shall have the full force and effect of a judgment duly

docketed in the office of such clerk. The order or decision may be enforced by and in the same manner, and with like effect, as that prescribed by the civil practice law and rules for the enforcement of a money judgment.

#### 7. Injunction proceedings.

- a. The supreme court of the state shall have jurisdiction, upon petition of the industrial commissioner, pursuant to the civil practice law and rules to restrain any conditions or practices in any place of public employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the abatement procedures otherwise provided for by this section. Such proceeding shall be brought in the county in which the violation is alleged to exist. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner. The employer may contest such order pursuant to the civil practice law and rules.
- b. Whenever and as soon as an inspector concludes that conditions or practices described in paragraph a of this subdivision exist in any place of public employment, he shall inform the affected employees and employers of the danger and that he is recommending to the industrial commissioner that relief be sought.
- c. If the industrial commissioner fails to seek relief under this section within forty-eight hours of being notified of such condition, any employee who may be injured by reason of such failure, or the authorized employee representative of such employees, may seek injunctive relief as provided in paragraph a of this subdivision.

#### 8. Variances.

- a. Any employer may apply to the commissioner for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of paragraph b of this subdivision and establishes that (1) he is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date, (2) he is taking all available steps to safeguard employees against the hazards covered by the standard, and (3) he has an effective program for coming into compliance with the standard as quickly as practicable. Any temporary order issued under this subdivision shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while the order is in effect and state in detail his program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and an opportunity for a hearing, provided the commissioner may issue one interim order to be effective until a decision is made on the basis of the hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice so long as the requirements of this subdivision are met and if an application for renewal is filed at least ninety days prior to the expiration date of the order. No interim renewal of an order may remain in effect longer than one hundred and eighty days.
- b. An application for a temporary variance order shall contain: (1) a specification of the standard or portion thereof from which the employer or owner seeks a variance; (2) a representation by the employer, supported by representations from qualified persons who have firsthand knowledge of the facts represented, that he is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor; (3) a statement of the steps he has taken and will take, with specific dates, to protect employees against the hazard covered by the standard; (4) a statement of when he expects to be able to comply with the standard and what steps he has taken and what steps he will take, with dates specified, to come into compliance with the standard; and (5) a certification that he has informed his employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means. A description of how employees have been informed shall be contained in the certification. The information to employees shall also inform them of their right to petition

the commissioner for a hearing. The commissioner is also authorized to grant a variance from any standard or portion thereof whenever he determines that such variance is necessary to permit an employer to participate in an experiment approved by him designed to demonstrate or validate new and improved techniques to safeguard the health or safety of workers.

- c. Any affected employer may apply to the commissioner for a rule or order for a variance from a standard promulgated under this section. Affected employees shall be given notice of each such application and an opportunity to participate in a hearing. The commissioner shall issue such rule or order if he determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment which are as safe and healthful as those which would prevail if he complied with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations and processes which he must adopt and utilize to the extent they differ from the standard in question. Such a rule or order may be modified or revoked upon application by an employer, any employee or employee representative, or by the commissioner on his own motion, in the manner prescribed for its issuance under this subdivision at any time after six months from its issuance.
- d. Any person, who may be adversely affected by a rule or order issued under this subdivision may challenge the validity or applicability of such rule or order by commencing, within sixty days, a proceeding pursuant to article seventy-eight of the civil practice law and rules.

#### 9. Recordkeeping.

- a. In accordance with the commissioner's regulations, each employer shall make, keep and preserve, and make available to the commissioner such records regarding his activities relating to this section as the commissioner deems necessary or appropriate for developing information regarding the causes and prevention of occupational accidents and illness. Such regulations may include provisions requiring employers to conduct periodic inspections. The commissioner shall also issue regulations requiring that employers, through posting of notices, training or other appropriate means, keep their employees informed of their protections.
- b. The commissioner shall prescribe regulations requiring employers to maintain accurate records and to make public periodic reports of work-related deaths, and injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve lost time from work, medical treatment, loss of consciousness, restriction of work or motion or transfer to another job.
- c. The commissioner shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which the regulation requires to be monitored or measured. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring and have access to the records thereof. Such regulations shall also make appropriate provisions for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by any safety and health standard promulgated under this section, and shall inform any employee who is being exposed of the corrective action being taken and the time limit for correction.

#### 10. Discrimination against employees.

- a. No person shall discharge, or otherwise discipline, or in any manner discriminate against any employee because such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this section or has testified or is about to testify in any such proceeding, or because of the exercise by such employee on behalf of himself or others of any right afforded by this section.
- b. Any employee who believes that he has been discharged, disciplined, or otherwise discriminated against by any person in violation of this subdivision may, within thirty days after such violation occurs, file a complaint with the commissioner alleging such discrimination. Upon receipt of such complaint, the commissioner shall cause such investigation to be made as he deems appropriate, and shall, if requested withhold the name of the complainant from the employer. If upon such investigation, the commissioner determines that the provisions

of this subdivision have been violated, he shall request the attorney general to bring an action in the supreme court against the person or persons alleged to have violated the provisions of this subdivision. In any such action the supreme court shall have jurisdiction, for cause shown, to restrain violations of this subdivision and order all appropriate relief, including rehiring or reinstatement of the employee to his former position with all back pay.

- c. Within ninety days of this receipt of a complaint filed under this subdivision the commissioner shall notify the complainant and his representative by registered mail of his determination.
- d. Nothing in this subdivision shall be deemed to diminish the rights of any employee under any law, rule or regulation or under any collective bargaining agreement.

11. Wherever notice is required to be given to an authorized employee representative under this section, notice shall be given to all organizations representing employees at the worksite in question. Notice should be given to the office of the employee representative as well as to the representative at the worksite. Representatives who wish this dual notice must inform the department of the person who is to be notified. Such notice shall be in writing unless the inspection is being conducted under subdivision five-a of this section.

12. The commissioner may initiate voluntary compliance programs, including, but not limited to, a public employee consultation program to provide on-site consultation to public employers desiring such services as an adjunct to the commissioner's inspections pursuant to this section. Whenever an on-site consultation is performed under this subdivision, a report shall be issued of any findings of noncompliance with the regulations promulgated under this section and the report shall be made public.

13. Regulations. The commissioner may promulgate such procedural regulations as he shall consider necessary and proper to effectuate the purposes and provisions of this section.

14. A commission to report on the operation and effect of this section is hereby established.

- a. Such commission shall examine the incidence of work related injuries, the incidence of injuries to the public, and the effect of this section upon insurance costs of public employers. Such commission shall be empowered to recommend additional or corrective legislation to advance the purposes of this section.
- b. Such commission shall be composed of three members, one of whom shall be chosen by the speaker of the assembly, one of whom shall be chosen by the temporary president of the senate, and one of whom shall be chosen by the governor.
- c. Members of the commission shall serve without compensation, except for expenses reasonably incurred in the discharge of their duties under this subdivision.
- d. The commission shall issue an interim report to the legislature and the governor, which report shall be issued one year after the effective date of this section. A final report shall be issued two years after such effective date.

15. New York state occupational safety and health hazard abatement board; creation and procedure.

- a. The New York state occupational safety and health hazard abatement board is hereby created to have and exercise the powers, duties and prerogatives provided by the provisions of this subdivision.
- b. The membership of the board shall consist of five persons appointed by the governor of whom one shall be upon the recommendation of the temporary president of the senate, one upon the recommendation of the speaker of the assembly, and one upon the recommendation of the state comptroller. Members shall serve at the pleasure of the governor, and the governor may replace any member in accordance with the provisions contained herein for the appointment of members.

The governor shall designate one of the members to serve as chairman. The board shall act by a majority vote of its members, and a quorum to conduct business shall consist of three members. Any determination of the board shall be evidenced by a certification thereof executed by all the members present and voting. Each member of the board shall be entitled to designate a representative to attend meetings of the board in his place, and to vote or otherwise act on his behalf in his absence. Such representative shall not be authorized to delegate any of his duties or functions to any other person. Notice of such designation shall be furnished in writing to the board by the designating member. A representative shall serve at the pleasure of the designating member during the member's term of office.

- c. No elected public officer or public employee shall be eligible for appointment as a member of the board.
  - d. The members of the board and their representatives shall serve without salary or per diem allowance but shall be entitled to reimbursement for actual and necessary expenses incurred in the performance of their official duties pursuant to this section, provided however that such members and representatives are not, at the time such expenses are incurred, public employees or public officers otherwise entitled to such reimbursement.
  - e. The board shall meet at least four times a year with at least one meeting in each calendar quarter. The chairman shall designate the days of meeting, and shall provide each member with at least three weeks written notice of the date of such meeting.
  - f. Staff services for the board shall be performed insofar as practicable, by personnel of the department of labor. Additional professional and technical services may be secured from other state departments or agencies, with the consent of the head of such department or agency.
16. New York state occupational safety and health hazard abatement board; powers and duties.
- (A) a. The board created pursuant to subdivision fifteen of this section shall have the power, and it shall be its duty to receive, review and act upon applications for funding of capital projects designed to abate occupational safety and health hazards which have been found by the commissioner to violate the provisions of this section or which have been identified in a report of the public employee consultation program. The board shall fund seventy-five percent of the cost of any capital abatement project necessary to comply with an order issued by the commissioner pursuant to the provisions of this section or with a recommendation for hazard abatement issued by the public employee consultation program.
  - b. In determining the order in which applicants shall receive grants from the fund, and the amount of such funding, the board shall consider the following factors:
    - (1) the degree of possible physical harm which the hazard to be abated could inflict on the public employees and other citizens at risk;
    - (2) the imminent nature of the possible infliction of harm;
    - (3) the number of public employees and other citizens at risk;
  - (B) a. The board shall have the power, and it shall be its duty to receive, review, and act upon applications for funding for programs designed to provide occupational safety and health training and education for employees pursuant to the provisions of article twenty-nine of this chapter.
  - b. The board shall, by the promulgation of rules and regulations, establish procedures and criteria that are necessary and appropriate to carry out the provisions of article twenty-nine of this chapter, which shall include criteria for the evaluation and selection of applications for grants and the auditing of performance thereunder.
  - (C) a. The board may require as part of such applications made pursuant to the provisions of this subdivision such information as it deems necessary and shall act upon such applications within a reasonable time. The board shall furnish the state budget director, state industrial commissioner, state comptroller, temporary president of the senate and speaker of the assembly with a copy of each application within three days following receipt thereof by the board.
  - b. That an employer has applied for funds pursuant to the provisions of this subdivision shall not relieve that employer of the obligation to correct any violation of this section by variance or other means.
  - (D) a. The board, in the formulation of standards pursuant to paragraph b of subdivision four of this section, shall have the power to conduct public hearings, administer oaths and take sworn or unsworn testimony at such hearings. The board may, by subpoena issued by the chair, compel the attendance of witnesses and the production of all books, records and other evidence relative to any matter under inquiry in the formulation of such standards.
  - b. The board may contract with occupational health professionals and industrial safety engineers to provide expert assistance in the formulation of standards pursuant to paragraph b of subdivision four of this section.

c. The board is authorized, after public hearings, to recommend standards to the commissioner. The board, in addition to acting on its own initiative, shall review, consider and make recommendations regarding requests for new standards presented to such board by public employers, employees or authorized employee representatives.

Legislative History:

Add, L 1980, ch 729, § 4, eff Dec 27, 1980.

Former § 27-a, add, L 1937, ch 819, § 11; repealed, L 1975, ch 756, § 2, eff Aug 9, 1975.

Sub 1, par e, add, L 2007, ch 433, § 1, eff Sept 30, 2007.

Sub 3, par a, amd, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, amd, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, amd, L 2007, ch 433, § 1, eff Sept 30, 2007.

Sub 4, par a, amd, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, par b, add, L 1990, ch 706, § 1, eff July 22, 1990.

Former sub 4, par b, deleted, L 1990, ch 706, § 1, eff July 22, 1990.

Sub 4, par c, add, L 2007, ch 433, § 2, eff Sept 30, 2007.

Former sub 4, par c, redesignated sub 4, par d, L 2007, ch 433, § 2, eff Sept 30, 2007.

Sub 4, par d, formerly sub 4, par c, so designated sub 4, par d, L 2007, ch 433, § 2, eff Sept 30, 2007.

Sub 5, par e, amd, L 1984, ch 86, § 1, eff April 17, 1984.

Sub 5-a, add, L 1990, ch 706, § 2, eff July 22, 1990.

**Dolph Rotfeld Engineering, P.C.**

**M E M O**

TO: CHRIS STEERS  
FROM: DOLPH ROTFELD  
**SUBJECT: POLICE HEADQUARTERS**  
DATE: JUNE 12, 2013

As per our work at the subject site, please be advised as follows.

1. We met with people from Santos Restoration, Inc., to discuss conducting test probes regarding the condition of the brick wall. A proposal has been submitted for the investigation and report by Santos in the amount of \$3,200.00, which I believe to be fair and reasonable.
2. After discussion with the firms, we are forwarding to you a proposal from Moran Environmental Recovery (MER) to remove and dispose of the lead contamination from the pistol range. This proposal was less costly, \$5,300.00, than one to provide only a study and report for the removal of the material.
3. Most of the drainage work to relieve the interior flooding has been completed. The remaining items to be done are the roof drainage from the annex roof and from a portion of the court room roof to be piped away from the alcove between the Parking Violation Bureau and the detective room in the police area.

DR







# SANTOS RESTORATION INC.

49 North Macquesten Parkway  
Mount Vernon, NY 10550.  
Office: (914)-668-3513  
Fax: (914)-380-6437  
Mobile: (914)-906-3629

**E-mail:santos.restoration@yahoo.com.**

## COMPANY LICENSE

License # WC-WC-17822-H06  
NYC IBM # 20244  
GAF Roofing License Number # AU09434

## INSURANCE POLICY

Liability Insurance Policy # MPV87015  
Workers' Compensation Insurance Policy # WCV87015  
Disability # DBL 561811- 4  
Liability Umbrella Policy Number CXG2900598  
Liability covers \$2,000,000  
Liability Umbrella covers \$5,000,000

## **PROPOSED CONTRACT MANUAL**

**Project # S-C 2013 – 00437**

**Date:** April 29, 2013

**Attn:** Dolph Rotfeld  
222 Grace Church Street.  
Port Chester, N.Y. 10573.

**Job Site:** 350 Main Street  
Port Chester, N.Y. 10573.

### Inspection:

A site inspection was preformed of the police Station property listed on April 15, 2013 to review façade conditions and masonry assemblies. This was prompted by the recent report of deteriorating masonry conditions and interior leaks from the Port Chester Building Department. Present at the inspection were

Mr. Dolph Rotfeld - Dolph Rotfeld Engineering P.C.  
Mr. Joseph Krzeminski-Chief of Port Chest Police.  
Mr. Claudio Santos – Santos Restoration Inc.  
Mr. Darius Toraby - Darius Toraby Architects P.C.  
Mr. Andrew Foord –Darius Toraby Architects P.C.

**Findings:**

Brick masonry exhibiting washed out mortar joints at the South and East Facade were directly below the pre-cast parapet stones. The pre-cast concrete decorative parapets stones have locally displace and /or deteriorated along the South Façade. One of the pre-cast elements on the North Facade is crumbling at the Third Floor. The Steel lintels at the window and door opening have been caulked against the adjacent masonry trapping water at the junction between the lintels and bricks above, contributing to interior leaks and water damage.

**Recommendation:**

**Masonry Probe # 1:**

Removal of the brick veneers at the probe opening at the South Facade is recommended to access the conditions of the brick and backup block. This probe should be at least 2'X2' directly below a joint in the pre-cast elements. Care should be taken to insure the stone elements are not disturbed, and subsequent shoring is to be install to prevent further shifting while this probe is open.

**Masonry Probe # 2:**

A second probe should be made at the crumbling pre-cast stone at the North Facade to determine its composition, anchorage, and conditions causing its disintegration. This removal can be accomplished from roof level.

**Note:**

Upon review of the probe result appropriate repairs and waterproofing detailed can be provided for the contract price. We are grateful for this opportunity to be of service.

*Clarify  
details of  
what is  
meant*

**Total cost for the three probe mention in the above proposed work = \$3,200.00**

**CONTRACT PROPOSAL:**

- All necessary materials will be provided by Santos Restoration.
- Santos Restoration will provide liability insurance from the beginning of the job through its completion.
- Santos Restoration will also provide Workers Compensation for our employees for the service provided in its entirety.
- All work will be done by Santos Restoration workers.
- Santos Restoration will cordon off the work area to ensure safety of pedestrians.

**CLEANING UP:**

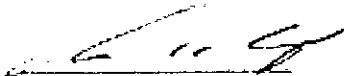
The contractors will, at all times, keep the premises free from accumulation of debris and rubbish and if necessary clean daily.

The contractor shall remove from the premises all debris, rubbish, equipment, and surplus materials and shall leave the building and property broom clean or its equivalent on a daily basis.

**WORK SCHEDULE:**

All of the work will be performed during standard working hours (8:00 am to 5:00 pm) Monday through Friday, unless otherwise agreed upon by Owner.

**Contract Agreement**



Contractor:  
Santos Restoration Inc.

Date: 4/29/2013

\_\_\_\_\_  
Dolph Rotfeld

Date:   /  /  

**Thank you for business!!!!**



---

**CLIENT:**

Attn: Daniel A. Peluso  
Company: Village of Port Chester  
Street: 222 Grace Church Street  
City, St, Zip: Port Chester , NY 10573  
Phone: (914)939-5200  
Fax:

---

**WORK TO BE PERFORMED AT:**

Site: Lead Decon  
Company: Port Chester Police Department  
Street: 350 North Main Street  
City, St, Zip: Port Chester , NY 10573  
Site Contact: Daniel A. Peluso  
Phone: (914)939-5200

**BID NAME:** Lead Decon

**DATE:** May 20, 2013

**BID NO:** 13NCDB0089

PAGE 1 OF 2

Dear Mr. Peluso,

Moran Environmental Recovery (MER) appreciates this opportunity to be of service. MER is a specialized provider of integrated environmental and industrial services. Below is the scope of work and pricing for the services requested.

---

**SCOPE OF WORK:**

- MER to provide Labor, Equipment and materials to remove Lead, Brass and plastic from catch pit at end of shooting range. Remove all loose Lead Paint within shooting range. Hepa Vac entire work area. Use a spray allied Lead lock down throughout work area. All waste is put into 17H drums and taken off site for disposal. All movable items will be removed by others from work area.

---

**PROJECT PRICING:**

- |  |                |
|--|----------------|
| • Labor, Material & Equipment                              | \$5,300.00     |
| • Hazardous Waste Lead Disposal                            | \$ 280.00/55DM |
| • Transportation of Drums to an approved disposal facility | \$ 450.00/load |

**Special Note:** This proposal includes fuel costs based on the average published cost of fuel as of the **BID DATE**. In accordance with the **ENERGY SURCHARGE** terms on page 2, additional fuel surcharges may apply when the work is performed.

**TERMS AND CONDITIONS:**

|   |                                |                                     |  |                                       |
|---|--------------------------------|-------------------------------------|--|---------------------------------------|
| <b>Payment Terms:</b>   | <input type="checkbox"/> C.O.D | <input type="checkbox"/> 1% 10 Days | <input checked="" type="checkbox"/> NET 30 | <input type="checkbox"/> Other:_____. |
| Visa, MasterCard & American Express payments accepted.<br>Payments not made by due date will be subject to 1.5% monthly late fee.<br>This proposal may be withdrawn if not accepted within 30 days. |                                |                                     |  |                                       |

- **SITE CONDITIONS:** MER will have free and clear access to the site and where applicable, Owner will supply a constant and sufficient source of running water and electricity to perform the project. Work to be performed in accordance with all local, state and federal regulations. This proposal is contingent upon strikes, accidents, or other delays beyond our control.
- **MINIMUM CHARGE:** All services performed by MER are subject to a \$1,000 Minimum Charge.
- **TAXES:** All applicable Federal, State, or Local taxes and/or surcharges will be included at time of invoice. Tax-exempt entities must provide proof of tax-exempt status prior to execution of the proposed work.
- **CHANGE ORDERS:** Work to be performed in accordance with all written drawing and specifications referenced above. Any deviation from those specifications will be executed only upon receipt of written orders and may result in additional charges.
- **WASTE DISPOSAL:** Disposal pricing is based upon generator information, off specification charges may apply if upon receipt at the disposal facility the material to be disposed of differs from what has been quoted. If applicable, Federal, State or local waste disposal taxes and/or surcharges will be added to the invoice.
- **ENERGY SURCHARGE:** The cost of fuel is included in Equipment Rates for all "fuel driven equipment" based on the posted price of diesel at the time of this proposal. An additional Fuel Surcharge may be assessed at the time the work is performed based on changes in the cost of fuel as reported on the Weekly US Average On-Highway Diesel Price published by the US Department of Energy at <http://tonto.eia.doe.gov/oog/info/wohdp/diesel.asp> . Any Fuel Surcharges will be established and applied on a monthly basis as appropriate for the period the work is executed.

To authorize the performance of this proposal, please execute the "Proposal Acceptance" below and return to the attention of Doug Brittingham. If you have any questions regarding this quotation or would like further information on our services, please feel free to call me at 203-270-0095. In the event that I cannot be reached, please contact our office at 203-270-0095 and ask for assistance.

Sincerely,

*Doug Brittingham*  
 Doug Brittingham  
 Sr. Account Manager



PROPOSAL ACCEPTANCE:

---

**CUSTOMER:**

The above prices and conditions are satisfactory and are hereby accepted. MER is authorized to perform the work as proposed. The person signing below is doing so as a duly authorized Representative of Customer.

Signature: \_\_\_\_\_ Name: \_\_\_\_\_

Date: \_\_\_\_\_ Title: \_\_\_\_\_

PO Number \_\_\_\_\_

This proposal when executed represents a legal and binding Contract.

REPORT  
OF  
THE POLICE CHIEF

# DISCUSSION



The Caring and Loving Foundation is a 501(c)(3) charity, and through the generosity of our supporters is able to provide assistance to children facing life threatening illness and help to the most vulnerable families in our community.

# *Our Projects*

## Helping Joaquincito.

---

Joaquin is from Peru. He has suffered since infancy with extensive maxillofacial lymphatic malformation and was treated at the Center for endovascular Surgery at Roosevelt Hospital in New York.

Caring and Loving Foundation has been helping Joaquin in his fight against cancer since 2011.





# Helping Helen Parra.

---

Assisting Helen Parra in obtaining a wheelchair ramp for her residence.





# Thanksgiving in Park Avenue School, Port Chester NY

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Caring and Loving foundation, every year holds events celebrating thanksgiving day in St. peter church. Giving away turkeys to the Hispanic community most in need.



# Smile in Christmas

---

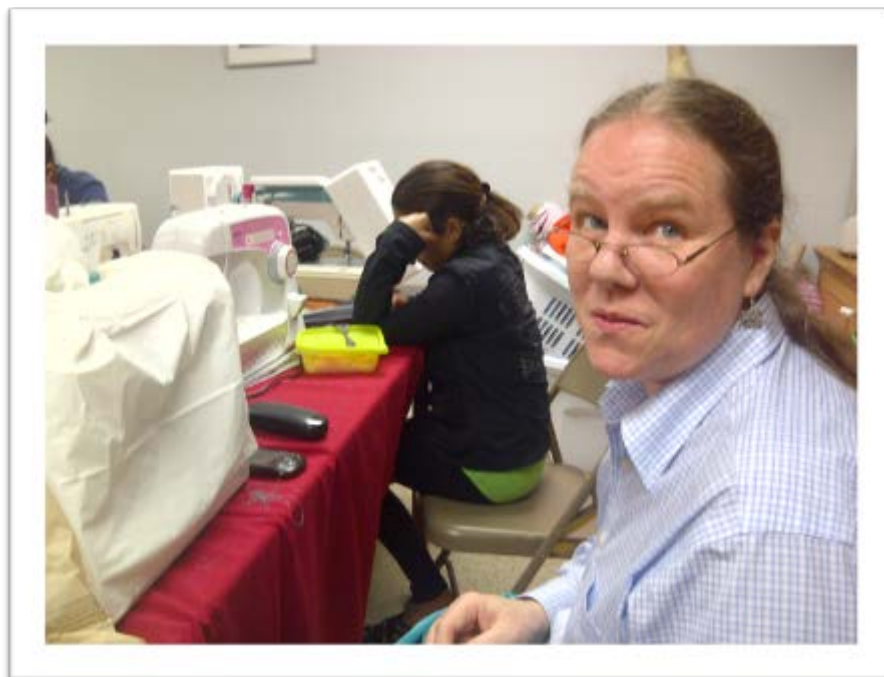
Caring and Loving foundation annual collection of Christmas toys in the Church of San Pedro in, Port Chester.



# Sewing Workshop

---

Caring and Loving foundation, sponsoring for the women of Port Chester at St. Peter Church





# Projects in Peru

Cerro Candela – San Martin de Porres,  
Lima-Peru

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# Hermanas del Buen Pastor

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# Institución educativa Santa Rosa, Salamanca -Peru

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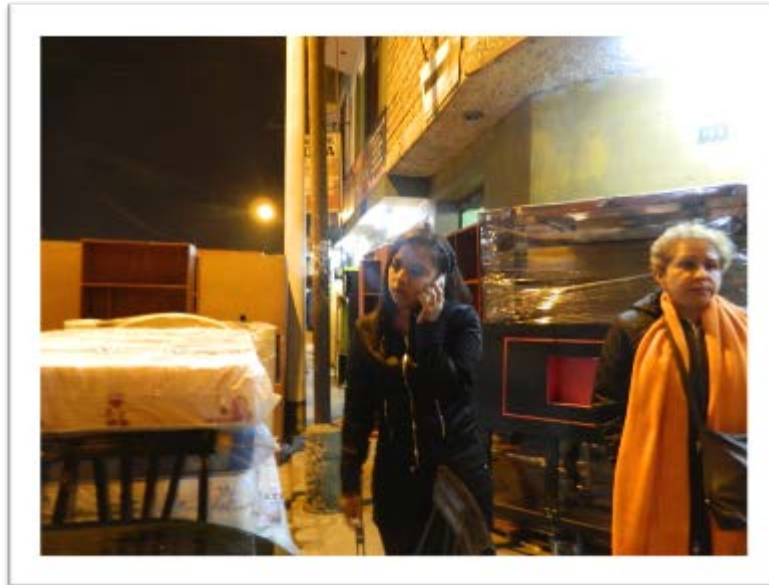




# Helps victims of a major house fire, Chincha-Peru

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Caring and Loving Foundation helps victims of a major house fire in Chincha - Peru, obtain furnishing for their home.





# CORRESPONDENCE

PARK COMMISSION  
Port Chester, New York

June 6, 2013

Mayor Neil Pagano and the Board of Trustees  
Village of Port Chester

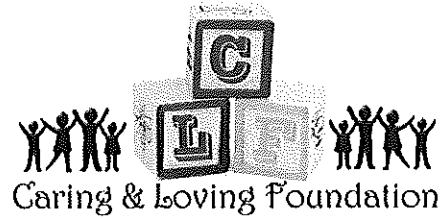
The Park Commission would like to recommend that recognition be made to Dominick Neri of Neri's Bakery for all the wonderful deeds he has done for the Village. As you may be aware his financial and in kind support of the Village has been on going over the years.

We would like to present Mr. Neri with a plaque and a proclamation from the Village on Port Chester Day's 25<sup>th</sup> Anniversary which will be celebrated on August 24<sup>th</sup> in Lyon Park. We would appreciate your support and approval in this matter.

Very truly yours,

*Jerry Terranova*

Jerry Terranova and the Park Commission



VILLAGE OF PORT CHESTER

JUN 06 2013

RECEIVED

VM

June 5, 2013

Mayor Neil Pagano and the Board of Trustees

Village Hall

222 Grace Church Street

Port Chester, New York 10573

Dear Mayor and Board of Trustees:

On behalf of the Caring & Loving Foundation thank you for allowing our organization to hold our multi-cultural festival in Lyon Park on July 14, 2013.

We would like to promote the festival with banners and respectfully ask permission to hang banners at the following locations: Putman Avenue, Westchester Avenue and North Main Street.

Thank you in advance for your consideration of our request.

Sincerely,

Sady Palma W.

Executive Director CLF



# Fire Department Village of Port Chester

WESTCHESTER COUNTY, N. Y.



Headquarters: Westchester Avenue and Ponings Street

Harry Howard Hook &  
Ladder No. 1

Fire Police No. 1

Mellor Hose No. 1

Washington Engine & Hose  
No. 4

Brookville Hose No. 5

**Companies:**

Reliance Chemical & Hose  
No. 1

Putnam Steamer & Hose  
No. 2

TO THE HONORABLE BOARD OF TRUSTEES OF THE VILLAGE PORT CHESTER, N. Y.:

The *Reliance Engine & Hose Co.* respectfully reports that at a meeting held on *MAY 3<sup>rd</sup> 2013* favorable action was taken on the following:

Elected active members *ANDREW FANELLI OF 5 CLARK PL. PC 10573*

Elected honorary members .....

Members resigned.....

Members expelled.....

Members suspended.....

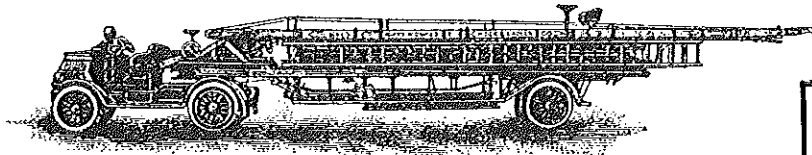
Members died.....

Badges returned (numbers) .....

Remarks.....

*[Handwritten Signature]*  
Secretary.

Received  
JUN 5 2013  
Village Clerk  
VILLAGE OF PORT CHESTER



C-4

HARRY HOWARD HOOK & LADDER CO. NO. 1  
PORT CHESTER, N.Y. 10573

Received  
JUN 10 2013  
Village Clerk  
VILLAGE OF PORT CHESTER

June 5, 2013

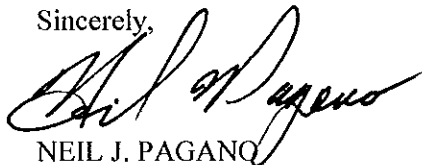
Honorable Mayor Neil J. Pagano and  
Members of the Village Board of Trustees  
Village of Port Chester  
222 Grace Church Street  
Port Chester, NY 10573  
Attn: Dr. Janusz Richards – Village Clerk

Re: **Election of New Member**  
John Evans

Dear Mayor Pagano & Members of the Board

The purpose of this letter is to inform you that on June 4, 2013, at the regularly scheduled monthly meeting of the Company, the members of Harry Howard Hook & Ladder Company #1 unanimously voted for the acceptance of John Evans who resides at 83 Robert Avenue, Port Chester, NY 10573 to active membership in our Company.

Sincerely,



NEIL J. PAGANO

Secretary

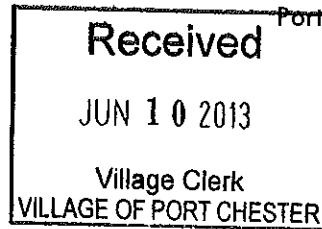
cc: John Evans  
83 Robert Avenue  
Port Chester, NY 10573



"SUCCESS FOR EVERY STUDENT"

# Port Chester High School

One Tamarack Road  
Port Chester, New York 10573  
914.934.7950



Mitchell A. Combs, Ph.D.  
Principal

Assistant Principals  
Fortunato R. DiRenno  
Luke A. Sotherden

June 10, 2013

The Honorable Neil Pagano and Board of Trustees  
Mayor of Port Chester, New York  
222 Grace Church Street  
Port Chester, New York 10573

Dear Mayor Pagano and Board of Trustees:

On behalf of the class of 2013, I would like to take this opportunity to invite you to attend our graduation ceremony to be held on Friday, June 21, 2013 at 6:30 p.m. at John Wynne Ryan Memorial Stadium. The rain date will be Saturday morning at 10:00 a.m.

For your convenience, we have set aside an area in the stands for special people such as yourself. Please let us know if you will be attending by calling 914-934-7964.

I hope you will be able to join us for one of the most important events in the lives of our students.

Sincerely yours,

Mitchell A. Combs, Ph.D.  
Principal

MAC:ve

**RECOMMENDATION RESOLUTION  
VILLAGE OF PORT CHESTER PLANNING COMMISSION  
INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY  
PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF TO OWNERS  
OF ONE- AND TWO-FAMILY RESIDENCES**

**June 11, 2013**

On the motion of COMMISSIONER Gregory, seconded by COMMISSIONER Coperine, the following resolution was adopted by the Planning Commission of the Village of Port Chester, New York:

**WHEREAS**, the Village Board of Trustees adopted by local law a Permit Amnesty Program; and

**WHEREAS**, pursuant to Section 345-34 of the Village Code, the Village Board of Trustees forwarded to the Planning Commission a proposed local law that would amend the Permit Amnesty Program to provide additional relief to owners of one- and two-family residences in the Village of Port Chester; and

**WHEREAS**, the Planning Commission discussed the draft interim local law described above with the Building Inspector and Village Attorney, and now therefore let it be

**RESOLVED**, that the Planning Commission recommend the Village Board of Trustees adopt the proposed local law amending the Amnesty Program to provide additional relief to one- and two-family property owners as described herein.

APPROVED AS TO FORM:

\_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

AYES: Coperine, Gregory, Ortiz and Scarola  
NAYES: none  
ABSTAINED: none  
ABSENT: Antaki, Baxter. Cervinka and Pellon

\_\_\_\_\_  
Michael Scarola, Chairman

DATE: June 11, 2013

**RECOMMENDATION RESOLUTION  
VILLAGE OF PORT CHESTER PLANNING COMMISSION  
AMNESTY PROGRAM EXTENSION**

**June 11, 2013**

On the motion of COMMISSIONER Gregory, seconded by COMMISSIONER Ortiz,  
the following resolution was adopted by the Planning Commission of the Village of Port Chester,  
New York:

**WHEREAS**, the Village's Permit Amnesty Program currently expires October 31, 2013; and

**WHEREAS**, the Village Board of Trustees may again extend the expiration of the Permit Amnesty Program; and

**WHEREAS**, the Planning Commission wants to be recognized as having proactively commented on this issue; and now therefore let it be

**RESOLVED**, should the Village Board of Trustees consider extending the Permit Amnesty Program past the October 31, 2013 expiration date, , the Planning Commission opposes such any extension beyond October 31, 2014.

APPROVED AS TO FORM:

) \_\_\_\_\_  
Anthony M. Cerreto  
Village Attorney

Ayes: Coperine, Gregory, Ortiz and Scarola

Nays:

Abstained:

Absent: Antaki, Baxter. Cervinka and Pellon

\_\_\_\_\_  
Michael Scarola, Chairman

DATE: June 11, 2013

# SAINT FRANCES

AFRICAN METHODIST EPISCOPAL ZION CHURCH  
18 SMITH STREET, PORT CHESTER, NEW YORK 10573-4506  
Rev. Natalie R. Wimberly, Pastor



May 10, 2013

Mayor Neil Pagan  
The Office of the Mayor  
Village of Port Chester  
220 Grace Church Street  
Port Chester, NY 10573

VILLAGE OF PORT CHESTER

MAY 22 2013

RECEIVED M

TO: VM

Dear Mayor Pagan:

Permit me first to congratulate you on your recent election as the Mayor of the Village of Port Chester. We pray your tenure will be fruitful and productive as you give oversight to the Village and its people.

I am the current pastor of Saint Frances African Methodist Episcopal Zion Church located on 18 Smith Street here in the Village of Port Chester. We are the oldest African-American congregation in the Village. We have served the community for 164 years. We were founded in 1849 and have been actively serving the community at our present location since 1889.

**My purpose in writing is one, to introduce myself to you and to make a request of the Village for the use of 1/2 of the Grove Street parking lot on July 27, 2013 for our annual bazaar from 12:00-5:00 pm. We last had permission to use the parking lot in 2007 and have been denied with subsequent requests.**

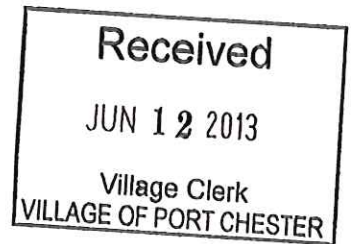
The parishioners of Saint Frances are concerned about the denials we received to use public space and other faith groups are permitted to block streets and intersections for special religious observances. There is the sentiment that it is unfair and perhaps there is a bias for one group, and another may be present in the decision-making process. We sincerely hope that is not the issue.

I would like very much to personally meet with you if time permits in your schedule. Thank you so much for your attention to this matter.

Sincerely,

Pastor Natalie R. Wimberly

**Washington Engine & Hose Co. #4, Inc.**  
PORT CHESTER FIRE DEPARTMENT  
PORT CHESTER, NEW YORK



June 10, 2013

Mr J. Richards, Village Clerk  
Village of Port Chester  
222 Grace Church St  
Port Chester, NY 10573

Mr Richards:

Please note that at the June meeting of Washington &H Co# 4, Inc. held on June 7 the Company accepted the resignation of active member, Timothy Hannigan. All Company and Village equipment was returned by Tim prior to accepting his resignation. Please take the appropriate action within your office.

Sincerely,

A handwritten signature in blue ink, appearing to read "Paul Cregan".

Paul Cregan  
Secretary

# MINUTES

## **MEETING HELD APRIL 29, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, April 29, 2013 at 7:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Director of Planning and Development Christopher Gomez; Police Chief, Joseph Krzeminski and Administrative Aide, Christopher Ameigh.

On motion of Trustee Ceccarelli, seconded by Trustee Kenner, the meeting was declared opened at 7:01 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

*Public Hearing to consider a Local Law with regard to submission procedures for site plans.*

The following Public Notices were duly published in the Journal News and the Westmore News on April 19, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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, April 29, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 345 of the Code of the Village of Port Chester with regard to submission procedures for site plans.

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

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 16, 2013

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, and Mayor Pagano

NOES:

ABSENT:

Mr. Richards stated that the public hearing was duly noticed as required by law.

Ms. Goldie Solomon commented that the public notice should also be published in Spanish. Another resident also commented that the public notice should be also published in Spanish.

Mr. Gomez spoke regarding the public notices for public hearing numbers one through four, which are from the Planning Commission.

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

*Public Hearing to consider a Local Law with regard to reimbursement of professional fees.*

The following Public Notices were duly published in the Journal News and the Westmore News on April 19, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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, April 29, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 345 of the Code of the Village of Port Chester with regard to reimbursement of professional fees.

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

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 16, 2013

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Mr. Richards stated that the public hearing was duly noticed as required by law.

Ms. Goldie Solomon commented that the public notice should also be published in Spanish and she asked why the village has reimbursement for professional fees. Both Mr. Gomez and Mayor Pagano answered Ms. Solomon's question and explained to her about the escrow account for professional fees.

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

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

### **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

*Public Hearing to consider a Local Law with regard to new Planning and Zoning fees.*

The following Public Notices were duly published in the Journal News and the Westmore News on April 19, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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, April 29, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending the code of the Village of Port Chester, CHAPTER 175, with regard to new planning and zoning fees.

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

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 16, 2013

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano  
NOES:  
ABSENT:

Mr. Richards stated that the public hearing was duly noticed as required by law.

Ms. Goldie Solomon commented that the village should not raise the fees because the people of Port Chester cannot afford to have the fees raised.

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano  
NOES:  
ABSENT:

**AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

*Public Hearing to consider a Local Law, which would amend Chapter 332 and Chapter 175 with regard to waterfront consistency review fees.*

The following Public Notices were duly published in the Journal News and the Westmore News on April 19, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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, April 29, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 332 and CHAPTER 175 of the code of the Village of Port Chester with regard to the fees for Waterfront Consistency Review.

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

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 16, 2013

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Mr. Richards stated that the public hearing was duly noticed as required by law.

Ms. Goldie Solomon asked the Board to explain the consistency review fees. The Board asked Mr. Gomez to explain to Ms. Solomon the reason for the new fee.

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

RESOLUTION  
AMENDING CHAPTER 332 AND CHAPTER 175 OF THE CODE OF THE VILLAGE OF  
PORT CHESTER WITH REGARD TO THE FEES FOR WATERFRONT CONSISTENCY  
REVIEW

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

**RESOLVED**, that the Village of Port Chester Board of Trustees hereby adopts Local Law #8 of 2013 AMENDING CHAPTER 332 AND CHAPTER 175 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO THE FEES FOR WATERFRONT CONSISTENCY REVIEW.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

LOCAL LAW NO. 8 OF 2013

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE  
OF PORT CHESTER, CHAPTER 332 AND CHAPTER 175, WITH REGARD TO THE  
FEES FOR WATERFRONT CONSISTENCY REVIEW

SECTION 1: The Code of the Village of Port Chester, Chapter 332, "Waterfront Consistency Review," Section 332-6, is hereby amended as follows:

...

C. Whenever an agency receives an application for approval or funding of an action or as early as possible in the agency's formulation of a direct action to be located in the Village's coastal area, the applicant or, in the case of a direct action, the agency, shall prepare a Coastal Assessment Form (CAF) to assist with the consistency review and pay the requisite fee as set forth in Chapter 175, Fees.

SECTION 2: The Code of the Village of Port Chester, Chapter 175, "Fees" is hereby amended as follows:

...

Chapter 332, Waterfront Consistency Review

...

SECTION 3: This local law shall be effective immediately upon filing with the Secretary of

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: April 29, 2013

**AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

*Public Hearing to consider a Local Law with regard to hours of parking meter enforcement.*

The following Public Notices were duly published in the Journal News and the Westmore News on April 19, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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, April 29, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 319 of the Code of the Village of Port Chester with regard to increasing the hours of parking meter operation.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed law is available at the Village Clerk’s office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com).

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 16, 2013

On motion of Trustee Ceccarelli, seconded by Trustee Adams, the public hearing was declared open.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Ms. Goldie Solomon asked the Board what the current parking meter hours are. The Board answered Ms. Solomon's question.

Mr. Ken Manning, Executive Director of Port Chester, Rye Brook and Rye Town Chamber of Commerce presented to the Board a survey he did from some of the businesses that belong to the Chamber of Commerce. Mr. Manning also commented regarding the proposed increased parking meter hours.

Mr. Abel commented regarding the proposed increased parking meter hours and the resolution that corresponds with the increase.

Mr. Steers commented that the proposed increased parking meter hours of operation was done to lower the tax levy.

Mr. Giangrande commented regarding the parking enforcement officers.

Another resident commented on the proposed increased parking meter hours of operation and the raising of revenue and not the increase in taxes.

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

#### RESOLUTION

#### AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO INCREASING THE HOURS OF PARKING METER OPERATION

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

**WHEREAS**, Local Law #9 of the year 2013 AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO INCREASING THE HOURS OF PARKING METER OPERATION. Now, therefore, be it

**RESOLVED**, that the Village of Port Chester Board of Trustees hereby adopts Local Law #9 of 2013.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Ceccarelli and Mayor Pagano

NOES: Trustee Marino

ABSENT:

DATE: April 29, 2013

#### LOCAL LAW NO. 9 OF 2013

#### A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 319 WITH REGARD TO INCREASING THE HOURS OF PARKING METER OPERATION

#### A LOCAL LAW AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO INCREASING THE HOURS OF PARKING METER OPERATION

SECTION 1: The Code of the Village of Port Chester, Chapter 319, Schedule XXVI, Section 319-87 "Parking Meter Zones" is hereby amended as follows:

Section 319-87A. Two- hour limit

Parking meter zones are hereby established pursuant to Section 319-33 on the following streets. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and [7:00 p.m.] 9:00 p.m. for more than two hours, except Sundays and holidays.

Section 319-87B. Twelve-hour limit.

Parking meter zones are hereby established pursuant to Section 319-33 on the following streets. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and [7:00 p.m.] 9:00 p.m. for more than twelve hours, except Sundays and holidays.

Section 319-87C. Parking Lot Use.

Parking meter zones are hereby established pursuant to Section 319-33 on the following parking lots. No vehicle shall be parked Monday to Saturday, both inclusive, between the

hours of 7:00 a.m. and [7:00 p.m.] 9:00 p.m. for longer than the time limit specified below, except Sundays and holidays

#### Section 319-87E. Parking Lot Use

Parking meter zones are hereby established pursuant to Section 319-33 on the following parking lots. No vehicle shall be parked Monday to Saturday, both inclusive, between the hours of 7:00 a.m. and [7:00 p.m.] 9:00 p.m. for longer than the time limit specified below, except Sundays and holidays.

#### Section 319-87 F. Four-hour limit.

Parking meter zones are hereby established pursuant to Section 319-33 on the following streets. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 9 a.m. and [6:00 p.m.] 9:00 p.m. for more than four hours, except Sundays and holidays.

SECTION 2: This local law shall be effective immediately upon filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: April 29, 2013

### **Add-on Resolution**

Trustee Kenner made a motion to add-on a resolution to set a public hearing to consider a local law with regard to hours of parking meter enforcement. The motion was seconded by Trustee Adams.

Roll Call

AYES: Trustees Adams, Brakewood, Kenner, Ceccarelli and Mayor Pagano

NOES: Trustees Terenzi and Marino

ABSENT:

***The add-on resolution was defeated. Motion not carried.***

The Board requested the Village Clerk to add to the May 6, 2013 agenda, a resolution to set a public hearing to consider a local law with regard to hours of parking meter enforcement.

### **PUBLIC COMMENTS**

Ms. Goldie Solomon asked the Board not to cut the budget for the Police Department, Fire Department, Emergency Medical Transit and Department of Public Works. Ms. Solomon commented that Port Chester is a diverse community and to please help lower the taxes.

Mr. Abel commented on several budget items and the status of the Public Service Commission in regards to the sewer project.

Ms. Leigh Taylor Mickelson and Ariel Plantz of the Clay Art Center spoke regarding the purpose of the Clay Art Center and asked the Board for their budget financial support for the arts.

Mr. Alex Payàn commented regarding the waterfront and the Marina.

Mr. Mariusz Karas commented regarding a stop sign on Quintard Drive.

Ms. Linda Turturino commented regarding the Building Department and the Amnesty Program.

Mr. Didden commented about a letter from his attorney regarding a judgment of his property on Main Street.

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:**

*Public Hearing to extend and /or modify the amnesty program.*

The following Public Notices were duly published in the Journal News and the Westmore News on April 19, 2013, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore 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, April 29, 2013, at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider an interim local law further modifying the Amnesty period with regard to Local Law No. 4 of 2012 establishing a Permit Amnesty Program.

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

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 16, 2013

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Trustee Ceccarelli commented that the incremental changes are confusing and thinks the amnesty program should have an indefinite time frame.

Trustee Brakewood also commented regarding the current and proposed amnesty program and would like staff to come up with recommendations to change and improve the amnesty program.

Mr. Steers commented that staff has brought forward at least two additional recommendations on four separate occasions to the prior Board with additional relief to the existing amnesty program. Mr. Steers said that there were at least three presentations made to the prior Board, but no final decision was ever made.

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

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

## **RESOLUTIONS**

**RESOLUTION #1  
SET PUBLIC HEARING  
TO CONSIDER A LOCAL LAW AMENDING CHAPTER 319  
VEHICLE AND TRAFFIC TO SUSPEND CERTAIN PARKING RESTRICTIONS  
AND ADD PROVISION FOR HANDICAP PARKING  
ON A TEMPORARY BASIS TO ANTICIPATE CLOSURE OF THE PARKING  
GARAGE AT 395 WESTCHESTER AVENUE**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday May 20, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a local law amending Chapter 319 Vehicle and Traffic to suspend certain parking restrictions and add provision for

handicap parking on a temporary basis to anticipate closure of the parking garage at 395 Westchester Avenue.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

**RESOLUTION #2  
SPECIAL EXCEPTION USE APPROVAL  
RESOLUTION OF THE VILLAGE OF PORT CHESTER  
BOARD OF TRUSTEES**

**April 29, 2013**

**CARVER CENTER**  
Section 142.21, Block 1, Lot 34

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

**WHEREAS**, the Carver Center, 400 Westchester Avenue, is within the RA4 Multi Family Residence district and requires a special exception use permit in accordance with Sections 345-60 and 345-61 of the Village Code to operate as a membership organization, fraternal organization, or not operated for-profit; and

**WHEREAS**, the Village Board of Trustees retains jurisdiction to approve a membership organization, fraternal organization, or not operated for-profit as a special exception use in accordance with Section 345-60(D)(1)(d) of the Village Code; and

**WHEREAS**, the proposed improvements satisfy the general standards outlined in Section 345-60 General Standards of the Village Code, and whereby the special exception use is in harmony with the surrounding environment; and

**WHEREAS**, the proposed improvements for the Carver Center are in compliance with the use and dimensional regulations required by Section 345-61 Special Conditions and Safeguards for Certain Special Exception Uses, including size of lot, frontage, and setbacks; and

**WHEREAS**, the Board of Trustees conducted a public hearing on April 15, 2013 wherein all interested parties were given a full and complete opportunity to be heard; and

**WHEREAS**, the Carver Center provides community-wide benefits to the residents of Port Chester; and now therefore be it

**RESOLVED**, that the Village Board of Trustees hereby grants the special exception use to the Carver Center, 400 Westchester Avenue, as a membership organization, fraternal organization, or not operated for-profit; and be it finally

**RESOLVED**, that this resolution shall have an effective date of April 29, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

**RESOLUTION #3  
ACCEPTING \$1,000.00 DONATION FROM TD BANK FOR THE PORT CHESTER  
RECREATION DEPARTMENT.**

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

WHEREAS, the Port Chester Recreation Department has received a donation in the total amount of \$1,000.00 from TD Bank; and

WHEREAS, this donation will go to support Port Chester's 5K Run Event held in October, benefiting our Special Citizens Program

RESOLVED, that the Board of Trustees duly accepts this generous contribution to the Village of Port Chester

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

**Combined Resolutions**

Trustee Marino made a motion to combine resolutions four, five and six of the agenda for the purpose of casting one vote for all three resolutions by the Board of Trustees of the Village of Port Chester, New York. The motion was seconded by Trustee Terenzi.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Date: April 29, 2013

RESOLUTION #4

AWARDING BID FOR COACH BUSES FOR FY 2013-2014

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

WHEREAS, the Village of Port Chester has advertised for competitive bids with regard to the provision of coach bus transportation services for the 2013-2014 Fiscal Year and an option for the 2014-2015 Fiscal Year; and

WHEREAS, a single bid was submitted; County Coach, 287 Bowman Avenue, Purchase, New York 10577, in the amount of \$29,475.00; and

WHEREAS, the bidder is the current vendor and has been satisfactorily providing such services; and

WHEREAS, the Senior Center Director and Recreation Leader have recommended that such bid be accepted and that there are sufficient funds allocated in the upcoming budget for same. Now, therefore, be it

RESOLVED, that the bid of County Coach, 287 Bowman Avenue, Purchase, New York 10577 be accepted; and be it further

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement for such services.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #5

AWARDING BID FOR SCHOOL BUSES FOR FY 2013-2014

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

WHEREAS, the Village of Port Chester has advertised for competitive bids with regard to the provision of school bus transportation services for the 2013-2014 Fiscal Year and an option for the 2014-2015 Fiscal Year; and

WHEREAS, of the two bids submitted, the low bidder was County Coach, 287 Bowman Avenue, Purchase, New York 10577, in the amount of \$29,820.00; and

WHEREAS, the low bidder is the current vendor and has been satisfactorily providing such services; and

WHEREAS, the Senior Center Director and Recreation Leader have recommended that such bid be accepted and that there are sufficient funds allocated in the upcoming budget for same. Now, therefore, be it

RESOLVED, that the bid of County Coach, 287 Bowman Avenue, Purchase, New York 10577 be accepted; and be it further

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement for such services.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #6

AWARDING BID FOR SENIOR NUTRITION PROGRAM FY 2013-2014

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

WHEREAS, the Village of Port Chester has advertised for competitive bids with regard to the provision of food services for the Senior Citizen Nutrition Program for the 2013-2014 Fiscal Year and an option for the 2014-2015 Fiscal Year; and

WHEREAS, a single bid was submitted; Hubbard's Cupboard, 257 Mamaroneck Avenue, Mamaroneck, New York 10543, in the amount of \$4.69 per meal; and

WHEREAS, the bidder is the current vendor and has been satisfactorily providing such services; and

WHEREAS, the Senior Center Director has recommended that such bid be accepted and that there are sufficient funds allocated in the upcoming budget for same. Now, therefore, be it

RESOLVED, that the bid of Hubbard's Cupboard, 257 Mamaroneck Avenue, Mamaroneck, New York 10543 in the amount of \$4.69 per meal is accepted; and be it further

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement for such services.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #7

ADJUSTMENT TO BUILDING DEPARTMENT FEES

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 the resolution of April 16, 2013 with regard to Building Department Fees is hereby modified to increase the following fee:

| <u>Fee Type</u>                                      | <u>Section</u> | <u>Fee</u>        |
|--|----------------|-------------------|
| Building and fire prevention                         |                |                   |
| Building permits                                     | 151-6          |                   |
| Construction costs                                   |                |                   |
| Residential  |                | \$75.00           |
| Commercial   |                | \$100.00          |
| Over \$1,000,000 construction cost residential       |                | \$150.00          |
| Over \$1,000,000 construction cost commercial        |                | \$250.00          |
| Each additional \$1,000 or part thereof, per \$1,000 |                | [\$12.00] \$14.00 |

...and be it further

RESOLVED, that the reference to a fee for an extension made to the Board of Trustees, Zoning Board of Appeals, Planning Commission or Building Inspector is hereby deleted as same is to be provided for in Planning and Zoning Fees.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #8

ADJUSTMENT TO PARKING METER HOUR RATES

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

WHEREAS, parking meter hour rates are established in Chapter 175, Fees, which may be adjusted by resolution of the Board of Trustees; and

WHEREAS, the Village Manager has provided the Board of Trustees his Tentative Budget for FY 2013-2014; and

WHEREAS, as part of this submission, the Manager suggested certain revenue enhancements, including an adjustment to parking meter hour rates. Now, therefore, be it

RESOLVED, that Chapter 175 Fees, is hereby amended to read as follows:

| <u>Parking meter zones</u>  | <u>Section</u> | <u>Rate</u>  |
|---|----------------|--|
| 2-hour limit  | 319-87A        | \$0.25 for each [20] <u>15</u> minutes   |
| 12-hour limit   | 319-87B        | \$0.25 for each [20] <u>15</u> minutes   |
| Parking lots  | 319-87C        |  |
| Parking Lot No. 1   |                |  |
| 12-hour limit   |                | \$0.25 for each [20] <u>15</u> minutes, up to a maximum of [\$5] <u>\$6.25</u> . |
| Parking Lot No. 4   |                |  |
| 2-hour limit  |                | \$0.25 for each [20] <u>15</u> minutes   |
| 12-hour limit   |                | \$0.25 for each [20] <u>15</u> minutes, up to a maximum [5] <u>\$6.25</u>        |
| [12-hour limit  |                | \$0.25 for each 30 minutes, up to a maximum of \$3 (except decal-only spaces]    |
| Parking Lot No. 11  |                |  |
| 2-hour limit  |                | \$0.25 for each [20] <u>15</u> minutes   |
| [South side of Highland Street<br>From North Main Street to<br>Abendroth Avenue |                | \$0.25 for each 20 minutes,,<br>up to a maximum of \$5]                          |
| Parking Lot No. 12  |                |  |
| 2-hour limit  |                | \$0.25 for each [20] <u>15</u> minutes   |
| Parking Lot No. 13  |                |  |
| 2-hour limit  |                | \$0.25 for each [20] <u>15</u> minutes   |

|                     |                |  |
|---------------------|----------------|--|
| 12-hour limit       |                | \$0.25 for each [20] <u>15</u> minutes<br>Up to a maximum of [\$5] <u>\$6.25</u> |
| Parking Lot No. 16  |                |  |
| 2 hour limit        | 319-87C        | \$0.25 for each [20] <u>15</u> minutes   |
| Parking Lot No. 17  |                |  |
| 2-hour limit        | 319-87C        | \$0.25 for each [20] <u>15</u> minutes   |
| Parking meter cover | <b>319-34B</b> |  |
| per day, per cover  |                | Single [\$5] \$6.25 Double [\$10.00] \$12.50                                     |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

**Budget Amendment Resolutions**

RESOLUTION #10  
AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
DECREASE TO EXPENDITURE FOR  
POLICE (CIVILIAN)

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**DECREASE TO APPROPRIATIONS:**

**General Fund:**

**Budget line:** Police (Civilian) Department

|                        |                              |                      |
|------------------------|------------------------------|----------------------|
| 001.3127.111 Part-time | Proposed in Tentative Budget | \$87,000.00          |
| <b>001.3127.111</b>    | <b>Proposed Decrease</b>     | <b>(\$22,500.00)</b> |
| Total                  |                              | \$64,500.00          |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #11  
 AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
 DECREASE TO EXPENDITURE FOR  
 LIBRARY

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**DECREASE TO APPROPRIATIONS:**

**General Fund:**

**Budget line:** Library Department

001.7410.400 Library Contractual

|                    |                              |                      |
|--------------------|------------------------------|----------------------|
|                    | Proposed in Tentative Budget | \$931,300.00         |
| <b>0017410.400</b> | <b>Proposed Decrease</b>     | <b>(\$22,000.00)</b> |
| Total              |                              | \$909,300.00         |

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Mayor Pagano

NOES: Trustees Brakewood and Ceccarelli

ABSENT:

DATE: April 29, 2013

RESOLUTION #12  
AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
DECREASE TO EXPENDITURE FOR  
CELEBRATION – SPECIAL EVENTS

On the 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, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**DECREASE TO APPROPRIATIONS:**

**General Fund:**

**Budget line:** Celebration Department

001.7550.555 Special Events

|                     |                              |                     |
|---------------------|------------------------------|---------------------|
|                     | Proposed in Tentative Budget | \$8,500.00          |
| <b>001.7550.555</b> | <b>Proposed Decrease</b>     | <b>(\$5,500.00)</b> |
| Total               |                              | \$3,000.00          |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #13  
AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
DECREASE TO EXPENDITURE FOR  
CELEBRATION – HISTORICAL SOCIETY

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**DECREASE TO APPROPRIATIONS:**

**General Fund:**

|                     |                              |                   |
|---------------------|------------------------------|-------------------|
| <b>Budget line:</b> | Celebration Department       |                   |
| 001.7550.564        | Historical Society           |                   |
|                     | Proposed in Tentative Budget | \$500.00          |
| <b>001.7550.564</b> | <b>Proposed Decrease</b>     | <b>(\$500.00)</b> |
| Total               |                              | \$0.00            |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #14  
AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
DECREASE TO EXPENDITURE FOR  
ADULT RECREATION

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**DECREASE TO APPROPRIATIONS:**

**General Fund:**

|                            |                              |                      |
|----------------------------|------------------------------|----------------------|
| <b><u>Budget line:</u></b> | Adult Recreation Department  |                      |
| 001.7620.558               | Middle School Lights         |                      |
|                            | Proposed in Tentative Budget | \$10,000.00          |
| <b>001.7620.558</b>        | <b>Proposed Decrease</b>     | <b>(\$10,000.00)</b> |
| Total                      |                              | \$0.00               |

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES: Trustee Brakewood

ABSENT:

DATE: April 29, 2013

RESOLUTION #15  
 AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
 DECREASE TO EXPENDITURE FOR  
 WORKERS COMPENSATION

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**DECREASE TO APPROPRIATIONS:**

**General Fund:**

|                            |                                 |                       |
|----------------------------|---------------------------------|-----------------------|
| <b><u>Budget line:</u></b> | Workers Compensation Department |                       |
| 001.9040.803               | Workers Compensation            |                       |
|                            | Proposed in Tentative Budget    | \$1,675,000.00        |
| <b>001.9040.803</b>        | <b>Proposed Decrease</b>        | <b>(\$384,125.00)</b> |
| Total                      |                                 | \$1,290,875.00        |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #16  
 AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
 INCREASES TO BUILDING/CODE DEPARTMENT REVENUES DUE TO FEE  
 ADJUSTMENTS

On the 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, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                      |                                |                              |                     |
|----------------------|--------------------------------|------------------------------|---------------------|
| 001.0001.1540        | Fire Inspection                |                              |                     |
|                      |                                | Proposed in Tentative Budget | \$100,000.00        |
| <b>001.0001.1540</b> |                                | <b>Proposed Increase</b>     | <b>\$ 17,466.00</b> |
|                      | Total                          |                              | \$117,466.00        |
| 001.0001.1560        | Safety Inspection/Bldg Permits |                              |                     |
|                      |                                | Proposed in Tentative Budget | \$225,000.00        |
| <b>001.0001.1560</b> |                                | <b>Proposed Increase</b>     | <b>\$ 10,979.00</b> |
|                      | Total                          |                              | \$235,979.00        |
| 001.0001.1567        | Permits/Tanks (New)            |                              |                     |
|                      |                                | Proposed in Tentative Budget | \$0.00              |
| <b>001.0001.1567</b> |                                | <b>Proposed Increase</b>     | <b>\$2,400.00</b>   |
|                      | Total                          |                              | \$2,400.00          |
| 001.0001.1563        | Safety Inspection/Occupancy    |                              |                     |
|                      |                                | Proposed in Tentative Budget | \$30,000.00         |
| <b>001.0001.1563</b> |                                | <b>Proposed Increase</b>     | <b>\$10,000.00</b>  |
|                      | Total                          |                              | \$40,000.00         |
| 001.0001.2120        | Architectural Board of Review  |                              |                     |
|                      |                                | Proposed in Tentative Budget | \$3,000.00          |
| <b>001.0001.2120</b> |                                | <b>Proposed Increase</b>     | <b>\$ 157.00</b>    |
|                      | Total                          |                              | \$3,157.00          |
| 001.0001.2590        | Permit/Electrical              |                              |                     |

|  |                              |                    |
|--|------------------------------|--------------------|
|  | Proposed in Tentative Budget | \$13,000.00        |
| <b>001.0001.2590</b>                         | <b>Proposed Increase</b>     | <b>\$ 5,571.00</b> |
| Total  |                              | \$18,571.00        |
| 001.0001.2591 Permits/Plumbing               |                              |                    |
|  | Proposed in Tentative Budget | \$12,000.00        |
| <b>001.0001.2591</b>                         | <b>Proposed Increase</b>     | <b>\$11,697.00</b> |
| Total  |                              | \$23,697.00        |
| 001.0001.2593 Permits/Signs                  |                              |                    |
|  | Proposed in Tentative Budget | \$1,000.00         |
| <b>001.0001.2593</b>                         | <b>Proposed Increase</b>     | <b>\$3,000.00</b>  |
| Total  |                              | \$4,000.00         |
| 001.0001.1568 Permit/Fire Alarm (New)        |                              |                    |
|  | Proposed in Tentative Budget | \$0.00             |
| <b>001.0001.1568</b>                         | <b>Proposed Increase</b>     | <b>\$1,500.00</b>  |
| Total  |                              | \$1,500.00         |
| 001.0001.1562 Safety Inspection/Temporary CO |                              |                    |
|  | Proposed in Tentative Budget | \$15,000.00        |
| <b>001.0001.1562</b>                         | <b>Proposed Amount</b>       | <b>\$16,391.00</b> |
| Total  |                              | \$31,391.00        |

**TOTAL INCREASE OF BUILDING/CODE REVENUE LINES: \$79,161.00**

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #17  
AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO CLERK DEPARTMENT REVENUES DUE TO FEE ADJUSTMENTS

On the motion of TRUSTEE TERENZI, seconded by TRUSTEE BRAKEWOOD, the following resolution was adopted by the Board of Trustees of the Village of Port Chester,

New York:

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                      |                                |                              |                    |
|----------------------|--------------------------------|------------------------------|--------------------|
| 001.0001.2503        | Rooming House Business License |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$1,000.00         |
| <b>001.0001.2503</b> |                                | <b>Proposed Increase</b>     | <b>\$ 422.00</b>   |
| Total                |                                |                              | \$1,422.00         |
| 001.0001.2506        | Hawker & Peddler               |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$3,000.00         |
| <b>001.0001.2506</b> |                                | <b>Proposed Increase</b>     | <b>\$ 571.00</b>   |
| Total                |                                |                              | \$3,571.00         |
| 001.0001.2511        | Taxi Owners License Fee        |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$30,000.00        |
| <b>001.0001.2511</b> |                                | <b>Proposed Increase</b>     | <b>\$ 7,250.00</b> |
| Total                |                                |                              | \$37,250.00        |
| 001.0001.2512        | Taxi Company's License Fee     |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$2,000.00         |
| <b>001.0001.2512</b> |                                | <b>Proposed Increase</b>     | <b>\$ 475.00</b>   |
| Total                |                                |                              | \$2,475.00         |
| 001.0001.2545        | Dancing/Entertainment License  |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$9,000.00         |
| <b>001.0001.2545</b> |                                | <b>Proposed Increase</b>     | <b>\$ 600.00</b>   |
| Total                |                                |                              | \$9,600.00         |
| 001.0001.2546        | Auto Dev/Laundry Licenses      |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$4,000.00         |
| <b>001.0001.2546</b> |                                | <b>Proposed Increase</b>     | <b>\$ 977.00</b>   |
| Total                |                                |                              | \$4,977.00         |
| 001.0001.2547        | Amusement Dev/Video Licenses   |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$2,500.00         |
| <b>001.0001.2547</b> |                                | <b>Proposed Increase</b>     | <b>\$1,675.00</b>  |
| Total                |                                |                              | \$4,175.00         |
| 001.0001.2598        | Permits/Roll-Off Boxes         |                              |                    |
|                      |                                | Proposed in Tentative Budget | \$1,000.00         |
| <b>001.0001.2598</b> |                                | <b>Proposed Increase</b>     | <b>\$ 100.00</b>   |
| Total                |                                |                              | \$1,100.00         |

|                             |                              |                    |
|-----------------------------|------------------------------|--------------------|
| 001.0001.2600 Alarm Permits | Proposed in Tentative Budget | \$21,000.00        |
| <b>001.0001.2600</b>        | <b>Proposed Increase</b>     | <b>\$ 2,100.00</b> |
| Total                       |                              | \$23,100.00        |

|                                    |                              |                    |
|------------------------------------|------------------------------|--------------------|
| 001.0001.2601 Alarm Permit - Fines | Proposed in Tentative Budget | \$10,000.00        |
| <b>001.0001.2601</b>               | <b>Proposed Amount</b>       | <b>\$ 1,000.00</b> |
| Total                              |                              | \$11,000.00        |

|  |                              |                  |
|--|------------------------------|------------------|
| 001.0001.2602 Filming Production Permits | Proposed in Tentative Budget | \$1,000.00       |
| <b>001.0001.2601</b>                     | <b>Proposed Amount</b>       | <b>\$ 264.00</b> |
| Total                                    |                              | \$1,264.00       |

**TOTAL INCREASE OF CLERK REVENUE LINES: \$15,434.00**

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano  
 NOES:  
 ABSENT:

DATE: April 29, 2013

Trustee Terenzi made a motion to amend the following resolution (#18) changing the proposed increase from \$427,837.00 to \$389,626.00. The motion was seconded by Trustee Kenner.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Ceccarelli, Mayor Pagano  
 NOES: Trustee Marino  
 ABSENT:

DATE: April 29, 2013

RESOLUTION #18  
 AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
 INCREASES TO PARKING METER FEES DUE TO FEE ADJUSTMENT, TIME  
 CHANGE, AND NEW PAY STATIONS

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

001.0001.1740 Parking Meter Fees

|                      |                              |                      |
|----------------------|------------------------------|----------------------|
|                      | Proposed in Tentative Budget | \$ 875,000.00        |
| <b>001.0001.1740</b> | <b>Proposed Increase</b>     | <b>\$ 389,626.00</b> |
| Total                |                              | \$1,264,626.00       |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Ceccarelli, Mayor Pagano

NOES: Trustee Marino

ABSENT:

DATE: April 29, 2013

**RESOLUTION #19 WAS UNANIMOUSLY WITHDRAWN BY THE BOARD**

**AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO PARKING METER FEES DUE TO FEE ADJUSTMENTS**

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

001.0001.1740 Parking Meter Fees

Proposed in Tentative Budget

\$875,000.00

**001.0001.1740**

**Proposed Increase**

**\$ 291,666.00**

Total

\$1,166,666.00

**RESOLUTION #20 WAS UNANIMOUSLY WITHDRAWN BY THE BOARD**

AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO PARKING METER FEES DUE TO TIME ADJUSTMENTS TO STREET  
PARKING FROM 6 P.M. TO 9 P.M.

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

001.0001.1740 Parking Meter Fees

Proposed in Tentative Budget

\$875,000.00

**001.0001.1740**

**Proposed Increase**

**\$ 50,088.00**

Total

\$925,088.00

**RESOLUTION #21 WAS UNANIMOUSLY WITHDRAWN BY THE BOARD**

AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO PARKING METER FEES DUE TO TIME ADJUSTMENTS TO LOT  
PARKING FROM 7 P.M. TO 9 P.M.

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                                  |                              |                     |
|----------------------------------|------------------------------|---------------------|
| 001.0001.1740 Parking Meter Fees | Proposed in Tentative Budget | \$875,000.00        |
| <b>001.0001.1740</b>             | <b>Proposed Increase</b>     | <b>\$ 47,872.00</b> |
| Total                            |                              | \$922,872.00        |

**RESOLUTION #22 WAS WITHDRAWN BY THE BOARD**  
AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO PARKING METER FEES DUE TO CHANGING FROM PARKING  
METERS TO NEW PAYSTATIONS

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                                  |                              |                     |
|----------------------------------|------------------------------|---------------------|
| 001.0001.1740 Parking Meter Fees | Proposed in Tentative Budget | \$875,000.00        |
| <b>001.0001.1740</b>             | <b>Proposed Increase</b>     | <b>\$ 38,211.00</b> |
| Total                            |                              | \$913,211.00        |

RESOLUTION #23  
AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO SALES TAX REVENUE

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                                 |                              |                      |
|---------------------------------|------------------------------|----------------------|
| 001.0001.1120 Sales Tax Revenue | Proposed in Tentative Budget | \$ 3,800,000.00      |
| <b>001.0001.1120</b>            | <b>Proposed Increase</b>     | <b>\$ 150,000.00</b> |
| Total                           |                              | \$3,950,000.00       |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #24  
AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO MORTGAGE TAX REVENUE

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                                    |                              |                     |
|------------------------------------|------------------------------|---------------------|
| 001.0001.3005 Mortgage Tax Revenue | Proposed in Tentative Budget | \$250,000.00        |
| <b>001.0001.3005</b>               | <b>Proposed Increase</b>     | <b>\$ 20,000.00</b> |
| Total                              |                              | \$270,000.00        |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #25  
AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO PLANNING FEES

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|                             |                              |                    |
|-----------------------------|------------------------------|--------------------|
| 001.0001.2115 Planning Fees | Proposed in Tentative Budget | \$ 0.00            |
| <b>001.0001.2115</b>        | <b>Proposed Increase</b>     | <b>\$60,000.00</b> |
| Total                       |                              | \$60,000.00        |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano  
NOES:  
ABSENT:

DATE: April 29, 2013

RESOLUTION #26  
AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO BUILDING PERMIT BASE FEES

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|  |                              |                     |
|--|------------------------------|---------------------|
| 001.0001.1560 Safety Inspection/Building Permits | Proposed in Tentative Budget | \$235,979.00        |
| <b>001.0001.1560</b>                             | <b>Proposed Increase</b>     | <b>\$ 15,000.00</b> |
| Total  |                              | \$250,979.00        |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano  
NOES:  
ABSENT:

DATE: April 29, 2013

**RESOLUTION #27 WAS UNANIMOUSLY WITHDRAWN BY THE BOARD**

**AMENDMENT TO TENTATIVE BUDGET FY 2013-14  
INCREASES TO BUILDING PERMIT BASED ON CURRENT YEAR'S REVENUE**

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

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO REVENUES:**

**General Fund:**

|  |                              |                     |
|--|------------------------------|---------------------|
| 001.0001.1560 Safety Inspection/Building Permits | Proposed in Tentative Budget | \$225,000.00        |
| <b>001.0001.1560</b>                             | <b>Proposed Increase</b>     | <b>\$ 15,000.00</b> |
| Total  |                              | \$240,000.00        |

**Continued Public Hearing Resolutions and Local Laws**

RESOLUTION

AMENDING CHAPTER 345 OF THE CODE OF THE VILLAGE OF PORT CHESTER  
WITH REGARD TO SUBMISSION PROCEDURES FOR SITE PLANS

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

**RESOLVED**, that the Village of Port Chester Board of Trustees hereby adopts Local Law #5 of 2013 AMENDING CHAPTER 345 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO SUBMISSION PROCEDURES FOR SITE PLANS.

Approved as to Form:

---

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

LOCAL LAW NO. 5 OF 2013

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE  
OF PORT CHESTER, CHAPTER 345, WITH REGARD TO SUBMISSION PROCEDURES  
FOR SITE PLANS

SECTION 1: The Code of the Village of Port Chester, Section 345-23, "Site plan review procedure and standards", is hereby amended to read as follows:

C. Submission procedures.

(1) Presubmission conference.

(a) Prior to formal submission of a [the preliminary] site plan application, [a presubmission conference with the Director of the Office of Planning and Development shall be scheduled] applicants must complete and submit a project proposal form as provided on the Village website or in hard copy at the Office of Planning and Development to schedule a presubmission conference with the Director of Planning and Development or designee. The conference is intended to define [problems] potential issues with the plan and to [indicate proposals] identify [that may] any required variances or special permits. The conference will serve to educate the applicant on the development approval process [he must follow] and the information required to submit a complete site plan application.

(b) [The presubmission conference can be scheduled at any time by appointment with the Office of Planning and Development. It must be held within six months prior to preliminary site plan submission] Following the presubmission conference, the Director of Planning and Development retains the discretion to determine if the proposed project requires additional review under a Development Review Committee (DRC) based on the scale, complexity, or potential environmental impacts of the proposal as condition precedent to the filing of an application for site plan approval.

The Development Review Committee may be comprised of the Director of Planning and Development, Village Building Inspector, Village Attorney, Village Engineer,

Village Manager, Village Traffic Sergeant, Police Chief, and Fire Chief as well as additional village staff, technical experts, or consultants.

(2) Site plan.

(a) Within six months following the presubmission conference, 15 copies of the site plan and all supporting documentation, including a single CD containing same in PDF (Portable Document Format) or similar media, shall be submitted to the Planning Commission Recording Secretary, accompanied by the appropriate submission fee. The CD must be labeled with the name of the applicant, project address, submission date and Planning Commission case number if assigned. At the discretion of the Director of the Office of Planning and Development, the applicant may be advised to also provide a digital 3D Model Submission based on the complexity, scale, or potential visual impacts of the application; such determination shall be made at the time of the presubmission conference or Development Review Committee (DRC) meeting. This submission shall be made at least 20 days prior to the scheduled Planning Commission meeting.

(b) [The fee for submission of a site plan for review shall be based upon the municipal fee schedule as set forth in Chapter 175, Fees.] Site plan submissions shall be classified as Standard or Major. All site plans that meet or exceed one or more of the criteria listed below shall be deemed Major and shall require at least one Development Review Committee (DRC) meeting precedent to the filing of an application for site plan approval. All other site plan applications shall be classified as Standard. The site plan classification shall govern the applicable fee schedule for specific site plan applications, as set forth in Chapter 175, Fees and Article XIX, Reimbursement of Professional Fees under this chapter.

A Major site plan meets or exceeds one or more of the following thresholds:

- i. Development of 15,000 square feet or more of new or renovated floor space
- ii. Development of 15,000 square feet or more of land disturbance including demolition
- iii. Any residential development greater than four (4) dwelling units
- iv. Development of any vacant parcel
- v. New Wireless Telecommunications Facility
- vi. Any development classified by a Lead Agency as a Type 1 Action under the New York State Environmental Quality Review Act (SEQRA)

...

SECTION 2: This local law shall be effective immediately upon due publication and filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: April 29, 2013

**RESOLUTION  
AMENDING CHAPTER 345 OF THE CODE OF THE VILLAGE OF PORT CHESTER  
WITH REGARD TO REIMBURSEMENT OF PROFESSIONAL FEES**

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

**RESOLVED**, that the Village of Port Chester Board of Trustees hereby adopts Local Law #6 of 2013 AMENDING CHAPTER 345 OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO REIMBURSEMENT OF PROFESSIONAL FEES.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

**LOCAL LAW NO. 6 OF 2013**

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE  
OF PORT CHESTER, CHAPTER 345, WITH REGARD TO REIMBURSEMENT OF  
PROFESSIONAL FEES**

SECTION 1: The Code of the Village of Port Chester, Chapter 345, Article XIX, Section 102 “Escrow Accounts” is hereby amended to read as follows:

- A. At the time of submission of an application, the applicant shall tender an amount as set forth below to allow the Village to establish an escrow account:

| <b>Type of Application</b> | <b>Amount</b> |
|----------------------------|---------------|
| Site Plan                  | [\$2,500]     |

Standard \$2,500

Major \$3,500

Subdivisions

Two to [T]three lots \$2,500

Four lots or more \$5,000

No application shall be deemed complete until such time as said tender is made.

...

SECTION 2: This local law shall be effective immediately upon due publication and filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: April 29, 2013

RESOLUTION  
AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 175,  
WITH REGARD TO NEW PLANNING AND ZONING FEES

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 the Village of Port Chester Board of Trustees hereby adopts Local Law #7 of 2013 AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 175, WITH REGARD TO NEW PLANNING AND ZONING FEES.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

LOCAL LAW NO. 7 OF 2013

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE  
OF PORT CHESTER, CHAPTER 175, WITH REGARD TO NEW PLANNING AND  
ZONING FEES

SECTION 1: The Code of the Village of Port Chester, Chapter 175, Fees, is hereby amended as follows:

....

Chapter 345, Zoning

|   |  |  |
|---|--|--|
| Any application for an extension of <u>approval</u> made to the Board of Trustees, Zoning Board of Appeals, Planning Commission [or Building Inspector] |  | <del>[\$150]</del> <u>\$300 per approval extension</u> |
|---|--|--|

|                  |          |  |
|------------------|----------|--|
| Site plan review | §345-23C |  |
|------------------|----------|--|

[Required parking spaces]

|                |  |                              |
|----------------|--|------------------------------|
| [Less than 10] |  | [\$250, plus \$25 per space] |
|----------------|--|------------------------------|

|              |  |                              |
|--------------|--|------------------------------|
| [10 or more] |  | [\$500, plus \$20 per space] |
|--------------|--|------------------------------|

|                 |  |  |
|-----------------|--|--|
| <u>Standard</u> |  | <u>\$1,000 plus \$25 per parking space</u> |
|-----------------|--|--|

|              |  |  |
|--------------|--|--|
| <u>Major</u> |  | <u>\$3,500 plus \$25 per parking space</u> |
|--------------|--|--|

|                                     |          |                          |
|-------------------------------------|----------|--------------------------|
| <u>Development Review Committee</u> | §345-23C | <u>\$500 per meeting</u> |
|-------------------------------------|----------|--------------------------|

|                                  |          |  |
|----------------------------------|----------|--|
| Board of Appeals zoning variance | §345-28H |  |
|----------------------------------|----------|--|

Area Variance

|                          |  |  |
|--------------------------|--|--|
| 1 and 2-family dwellings |  | <del>[\$300]</del> <u>\$400 per area variance, not to exceed \$800</u> |
|--------------------------|--|--|

|                |  |  |
|----------------|--|--|
| All other uses |  | <del>[\$400]</del> <u>\$750 per area variance, not to exceed \$2,250</u> |
|----------------|--|--|

Use Variance

|                                 |  |                |
|---------------------------------|--|----------------|
| <u>1 and 2-family dwellings</u> |  | <u>\$1,500</u> |
|---------------------------------|--|----------------|

|                       |  |                |
|-----------------------|--|----------------|
| <u>All other uses</u> |  | <u>\$3,000</u> |
|-----------------------|--|----------------|

|                                 |  |   |
|---------------------------------|--|---|
| Board of Appeals interpretation |  | <del>[\$300]</del> <u>\$500 per request</u> |
|---------------------------------|--|---|

|  |                |   |
|--|----------------|---|
| Special exception use application  | §345-59D       | [\$500]   |
| <u>Multi-family</u>  |                | <u>\$1,000</u>                                      |
| <u>All other uses</u>  |                | <u>\$750</u>  |
| [Zoning permit application for planned railroad station plaza development] | [\$345-62C(7)] | [0.02% of the projected total value of the project] |

**Chapter A402, Land Subdivision Regulations**

|  |                                    |
|--|------------------------------------|
| Subdivision preliminary layout application | [\$750, plus \$250 per lot]        |
| <u>2-3 lot subdivision</u>                 | <u>\$2,500, plus \$500 per lot</u> |
| <u>4 or more lot subdivision</u>           | <u>\$3,000, plus \$500 per lot</u> |

SECTION 2: This local law shall be effective immediately upon due publication and filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: April 29, 2013

**RESOLUTION  
FURTHER MODIFYING THE AMNESTY PERIOD WITH REGARD TO LOCAL LAW  
NO. 4 OF 2012 ESTABLISHING A PERMIT AMNESTY PROGRAM**

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

**RESOLVED**, that the Village of Port Chester Board of Trustees hereby adopts Local Law #10 of 2013 FURTHER MODIFYING THE AMNESTY PERIOD WITH REGARD TO LOCAL LAW NO. 4 OF 2012 ESTABLISHING A PERMIT AMNESTY PROGRAM.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

**ROLL CALL**

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano  
NOES: Trustee Brakewood  
ABSENT:

DATE: April 29, 2013

LOCAL LAW NO. 10 OF 2013

AN INTERIM LOCAL LAW FURTHER MODIFYING THE AMNESTY PERIOD WITH REGARD TO LOCAL LAW NO. 4 OF 2012 ESTABLISHING A PERMIT AMNESTY PROGRAM

SECTION 1: Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the prior Board of Trustees adopted an interim local law establishing a permit amnesty program to all properties within the Village of Port Chester under certain terms and conditions. The local law provided for a time period to make application for such amnesty from October 1, 2012 to December 31, 2012. This time period, described under said local law as the Amnesty Period, was extended by Local Law No. 1 of 2013 to April 31, 2013 in order to provide more opportunity for individuals to learn and participate and thereby more fully satisfy the Board's intentions in establishing the amnesty program. The current Board of Trustees believes that a further extension of the amnesty period is warranted.

SECTION 2. Section 2 of Local Law No. 4 of 2012 is hereby modified so that the amnesty period for the Permit Amnesty Program shall be deemed to expire on October 31, 2013.

SECTION 3: Effective Date

This local law shall be effective upon due publication and filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER, NEW YORK  
NEIL PAGANO, Mayor  
JANUSZ R. RICHARDS, Village Clerk

Adopted: April 29, 2013

**Continued Budget Amendment Resolution**

RESOLUTION #9  
AMENDMENT TO TENTATIVE BUDGET FY 2013-2014  
INCREASE TO EXPENDITURE

On the motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, the following resolution was adopted as amended by the Board of Trustees of the Village of Port Chester,

New York:

WHEREAS, on March 20, 2013, the Village Manager, duly authorized as the Budget Officer of the Village filed the tentative budget for the fiscal year beginning June 1, 2013 in the office of the Village Clerk; and

WHEREAS, the Board of Trustees has read and considered the tentative budget and has conducted public hearings and several workshops with department heads over the past weeks. Now, therefore be it

RESOLVED, that the Board of Trustees hereby determines that the following adjustment be made to the tentative budget pursuant to Section 5-508 of the Village Law, said tentative budget is amended as set forth below:

**INCREASE TO APPROPRIATIONS:**

**General Fund:**

**Budget line:** Contingency Department

001.1990.400 Contingency

Proposed in Tentative Budget \$235,000.00

**001.1990.400 Proposed Decrease \$231,883.00**

Total \$466,883.00

**Budget line:** Street Maintenance Department

001.5110.472 Trees

Proposed in Tentative Budget \$0.00

**001.5110.472 Proposed Decrease \$10,000.00**

Total \$10,000.00

**TOTAL INCREASE OF EXPENDITURE LINES: \$241,883.00**

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

**DISCUSSION**

*To schedule an executive session on Starwood Capital with legal counsel.*

Mayor Pagano asked the Board for a proposed executive session on Monday, May 6, 2013 at 5:30 p.m. to discuss with special counsel Mark Chertok, Village Attorney, Village Manager and Director of Planning and Development regarding Starwood Capital.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

### ***Public:***

There were no comments from the public.

### ***Board:***

Trustee Adams thanked everyone and commented that he hopes the budget will work out.

Trustee Brakewood commented that the budget process was good and recognized Mayor Pagano with his budget accomplishments. Trustee Brakewood also commented regarding the budget for the tree project.

Trustee Terenzi commented that this will be a good Board if everyone keeps working together and communicating together.

Trustee Marino commented that everyone did a good job working together and thanked Christopher Steers, Leonie Douglas, Anthony Cerreto and the rest of the staff for a great job.

Trustee Kenner congratulated Mayor Pagano and the Board for the work that went into the budget and congratulated staff for the incredible work that they did.

Trustee Ceccarelli thanked staff on the budget and commented regarding overcrowding housing.

Mayor Pagano commented that this Board will be successful if they trust each other and work together. Mayor Pagano commented that he is very proud to be the Mayor of this Board and thanked Christopher Steers, Leonie Douglas, Anthony Cerreto, Chris Ameigh and the rest of the staff for all their work.

### ***Resolution for Adoption of Amended Tentative Budget for Fiscal Year 2013-2014***

Trustee Marino made a motion to amend the following resolution changing the date in the first sentence of paragraph three, from April 24, 2013 to April 29, 2013. The motion was seconded by Trustee Kenner.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

RESOLUTION #28

ADOPTION OF AMENDED TENTATIVE BUDGET FOR FY 2013-2014

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

WHEREAS, the Board of Trustees of the Village of Port Chester has held PUBLIC HEARINGS on the proposed Budget for the Village of Port Chester on April 1, 2013, and April 15, 2013, for the fiscal year beginning June 1, 2013 and ending May 31, 2014, pursuant to the published notice of such PUBLIC HEARING and has heard all persons who desired to present comments with respect to such Budget; and

WHEREAS, at meetings of the Board of Trustees held on April 8, 2013, April 15, 2013, April 16, 2013, and April 24, 2013, the Village Manager's tentative budget was read and considered; and

WHEREAS, at a meeting of the Board of Trustees held on *April 29, 2013*, the Village Manager's tentative budget was amended for a total increase in estimated revenues in the amount of \$729,221, and a total decrease in appropriations in the amount of \$202,742. Now, therefore, be it

RESOLVED, that the following Budget is hereby adopted as the Budget for said Village of Port Chester, New York, for the Fiscal Year beginning June 1, 2013 and ending May 31, 2014, and that the several sums in said Budget, as amended, shall be and become appropriated for the several departments, offices and purposes as specified in said Budget:

Budget for the Village of Port Chester, New York for the  
Fiscal Year Beginning June 1, 2013 and Ending May 31, 2014

|   |              |
|---|--------------|
| GENERAL FUND EXPENDITURES                                     | \$36,612,096 |
| GENERAL FUND OTHER REVENUES                                   | \$13,787,255 |
| APPROPRIATED FUND BALANCE – UNASSIGNED                        | \$ 800,000   |
| APPROPRIATED DEBT SERVICE RESERVES                            | \$ 100,000   |
| AMOUNT TO BE RAISED BY PROPERTY TAXES                         | \$21,896,467 |
| DEBT SERVICE FUND APPROPRIATION                               | \$ 200,000   |
| SPECIAL ASSESSMENT SIDEWALK BETTERMENT<br>PROGRAM PHASE I & 2 | \$ 28,374    |

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: April 29, 2013

At 10:34 p.m., on motion of Trustee Kenner, seconded by Trustee Ceccarelli, the meeting was closed.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

## **MEETING HELD MAY 6, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, May 6, 2013 at 5:30 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief, Joseph Krzeminski; Village Planner, Jessica Youngblood and Village Engineer, Dolph Rotfeld.

On motion of Trustee Adams, seconded by Trustee Marino the meeting was declared opened at 5:34 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

## **PROPOSED MOTION FOR EXECUTIVE SESSION**

On motion of Trustee Marino, seconded by Trustee Terenzi the Board adjourned into an executive session for consultation with special counsel, Mark Chertok and Village Attorney, Anthony Cerreto regarding the Starwood application.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Present in addition to the Board of Trustees, Mark Chertok and Anthony Cerreto, were Village Manager, Christopher Steers, Village Clerk, Janusz Richards, Director of Planning and Development, Christopher Gomez and Village Planner, Jessica Youngblood.

It should be noted that Trustee Daniel Brakewood had to leave early at 6:34 p.m.

No action was taken in executive session.

At 6:37 p.m., on motion of Trustee Kenner, seconded by Trustee Ceccarelli, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

After a short recess, on motion of Trustee Kenner, seconded by Trustee Ceccarelli, the public portion of the meeting opened at 7:02 p.m.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

## **PUBLIC COMMENTS**

Ms. Goldie Solomon commented regarding Port Chester being a diverse community and that the residents depend on the Police, Fire, Department of Public Works and Emergency Medical Transit Departments.

Mr. Terranova commented regarding the Parks Commission and asked the Board to consider appointing Ernie Tigani to the Park Commission.

## **PRESENTATION**

### ***Annual Stormwater Report***

Mr. Dolph Rotfeld presented to the Board the annual Stormwater report and the status of the storm drain catch basin inspection and cleaning.

## **RESOLUTIONS**

### RESOLUTION

AUTHORIZING VILLAGE MANAGER TO EXECUTE UNDERTAKING FOR THE BENEFIT OF THE NEW YORK STATE DEPARTMENT OF TRANSPORTATION TO FACILITATE WORK IN STATE ROADWAYS

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, from time to time the Village is required to undertake work in the state roadways within the Village; and

WHEREAS, the Village seeks to move the centerline on Putnam Avenue in order to accommodate street parking adjacent to the street; and

WHEREAS, New York State requires the Village to execute an agreement in the form of an Undertaking for the benefit of the New York State Department of Transportation to be on file. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to execute an Undertaking for the benefit of the New York State Department of Transportation to as to facilitate required work in on state highways.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

**RESOLUTION  
SET PUBLIC HEARING  
FOR A SPECIAL EXCEPTION USE TO PERMIT A DRIVE-IN FAST FOOD  
RESTAURANT AT 275 BOSTON POST ROAD**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, May 20, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider the application of Gils Pride, Inc. for a special exception use to permit a drive-in fast food restaurant at 275 Boston Post Road.

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

RESOLUTION

SMOKE- FREE AREAS IN VILLAGE PARKS

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

WHEREAS, the Port Chester Cares Community Coalition has proposed that the Village Board of Trustees prohibit smoking in the parks; and

WHEREAS, this proposal was reviewed by the Park Commission which recommended that a voluntary approach and signage limited to children's play areas would be more effective; and

WHEREAS, the Board requested that Village staff work with a representative of the Port Chester Cares Community Coalition and recommend appropriate signage and locations; and

WHEREAS, staff has made such recommendation. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the donation of the Port Chester Cares for 22 signs stating "This is a Smoke-Free Area", in English and Spanish, to be placed in the Village's parks by Department of Public Works personnel in the locations: and number as follows:

Abendroth Park (4 signs; possible 1 additional at a future date)

1 sign small children's playground

1 sign older children's playground

1 sign soccer field – Lower Level

1 sign Picnic Rea

Columbus Park (5 signs)

L sign at middle of bleacher/fencing at soccer field

1 sign water spray playground

1 sign playground/swings

1 sign basketball/volleyball court

1 sign pavilion area

Edgewood Park (3 signs)

1 sign at lower fencing at soccer field

1 sign at playground area

1 sign at fencing at baseball field

Lyon Park (4 signs)

1 sign at playground area

1 sign at picnic area

1 sign at ballfield #1

1 sign at ball field #2

Recreation Park (5 signs)

1 sign at basketball court

1 sign at playground at swing set

1 sign at roller hockey rink

1 sign at bleachers at baseball field

APPROVED AS TO FORM:

---

Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

**RESOLUTION  
INTER-MUNICIPAL AGREEMENT BETWEEN THE VILLAGE OF PORT CHESTER  
WITH REGARD TO TRASH PICK-UP AT CRAWFORD PARK AND RYE TOWN  
PARK AND BEACH**

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

RESOLVED, that the Village Manager be and is hereby authorized to enter into an inter-municipal agreement with the Town Rye with regard to the Village of Port Chester making trash pick-up at Crawford Park and Rye Town Park and Beach, with a term of one year with compensation in the amount of \$3,000. `

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

**RESOLUTION  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE OF  
PORT CHESTER WITH REGARD TO DECREASING THE HOURS OF PARKING  
METER OPERATION**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, May 20, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 319 of the Code of the Village of Port Chester with regard to decreasing the hours of parking meter operation from 7:00 a.m. to 9:00 p.m. to 7:00 a.m. to 8:00 p.m. Monday through Saturday, except for Sundays and holidays.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

**Combined Resolutions**

Trustee Marino made a motion to combine resolution numbers six and number seven of the agenda for the purpose of casting one vote for the two resolutions as adopted by the Board of Trustees of the Village of Port Chester. The motion was seconded by Trustee Kenner.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

Date: May 6, 2013

RESOLUTION #6  
INTER-MUNICIPAL AGREEMENT WITH COUNTY OF WESTCHESTER AND NEW  
YORK STATE POLICE WITH REGARD TO THE POLICE DEPARTMENT'S  
PARTICIPATION IN THE TRACS SYSTEM

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 New York State Police working with other state and federal agencies has developed an Internet-based system called TraCS ("Traffic and Criminal Software System") for local law enforcement agencies in the preparation and issuance of Uniform Traffic Tickets (UTT) and Traffic Accident Reports (Form MV-104b); and

WHEREAS, this system is facilitated through the Westchester County Office of Technology and the County Department of Public Safety, at no expense to the participating local government; and

WHEREAS, the inter-municipal agreement among the New York State Police, County of Westchester, and the Village of Port Chester has expired; and

WHEREAS, the Chief of Police has requested a renewal of the agreement; and

WHEREAS, this matter is another example of the value of shared services between the State and local governments. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a renewal of an inter-municipal agreement with the County of Westchester with regard to the Village's participation in the New York State Police's TRACS System, with a term of five years from the date of execution, unless terminated earlier as provided therein.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

RESOLUTION #7  
INTER-MUNICIPAL AGREEMENT WITH COUNTY OF WESTCHESTER WITH REGARD  
TO THE POLICE DEPARTMENT'S PARTICIPATION IN THE REPOSITORY FOR  
INTEGRATED CRIMINALISTIC INFORMATION SYSTEM

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 County of Westchester has implemented a system called the Repository for Integrated Criminalistic Information ("RICI System") to allow for the electronic transmission and storage of criminal record and police blotter information; and

WHEREAS, the information is shared by the County to law enforcement agencies having access to the system, at no expense to the participating local government; and

WHEREAS, the inter-municipal agreement between the County and the Village of Port Chester and the County has expired; and

WHEREAS, the Chief of Police has requested a renewal of the agreement; and

WHEREAS, this matter is another example of the value of shared services between local governments. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a renewal of an inter-municipal agreement with the County of Westchester with regard to the Village's participation in the County's Repository for Integrated Criminalistic Information ("RICI System"), with a term of June 1, 2012 and ending on May 31, 2017, unless terminated earlier as provided therein.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

RESOLUTION  
APPOINTMENTS TO THE PORT CHESTER-RYE BROOK PUBLIC LIBRARY BOARD OF  
TRUSTEES

On motion of TRUSTEE ADAMS, 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 resolution adopted on April 2, 2013 appointing Trustee Saverio Terenzi and Trustee Gene Ceccarelli as trustees to the Port Chester-Rye Brook Public Library is hereby rescinded.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

RESOLUTION

APPOINTMENTS TO THE PORT CHESTER-RYE BROOK PUBLIC LIBRARY INTER-MUNICIPAL COMMITTEE

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

RESOLVED, that Trustee Luis Marino be and is hereby substituted and in place of Trustee Gene Ceccarelli as member of the Port Chester-Rye Brook Public Library Inter-Municipal Committee.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

RESOLUTION

CERTIORARI SETTLEMENT  
PC406 BPR LLC (UNITED HOSPITAL)

On motion of TRUSTEE ADAMS, 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 resolution of the Board of Trustees adopted on April 15, 2013 with regard to certiorari proceedings brought by 406 BPR LLC for review of tax assessments fixed by the Town of Rye upon property located at 406 Boston Post Road, and designated as Section 141.52, Block 1, Lot 2, on the Tax Assessment Map of the Village of Port Chester is hereby rescinded.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

**RESOLUTION  
INTER-MUNICIPAL AGREEMENT WITH THE COUNTY OF WESTCHESTER WITH  
REGARD TO NUTRITION SERVICE INCENTIVE PROGRAM**

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

RESOLVED, that the Village Manager be and is authorized to enter into an inter-municipal agreement with the County of Westchester with regard to the Nutrition Senior Incentive Program for services provided by the Village pursuant to the Older Americans Act and New York State Community Services for the Elderly Act, Title III-C1, Nutrition Services Incentive Program (NSIP), Title III-C2 and Nutrition Services Incentive Program (NSIP) for a total amount of \$93,770 in funding to cover the programs for the period January 1, 2013 through December 31, 2013.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

**RESOLUTION  
COURT INTERPRETER AGREEMENT**

On motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, the following resolution was **tabled** to May 20, 2013, by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, Olga Hurtado, 170 Elm Street, New Rochelle, New York, has long provided court interpreter services to the Port Chester Justice Court; and

WHEREAS, Ms. Hurtado has proposed a renewal of her agreement with the Village for an additional two years at no increase in rates of compensation; and

WHEREAS, the Village Manager recommends such renewal. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to execute an agreement with Olga Hurtado, 170 Elm Street, New Rochelle, New York, as Interpreter for the Justice Court and the Village Attorney for a term of two years, commencing on June 1, 2013 and ending on May 31, 2015, compensation to be as provided in the fee proposal dated May \_\_, 2013, as follows: Monday, Wednesday, Thursday, Friday, Traffic and Criminal Court @225.00 per day (starting at 9:00 a.m. until conclusion of calendar), Tuesday evenings Traffic Court and on Wednesday evenings Small Claims session at \$150.00 per night until conclusion of calendar.

APPROVED AS TO FORM:

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Anthony M. Cerreto  
Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

Date: May 6, 2013

## RESOLUTION COURT REPORTER AGREEMENT

On motion of TRUSTEE KENNER, seconded by TRUSTEE MARINO, the following resolution was **tabled** to May 20, 2013, by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, Gail Letizia, P.O. Box 588, Bronxville, New York 10708, has long provided court reporter services to the Port Chester Justice Court; and

WHEREAS, Ms. Letizia has proposed a renewal of her agreement with the Village for an additional two years at no increase in rates of compensation; and

WHEREAS, the Village Manager recommends such renewal. Now, therefore, be it

RESOLVED, that the Village Manager be authorized to execute an agreement with Gail Letizia, P.O. Box 588, Bronxville, New York, as Court Reporter for the Justice Court for a term of two years, commencing on June 1, 2013 and ending on May 31, 2015, compensation to be as provided in the fee proposal dated May \_\_\_\_, 2013, as follows: Monday, Thursday and Friday. \$225 per day (starting time 9:00 a.m. until 5:00 p.m.) any session running past 5:00 p.m. an additional \$50 per hour, and on Wednesday evenings Small Claims session at \$150.00 per night until 10:00 p.m. and any session past 10:00 p.m. an additional \$150.00.

APPROVED AS TO FORM:

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Anthony M. Cerreto  
Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

Date: May 6, 2013

## **REPORT OF THE VILLAGE MANAGER**

Mr. Cerreto spoke to the Board regarding the proposed Dog Park and as per Mayor Pagano's request, Mr. Cerreto prepared an add-on resolution for the Dog Park.

### **Add-on Resolution**

Trustee Marino made a motion to add-on the following resolution in regards to the Dog Park. The motion was seconded by Trustee Kenner.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

## RESOLUTION

### ADVANCING A DOG PARK AT ABENDROTH PARK

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

WHEREAS, the Port Chester Dog Park Group has proposed a municipal dog park at the upper area of Abendroth Park where dogs can be off-leash, and will raise funding and donate all contributions received to the Village for such purpose and

WHEREAS, dog parks are becoming increasingly common throughout the region; and

WHEREAS, the Park Commission has favorably recommended the establishment of a dog park at this location; and

WHEREAS, on April 15, 2013, the Board of Trustees held a public hearing affording all interested persons the right to be heard; and

WHEREAS, after such hearing, the Board directed Village staff to provide a report with regard to the proposal; and

WHEREAS, the Recreation Leader and Village Attorney have provided separate reports through the Village Manager identifying the relevant issues for consideration; and

WHEREAS, the Board desires to advance a dog park at Abendroth Park. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby finds and declares that the upper end of Abendroth Park is the appropriate location for a dog park and that it will provide a much-needed recreational amenity for dog owners; and be it further

RESOLVED, that such determination is subject to the Board's adopting a local law enabling the development of a dog park and the following actions by the Village staff:

-- developing an appropriate layout, fencing, signage, security, staffing, necessary parking spaces and enforcement protocols using "best practices";

-- drafting rules and regulations;

--preparing a permit system and schedule of fees;

--identifying grant opportunities; and

--preparing a budget that would identify initial start-up expense, maintenance and other recurring costs, and be it further.

RESOLVED, that the Board looks forward to the efforts of the Port Chester Dog Park Group and its successful outreach to the community that would turn the vision of a dog park in the Village of Port Chester into a reality.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

DATE: May 6, 2013

Trustee Marino commented that the village should be in charge of the dog licensing now and not the Town of Rye.

## **REPORT OF THE VILLAGE ATTORNEY**

*Update on 48 Irenhyl Avenue and 169 Fairview Avenue, Port Chester, NY*

Mr. Cerreto said to the Board that he went to court and received the structural engineer report for the Fairview property and that he will be filing the paperwork with the court for the Irenhyl property.

## **DISCUSSIONS**

*Dedicating May20, 2013 Board of Trustees meeting as Strategic Policy Discussion meeting on Code Enforcement.*

Mayor Pagano said that the May 20, 2013 meeting will be heavily devoted to code enforcement. Mayor Pagano would like to appoint the Code Enforcement Task Force at the May 20, 2013 meeting.

Mr. Steers said that he would like to have staff available at the May 20, 2013 meeting to answer any questions from the Board and public.

On the consensus of the Board; the Board will have a workshop on Monday, May 13, 2013 at 5:30 p.m. in the Village Hall Conference Room for the purpose of setting the agenda for the May 20, 2013 meeting.

## **CORRESPONDENCES**

***From Harry Howard Hook & Ladder Company No. 1 on the election of James Magrone to active membership.***

The Board accepted the correspondence.

***From Putnam Engine on the election of James Magrone to active membership.***

The Board accepted the correspondence.

***From Park Commission Chairman Jerry Terranova recommending Ernie Tigani to the Park Commission.***

The Board duly noted the correspondence.

***From Ernie Tigani requesting consideration to be appointed to the Port Chester Park Commission.***

The Board asked for the appointment to be put on the May 20, 2013 meeting as a resolution.

***From Mr. Ceruzzi requesting to be considered for the Waterfront Commission.***

The Board duly noted the correspondence.

***From Mr. Matthew John, Jr. requesting to be considered for appointment to the Board of Ethics.***

The Board duly noted the correspondence.

***From Giuseppie Guglielmo of G & A Entertainment Corporation concerning the Nighttime Parking section of the Village Code.***

The Board referred the correspondence to staff.

***From Warner Brothers Pictures, Inc. request on behalf of our production permission to utilize a Port Chester Fire Department pumper truck as picture vehicle in the film.***

On motion of Trustee Marino, seconded by Trustee Ceccarelli, the Board of Trustees of the Village of Port Chester adopted the correspondence.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

***From The Caring and Loving Foundation would like to reserve Lyon Park on Sunday, July 14, 2013 from 12:00 p.m. to 7:00 p.m. for their 3<sup>rd</sup> Annual Cultural Festival.***

On motion of Trustee Marino, seconded by Trustee Ceccarelli, the Board of Trustees of the Village of Port Chester adopted the correspondence.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

***The Church of Our Lady of Rosary is seeking support to partner with the Port Chester Senior Community Center and Westchester County Food Bank for the Mobile Food Pantry project.***

On motion of Trustee Marino, seconded by Trustee Ceccarelli, the Board of Trustees of the Village of Port Chester tabled the correspondence to the May 20, 2013 meeting.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

***From the Clay Art Center (CAC) requesting \$5,000 from Youth line item in the proposed budget in order to expand and reach out to the Port Chester youth through free after school classes and family workshops.***

On motion of Trustee Ceccarelli, seconded by Trustee Kenner, the Board of Trustees of the Village of Port Chester tabled the correspondence to the May 20, 2013 meeting.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

## **MINUTES**

*Minutes from April 1, 2013, April 2, 2013 and April 8, 2013.*

The Board of Trustees unanimously postponed the minutes of April 1, 2013 to the May 20, 2013 meeting.

The Board of Trustees unanimously accepted the minutes of April 2, 2013 and April 8, 2013.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

### ***Public***

Mr. Abel commented regarding a correspondence on the agenda and property maintenance.

A business owner on 167 Westchester Avenue thanked the Board on the job that they do for the village and commented regarding parking in the village and the Building Department.

Mr. Payàn commented regarding the Waterfront Commission, the Board of Ethics and parking

A resident of 45 Midland Avenue commented regarding parking in the village.

### ***Board***

Trustee Adams commented regarding Restaurant Depot, a used car lot on the corner of South Regent Street and the marina bulkhead.

Trustee Terenzi commented regarding the current Board of Trustees.

Trustee Marino commented regarding dog licenses and the marina bulkhead.

Trustee Kenner commented that the Board should have a workshop to prioritize which issues they should be working on first and the Boards and Commissions interviews.

Trustee Ceccarelli commented regarding the banners posted on South Regent Street and Port Chester Pride Day.

Mayor Pagano wished all the mothers and grandmothers a Happy Mother's Day.

At 9:13 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Adams, the meeting was closed.

Roll Call

AYES: Trustees Adams, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Brakewood

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

## **MEETING HELD MAY 13, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, May 13, 2013 at 5:30 P.M., in the Village Hall Conference Room, 222 Grace Church Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Saverio Terenzi arrived at 5:36 p.m.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Administrative Aide, Christopher Ameigh and Building Inspector and Director of Code Enforcement, Peter Miley.

On motion of Trustee Adams, seconded by Trustee Ceccarelli, the meeting was declared opened at 5:30 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

## **PROPOSED MOTION FOR EXECUTIVE SESSION**

At 5:35 p.m., on motion of Trustee Marino, seconded by Trustee Ceccarelli, the Board of Trustees adjourned into an executive session for consultation with Village Attorney in regards to legal strategies to code enforcement.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

No action was taken in executive session.

At 7:13 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

## **RESOLUTION**

SUPPORT FOR NEW YORK STATE ASSEMBLY BILL NO. A4086 AND ANY SENATE COMPANION BILL AUTHORIZING THE NEW YORK PUBLIC SERVICE COMMISSION UPON APPLICATION BY A MUNICIPALITY TO ORDER COSTS FOR INFRASTRUCTURE MAINTENANCE & ACCESS TO BE CHARGED TO ALL CUSTOMER CLASSES LOCATED IN SUCH MUNICIPALITY

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

WHEREAS, the rental fee for hydrants is a significant expense in the Village budget each year; in FY 2012-2011, the Village paid \$216,973 to United Water in fire hydrant fees and in 2013-2014, \$230,00 is budgeted in FY 2013-2014; and

WHEREAS, the City of New Rochelle has requested that the Village of Port Chester join with it and other municipalities served by United Water in Southern Westchester County to support legislation that has been introduced, A. 4086, that would allow the expense of fire hydrants to be spread across all water consumers rather than charging the municipalities a fee which then is solely borne by property taxpayers; and

WHEREAS, a consortium of United Water municipalities had previously petitioned the New York Public Service Commission to facilitate this change, but the agency rejected the request and that it is a matter for consideration by the State Legislature in the first instance. NOW, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby supports New York Assembly Bill No. 4086 and any companion Senate bill authorizing the Public Service Commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality, and be it further

RESOLVED, that the Mayor be authorized to forward a letter to State Assemblyman Steven Otis and State Senator George Latimer on the Board's behalf.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

DATE: May 13, 2013

**WORK SESSION**

*Workshop on Code Enforcement*

The Board and staff discussed code enforcement strategies

*Workshop to review Village Manager's goals, objectives and priorities.*

The Board and staff discussed the Village Manager's goals, objectives and priorities which included code enforcement, amnesty program, sewer rent project, 5 year operating budget and capital plan, economic development, municipal center, housing rehab program, bulkhead repair and marina licensing agreement, emergency preparedness, performance management, information technology, zoning and risk management.

**Add-on Resolution**

Trustee Kenner made a motion to add-on the following resolution for Village Manager's priorities ranking as approved by the Board of Trustees. The motion was seconded by Trustee Marino.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

DATE: May 13, 2013

RESOLUTION

ESTABLISHING THE PRIORITIES OF THE VILLAGE MANGER'S GOALS AND STRATEGIES AS PART OF A STRATEGIC MANMAGEMENT PLANNING PROCESS

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 the Code of the Village of Port Chester, the Village Manager is the Chief Administrative Officer and Chief Fiscal Officer responsible for the administration of all Village affairs placed in his charge as defined therein; and

WHEREAS, the Village Manager presented to the prior Board of Trustees a memorandum entitled "Village Manager's Draft Goals and Strategies"; which was modified and adopted on November 15, 2012 and

WHEREAS, strategic planning/management is a tool that involves developing an organization's mission, describing its vision, formulating strategies, goals and objectives, ranking priorities and allocating resources to effectively implement such strategies, goals and objectives; and

WHEREAS, a strategic planning/management process is particularly important for local governments which confront a unique and challenging environment of scarce resources, limited staff and severe fiscal constraints balanced against expectations of accustomed high levels of services; and

WHEREAS, the newly-seated Board has requested that the Village Manager present an updated memorandum at a special meeting to ratify and re-prioritize such goals and strategies, together with any new items that the Board may deem appropriate after collaboration with the Manager/ Now, therefore, be it

RESOLVED, that the Board hereby ranks the priorities enumerated in the Village Manager's updated memorandum as annexed herein; and be it further

RESOLVED, that the Village Manager be and is hereby directed to report to the Board of Trustees on a monthly basis on the status of his implementation of such strategies, goals and objectives by Village staff and be accountable to the Board with regard to same.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

DATE: May 13, 2013

### **Add-on and Combined Resolutions**

Trustee Kenner made a motion to add-on the following two resolutions (appointment to the Library Board) and combining the two resolutions for the purpose of casting one vote for the two resolutions as adopted by the Board of Trustees of the Village of Port Chester. The motion was seconded by Trustee Marino.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano  
NOES:  
ABSENT:

DATE: May 13, 2013

RESOLUTION

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

New York:

RESOLVED, that PAUL J. BREZOVSKY, Port Chester, New York, be and he hereby is appointed a member of the Port Chester PUBLIC LIBRARY BOARD OF TRUSTEES, effective immediately.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano  
NOES:  
ABSENT:

DATE: May 13, 2013

RESOLUTION

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

New York:

RESOLVED, that ELIZABETH ROTFELD, Port Chester, New York, be and she hereby is appointed a member of the Port Chester PUBLIC LIBRARY BOARD OF TRUSTEES, effective immediately.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli, Mayor Pagano

NOES:

ABSENT:

DATE: May 13, 2013

### **CORRESPONDENCES**

*From Bart Didden requesting to be considered for appointment as member and Chairman of the Waterfront Commission.*

The Board duly noted the correspondence.

*From Robert Ortiz requesting to be considered for appointment as member of the Port Chester Planning Commission.*

The Board duly noted the correspondence.

*From Brenda M. Crandell, Esq requesting to be considered for appointment as member of the Port Chester Industrial Development Agency.*

The Board duly noted the correspondence.

### **PROPOSED MOTION FOR EXECUTIVE SESSION**

At 8:58 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees adjourned into a second executive session to discuss a particular personnel matter.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

No action was taken in the executive session.

At 9:07 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees closed the second executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

At 9:08 p.m., on motion of Trustee Marino, seconded by Trustee Ceccarelli, the meeting was closed.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT:

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk

**PUBLIC COMMENTS  
AND  
BOARD COMMENTS**