

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, September 15, 2014
PROPOSED EXECUTIVE/CLOSED SESSION
Regular Meeting: 6:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M.

I	WORKSHOP	ACTION
1	To review appraisal results for 120 N Pearl St bonus program application under Village Code §345-16.	

II	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Involving the promotion of a particular person(s) in the Police Department.	
2	Consultation with Village Attorney regarding repairs to Village Sidewalks.	
3	Consultation with Village Attorney regarding Village Election.	

TIME: 7:00 P.M.

III	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public hearing relating to an application for multi-family development at 120 North Pearl Street in conjunction with §345-16 building height and floor area bonus program of the village zoning code.	

IV	PRESENTATION	ACTION
1	8:00 P.M. - As requested by Trustee Adams regarding the impact of the lack of CDBG funds on local organizations.	
2	By Don Bosco Workers, Inc. Executive Director -Gonzalo Cruz.	

V	PUBLIC COMMENTS	ACTION
VI	RESOLUTIONS	ACTION
	Administration	
1	Participation by the Village of Port Chester in the Westchester County Fire Mutual Aid Plan.	

2	Further retainer of National Development Council to provide technical assistance to the Village of Port Chester with regard to proposed municipal center development project.	
	Finance	
3	Budget Amendment – Use DEA Funds for installation of a repeater receiver on Police Headquarters to facilitate performance.	
	Senior / Nutrition Program	
4	Accepting a \$1,000.00 donation to the Port Chester Senior Center from Alice & Joseph Antonelli.	
VII	CORRESPONDENCE	ACTION
1	From Poningo Properties - 4 Bulkley Ave. 142.22-1-52 Sewer Rent Appeal - 2014-09-05.	
2	From Poningo Properties - 46 Poningo St. 142.22-1-52 Sewer Rent Appeal - 2014-09-05.	
3	From Howie Ravikoff regarding Fire Safety Inspection fees.	
4	From Doreen Kushel regarding parking in the Beech Street parking lot.	
5	From Leigh Taylor Mickelson, Executive Director Clay Art Center to formally request a change to the municipal lot on Beech Street.	
6	From Catherine Rosenfeld on her resignation from the Beautification Commission.	
7	From the Park Commission regarding the horse trough in Lyon Park.	
VIII	MINUTES	
1	Minutes from June 16, 2014	
2	Minutes from June 23, 2014	
3	Minutes from June 24, 2014	
4	Minutes from July 1, 2014	
5	Minutes from July 7, 2014	
6	Minutes from July 9, 2014	
7	Minutes from July 21, 2014	
8	Minutes from August 4, 2014	
9	Minutes from August 18, 2014	
10	Minutes from September 2, 2014	
11	Minutes from September 8, 2014	
IX	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

WORKSHOP



VILLAGE OF PORT CHESTER

DEPARTMENT OF PLANNING & DEVELOPMENT

222 Grace Church Street, Rm. 202

Port Chester, NY 10573

(P) 914.937.6780

(F) 914.939-2733

Christopher Gomez, AICP, Director
Jessica Youngblood, MCP, Planner
Constance Phillips, Planning Secretary

To: Mayor Pagano and Board of Trustees

From: Christopher Gomez, AICP, Director of Planning and Development

Re: AGD North Pearl LLC (120 North Pearl Street) Density Bonus Application Public Hearing

CC: C. Steers, T. Cerreto, P. Miley, J. Richards, L. Douglas, J. Youngblood

Date: September 11, 2014

The Board has set both a workshop and public hearing for Monday September 15th regarding the AGD North Pearl LLC (120 North Pearl Street) density bonus application with the understanding that the independent appraisal of both the as-of-right 38 dwelling units scenario and proposed 50-dwelling unit proposal would be complete and distributed in advance of the meeting. As the appraisal results have yet to be submitted and are integral to the discussion (and a required element of §345-16 Building Height and Floor Area Bonus Program), it is advisable that the Board adjourn both items until its October 6th meeting. It is anticipated that the final appraisal document will be submitted to the Town Assessor sometime next week.

At their September 29 meeting, the Planning Commission will be considering adoption of a Negative Declaration pursuant to SEQRA and granting of site plan and special exception approvals for the project conditioned upon the Board of Trustees future approval of the requested density bonus.



VILLAGE OF PORT CHESTER

DEPARTMENT OF PLANNING & DEVELOPMENT

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Christopher Gomez, AICP, Director
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Constance Phillips, Planning Commission Secretary

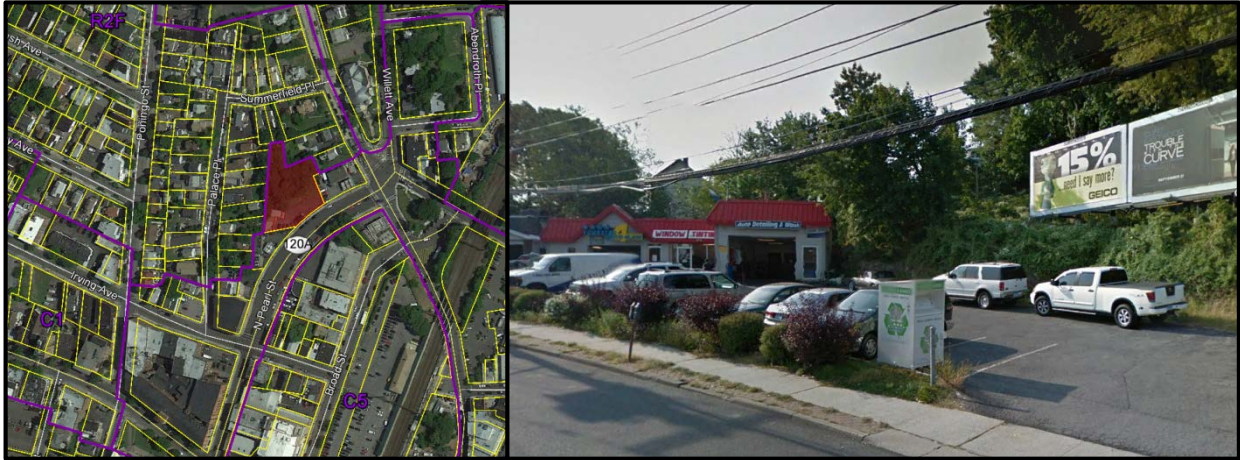
120 North Pearl Street Project Summary:

AGD North Pearl LLC., has made application to the Board of Trustees for a special permit pursuant to §345-16C. (2) Bonus Floor Area Option of the Village Zoning Code (see italicized text below) to reduce the Lot Area Per Dwelling unit requirement from 750 square feet to 575 square feet, thus enabling construction of 50 proposed dwelling units (where 38 units are currently permitted as-of-right) at 120 North Pearl Street in the Village's C2 Main Street Business District.

§345-16C.(2) "In the C2 Main Street business, C5 Train Station Mixed use, C5T Downtown Mixed Use Transitional, and DW2 Downtown Design Waterfront Districts, a reduction in the minimum size of lot: area per dwelling unit (square feet) can also be achieved in accordance with this section and the Schedule of Regulations for Nonresidence Districts, Attachment 3B."

The Board of Trustees must grant a special permit in exchange for payment, calculated at a minimum of 15% of the assessed value of the bonus floor area as determined by the Assessor, into either an open space, downtown parking, or housing rehabilitation fund as defined in §345-16C. It is important to note that applicant is not seeking additional Floor Area Ratio (FAR) as part of the bonus, as the 2.3 FAR proposed for the project is well within the as-of-right 3.2 maximum permitted in the C2 Main Street Business District.

Applicant is currently before the Planning Commission for site plan and multi-family special exception use approvals and has been granted the requisite variance from §345-61Q.(2) Multifamily Dwellings that requires a minimum distance of 500 feet from single or two-family zoning districts by the Zoning Board of Appeals.



Section, Block, Lot: 142.22-2-62
Zoning District: C2 Main Street Business District
Lot size: 28,753 sq. ft., .66 acres
Owner/Applicant: AGD North Pearl, LLC

Project Overview:

The proposal includes the demolition of an existing auto-glass repair facility and construction of a 5-story, 50-unit market rate residential development at 120 North Pearl Street between Irving Avenue and King Street. The 28,753 sq. ft. site is located in the C2 Main Street Business District where multi-family dwellings are permitted by special exception use permit under Planning Commission jurisdiction.

Applicant is proposing a residential unit mixture of 15 studios, 26 one-bedrooms and 9 two bedrooms to be served by 46 onsite parking spaces integrated in an internal parking structure both below and above grade. No onsite parking is required for residential use in the C2 District and the proposal for only 46 spaces equates to a parking/unit ratio of only .92, exhibiting the applicant's expectation that potential residents will be attracted to the site's proximate location to the train station and the Village's overall walkability.

The building itself will feature a two-story height entry lobby lounge and recreation area, mezzanine and fitness center as well as outdoor concrete patio spaces, wooden deck and wading pool at the rear of the building at the site's western frontage.

Applicant has also submitted a traffic impact study prepared by TRC Engineers (dated March 13, 2014), school children analysis prepared by AKRF (dated March 20, 2014), and storm water pollution prevention plan prepared by Catizone Engineering, P.C. (dated March 3, 2014) for village planning and engineering review pursuant to infrastructure capacity certification requirements for all multi-family special exception uses.

The Planning Commission previously adopted a SEQRA Negative Declaration and granted site plan approval for the site on September 26, 2011 for a 5 story mixed use building containing 25 dwelling units, 1,293 square feet of office space on the first floor, 45 off-street parking spaces,

stormwater management facilities, retaining walls, landscaping, site lighting and associated sidewalk improvements.

Zoning Compliance Review:

The attached Zoning Compliance Form signed by the Village Building Inspector certifies that the proposed project meets all required use, bulk and dimensional regulations of the C2 Main Street Business District (setbacks, Floor Area Ratio, minimum lot area, usable open space, height) *except* for the lot area per dwelling unit requirement of 750 square feet. The existing 28,753 sq. ft. site permits 38 dwelling units (28,753sq. ft. /750 sq. ft.) as-of-right, or 12 units less than proposed.

As such, applicant is seeking referral to the Village Board of Trustees to obtain a special permit pursuant to §345-16C.(2) Bonus Floor Area Option of the Village Zoning Code (see italicized text below) to reduce the Lot Area Per Dwelling unit requirement from 750 square feet to 575 square feet, thus enabling construction of the 50 proposed dwelling units.

§345-16C.(2) “In the C2 Main Street business, C5 Train Station Mixed use, C5T Downtown Mixed Use Transitional, and DW2 Downtown Design Waterfront Districts, a reduction in the minimum size of lot: area per dwelling unit (square feet) can also be achieved in accordance with this section and the Schedule of Regulations for Nonresidence Districts, Attachment 3B.”

The Board of Trustees must grant said special permit in exchange for payment, calculated at minimum of 15% of the assessed value of the bonus floor area as determined by the Assessor, into either an open space, downtown parking, or housing rehabilitation fund as defined in §345-16C. It is important to note that applicant is not seeking additional Floor Area Ratio (FAR) as part of the bonus, as the 2.3 FAR proposed is well within the as-of-right 3.2 maximum permitted in the C2 Main Street Business District.

Further, the sole variance required from the Zoning Board of Appeals is for relief from Special Exception Criteria §345-61Q.(2) Multifamily Dwelling (text italicized below) which requires a minimum distance of 500 feet from single or two-family zoning districts:

“The minimum distance from a two-family or single-family zoning district boundary shall be 500 feet, except that in the foregoing restriction shall not apply to the development which, in the discretion of the Planning Commission meet the following criteria: a) proposed site to be not less than one acre; b) roadways, circulation and site access are adequate; c) there are utility and other services sufficient to meet the requirements of the site.”

The rear of the project site immediately abuts the R2F Two-Family Residence District of Palace and Summerfield Place, a neighborhood which was rezoned from RA3 Multi-Family Residence by the Board of Trustees in March 2013, the reason why the previously approved site plan for the parcel in 2011 did not require such a variance.

Comprehensive Plan Consistency:

The project is consistent with the adopted comprehensive plan's vision to focus small unit, residential growth and development in the downtown as a means of relieving development pressures and preserving the single family neighborhood character. Further, it is plausible that without the requested density bonus to increase the number of units, the applicant would use the underutilized FAR to significantly increase the bedroom count of the 38 as-of-right units thus increasing the potential school children generation of the project.

The proposal also fits the comprehensive plan's goal to attract true transit oriented development (TOD) to the downtown by virtue of its proximity to the Metro-North train station, proposed unit mix in which 82% of the units are studios or one-bedroom, luxury amenities, and proposed price points. More salient, only 46 onsite parking spaces are proposed for the 50 dwelling units (.92 parking spaces per unit ratio), further indicating the applicant's commitment to attract a transit commuter demographic in furtherance of the plan's goals and in line with the Village's sustainable urban fabric.

SEQRA Classification:

The project is classified an Unlisted Action pursuant to SEQRA. Applicant has submitted Part I of a Full Environmental Assessment Form for agency review. Due to the need for a special permit from the Board of Trustees regarding §345-16C. (2), it is advisable that the project proceed through the SEQRA process via an uncoordinated review. In that instance, separate SEQRA determinations of significance must be adopted by each approval agency.

Required Approvals

- Special Permit pursuant to §345-16 (Board of Trustees)
- Minimum distance variance (Zoning Board of Appeals)
- SEQRA Determination, Negative Declaration (Board of Trustees and Planning Commission)
- Multi-Family Special Exception Use Permit (Planning Commission)
- Site Plan (Planning Commission)

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE



September 9, 2014

By Federal Express

Janusz Richards, Port Chester Village Clerk
Village of Port Chester
222 Grace Church Street - 2nd Floor
Port Chester, New York 10573

Re: AGD North Pearl Street LLC
Special Exception Density Bonus Application
Premises: 120 N. Pearl Street, Port Chester, New York

Dear Mr. Richards:

On behalf of AGD North Pearl Street LLC, enclosed please find an Affidavit of Service evidencing the first class mailing on September 2, 2014, of the annexed Public Notice provided by the Village, to all property owners within 200' of the subject premises as set forth on the annexed list/map prepared using the Town of Rye Assessor's records.

Also enclosed is an Affidavit of Posting prepared by Eric Steilman, as well as a photograph evidencing that a sign was posted at the Premises to notice the Village Board of Trustees public hearing scheduled for September 15, 2014.

Please incorporate the enclosed as part of the official record of the proceedings. Thank you for your assistance in this matter.

Very truly yours,

Christine Vergati

Enclosures

cc: Anthony B. Gioffre III, Esq.

AFFIDAVIT OF SERVICE

IN THE MATTER OF A SPECIAL EXCEPTION DENSITY BONUS APPLICATION SUBMITTED BY AGD NORTH PEARL STREET LLC TO THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER TO CONSTRUCT A MULTI-FAMILY BUILDING ON PREMISES LOCATED AT 120 N. PEARL STREET, AND DESIGNATED ON THE TAX ASSESSMENT MAP OF THE TOWN OF RYE AS SECTION 142.22, BLOCK 2, LOT 62.

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

CHRISTINE VERGATI, being duly sworn says: I am over 18 years of age and reside in Pawling, New York.

On September 2, 2014, I served a copy of the attached Public Notice by mailing the same in a sealed envelope, via first class mail, with postage prepaid thereon, in a post office or official depository of the U.S. Postal Service within the State of New York, addressed to the property owners on the 200' mailing list annexed hereto, noticing the public hearing scheduled for September 15, 2014 .


Christine Vergati

Sworn to before me this
10th day of September, 2014


NOTARY PUBLIC

PATRICIA A. CUDDIHY
Notary Public, State of New York
No. 01CU5085638
Qualified in Putnam County
Commission Expires September 29, 2017

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, September 15, 2014, at 7:00 p.m., or as soon thereafter, at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider a Special Exception Density Bonus Application submitted on behalf of AGD North Pearl, LLC, to construct a 50-unit multi-family building on property located at 120 North Pearl Street, Port Chester, New York, also known and designated as Section 142.22, Block 2, Lot 62 on the Tax Map of the Town of Rye.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. A copy of the application and all supporting materials is available at the Village Clerk's office or online at the Village website www.portchesterny.com

Date: August 23, 2014
JANUSZ R. RICHARDS
VILLAGE CLERK
VILLAGE OF PORT CHESTER, NEW YORK

Crown Royal LLC,
9 Evon Ct
Scarsdale, NY 10583

Wilson, Janet
42 Palace Pl
Port Chester, NY 10573

Stagg Construction LLC,
PO Box 9
Purchase, NY 10577

GTY NY Leasing Inc,
125 Jericho Turnpike #103
Jericho, NY 11753

16 Palace Place Holdings, LLC,
16 Palace Pl
Port Chester, NY 10573

Sapione Vincent A Inc,
513 Greenbush Hill Rd
Warnerville, NY 12187

Rivera Jorge
9 Palace Pl
Port Chester, NY 10573

155 Irving Llc,
Attn: Game Sportswear Ltd.
1401 Front St
Yorktown Heights, NY 10598

120 North Pearl Street, LLC,
935 Bronx River Rd
Bronx, NY 10473

Echeverry, Sandra
17 Monroe Pl
Rye Brook, NY 10573

Bucci, Mary Ann
20 Priscilla Ln
Port Chester, NY 10573

Black Diamond Group LLC,
9 Tashua Pkwy
Trumbull, CT 06611

Garcia, Jose A.
17 Palace Pl
Port Chester, NY 10573

Palace Place Apt Inc.,
507 N Main St
Port Chester, NY 10573

Sabato, Theodore
1 Fairhaven Ln
Port Chester, NY 10573

Larios, Candida
60 Summerfield Pl
Port Chester, NY 10573

Jamroz, Linda
70 Summerfield Pl
Port Chester, NY 10573

Summerfield Methodist Church,
225 King St
Port Chester, NY 10573

Deutsche Bank National Trust,
1675 Palm Beach Lakes Blvd
West Palm Beach, FL 33401

Siranaula, Bolivar
29 Palace Pl
Port Chester, NY 10573

Carchi, Augusto & Sandra B.
59 Summerfield Pl
Port Chester, NY 10573

82-84 Hamilton Manor LLC,
507 N. Main St
Port Chester, NY 10573

Belos Properties LLC,
PO Box 381
Old Greenwich, CT 06870

Avalos, Antonio & Doris
208 King St
Port Chester, NY 10573

152 King St. Realty, LLC,
Atlantis Mngmt. Group
555 S. Columbus Ave
Mt. Vernon, NY 10550

Jamroz, Linda
64 Summerfield Pl
Port Chester, NY 10573

Walden, Engrid
216 King St
Port Chester, NY 10573

Mon Ami Takis, Inc,
1615 Gulf Rd
Tarpon Springs, FL 34689

Zuluaga, Jaime
30 Palace Pl
Port Chester, NY 10573

Carranza, Alexander A.
50 Palace Pl
Port Chester, NY 10573

Verizon New York Inc.,
Attn: Property Tax Dept.
1095 Ave of the Americas Fl 31st
New York, NY 10036

Bermeo, Jorge
63 Summerfield Pl
Port Chester, NY 10573

Sapione, Vincent A.
513 Greenbush Hill Rd
Warnerville, NY 12187

Ayala, Maximiliano
35 Palace Pl\PO Box 1043
Port Chester, NY 10573

Carranza, Alexander
46 Palace Pl
Port Chester, NY 10573

Lazo, Bertha
56 Palace Pl
Port Chester, NY 10573

Calderon, Jose
62 Summerfield Pl
Port Chester, NY 10573

Mendez, Erick A & Mayra R
50 Karen Dr
Norwalk, CT 06851

Crown Royal LLC,
23 Palace Pl
Port Chester, NY 10573

Stagg Construction LLC,
120 N. Pearl St
Port Chester, NY 10573

GTY NY Leasing Inc,
144 King St
Port Chester, NY 10573

Sapione Vincent A Inc,
20 Palace Pl
Port Chester, NY 10573

155 Irving Llc,
Palace Pl
Port Chester, NY 10573

Crown Royal LLC,
34 Palace Pl
Port Chester, NY 10573

120 North Pearl Street, LLC,
33 Palace Pl
Port Chester, NY 10573

Echeverry, Sandra
204 King St
Port Chester, NY 10573

Bucci, Mary Ann
N Pearl St
Port Chester, NY 10573

Black Diamond Group LLC
65 Summerfield Pl
Port Chester, NY 10573

Palace Place Apt Inc.,
Palace Pl
Port Chester, NY 10573

Sabato, Theodore
110 N Pearl St
Port Chester, NY 10573

Crown Royal LLC,
27 Palace Pl
Port Chester, NY 10573

Summerfield Methodist Church
210 King/Willett Ave
Port Chester, NY 10573

Deutsche Bank National Trust,
18 Palace Pl
Port Chester, NY 10573

82-84 Hamilton Manor LLC,
39 Palace Pl
Port Chester, NY 10573

Belos Properties LLC,
46 Broad St
Port Chester, NY 10573

152 King St. Realty, LLC,
152 King St
Port Chester, NY 10573

155 Irving Llc,
155 Irving Ave
Port Chester, NY 10573

155 Irving Llc,
N Pearl St
Port Chester, NY 10573

Crown Royal LLC,
38-40 Palace Pl
Port Chester, NY 10573

Mon Ami Takis, Inc,
52 Palace Pl
Port Chester, NY 10573

Verizon New York Inc.,
50 Broad St
Port Chester, NY 10573

Sapione, Vincent A.
26 Palace Pl
Port Chester, NY 10573

Lazo, Bertha
54-56 Palace Pl
Port Chester, NY 10573

Mendez, Erick A & Mayra R
218 King St
Port Chester, NY 10573

Crown Royal LLC,
32 Palace Pl
Port Chester, NY 10573

PUBLIC NOTICE

**A PUBLIC HEARING WILL BE HELD BY
THE PORT CHESTER BOARD OF TRUSTEES ON SEPTEMBER 15,
2014 AT 7:00 P.M. AT THE VILLAGE JUSTICE COURTROOM,
350 N. MAIN STREET, PORT CHESTER, NY TO CONSIDER**

**A SPECIAL EXCEPTION DENSITY BONUS APPLICATION
TO CONSTRUCT A MULTI-FAMILY BUILDING ON**

PROPERTY KNOWN AS

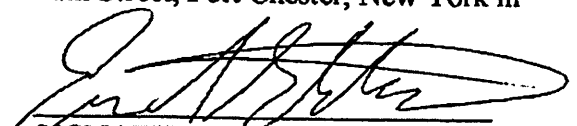
**SECTION 142.22, BLOCK 2, LOT 62, BY AGD NORTH PEARL, LLC
PORT CHESTER BUILDING DEPT., 914-939-5200**

AFFIDAVIT OF POSTING

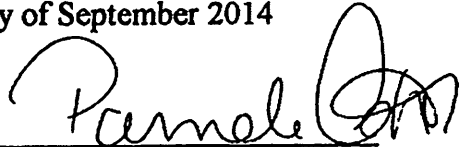
IN THE MATTER OF AN APPLICATION FOR SPECIAL EXCEPTION DENSITY
BONUS BY AGD NORTH PEARL LLC TO THE BOARD OF TRUSTEES OF
THE VILLAGE OF PORT CHESTER, TO CONSTRUCT A MULTI-FAMILY
BUILDING ON THE PREMISES LOCATED AT 120 NORTH PEARL STREET,
PORT CHESTER, NEW YORK

STATE OF NEW YORK)
) ss.:
COUNTY OF WESTCHESTER)

I, Eric Steilman, do hereby affirm that on August 29, 2014, I update the sign posted at 120 North Pearl Street for the upcoming Board of Trustees public hearing on September 15, 2014 at the Village Justice Court Room, 350 North Main Street, Port Chester, New York in connection with the application noted above.


SIGNATURE

Sworn to before me this 10
day of September 2014


NOTARY PUBLIC

PAMELA A. COTRONEO
Notary Public - State of New York
NO. 01CO615541
Qualified in Westchester County
My Commission Expires 11/13/14

PUBLIC NOTICE

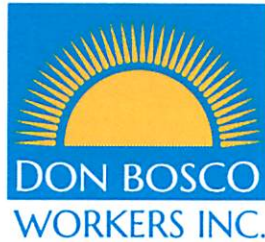
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Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. A copy of the application and all supporting materials is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: August 22, 2014

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

PRESENTATION



Executive Director
Gonzalo Cruz

Officers

Ann Heekin
President
Blanca Lopez
Secretary
Emily Saunders
Treasurer

Directors

John Gitlitz
Doreen Kuchel
Selvin Maldonado
Pedro Pena
Emanuel Rodriguez
Ovidio Sifuentes

Ex-Officio

Fr. Tim Zak, SDB

President Emeritus

Luis Marino

August 1, 2014

Mr. Neil J. Pagano
Mayor, Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

VILLAGE OF PORT CHESTER

AUG 11 2014

RECEIVED *M*

Dear Mayor Pagano,

Don Bosco Workers, Inc. has served Port Chester and surrounding communities with quality workers since 2006. We are proud to be affiliated with the more than 100-year legacy of Don Bosco Community Center in meeting the needs of immigrant youth and families in Port Chester.

Last year, we placed more than 1,200 local workers in jobs in construction, food service, landscape and domestic work. When our members are not working, they participate in trainings and ESL instruction to improve their job prospects.

We are also active in wage theft reform. We assist workers in filing claims when wages have been stolen, and also advocate for legislative reforms to NYS wage law.

As Mayor of Port Chester we believe you will be interested in our research on the impact of wage theft on businesses, taxpayers and the local economy.

Please honor our request to meet with you and your Board of Trustees to share this valuable information. We will call to confirm a meeting at your earliest convenience.

Sincerely,

Gonzalo Cruz

Ann Heekin

PUBLIC COMMENTS

RESOLUTIONS



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Attorney

BOT Meeting Date: 9/15/2014

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

Description	Yes	No	Description	Yes	No
Fiscal Impact		<input type="checkbox"/> x	Public Hearing Required		x
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/> x		Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

Participation by the Village of Port Chester in the Westchester County Fire Mutual Aid Plan

Summary

Background:

Pursuant to State County Law, the County of Westchester has established a Fire Mutual Aid Plan which provides a written protocol for the cooperation and coordination of firefighting resources throughout the County.

The County Commissioner of Emergency Services which is charged to administer and execute the Plan has made request on the Village of Port Chester to participate in the Plan. The Village was advised that the overwhelming number of municipalities in the County participate in the Plan and that there was a significant value to the formalized participation and cooperation of municipalities through the County which is already performing primary and mutual aid dispatching services for the Village ("60 Control").

The Village of Rye Brook has most recently adopted a resolution that would participate in the Plan subject to Port Chester doing likewise.

Fire Chief or Assistant Fire Chief will attend the meeting.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Proposed Resolution
Westchester County Fire Mutual Aid Plan

**PARTICIPATION BY THE VILLAGE OF PORT CHESTER IN THE
WESTCHESTER COUNTY FIRE MUTUAL AID PLAN**

On motion of TRUSTEE _____, 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 desires to become a participant in the Westchester County Fire Mutual Aid Plan (the "Plan"); and

WHEREAS, to do so, the Board of Trustees is required to adopt a resolution approving the Village's participation in the Plan, and file said resolution with the Westchester County Commissioner of Emergency Services. Now, therefore, be it

RESOLVED, that the Board of Trustees approves participation by its' Fire Department in the Plan, as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency Services, that the Village shall comply with the provisions of the Plan; and be it further

RESOLVED, that there are no resolutions in effect that restrict outside service and training by the Village's Fire Department; and be it further

RESOLVED that there are currently no limitations, conditions or restrictions on the Fire Department from providing prompt assistance, and the County Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and be it further

RESOLVED, that the Fire Department shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a "60 Control"; and be it further

RESOLVED, that the Village of Port Chester hereby acknowledges and accepts its' financial responsibility pursuant to applicable law; and be it further

RESOLVED, that a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services approving participation of the Fire Department in the Plan.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

Robert P. Astorino
County Executive

Department of Emergency Services

John M. Cullen
Commissioner

Jennifer M. Wacha
Deputy Commissioner

September 17, 2013

Chief Kevin McMinn
Port Chester Fire Department
209 Westchester Avenue
Port Chester, NY 10573

Dear Chief McMinn:

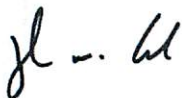
On February 26, 2013 and May 3, 2013 my office sent to you via E-mail and USPS mail the newly approved Westchester County Fire Mutual Aid Plan dated September 27, 2012. In that letter we asked that you read review, sign and return the agreement if you which to take part in the plan. To date we have not heard back from you.

The 2012 County MAP amends and restates previous County Mutual Aid Plans, and lends itself to a much more streamlined document than its predecessor. This new version contains updated language, references to the laws and standards by which Mutual Aid in the state of New York is governed and addresses best practices. The plan was updated by my office with direction from the Westchester County Law Department, and input from local Fire Chiefs. Prior to submitting the plan to the OFPC, this version was approved by the Westchester County Fire Advisory Board.

Attached please find a copy of the 2012 County MAP for your review and consideration. Note that while your jurisdiction may have previously participated in the County's Mutual Aid Plan, it is the goal of this office to have each jurisdiction evidence its renewed commitment to participating in the provision of mutual aid by adopting the form of resolution provided. (Please see Appendix V to the 2012 County MAP). All duly adopted resolutions should be returned to my office located at 4 Dana Road, Valhalla, NY 10595.

Thank you in advance for your cooperation and assistance.

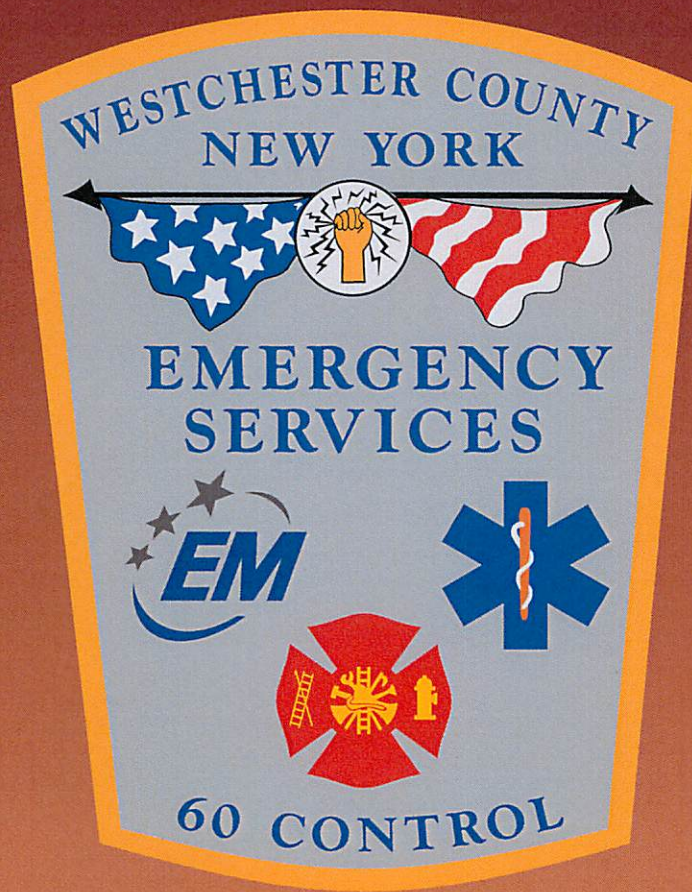
Sincerely,



John M. Cullen
Commissioner



Westchester County Fire Mutual Aid Plan



Draft: September 27, 2012
Adopted: December 19, 2012



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Westchester County Fire Mutual Aid Plan

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Westchester County Fire Mutual Aid Plan

I. Purpose

The purpose of the Westchester County Fire Mutual Aid Plan (the "Plan") is to define the format, structure, policy and procedure to facilitate organized, supervised, coordinated, cooperative and reciprocal assistance in which fire personnel, equipment and the physical facilities of participating Fire Agencies are utilized to supply aid and protection to other participating Fire Agencies, for the benefit of the municipalities located in Westchester County, in cases of fire or other emergencies. It is the objective of this Plan to foster cooperation and coordination of firefighting resources throughout the County of Westchester.

This Plan shall amend and restate any previous Westchester County Fire Mutual Aid Plans in their entirety.

It is expected that Plan participants shall first expend and exhaust all of their own resources prior to placing a Mutual Aid request. Mutual Aid is intended to be reserved for extreme circumstances. It is not intended to be routine, nor should it become abusive or an unreasonable burden to the Fire Agencies providing assistance.

II. Administration

The Commissioner of the Westchester County Department of Emergency Services ("WCDES") or his designee (the "Commissioner"), as the Chief Administrative Fire Officer, shall be responsible for the administration and execution of the Plan pursuant to New York State County Law §225-a, and as authorized pursuant to §193.02 of the Laws of Westchester County.

III. Fire Advisory Board

The Westchester County Fire Advisory Board ("FAB") members are appointed by the County Executive and sworn in as public officers by the Westchester County Clerk. The FAB is tasked with advising and making recommendations to the County Executive through the Westchester County Department of Emergency Services on fire matters and issues, including those related to the administration of this Plan. Membership configuration of the FAB is set forth in the Section 193.03 of the Laws of Westchester County. The Commissioner may confer with the FAB to resolve issues associated with the administration of the Plan.

IV. National Incident Management System

Operations conducted by Fire Agencies associated with response under this Plan shall be conducted in compliance with the National Incident Management System ("NIMS"). All fire personnel responding pursuant to this Plan shall be trained to the appropriate Incident Command System (ICS) levels appropriate for their position as recommended by the United States Department of Homeland Security. See sample forms attached in Appendices VI and VII.



Westchester County Fire Mutual Aid Plan

V. Definitions

“Battalion” shall refer to ten geographical areas designated by WCDES. Each Battalion shall contain approximately four to eight fire departments. One Deputy Fire Coordinator is assigned to each Battalion by the WCDES Commissioner. Each Deputy Fire Coordinator shall respond to events and fires requiring Mutual Aid assistance in the departments within their assigned Battalion. In addition, they may be called to another Battalion to provide assistance or coverage for a Deputy Fire Coordinator who is not available to respond. The Deputy Fire Coordinators serve as the WCDES liaison to the local fire department. At the request of the on-scene fire chief, or Incident Commander, the Deputy Fire Coordinator shall secure and coordinate additional resources from assisting agencies to successfully manage the fire or other emergency situation.

“Fire Agencies” shall, for the purposes of this Plan, include Fire Departments, Fire Companies, Fire Districts (incorporated and unincorporated), and shall also include any firefighting unit as may be defined or described in Section 209 of the New York State General Municipal Law (“General Municipal Law”).

“Mutual Aid” or “Fire Mutual Aid” shall refer to the organized, supervised, coordinated, cooperative, reciprocal assistance in which personnel, equipment and the physical facilities of participating Fire Agencies, regardless of type or size, are utilized for fire and other emergencies in the County of Westchester.

“Chief” or “Fire Commissioner” shall refer to the individual in charge of the operations of a particular Fire Agency.

“Incident Commander” shall refer to the individual responsible for incident activities, including the development of strategies and tactics as well as the requesting and release of Mutual Aid resources. The Incident Commander has overall authority and responsibility for incident operations.

VI. Fire Agencies In Westchester County

All Fire Agencies in Westchester County are eligible to fully participate in this Plan.

The following is a list of the County’s Fire Agencies:



Westchester County *Fire Mutual Aid Plan*

Archville	Montrose
Ardsley	Mount Kisco
Armonk	Mount Vernon
Banksville	New Rochelle
Bedford Hills	North White Plains
Bedford Village	Ossining
Briarcliff Manor	Peekskill
Buchanan	Pelham
Continental Village	Pelham Manor
Chappaqua	Pleasantville
Croton Falls	Pocantico Hills
Croton on Hudson	Port Chester
Dobbs Ferry	Pound Ridge
Eastchester	Purchase
Elmsford	Scarsdale
Fairview	Sleepy Hollow
Goldens Bridge	Somers
Greenville	South Salem
Harrison	Rye
Hartsdale	Rye Brook
Hastings	Tarrytown
Hawthorne	Thornwood
Irvington	Valhalla
Katonah	Verplanck
Larchmont	Vista
Mamaroneck Town	West Harrison
Mamaroneck Village	White Plains
Millwood	Yonkers
Mohegan	Yorktown Heights

The following entities may also receive aid and support under this Plan:

- ❖ Sing-Sing Correctional Facility
- ❖ Bedford Hills Correctional Facility
- ❖ MTA/Metro-North Railroad
- ❖ Indian Point Energy Center
- ❖ Grasslands Fire Brigade
- ❖ Westchester County Airport Aircraft Firefighting Units

Other entities in Westchester, including state and federal institutions, are eligible to participate in this Plan to the extent allowed by law by filing a resolution in the form attached hereto as Appendix



Westchester County Fire Mutual Aid Plan

IV. *(For instance, the Franklin D. Roosevelt Veterans Administration Hospital in Montrose, is a federal agency).*

VII. Participation

Each Fire Agency participating in this Plan ("Participants") shall make a good faith effort to respond to each call for assistance received from The Westchester County Emergency Communications Center a/k/a "60 Control" ("60 Control").

All requests for Mutual Aid must be coordinated through the County's 60 Control.

Unless there are extenuating circumstances, requests for Mutual Aid should not be made directly from one Fire Agency to another. It is recognized, however, that circumstances may require a Fire Agency to make a Mutual Aid request directly to another Fire Agency. In those situations 60 Control shall be notified as soon as possible of such a request and provide all information to 60 Control required as if it were a request placed with 60 Control for Mutual Aid.

A Fire Agency may decline to respond to a request based on unit unavailability.

A Plan Participant may deem certain apparatus unavailable for Mutual Aid response. In such instances, prior written notification of that restriction must be made to 60 Control when becoming a Plan Participant. *(For example, a Fire Agency may have special equipment that is restricted to the jurisdiction, e.g. aerial ladder, heavy rescue equipment or equipment that has highway clearance, weight or distance limitations, etc.)*

A Plan Participant providing Mutual Aid to a requesting Fire Agency shall commit its equipment and manpower to the requesting Fire Agency until released by the Incident Commander.

Further, it is agreed and understood that during Mutual Aid events:

- The Incident Commander of the requesting Fire Agency retains command of all fire resources assigned to the event until such time as command is transferred or terminated.
- A Fire Agency requesting Mutual Aid to stand by in its headquarters/stations shall provide at least one firefighter at each station to facilitate station access and to serve as a guide for subsequent alarms in a requesting department's jurisdiction.
- It is the obligation of the Incident Commander to release Fire Agencies providing Mutual Aid as promptly as possible.



Westchester County Fire Mutual Aid Plan

- Mutual Aid responders shall refer all media requests for information to the Incident Commander, without comment.

Note: Should a Fire Agency respond to an incident and determine the location of the incident is actually outside of its jurisdiction that Fire Agency shall:

- Notify 60 Control of the actual or correct incident location and direct 60 Control to notify the Fire Agency having authority for the correct location.
- Take appropriate action to control the incident.

VIII. Automatic Aid

“Automatic Aid” shall mean the pre-arranged assignment of specific apparatus from one or more jurisdictions to individual locations or alarms of a certain nature in the requesting jurisdiction.

Automatic Aid shall not be used to supplement a requesting Fire Agency’s inadequate staffing or equipment inventory shortfalls, unless otherwise agreed to by the parties involved.

Where a Participant is responding to a call for assistance pursuant to Automatic Aid, then Participant must notify 60 Control of its status.

Any pre-planned and/or Automatic Aid responses to a particular structure, area, scenario or district shall be submitted in writing to 60 Control. Plan Participants with Mutual Aid pre-plans and/or Automatic Aid responses are required to immediately notify 60 Control in writing when changes are made to those response protocols.

IX. A. Plan Participation-Membership

Any duly established Fire Agency may become a Plan Participant by filing with the Commissioner; a resolution, local law or ordinance, as jurisdictionally appropriate, which has been duly adopted by its governing body. The resolution form is attached hereto as Appendix V. The resolution shall provide the following:

- (i) affirm the Fire Agency’s intent to participate in the Plan and to comply with its provisions;
- (ii) state that there are no resolutions in effect that would restrict the Fire Agency from providing outside service and training;



Westchester County *Fire Mutual Aid Plan*

- (iii) state there are currently no limitations, conditions or restrictions on the Fire Agency from providing prompt assistance, and the Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of the Resolution;
- (iv) state that the Fire Agency shall respond to all calls for assistance from another Fire Agency through 60 Control;
- (v) affirm that the Fire Agency's governing body acknowledges and accepts financial responsibility pursuant to applicable law.

B. Withdrawal From Plan

Should a participating Fire Agency's ability to provide assistance outside its service area pursuant to Section 209 of the General Municipal Law be restricted, written notice of such restriction(s) shall be filed with the Commissioner within five (5) days of the adoption of the resolution restricting outside assistance. Withdrawal from the Plan shall become effective on the date noted in the resolution. Withdrawal from the Plan may result in the suspension of Mutual Aid privileges to that Fire Agency. A Participant withdrawing from the Plan, upon the effective withdrawal date, shall surrender and return to WCDES all County-owned equipment.

Pursuant to the New York State Fire Mobilization and Mutual Aid Plan ("State Plan"), any signatory to a county fire mutual aid plan submitted to the New York State Office for Fire Prevention and Control ("OFPC") for inclusion in the State Plan is automatically a signatory to the State Plan. WCDES will notify the OFPC of the withdrawal of a Plan Participant.

Withdrawal from the Plan shall continue in effect until amended or repealed by the adoption of a subsequent resolution, local law or ordinance as set forth in Section 209 of the General Municipal Law.

X. Complaints

Mutual Aid complaints of any nature, including abuse of the Mutual Aid Plan, should be addressed in writing to the Commissioner for review, investigation and possible referral to the Westchester County Fire Advisory Board.

XI. Mutual Aid Coordinators

The Commissioner of WCDES shall appoint and supervise Mutual Aid Coordinators, a/k/a Deputy Fire Coordinators, and assign them to a Battalion or other assignment, to assist with the implementation of the Plan. Mutual Aid Coordinators shall serve at the pleasure of the Commissioner for a term of three (3) years and may be removed at any time. Mutual Aid



Westchester County *Fire Mutual Aid Plan*

Coordinators may be reappointed by the Commissioner in the month of December of the third year of a term. Concerns about a Mutual Aid Coordinator's performance shall be addressed to the Commissioner at the request of the majority of the highest ranking active Chiefs within a designated Battalion. Such request must be made in writing and signed by each of the Chiefs requesting the review.

Duties of Mutual Aid Coordinators include, but are not limited to:

- Represent the Commissioner at fire scenes and other emergencies. Attend monthly Coordinator meetings with the Commissioner or his designee.
- Meet with the Chief of each Fire Agency in their assigned Battalion at least quarterly in order to develop and improve interdepartmental relationships.
- Inform the Incident Commander of available Mutual Aid resources. Assist in the coordination, e.g. requesting, assignment, etc., of Mutual Aid for the Chief in charge of the incident.
- Mutual Aid Coordinators upon arrival at a scene/incident shall immediately report to the Incident Commander. At no time shall the Mutual Aid Coordinator initiate or assume command of an incident.
- Assist their Battalion Fire Agencies with arranging training, drills and other activities when requested.
- Promote enthusiasm and assist in the development of programs with, and for the Fire Agencies in their Battalion.
- Maintain awareness of and report all proposed drills, programs and associated activities amongst the Fire Agencies within their Battalion to the Commissioner and other Chiefs.
- Work with the WCDES training division to assist Fire Agencies to coordinate training as needed.
- Inform the Commissioner of any situations or problems in their Battalion that might arise in connection with Mutual Aid.
- Maintain records of the Mutual Aid Coordinator's activities in their Battalion and provide a written report to the Commissioner at the monthly meeting.
- Report all accidents, damage to equipment or injuries to personnel within the Battalion occurring during provision of Mutual Aid to the Commissioner as soon as possible.



Westchester County Fire Mutual Aid Plan

- Maintain an updated list of all equipment, special supplies, and Chiefs within their Battalion. This list is to be updated yearly (or more frequently if significant changes occur) and forwarded to the Commissioner to assist 60 Control in updating the master list.
- Assist the Commissioner when the State Plan is activated.
- Coordinate with the Chiefs within the Battalion, Battalion-wide training.

XII. State Institutions

Should a state institution request assistance from a Fire Agency, the Fire Agency's ranking officer shall participate in, or establish, a command that will include the institution's liaison. Additional requests for Mutual Aid shall be the responsibility of the officer in charge. Reimbursement for firefighting costs incurred while fighting such fire are governed by Section 54-e of the New York State Finance Law.

XIII. Federal Property

Fire Agencies that engage in fighting a fire on a property under the jurisdiction of the United States may file a claim for reimbursement for the amount of direct expenses and losses incurred by such fire service under 15 U.S.C. §2210.

XIV. Adjacent Counties

Mutual Aid provided to, or received from Putnam, Rockland, and Orange Counties shall be authorized by their county fire coordinators (or designees) and coordinated through their respective county fire communications centers with 60 Control. Mutual Aid provided to and received from the City of New York shall be requested by/through 60 Control.

Extent and limit of participation with county of Fairfield, Connecticut. There is no formal agreement with Fairfield County. Local reciprocal assistance, if any, must be in accordance with Article 14-G and Section 209 of the General Municipal Law. All requests for assistance must be routed through 60 Control. Those Fire Agencies willing to provide Mutual Aid services across state lines should assure that proper insurance coverage for both personnel and equipment is in place and should indicate their availability to respond in writing to 60 Control.



Westchester County *Fire Mutual Aid Plan*

XV. State Fire Mobilization and Mutual Aid Plan

In accordance with General Municipal Law Section 209-e and 9 NYCRR Part 205, the New York State Fire Mobilization and Mutual Aid Plan was established to provide for the mobilization of personnel and equipment of fire departments whenever: (i) the Governor determines that the public interest so requires; (ii) a municipality determines assistance is required; and (iii) a regional fire administrator determines that assistance, in addition to that provided for under the local fire mutual aid plan, is required.

The Commissioner shall, upon the State's request under the State Plan, commit County resources to other counties throughout the New York State.

The Commissioner may, after utilizing all available assistance from within the County, pursuant to General Municipal Law Section 209-e, contact the OFPC to request activation of the State Plan.

Liability for outside aid provided pursuant to activation of the State Plan is governed by Section 209-e and 209-g of the General Municipal Law.

XVI. Coordination with Other Emergency Services

The Commissioner shall develop agreements with appropriate emergency and public service organizations. Resource information on Police, EMS, Utilities, Hospitals, Departments of Public Works, local industries and state and federal agencies capabilities and resources shall be maintained at the EOC and/or 60 Control. Requests for these services shall be routed through 60 Control.

XVII. Operations

1. Inventory

60 Control shall maintain a record of fire equipment, as well as a list of Chiefs or Fire Commissioners, as jurisdictionally appropriate, for each Fire Agency throughout Westchester County.

Fire Agencies in Westchester County, shall, routinely and as often as warranted, update their lists of fire equipment/apparatus, Chiefs or Fire Commissioners, as jurisdictionally appropriate, contacts etc., on forms provided by 60 Control or by providing electronically a list of equipment/apparatus which list must contain all elements of county supplied forms. Such information shall be provided to 60 Control by May 15th of each year

Fire Agencies must also submit their mutual aid run cards and "Greater Alarm" Plans, as well as all other forms, to 60 Control.



Westchester County Fire Mutual Aid Plan

2. Standard Hose Thread

All apparatus and equipment of the Fire Agencies participating in the Plan shall be equipped with “standard” hose threads as defined by the National Bureau of Standards or have sufficient adapters to permit interconnection with “National Standard” threads. (See General Municipal Law Section 209-e.)

3. Accountability / Credentialing

Fire Agencies supplying Mutual Aid shall ensure that their assigned personnel are properly credentialed when responding to a request for assistance pursuant to this Plan. Incident Commanders shall maintain accountability for all personnel operating under their command.

4. Notification of Presence of Hazardous Materials/Reporting

General Municipal Law §209-u provides in part that the Fire Chief for each fire department, fire company, etc., that has notice of the presence of Hazardous Materials in their jurisdiction, is required by law to send a copy of the report to the office of the County Fire Coordinator. In addition, General Municipal Law §204-f requires the County to develop a plan for fire service response to hazardous materials incidents and file that plan with the Office of Fire Prevention and Control for approval. As such, Fire Agencies need to send copies of the reports to 60 Control.

5. NFPA , OSHA and PESH

The FAB recommends that Plan Participants comply with the standards set forth by the National Fire Protection Association (NFPA), Occupational Safety and Health Administration (OSHA), NYS Public Employees Safety and Health (PESH).

XVIII. Special Units – Westchester County

1. Arson Task Force

The Arson Task Force is a cooperative effort with membership consisting of fire and police agencies, prosecution personnel and staff from the Department of Emergency Services. The Arson Task Force program mission includes: raising public awareness, reviewing and creating programs for training firefighters and police personnel in fire investigation and in matters related to fire cause and origin (C&O) determination. Plan Participants may call for a response by the C&O team anytime they wish to determine the cause and origin of a fire or if it is believed that the fire may be suspicious in nature. Requests for C&O team response should be placed through 60 Control.

2. Westchester County Hazardous Materials Response Team

The WCDES Special Operations Division includes a Hazardous Materials Response Team (“County HAZMAT Team”). This highly trained, well equipped team is available to assist Plan Participants by providing an organized, coordinated response to contain, manage, identify and mitigate incidents involving materials and substances posing potential injury or death to



Westchester County Fire Mutual Aid Plan

the general public and to public safety responders. The County HAZMAT Team is available to respond to a request for assistance from any Plan Participant, other emergency services entity, or through the State Plan. Any request for a County HAZMAT Team response shall be placed through 60 Control.

3. Westchester County Technical Rescue Team

The WCDES Special Operations Division includes a Technical Rescue Team (“County Technical Rescue Team”). This specialized team is an elite technical rescue team that is available to assist Plan Participants by providing an organized, coordinated response to situations requiring intricate rescues. The County Technical Rescue Team utilizes unique equipment, tools and materials to affect these rescues. Team expertise includes, high, medium and low angle rope rescue, confined space rescue, heavy machinery entrapment, high/medium angle rescue, structural collapses, swift water rescue, trench rescue and wilderness search & rescue capabilities.

The County Technical Rescue Team is available to respond to a request for assistance from any Plan Participant, other emergency services entity, or through the State Plan. Any request for a response from the County Technical Rescue Team shall be placed through 60 Control.

XIX. Liability

It is understood and agreed by each Fire Agency participating in this Plan that liability arising from the provision or receipt of Mutual Aid pursuant to this Plan shall be governed by applicable laws including, but not limited to General Municipal Law Section 209.

XX. Amending the Plan

Amendments to this Plan may be made from time to time at the sole discretion of the Commissioner. The Plan amendment procedure is as follows:

- Proposed amendments may be submitted in writing to the Commissioner by Plan Participants for review and possible inclusion in a future amendment/revision to the Plan.
- Proposed amendments shall be reviewed by the Commissioner and forwarded to the FAB for review and comment.
- After consultation with the FAB, the Commissioner may then submit the proposed amendments to the OFPC for review and submission.
- Once approved by OFPC, the Commissioner shall notify FAB.
- Plan Participants shall be notified through their Chiefs of any amendments to the Plan.



Westchester County Fire Mutual Aid Plan

APPENDIX I

WCDES Commissioner

The Commissioner, or his designated County Fire Coordinator, shall have the following duties and responsibilities as it pertains to the Mutual Aid Plan:

- Administer the Westchester County Fire Mutual Aid Plan as outlined in the statutes and the Plan.
- Respond to and/or dispatch Mutual Aid Coordinators, a/k/a Deputy Fire Coordinators, to the scene of a fire or other emergency requiring Mutual Aid, specialized equipment or technical assistance.
- The County Fire Coordinator and/or Mutual Aid Coordinators shall provide scene assistance, liaison with Local, County, State and Federal agencies; fill other functions as requested by the Incident Commander, Chief or officer in charge.
- Administer the New York State Fire Training Program for Westchester County.
- Administer and supervise operation of the Westchester County Fire Training Center and all training programs for the benefit of the County fire services.
- Serve as liaison officer between the fire service of Westchester County and the OFPC, the Executive branch of County Government and the FAB. Administer and participate in the New York State Fire Reporting System.
- Administer the Arson Control Plan for Westchester County and oversee the overall operation of the Westchester County Fire Investigation Unit as approved by the FAB and Westchester County Arson Task Force.
- Administer the Hazardous Material Control Plan for Westchester County and oversee the overall operation of the Westchester County Hazardous Materials Response Team.
- Administer the Westchester County Technical Rescue Team and oversee the overall operation of the Westchester County Technical Rescue Team.
- Develop and administer all-Hazard plans in which the services of firefighters may be utilized.
- Act as liaison between the fire service and other emergency services agencies.



Westchester County Fire Mutual Aid Plan

- Administer and oversee the Grasslands Fire Brigade.
- Assure the coordination of Fire Agencies during a County or state-declared emergency.

Succession of Authority

- For purposes of this Plan, the Commissioner, acting as Fire Coordinator, shall designate in writing the order in which the Deputy Commissioner or WCDES staff (including Mutual Aid Coordinators/Deputy Fire Coordinators) shall serve in his absence.

Vacancy In The Position Of Commissioner:

The Westchester County Executive shall designate an acting Commissioner to perform the duties of Commissioner until a permanent successor is appointed by the County Executive and approved by the Westchester County Legislature.



APPENDIX II

Westchester County Department of Emergency Services
Battalion Districts

Battalion 10

Coverage Area

Peekskill Fire Department
Buchanan Fire Department
Verplanck Fire Department
Montrose Fire Department
Franklin D. Roosevelt VA Hospital Fire
Department
Croton Fire Department

Battalion 11

Coverage Area

Hawthorne Fire Department
Thornwood Fire Department
Pleasantville Fire Department
Valhalla Fire Department
Grasslands Fire Department

Battalion 14

Coverage Area

Tarrytown Fire Department
Dobbs Ferry Fire Department
Irvington Fire Department
Hastings Fire Department
Ardsley Fire Department
Fairview Fire Department
Hartsdale Fire Department
Elmsford Fire Department

Battalion 16

Coverage Area

Mount Kisco Fire Department
Chappaqua Fire Department
Banksville Fire Department
Armonk Fire Department
Bedford Fire Department
Bedford Hills Fire Department
Katonah Fire Department

Battalion 12

Coverage Area

Ossining Fire Department
Briarcliff Fire Department
Archville Fire Department
Pocantico Hills Fire Department
Sleepy Hollow Fire Department

Battalion 13

Coverage Area

Somers Fire Department
Croton Falls Fire Department
South Salem Fire Department
Golden's Bridge Fire Department
Pound Ridge Fire Department
Vista Fire Department

Battalion 15

Coverage Area

Port Chester Fire Department
Rye Fire Department
Town of Mamaroneck Fire Department
Village of Mamaroneck Fire Department
Larchmont Fire Department
Harrison Fire Department

Battalion 17

Coverage Area

Continental Village Fire Department
Lake Mohegan Fire Department
Yorktown Fire Department
Millwood Fire Department



Westchester County Fire Mutual Aid Plan

Battalion 18

Coverage Area

Pelham Manor Fire Department
Pelham Fire Department
Greenville Fire Department
Yonkers Fire Department
Mt. Vernon Fire Department
New Rochelle Fire Department
Eastchester Fire Department

Battalion 19

Coverage Area

North White Plains Fire Department
White Plains Fire Department
Scarsdale Fire Department
West Harrison Fire Department
Purchase Fire Department
Westchester County Airport

Car 24 - C&O

(North Battalion)

Arson Zone 4
Arson Zone 5

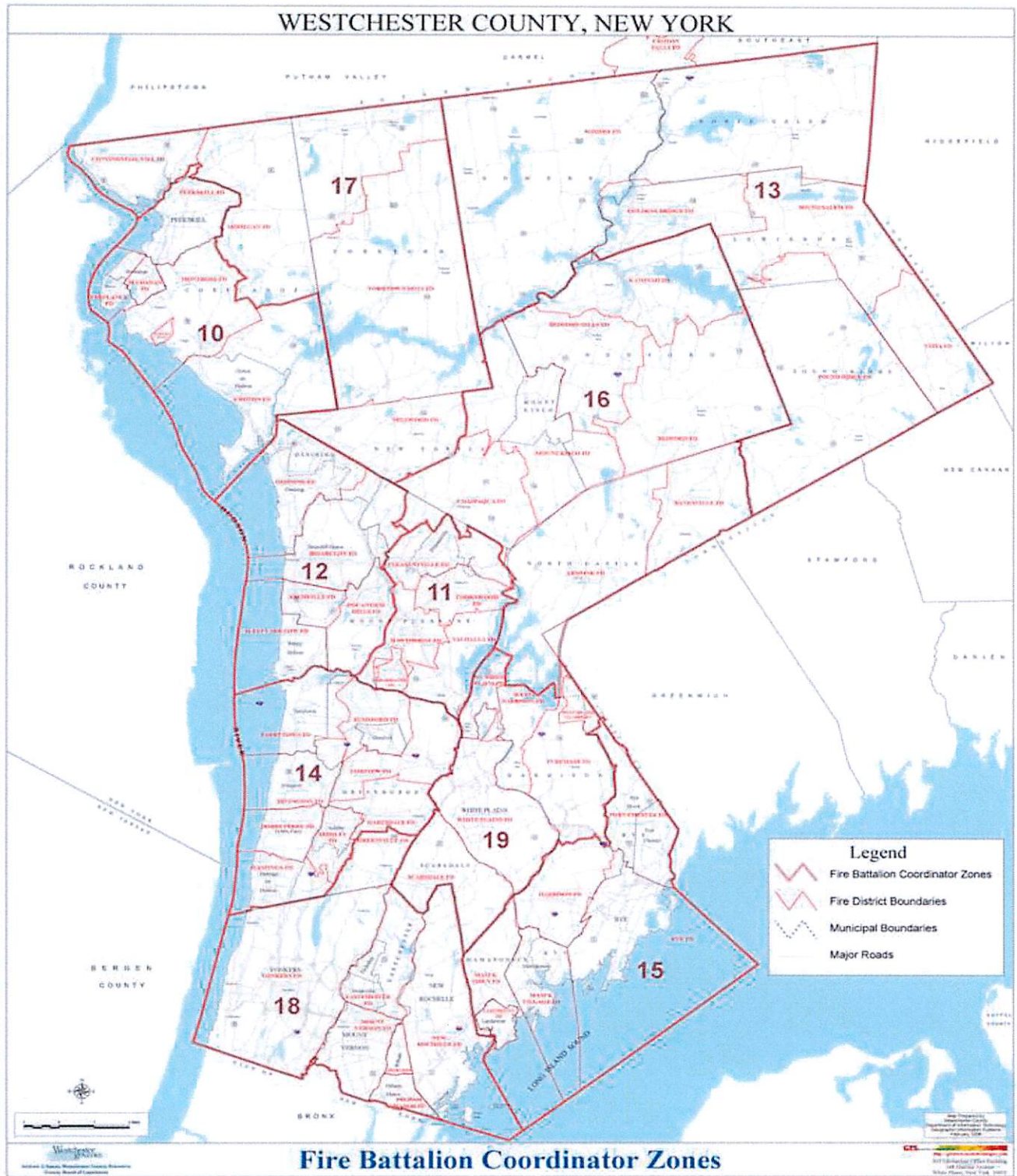
Car 25 - C&O

(South Battalion)

Arson Zone 1
Arson Zone 2
Arson Zone 3



Westchester County Fire Mutual Aid Plan





Appendix III

Communications

All Mutual Aid requests shall be managed by the WCDES Emergency Communications Center ("ECC" a/k/a "60 Control"). Requests can be placed via landline or radio. 60 Control shall dispatch "mutual aid" based on Computer Aided Dispatch (CAD) recommendations (programmed to reflect a department's mutual aid "run card") at the request of an Incident Commander or Mutual Aid Coordinator.

It shall be the responsibility of each fire agency to assure that 60 Control is supplied with the latest agency information pertaining to ladders, heavy rescue, FAST teams, etc.

To be compliant with NIMS requirements and to avoid confusion, all Mutual Aid radio communications shall utilize "Plain English", e.g., no 10-codes.

UHF Trunk Radio Communications

Responding Mutual Aid units and apparatus shall use the County's UHF trunk radio system to confirm response with 60 Control on the agency "home channel" assigned talk group. 60 Control will acknowledge the unit response and direct them to the talk group that incident communications are being conducted on. Responding equipment or apparatus shall contact the Incident Commander or designated officer for specific response information related to the incident (staging area, assignment, ground operations channel assignment, etc.).

On-Scene Communications

On-Scene communications shall be made through the on-scene Incident Commander (IC) or his designee, e.g., Operations Section, Communications Officer, Assistant Chief, Mutual Aid Coordinator, etc.

Scene communications shall be conducted utilizing the County eight (8) UHF, low power (short range) channels for ground operations. Each municipality has been assigned primary and secondary ground operation channels. Should additional channels be required to adequately manage incident scene communications, 60 Control will assign an available channel upon request of the IC. An Incident Commander may assign responding units to a specific channel or frequency for operations.



Westchester County Fire Mutual Aid Plan

UHF Ground Operations Channel Assignments

Department	Dept.	Fire 1	Fire 2	EMS 1	EMS 2	Avail.	Avail.	Avail.	Avail.
Yonkers	252	1	2	3	4	5	6	7	8
Port Chester/ Rye Brook	239/266	1	2	3	4	5	6	7	8
Irvington	220	1	2	3	4	5	6	7	8
Hawthorne	219	1	2	3	4	5	6	7	8
Bedford Hills	203	1	2	3	4	5	6	7	8
Somers	244	1	2	3	4	5	6	7	8
Mohegan Lake	226	1	2	3	4	5	6	7	8
Eastchester	210	2	3	4	5	6	7	8	1
Purchase	241	2	3	4	5	6	7	8	1
Dobbs Ferry	209	2	3	4	5	6	7	8	1
Armonk	202	2	3	4	5	6	7	8	1
Briarcliff Manor	205	2	3	4	5	6	7	8	1
Elmsford	211	2	3	4	5	6	7	8	1
Katonah	221	2	3	4	5	6	7	8	1
Verplanck	249	2	3	4	5	6	7	8	1
Pelham	235	3	4	5	6	7	8	1	2
Ardsey	201	3	4	5	6	7	8	1	2
Sleepy Hollow	231	3	4	5	6	7	8	1	2
Rye City	242	3	4	5	6	7	8	1	2
Ossining	233	3	4	5	6	7	8	1	2
Bedford Village	204	3	4	5	6	7	8	1	2
Croton on Hudson	208	3	4	5	6	7	8	1	2
Pelham Manor	236	4	5	6	7	8	1	2	3
Scarsdale	243	4	5	6	7	8	1	2	3
Pocantico Hills	238	4	5	6	7	8	1	2	3
Harrison	216	4	5	6	7	8	1	2	3
Millwood	225	4	5	6	7	8	1	2	3
Buchanan	255	4	5	6	7	8	1	2	3
South Salem	245	4	5	6	7	8	1	2	3
New Rochelle	230	5	6	7	8	1	2	3	4
Hastings on Hudson	218	5	6	7	8	1	2	3	4
North White Plains	232	5	6	7	8	1	2	3	4
Pleasantville	237	5	6	7	8	1	2	3	4
Banksville	258	5	6	7	8	1	2	3	4
Pound Ridge	240	5	6	7	8	1	2	3	4
Golden's Bridge	214	5	6	7	8	1	2	3	4
Franklin D. Roosevelt VA Hospital Fire Dept.	257	5	6	7	8	1	2	3	4
White Plains	251	6	7	8	1	2	3	4	5
Hartsdale	217	6	7	8	1	2	3	4	5
Tarrytown	246	6	7	8	1	2	3	4	5
Mamaroneck Town	223	6	7	8	1	2	3	4	5
Chappaqua	206	6	7	8	1	2	3	4	5
Croton Falls	207	6	7	8	1	2	3	4	5
Montrose	227	6	7	8	1	2	3	4	5
Greenville	215	7	8	1	2	3	4	5	6
Mount Vernon	229	7	8	1	2	3	4	5	6
Department	Dept.	Fire 1	Fire 2	EMS 1	EMS 2	Avail.	Avail.	Avail.	Avail.
Larchmont	222	7	8	1	2	3	4	5	6
Vista	256	7	8	1	2	3	4	5	6
Yorktown	253	7	8	1	2	3	4	5	6
Continental Village	213	7	8	1	2	3	4	5	6
Grasslands Brigade	254	7	8	1	2	3	4	5	6
Archville	263	7	8	1	2	3	4	5	6



Westchester County Fire Mutual Aid Plan

Department	Dept.	Fire 1	Fire 2	EMS 1	EMS 2	Avail.	Avail.	Avail.	Avail.
Fairview	212	8	1	2	3	4	5	6	7
West Harrison	250	8	1	2	3	4	5	6	7
Mamaroneck Village	224	8	1	2	3	4	5	6	7
Mt Kisco	228	8	1	2	3	4	5	6	7
Thornwood	247	8	1	2	3	4	5	6	7
Peekskill	234	8	1	2	3	4	5	6	7
Valhalla	248	8	1	2	3	4	5	6	7

F1	453.0375	PL100	F5	453.9625	PL100
F2	458.0375	PL100	F6	458.9625	PL100
F3	453.8875	PL100	F7	453.9875	PL100
F4	458.8875	PL100	F8	458.9875	PL100



Westchester County Fire Mutual Aid Plan

ZONE A-FIRE		ZONE B- EMS		ZONE C-Conventional		Zone D		ZONE E	
CH	TALK GROUP	CH	TALK GROUP	CH	TALK GROUP	CH		CH	
1	60-CONTROL	1	60-CONTROL	1	GRD OPS 1	1	U CALL 40	1	MED-A
2	60-FIRE 10	2	60-EMS-10	2	GRD OPS 2	2	U CALL 40D	2	MED-B
3	60-FIRE 11	3	60-EMS-11	3	GRD OPS 3	3	UTAC 41	3	MED-C
4	60-FIRE 12	4	60-EMS-12	4	GRD OPS 4	4	UTAC 41D	4	MED-D
5	60-FIRE 13	5	60-EMS-13	5	GRD OPS 5	5	UTAC 42	5	MED-1
6	60-FIRE 14	6	60-EMS-14	6	GRD OPS 6	6	UTAC 42D	6	MED-1D
7	60-FIRE 15	7	60-EMS-15	7	GRD OPS 7	7	UTAC 43	7	MED-2
8	60-FIRE 16	8	60-EMS-16	8	GRD OPS 8	8	UTAC 43D	8	MED-2D
9	60-FIRE 17	9	60-EMS-17			9	UTAC EMS	9	MED-3
10	60-FIRE 18	10	60-EMS-18			10	UTAC EMS-D	10	MED-3D
11	60-FIRE 19	11	60-EMS-19			11	UTAC 41 DIGI	11	MED-4
12	60-OPS1	12	60-OPS1			12	UTAC 42 DIGI	12	MED-4D
13	60-OPS2	13	60-OPS2			13	UTAC 43 DIGI	13	MED-5
14	60-OPS3	14	60-OPS3			14	UTAC EMS DIGI	14	MED-5D
15	60-OPS4	15	60-OPS4					15	MED-6
16	60-OPS5	16	60-OPS5					16	MED-6D
17	60-OPS6	17	60-OPS6					17	MED-7
18	60-OPS7	18	60-OPS7					18	MED-7D
19	60-OPS8	19	60-OPS8					19	MED-8
20	60-OPS9	20	60-OPS9					20	MED-8D
21	60-OPS10	21	60-OPS10					21	MED-9
22	TAC 1	22	TAC 1					22	MED-9D
23	TAC 2	23	TAC 2					23	MED-10
24	TAC 3	24	TAC 3					24	MED-10D
25	TAC 4	25	TAC 4					25	MED-12D
26	TAC 5	26	TAC 5					26	MED-22D
27	TAC 6	27	TAC 6					27	MED-32D
28	TAC 7	28	TAC 7					28	MED-42D
29	TAC 8	29	TAC 8					29	MED52D
30	TAC 9	30	TAC 9					30	MED-62D
31	TAC 10	31	TAC 10					31	MED-72D
		32	DOBBS FERRY					32	MED-82D
		33	HUDSON VALLEY					33	MED92D
		34	LAWRENCE					34	MED-102D
		35	MT VERNON						
		36	N WESTCHESTER						
		37	PHELPS						
		38	ST JOHNS						
		39	ST JOSEPHS						
		40	SOUND SHORE						
		41	WEST MED CNTR						
		42	WHITE PLAINS						



Westchester County Fire Mutual Aid Plan

APPENDIX V

WESTCHESTER COUNTY FIRE MUTUAL AID PLAN

Resolution by Municipality or Fire District Having Jurisdiction

_____ offered the following resolution and moved for its adoption:

RESOLVED, that _____ approves participation
(Agency Having Jurisdiction)
by the _____ in the
(Name of Fire Agency)

Westchester County Fire Mutual Aid Plan (“Plan”), as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency Services, that it shall comply with the provisions of the Plan; and be it further

RESOLVED, that there are no resolutions in effect that restrict outside service and training by the named Fire Agency; and be it further

RESOLVED that there are currently no limitations, conditions or restrictions on the Fire Agency from providing prompt assistance, and the Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and be it further

RESOLVED, that the named Fire Agency shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a “60 Control”; and be it further

RESOLVED, that the _____ hereby acknowledges and
(Agency Having Jurisdiction)
accepts it’s financial responsibility pursuant to applicable law; and be it further

RESOLVED, that a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services.



Westchester County Fire Mutual Aid Plan

RESOLUTION continued

M _____ seconded this resolution.

Voted: In Favor _____ Opposed _____ Abstained _____

(Date)

(Signed)

(Title)

Note:

Villages: Resolution to be adopted by the Board of Fire Commissioners; if any; if not, then by Local Law or ordinance of the Village Board.

Fire Districts: Resolution to be adopted by the Board of Fire Commissioners.

Towns: Resolution/Local Law/Ordinance to be adopted by the Town Board when fire department has their headquarters outside villages and/or Fire Districts are located in Fire Protection or Fire Alarm Districts.

Cities: Resolution to be adopted by the Board of Fire Commissioners; if any; if not, then by Local Law or ordinance of the City Board.



Westchester County Fire Mutual Aid Plan

APPENDIX IV

WESTCHESTER COUNTY FIRE MUTUAL AID PLAN

Resolution by State or Federal Agency

The _____ agrees to participate in the Westchester County Fire Mutual Aid Plan, as amended from time to time, and as allowed by Section _____ of the _____ Law (*indicate law authorizing such participation*). This named entity/institution will cooperate with the development and operation of plans for Mutual Aid in cases of fire or other emergencies and furnish aid to jurisdictions and geographical areas surrounding the facility as may be practical.

(Date)

(Authorized Signature)

(Title)



Westchester County Fire Mutual Aid Plan

Appendix VI- ICS Forms INCIDENT BRIEFING (ICS 201)

1. Incident Name:	2. Incident Number:	3. Date/Time Initiated: Date: _____ Time: _____
4. Map/Sketch (include sketch, showing the total area of operations, the incident site/area, impacted and threatened areas, overflight results, trajectories, impacted shorelines, or other graphics depicting situational status and resource assignment):		
5. Situation Summary and Health and Safety Briefing (for briefings or transfer of command): Recognize potential incident Health and Safety Hazards and develop necessary measures (remove hazard, provide personal protective equipment, warn people of the hazard) to protect responders from those hazards.		
6. Prepared by: Name: _____ Position/Title: _____ Signature: _____		
ICS 201, Page 1	Date/Time: _____	



Westchester County Fire Mutual Aid Plan

Incident Briefing (ICS 201)

1. Incident Name:	2. Incident Number:	3. Date/Time Initiated: Date: _____ Time: _____
-------------------	---------------------	--

9. Current Organization (fill in additional organization as appropriate):

```

graph TD
    IC[Incident Commander(s)] --- LO[Liaison Officer]
    IC --- SO[Safety Officer]
    IC --- PIO[Public Information Officer]
    IC --- PSC[Planning Section Chief]
    IC --- OSC[Operations Section Chief]
    IC --- FASC[Finance/Administration Section Chief]
    IC --- LSC[Logistics Section Chief]
  
```

6. Prepared by: Name: _____	Position/Title: _____	Signature: _____
ICS 201, Page 3	Date/Time: _____	



Westchester County Fire Mutual Aid Plan

INCIDENT BRIEFING (ICS 201)

1. Incident Name:	2. Incident Number:	3. Date/Time Initiated: Date: Time:
-------------------	---------------------	---

10. Resource Summary:					
Resource	Resource Identifier	Date/Time Ordered	ETA	Arrive <small>7</small>	Notes (location/assignment/status)
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	
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				<input type="checkbox"/>	
				<input type="checkbox"/>	
				<input type="checkbox"/>	

6. Prepared by: Name: _____ Position/Title: _____ Signature: _____

ICS 201, Page 4 Date/Time: _____



Westchester County Fire Mutual Aid Plan

INCIDENT OBJECTIVES (ICS 202)

1. Incident Name:	2. Operational Period: Date From: _____ Date To: _____ Time From: _____ Time To: _____
3. Objective(s):	
4. Operational Period Command Emphasis:	
General Situational Awareness	
5. Site Safety Plan Required? Yes <input type="checkbox"/> No <input type="checkbox"/> Approved Site Safety Plan(s) Located at: _____	
6. Incident Action Plan (the items checked below are included in this Incident Action Plan):	
<input type="checkbox"/> ICS 203 <input type="checkbox"/> ICS 207 <input type="checkbox"/> ICS 204 <input type="checkbox"/> ICS 208 <input type="checkbox"/> ICS 205 <input type="checkbox"/> Map/Chart <input type="checkbox"/> ICS 205A <input type="checkbox"/> Weather Forecast/Tides/Currents <input type="checkbox"/> ICS 206	Other Attachments: <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____ <input type="checkbox"/> _____
7. Prepared by: Name: _____ Position/Title: _____ Signature: _____	
8. Approved by Incident Commander: Name: _____ Signature: _____	
ICS 202	IAP Page _____ Date/Time: _____



Westchester County Fire Mutual Aid Plan

ORGANIZATION ASSIGNMENT LIST (ICS 203)

1. Incident Name:		2. Operational Period:		Date From:	Date To:
				Time From:	Time To:
3. Incident Commander(s) and Command Staff:			7. Operations Section:		
IC/UCs		Chief			
		Deputy			
Deputy		Staging Area			
Safety Officer		Branch			
Public Info. Officer		Branch Director			
Liaison Officer		Deputy			
4. Agency/Organization Representatives:			Division/Group		
Agency/Organization	Name	Division/Group			
		Division/Group			
		Division/Group			
		Division/Group			
		Branch			
		Branch Director			
		Deputy			
5. Planning Section:			Division/Group		
Chief		Division/Group			
Deputy		Division/Group			
Resources Unit		Division/Group			
Situation Unit		Division/Group			
Documentation Unit		Branch			
Demobilization Unit		Branch Director			
Technical Specialists		Deputy			
		Division/Group			
		Division/Group			
		Division/Group			
6. Logistics Section:			Division/Group		
Chief		Division/Group			
Deputy		Air Operations Branch			
Support Branch		Air Ops Branch Dir.			
Director					
Supply Unit					
Facilities Unit		8. Finance/Administration Section:			
Ground Support Unit		Chief			
Service Branch		Deputy			
Director		Time Unit			
Communications Unit		Procurement Unit			
Medical Unit		Comp/Claims Unit			
Food Unit		Cost Unit			
9. Prepared by: Name: _____ Position/Title: _____ Signature: _____					
ICS 203		IAP Page _____		Date/Time: _____	



Westchester County Fire Mutual Aid Plan

ASSIGNMENT LIST (ICS 204)

1. Incident Name: _____		2. Operational Period: Date From: _____ Date To: _____ Time From: _____ Time To: _____		3. Branch: _____ Division: _____ Group: _____ Staging Area: _____	
4. Operations Personnel: Name _____ Contact Number(s) _____					
Operations Section Chief: _____					
Branch Director: _____					
Division/Group Supervisor: _____					
5. Resources Assigned:		# of Persons	Contact (e.g., phone, pager, radio frequency, etc.)	Reporting Location, Special Equipment and Supplies, Remarks, Notes, Information	
Resource Identifier	Leader				
6. Work Assignments:					
7. Special Instructions:					
8. Communications (radio and/or phone contact numbers needed for this assignment):					
Name/Function _____		Primary Contact: indicate cell, pager, or radio			
(frequency/system/channel) _____					
/ _____					
/ _____					
/ _____					
/ _____					
9. Prepared by: Name: _____ Position/Title: _____ Signature: _____					
ICS 204	IAP Page _____	Date/Time: _____			

Incident Radio Communications Plan (ICS 205)

1. Incident Name:	2. Date/Time Prepared: Date: _____ Time: _____	3. Operational Period: Date From: _____ Date To: _____ Time From: _____ Time To: _____
--------------------------	---	---

4. Basic Radio Channel Use:										
Zone Grp.	Ch #	Function	Channel Name/Trunked Radio System Talkgroup	Assignment	RX Freq N or W	RX Tone/NAC	TX Freq N or W	TX Tone/NAC	Mode (A, D, or M)	Remarks

5. Special Instructions:

6. Prepared by (Communications Unit Leader): Name: _____	Signature: _____	Date/Time: _____
ICS 205	IAP Page _____	



Westchester County Fire Mutual Aid Plan

Medical Plan (ICS 206)

1. Incident Name:	2. Operational Period: Date From:		Date To:
	Time From:		Time To:

3. Medical Aid Stations:			
Name	Location	Contact Number(s)/Frequency	Paramedics on Site?
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No
			<input type="checkbox"/> Yes <input type="checkbox"/> No

4. Transportation (indicate air or ground):			
Ambulance Service	Location	Contact Number(s)/Frequency	Level of Service
			<input type="checkbox"/> ALS <input type="checkbox"/> BLS
			<input type="checkbox"/> ALS <input type="checkbox"/> BLS
			<input type="checkbox"/> ALS <input type="checkbox"/> BLS
			<input type="checkbox"/> ALS <input type="checkbox"/> BLS

5. Hospitals:							
Hospital Name	Address, Latitude & Longitude if Helipad	Contact Number(s)/Frequency	Travel Time		Trauma Center	Burn Center	Helipad
			Air	Ground			
					<input type="checkbox"/> Yes Level: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No
					<input type="checkbox"/> Yes Level: _____	<input type="checkbox"/> Yes <input type="checkbox"/> No	<input type="checkbox"/> Yes <input type="checkbox"/> No

6. Special Medical Emergency Procedures:
--

Check box if aviation assets are utilized for rescue. If assets are used, coordinate with Air Operations.

7. Prepared by (Medical Unit Leader): Name: _____ Signature: _____
--

8. Approved by (Safety Officer): Name: _____ Signature: _____

ICS 206	IAP Page _____	Date/Time: _____
---------	----------------	------------------

INCIDENT ORGANIZATION CHART (ICS 207)

1. Incident Name:	2. Operational Period: Date From: _____ Time From: _____	Date To: _____ Time To: _____
<div style="display: flex; justify-content: space-between;"> <div style="width: 45%;"> <h3>3. Organization Chart</h3> <pre> graph TD IC[Incident Commander(s)] --- LO[Liaison Officer] IC --- SO[Safety Officer] IC --- PIO[Public Information Officer] IC --- OSC[Operations Section Chief] IC --- PSC[Planning Section Chief] IC --- LSC[Logistics Section Chief] IC --- FASC[Finance/Admin Section Chief] OSC --- SAM[Staging Area Manager] OSC --- U1[] OSC --- U2[] OSC --- U3[] OSC --- U4[] PSC --- RUL[Resources Unit Ldr.] PSC --- SUL[Situation Unit Ldr.] PSC --- DUL[Documentation Unit Ldr.] PSC --- DUL2[Demobilization Unit Ldr.] PSC --- U5[] LSC --- SBD[Support Branch Dir.] LSC --- SLD[Supply Unit Ldr.] LSC --- FL[Facilities Unit Ldr.] LSC --- GSUL[Ground Spt. Unit Ldr.] LSC --- SBD2[Service Branch Dir.] LSC --- CUL[Comms Unit Ldr.] LSC --- MUL[Medical Unit Ldr.] LSC --- FUL[Food Unit Ldr.] FASC --- TUL[Time Unit Ldr.] FASC --- PUL[Procurement Unit Ldr.] FASC --- CCUL[Comp./Claims Unit Ldr.] FASC --- CUL2[Cost Unit Ldr.] FASC --- U6[] style U1 fill:none,stroke:none style U2 fill:none,stroke:none style U3 fill:none,stroke:none style U4 fill:none,stroke:none style U5 fill:none,stroke:none style U6 fill:none,stroke:none </pre> </div> </div>		
ICS 207	IAP Page ____	4. Prepared by: Name: _____ Position/Title: _____ Signature: _____ Date/Time: _____

Safety Message/Plan (ICS 208)

1. Incident Name:

2. Operational Period: Date From:
Time From:

Date To:
Time To:

3. Safety Message/Expanded Safety Message, Safety Plan, Site Safety Plan:

4. Site Safety Plan Required? Yes No
Approved Site Safety Plan(s) Located At:

5. Prepared by: Name: _____ Position/Title: _____ Signature: _____

ICS 208

IAP Page _____

Date/Time: _____



APPENDIX VII

DIVISIONS – BASIC ICS OPERATIONAL GUIDELINES

Divisions may be used to divide an incident into geographical areas of operation. Assigned Division Officers would be responsible for all operations within their Division's geographical area. Each Division Officer is responsible for the tactical deployment of the resources at his/her disposal and for communicating needs and progress to the IC. The IC determines strategic objectives and assigns available resources to the Divisions where they are most needed. When effective Divisions have been established, the IC can concentrate on overall strategy and resource allocation.

Safety of fire fighting personnel represents a major reason for establishing Divisions. Each Division Officer must maintain communication with assigned firefighters to control both their positions and function and must be constantly aware of the safety of their operations. Division Officers should work closely with the Safety Officers.

1. *COMMAND SHOULD BEGIN TO ASSIGN DIVISIONS BASED ON THE FOLLOWING FACTORS.*

- Any situation, which will eventually involve a number of areas, firefighters or functions beyond the capability of the IC to directly control.
- When mutual aid companies are requested.
- When firefighters are involved in dangerous or complex interior or exterior operations.
- When firefighters are operating from tactical positions over which the IC has little or no control.
- Any complex incident involving large numbers of personnel.
- Incidents covering large geographic areas.

2. *DIVISION GUIDELINES:*

It will be the ongoing responsibility of the Incident Commander to assign Divisions as required for effective control of the incident.



Westchester County Fire Mutual Aid Plan

Divisions assigned to specific geographic areas outside the building or incident will be designated by letter for the exterior of the building (*Division A, Division B, Division C, Division D, etc.*).

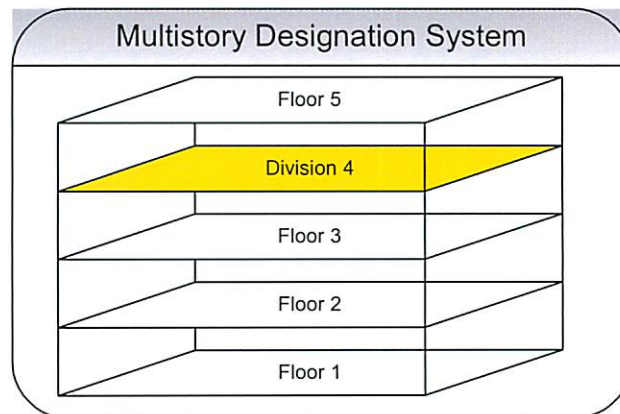


Other Division designations can be used as long as they are consistent with the ongoing operation.

In some cases landmarks may provide better designations for operating Divisions (*ROOF DIVISION, INTERIOR DIVISION, BASEMENT, etc.*).

DIVISIONS/SIDES can be used with irregular shaped structures. Each side or section will be named alphabetically starting with "A" on the address side of the structure.

In multi-story occupancies, Divisions will usually be indicated by floor numbers (*Second Floor will be Division 2; Fifth Floor will be Division 5, etc.*).





Westchester County Fire Mutual Aid Plan

Division Officers and the Command Post will use the Division designations in radio communication to avoid confusion. A Division Officer will receive an explanation of the overall strategy from the Incident Commander along with assigned resources. In some cases a Division Officer will be assigned to an area initially to evaluate and report on conditions and will advise the IC of needed tasks and resources. The assigned person will then proceed to the Division, evaluate conditions and assume overall responsibility for directing operations in that Division according to the overall plan as given to him/her by the IC.

The early establishment of Divisions provides an effective framework on which the operation can be built, eliminating or adding Divisions as the incident requires.

Division Officers will be responsible for and in control of all assigned functions within their Division. This requires each Division Officer to:

1. Monitor safety, accountability, and welfare of Division personnel.
2. Monitor work progress.
3. Redirect activities as necessary.
4. Coordinate with related activities.
5. Request additional resources as needed.
6. Provide status reports to the Incident Commander.

Each Division Officer will keep the Incident Commander and/or Operations Officer informed on the conditions in that Division through regular progress reports. The IC must be advised immediately of significant changes, particularly those involving ability or inability to complete the mission, hazardous conditions, accidents, collapse, etc. The IC allocates overall resources to Divisions and depends upon the Division Officer to advise on the resources required within their Divisions.

On a motion made by Trustee Epstein and seconded by Trustee Heiser, the following resolution was adopted.

RESOLUTION

**ADOPTING VILLAGE OF RYE BROOK'S
PARTICIPATION IN THE WESTCHESTER COUNTY
FIRE MUTUAL AID PLAN**

WHEREAS, the Village of Rye Brook (the "Village") desires to become a participant in the Westchester County Fire Mutual Aid Plan (the "Plan"); and

WHEREAS, to do so, the Village is required to adopt a Resolution approving its participation in the Plan, and file said Resolution with the Westchester County Commissioner of Emergency Services.

NOW, THEREFORE, BE IT RESOLVED, that subject to approval of the Plan by the Village of Port Chester who has a Fire Protection Agreement with the Village of Rye Brook, the Village of Rye Brook approves participation of its Fire Department in the Plan, as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency Services, that the Village shall comply with the provisions of the Plan; and

BE IT FURTHER RESOLVED, there are no resolutions in effect that restrict outside service and training by the Village's Fire Department; and

BE IT FURTHER RESOLVED, that there are currently no limitations, conditions or restrictions on the Village's Fire Department from providing prompt assistance, and the Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and

BE IT FURTHER RESOLVED, that the Village's Fire Department shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a "60 Control;" and

BE IT FURTHER RESOLVED, that the Village hereby acknowledges and accepts it's financial responsibility pursuant to applicable law; and

BE IT FURTHER RESOLVED, that following approval of the Plan by the Village of Port Chester who has a Fire Protection Agreement with the Village of Rye Brook, a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services approving participation of the Fire Department in the Plan

TRUSTEE EPSTEIN	AYE
TRUSTEE HEISER	AYE
TRUSTEE KLEIN	AYE
TRUSTEE REDNICK	AYE
MAYOR ROSENBERG	ABSENT

STATE OF NEW YORK
COUNTY OF WESTCHESTER
VILLAGE OF RYE BROOK } **SS:**

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on August 19, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 26th day of August, 2014.


Christopher J. Bradbury, Village Clerk

On a motion made by Trustee Heiser and seconded by Trustee Klein, the following resolution was adopted.

RESOLUTION

CONSIDERING THE AUTHORIZATION OF A MASTER EQUIPMENT EXCHANGE AGREEMENT WITH THE VILLAGE OF PORT CHESTER.

WHEREAS, the Village of Rye Brook and the Village of Port Chester (the "Villages") have a long history of sharing services to improve local government efficiency; and

WHEREAS, the Villages desire to gain additional efficiencies and increase the opportunities to share equipment on an individual bases when such needs arise by having in place an existing Inter-municipal Agreement (IMA) that would establish a Master Equipment Exchange Agreement which would allow the Port Chester Village Manager and the Rye Brook Village Administrator to share equipment without the need for a separate IMA each time the need for such shared equipment arises; and

WHEREAS, the purpose of this IMA would be provide opportunities for greater efficiencies of operations and potential cost savings by allowing the Villages to borrow equipment in a more timely manner while still providing the appropriate protections to both Villages as a result of the use of such shared equipment; and

WHEREAS, an IMA has been prepared by both Villages that accomplishes these goals.

NOW THEREFORE BE IT RESOLVED, that the Board of Trustees of the Village of Rye Brook hereby authorizes the Mayor to sign an Inter-municipal Agreement (IMA) that would establish a Master Equipment Exchange Agreement between the Village of Rye Brook and the Village of Port Chester for the purpose of sharing equipment to gain greater efficiencies and cost savings; and

BE IT FURTHER RESOLVED, that the Board of Trustees of the Village of Rye Brook hereby authorizes the Village Administrator to work with the Port Chester Village Manager to request or provide such equipment under the terms of the IMA.

TRUSTEE EPSTEIN	AYE
TRUSTEE HEISER	AYE
TRUSTEE KLEIN	AYE
TRUSTEE REDNICK	AYE
MAYOR ROSENBERG	ABSENT

STATE OF NEW YORK
COUNTY OF WESTCHESTER
VILLAGE OF RYE BROOK } **SS:**

I hereby certify that this is the Resolution adopted by the Board of Trustees of the Village of Rye Brook which was duly passed by said Board on August 19, 2014.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the Seal of the Village of Rye Brook, this 26th day of August, 2014.



Christopher J. Bradbury, Village Clerk



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 9/15/2014

Item Type: Resolution

Sponsor's Name: Christopher D. Steers, Village Manager

Description	Yes	No	Description	Yes	No
Fiscal Impact	x		Public Hearing Required		x
Funding Source: Mariner Proffer			BID #		x
			Strategic Plan Priority Area		
			Municipal Center		
Agreement	x		Manager Priorities		
Strategic Plan Related	x		N/A		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

Further retainer of National Development Council to provide technical assistance to the Village of Port Chester with regard to proposed municipal center development project.

Summary

Background:

Following the Board's workshop and public presentation by the National Development Council at the last meeting, this will allow the NDC to continue to provide the Village technical assistance that was discussed as necessary to determine the viability of the proposed Municipal Center Development Project.

NDC made an initial presentation to the Port Chester Industrial Development Agency at their last meeting.

The cost has been reduced from \$500,000 to \$439,000 which will be appropriated from the Mariner proffer.

Dan Marsh from NDC will be present at the meeting.

A representative of NDC will be present at the meeting to answer any questions.

That the Board of Trustees adopt the Resolution

Attachments

Agreement

RESOLUTION AUTHORIZING RETAINER OF NATIONAL DEVELOPMENT COUNCIL TO PROVIDE TECHNICAL ASSISTANCE TO THE VILLAGE OF PORT CHESTER WITH REGARD TO STUDIES AND INVESTIGATIONS RELATING TO PROPOSED MUNICIPAL CENTER DEVELOPMENT PROJECT

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, current deteriorated conditions at the Port Chester Police Headquarters/Justice Court at 350 North Main Street provided the impetus for the Board to take action in constructing a new facility; and

WHEREAS, JCJ Architecture, Hartford, Connecticut, was retained to undertake a needs analysis and potential alternative locations; and

WHEREAS, the preferred location identified for such facility consists of privately-held parcels in the block bounded by Irving Avenue and Poningo Street; and

WHEREAS, there are operational advantages in relocating Village offices, together with the Village's state legislative representatives, Town of Rye and Port Chester-Rye Brook Chamber of Commerce, from 222 Grace Church Street to such new facility as a Municipal Center Project ("Project"); and

WHEREAS, the opportunity is presented to broaden the focus of the proposed government center at this location so as to include additional properties and thereby incorporate new retail and commercial office space fronting on Westchester Avenue; and

WHEREAS, such alternative development plan would assure that the Project would accommodate municipal administrative needs and act as a vital catalyst for economic development throughout the Village; and

WHEREAS, in collaboration with the Board, the Village of Port Chester Industrial Development Agency retained the National Development Council, New York, New York, to provide consulting services with regard to economic development initiatives; and

WHEREAS, the Village identified the Project as a priority for the National Development Council which, if further studies and investigations determine to be viable, would result in a proposed public-private partnership with the NDC acting as developer; and

WHEREAS, following a public presentation to the Board, the National Development Council, in partnership with STV, Inc., submitted a proposal dated February 27, 2014 to undertake the following: (1) Start-Up and (2) a Facilities

Architectural and Operational Program with additional tasks to be determined based on project size and scope; and

WHEREAS, by resolution dated March 14, 2014, the Board authorized the Village Manager to enter into an agreement based on said proposal; and

WHEREAS, NDC has satisfactorily completed these tasks; and

WHEREAS, on September 8, 2014, the Board conducted a workshop with NDC to consider the next steps required so as to determine the viability of the Project; and

WHEREAS, NDC has since made a presentation to the Village of Port Chester Industrial Development Agency with regard to these efforts, including the potential future roles for the IDA and the recently-created Port Chester Local Development Corporation (LDC) in the Project with the NDC; and

WHEREAS, pursuant to and in accordance with a proposed Agreement (the "Agreement, a copy of which is presented before this meeting), the Board has determined to continue to proceed with a further retainer of NDC so as to undertake the following tasks:

- Site investigation
- Environmental Site Investigation
- Site Survey
- Site Geotech Investigation
- Architect ACMEP (Design)
- Constructability Review

NOW, THEREFORE, BE IT

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to execute and deliver the proposed Agreement (in substantially the form presented) with NDC working in partnership with STV, Inc. and Whiting-Turner, Inc. to provide additional preliminary architectural and other professional consulting services as set forth in it the agreement annexed hereto with regard to the Municipal Center Development Project, compensation to be a maximum total of \$439,000, such amounts to be disbursed in phases in accordance with the provisions of the Agreement, and be it further

RESOLVED, that the Village has identified the contemplated studies and investigations as a Type II action pursuant to Part 617.5(c)(18) the State Environmental Quality Review Act ("SEQRA") as information collection, pollution studies, engineering studies, surveys, subsurface investigations and soil studies that do not commit the Village to undertake, fund or approve any action; and therefore no SEQRA review is required, and be it further

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to use \$439,000 from the Mariner Proffer and modify the FY2013-14 General Fund Budget as follows:

Increase General Fund Budget:

Revenues:

1.1.1589	Use of Developers Fees	\$439,000
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Appropriations:

1.8020.400	Planning Contractual	\$439,000
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Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

AGREEMENT

This Agreement is made and entered into as of the day of September, 2014, by and between the **VILLAGE OF PORT CHESTER** a municipal corporation whose address is 222 Grace Church Road, Port Chester, New York 10573 (hereinafter referred to as the "Village") and **NATIONAL DEVELOPMENT COUNCIL** (hereinafter referred to as "NDC" or the "Contractor"), a New York non-profit corporation, which is a tax-exempt organization under Section 501(c)(3) of the Internal Revenue Code , whose address is 708 Third Avenue, Suite 710, New York, New York 10017,

WITNESSETH:

WHEREAS, the Village of Port Chester is interested in further study related to the development of a Municipal Center as part of its ongoing economic development program;

WHEREAS, such development would relocate the Village's police department and administrative offices, construct a tiered municipal parking facility that may include potential office and retail use as a catalyst to economic development; and

WHEREAS, the National Development Council is willing to provide, on such terms and conditions as are hereinafter provided, technical assistance to the Village utilizing its expertise in community, economic and housing development activities.

NOW THEREFORE, in consideration of the mutual promises and covenants contained herein, the parties agree as follows:

1. SCOPE OF SERVICES

The purpose of this Agreement is to set forth the terms upon which the National Development Council ("NDC") will provide the Village with the consulting services ("Services") described in a written proposal dated February 27, 2014 ("Proposal") annexed and hereto as Exhibit A.

It is expressly understood that NDC is initially engaged to provide the Services to support the Village's "due diligence" efforts in the development of the Municipal Center Project ("Project").

In this regard, NDC will further its existing strategic partnership with STV, Inc. a leading professional firm offering engineering, architectural, planning, environmental and construction management services and, in addition, that of Whiting-Turner, Inc. a leading construction management firm. The Village acknowledges the retainer of STV Inc. and

Whiting-Turner in the provision of these Services and the essential role that it will play. Notwithstanding the foregoing, NDC will retain control, oversight and direction over the performance of these subcontracted services. A copy of the AIA Contract between NDC and STV and the contract for pre-construction estimating services between NDC and Whiting-Turner is annexed hereto as Exhibit B and Exhibit C respectively.

As reflected in the NDC’s current agreement with the Village of Port Chester Industrial Development Agency, the Village recognizes the “value-added” in retaining NDC for the Project. Aside from technical assistance, at the request of the Village, and in furtherance of NDC’s Housing and Economic Development Corporation’s (HEDC) charitable public purpose, NDC agrees that the proposed Municipal Center is the kind of village-sponsored development project that is appropriate for HEDC to undertake in the capacity of developer. This would require the active participation of the Village, and would only be undertaken if HEDC’s Board of Directors determines that the development of the project is financially feasible, “lessens the burden of government”, and meets HEDC’s “charitable public purpose.” HEDC’s activities would be undertaken as a separate program activity with fees for services rendered separately determined. Development fees to the greatest extent possible will be included in the project’s capital budget, and financed as part of the Project.

It is understood that NDC, will direct and undertake certain design and planning-related activities as encapsulated as Task Three, which will consist of the following activities:

The Municipal Building Feasibility Study Task Three budget will be comprised of the following activities and costs associated with each element of the study:

- Activity #1 Site Investigation – Phase I.....\$11,000
 - Federal, state & local records review of environmental database
 - Evaluation of adjacent parcels and historical usage
 - Preparation of written report on site investigation
 - Phase I ESA report according ASTM-1527 Standard
 - Identify any environmental concerns for Phase 2 review
- Activity #2 Environmental Site Investigation – Phase II\$35,000
 - Geophysical investigation of underground concerns
 - Soil sampling, groundwater testing
 - Order of Magnitude Projections
 - Local subsurface soils sampling & testing
- Activity #3 Site Survey.....\$14,000
 - Boundary/Topographic Site Parcels
 - Structure/Improvements Review
 - Utility Mapping
 - NYS Board for Engineering & Land Surveying Report

Activity #4 Site Geotech Investigation	\$69,000
<ul style="list-style-type: none"> • Drilling of Borehole for subsurface analysis • Perform Field Permeability testing in borehole • Sieve analysis • Organic Content ASTM Method C Review • Dry Unit Weight Rock Cores • Modeling of subsurface 	
Activity #5 Architect ACMEP (design).....	\$235,000
<ul style="list-style-type: none"> • Abatement plan – allowance for demolition plan • Foundations footing sizes, depths and layout with standard details • Steel framing plan and column scale – including member sizes; including force protection at police station; • Skin/Glazing schedule elevations • Drywall and Carpentry – partition layouts • Elevator size capacity, general type • MEP/ HVAC design, general type • Architectural drawings using REVIT • Site Plan • Roof Plan – drainage, minimum insulation thickness; system type; • Floor Plan- layouts, general type; finish schedule; • Elevations – street level & floors • Typical Overhead Section (2-3) • Finish Schedule REVIT standard 	
Activity #6 Constructability Review.....	\$75,000
<ul style="list-style-type: none"> • Identification of building materials & pricing • Costing of steel quotes; • Site prep work estimate • Foundation pricing • Labor hours schedule • Subcontractor pricing schedules • Finish Schedule by general type • Construction period schedule & 12 month pricing 	

=====
Total Cost of Analysis: \$439,000

The analysis conducted as part of the Work Scope described above will permit NDC to determine project cost and site feasibility, which will serve to provide the Village with a reasonable analysis of the undertaking involved in the review. It is understood by the parties hereto that the study and investigations to be performed by NDC shall be limited to those properties upon and within which the Village has ownership, control and or consent

to access by applicable property owners. NDC shall be responsible for securing all other access permissions as necessary to complete the contemplated activities. Notwithstanding the foregoing, the Village Manager shall facilitate access to portions of the proposed project site under Village ownership or control, and will work cooperatively with NDC to secure rights of entry agreement under such terms and conditions as may be mutually deemed appropriate with other landowners. The parties agree to consider alternative means of study to determine viability should entry be denied.

The person in charge of administering this Agreement on behalf of the Village shall be the Village Manager or his designee.

The person responsible for the services to be rendered on behalf of NDC shall be Michael Cucchiara, Director, National Development Council. In addition, Daniel Marsh, Senior Director, and Robert Sweet, Director, or any other qualified person as is designated in writing by NDC and accepted by the Village, shall provide services in support of Mr. Cucchiara.

2. TERM

Unless terminated as provided hereinafter, the term of this agreement shall commence from the date first above written and expire upon satisfactory completion of the Services.

3. TIME FOR COMPLETION OF SERVICES; DELIVERABLES

NDC shall complete the Services according to the following schedule:

Activities #1 through #4 shall be completed within ninety (90) days from the execution of this Agreement. NDC shall provide the Village Manager with regular reports on the progress of these Activities. If in the course of undertaking these Activities, NDC discovers that the designated site is found to be unsuitable due to environmental or physical conditions existing thereon, NDC will immediately notify the Village Manager of the existence and extent of same. Once so notified, the Village may, in its discretion, elect to have NDC suspend further services under this Agreement until an alternative location for the Project is identified or to terminate this Agreement under the provisions stated hereinafter with no recourse beyond payment for services satisfactorily performed to such date of notice. In the event that Activities #1 through #4 yield promising results in terms of site suitability such as to warrant further services, NDC will notify the Village Manager, and upon written authorization, NDC shall initiate Activities #5 and Activity #6 and complete same within One Hundred and Twenty Days (120) days. The overall program will be completed by March 1, 2015, assuming a start no later than October 1, 2014.

NDC shall attend all meetings of the Village Board of Trustees and Village of Port Chester Industrial Development Agency as required and will make a presentation of its findings before both bodies.

4. COMPENSATION

The Village shall compensate NDC for performance of the Services by payment of a maximum potential total fee of \$439,000.00 to be payable as follows:

\$11,000 upon the satisfactory completion of Activity #1,
\$35,000 upon the satisfactory completion of Activity #2,
\$14,000 upon the satisfactory completion of Activity #3,
\$69,000 upon the satisfactory completion of Activity #4.
\$235,000 upon the satisfactory completion of Activity #5
\$75,000 upon the satisfactory completion of Activity #6

The foregoing payments shall be paid to NDC within thirty (30) days following the satisfactory completion of each such Activity.

The above fees shall include all of NDC's time, overhead, travel expenses, supplies, reproduction, postage, telephone, and other out of pocket items, as well as any subcontracted expense.

5. INDEPENDENT CONTRACTOR RELATIONSHIP

NDC is responsible for providing the Services as an independent contractor. The Village has no control or direction over the means and manner in which the Services are undertaken. Nothing contained herein shall be interpreted as creating a relationship of servant, employee, partnership, or agency between the Village and the NDC.

6. OWNERSHIP OF WORK PRODUCT

All reports and other materials prepared by NDC for the Village shall be the property of the Village. Work papers and other source materials shall be the property of the NDC. NDC shall deliver such materials to the Village in accordance with the terms and conditions of this Agreement or as requested by the Village. The Village shall not, without NDC's prior written consent, associate NDC's name with the report or product, in the event that a subsequent material change or otherwise, is made in such report or product after submission and receipt by the Village. NDC shall provide the Village with all contracts and agreements with STV Inc. and Whiting-Turner, which shall contain indemnifications in favor of the Village consistent

with those contained herein and in all events in such form as approved by the Village through the Village Manager.

7. CONFIDENTIALITY

NDC shall keep confidential all reports, information and data given to, prepared or assembled by NDC pursuant to NDC's performance of this Agreement which designates as confidential. Such information shall not be made available to any person, firm, corporation or entity without first obtaining the prior written consent of the Village.

No news release, including photographs, public announcements or confirmation of same, or any part of the subject matter of this Agreement shall be made without prior written approval of the Village

8. INSURANCE

NDC and its subcontractor(s) shall secure and maintain, at its/their own expense, general liability insurance to the Village with coverage in the minimum amount of \$1 million/2 million dollars (\$1,000,000/\$2,000,000). The Village, its officers and employees and volunteers shall be included as an additional named insured. Such insurance shall be primary and non-contributory. NDC shall be responsible for any deductibles or amount of retention. Workers compensation and employer liability insurance shall also be secured and maintained in compliance with statutory requirements. Professional liability insurance in the amount of \$2 million (\$2,000,000) shall also be obtained. NDC shall provide evidence of such insurances by providing the Village certificates of insurance and policies for review and approval by the Village Attorney. Such certificates shall bear the names of insurance carriers which are rated A.M. Best A- or better.

9. INDEMNIFICATION

NDC and its subcontractor(s) shall, to the fullest extent permitted by law, defend, indemnify and hold harmless the Village its officers, employees and volunteers, from any and all claims, suits, actions, proceedings, and other cost and expense for negligence and/or wrongful conduct arising out of the performance of this Agreement.

10. CONFLICTS OF INTEREST

No board member, officer or employee of the Village, its designees or agents, and no other public official who exercises any functions or responsibilities with respect to any requested technical assistance, shall be permitted to financially benefit from this Agreement or have

any interest, direct or indirect, in any contract or subcontract, or the proceeds thereof, for work to be performed in connection with this Agreement.

11. NOTICES

All notices shall be sent by certified mail, hand-delivery or overnight mail and in all events with a written acknowledgment of receipt to the address set forth at the beginning of this Agreement.

Each party shall notify the other in the event that notices shall be sent to a different location.

12. COMPLIANCE

NDC agrees to comply with all applicable federal, state and local laws in the performance of the Services hereunder.

NDC shall comply with the provisions of the Village's Anti-Discrimination and Harassment Policy, copy which is annexed hereto.

13. RIGHT TO AUDIT

NDC shall establish and maintain appropriate procedures which will assure the proper accounting of funds paid to it under this Agreement. The Village or any of its duly authorized representative shall have access all records of NDC and/or its subcontractors which are related to the performance of this Agreement for the purpose of making an audit, an examination, excerpts and transcriptions. All such books and records shall be retained for at least three years from the last payment by the Village or the applicable record retention period required under state law whichever is longer.

14. TERMINATION

The Village may terminate this Agreement with or without cause upon fifteen (15) days' written notice following completion of any Activity outlined herein.

15. ASSIGNMENT

Neither this Agreement nor any rights, duties or obligations described herein may be assigned by either party without the prior express written consent of such other party.

Further NDC will not hire any subcontractors without the prior written approval of the Village, except as set forth herein.

16. GOVERNING LAW

This Agreement shall be construed, interpreted and the rights of the parties determined, in accordance with the laws of the State of New York. Venue shall be in Westchester County.

17. SEVERABILITY

A determination that any part of this Agreement is invalid shall not invalidate or impair the force of the remainder of this Agreement.

18. DISPUTE RESOLUTION

Any disputes between the parties shall be adjudicated in a court of law.

19. DISCLAIMER

The Village has retained NDC for the purposes set forth in this Agreement and the parties acknowledge and agree that their respective rights and obligations are contractual in nature. Each party disclaims an intention to impose fiduciary agency rights or obligations on the other by virtue of the engagement hereunder.

20. ENTIRE AGREEMENT

This Agreement contains the final agreement between the parties regarding the matters covered and supersedes any and all other agreement, either oral in writing, regarding the matters contained herein. Any amendment to this Agreement shall be in writing and signed by the parties.

IN WITNESS WHEREOF, the parties have caused this Agreement to be executed as of the day and year first written above.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

VILLAGE OF PORT CHESTER

By: Christopher D. Steers, Village Manager

NATIONAL DEVELOPMENT COUNCIL

By: Robert W. Davenport, President

Exhibit A:

NDC Scope of Preliminary Services Proposal



Professional Services Agreement

This Agreement (hereinafter referred to as the “Agreement”), is made by and between the National Development Council, a d/b/a of the National Council for Community Development, Inc., whose address is 708 Third Avenue Suite 710 New York, NY 10017, and STV Incorporated whose address is 225 Park Avenue South, New York, NY 10003.

WHEREAS, the National Development Council (“NDC”) and STV Incorporated (“STV”) have come together to collaborate in furtherance of the development of public facilities in the Village of Port Chester, New York (the “Village”); and

WHEREAS, NDC has a consulting contract to provide economic development and financial advisory services to the Village of Port Chester and in that capacity has been requested to advise the Village on the financial feasibility for a new municipal center to consolidate Village functions; and

WHEREAS, STV is nationally recognized architectural, engineering, and construction management firm with over 100 years of providing superior services on behalf of public and private sector clients; and

WHEREAS, NDC requires the assistance of a world class architectural and engineering firm in order to more fully evaluate the design and construction costs associated with the developing a municipal center for the Village; and

WHEREAS, the NDC and STV both recognize the mutual benefit of collaborating on the preliminary analysis of a municipal center for the Village; and

WHEREAS, the partners herein desire to enter into this Agreement setting forth the services to be provided and any responsibilities that might arise in connection with this collaboration.

NOW, THEREFORE, it is hereby agreed by and between the partners as follows:

STV will provide the services listed in “STV Start-Up Scope of Work” attached hereto as “Exhibit A” on behalf of NDC in connection with NDC’s financial feasibility analysis of the Port Chester Village municipal building:

- **Task 1: Start-up Phase:** STV will develop based upon input provided by NDC and the Board of Trustees, the following items:
 - (1) Conceptual cost estimate schematics based upon a preliminary design scheme from January 17, 2014,
 - (2) Development of blocking and costs studies for three alternative development strategies, and
 - (3) Convene at least three meetings with the Port Chester Municipal Building Exploratory Steering Committee.
- **Task 2: Architectural and Operational Program & Investigation:** STV will undertake a four component study to be comprised of
 - (1) Architectural Investigation and Operational Program,
 - (2) Site Investigation,
 - (3) Hazardous Materials Investigation Recommendations, and
 - (4) Geotechnical Investigation strategy.

New York Office
708 Third Avenue, Suite 710
New York, NY 10017
TEL (212) 682-1106
FAX (212) 573-6118

- (1) Architectural Investigation and Operational Program will involve the development of a detailed architectural and operational program which will involve detailed interviews with users and stakeholders, observation of current operations and systems, documentation of major equipment or furnishings to be re-used, development of program narrative, and development of tabular program of requirements.
- (2) Site Investigation will involve a visual observation of the site area, photographic documentation, documentation of surrounding structural context, preliminary utilities investigation, and analysis of site survey based upon assessment records.
- (3) Hazardous Materials Investigation Recommendations will involve the development of recommendations for hazardous materials testing and investigation, including the preparation of a scope of work for the detailed investigation.
- (4) Geotechnical Investigation will result in the development of recommendations and a scope of work for further geotechnical analysis should the project proceed beyond the initial preliminary analysis stage as contemplated by Task 1 and Task 2.

COMPENSATION AND PAYMENT:

NDC will compensate STV with compensation in a timely manner which in the aggregate shall not exceed forty-thousand dollars (\$40,000.00) for services performed in connection with the Task 1 and Task 2 detailed above. Any payment of compensation by NDC to STV made in connection with this Memorandum of Understanding is contingent upon the payment by the Village of Port Chester of forty-thousand dollars (\$40,000.00) for services rendered by NDC in connection with the Agreement dated March 28, 2014 between NDC and the Village of Port Chester attached hereto as "Exhibit B."

SCHEDULE:

Both NDC and STV acknowledge that performance of the above activities shall occur the timeframe contemplated on page 4 of Exhibit B.

Additionally, NDC and STV hereby agree that in the event that the Village of Port Chester endorses the proposed municipal building conceptual plan and requests that NDC proceed with Task 3 through Task 5 as detailed in Exhibit A, that the Parties will enter into a subsequent Amendment or other Agreement that upon mutually agreeable negotiation and execution will supersede this Agreement in form and effect.

LIMITATION OF LIABILITY:

Notwithstanding any other provisions of this Agreement, and to the fullest extent permitted by law, neither Party shall be liable to the other for any incidental, special, indirect or other consequential damages incurred due to the fault of the other Party, regardless of the nature of the fault or whether it was committed by the NDC or STV, or their employees or subcontractors.

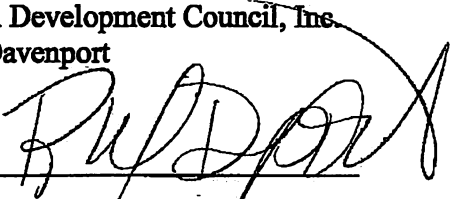
NDC hereby agrees that, to the fullest extent permitted by law, STV's total liability to NDC and any persons or entities claiming by, through or under NDC, for any and all injuries, claims, losses, expenses, or damages whatsoever arising out of or in any way related to the project, the services, or this Agreement from any cause or causes including, without limitation, STV's negligence, errors, omissions, strict liability, statutory liability, indemnity obligation, breach of contract or breach of warranty shall not exceed Fifty Thousand & 00/100 Dollars (\$50,000.00) or STV's fee hereunder, whichever shall be greater.

STV will perform its obligations in a manner consistent with that level of skill and care exercised by members of the same field currently practicing under similar conditions and circumstances at the time such services are rendered (the "Standard of Care"). Estimates of cost, approvals, recommendations, opinions and decisions by STV are made on the basis of STV's experience, qualifications and professional judgment and are not to be construed as warranties or guarantees.

All documents, study, reports including without limitation all drawings and specifications (whether in hard or electronic format) prepared by STV pursuant to this Agreement are instruments of service with respect to the Project. Such documents are not intended or represented to be suitable for reuse by the NDC or others on extensions of the Project or on any other project. Any reuse by NDC or a third person or entity authorized by NDC without written verification or adaptation by STV for the specific purpose intended will be at the NDC's sole risk and without liability or legal exposure to STV

We, the Parties hereto have made and executed this Agreement the day and year last written below. STV's receipt of a signed copy of this Agreement constitutes its Notice to Proceed with the services as set forth in Task 1.

For: National Development Council, Inc.
By: Robert Davenport

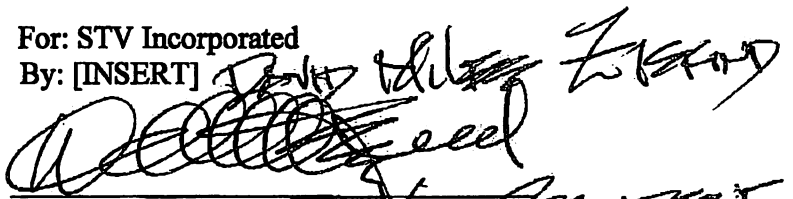


Its: President

Date:

3/28/14

For: STV Incorporated
By: [INSERT]



Its: [INSERT TITLE]

Date:

3/31/14

Exhibit B:

NDC-STV Memorandum of Understanding



MEMORANDUM OF UNDERSTANDING

DRAFT - September 14, 2014

This Memorandum of Understanding is between National Development Council (NDC), a d/b/a of the National Council for Community Development, Inc., whose address is 708 Third Avenue, Suite 710, New York, NY 10017 and STV Incorporated (STV) whose address is 225 Park Avenue South, New York, NY 10003

WHEREAS NDC and STV previously entered into a Professional Agreement executed March 31, 2014 for STV to provide professional services to NDC for a "Start-up Scope of Work" for a New Municipal Building for the Village of Port Chester, New York (The Project).

WHEREAS NDC and STV have worked mutually to advance the Project having completed the Start-up Scope of Work.

WHEREAS NDC and STV both recognize the mutual benefit of continued collaboration on the project.

WHEREAS NDC has entered into a collaboration with Whiting-Turner Contracting Company as the future Builder.

WHEREAS the Village of Port Chester seeks to advance The Project to develop a more comprehensive understanding of the proposed site and develop a more detailed probable project cost.

WHEREAS NDC and STV desire to enter into a Modification of the Professional Agreement (Modification One) to incorporate additional scope and services to advance the project.



NOW, THEREFORE it is agreed between the partners that:

- Terms and conditions of the original agreement remain effective
- Scope: STV will provide additional services as listed below in the Modification One Scope of Services (See Exhibit A – Scope of Services)
- Compensation and Payment: NDC will compensate STV for the services in the additional scope in the amount of \$385,000.00 (See Exhibit B – Fee Schedule)

For the National Development Council
By:

For STV Incorporated
By: David Miles Ziskind

Its:

Its: Senior Vice President

Date:

Date:

Exhibit A

Modification One – Scope of Services

Architectural and Engineering Services - General

STV will provide architectural and engineering services to advance the design based on the Program of Requirements developed in the previous scope and site investigation data as included as part of this scope. Deliverables will be in the form of plans, drawings, sketches and narratives to support the cost estimating efforts of the builder to develop the project cost.

The purpose of the effort is to provide design data to aid the Builder in developing a project cost range. STV will actively engage with the builder in the selection of systems, materials, and means-and-methods to aid the builder in developing a cost range.

Architectural Design

STV will advance the design using BIM Revit. Documents will include:

- Site plan with hardscape and landscape areas, locations of parking, fencing, site art, location for street improvements
- Floor Plans for all floors and basement showing: locations of departments, primary elements, building core, main circulation, stair cores, elevator cores, restroom cores, commercial lease space, office lease space
- Exterior Elevations showing: locations of exterior materials, doors, windows, major signage
- Building Sections (2-3) through the entire building showing exterior and interior volumes and massing.
- Roof - Plan with general drainage, system type and proposed manufacturer/model, manufacturer's data and manufactures typical installation details
- Partial plans, or sketches, or narrative information for:
 - Skin/Glazing - Elevations, selection of general material types, manufacturer's data for typical installation details
 - Definition of typical interior wall types
 - Locations of major fire rated assemblies
 - Reflected ceiling plans showing materials.
 - Finish Schedule – by general type, identify specialty finishes (e.g. lobby floor, courtroom)
 - Elevator locations and type
 - Specialties – general description for force protection, location of detention specialties, identification of special systems (e.g. AV in courtroom)

Structural Design

Based on the architectural design and the survey and geotechnical data STV will advance the structural design for the purpose of developing project cost. STV will collaborate with the Builder in the selection of major systems and mean-and-methods. STV will provide narrative and sketches for:

- Foundations - Footing sizes, depths and layout with standard details and notes
- Steel - Framing plan & column schedule with member sizes, standard details and notes.

Mechanical, Electrical, Plumbing and Fire Protection Design

STV will develop MEP designs using one-line line diagrams, schedules and specifications. STV will collaborate with the Builder in the selection of major systems and mean-and-methods. Provide narrative and sketches for:

- Lighting – general fixture types, standard lighting requirements specialty fixture locations (e.g. courtroom, lobby)
- Mechanical – basic system narrative, identification of major equipment, one-line diagram
- Electrical –extent of emergency power distribution, identification of major equipment

Geotechnical Investigation and Design

STV will coordinate the geotechnical investigation including the procurement of outside consultants for drilling and laboratory testing. Services include:

- Collect & review available local geology & subsurface data
- Conduct field site reconnaissance
- Design, solicit, and administer subsurface exploration program
- Provide full-time on-site drilling and sampling inspection
- Prepare final typed logs
- Coordinate site development design with civil and structural leads
- Perform geotechnical foundation analyses
- Prepare Project Geotechnical Report

Environmental Assessment

Phase I Environmental Site Assessment (ESA)

STV will develop the most up-to-date information on the site history and past waste management practices to perform a Phase I Environmental Site Assessments (ESA) in accordance with the latest American Society for Testing and Materials (ASTM) Standard Practices (ASTM E-1527) for the Port Chester Municipal Building site.

Phase I ESA work plan will include the following tasks:

- Thorough database search to identify federal, state, and local environmental records regarding the waste management practices at the property, as well as adjacent properties
- Collection and evaluation of Sanborn maps, aerial photographs, topographic mapping, and site geology and hydrology data
- Complete site walk with attention to obvious sources of past or present contamination (i.e., recognized environmental conditions, including depressions, stained or stressed vegetation, etc.)
- Interviews with current and past owners and occupants as well as local government officials, as appropriate. We will not conduct interviews without prior approval of the Client's project manager
- Evaluation of adjacent land use patterns and practices
- Preparation of a written report detailing methodologies, findings, conclusions, and recommendations regarding potential future site investigations

STV's Phase I ESA report will clearly and concisely identify whether the potential exists for the presence of "recognized environmental conditions" within the subject site as defined in the ASTM-1527 Standard. Additionally, consistent with the ASTM-1527 Standard, no sampling of any media is included in the scope of work. However, understanding that on-going planning will require early evaluation of environmental risk in developing the site, the report will provide order-of-magnitude cost projections based on assumptions developed from the Phase I ESA findings. The report will also include recommendations for sampling/testing under a separate Phase II Environmental Site Investigation (ESI) if warranted that would allow cost projections to be further defined.

Phase II Environmental Site Investigation (ESI) will be recommended if warranted based on the Phase I ESA findings. The scope of the Phase II ESI will be developed based on the findings of the Phase I ESA, but typically involve geophysical investigations to investigate underground concerns (i.e. buried tanks, etc.) the installation of soil borings and sampling of soil, groundwater and soil vapor based on site-specific conditions and concerns.

The Phase II ESI report will include summaries of the laboratory results compared to NYS standards and guidance and further refinement of order-of-magnitude cost projections to address any environmental concerns.

Surveying Services

STV will solicit and administer the services of a licensed surveyor to conduct field surveying.

The surveyor will perform a Boundary/Topographic survey and prepare mapping in AutoCAD. The mapping shall show all known property line and easement information and all visible improvements, roadways, structures, etc. with a 1-ft contour interval, and spot elevations on all flat surfaces and improvements, including rims and inverts on all



sanitary and drainage structures. Spot elevations shall be to the nearest 0.01-ft on hard surfaces and 0.1-ft on soft surfaces spaced no more than 50-ft apart. The limits of survey will include all proposed project lots plus streets abutting those lots to the opposite curb line and 50 feet into all abutting street intersections. Not included: Property corner staking, title searches.



Exhibit B Modification One – Fee Schedule

STV – Architectural, Structural, Mechanical, Electrical, Plumbing	\$235,000.00
STV Environmental – Phase 1	\$11,000.00
STV Environmental – Phase 2	\$35,000.00
<u>STV Geotechnical (including drilling and testing)</u>	<u>\$69,000.00</u>
Total STV	\$350,000.00
<u>Sub-consultant Surveyor</u>	<u>\$14,000.00</u>
Total this Agreement	\$364,000.00

Exhibit C

NDC-Whiting Turner Memorandum of Understanding

AGREEMENT BETWEEN OWNER AND CONSTRUCTION MANAGER FOR
PRE-CONSTRUCTION SERVICES

OWNER: The National Development Council

CONSTRUCTION MANAGER: The Whiting-Turner Contracting Company

PROJECT: Port Chester Municipal Complex

**OWNER/CONSTRUCTION MANAGER AGREEMENT FOR
PRE-CONSTRUCTION SERVICES**

This AGREEMENT made as of ____ day of _____, by and between **The National Development Council** (“Owner”), a New York Nonprofit Corporation having its principal place of business at **708 Third Ave., Suite 710 New York, NY 10017** and The Whiting-Turner Construction Company, a Maryland Corporation having a place of business at **707 Westchester Ave, Suite 101 White Plains, NY 10604** (“Construction Manager”);

WHEREAS, the Owner is initially engaged with the Village of Port Chester, New York to study and investigate the feasibility of a **new Municipal Center Development Project** (“Project”), as more fully described in the Project Description set forth in Exhibit A attached; and

WHEREAS, subject to applicable governmental approvals and agreements, the Owner, through an affiliated Single Purpose Entity (“SPE”) plans to act as the developer/owner of the Project; and

WHEREAS, as part of the Village’s continuing due diligence, the Owner desires to subcontract with the Construction Manager to provide pre-construction services to the Owner and the Construction Manager is willing to perform such services; and

WHEREAS, the Owner has retained **STV, Inc**, as the Architect for the Project.

WHEREAS, the Owner desires to retain the Construction Manager to provide pre-construction services in connection with the Project and the Construction Manager is willing to perform such services; and

WHEREAS, the Owner and Construction Manager contemplate entering into an agreement for a Guaranteed Maximum Price for the construction phase services;

WHEREAS, the pre-construction phase services provided under this Agreement shall be performed in a commercially reasonable manner;

NOW, THEREFORE, in consideration of the premises and mutual promises herein contained, the Owner and the Construction Manager agree as follows:

SECTION 1: GENERAL

1.1 The Project description and criteria for conceptual design are set forth in Exhibit A attached hereto.

SECTION 2: OBLIGATIONS AND RESPONSIBILITIES OF THE CONSTRUCTION MANAGER

2.1 THE CONSTRUCTION MANAGER

2.1.1 Pursuant to the request to explore the feasibility of designing, financing and constructing the Project made by the Village, and outlined in the Village's continuing Contract with NDC to provide consulting services, the Construction Manager accepts the relationship established with the Owner by this Agreement and covenants with the Owner to furnish the Construction Manager's reasonable skill and judgment and to further the interests of the Owner. The Construction Manager shall furnish pre-construction administration and management services and use the Construction Manager's good practices to perform such pre-construction phase services in an expeditious and economical manner consistent with the interests of the Owner.

2.2 DUTY OF COOPERATION

2.2.1 The Owner shall retain an Architect, Engineer, and other design consultants to provide professional design services for the Project ("Design Consultants"). The Owner may retain other consultants to provide services for the Project. The Construction Manager shall cooperate with and coordinate its work with that of the Design Consultants and other consultants retained by the Owner. Nothing in this Agreement shall be deemed to require the Construction Manager to engage in the practice of architecture, professional engineering or other design or construction-related professions regulated under the law of the state in which the Project is located.

2.2.2 If there is a primary tenant(s) or user(s) involved in the Project, the Construction Manager acknowledges that the Owner may consult with such tenant(s) about the design and construction of the Project. The Construction Manager shall anticipate and allow for such consultations when submitting documents for the Owner's review and approval. If the Owner's response is time sensitive, the Construction Manager shall make the Owner aware of the date when such response is required and the anticipated consequences of a late response.

2.3 PROJECT PERSONNEL

2.3.1 The Construction Manager's Principal Project Team is listed on Exhibit B attached. The Owner shall have the right to approve the Construction Manager's Project staff, which approval shall not be unreasonably withheld.

2.3.2 The Construction Manager agrees to furnish a qualified experienced staff for the administration, coordination, and management of the Project. Principals and staff of the Construction Manager shall be available and shall participate as needed. All personnel assigned by the Construction Manager to the Project shall be required to cooperate with personnel assigned by the Owner, by the Design Consultants and by the other consultants to the Project.

2.4 EMPLOYMENT PRACTICES

2.4.1 The Construction Manager shall comply with all applicable local, state, and federal employment laws and regulations which apply to means and methods employed by the Construction Manager in the performance of the Work and with applicable trade or collective bargaining agreements. They shall keep and maintain such records as are required by such laws and regulations.

SECTION 3: SCOPE OF CONSTRUCTION MANAGER'S SERVICES

3.1 GENERAL – CONSTRUCTION MANAGER AGREES TO PERFORM SERVICES AS SET FORTH IN EXHIBIT C

SECTION 4: EARLY WORK/LONG-LEAD ITEMS

4.1.1 The Construction Manager shall identify long-lead items and early-work contracts (“Early Work”). The Construction Manager shall make recommendations with respect to current market trends that may affect procurement and installation so as to minimize potential delays and/or cost premiums.

4.2.1 When directed in writing by the Owner to perform Early Work including the purchase of long-lead items:

1. The Construction Manager shall pre-qualify several potential subcontractors in each required trade and/or suppliers, for Owner’s approval.
2. The Construction Manager shall submit request for bids including Bid Documents prepared by the Design Consultants for the Owner’s approval before bids are solicited and shall make such modifications thereto as the Owner deems advisable.
3. The insurance requirements for Subcontractors shall be as set forth in Section 7 of this Agreement.
4. The Construction Manager shall analyze bids and make recommendations for award of Subcontracts and/or purchase orders.
5. The Construction Manager shall prepare written authorization to be executed by the authorizing Construction Manager to enter into Subcontracts for award of Early Work or purchase orders for the purchase of long-lead items.
6. The following representative list of items of Early Work may be supplemented upon written agreement between the Owner and Construction Manager:

1. Excavation and Foundations (Early Work);
2. Structural Steel (long-lead item);
3. Curtain Wall (long-lead item);
4. Elevator Equipment (long-lead item);
5. HVAC Equipment (long-lead item);
6. Electrical Equipment (long-lead item).

The work being performed under this Agreement will become the foundation for the Construction Manager’s issuance of a Guaranteed Maximum Price for the Project.

SECTION 5: CHANGE IN SERVICES

5.1 Change in Services of the Construction Manager, including services required of the Construction Manager’s sub-consultants (if any), may be accomplished after execution of this Agreement, without invalidating the Agreement, if mutually agreed in writing, if required by circumstances beyond the Construction Manager’s control, or if the Construction Manager’s services are affected as described in Section 5.2. In the absence of mutual agreement in writing, the Construction Manager shall notify the Owner prior to providing such services. If the Owner deems that all or a part of such Change in Services is not required, the Owner shall give prompt written notice to the Construction Manager, and the Construction Manager shall have no obligation to provide those services. Change in Services of the Construction Manager shall entitle the Construction Manager to compensation pursuant to Section 6.3, and to any Reimbursable Expenses pursuant to Section 6.4.

5.2 If any of the following circumstances affect the Construction Manager’s Services for the Project, the Construction Manager shall be entitled to an appropriate adjustment in the Construction Manager’s compensation:

1. extension of the duration of Service beyond the term provided for in Section 6.1.1;

2. significant change in the Project including, but not limited to, size, quality, complexity, the Owner's schedule or budget, or procurement method;
3. failure of performance on the part of the Owner or the Owner's Design Consultants or other consultants;
4. preparation for and attendance at a dispute resolution proceeding or a legal proceeding except where the Construction Manager is party thereto;
5. change in services requested by Owner beyond the services included in Article 3.

SECTION 6: PAYMENT

6.1 COMPENSATION FOR SERVICES

6.1.1 The Construction Manager shall be reimbursed for staff costs incurred on the basis of hourly rates listed on Exhibit B. Construction Manager shall notify the Owner promptly should it appear that such costs may exceed **seventy five thousand and 00/100 dollars (\$75,000.00)** ("NTE"). Without the prior written agreement of Owner, the Construction Manager shall not incur staff costs in excess of the NTE amount. The term of this agreement shall be **six (6)** months unless extended upon the written agreement of the Owner and Construction Manager. Compensation for Reimbursable Expenses is to be as provided in Section 6.4 below; compensation for Early Work is to be as provided in Sections 4 and 6.2 and for Change in Services as provided in Sections 5 and 6.3.

6.1.2 The Owner shall be entitled to direct the Construction Manager to perform Early Work or to perform Change in Services not covered by this Agreement.

6.1.3 If the Construction Manager is requested to perform Early Work or Change in Services, the Construction Manager may present an estimate of costs associated with such work for the Owner's consideration. Early Work and Change in Services shall not be performed by Construction Manager without the prior written approval of the Owner.

6.1.4 The Construction Manager shall maintain separate cost records as to all costs and expenses related to Early Work or Change in Services, which accounts and records with supporting documentation shall be available for inspection and audit by the Owner or its authorized representatives at all reasonable times.

6.2 COMPENSATION FOR EARLY WORK

6.2.1 The costs incurred by the Construction Manager as a result of Subcontracts and/or Purchase Orders entered into for Early Work shall be passed through to the Owner along with Construction Manager's General Conditions costs associated with the supervision and administration of such Subcontracts and a markup of zero percent (0%) for the Construction Manager's Fee. The monthly fee for Services described in Subparagraph 6.1.1 above shall not include the Construction Manager's costs associated with the bidding, buyout of Early Work. A listing of the items that may be included in Construction Manager's General Conditions associated with such Early Work is set forth in Exhibit C attached hereto.

6.2.2 Based upon Applications for Payment submitted to the Owner by the Construction Manager, the Owner shall make progress payments to the Construction Manager for work performed and/or materials or equipment delivered. The period covered by each Application for Payment shall be one calendar month ending on the last day of the month.

6.3 COMPENSATION FOR CHANGES IN SERVICES

6.3.1 The Construction Manager shall be reimbursed for Changes in Services performed by Construction Manager at the Staff Billing Rates included in Exhibit B attached hereto and shall be payable monthly as provided in Section 6.5. Such amount will be in addition to any other compensation due or owed to the

Construction Manager under this Agreement. Changes in Services include, for example, supplemental estimating support staff requested by Owner between estimate cycles.

6.4 REIMBURSABLE EXPENSES

6.4.1 Payments for Reimbursable Expenses incurred shall be made monthly upon presentation of the Construction Manager's Application for Payment.

6.4.2 Reimbursable Expenses are in addition to compensation for the Construction Manager's Services (excluding Early Work where such expenses are included as part of Construction Manager's General Conditions) and include expenses incurred by the Construction Manager and Construction Manager's employees and subconsultants directly related to the Project, including the following:

1. transportation in connection with the Project, authorized out-of-town travel and subsistence;
2. blueprinting services, reproduction, graphics, postage, messenger and overnight couriers; the expense of Construction Manager's Insurance including Construction Manager's errors and omissions insurance;
3. long distance telephone, facsimile, and data processing charges;
4. computer software and services for project Web site (if any);
5. other out-of-pocket expenses reasonably incurred by the Construction Manager in performance of service.

6.5 PAYMENT TERMS

6.5.1 The Construction Manager shall submit Applications for Payment by the first of each month for services provided during the previous month. The Application shall separately list the monthly Services payment, Changes in Services performed, and Early Work performed. Provided that the Construction Manager's Application for Payment shall be received by the Owner not later than the first day of the month, the Owner shall make payment to the Construction Manager not later than the last business day of the same month. If the Construction Manager's Application for Payment is received later than the first day of the month, the Owner shall make payment to the Construction Manager no later than thirty days following receipt of the Application for Payment.

6.5.2 Records of Reimbursable Expenses, of expenses pertaining to a Change in Services, and of services performed on the basis of hourly rates shall be available to the Owner or the Owner's authorized representative at mutually convenient times.

SECTION 7: INSURANCE AND INDEMNIFICATION

7.1 TYPES AND LIMITS OF INSURANCE

7.1.1 The Construction Manager agrees to procure and maintain all insurance provided below with insurance companies satisfactory to the Owner. Except for Workers' Compensation and Employers' Liability, the insurance policies shall name the Owner and any other entities (excluding Design Consultants) as listed in Section 7.1.2, Owner may reasonably request as an additional insured. All policies shall provide that insurance carriers shall endeavor to give Owner not less than thirty

(30) days prior written notice of any policy cancellation, non-renewal, or material change. Coverage shall be maintained for the duration of the Pre-construction Services. Before commencing performance of the Services and Early Work, Construction Manager shall provide Owner with original Certificates of Insurance.

A. Commercial General Liability Insurance

Occurrence form including premises and operations coverage, products, and completed operations; coverage for independent contractors; personal injury coverage; and blanket contractual liability. Completed Operations shall be maintained for a period of three (3) years following final completion.

Each Occurrence	\$1,000,000
Personal & Advertising Injury	\$1,000,000
Products & Completed Operations Aggregate	\$1,000,000
General Aggregate	\$1,000,000

B. Workers' Compensation

Workers' Compensation	Statutory
Employer's Liability	\$1,000,000 Each Accident
	\$1,000,000 Policy Limit—Disease
	\$1,000,000 Each Employee—Disease

C. Excess or Umbrella Liability Insurance, no more restrictive than the underlying insurance, with limits of not less than one million dollars per occurrence and annual aggregate.

D. Commercial Automobile Liability Insurance with limits of not less than \$1,000,000 combined single limit for bodily injury and property damage covering all owned, non-owned and hired vehicles.

E. By so specifying, the Owner may require additional types of insurance. The premiums for such required additional insurance shall be reimbursed by the Owner.

7.1.2 The insurance policies required herein shall name the following entities as additional insureds: Village of Port Chester, Port Chester Industrial Development Agency, Port Chester Local Development Corporation and Community Development Properties, Port Chester, Inc.

7.1.3 PROPERTY INSURANCE

A. Unless Construction Manager is directed in writing to provide such insurance as a reimbursable expense, the Owner shall purchase and maintain, in a company or companies lawfully authorized to do business in the jurisdiction in which the Project is located, property insurance on an "all risk" policy form, including builder's risk which shall include, without limitation, insurance against the perils of fire (with extended coverage) and physical loss or damage including, without duplication of coverage, theft, terrorism, mold, glass breakage, vandalism, malicious mischief, collapse, earthquake, flood, windstorm, false work, testing and start-up, temporary buildings, and debris removal including demolition occasioned by enforcement of any applicable legal requirements, and shall cover reasonable compensation for Construction Manager's services and expenses required as a result of such insured loss, in the amount of the total value for the entire Project at the site on a replacement cost basis including costs to cover professional fees without optional deductibles. Such property insurance shall be maintained, unless otherwise agreed in writing by all persons and entities who are beneficiaries of such insurance, until no person or entity other than the Owner has an insurable interest in the property required by this Section to be covered. The Owner shall reimburse the Construction Manager for costs associated with reconstruction as a result of a loss which are not covered because of deductibles or sublimits. This insurance shall name Construction Manager, Subcontractors, and Sub-subcontractors, as additional insureds.

B. The Owner shall file a copy of each policy with the Construction Manager prior to commencement of any Work which would or should be covered by such property insurance. Each policy shall contain a provision that the policy will not be canceled or allowed to expire, and that its limits will not be reduced, until at least 30 days' prior written notice has been given to the Construction Manager.

C. The Owner and Construction Manager waive all rights against (1) each other and any of their contractors, subcontractors, sub-subcontractors, agents, and employees, each of the other, and (2) the Architect, Architect's consultants, separate contractors, if any, and any of their subcontractors, sub-subcontractors, agents, and employees for damages caused by fire or other causes of loss to the extent covered by property insurance obtained pursuant to Section 7.1.3 A or other property insurance applicable to the Work, except such rights as they have to proceeds of such insurance held by the Owner as fiduciary. The Owner or Contractor, as appropriate, shall require of the Architect, Architect's consultants, separate contractors, if any, and the contractors, subcontractors, sub-subcontractors, agents, and employees of any of them, by appropriate written agreements, similar waivers each in favor of other parties enumerated herein. The policies shall provide such waivers of subrogation by endorsement or otherwise. A waiver of subrogation shall be effective as to a person or entity even though that person or entity would otherwise have a duty of indemnification, contractual or otherwise, did not pay the insurance premium directly or indirectly, and whether or not the person or entity had an insurable interest in the property damaged.

D. A loss insured under the Owner's property insurance shall be adjusted by the Owner as fiduciary and made payable to the Owner as fiduciary for the insureds subject to requirements of any applicable mortgage clause. The Construction Manager shall pay Subcontractors their just shares of insurance proceeds received by the Construction Manager, and by appropriate written agreements shall require Subcontractors to make payments to their sub-subcontractors in similar manner.

7.2 INDEMNIFICATION

7.2.1 To the fullest extent permitted by law, the Construction Manager shall indemnify and hold harmless the Owner, village of Port Chester, Port Chester Industrial Development Agency, Port Chester Local Development Corporation, NDC Housing and Economic Development Corporation and Community Development Properties, Port Chester, Inc. and their agents and employees from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of the Early Work, provided that such claim, damage, loss, or expense is attributable to bodily injury, sickness, disease, or death, or to injury to or destruction of tangible property (other than the Work itself), but only to the extent caused by the negligent acts or omissions of the Construction Manager, a Subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable.

7.2.2 In claims against any person or entity indemnified under Section 7.2.1 by an employee of the Construction Manager, a Subcontractor, anyone directly or indirectly employed by them or anyone for whose acts they may be liable, the indemnification obligation under Section 7.2.1 shall not be limited by a limitation on amount or type of damages, compensation, or benefits payable by or for the Construction Manager or a Subcontractor under workers' compensation acts, disability benefit acts or other employee benefit acts.

7.2.3 The Owner acknowledges and agrees that the Construction Manager's indemnification in Section 7.2 applies to and is intended to apply only to the performance of construction work by the Construction Manager

and its Subcontractors defined as Early Work under this Agreement.

7.3 RIGHTS OF THIRD PARTIES

7.3.1 Nothing in this Agreement shall create or give to third parties any claim or right of action against the Construction Manager or the Owner.

SECTION 8: ASSIGNMENT, SUSPENSION OF WORK, AND TERMINATION

8.1 SUCCESSORS AND ASSIGNS

8.1.1 The Construction Manager and Owner respectively bind themselves, their partners, successors, assigns, and legal representatives to the other party hereto and to partners, successors, assigns, and legal representatives of such other party in respect to covenants, agreements and obligations contained in this Agreement. Neither party to the Agreement shall assign the Agreement as a whole without the written consent of the other. If either party attempts to make such an assignment without consent, that party shall nevertheless remain legally responsible for all obligations under this Agreement.

8.2 SUSPENSION OR TERMINATION OF WORK

8.2.1 At any time, the Owner may, upon seven (7) calendar days' written notice to the Construction Manager, suspend the Construction Manager's services hereunder. The Construction Manager shall be compensated for expenses necessarily and reasonably incurred in order to suspend its services.

8.2.2 At any time, the Owner may, upon seven (7) calendar days' written notice to the Construction Manager, terminate this Agreement in whole or in part, with or without cause, or abandon all or any part of the Project. The Owner shall pay to the Construction Manager all amounts due in accordance with Section 6 hereof with respect to Services and Early Work (if any) performed prior to the date of termination or abandonment as well as reimbursement for expenses necessarily and reasonably incurred in order to stop the Services and Early Work on the Project.

8.2.3 If the Owner, through no fault of the Construction Manager, does not pay the Construction Manager by the date established in this Agreement, then the Construction Manager may, upon seven (7) additional days' written notice to the Owner, suspend Services and Early Work until payment of the amount owing has been received. The Project Schedule, and the time for completion of the Construction Manager's Services and/or Early Work shall be extended appropriately. In addition the Construction Manager's Compensation for Services and/or Early Work including the subcontract amount for Subcontractors shall be increased by the amount of the reasonable costs of shutdown, delay and start-up.

SECTION 9: OWNER'S RESPONSIBILITY

9.1 OWNER'S REPRESENTATIVE

9.1.1 The Owner designates as its representative with respect to the Project:

Michael Cucchiara (212) 682-1106

The Construction Manager may rely upon the written approval or decision of the Owner's designated representative or alternate representative as the approval or the decision by the Owner. The Construction Manager shall recognize only written directives from the Owner's designated representative or the alternate representative designated herein.

9.2 STRUCTURAL AND ENVIRONMENTAL TESTS, SURVEYS, AND REPORTS

9.2.1 The Owner shall furnish surveys, reports, drawings, and other information in its possession regarding the existing condition of the Project site. The Construction Manager may rely on the general accuracy of the technical data contained in such surveys, reports, or drawings.

9.2.2 The Owner may retain consultants to conduct additional structural, environmental, or other investigations for the Project. The Construction Manager may rely on the general accuracy of the technical data obtained through the additional investigations and any interpretations or conclusions expressed therein. The Construction Manager shall be responsible for interpreting the results of the investigations to the extent that such results pertain to constructability, accessibility of the site, and general suitability of types of materials or methods of construction.

9.3 OWNER'S ADMINISTRATIVE SERVICES

9.3.1 The Owner shall furnish, at its expense, all legal, accounting and insurance counseling services as may be necessary for the Project to protect the Owner's interests, including such auditing services as the Owner may require to verify the Construction Manager's invoices. Services furnished by the Owner are for the Owner's exclusive benefit.

9.4 CONSTRUCTION MANAGER NOTIFICATION

9.4.1 If the Owner observes or otherwise becomes aware of any fault or defect in the Early Work, prompt written notice thereof shall be given by the Owner to the Construction Manager.

9.5 OWNER'S APPROVAL

9.5.1 The Owner or its designated representative shall examine documents submitted by the Construction Manager and shall render approvals and decisions promptly. The Owner shall furnish required information and services and shall render approvals and decisions as expeditiously as necessary for the orderly progress of the Construction Manager's Services and of the Early Work.

9.6 HAZARDOUS AND CONTAMINATED SUBSTANCES

9.6.1 If reasonable precautions will be inadequate to prevent foreseeable bodily injury or death to persons resulting from a material or substance, including but not limited to asbestos, polychlorinated biphenyl (PCB), mold, and lead paint encountered on the site by the Construction Manager, the Construction Manager shall, upon recognizing the condition, immediately stop Services or Early Work in the affected area and report the condition to the Owner and applicable Design Consultants.

9.6.2 To the fullest extent permitted by law, the Owner shall indemnify and hold harmless the Construction Manager and Subcontractors, and agents and employees of any of them from and against claims, damages, losses, and expenses, including but not limited to attorneys' fees, arising out of or resulting from performance of Services or Early Work in the affected area if in fact the material or substance presents the risk of bodily injury or death as described in Section 9.6.1 and has not been rendered harmless, provided that such claim, damage, loss or expense is attributable to bodily injury, sickness, disease or death, or to injury to or destruction of tangible property (other than the Work itself) but only to the extent that such damage, loss or expense is not due to the negligence of a party seeking indemnity.

SECTION 10: CLAIMS AND DISPUTE RESOLUTION

10.1 EXTENSIONS OF TIME

10.1.1 The Construction Manager shall be entitled to an extension of time for delay in completion of the work caused (1) by the acts or omissions of the Owner, its officers, agents or employees, the Design Consultant or the other consultants; (2) by supervening events or conditions beyond the control of the Construction Manager including, but not limited to, Acts of God or the public enemy, terrorism, inclement weather, war, or other national emergency making performance temporarily impossible or illegal, or strikes or labor disputes. The Construction Manager shall be entitled to an extension of time and for an equitable increase for costs incurred by the Construction Manager and Subcontractors as a result of such delay.

10.2 NOTICE OF CLAIM

10.2.1 If at any time the Construction Manager believes that there is a condition that will entitle it to additional compensation or a change in time ("Claim"), within ten (10) days after the occurrence of the event giving rise to the Claim, the Construction Manager shall deliver written notice to the Owner stating the general nature of such Claim. Notice of the amount or extent of the Claim with supporting data shall be delivered to the Owner, in writing, within twenty-one (21) days after said written notice has been delivered (unless the Construction Manager reasonably requires additional time to submit additional or more accurate data to support such Claim). If the Owner requires any additional information to evaluate the Claim, the Owner shall request such information from the Construction Manager in writing. After receipt of all information required by the Owner, the Owner shall notify the Construction Manager in writing of its decision within thirty (30) days.

10.2.2 Pending the resolution of any the Claim (including mediation or arbitration) the Construction Manager, as long as the Construction Manager receives payment by Owner for actual costs incurred, shall diligently perform all Services and/or Early Work under this Agreement, including work or services that are the subject of such Claim.

10.3 MEDIATION AND DISPUTE RESOLUTION

10.3.1 Should a dispute arise between Owner and Construction Manager, senior executives of the parties shall first negotiate in good faith to resolve any Claims.

10.3.2 If such negotiations do not resolve said claims, the Owner and Construction Manager shall mediate the same as a condition precedent to the commencement of any arbitration or legal proceeding. Mediation shall be conducted under the Construction Industry Mediation Rules of the American Arbitration Association in effect at the time the dispute arises. Unless the parties mutually agree otherwise, the parties shall share the mediator's fee and any filing fees equally.

10.3.3 Any controversy arising out of or related to this Agreement, or its breach, shall be resolved by litigation without a jury in a court of responsible jurisdiction in the State in which the Project is located. Both parties hereby waive their rights to a jury trial.

10.3.4 Except for the defense of third party claims, no such action or proceeding shall lie or shall be maintained by the either party unless such action or proceeding shall be commenced within one year after the date final payment is made under this Agreement, or in the event this Agreement is terminated, unless such action or proceeding be commenced within one year after the date of such termination.

10.4 GOVERNING LAW

10.4.1 This Agreement shall be governed and construed in accordance with the substantive law of the State in which the Project is located excluding conflict of law principles.

SECTION 11: MISCELLANEOUS PROVISIONS

11.2 WAIVER

11.2.1 No delay in enforcing any right, remedy, privilege, or recourse accorded to either party or to which either party may be or become entitled to have or exercise under this Agreement shall diminish, suspend, or exhaust any such right, remedy, privilege, or recourse.

11.3 EXHIBITS

11.3.1 The following Exhibits are attached hereto and made a part of this Agreement:

- Exhibit A Project Description
- Exhibit B Project Billing Rates
- Exhibit C Listing of General Conditions Cost Items Applicable to
Early Work

11.4 CONSTRUCTION OF THIS AGREEMENT

11.4.1 This Agreement shall be construed without the aid of any presumption or other rule of law regarding construction against the party drafting the same or any part of it.

11.4.2 Section or paragraph headings in this Agreement are for convenience only and are not to be used in aid of construing the Agreement.

11.5 NOTICES

11.5.1 Any notice or other communication required or permitted to be given under this Agreement shall be sufficient if in writing and shall be considered given when delivered by messenger; by overnight courier; or mailed by certified mail, return receipt requested, postage prepaid to the parties at the following addresses (or at such other address as a party may specify by notice hereunder):

if to the Owner:
Robert W. Davenport, President
National Development Council
708 Third Avenue, Suite 710
New York, NY 10017
(212) 682-1106

if to the Construction Manager:
707 Westchester Avenue, Suite 101, White Plains, NY 10604

11.6 ENTIRE AGREEMENT: AMENDMENT

11.6.1 This Agreement represents the entire and integrated agreement between the Owner and Construction Manager with respect to the provisions contained herein and supersedes all prior negotiations, representations or agreements, either written or oral, between them with respect to the Services to be provided hereunder. This Agreement may be modified only by a writing signed by the Owner and Construction Manager.

11.7 WAIVER OF CONSEQUENTIAL DAMAGES

The Construction Manager and Owner waive claims against each other for consequential damages arising out of or relating to this Agreement. This mutual waiver includes without limitation:

- (a) damages incurred by the Owner for rental expenses and for loss of use, income, profit, financing, business, and reputation and loss of management or employee productivity or the services of such persons; and
- (b) damages incurred by the Construction Manager or any Subcontractor for principal office expenses including compensation of personnel stationed in the principal office, loss of financing, business, and reputation, loss of profit, and loss of management or employee productivity or the services of such persons.

This mutual waiver is applicable, without limitation, to all consequential damages due to either party's termination under this Agreement.

11.8 PARTIAL INVALIDITY

If any term or provision of this Agreement or the application thereof to any person, firm or corporation, or circumstances, shall be invalid or unenforceable, the remainder of this Agreement, or the application or such term or provision to persons, firms or corporation, or circumstances, other than those as to which it is held invalid, shall both be unaffected thereby, and each term or provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law.

11.9 CONSTRUCTION MANAGER'S SERVICES

Evaluations of the Owner's budget, preliminary and detailed estimates prepared by the Construction Manager represent the Construction Manager's best judgment. It is recognized, that neither the Construction Manager nor the Owner has control over the cost of labor, materials, or equipment, over bidding methodology, or over competitive bidding, market, or negotiating conditions. Accordingly, except for the Guaranteed Maximum Price, the Construction Manager cannot and does not warrant or represent that bids or negotiated prices will not vary from the budget proposed, established or approved by the Owner, or from any cost estimate or evaluation prepared by the Construction Manager. The recommendations and advice of the Construction Manager concerning value engineering suggestions and constructability shall be subject to the review and approval of the Owner and the Owner's Design Consultants. It is not the Construction Manager's responsibility to ascertain that the Drawings and Specifications and other information prepared by the Design Consultants are in accordance with applicable laws, statutes, ordinances, building codes, rules, and regulations. However, if the Construction Manager discovers that portions of such documents are at variance therewith, the Construction Manager shall notify the Architect and Owner in writing. The Construction Manager does not warrant or guarantee schedules except as may be included as part of the Guaranteed Maximum Price. Owner agrees and acknowledges that all services provided hereunder by Construction Manager shall be and are provided by Construction Manager in its capacity as a Construction Manager and not as a design professional.

11.10 INDEPENDENT CONTRACTORS

11.10.1 Nothing in this Part A shall in any way constitute a partnership between, or joint venture by, the Owner and Construction Manager. Neither party shall hold itself out contrary to the terms of this Part A by advertising or otherwise, and neither party shall become liable or bound by any representation, act, or omission whatsoever of the other party contrary to the provisions of this section.

11.10.2 With regard to the activities of Construction Manager pursuant to this Part A, Construction Manager is at all times acting as an independent contractor of, and not as a joint venturer or partner of Owner.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the date first written above.

CONSTRUCTION MANAGER

<name>

OWNER

Robert W. Davenport, President



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Police Department

BOT Meeting Date: 9/15/2014

Item Type: Resolution

Sponsor's Name: Richard F. Conway, Chief of Police

Description	Yes	No	Description	Yes	No
Fiscal Impact	x	<input type="checkbox"/>	Public Hearing Required	x	
Funding Source: DEA Asset Forfeiture			BID # PT62495 & PS62496 Strategic Plan Priority Area Public Safety		
Account #:	Yes	No			
Agreement	<input type="checkbox"/>	x	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	Other		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

Installation of a repeater receiver on Police Headquarters to facilitate performance of portable radios

Summary

Background: The present radio system has numerous “dead spots” caused by lack of receiver coverage. The installation of a repeater receiver on Police Headquarters is the first step of a 3 step process to alleviate this condition.

Proposed Action

That the Board of Trustees adopt the Resolution
 For the installation of a repeater receiver on Police headquarters at a cost of \$10,289.87 from DEA Asset Forfeiture funds

RESOLUTION
BUDGET AMENDMENT – USE OF DEA FUNDS TO PURCHASE & INSTALL VHF
RECEIVER AT POLICE HEADQUARTERS TO ENHANCE PERFORMANCE OF
PORTABLE RADIOS

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 Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase and install a MTR 300, VHF Receiver at Police Headquarters to facilitate performance of portable radios for \$10,289.87 from Motorola, 31 Plainfield Avenue, Bedford Hills, NY 10507, New York State Contract #PT62495 & PS62496. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2014-15 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(10,289.87)
--------------	-----------------------------	---------------

Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$10,289.87
---------------	-----------------------------	-------------

Appropriations:

001-3120-0200	Police - Equipment	\$10,289.87
---------------	--------------------	-------------

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:



New York State Contract Pricing

Motorola
Metrocom

Date September 10, 2014

31 Plainfield Ave.
Bedford Hills, NY 10507
914-244-3500

email address: chief391@aol.com

Quotation valid for 90 days
Prepared by: Rob Gerardi

Quotation For: Port Chester Police Department
350 N. Main Astreet
Port Chester NY, 10573

NEW YORK STATE CONTRACT - PT62495 & PS62496							SHIP DATE	TERMS: Net 30	
							6 weeks	days from invoice	
LOT	APC	ITEM	QTY	MODEL	DESCRIPTION	LIST PRICE	CONTRACT PRICE	EXTENDED AMOUNT	Discount %
		1	1	MTR 3000	VHF Receiver	\$ 5,715.00	\$ 5,314.95	\$ 5,314.95	7%
		2	150		Antenna Feed Line - 1/2"	\$ 3.25	\$ 3.02	\$ 453.38	7%
		3	2	RRDN7214A	Connectors	\$ 39.00	\$ 36.27	\$ 72.54	7%
		4	1	46A	Pipe to Pipe Clamps	\$ 68.00	\$ 63.24	\$ 63.24	7%
		5	1	RDN8943	Ground Bar	\$ 285.00	\$ 265.05	\$ 265.05	7%
		6	1	RRX4025A	Lighting Protector	\$ 88.75	\$ 82.54	\$ 82.54	7%
		7	1	RDN8197	Jumper Cable	\$ 135.00	\$ 125.55	\$ 125.55	7%
		8	1	14615	Ground Kit	\$ 46.50	\$ 43.25	\$ 43.25	7%
		9	2		Wall Mount Bracket	\$ 195.00	\$ 181.35	\$ 146.25	7%
		10		Misc	Miscellaneous Hardware	\$ -	\$ -	\$ 185.00	7%
		11	24		Installation Services	\$ 125.00	\$ 125.00	\$ 3,000.00	0%
		12	1		10" Pipe	\$ 67.50	\$ 62.78	\$ 50.63	7%
		13	1	DB222	VHF Antenna	\$ 650.00	\$ 604.50	\$ 487.50	7%
						\$ -	\$ -	\$ -	0%
						\$ -	\$ -	\$ -	7%
						\$ -	\$ -	\$ -	7%
						\$ -	\$ -	\$ -	7%
						\$ -	\$ -	\$ -	7%
						\$ -	\$ -	\$ -	20%
						\$ -	\$ -	\$ -	0%
						\$ -	\$ -	\$ -	0%
						\$ -	\$ -	\$ -	0%
						\$ -	\$ -	\$ -	0%
						\$ -	\$ -	\$ -	0%
						\$ -	\$ -	\$ -	0%

Notes:

	TOTAL	\$ 10,289.87
	SALES TAX	n/a
	GROUND SHIPPING	included
	TOTAL	\$ 10,289.87





VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Senior Community Center

Village BOT Meeting Date: 9/15/2014

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact		x	Public Hearing Required		x
Funding Source: Donation			BID #		
Account #:			Strategic Plan Priority Area		
			Enhance Organization		
Agreement			Manager Priorities		
Strategic Plan Related			N/A		

Sponsor's Name: Carol Nielsen, Director of Senior Programs & Services

Agenda Heading Title

(Will appear as indicated below on Agenda)

Resolution to authorize the Village Manager to accept \$1,000.00 donation to the Port Chester Senior Center from Alice & Joseph Antonelli.

Summary

Background:

Donation made to the Port Chester Senior Center from Alice & Joseph Antonelli in memory of Jenny Richards. This donation for programs and needs of the Port Chester Senior Center.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Attached is the letter from Schwab Charitable, copy of check.

ACCEPTING \$1,000.00 DONATION FROM ALICE & JOSEPH ANTONELLI FOR
THE PORT CHESTER RECREATION DEPARTMENT

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 Port Chester Senior Center has received a donation in the total
amount of \$1,000.00 from Alice & Joseph Antonelli in memory of their friend Jenny
Richards for programs and needs of the Port Chester Senior Center;

RESOLVED, that the Board of Trustees duly accepts this generous contribution
to the Village of Port Chester as restricted.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

ALICE & JOSEPH ANTONELLI JT ACCOUNT

August 22, 2014

Village of Port Chester
Gift Processing C/O Carol Nielsen
222 Grace Street
Port Chester, NY 10573

We are pleased to present you with the enclosed grant in the amount of \$1,000.00 made on behalf of Alice & Joseph Antonelli JT Account at Schwab Charitable Fund.

This grant is made possible by the generosity of Alice Antonelli and A. Joseph Antonelli, in honor and memory of their dear friend Jenny Richards. This grant is for the Senior Community Center. The donor(s) wish to convey the following message: "Love, Joe and Alice." We encourage you to acknowledge the donor(s) who recommended the grant at:

129 Grandview Rd
Ardmore, PA 19003-3112

Thank you for the good work done by your organization. It is a pleasure to support your programs. If you have any questions regarding this grant, please call (800) 746-6216.

Sincerely,



Chris Yaros
Director of Operations
Schwab Charitable Fund

Enclosure

By accepting this grant, your organization certifies to Schwab Charitable Fund that no donor or individual related to the donor will receive any goods, services or other private benefit, such as benefit tickets, school tuition, membership fees or goods purchased at an auction. Also, the grant may not be used to fulfill a pre-existing pledge. Your organization should not provide a tax receipt for this grant, as this gift was made from a donor-advised account. As such, Schwab Charitable Fund has already provided the donor with a tax receipt for the donation. Though you may want to thank the donor who recommended this grant, please do not send thank you notes or marketing materials to Schwab Charitable Fund.

1368387



211 Main Street, Floor 10, San Francisco, CA 94105 Telephone: 800 746 6216 Facsimile: 877 535 3852 schwabcharitable.org

LTR52053-01 (10/12)
00089526

VOID WHERE SHOWN. MAKE PAYEE OF CHECK IN BLUE INK WITH BLACK INK. RECALL CHECK CANCELLATION INSTRUCTIONS ON BACK.



**SCHWAB
CHARITABLE
fund™**

211 Main Street, Floor 10, San Francisco, CA 94105
800 746 6216

Bank of America
Northbrook, IL

7P-92988

Check: **20** 59255

Date: AUGUST 22, 2014

\$ *****1,000.00***

Memo: 1368387

PAY ***ONE THOUSAND DOLLARS AND NO CENTS***

TO THE ORDER OF VILLAGE OF PORT CHESTER

CHECK VOID AFTER 180 DAYS
Only one signature required for checks less than \$5,000



FOR DEPOSIT ONLY

THE ATTACHED CHECK IS IN PAYMENT OF ITEM DESCRIBED BELOW. IF NOT CORRECT PLEASE NOTIFY US IMMEDIATELY

		ACCOUNT NUMBER
08/22/14	1368387 \$1,000.00	CB
	PAID AS AUTHORIZED TO: VILLAGE OF PORT CHESTER	
CBJP	CHECK NUMBER 2059255	

The Schwab Fund For Charitable Giving 211 Main Street San Francisco, CA 94105

CORRESPONDENCE



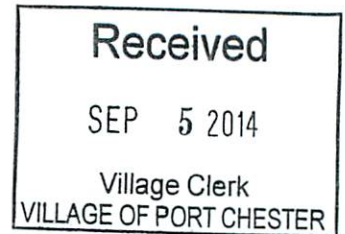
VILLAGE OF PORT CHESTER

Village Clerk

222 Grace Church Street, Port Chester, New York 1057

Phone (914) 939-5202 • Fax (914) 305-2560

www.portchesterny.com



TO: Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573

APPEAL

In accordance with the provisions of Section 268-9 of the Village Code, I, PONINGO PROPERTIES, residing at 90 M RAVIKOFF ASSOC.
33 NEWBROAD ST, hereby make hereby make application and appeal
to the Board of Trustee for review with regard to the attached sewer rent bill dated 5-20-14 & 6-30-14
6.1.13 for the period from 6.1.13 to 6.27.14 for
service located at the property at 4 BULKLEY AVE Port
Chester, New York, also designated as Section 142.22 Block 1 and
Lot 52 on the Tax Map of the Town of Rye.

(please attach a copy of the referred to Sewer Rent Bill)

The grounds of my appeal are as follows: (check appropriate box)

- That the amount of water consumption reflected on the attached Sewer Rent Bill is not correct. The Village will refer this matter to United Water Westchester, Inc. for their comment prior to hearing.
- That the fee amount in the attached Sewer Rent Bill should be adjusted because a significant portion of the water consumed during the period indicated on the attached Sewer Rent Bill was not discharged into the Village Sanitary Sewer System.

To claim a grievance under option 2. Include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system.

- Pools, supply a copy of the Certificate of Occupancy (available at the Port Chester Building Department), and documentation of the capacity of the pool.
 - Hot tubs/like kind, provide documentation of the make and model of your unit.

The village will credit no more than the value of the volume of one pool/hot tub/etc fill per year. (*Note Pools cannot be lawfully drained into the storm system without permits)

- Sprinkler systems, provide evidence of the make/model/flow capacity of your system and provide historical water consumption documentation demonstrating seasonal increases.
- Any other substantial consumption activities will be considered on a case by case basis.

3. Other. Please describe below.

SEE ATTACHED

Paul M. Wall
Signature of owner

914 934 2424
Phone # of Owner

9-4-14
Date

Note

- You may apply for only one billing period at a time.
- You have 30 days from the date of receipt of your bill to file a grievance.
- An incomplete application will be denied.

FOR VILLAGE USE ONLY

Date of Receipt: _____

Date of Referral to Staff: _____

Date of Report and Recommendation: _____ (copy annexed):

DETERMINATION

Upon review of the foregoing, the Board of Trustees of the Village of Port Chester hereby GRANTS /DENIES (circle one) the application and appeal of _____

Poningo Properties, LLC

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Appeal SEWER RENT, 4 Bulkley Avenue Port Chester NY

September 5, 2014

To Whom It May Concern,

4 Bulkley Avenue is a commercial multi-tenant building. There is 1 water meter monitored by United Water Westchester.

1 Tenant, Big Eddy Enterprises aka Fish Window Cleaning calculates that 140 gallons of water per week do not go down the drain. See attachment.

We present that we should be billed for less than what we have been billed for;

Billing date 5/20/2014 service from 06/01/13-03/27/14

140 gallons per week x 44 weeks=6160 gallons

Total gallons on sewer rent bill is 22,440

$6160/22440 = 27\%$

$\$39.00 \times .27 = 10.53$

We should have been billed for \$28.47

Billing date 6/30/2014 service from 03/27/14-06/27/14

140 gallons per week x 4 weeks = 560 gallons

Total gallons on sewer rent bill is 6,732

$560/6732 = 8\%$

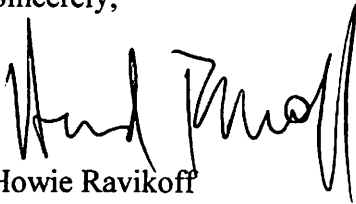
$\$11.81 \times .08 = .94$

We should have been billed for \$10.87

We ask that a process should be enacted to keep these more accurate calculations in place moving forward for 1 year or more without having to submit a grievance application

upon receipt of each and every bill saving all people, businesses, Village Boards and personnel substantial time.

Sincerely,

A handwritten signature in black ink, appearing to read "Howie Ravikoff". The signature is fluid and cursive, with the first name "Howie" and last name "Ravikoff" clearly distinguishable.

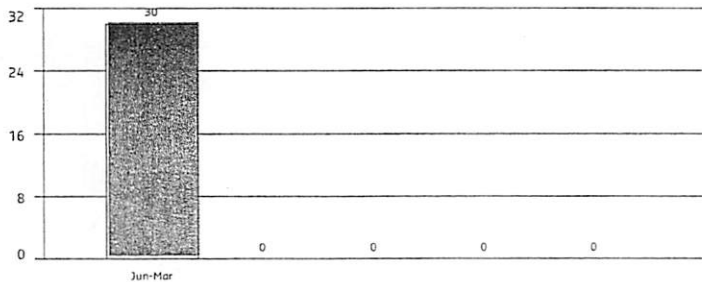
Howie Ravikoff
M. Ravikoff Assoc.
Managing Agent
44-48 Poningo Street
Port Chester, NY 10573



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 06/30/2014

Billing Date: 05/20/14
Account Number: 07901394182814

Previous Balance	\$0.00
Payments Through 05/20/14	\$0.00
Balance Forward	\$0.00
Current Charges Due 06/13/2014	\$39.00
TOTAL AMOUNT DUE	\$39.00

*PAY BY 06/16/2014 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: M RAVIKOFF REALTY

SERVICE ADDRESS: 4 BULKLEY AVE PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
49021034	06/01/13	03/27/14	299	0374	0404	30 EQUIVALENT TO	CCF 22,440 GALLONS	PRORATED ACTUAL	SWQ

SEW RENT 30.0000 @ \$1.30002
 TOTAL CURRENT CHARGES

\$39.00
 \$39.00

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.
 This bill represents the total sewer rent due for this period based on your water usage reflected above. All future bills will be issued on the same date as your water bill.

0 0 0 0 RE 446407 PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED 079

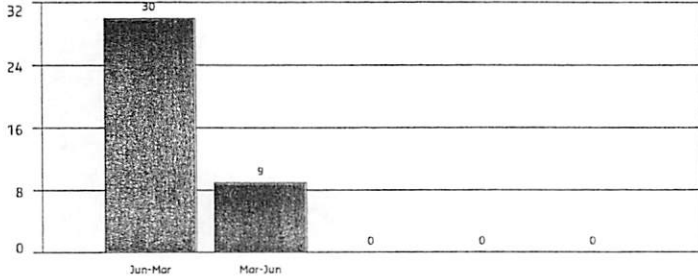
35
 AMOUNT
 39.00



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 09/29/2014

Billing Date: 06/30/14
Account Number: 07901394182814

Previous Balance	\$39.00
Payments Through 06/30/14 <i>THANK YOU</i>	\$39.00CR
Balance Forward	\$0.00
Current Charges Due 07/24/2014	\$11.81
TOTAL AMOUNT DUE	\$11.81

*PAY BY 07/25/2014 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: M RAVIKOFF REALTY

SERVICE ADDRESS: 4 BULKLEY AVE PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
49021034	03/27/14	06/27/14	92	0404	0413	9 CCF EQUIVALENT TO		ACTUAL 6,732 GALLONS	SWQ

2.6413 @ \$1.338999 SEW RENT \$3.54
 6.3587 @ \$1.30002 SEW RENT \$8.27
TOTAL CURRENT CHARGES \$11.81

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.
 Effective June 1, 2014, the sewer rent changes from \$1.30002 to \$1.338999 per CCF.

0 0 0 RE 453444

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.

079



August 19, 2014

Our company provides window cleaning services throughout Westchester and Fairfield Counties. Our technicians fill their water buckets each morning and they return empty at the end of each day. Our weekly consumption of water is approximately 140 gallons.

Respectfully,



Michael J. Silverstein



VILLAGE OF PORT CHESTER

Village Clerk

222 Grace Church Street, Port Chester, New York 1057

Phone (914) 939-5202 • Fax (914) 305-2560

www.portchesterny.com

Received
SEP 5 2014
Village Clerk
VILLAGE OF PORT CHESTER

TO: Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573

APPEAL

In accordance with the provisions of Section 268-9 of the Village Code, I, PONINGO PROPERTIES, residing at 96 M RAVIKOFF ASSOC.
33 New Broad St portchester, hereby make hereby make application and appeal
8.8.14 to the Board of Trustee for review with regard to the attached sewer rent bill dated 5.20.14, 7.7.14
_____ for the period from 6.1.13 to 8.4.14 for
service located at the property at 46 PONINGO ST Port
Chester, New York, also designated as Section 142.22 Block 1 and
Lot 52 on the Tax Map of the Town of Rye.

(please attach a copy of the referred to Sewer Rent Bill)

The grounds of my appeal are as follows: (check appropriate box)

1. That the amount of water consumption reflected on the attached Sewer Rent Bill is not correct. The Village will refer this matter to United Water Westchester, Inc. for their comment prior to hearing.
2. That the fee amount in the attached Sewer Rent Bill should be adjusted because a significant portion of the water consumed during the period indicated on the attached Sewer Rent Bill was not discharged into the Village Sanitary Sewer System.

To claim a grievance under option 2. Include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system.

- Pools, supply a copy of the Certificate of Occupancy (available at the Port Chester Building Department), and documentation of the capacity of the pool.
 - Hot tubs/like kind, provide documentation of the make and model of your unit.

The village will credit no more than the value of the volume of one pool/hot tub/etc fill per year. (*Note Pools cannot be lawfully drained into the storm system without permits)

- Sprinkler systems, provide evidence of the make/model/flow capacity of your system and provide historical water consumption documentation demonstrating seasonal increases.
- Any other substantial consumption activities will be considered on a case by case basis.

3. Other. Please describe below.

SEE ATTACHED

Poningo Properties, LLC

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Appeal SEWER RENT, 46 Poningo St Port Chester NY

September 5, 2014

To Whom It May Concern,

44-48 Poningo St is a mixed use multi tenant building. There are 2 water meters monitored by United Water Westchester.

As Landlords we have 1 meter. As Tenant and owner of a traditional laundry matt, Wash N Dry aka Robinson Ent, has 1 meter direct billed by United.

Wash N Dry calculates that on average 4.89% of the water measured does not go back down the drain into the sewer system. See attachment.

We present that we should be billed for 4.89% less than what we have been billed for.

Billing date 5/20/2014 \$1,671.83 – 81.75 (4.89%) = \$1,590.07

Billing date 07/07/14 \$156.66 – 7.66 (4.89%) = \$149.00

Billing date 08/05/14 \$145.95 – 7.13 (4.89%) – \$138.81

We ask that a process should be enacted to keep these more accurate calculations in place moving forward for 1 year or more without having to submit a grievance application upon receipt of each and every bill saving all people, businesses, Village Boards and personnel substantial time.

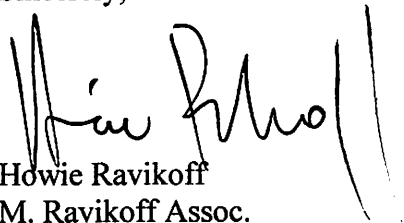
Additionally, we would like to call your attention to the following:

- 1) United Water Westchester has yet to send a sewer rent bill to the second meter on at this address.

- 2) We find it illogical that a tenant who has a direct meter and therefor a direct account with United Water Westchester is not receiving the sewer rent bills directly.
- 3) United Water Westchester has missed a month of billing, see attached copies of bills and note that there is no billing from 5/7/14 to 6/3/14.

They are getting paid substantial fees, such errors are not acceptable.
Perhaps United Water Westchester is not the best entity to handle this process on your behalf.

Sincerely,

A handwritten signature in black ink, appearing to read 'Howie Ravikoff', written in a cursive style.

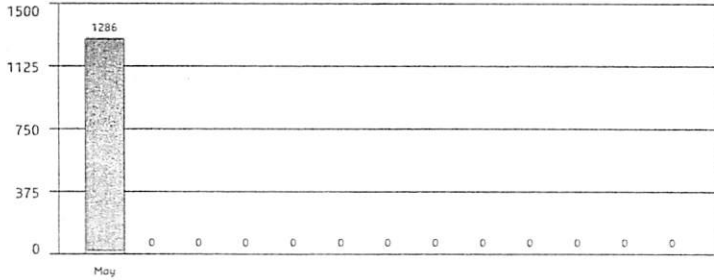
Howie Ravikoff
M. Ravikoff Assoc.
Managing Agent
44-48 Poningo Street
Port Chester, NY 10573



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 06/05/2014

Billing Date: 05/20/14
Account Number: 07901410924842

Previous Balance	\$0.00
Payments Through 05/20/14	\$0.00
Balance Forward	\$0.00
Current Charges Due 06/13/2014	\$1,671.83
TOTAL AMOUNT DUE	\$1,671.83

*PAY BY 06/16/2014 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: M. RAVIKOFF ASSOC., INC.

SERVICE ADDRESS: 46 PONINGO ST PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
60638583	06/01/13	07/30/13	59	07944	08179	235	CCF	PRORATED ACTUAL	SWM
60829218	07/30/13	05/07/14	281	00000	01051	1051	CCF	METER CHANGE	SWM
						EQUIVALENT TO	961,928 GALLONS		

SEW RENT 1,286.0000 @ \$1.30002
 TOTAL CURRENT CHARGES

\$1,671.83
 \$1,671.83

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period. This bill represents the total sewer rent due for this period based on your water usage reflected above. All future bills will be issued on the same date as your water bill.

*A of meter
 wash today*

0 0 0 0 RE 446407

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.

079

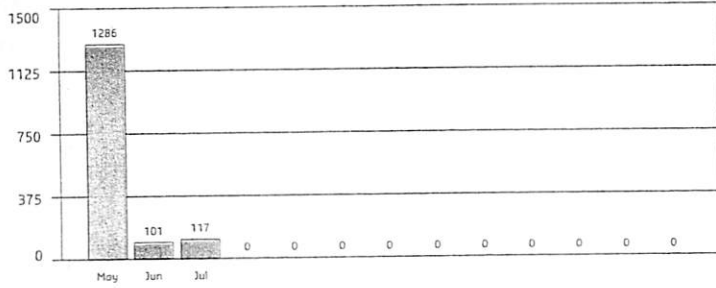
94
 AMOUNT
 1,671.83



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 08/05/2014

Billing Date: 07/07/14
Account Number: 07901410924842

Previous Balance	\$1,803.69
Payments Through 07/07/14 <i>THANK YOU</i>	\$1,803.69CR
Balance Forward	\$0.00
Current Charges Due 07/31/2014	\$156.66
TOTAL AMOUNT DUE	\$156.66

*PAY BY 08/01/2014 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: M. RAVIKOFF ASSOC., INC.

SERVICE ADDRESS: 46 PONINGO ST PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
60829218	06/04/14	07/07/14	33	01152	01269	117 CCF EQUIVALENT TO	CCF	ACTUAL 87,516 GALLONS	SWM

117.0000 @ \$1.338999 SEW RENT \$156.66
 TOTAL CURRENT CHARGES \$156.66

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.
 Effective June 1, 2014, the sewer rent changes from \$1.30002 to \$1.338999 per CCF.

Wash fee

0 0 0 0 RE 454464 PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED. 079

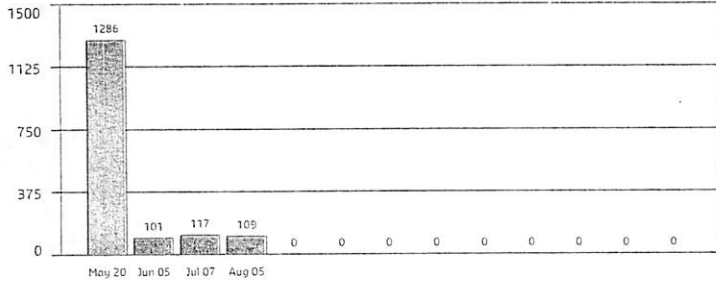
AMOUNT
 156.66
 90



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 09/04/2014

Billing Date: 08/05/14
Account Number: 07901410924842

Previous Balance	\$156.66
Payments Through 08/05/14 <i>THANK YOU</i>	\$156.66 CR
Balance Forward	\$0.00
Current Charges Due 08/29/2014	\$145.95
TOTAL AMOUNT DUE	\$145.95

*PAY BY 09/02/2014 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: M. RAVIKOFF ASSOC., INC.

SERVICE ADDRESS: 46 PONINGO ST PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
60829218	07/07/14	08/04/14	28	01269	01378	109 EQUIVALENT TO	CCF	ACTUAL 87,532 GALLONS	SWM

109.0000 @ \$1.338999 SEW RENT
 TOTAL CURRENT CHARGES

\$145.95
 \$145.95

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.
 Effective June 1, 2014, the sewer rent changes from \$1.30002 to \$1.338999 per CCF.

Washed dig

0 0 0 0 RE 459951

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED

	AMOUNT 145.95
--	------------------

58

079

ROBINSON ENT
EDWIN ROBINSON
18 Touraine Ave.
Port Chester, NY 10573-4400

We own and operate the Laundry Matt at 44 Poningo St.

We have 3 sizes of washing machines

18 lbs – holds 18 lbs of dry laundry

30 lbs – holds 30 lbs of dry laundry

50 lbs – holds 50 lbs of dry laundry

After a dry load of laundry goes in it comes out wet.

1 gallon of water weighs 8 lbs.

From an 18lbs machine wet laundry comes out weighing 30 lbs (12 lbs difference, 1.5 gallons)

From a 30 lbs machine, wet laundry comes out weighing 50 lbs. (20 lbs difference, 2.5 gallons)

From a 50 lbs machine, wet laundry comes out weighing 82 lbs. (32 lbs difference, 4 gallons)

18lbs machine uses 36 gallons of water

34.5 down the drain

1.5 gallons not down the drain = 4.16%

30 lbs machine uses 48 gallons of water

45.5 down the drain

2.5 not down the drain = 5.20%

50 lbs machine uses 75 gallons of water

71 down the drain

4 not down the drain = 5.33%

On average 4.89% of the water used is not put down the drain.



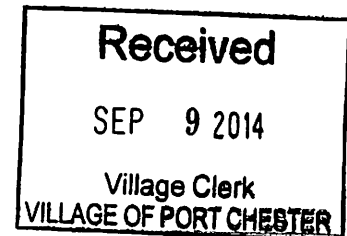
M. Ravikoff Assoc. Inc.

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573



Re: Fire Safety Inspection FEES

September 5, 2014

Dear Mr. Mayor and Board of Trustees,

We have just submitted requests with the Code Enforcement Department for Fire Safety Inspections at 2 of our properties and we are outraged at the costs for these two inspections.

- 1) The increase in rates from our last inspection, which is every 12-18 months, from \$150 to \$250 is blatantly abusive. A 66% increase year over year is indicative of poor operations.
- 2) There is now a "new" way of calculating the amounts due. EACH OCCUPANCY must now pay a separate fee. Our last inspections were divided by residential and commercial; two fees were paid, each determined by either number of residential units or amount of commercial sq ft.
- 3) Inspection fees cannot be grouped together but can be grouped together? Today's application was allowed to group together offices in the same building on the same floor. Retail stores in the same building on the same floor were not allowed to be grouped together. Both fit in the same category of totaling under 9,999 sq ft

A building that cost \$300 last year to inspect now costs \$1500 to inspect. This is heinous.

Funding Village functions with increases like these are completely unacceptable.

The fees for re-inspection are minimal and provide no incentive to prepare your spaces ahead of time saving everyone time and energy. The burden should be transferred off the first inspection and onto the subsequent inspections as well as those who do not submit applications.

PLEASE, we beg you, change the fee structures and stop strangling the property owners of this small town. In your efforts to save everyone, you are killing us all.

I look forward to your response.

I look forward to your clear presentation of fee calculations.

I look forward to a revised lower fee schedule and a refund.

Sincerely,



Howie Ravikoff
M. Ravikoff Assoc.
Managing Agent
33 New Broad St
Port Chester, NY 10573

DOREEN KUSHEL 4 KASSEL COURT MAMARONECK, NY 10543

Mayor Neil J. Pagano
Village of Port Chester
222 Grace Church Street
Port Chester, New York 10573



Dear Mayor Pagano:

As you have expressed in your communications with the people of Port Chester, a response to their cares and concerns is of utmost importance to you. With this in mind, we are asking that you give serious consideration to a problem we face.

For over 10 years, Holy Rosary Church has hosted our English As A Second Language program. That we are successful can be measured by the growing numbers of students attending our session three days a week (Monday, Tuesday and Wednesday) from 9:30 - 11:00 a.m.

All instructors are volunteers. All drive from various locations in lower Westchester, Designated free public parking is available in the lot opposite the church. As you know, there are other spaces but, for permit holders only. However, we would like to point out, that the latter are usually unoccupied. Until recently we were able to utilize some of these empty spaces, as a last resort, particularly on Wednesdays, when there is alternate side of the street parking. We have respectfully left signs in our car windows, indicating our purpose and where we could easily be reached.

Now we have been informed that this option is closed to us, that any cars in that prohibited section will be ticketed. This is puzzling, since our presence does not deny anyone access to the area. Yet, as a result of this restriction, volunteers, some of whom are elderly, have to park at a distance and walk, dealing with the challenges of health and weather.

We thought our approach worked very well. Rarely was there a conflict. Six hundred dollars per permit is prohibitive for our volunteers, as well as for the church. If we can't resume what we did before, perhaps there is another way to address this matter. We want to continue to help your non-English speaking residents become engaged and integrated members of the Village of Port Chester. Don Bosco Church, as a focal point for their many needed services, is a very desirable location in which to carry this out.

Thank you, in advance, for your interest.

Sincerely,

Doreen Kushel
Co-Director ESL program

cc: Trustee Gregory K. Adams
Trustee Daniel Brakewood
Trustee Gene Ceccarelli
Trustee Joseph D. Kerner
Trustee Luis A. Marino
Trustee Saviero L. Terenzi

From: [Leigh Mickelson](#)
To: npagano@cjpagano.com; [Richards, Janusz R](#); [Ceccarelli, Gene \(Trustee\)](#); [Adams, Gregory \(Trustee\)](#); [Kenner, Joseph \(Trustee\)](#); [Brakewood, Daniel \(Trustee\)](#); [Marino, Luis \(Trustee\)](#); [Terenzi, Saverio \(Trustee\)](#); [Steers, Christopher](#)
Cc: [Cory Brown](#)
Subject: Beech Street Parking Lot
Date: Thursday, September 11, 2014 10:59:36 AM

Dear Mr. Mayor & Port Chester Village Board of Trustees –

This letter is to formally request a change to the municipal lot on Beech Street, which sits between Clay Art Center and Holy Rosary Church.

The perimeter of the lot is decal only, with the center of the lot only as 3 hour parking. Day after day, the decal spots remain more than half empty, while our customers circle the lot and Beech Street to find a place to park. The problem is escalated on Tuesdays and Wednesdays when the street cleaning does not allow parking on both sides of Beech Street. All the businesses along Beech Street come early and take all the 3 hour parking spots on Tuesdays and Wednesdays and our students, who arrive at 10am for class, have nowhere to park. Many of our students are seniors, and to ask them to park at PetCo is just not an option. And then they unadvisedly park illegally at the end of the row or in a decal spot (and get a ticket!).

We can have on any given regular week day morning 30-60 people in our classrooms and studios, all of whom need a place to park. It is a wonderful thing to be a growing non-profit organization in the community. But this problem has escalated and I ask your attention to the matter. It is pretty clear that the decal spots are not “sold out” – and I would guess not even half sold out. It seems that there is a very simple solution to turn one of the rows into additional 3 hour parking spots. The images below are at 11am on a Wednesday.





I hope you will take a few moments to discuss this and help us out. Thank you so much.

Leigh Taylor Mickelson
Executive Director
Clay Art Center
40 Beech Street
Port Chester, NY 10573
914-937-2047 x222
leigh@clayartcenter.org
www.clayartcenter.org

Catharine Rosenfeld
28 Hobart Avenue
Port Chester, NY 10573

September 9, 2014

Mayor Neil Pagano
Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Dear Mayor Pagano and Board,

Please let this letter serve as my resignation from the Beautification Commission effective immediately. My family and work responsibilities require more of my attention at this time. Thank you very much for the opportunity to serve this wonderful village these past years.

Sincerely,

Cathy Rosenfeld

PARK COMMISSION
Port Chester, NY 1053

September 11, 2014

Mayor Neil Pagano and the Board of Trustees,

The Park Commission at their September meeting again discussed the location of the horse trough that was moved from the traffic island on North Regent Street to Lyon Park.

The Commissioners, although they realize this matter is not within their realm of authority because it does not involve a park, feel that the trough, a part of Village history, is in an area of the park that is not visible to the general public. An action was taken in the form of a motion made by Jerry Donahue and seconded by Heather Paul that this trough be moved to an open area such as the traffic circle at Browndale Place. The motion was brought to a vote with four ayes and one abstention.

This trough, a part of Village history, is one of only two remaining in Port Chester and we would like to share it with not only our residents but those who may be passing by. We ask for your approval to our request to move this horse trough to make it more visible.

Very truly yours,

Jerry Terranova

Jerry Terranova and the
Park Commission

/vs

MINUTES

MEETING HELD JUNE 16, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 16, 2014, 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, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Saverio Terenzi was absent.

Also present were:

Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 7:05PM); Chief of Police, Richard Conway; Building Inspector and Director of Code Enforcement Peter Miley (arrived at 7:00PM); Christopher Ameigh Administrative Aide to the Village Manager; David Kenny, Law Student-Intern; Ed Brancati; and Village Engineer, Dolph Rotfeld (arrived at 7:43PM).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:09 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

PROPOSED MOTION FOR EXECUTIVE SESSION

The Board of Trustees proposed a motion for executive session regarding the appointment of the new Chief of Police.

Mayor Pagano commented that before going into Executive Session he would like Attorney Cerreto to explain to the public what can and cannot be discussed during Executive Session regarding the selection process for any candidates who will be in line for Police Chief. Attorney Cerreto commented we can talk about particular candidates during executive session. Other things, such as the selection process and salary should be discussed at an open session. Mayor Pagano commented that he would like the processes open for discussion.

Trustee Brakewood commented we will be interviewing each of the three candidates and I think it would be a good idea to give the candidates prewritten questions. We can couple this with some of the strategic planning approaches we've taken for the Village as a whole. I've asked for a written plan that goes over their 3, 5, 10-year goals for the Department that looks at their view on the physical planning for the department, for the use of technology in order to drive productivity enhancement, and their view on how they

would intend to build a diverse and inclusive culture within the Department. They should provide this in writing so that we can look at not only the person but at their plan and envision on where they intend to be take the Department in the long run.

Mayor Pagano would also like to see more basic items like sick day history, when they joined the Department, their advancement history, their awards and education; basically a good bio on each of the candidates.

Trustee Ceccarelli commented the bio on each candidate is something that we should see. They should put together a resume. We should get the interviews set up as soon as possible. We have three established candidates.

Village Manager Steers said there are a couple of steps first before we start the interviews. We need to establish a salary range, then we have to request a list. Once we get the list we can go from there. You have 60 days after we receive the list to make a selection. The last chief had a salary of approximately \$160,000, so our range would be around that or higher. It is the board's choice to set the range. We will look at the salaries of the other chiefs in Westchester County. A range would be about \$135,000 - \$170,000. There is a good chance we will have the list tomorrow.

You are required to select from the top three candidates who accept.

The Board of Trustees did not go into an executive session as listed on the Agenda.

Mayor Pagano asked for a motion to recess the meeting until 7:00 PM.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, to recess the meeting until 7:00 PM was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

AWARD PRESENTATION

Mayor Pagano made the following statement regarding the Port Chester Beautification Commission Essay Awards and appreciation to John Reavis for many years of dedicated service, devotion and commitment to our Village.

Award Presentation to Beautification Commission essay winners

“The mission of the Port Chester Beautification Commission is to work with the community to take a greater initiative towards improving the aesthetics and the perception of the village. The Beautification Commission, through public events, programs and services, strives to make Port Chester a beautiful, healthy and safe place to live.

The commission members are Taryn Hubert, Emily Embesi, Catherine Rosenfeld and Lou DelBianco

Tonight, we have the very pleasant task of recognizing 4 young students who were winners in an essay competition sponsored by the Port Chester Beautification Commission. The contest was open to the entire Port Chester School system including the parochial schools. The topic of the essay involved asking the students to express pride in the Village and indicate an area where improvement is needed and why it is needed and how to make the improvement.

46 essays were returned and the 4 winners are being honored tonight.”

Village of Port Chester Beautification Commission essay winners.

- 1st Place - Esther Magana
- 2nd Place - Daphne Sullivan
- 3rd Place - Nicholas Loiaconi
- 4th Place - Eddie Del Monte



From the left: Eddie Del Monte, Nicholas Loiaconi, Esther Magana and Daphne Sullivan

Award Presentation to John Reavis – In Appreciation for many years of dedicated service, devotion and commitment to our Village.

“John is a former president & life-member of the NAACP. Mr. Reavis was also the Executive Director of Carver Center from 1990-1999 and was the past president of the Port Chester Branch of the NAACP. He is currently a member of several organizations including the St Francis AME Zion Church and a board member of the Port Chester/Rye Town Council of Community Services.

But did you also know that John is a certified ski instructor and in the late 1990s he was the national youth racing director for the National Brotherhood of Skiers. The Brotherhood is a confederation of black ski clubs throughout the United States. In August 1997, he took 11 young black skiers to La Parva, Chile, 27 miles northeast of Santiago, to train with top skiers from around the world, including the United States Ski Team.

In addition, he along with his wife Doris are currently officials with the Sno-Burners Ski & Sports Association out of NYC

In 2010 -during Black History & Heritage Month the County Board of Legislators awarded him the "Unsung Heroes" award selected from those who represent the best and brightest in the African American Community in Westchester.

John has dedicated himself to reaching out to help the young people in our community and the greater metropolitan area and has devoted many hours as a member of the Port Chester Parks Commission nearly a decade, from which he now desires to retire.

It is with a sense of gratitude and thanks that I, on behalf of the Village of Port Chester Board of Trustees, thank John for his dedication and all of his efforts for the Village of Port Chester and present him with this Certificate of Appreciation.”



Mayor Neil Pagano and John Reavis with Certificate of Appreciation

WORK SESSION

William J. Villanova - Zoning Commission Chairman who was scheduled to update the Board on Zoning Commission was not able to attend today's meeting.

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Dina Goren commented on the Dog Park updates. The grant application was submitted and Dina thanked all who supported the dog park. Port Chester is entered in a contest by PetSafe and Port Chester is in the top 15 competitors. The Port Chester Dog Park is holding a raffle to raise money. This will be held on July 31st.

Ms. Bailey-Reavis thanked the Trustees for recognizing her husband for his service to the community. She commented in her recent travels she noticed solar panels attached to poles and roofs that aid in reducing the amount of energy used. Maybe the village could get solar panels around town to reduce energy in Port Chester.

Ms. Goldie Solomon commented on too many residential properties since the schools are overcrowded. The hospital property should be a hotel. T&D Bank is sponsoring a free barbeque on June 18th from 6 to 8 p.m.

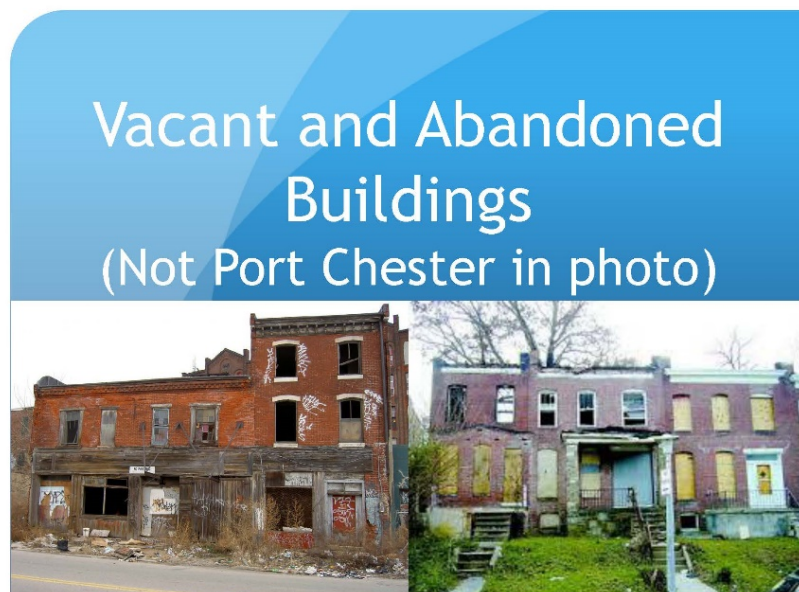
Ms. Bea Conetta commented on her meeting with Peter Miley. She suggested getting rid of the name "Amnesty". She suggested Housing Inspection Program. She suggested that you get rid of the expiration date and make the fees the same whether or not you sign up. The Town of Rye is still undecided whether or not they will move to Grace Church Street. We have to get rid of cumulative voting.

Mr. Bill Giangrande commented on Putnam Avenue and King Street. People who are in the right hand turning lane sometimes go straight. There should be a sign.

Mr. John Reavis addressed the issue of traffic congestion. We continue to see congestion at the Westchester, King Street, Main Street area especially when trains get in. You have people who do not honor keeping the thoroughfare open. We should have at least one policeman available in the area to alleviate that situation.

PRESENTATION

David Kenny, Law Student-Legal Intern, provided the Board with presentation on vacant / abandoned properties.





Zombie Properties

The housing bubble burst of 2009 has created a National Housing Crisis that is still ongoing.

- Property owners are increasingly burdened with mortgages which exceed the value of their homes
- As a result, Owners are abandoning their properties with no intention to maintain or reoccupy them



Zombie Properties Cont.

- Once removed from the property, owners are difficult if not impossible to locate
- Mortgagee or loan servicing company may keep property taxes current but do not physically maintain property unless they have a judgment of foreclosure
- Lenders don't complete foreclosure because current state law gives them no incentive



The Problems That Vacant and Abandoned Properties Create

- Visual Blight
- Accumulation of trash and debris creating unsanitary conditions
- Attracts children, as well as vagrants and squatters, and other persons with criminal intent



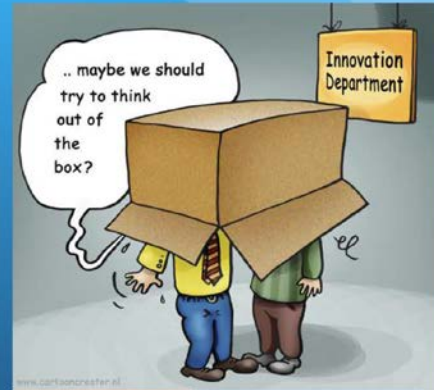
The problems that Vacant and Abandoned Properties Create

- Diminishes neighboring prop values
- Increases the risk of fire and criminal activity
- Burdens all Village departments that are required to respond to calls for service



Alternative approaches in dealing with Vacant and Abandoned Property

- Land Banks: non-for-profit corps created to take title and redevelop, convey to third parties Abandoned & Vacant property
- Condemnation: using the power of eminent domain to take title
- Vacant/abandoned building registries.



Land Bank For Port Chester?

- Art 16 of NYS Not-For-Profit Corporation Law allows certain municipalities to create Land Banks for upon approval of Empire State Development.
- New York State can only have 10 land banks and there are currently 5 have been approved. Competitive selection process for remaining. Village's issues do not rise to the top.



Condemnation

- Uses Eminent Domain law to acquire the properties, not often used.
- Municipality becomes responsible for the property and must redevelop the property. They also must eventually sell or convey the property to a third party
- While this strategy would remove the problems of mortgages and liens on the property, the municipality would still have to pay fair market value



State Law Limitations

- A significant road-block
- Only an owner or a Bank that has obtained a foreclosure judgment has a duty to maintain a property under NY State law (RPAPL § 1307) (Town of Huntington v. Lagone)
- We can only enforce code violations on owners as a criminal matter, but cannot obtain an injunction in the Justice Court
- Reform state legislation is necessary if municipalities are to make any real headway.



State Law Limitations

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- Reform state legislation is necessary if municipalities are to make any real headway.



NY Abandoned Property Neighborhood Relief Act of 2014

- Powerful bills have been introduced in the State Legislature.
- Imposes duty on mortgages and loan servicing companies to maintain vacant property and authorizes municipality to bring suit for violations of this duty
- State Attorney General directed to establish and maintain a state-wide vacant and abandoned property registry which will provide necessary information on these properties as well as set up a toll-free hot line for neighbors to make complaints.
- Authorizes municipalities to intervene in any foreclosure action to request an injunction to assure the property is maintained in conformance & action is timely prosecuted



Working Together

- Corporation Counsel Roundtable- The Pace Land Use Land Center has established a Corporation Counsel Roundtable - periodic meetings of the municipal attorneys for the cities in Westchester and Putnam Counties as well as village attorneys from Port Chester, Brewster and Ossining. Recent roundtable on code enforcement strategies.
- Pace Land Use Law Center- in contract with cities of Newburgh and Poughkeepsie on the subject. The Village Attorney's legal intern worked with Pace in this work.
- The New York Conference of Mayors is actively involved in assisting cities and villages on the subject both as shaping their legislative agenda and in individual consultations.



Targeted, Coordinated, Prioritized Effort

- The Department of Code Enforcement has identified vacant and abandoned properties in the Village that are targeted and prioritized for enforcement.
- Working with Village Attorney and Village Prosecutor, coordinated inter-departmental effort.
- Spread Sheet- List will be a dynamic list, consistently updated (List To Be Provided by Building Inspector prior to meeting)



For the Board of Trustee's Consideration

- Support Resolution of “New York State Abandoned Property Neighborhood Relief Act of 2014”
- Blanket Resolution empowering Village Attorney to commence appropriate legal action with regard to vacant and abandoned properties



169 Fairview Avenue Today



Building Inspector and Director of Code Enforcement Peter Miley updated the Board on vacant / abandoned properties.

Vacant / Abandoned Property Complaint Report - 2014

In 2013 there were 17 vacant and abandoned "high profile" properties located in the Village.

As a result of aggressive Code Enforcement, the list is reduced to 7 "high profile"

vacant/abandoned properties located in the Village.

Today, 2014 there are 11 total, 4 of them recently identified. All are under continuous monitoring

<u>Address</u>	<u>Owner Name</u>	<u>NOV ISSUED</u>	<u>CAT ISSUED</u>	<u>Unfit for Occupancy</u>	<u>Unsafe Structure</u>	<u>Last Action Taken</u>
1 23 Washington St.	Charlotte Garcia	NOV(s) Issued	CAT(s) Issued	Issued/Posted	Issued/Posted	Enforcement - Filing in Westchester Supreme Court
2 169 Fairview Ave.	Edixon Galindo & Myra Rojas	NOV(s) Issued	CAT(s) Issued	Issued/Posted	Issued/Posted	Court Order Obtained, Unsafe Structure Removed
3 457 West St.	Natacha Saintil	NOV(s) Issued	CAT(s) Issued	Issued/Posted		Enforcement - Commenced Title Search, Ownership Verification, Service Address
4 48 Irenhyl Ave.	Nalini Singh	NOV(s) Issued	Passed CAT Issued Compliance attained - Under new enforcement			Under Enforcement
5 47 Clark Pl.	Richard & Mary Young	NOV(s) Issued				Enforcement - Commenced Title Search, Ownership Verification, Service Address
6 63 Purdy Ave.	Brunilda Cruz	NOV(s) Issued	CAT(s) Issued			In VOPC Justice Court
7 51 Purdy Ave.	Briga Realty Inc. c/o Robert Capolongo	NOV(s) Issued	CAT(s) Issued			In VOPC Justice Court
8 78 Glendale Pl	Rose Cumming	NOV(s) Issued - New				Enforcement - Commenced Title Search, Ownership Verification, Service Address
9 72 Glendale Pl	Jeanette Anello	NOV(s) Issued - New				Enforcement - Commenced Title Search, Ownership Verification, Service Address
10 62 Leicester St	Anthony Casterella	NOV(s) Issued - New				Enforcement - Commenced Title Search, Ownership Verification, Service Address
11 416 Elm St	416 Elm Street Corp.	NOV(s) Issued - New	Passed CAT Issued Compliance attained - Under new enforcement			Enforcement - Commenced Title Search, Ownership Verification, Service Address

RESOLUTION

AUTHORIZING VILLAGE ATTORNEY TO COMMENCE APPROPRIATE LEGAL PROCEEDINGS TO REMEDY CONDITIONS WITH RESPECT TO VACANT AND ABANDONED PROPERTIES WITHIN THE VILLAGE OF PORT CHESTER

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:

WHEREAS, due to the ongoing national housing crisis, property owners are increasingly burdened with mortgages which exceeds the value of their homes, and are abandoning their residences with no intention to maintain or reoccupy the property; and

WHEREAS, although the Village has been affected to the same extent and severity as other municipalities throughout the State, the Board has been advised that there are a number of residential properties that are vacant and abandoned; and

WHEREAS, the Building Inspector has provided a listing of such properties that are targeted for attention, the names of responsible parties, status of enforcement efforts and strategy for abatement; and

WHEREAS, the Board finds that vacant and abandoned residences become magnets for crime, are a hazard to emergency response services; creates urban blight, decreases property values for surrounding properties, are a drain on all village services and negatively impacts the quality of life for all residents of the Village; and

WHEREAS, the Board further finds that such properties are a public nuisance that must be abated to protect the public health, safety and welfare; and

WHEREAS, the Board desires to provide all necessary resources to the problem and empower the Village Attorney to take appropriate legal action without the need for individual authorization. Now, therefore, be it,

RESOLVED, that the Board of Trustees hereby authorizes the Village Attorney, upon request of the Village Manager, to commence appropriate legal action to remedy the public nuisance conditions associated with respect to vacant and abandoned properties in the Village of Port Chester.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION

SUPPORT FOR THE ENACTMENT OF THE ABANDONED PROPERTY
NEIGHBORHOOD RELIEF ACT TO FACILITATE A STATE-WIDE EFFORT TO
ASSIST MUNICIPALITIES IN THEIR MANAGEMENT OF VACANT AND
ABANDONED PROPERTIES

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, due to the ongoing national housing crisis, property owners are increasingly burdened with mortgages which exceeds the value of their homes; and

WHEREAS, as a result, owners abandon their properties with no intention to maintain or reoccupy their homes and typically are difficult if not impossible to locate; and

WHEREAS, although mortgagees and loan servicing companies may keep property taxes current, they do not assume any obligation to maintain the properties in conformance with state and local codes; and

WHEREAS, mortgagees and loan servicing companies are reluctant to complete the foreclosure process in an attempt to defeat municipal efforts to make them legally responsible; and

WHEREAS, abandoned residences become magnets for crime, are a hazard to emergency response services; creates urban blight, decreases property values for surrounding properties, are a drain on all village services and negatively impacts the quality of life for all residents of the Village; and

WHEREAS, notwithstanding the foregoing, current State Law does not allow for municipalities to require mortgagees and loan servicing companies to maintain property before a judgment of foreclosure is obtained and

WHEREAS, the Village of Port Chester is aware that there are bills pending in the New York State Legislature, entitled the New York State Abandoned Property Neighborhood Relief Act”, A09341 and S 07350, that would work to ameliorate this current situation by:

--imposes the duty on mortgagees and loan servicing companies to maintain vacant and abandoned properties in compliance with the State Property Maintenance Code and authorizes a municipality to bring suit in the event that they are in violation.

- requires the State Attorney General to establish and maintain a state-wide vacant and abandoned property electronic registry imposing disclosure requirements on mortgagees and loan serving companies and a toll-free “hot line” to receive complaints from neighbors of vacant and abandoned properties.

-authorizes municipalities to intervene in any foreclosure action to request an injunction to assure the property is maintained in conformance with the Code and that the foreclosure action is timely prosecuted. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby calls upon State Senator George Latimer and Assemblyman Steve Otis co-sponsor bills in their respective houses that are entitled “The New York State Abandoned Property Neighborhood Relief Act of 2014”, and to gather support for such important initiative on behalf of the Village of Port Chester to assure its enactment.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTIONS

RESOLUTION #1

**RETAINING CONSULTANT TO PERFORM UTILITY, CABLE TELEVISION
FRANCHISE FEE AND MUNICIPAL GROSS RECEIPTS TAX AUDIT SERVICES**

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, Michael T. Caton, d/b/a Computel Consultants has presented to the New York Conference of Mayors that he performs utilities, cable television franchise fee and municipal gross receipts tax audit services on behalf of New York municipalities; and

WHEREAS, the Village of Rye Brook has most recently engaged Computel; and

WHEREAS, Computel proposes to likewise provide such services to the Village, with compensation to be a one-time fee representing a percentage of any recovered funds. Now, therefore, be it

RESOLVED, the Village Manager is hereby authorized to enter into an agreement with Michael T. Caton, Computel Consultants, P.O. Box 35, 5 East Main Street, Earville, New York 13332 in the form annexed to perform utility, cable television franchise fee and municipal gross receipts tax audit services, compensation to be thirty-five percent of any recovered funds.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #2

**AUTHORIZING THE COUNTY OF WESTCHESTER
BOARD OF ELECTIONS TO CONDUCT THE VILLAGE ELECTION**

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

WHEREAS, pursuant to New York State Election Law, Section 15-104(c), the Board of Trustees may adopt a resolution, subject to permissive referendum, providing that Village of Port Chester ("Village") Election shall be conducted by the County of Westchester Board of Elections; and

WHEREAS, the next Village Election is scheduled to be held on Tuesday, March 17, 2015 for the Mayor; and

WHEREAS, the Board of Trustees believes it is in the best interest of the Village for the County of Westchester Board of Elections to conduct the Village Election. Now, therefore, be it

RESOLVED, that pursuant to New York State Election Law, Section 15-104(c), the Village of Port Chester transfers the conduct of Village Election to the County of Westchester Board of Elections, subject to a permissive referendum pursuant to the provisions of Article 9 of the Village Law of the State of New York.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #3

**REQUEST FOR SPECIAL STATE LEGISLATION
REGARDING HOTEL OCCUPANCY TAX**

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

WHEREAS, the Village of Rye Brook recently secured special state legislation to adopt a local law to impose a hotel occupancy tax of 3 percent; and

WHEREAS, the cities of Rye, New Rochelle and White Plains also have a hotel occupancy tax; and

WHEREAS, a hotel occupancy tax offers the advantage of raising necessary revenue without imposing a regressive and heavier burden on property owners; and

WHEREAS, the Board of Trustees has accepted the petition of PC 406 BPR and PC 999 High Street Corp. to redevelop the former site of United Hospital for mixed residential/ commercial use which includes a proposed hotel. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby supports the need for special state legislation that would authorize and empower the Village of Port Chester to impose a hotel occupancy tax of 3 percent; and be it further

RESOLVED, that the Mayor is hereby authorized to forward correspondence, together with a copy of this resolution, State Senator George Latimer and Assemblyman Steven Otis Latimer so that that the necessary legislation may be prepared and introduced in the next legislative session.

Approved as to Form:

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: Trustee Kenner.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #4 (POSTPONED TO 7/7/2014 BOT MEETING)

**AWARDING BID FOR SANITARY SEWER LINING AND MANHOLE
REHABILITATION**

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE KENNER to **postpone** the vote on resolution Number 4 to the July 7, 2014 meeting.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

WHEREAS, the Village of Port Chester has advertised for bids for Sanitary Sewer Lining and Manhole Rehabilitation 2014 (Bid No. 14-03); and

WHEREAS, of the three bidders, the bid of Allstate Power Vac. Inc. is the lowest responsible bid and the contractor's references have since been verified; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept this bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Sanitary Sewer Lining and Manhole Replacement 2014 to Allstate Power Vac. Inc., 928 East Hazelwood Avenue, Rahway, New Jersey 07065 in the amount of \$879,350.00; and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Sewer Improvement 13/14, Project Account 5.8120.400.2013.132 in the Capital Fund.

RESOLUTION #5

**AUTHORIZING AGREEMENT TO CONTINUE LONG-STANDING PUBLIC-
PRIVATE PARTNERSHIP WITH PORT CHESTER COUNCIL OF THE ARTS, INC.
FOR FY 2014-2015**

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:

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 2014-2015. 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 2014-2015, compensation to be in the amount of \$32,000.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

RECUSE: Trustee Brakewood.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #6

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, to combine resolution 6, 7 and 8 as listed on the agenda for the purpose of casting one vote for all of the combine resolutions was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None
ABSENT: Trustee Terenzi.

DATE: June 16, 2014

APPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that CHRIS SUMMA, residing in Port Chester New York, be and hereby is appointed as an ALTERNATE member of the Port Chester PLANNING COMMISSION, effective June 17, 2014 with said term expiring on 06/16/2017.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.
NOES: None
ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #7

REAPPOINTMENT TO THE ZONING BOARD OF APPEALS

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

RESOLVED, that ART D'ESTRADA, of Port Chester, New York, be and he hereby is reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately, with said term to expire December 31, 2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #8

**REAPPOINTMENT TO THE ZONING BOARD OF APPEALS
AS AN ALTERNATE MEMBER**

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

RESOLVED, that GERARDO ESPINOZA, of Port Chester, New York, be and he hereby is reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately, with said term to expire December 31, 2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

RESOLUTION #9

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, 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 2014 – 2015 as indicated;

- Angie Rubino & Band, compensation to be \$1,100.00 for Lyon Park Concert
- Sly Gerald's Band, compensation to be \$1,000.00 for Lyon Park Concert
- Blues Patrol, compensation to be \$900.00 for Lyon Park Concert
- Rich Bobinski Orchestra, compensation to be \$720.00 for Lyon Park Concert
- The Bookends, compensation to be \$900.00 for Lyon Park Concert
- Markx Laiko Bolivian, compensation to be \$850.00 for Downtown Concert
- Back to the Garden 1969, compensation to be \$1,000.00 for Downtown Concert
- Juarez-Show Mariachi, compensation to be \$625.00 for Port Chester Day
- Rave-On Band, compensation to be \$500.00 for Port Chester Day
- Kathy Casey, compensation to be \$800.00 for Port Chester Day
- Soul Train, compensation to be \$750.00 for Port Chester Day
- The Greyhounds, compensation to be \$500.00 for Port Chester Day
- Curtis Winchester, compensation to be \$500 for Port Chester day
- Mark Rudzinski –Sound System, compensation to be \$1,200.00 for Port Chester Day.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

REPORT OF THE VILLAGE MANAGER

Village Manager Christopher D. Steers, updated the Board on the following items:

INITIATIVES:

- 1. National Development Council:** NDC and their partners at STV, Inc. have completed their analysis, pending final review. The proforma and project layout has progressed with a recommendation to eliminate the 3-4 story parking deck and alternatively program parking at the existing oak and grove lot with a proposed decking of same. This eliminates about \$4 million dollars from the project. There will be a full presentation at the July 7th, BOT meeting.

2. Strategic Planning: Strategic Actions

Opportunity Areas #1-5: Grant Writing Taskforce: Over the past three months, the Grant Writing Taskforce prepared seven grants on behalf of the Village through the 2014 Consolidated Funding Application (CFA) process for the June 16, 2014 submission date. The group attended the annual CFA Kick-Off meeting at Manhattanville College and met with a representative from Empire State Development on April 30th to discuss grant funding availability.

The seven grants submitted include: construction financing to repair the failed bulkhead and provide new waterfront public space; a feasibility/strategic planning study for land acquisitions associated with the creation of a new municipal center; feasibility planning/study for the redevelopment of Fox Island; conditions analysis and programming study for the repurposing of Bush-Lyon Homestead; construction for a dog park in Abendroth park; feasibility/strategic planning study for non-motorized, recreational watercrafts; and construction of permeable parking lot at Edgewood Park to increase improved public access. All grants applied for align with recommendations and policies described in the Comprehensive Plan, Strategic Plan, and Local Waterfront Revitalization Program. Staff anticipates receiving word from New York State about grant funding awards towards the middle of September and will provide an updated report at that time.

- 3. Property Condition Study RFP:** The RFP has been issued with a return date of June 20th, 2014. Again, the selected consultant will conduct a general neighborhood condition survey and utilize existing census and crime data to delineate specific Areas of Rehabilitation/Redevelopment Opportunity (ARO) within the village. Once specific areas are identified, the selected consultant will complete the following tasks for existing parcels located within each ARO and provide supportive data and recommendations in a narrative report format:
 - Create a parcel-based database, indexed by Section, Block, and Lot, identifying all existing building and health code violations, structural deficiencies, substandard, insanitary, or deteriorated conditions, tax delinquencies, judgment and mechanics liens, mortgage defaults, vacancy, abandonment, and zoning code violations. Existing structural integrity should be rated Good, Fair, Poor, or Deteriorated based on field reconnaissance, exterior observation, and generally accepted criteria for property condition assessment.

- Generate existing land use and thematic maps for each Area of Rehabilitation/Redevelopment Opportunity illustrating concentration and salient trends of attributes identified above.
- Utilize appropriate census geographies (census tract, block group or block) and parcel-based database to provide demographic tables and charts for each Area of Rehabilitation/Redevelopment Opportunity extrapolating population density, vacancy rate, age of housing stock, property condition, and crime rate relative to the Village and Westchester County as a whole.
- Based on all quantitative data collected, provide specific recommendations for each Area of Rehabilitation/Redevelopment Opportunity (ARO) to leverage the powers of the Port Chester Board of Trustees, Port Chester Industrial Development Agency (PCIDA), Port Chester Local Development Corporation (LDC), existing state and federal resources, loans, subsidies, grant funding, public/private partnerships, condemnation powers of the village etc. as a means to facilitate viable rehabilitation/redevelopment opportunities. Recommendations should provide short, medium, and long term neighborhood enhancement strategies aligned with the goals and objectives of the village comprehensive plan and local waterfront revitalization program.
- Provide detailed process and legal framework for implementation of recommended revitalization strategies.
- Attend, upon request, Port Chester Village Board of Trustees meetings and other public meetings to discuss work in progress or to present findings and recommendations on completed tasks.

ACTIONS:

- 1. Payroll Services:** Staff has contacted two payroll service providers and will connect at least two other P/R services. We are in the process of reviewing their products and demos.
- 2. Vacant / Abandoned Properties:** the Village Attorney has developed an action plan to deal with vacant and abandoned properties. The first “pilot” strategy involved 169 Fairview which after a lengthy but necessary process has been successfully remediated (demolished) under a court order. David Kenny, Legal Intern will be discussing the action plan and related strategies at the meeting.

Context: the national housing crisis has caused an influx of vacant and abandoned properties and also the problems that vacant and abandoned properties cause municipalities like Port Chester. The current state laws have allowed banks to escape their duty to maintain these abandoned properties and how difficult it currently is to go after owners/responsible parties when trying to abate the nuisance these abandoned properties create. A creative approach is required to successfully deal with these properties and many local

municipalities are formulating similar strategies, however there is a need for support at the State level as well. There is a currently a new state law before the State Legislature that would help drastically.

The new law is supposed to expand the duty on the banks making them responsible for maintaining abandoned properties they are the mortgagees of, and authorizes municipalities to intervene in any foreclosure to request an injunction to assure property is up to code and that bank is timely prosecuting the foreclosure action. The new law also creates a statewide vacant property registry that the Attorney General will head/run.

PROJECTS:

- 1. Town of Rye Move:** the project continues to move forward. Follow up meeting was held on 6/12/14. Renegotiation of lease terms, contributions, credits, and amortization finalized with recommendations to be presented to the BOT at the next regular meeting.
- 2. 350 North Main Street:** The proposed capital improvements to the building continue to move forward. Work has stalled relating to the build out of the shared court are pending renegotiation of lease terms and authorization from the Town of Rye to contribute an additional \$50,000 to the cost of the project.
- 3. Pay Station / Meters:** Service update as follows:
 - Battery life issues- Batteries in shaded areas are achieving about a week of life in the worst cases. Staff are able to keep up with changing these batteries as needed. We have identified a process for in-house hard wiring of the worst offenders to remove the solar variable from charging issues. This work will be completed this summer, prior to the return of weather conditions that reduce effectiveness of solar panels.
 - All delayed machines from phase one have been installed upon the successful completion of needed site work.
 - Phase 2, Midland and Horton Ave machines are on their way. Signage has been ordered. Current anticipated delivery of both items July 1.
 - Training of a backup meter staff member is ongoing. This staff member will allow 7 day a week service to keep machines operating on weekends etc.
 - Meter shelters for major lots have been priced out. Each shelter can cover two machines and are constructed of glass walls with aluminum frames. Again, they are \$5,156 each with delivery and installation. The two lots currently are the Highland lot and the Irving Ave Lot (see below).

Quotation



4/24/2014

Village of Port Chester
222 Grace Church Street
Finance Dept - Suite 220
Port Chester, NY 10573
Attn: Chris Arneigh
csar@villageofportchester.com

Integrated Technical Systems, Inc. is pleased to submit the following proposal:

4'x6' DTVM Shelter - Two Meter Shelter

Qty	Vendor	Model	Description
1	CEC		4'x6' DTVM Shelter Roof: Flat Opaque White FRP Sandwich Panel in 8" Fascia Windows: 1/4" clear tempered safety glass Aluminum Alloy: 6063T52 Aluminum Finish: #215R1 satin silver clear anodized Base Detail: 4" external adjustable Base Flanges w/exp. Bolts Accessories: Fluorescent Light (hard wired) K7140 outdoor/vandal resistant fixture - premounted and prewired for underground electrical hookup

PRICE (Incl. Freight & Installation) \$5,156

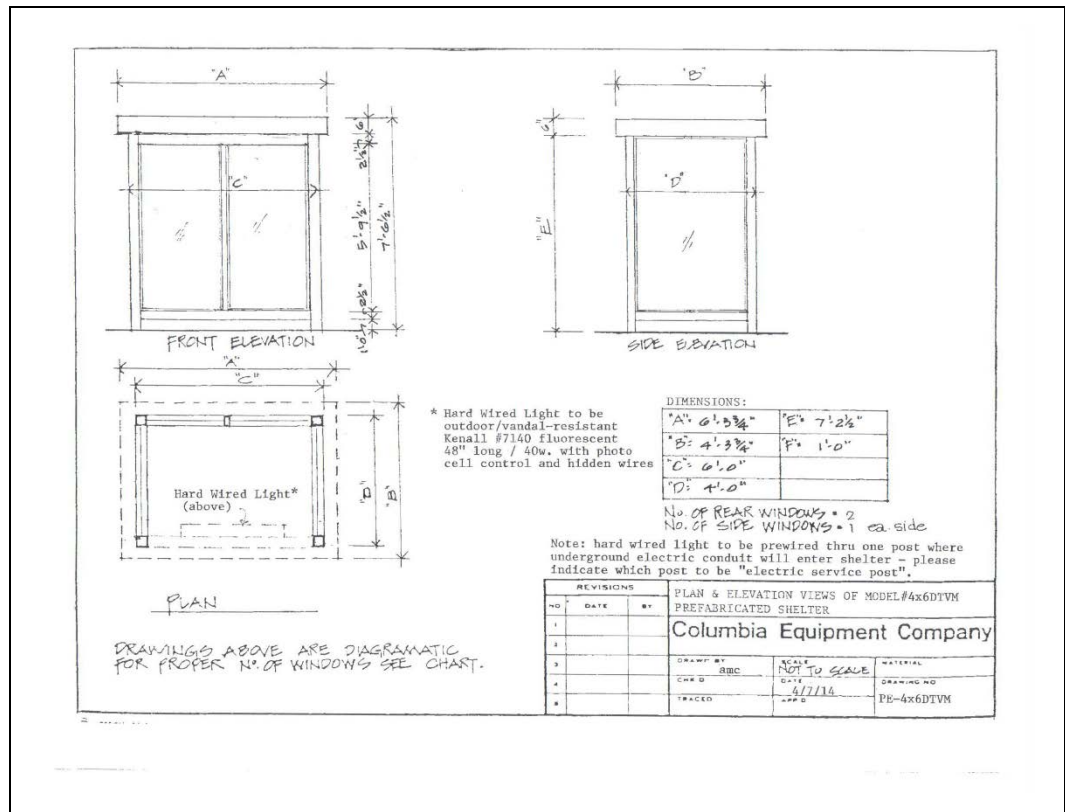
NOTES:

Quotation subject to applicable taxes
Quotation is not valid if this is a Capital Improvement
Quotation valid for 30 days
Shipping & Handling Included
Required Computer Hardware is to be provided by customer

ACCEPTED BY: _____

Quote by Joe Yortano

Integrated Technical Systems, Inc.
8 Capital Drive · Wallingford, CT 06492 · Tel: (203) 265-8100 · Fax: (203) 949-4710
www.integratedts.com



4. Westchester Avenue Intersection Improvements: Again the completion of the project is pending Con Edison's relocation of some transmission lines. There is an additional expenses related thereto that shall be borne by the developer.

PRIORITIES

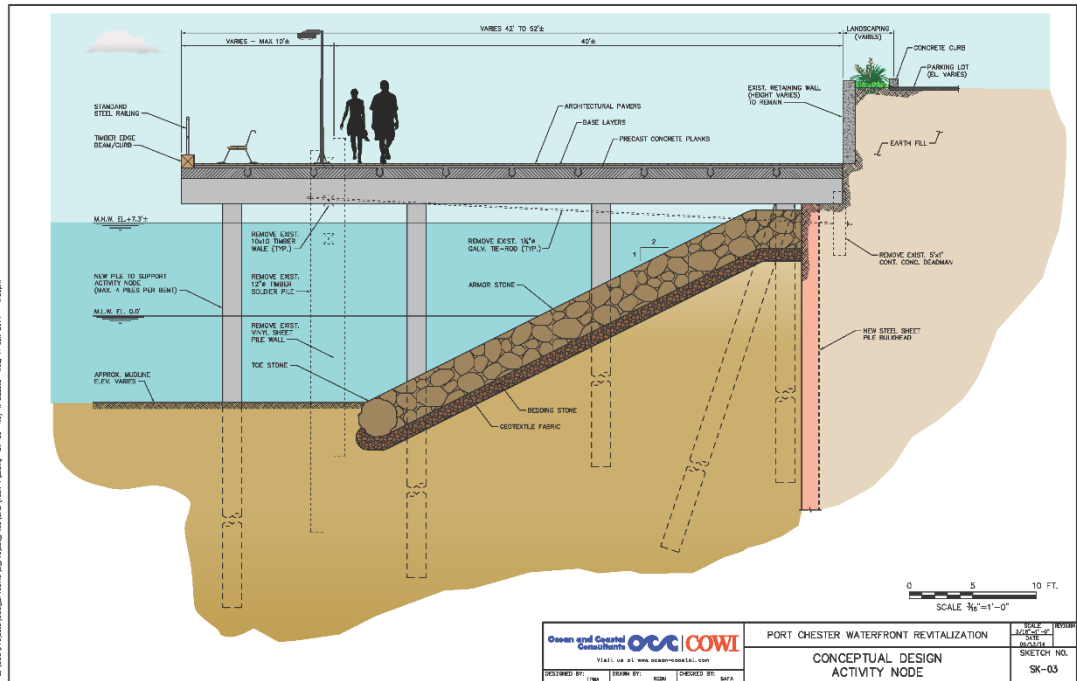
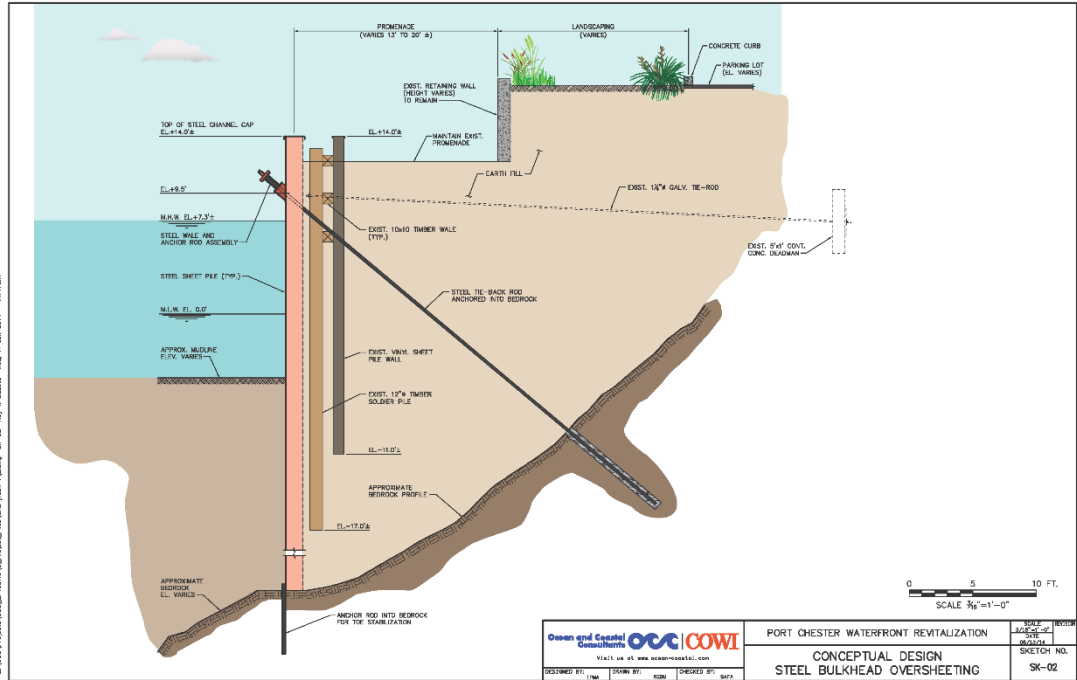
1. Sewer Rent: As you are aware the first Sewer Rent billing has been successfully released and bills are being processed. Staff continues to work very closely with United Water on the implementation and we maintain almost daily contact in order to address all customer service issues. My office has been and will continue to be the point of contact for the Village to continue to field errant calls, questions, or issues not in the purview of United Water.

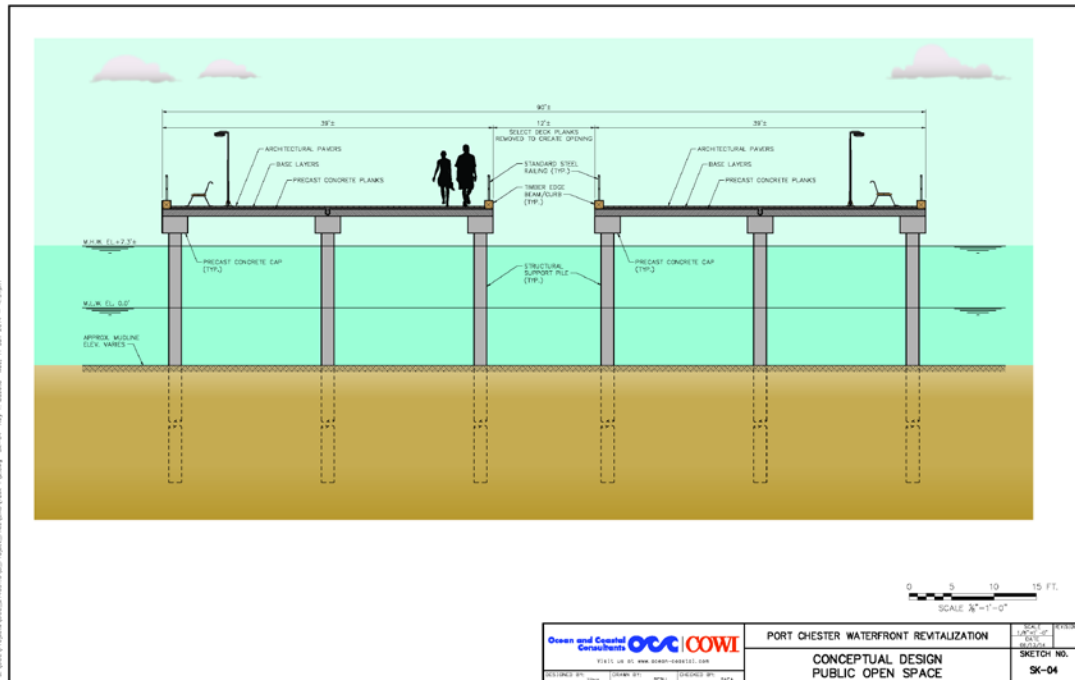
- The village is receiving 4-5 sewer rent calls a day. United Water is receiving between 10-20 calls a day, mostly for information on the program.
- Around .01% of the bills were bounced back to UW as return to sender mail. Of these 4 or 5 cases could not be rectified by UW and are being rectified by the Village on behalf of UW.

- About 10 people have contacted the Village contesting their connections to the Port Chester Sewer System. We are identifying them one at a time and verifying their sewer connections as needed.
- The Village has received four grievances. Three of these can be handled internally. Only one grievance was for a valid issue which requires the input of the board. That grievance is on for correspondence today. The board has the option to decide how to hear applications from those owners who feel they are not being charged a fair rate for Sewer Rent.
- At this point, every sewer rent paying property has been sent a bill so future call volume should decrease as the program becomes normalized.

2. **Bulkhead:** we have moved forward with the completion of a conceptual design that includes a wharf type activity node that includes revetment and “habitat creation” along with the decking of the cove. The concept has firmed up design constraints relating to topography and other existing conditions specifically calling for steel sheet pile replacement in all areas with the exception of the activity node. The Conceptual design will be being drafted for submittal with Consolidated Funding Application (see below).







- ❖ Staff has also met with representatives of G&S relating to the potential funding of the debt service for the bulkhead replacement with funds from establishing paid parking in the marina lot. G&S has concerns with existing requirements for free parking contractually owed to their tenants. The issue of “control” of the parking surrounds the ability to validate parking for said customers patronizing their tenants. Discussions included rough concepts of a manned gate, splitting the lot, or having a validation system at point of service in control of each tenant (either a credit or a pre-validated card that could be submitted at time of departure). I recommend further discussion on this important topic with G&S and the BOT or assigned representatives of the BOT as soon as possible.
- ❖ Also up for discussion are the previous complaints about booting of vehicles and recent complaints relating to the closure of the Walgreen’s Parking lot at night (see attached email).

INFORMATION

1. **Recruitments:** Actively underway in DPW, Planning, Legal, Police Department, and Fire Department.
2. **Police Chief Exam:** discussion on same will be held at this meeting.

DISCUSSIONS

GASB 45 actuarial valuation:

Village Treasurer Leonie Douglas commented that Trustee Terenzi recommended she try to get some proposals. She received two proposals, one with our current actuarial company and a second one from Aquarius Capital. Right now our current actuarial company is in their mid-cycle so their cost would be \$1,500. Aquarius gave a full year cost proposal of \$3,500 and a mid-cycle cost of \$1,500. Recommendation would be to continue to use the current company since it is \$1,500, and then the following year we switch over to Aquarius Capital. This is a requirement by the government of post-employment benefits. This is a valuation of costs.

CORRESPONDENCES

From Brenda M. Crandell regarding a Sewer Rent Appeal.

The Board referred the correspondence to staff without objection.

From The Natalia Crespo Eirin Foundation regarding Co-Sponsorship.

The Board referred the correspondence to staff without objection.

From Putnam Engine & Hose Co., #2 on the election of Andres Martinez, Leonardo Hernandez-Gomez and Miguel A. Coyt to membership.

The Board accepted the correspondence.

From Melissa Doherty requesting permission to close off Browndale Place on Saturday, September 13th from 3:00pm - 11:00pm.

The Board referred the correspondence to staff without objection.

From Mathew John, Jr. regarding his interest in serving on the Board of Ethics.

The Board referred the correspondence to staff without objection.

From African Methodist Episcopal Zion Church requesting the use of the Grove Street parking lot for their annual bazaar on July 12, 2014 from 12:00 PM - 5:00PM.

The Board referred the correspondence to staff without objection.

From Nicholas Melillo regarding Chuck Melillo Softball Classic requesting that Park Avenue be closed to public traffic on the day of the tournament (July 19, 2014) from Neuton to College.

The Board referred the correspondence to staff without objection.

Add-On Correspondence

During the correspondence section of the meeting, Mayor Pagano asked for a motion to add-on a correspondence from Maria Amado regarding the rental of the Village's Showmobile Stage.

There being no objection TRUSTEE MARINO, made a motion to add-on a correspondence, seconded by TRUSTEE CECCARELLI, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

MINUTES

Minutes from June 2, 2014.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees accepted the minutes of June 2, 2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

Mr. R. Abel commented on the Village Manager's report that the signage has been ordered for Midland Avenue and Horton Avenue for the parking meters. Was the

signage for 350 Main Street ever ordered? Village Administrative Aide Chris Ameigh commented the signs are incorrect and should be replaced shortly. On one woman's appeal for the Sewer Rent bill, this can only be reduced 10%. Village Manager Steers commented this is one of the things we are looking at - it will be discussed with the Village Attorney going forward.

Board

Trustee Adams congratulated the children who won the beautification awards. Their spirit was phenomenal. He thanked John Reavis for his years of service to the Village. We would like to talk to John about how we can make things better. Next Monday we will have an open public hearing starting at 6:00 p.m. regarding the Starwood Capital project.

Trustee Brakewood commented on the essays. They were great. Some of the things should be addressed like care of some of the traffic islands. The Brown family cemetery does not belong to the Village. The last time it was touched was during an Eagle Scout project five or six years ago. We got the memo re the EPTA and are wondering about our next steps. How are we researching it? Village Attorney Cerreto commented he called and has not received a reply regarding our vacancy rate. He suggested having a public hearing if you want to get pros and cons.

Trustee Marino commented on when the audits will take place for the DPW, fire departments and police department. Village Treasurer Douglas commented next month we will be going over the financing. We cannot purchase anything until the financing is in place. Next meeting we will have a financial advisor here to go over ways to borrow the money. Then we will get the Board resolutions for the financing and we then we can proceed. Once a resolution is in place we can proceed with the borrowing.

Trustee Ceccarelli commented on the Westmore News articles on the events in the Village over the weekend. The police department did a great job. He complimented the Tamarack Towers association for a good job.

Mayor Pagano congratulated the kids on their essays. Our Beautification committee did a fine job. It would be incredible to follow up on the suggestions in the essays. Regarding the booting of cars in Walgreens we need a legal opinion. Village Attorney Cerreto has researched this. The trustees should coordinate their calendars so that there is a quorum to hold a meeting during the next month. Regarding the police department, the downtown property owners miss the guy on the bike. He kept the traffic moving.

At 9:53 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Kenner, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustee Terenzi.

DATE: June 16, 2014.

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JUNE 23, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 23, 2014, in the Village Justice Courtroom, 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; Deputy Village Clerk, Vita Silio; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Christopher Ameigh Administrative Aide to the Village Manager, Village Planner Jessica Youngblood; Attorney Mark A. Chertok and Village Engineer, Dolph Rotfeld.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS the meeting was declared opened at 6:07 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 23, 2014

Motion to Add-On a Resolution

Mayor Pagano asked for a motion authorizing Village Manager to notify Westchester County Department of Human Resources with regard to promotional opportunities in the police department

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 23, 2014

RESOLUTION - (ADD-ON) - (TABLED TO 6/24/2014)

AUTHORIZING VILLAGE MANAGER TO NOTIFY WESTCHESTER COUNTY
DEPARTMENT OF HUMAN RESOURCES WITH REGARD TO PROMOTIONAL
OPPORTUNITIES IN THE POLICE DEPARTMENT

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:

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, to table the vote on the add-on resolution to the June 24, 2014 meeting.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None

ABSENT: None

DATE: June 23, 2014

WHEREAS, the Board wishes to provide for promotional opportunities for the positions of Lieutenant and Captain in the Police Department; and

WHEREAS, the Village has the discretion of limiting the promotional field for these positions; and

WHEREAS, the Board has given due consideration of its options as to what is in the best interest of the Police Department. Now, therefore, be it

RESOLVED, that the Board of Trustees, acting in its capacity of a Board of Police Commissioners, hereby determines the promotional field for the upcoming civil service examinations offered by the County of Westchester to be as follows:

-with regard to the position of Lieutenant, it be opened to individuals who immediately preceding the date of examination have one year of permanent competitive class status as a Police Sergeant with the Village of Port Chester

-with regard to the position of Captain, it be opened to individuals who immediately preceding the date of examination have one year of permanent competitive class status as a Police Lieutenant with the Village of Port Chester; and it further

RESOLVED, that the Village Manager is authorized and directed to notify the County Commissioner of Human Resources of this determination and take such appropriate action as may be required to implement same.

CORRESPONDENCES ADD-ON

From Port Chester-Rye Brook-Town of Rye Independence Day Committee requesting financial support from the Village.

The Board referred the correspondence to staff.

WORK SESSION

Starwood/United Hospital Workshop

Attorney Mark A. Chertok gave an overview on the scoping process regarding the pc406 BPR LLC and pc 999 High Street Corp to consider zoning text and map amendments related to a proposed southern gateway mixed use overlay district or a modification to the existing PMU planned mixed use district to permit the development of the former United Hospital site and 999 High Street for mixed multi-family residential and commercial development.

Following the presentation the Mayor Pagano asked for a motion to recess until 7:00PM. At which time the Public Hearing will start as scheduled.

On motion of TRUSTEE TERENCE, seconded by TRUSTEE ADAMS, to recess the meeting until 7:00 PM was adopted by the Board of Trustees of the Village of Port Chester, New York.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 23, 2014

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing to consider scoping document submitted on behalf of pc406 BPR LLC and pc 999 High Street Corp to consider zoning text and map amendments related to a proposed southern gateway mixed use overlay district or a modification to the existing PMU planned mixed use district to permit the development of the former United Hospital site and 999 High Street for mixed multi-family residential and commercial development.

The following Public Notices were duly published in the Journal News and the Westmore News on **June 6**, 2014 certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **Angelina Brescia**, Office Manager of the Westmore News

**PUBLIC NOTICE
VILLAGE OF PORT CHESTER**

**PUBLIC HEARING TO CONSIDER SCOPING DOCUMENT
SUBMITTED ON BEHALF OF PC406 BPR LLC AND PC 999 HIGH
STREET CORP TO CONSIDER ZONING TEXT AND MAP
AMENDMENTS RELATED TO A PROPOSED SOUTHERN
GATEWAY MIXED USE OVERLAY DISTRICT OR A
MODIFICATION TO THE EXISTING PMU PLANNED MIXED USE
DISTRICT TO PERMIT THE DEVELOPMENT OF THE FORMER
UNITED HOSPITAL SITE AND 999 HIGH STREET FOR MIXED
MULTI-FAMILY RESIDENTIAL AND COMMERCIAL
DEVELOPMENT**

NOTICE IS HEREBY GIVEN that the Board of Trustees of the Village of Port Chester, New York, will hold a public hearing on June 23, 2014 at 7:00PM or as soon thereafter in the Village Justice Court Courtroom, 350 North Main Street, Port Chester, New York, to consider the draft scoping document submitted by PC406 BPR LLC and PC 999 High Street Corp. (together the “Applicant”) for the preparation of a draft environmental impact statement (DEIS) pursuant to the State Environmental Quality Review Act (SEQRA) regulations regarding proposed zoning map and text amendments to the Village Code, Chapter 345, relating to a proposed Southern Gateway Mixed Use Overlay District, or in the alternative, to a text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62. The proposed Southern Gateway Mixed Use Overlay District would include the PMU Planned Mixed Use District and the CD Design Shopping Center District on the Boston Post Road corridor.

The Applicant seeks to develop the former United Hospital site at 406-408 Boston Post Road and 999 High Street (“Subject Property”) to facilitate the following proposed development scheme: a mixed, multi-family residential and commercial development, consisting of 500 dwelling units designed to appeal to “Millennial” or young, childless working professionals; 230 age-restricted dwelling units; 90,000 square feet of retail space; an approximate 138-room hotel; and between 100,00 and 200,000 square feet of market-based office space geared towards accommodating wellness and out-patient medical uses.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. A copy of the submitted zoning petition and draft scoping document are available at the Village Clerk’s office or online at the Village website: http://www.portchesterny.com/Pages/PortChesterNY_Starwoodsite/starwood.

Date: June 6, 2014

/s/ JANUSZ R. RICHARDS

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

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the public hearing was declared open.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 23, 2014

This Public Hearing was transcribed by a court reporter. The following is the transcription of the Public Hearing as transcribed by Dianne Hillman.

“PUBLIC HEARING TO CONSIDER SCOPING
DOCUMENT SUBMITTED ON BEHALF OF PC406 BPR LLC AND
PC 999 HIGH STREET CORP TO CONSIDER ZONING TEXT
AND MAP AMENDMENTS RELATED TO A PROPOSED SOUTHERN
GATEWAY MIXED USE OVERLAY DISTRICT OR A MODIFICATION
TO THE EXISTING PMU PLANNED MIXED USE DISTRICT TO
PERMIT THE DEVELOPMENT OF THE FORMER UNITED HOSPITAL
SITE AND 999 HIGH STREET FOR MIXED MULTI-FAMILY
RESIDENTIAL AND COMMERCIAL DEVELOPMENT

PUBLIC HEARING
VILLAGE OF PORT CHESTER

BEFORE: MAYOR NEIL J. PAGANO

and

BOARD OF TRUSTEES

HELD AT: VILLAGE JUSTICE COURT COURTROOM
350 North Main Street
Port Chester, New York

ON: June 23, 2014

AT: 7:00 P.M.

SOUND REPORTING SERVICE
411 Theodore Fremd Ave., St. 206-So., Rye, New York 10580
914-925-0500

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APPEARANCES:

MAYOR NEIL J. PAGANO

BOARD OF TRUSTEES:

GREGORY ADAMS

DANIEL U. BRAKEWOOD

SAVERIO L. TERENCE

GENE CECCARELLI

JOSEPH D. KENNER

LUIS MARINO

DEPUTY VILLAGE CLERK VITA SILEO

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APPEARANCES (CONTINUED:)

ANTHONY CERRETO, ESQUIRE
ATTORNEY FOR VILLAGE OF PORT CHESTER

MARK A. CHERTOK, ESQUIRE
SPECIAL COUNSEL FOR
VILLAGE OF PORT CHESTER

CHRISTOPHER STEERS, VILLAGE MANAGER

DOLPH ROTFELD, VILLAGE
CONSULTING ENGINEER

CHRISTOPHER GOMEZ, DIRECTOR OF
PLANNING AND DEVELOPMENT

JESSICA YOUNGBLOOD, VILLAGE PLANNER

CHRISTOPHER AMEIGH, ADMINISTRATIVE AIDE
TO THE VILLAGE MANAGER

CUDDY & FEDER, LLP

ATTORNEYS FOR STARWOOD CAPITAL
445 Hamilton Avenue
White Plains, New York 10601

BY: ANTHONY B. GIOFFRE, III, ESQUIRE

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25

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3

MAYOR PAGANO: Good evening,

4

everyone. We are back.

5

I don't believe I need a motion to

6

re-open the meeting, do I, Tony

7

ATTORNEY CERRETO: Recess is over.

8

MAYOR PAGANO: Recess is over.

9

Welcome back. May I please get a motion.

10

ATTORNEY CERRETO: I make a motion

11

to open the Public Hearing.

12

MAYOR PAGANO: Please get a

13

motion to open the Public Hearing to consider

14

Scoping Document submitted on behalf of

15

PC406 BPR, LLC and PC 999 High Street Corp to

16

consider zoning text and map amendments related to a

17

proposed southern gateway mixed use overlay district

18

or a modification to the existing PMU planned mixed

19

use district to permit the development of the former

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United Hospital site and 999 High Street for mixed

21

multi-family residential and commercial development.

22

TRUSTEE ADAMS: I so move.

23

TRUSTEE MARINO: I so move.

24

Call the Roll, please.

25

(Whereupon Deputy Clerk Vita Sileo

1 called the Roll, and the motion was carried
2 unanimously.)

3 MAYOR PAGANO: Vita, this was
4 advertised?

5 VITE SILEO: Yes. We have the
6 Affidavit of Publication by both The Journal News
7 and The Westmore News, and we also have a letter
8 from Cuddy & Feder regarding the High Street - -

9 MAYOR PAGANO: Speak to the
10 microphone. Pull it closer to you.

11 VITA SILEO: It's a letter from
12 Cuddy & Feder asking us to incorporate this letter
13 and attachments as part of the record of the
14 proceedings.

15 MAYOR PAGANO: Thank you.
16 Welcome, everyone. I have a script in front of me.

17 Tonight is a very big step for
18 this Village. It's a Scoping Session, which we are
19 going to be talking about in a moment, what this
20 Scoping Session means and what the program is going
21 to be - - what it's going to involve tonight and how
22 we are going to conduct the proceedings.

23 So with your patience, I have a
24 script that I will read from so I don't forget
25 anything; but it more or less - - it sets the

1 proceedings for tonight, and how we will operate,
2 and how we will take it from here.

3 Let the record show that for the
4 record, tonight's meeting is being - - we have a
5 stenographer here taking minutes as well as being
6 online.

7 We have the entire members of the
8 Board of Trustees. In place of - - acting in place
9 of the Village Clerk, Janusz Richards, we have
10 Deputy Village Clerk Vita Sileo.

11 We have Village Manager Chris
12 Steers, Village Attorney Tony Cerreto; Planning
13 Department, Chris Gomez, and Jessica Youngblood; and
14 Counsel Mark Chertok; and Village Consulting
15 Engineer Dolph Rotfeld. Also here is Assistant to
16 the Village Manager, Chris Ameigh.

17 The purpose of this session is to
18 provide members of the public with the opportunity
19 to express their opinions and comments on the scope
20 of the Draft Environmental Impact Statement, DEIS,
21 for the proposed amendments to the Village Code.

22 The proposed amendments are
23 intended to facilitate the redevelopment of the
24 former hospital site with a mixed use development
25 that would include multi-family residential,

1 age-restricted residential hotel, retail, and office
2 uses as well as parking facilities and open space.

3 The project is proposed by BPR,
4 LLC and PC 999 High Street Corp., which are
5 affiliated with Starwood Capital Management.

6 The proposed redevelopment would
7 entail amending the existing Zoning Code to
8 establish a southern gateway mixed use overlay
9 district and modifying the Village's official zoning
10 map; or, in the alternative, amending the text of
11 the existing planned mixed use district applicable
12 to the proposed development site.

13 The redevelopment would also
14 require site plan and other Village approvals. The
15 overall proposal with its various components and
16 approvals is technically denominated as the
17 "Proposed Action."

18 The Village Board is the lead
19 agency under the State Environmental Quality Review
20 Act known as SEQRA which means that the Village
21 Board is responsible for conducting the
22 environmental review process. SEQRA is State
23 legislation.

24 The Village Board determined, at
25 the applicant's request, that the proposed action

1 may have a significant effect on the environment.

2 As a result of that determination,
3 the Village Board issued what is called a Positive
4 Declaration requiring the applicant to prepare an
5 Environmental Impact Statement.

6 At the same time, the Board
7 determined to hold this Scoping Session this
8 evening.

9 The Environmental Impact
10 Statement, or EIS, will describe the conditions on
11 the site and in the area that might be affected by
12 the proposed action; impacts of the proposal on the
13 environment such as traffic, noise, and community
14 facilities, measures to mitigate adverse impacts,
15 and alternatives that would achieve the same basic
16 goal but eliminate or reduce impacts such as an
17 alternate design.

18 Under SEQRA, the DEIS is prepared
19 by the applicant and independently reviewed by the
20 Village Board to assist it as complete and adequate.

21 The Board has retained
22 environmental counsel and will be retaining
23 consultants to assist it in this review.

24 The applicant, under SEQRA, will
25 reimburse the Village for the costs of that review.

1 Similar matters are worth emphasizing.

2 First, while the SEQRA process
3 provides information for the Board's
4 decision-making, the Board retains the ultimate
5 discretion about whether to allow the requested
6 zoning amendments, some variation of them, or no
7 such amendments.

8 Second, the consultants that will
9 be retained by the Board to review the EIS are
10 selected by the Board and are completely independent
11 of the applicant.

12 Under SEQRA, in local laws, the
13 applicant reimburses the Village for their
14 consultant's fees but has no control over their
15 review and comments.

16 Finally, the Board is advised not
17 only by its own staff and Village counsel, but also
18 by the outside counsel who specialized in
19 environmental and land use law.

20 The session tonight known as a
21 Scoping Session is the early part of the SEQRA
22 process.

23 It's intended to allow the public
24 to learn about the proposal and to comment on the
25 contents of the Draft Environmental Impact

1 Statement.

2 Pursuant to SEQRA, the applicant
3 has prepared a drafted DEIS Scoping Outline which
4 has been available to the public and is on the
5 Village's website.

6 Copies of that document may still
7 be available, if they haven't all been used up,
8 either - - in the front of the podium. Tom is
9 raising it in the air.

10 In the interest of providing as
11 much information to the public as possible, after my
12 introduction, we will have the applicant first
13 explain the project.

14 This isn't because the Board
15 favors or disfavors the project, but because it
16 could help to answer questions or even raise
17 questions about the project or its potential
18 impacts, which is what we are trying to do tonight.

19 The Board will accept comments
20 tonight. In addition, the Board may determine at
21 the close of the hearing to provide additional time
22 for the submission of written comments.

23 In that event, comments would be
24 submitted in writing, including e-mail, to the - -
25 to the Village Clerk, jrichards@portchesterny.com,

1 or to the Village Clerk at 222 Grace Church Street
2 in Port Chester.

3 After the comment period ends, the
4 Village Board will adopt the Final Scoping Document.
5 That's not going to happen tonight. This is in the
6 future.

7 It will consider comments from the
8 public and other agencies as well as its
9 professional staff and counsel in preparing the
10 documents.

11 As noted, the Draft Scoping
12 Document before you tonight was prepared by the
13 applicant and is subject to public review as well as
14 review by the Village and its consultants.

15 The Village will determine the
16 Final Scoping Document which will be followed by the
17 applicant in preparing the Draft Environmental
18 Impact Statement.

19 The applicant's proposed DEIS will
20 be reviewed by the Village Trustees, Village staff,
21 and Village consultants; and once the DEIS is found
22 acceptable by the Village Board, it will be made
23 publicly available, and there will be a public
24 hearing with additional time to submit written
25 comments and to see comments on the document.

1 Then a Final EIS will be prepared
2 which will discuss any changes in the proposal and
3 respond to all substantive documents or comments on
4 the DEIS.

5 After that, the Village Board will
6 issue what is called a SEQRA Finding Statement which
7 approves or disapproves the proposed action.

8 The process relating to the
9 proposed amendments to the Village Zoning Code and
10 Zoning Map will be coordinated with the SEQRA
11 process.

12 Now, for the public hearing
13 tonight, we have provided a sign-up sheet for
14 speakers, and we will allow those persons to speak
15 first.

16 Any of you who have not signed up
17 but wish to speak will be taken after those who have
18 signed up. That document is on the podium.

19 We are going to ask that your
20 remarks be limited to five minutes each. If there
21 is extra time, there will be an opportunity for
22 additional comment. That way, everyone who wants to
23 speak will be offered the opportunity. The clock is
24 on the Clerk's desk to my right.

25 This hearing is being transcribed

1 by a court reporter. Therefore, it's important that
2 you please give your name and address clearly at the
3 beginning of your remarks.

4 Also, please speak slowly enough
5 that the court reporter can take down your remarks
6 in full.

7 I want to emphasize that, tonight,
8 those of us sitting up here are doing so as
9 representatives of the community. We are not a
10 court of law, and this hearing is not intended as a
11 debate.

12 We are here tonight to listen to
13 your comments, and so we will not be going back and
14 forth.

15 We are here to listen to what you
16 would like to have evaluated in that Draft
17 Environmental Impact Statement.

18 At this time, I'd like to call on
19 the applicant. I believe, Tony, are you going to be
20 making the intro?

21 ATTORNEY GIOFFRE: Thank you,
22 Mr. Mayor.

23 MAYOR PAGANO: I'd like to
24 introduce Mr. Gioffre representing Starwood Capital.

25 And, Tony, it's all yours.

1 ATTORNEY GIOFFRE: Thank you,
2 Mr. Mayor, Members of the Board of Trustees.

3 For the record, my name is Anthony
4 Gioffre. I'm a member of the law firm of Cuddy &
5 Feder, 445 Hamilton Avenue, White Plains.

6 I am here this evening on behalf
7 of the affiliates of the Starwood Capital Group, the
8 applicant for the proposal.

9 Thank you for your comments in
10 advising the community of what the purpose of this
11 Scoping Session is this evening.

12 I would like to remind the public
13 that the Village has a fantastic website which has
14 very key documents on it that are available for the
15 public to review.

16 We've previously appeared before
17 the Village Board on several occasions with respect
18 to the proposal that's before you.

19 In two particular instances, we
20 provided very lengthy representations of the
21 conceptual plan for the proposal.

22 Those slides are available on the
23 web site. We provide a lot of key data which is
24 important, and I respectfully refer the public to
25 those documents.

1 Additionally, the documentation
2 that we previously submitted to the municipality, as
3 well as will be submitting in the future, will also,
4 I think, be on that website as a repository for
5 information for these and public use.

6 With that being said, we look
7 forward to the comments that the public will provide
8 this evening with respect to the proposal.

9 We will evaluate those comments as
10 well as the comments that the Board and your staff
11 will provide for us, which will be evaluated and
12 considered as part of the DEIS process.

13 Starwood is proud to propose the
14 redevelopment of the former United Hospital property
15 and the adjacent residential apartment building into
16 the highest and best use by creating a new great
17 mixed use Port Chester neighborhood that includes a
18 combination of hotel, retail stores, restaurants,
19 residential, and senior age-restricted uses, and
20 community open space.

21 This proposal offers a unique
22 retail-based destination public space where
23 Port Chester citizens can live, work, shop, and
24 connect with each other.

25 This redevelopment offers

1 appropriate age-restricted and multi-family
2 residential densities, market-based medical office
3 and wellness space, restaurant and cafe gathering
4 places, and hotel.

5 As part of this proposal, on-site
6 surface and structured parking is provided as well
7 as ample green space and associated recreation
8 facilities.

9 As you are all aware, the formal
10 hospital site is now vacant, but is well positioned
11 and located to accommodate a new mixed use
12 development and serve as a key gateway to
13 Port Chester due to its proximity to major employers
14 in Westchester and Fairfield, immediate access to
15 major highways such as 287 and I-95, convenient
16 accessibility to Downtown Port Chester shopping and
17 restaurant district, and the Metro North train
18 station, and frontage on U.S. Route 1 directly
19 across the street from Kohl's and its new anchor
20 tenant, Whole Foods.

21 Given that the hospital facility
22 has been vacant and inoperative since 2005, the
23 post redevelopment will result in the immediate
24 revival of this important property which represents
25 the single largest redevelopment site in the

1 Village.

2 The site's current zoning is
3 planned mixed use, PMU, which is intended to
4 accommodate a mixed use development including a
5 variety of commercial, office, residential, and
6 community facility uses.

7 Notably, your Board pre-approved
8 the current PMU zoning at the site and completed its
9 associated environmental review, environmental
10 review similar to which we are commencing the public
11 portion of the process this evening, and you
12 recognize that the proposed action for, quote,
13 "re-zoning and redevelopment of the site with calm,
14 committed, detailed, comprehensive site-specific
15 retail use under SEQRA "could result in
16 modifications of the district."

17 Accordingly, and in keeping with
18 the Village's comprehensive plan and associated
19 SEQRA Finding Statement, Starwood is proposing an
20 amendment to the Zoning Code and Zoning Map to
21 create a southern gateway mixed use overlay zone;
22 or, in the alternative, modified regulations and
23 zoning text for the PMU District.

24 The United Hospital redevelopment
25 proposes a mixed use neighborhood that will replace

1 the existing vacant and unutilized former hospital
2 buildings and associated apartment building.

3 In addition to including
4 multi-family residential structures throughout the
5 site, and hotel, commercial, retail, and office
6 space near and along the Boston Post Road and at
7 street level, among the other uses, the proposal
8 will provide parking via a combination of structured
9 parking facilities located under the building as
10 well as at-grade/at-surface parking areas.

11 This mixed use project will also
12 provide pedestrian access to the site, and from the
13 Boston Post Road to the underutilized and often
14 difficult-to-get-to Abendroth Park, and include
15 public spaces and open-space areas.

16 The residential component of the
17 project is comprised of 500 efficiency, studio,
18 one-bedroom and two-bedroom dwelling units, together
19 with 230 age-restricted units, the configuration
20 designed to limit the total number of school-age
21 children generated from the site.

22 Indeed, 60 percent of the
23 none-age-restricted units will be loft apartments or
24 studios, while the remaining 40 percent of the units
25 will consist of 20 percent one-bedroom units and 20

1 percent two-bedroom units.

2 These dwelling units are to appeal
3 to millennials; namely, young childless working
4 professionals. The two-bedroom apartments offer
5 space for adult roommates with two master bedroom
6 suites rather than being designed for families with
7 school-aged children.

8 The commercial component of the
9 proposal consists of approximately 90,000 square
10 feet of retail space within a pavilion area and
11 at-street level of each proposed building.

12 It also offers an approximately
13 138-room hotel, and between one hundred and two
14 hundred thousand square feet of market-based office
15 space that's geared towards accommodating wellness
16 and out-patient medical uses.

17 We look forward to hearing the
18 public comments for the Board. The outline that I
19 gave you and macro level view of the concept plan is
20 provided in more detail in the conceptual proposal
21 that we provided to your Board at two public
22 sessions and is available on the website, which we
23 refer the public to.

24 Again, we look forward to the
25 public comment and what we can hopefully incorporate

1 into a study and evaluation, in the DEIS, which will
2 commence when - - effectively we have commenced some
3 of the studies knowing what you are going to be
4 looking at, but certainly will complete with our
5 team of consultants and professionals and will be a
6 very comprehensive document that will start the
7 process, at which time we will be prepared to
8 respond to specific comments or questions that you,
9 your staff, and the public may have.

10 This evening we will not be
11 prepared to address any comments from the public as
12 this is an information-gathering session for us to
13 identify what we are going to be evaluating as the
14 table of contents, if you will, for the DEIS.

15 Thank you very much for your time.

16 MAYOR PAGANO: Thanks a lot. I
17 might remind everyone we are going to take the
18 public who signed in first, signed in right at the
19 podium there. There is a list. There is a pad.

20 Those who have not had a chance to
21 sign in, if you want to do so now, they will be
22 taken first; and afterwards, time permitting, we
23 will be going from there.

24 Do you have what was up there?

25 VITA SILEO: Yes.

1 MAYOR PAGANO: If you want to call
2 out the name, that would be even better, starting
3 right at the top. Get the microphone in front of
4 you.

5 VITA SILEO: Patty Adams.

6 MAYOR PAGANO: Hold on. We have
7 people signing in.

8 GOLDIE SOLOMON: They are signing
9 in?

10 MAYOR PAGANO: Yes.

11 GOLDIE SOLOMON: I thought you
12 said people who signed in already should sign up.

13 MAYOR PAGANO: Miss Patty Adams.

14 PATTY ADAMS: Good evening. Patty
15 Adams, 350 South Regent Street. Good evening,
16 Mayor, Board of Trustees.

17 I was reading part of the Scoping
18 Outline just a few minutes ago, and I see - - I know
19 the hospital has been inoperative since 2005 because
20 I live there. The hospital site is my front door.

21 I realize we all have difference
22 of opinions, but I have seen the building go from a
23 hospital to an abandoned building.

24 I have seen families of raccoons,
25 families of cats, families of all types of animals.

1 I have seen people that I have never seen before in
2 my life.

3 I want to commend Starwood for an
4 excellent proposal. I was a member of the
5 comprehensive advisory plan for the Village of
6 Port Chester, and I've seen several proposals.

7 This one - - it's been seven long
8 years - - seven - eight long years; and looking at
9 this new improvement, this last proposal, I commend
10 them.

11 I may be putting the cart before
12 the horse, but my concerns is the demolition. I
13 hope it's carefully taken under consideration that
14 we are a development that lives next door.

15 I do remember when a project was
16 done in downtown Port Chester. The residents were
17 not notified. I have pictures.

18 I have e-mails of dust - - thick,
19 thick dust that came into windowsills, the different
20 debris that came into the windowsills. So I am
21 hoping that that's being taken under consideration.

22 Not only that, the rodents. I
23 have never seen so many possums before in my life.

24 There are so many things there
25 that I hope that it's being considered, other people

1 who live next door when this demolition does start,
2 or it's in your plans.

3 This project I believe would be
4 for the betterment of all of Port Chester. So I
5 hope we are notified when anything begins, and I
6 just want to thank you.

7 MAYOR PAGANO: Thank you. Vita.

8 VITA SILEO: Rosemarie Harris.

9 MAYOR PAGANO: Rosemarie Harris.

10 GOLDIE SOLOMON: A lot of people
11 signed in, but they weren't speaking, but they
12 thought they had to sign in.

13 MAYOR PAGANO: Okay. Next one.

14 VITA SILEO: Richard Hyman.

15 RICHARD HYMAN: Thank you very
16 much. I want to preface my remarks saying I am for
17 a major development on this site.

18 MAYOR PAGANO: Excuse me,
19 Mr. Hyman, only for purposes of the court
20 stenographer.

21 RICHARD HYMAN: I'm sorry. Richard
22 Hyman, 55 Lafayette Drive, Port Chester, New York.

23 I just want to refer my comments
24 which I am saying, for the major development on this
25 site that includes a large number of residential

1 units and mixed use, it's the most important site in
2 Port Chester. It's going to be important to the
3 future of Port Chester.

4 The Scoping Document, the proposed
5 Scoping Document, has no mention of 999 High Street
6 as being occupied or what will happen to the current
7 tenants.

8 On Page 1 of the proposed action,
9 it says, quote:

10 "The existing site currently
11 consists of multiple abandoned buildings," end
12 quote.

13 This is clearly untrue and
14 insulting to the residents of 999 High Street.

15 On Page 13 alternate (h), it says,
16 quote:

17 "Redevelopment of United Hospital
18 site without renovations or changes to
19 999 High Street parcel as part of the proposal."

20 What is needed is an alternative
21 that renovates 999 High Street for the current
22 residents and the empty units as affordable housing.

23 Port Chester residents for
24 affordable housing is opposed to the demolition of
25 999 High Street and will fight to protect the

1 tenants' rights.

2 We suggest that Starwood must
3 immediately stop terminating any tenancies except
4 for cause.

5 The plan cannot be to continue to
6 terminate tenancies; and then after six to nine
7 months, when the DEIS is completed, say there is no
8 problem because the building is empty.

9 Starwood must immediately provide
10 a list of current tenants not by name - - by
11 apartment, by size of the unit, by the rent, and the
12 size of the unit needed.

13 The DEIS for the proposed action
14 must include a detailed relocation plan. Under that
15 proposed action, which is the demolition of 999 High
16 Street, the current residents should be entitled to
17 relocation benefits equivalent to those required by
18 the Emergency Tenants Protection Act.

19 One, they have to be assisted in
20 finding a similar apartment in terms of size,
21 location, and rent.

22 Two, if an apartment rent is
23 higher than the current rent, they must be provided
24 with a stipend to cover the difference for a
25 six-year period payable upon relocation.

1 Third, all moving expenses must be
2 paid - - I just - - alternately, which may be the
3 best way to go, Starwood should provide comparable
4 apartments in terms of size and rent in the newly
5 constructed building before 999 is demolished so
6 people will be able to move directly into brand new
7 apartments at an equivalent rent.

8 I do want to say again that we are
9 opposed to the demolition of 999 High Street. The
10 Village Board, as a condition of processing the
11 DEIS, must insist that there be a freeze on
12 terminations of tenancies except for cause, or the
13 Board Members will be complicit in putting families
14 out in the street.

15 And maybe this is a good time for
16 all people who live at 999 to stand up to show that
17 you are here.

18 These are your constituents.
19 These are the people that you were elected to
20 protect and to take care of.

21 Don't tear down their building.

22 Thank you.

23 MAYOR PAGANO: Thank you.

24 (Applause.)

25 VITA SILEO: I believe it says

1 John A. Cilo, C-I-L-O, 365 Putnam Avenue.

2 GOLDIE SOLOMON: It says Tom
3 Corbia. Not you.

4 VITA SILEO: Oh, it says Tom
5 Corbia?

6 MAYOR PAGANO: Goldie, we will
7 take care of it up here. Mr. Corbia, is that your
8 address?

9 TOM CORBIA: It is, and I just
10 maybe need to ask Goldie who is living in my home,
11 because that's my address.

12 MAYOR PAGANO: One never knows,
13 Tom. For the record, again, please state your name.

14 TOM CORBIA: Of course. I want
15 you to listen.

16 MAYOR PAGANO: Goldie.

17 TOM CORBIA: Good evening.

18 Mayor --

19 MAYOR PAGANO: Good evening.

20 TOM CORBIA: -- and Members of the
21 Board of Trustees, I am Tom Corbia at 365 Putnam
22 Avenue, and I am speaking as a member of the Port
23 Chester-Rye Board of Education and the Board's
24 Village Liaison Committee.

25 I am presenting this statement on

1 behalf of the Board of Education in regard to the
2 Draft Scoping Document as part of tonight's public
3 hearing. We also submit this statement for the
4 official record.

5 The Board of Education appreciates
6 this opportunity to express its suggestions on how
7 the study might be enriched to provide additional
8 pertinent information associated with this Starwood
9 project and its impact on the Port Chester-Rye Union
10 Free School District.

11 The two major areas in which we
12 would like to elicit context are enrollment growth,
13 and traffic and safety.

14 We suggest that the study include
15 the following in regard to enrollment growth:

16 One, in addition to one-year
17 impacts, examine 5 and 10-year impacts on district
18 enrollment.

19 Two, examine the impact of
20 redistricting on other school district elementary
21 schools.

22 As we all know, JFK is the school
23 zone where the proposed development is located; and
24 JFK cannot absorb all new students.

25 Therefore, King and Park will grow

1 proportionately. Note that district elementary
2 schools are already overenrolled by about 305
3 students currently housed in rental space at
4 Holy Rosary at a cost of \$500,000 annually.

5 Three, examine the impact of the
6 district requiring additional classroom space for
7 State-mandated pre-kindergarten. This could yield
8 nearly 400 additional students.

9 Four, examine the cost impact of
10 additional K-12 students in unfunded mandates such
11 as online testing, special education services
12 growth, and student transportation to private
13 schools up to 15 miles away by law. The district
14 currently serves about 300 students in this fashion.

15 Five, examine the enrollment
16 consequences of the existing rental properties
17 should they become reconfigured for condos/co-ops
18 thus permitting higher occupancy density.

19 Six, examine the study in the
20 context of the 300 to 500 students at Port Chester
21 Middle School which could result in adding 20
22 classrooms to accommodate shift from elementary
23 school to provide space for new students and
24 students currently in rental space at Holy Rosary.

25 New and challenging arrival and

1 dismissal patterns at Port Chester Middle School due
2 to the modified reconfiguration.

3 And finally in traffic and safety,
4 we suggest the study include the following in regard
5 to traffic and safety:

6 Document student versus
7 non-student pedestrian patterns and needs.

8 Student patterns may show the need
9 for additional crossing guards, crosswalks, signage,
10 or signal crossings including Westchester Avenue and
11 Regent Street in the pedestrian pattern equation.

12 Examine the efficacy of
13 district-wide bussing versus private car traffic to
14 reduce pedestrian safety concerns and issues related
15 to increased auto traffic.

16 Add current student arrival and
17 dismissal times to intersection and traffic studies
18 delineated by school.

19 Examine traffic patterns as
20 related to children who ride bicycles to and from
21 school.

22 Consider mitigation/safety
23 measures like new or wider sidewalks on the Boston
24 Post Road, on High Street, South Ridge Street,
25 and/or other barriers between the sidewalks and the

1 road in multiple locations such as the South Ridge
2 Street bridge over Interstate 287.

3 Note that without sidewalks,
4 frozen precipitation would drive children to walk in
5 the street.

6 Delineate traffic pattern data by
7 grade level.

8 Examine the possibility of
9 incorporating or providing green space for
10 inter-scholastic athletic competition.

11 And finally, include a 2010 census
12 data along with the proposed 2000 data to inform the
13 study.

14 I apologize for reading this, but
15 this was not my words. This came as a compilation
16 from the Board, our Board, and Central District
17 persons. Thank you.

18 MAYOR PAGANO: Would you be able
19 to share a hard copy of that with - -

20 TOM CORBIA: Mayor, I anticipated
21 you, and I have some copies for everybody.

22 MAYOR PAGANO: Very good. Thank
23 you very much.

24 (Applause.)

25 MAYOR PAGANO: Vita.

1 VITA SILEO: My apologies to

2 Goldie. You should have been next.

3 MAYOR PAGANO: Goldie, you are

4 up.

5 GOLDIE SOLOMON: Hurray! Thank

6 you. Okay. Everything pretty much has been said, I

7 want you to know, by Tony here, Gioffre, Anthony

8 Gioffre, and Tom Corbia, and everybody that came

9 before me.

10 They said - - I want to just give

11 you my comments. Okay? I'm a nurse, but I'm also a

12 historian for the area, and United Hospital was very

13 important in - - in our era because we needed it.

14 We were a poor and a middle class community.

15 999 High Street has to stay, it

16 has to absolutely stay residential. No children in

17 there.

18 A lot of people there worked at

19 United Hospital like I did, 14 1/2 years at United;

20 but I also was in the schools 17 1/2 years.

21 So I know that the schools are

22 overcrowded, and we don't need any more residential

23 property built any place there that will have

24 schools.

25 We need commercials. We need

1 commercials. Now, they are not going to do - - if
2 they are not going to do and keep United Hospital,
3 and they are going to make a hotel out of it - -
4 Starwood is known for hotels. Okay? And they will
5 put in the most beautiful hotel.

6 Rye has the Marriott. Rye Brook
7 has the Hilton and everything. We have no hotel in
8 the Village of Port Chester, and Starwood would do
9 it there also.

10 But we also need commercials, a
11 lot of commercials on that land. No residential
12 with children. We can't have that.

13 Our schools are overloaded now,
14 and we are getting killed. Okay? And they are
15 getting killed. Okay?

16 I worked 17 1/2 years in all of
17 the schools; 12 years at Corpus Christie, I was here
18 at Holy Rosary, and all of the schools, and what I
19 found is that the schools were overloaded.

20 We can't have any more residential
21 property on the Starwood property. We just can't
22 have it with children; but 999 High Street has to
23 stay, please, please. Okay?

24 He said it the way it was. He
25 said it the way it was. And we need it back on the

1 tax rolls because everything was off the tax rolls;
2 and maybe the people, the people, the seniors, the
3 disabled, those that lost their jobs can - - can
4 support their homes now if we have more taxes on
5 that property that will help us to lower our taxes,
6 and that's what we have to do.

7 MAYOR PAGANO: Thanks, Goldie,
8 very much. Vita

9 VITA SILEO: Reverend Baker.

10 MAYOR PAGANO: Hello, Reverend.
11 Please state your name and your address for the
12 record.

13 REVEREND BAKER: Chris Baker,
14 45 Parkway Drive in Port Chester. A couple of
15 comments that I'd like to make.

16 I'm sure you were all thrilled
17 when you saw both Richard and me here this evening
18 because you knew what we were going to talk about.

19 We were going to talk about 999.
20 We were going to talk about affordable housing,
21 work-force housing that this community desperately
22 needs.

23 999 now has 133 units of
24 affordable housing. I know the plan for Starwood
25 right now suggests that the building be torn down,

1 and that the hotel actually be put on the site of
2 999.

3 I would hope, number one, that 999
4 could stay and be renovated. I doubt seriously if
5 that will happen; and in the event that that doesn't
6 happen, I would hope that you, as the Village Board,
7 would have the moral courage to say to Starwood,
8 "Then you have to provide 133 units of affordable
9 housing for this Village.

10 "If you are going to tear down
11 133, then you need to provide 133."

12 And I would also hope, along with
13 Richard, that you would make sure that the residents
14 of 999 now would be relocated properly.

15 The ETPA regulations I think are
16 wonderful guidelines for you to insist that Starwood
17 follow in any relocation that would occur; and I
18 would hope that you would stand as firmly for the
19 residents of 999 as you would for the residents of
20 Wellington Greene if it were being torn down and
21 they had to be relocated.

22 The residents of 999 are no less
23 citizens of this Village than anyone else; and I
24 would hope that you, as the elected officials of
25 this Village, would care for all the residents

1 herein.

2 If there are 138 units in the
3 hotel, perhaps you could just have the residents of
4 999 stay in the hotel. I think that would be a
5 wonderful thing for you to do, and I recommend you
6 for doing that.

7 But thank you for your time.

8 MAYOR PAGANO: Thank you,
9 Reverend.

10 (Applause.)

11 VITA SILEO: Joe Sack.

12 MAYOR SACK: Good evening,
13 Mr. Mayor. So, Mr. Mayor, how are you?

14 MAYOR PAGANO: I'm fine, sir.

15 MAYOR SACK: Joe Sack. I reside
16 at 20 Thorne Place in the City of Rye, and I also
17 happen to be the Mayor of Rye, New York.

18 Honorable Members of the Board,
19 thank you for allowing me the opportunity to come
20 here and speak before you this evening.

21 The City of Rye does certainly
22 look forward to participating in your environmental
23 review of the redevelopment of the former United
24 Hospital site.

25 By the way, thank you also for

1 notifying us of this hearing, and we appreciate the
2 opportunity to comment on the Draft Scope of issues
3 to be addressed in your DEIS.

4 The former hospital site certainly
5 represents an opportunity, an exciting one at that,
6 to re-shape an underused property and surrounding
7 areas into something that provides services and
8 amenities that could make a generation of benefits
9 for both the Village of Port Chester and the City of
10 Rye.

11 The changes proposed to the
12 15-acre property are significant, however, and they
13 will, therefore, require careful review.

14 So the City looks forward to
15 working cooperatively with the Village and the
16 applicant to minimize potential impacts on the
17 services and facilities that our two communities
18 share.

19 These impacts, I think, fall into
20 about eight different buckets. Number one would be
21 traffic. So an obvious concern is the potential
22 traffic impact of the proposed project.

23 That impact should be properly
24 quantified so that a responsible traffic mitigation
25 program can be implemented that provides meaningful

1 benefits and doesn't cause traffic problems on
2 roadways that our communities share including the
3 Boston Post Road, High Street, and Ridge Street.

4 The traffic study should also
5 assess the extent to which increases in traffic
6 volume would divert traffic to other areas, and it's
7 requested that the traffic study include an
8 assessment of increases in vehicle trips on area
9 streets and especially the potential for increases
10 in what's called "cut-through traffic" on the
11 single-family residential neighborhoods in the City
12 of Rye off High Street, Ridge Street, and the Post
13 Road.

14 Hand in hand with traffic goes
15 pedestrian safety, and the proposed increase in the
16 number of residential units will potentially
17 increase pedestrian and vehicle trips in the City of
18 Rye, especially to the train station which may - -
19 in Rye, the train station may actually be closer to
20 the proposed site than the Port Chester train
21 station.

22 So the suitability and safety of
23 existing pedestrian infrastructure, we think, should
24 be reviewed.

25 Emergency services. As you know,

1 we share emergency services through an
2 inter-municipal agreement.

3 I think that the proposed
4 redevelopment will increase demands for those
5 services.

6 So, you know, it's recommended
7 that this area and the providers of these services
8 should be interviewed to assess their needs and what
9 they think may be required to maintain or improve
10 their existing level of service.

11 Of particular interest to the City
12 of Rye is storm water runoff and drainage. We have
13 had a lot of floods from the Blind Brook, and a
14 portion of the site appears to drain towards the
15 Blind Brook water shed.

16 So, you know, I think that storm
17 water runoff from the project should be properly
18 managed so as not to increase runoff, and ideally it
19 should reduce runoff from existing conditions.

20 Visual impacts. The Village
21 Impact Analysis of the DEIS should include an
22 assessment of use of the project from residential
23 neighbors in Rye on Grandview, Hillside, Cope,
24 Julian, and Evergreen as well as Ridge Street.

25 Utilities - - our communities

1 share many of the same utility providers. So the
2 DEIS should confirm available capacities and that
3 there will not be a reduction in service demands or
4 increases in infrastructure cost to existing rate
5 payers.

6 Business impacts. The proposed
7 residential units will obviously increase the number
8 of businesses.

9 So the retail component of the
10 project might have an adverse impact on the business
11 community that currently exists, particularly many
12 of the smaller retail establishments that compose
13 Rye's central business district.

14 So, please, we ask that the impact
15 of the project on area businesses should be
16 assessed, probably on hotels as well.

17 Finally, and I see my time is
18 running out. We don't have a clock in the City of
19 Rye. Maybe - - I'm a little bit nervous, actually,
20 standing here.

21 MAYOR PAGANO: You're doing fine,
22 Mayor.

23 MAYOR SACK: Thank you, Mayor.
24 Thank you. We think that there should be an
25 evaluation of alternatives. The application

1 proposes to establish a new mixed use overlay zoning
2 district classification to amend the text of the
3 existing PMU on the property to accommodate the
4 proposed development.

5 May I beg permission to finish.

6 Thank you, Your Honor. I appreciate it.

7 MAYOR PAGANO: Please proceed.

8 MAYOR SACK: If you ever come to
9 the City of Rye, we will afford you the same
10 courtesy.

11 MAYOR PAGANO: I appreciate it.

12 Thank you.

13 MAYOR SACK: So after the zoning
14 is modified, it's possible that the development
15 program for the property could change.

16 For instance, market conditions or
17 the applicant's development concept could change so
18 that the type mix or intensity of use would change
19 potential impact.

20 So it's important, we think, that
21 the DEIS include an evaluation of alternatives that
22 analyses impacts associated with the full
23 development potential of the proposed zoning
24 districts and permissible changes in the intensity
25 or mix of uses in the zone.

1 This analysis will be helpful in
2 determining whether potential adjustments to the
3 applicant's proposed zoning request may be necessary
4 to mitigate potentially adverse impacts.

5 And my last thought is that the
6 DEIS Impact Analysis should assess the cumulative
7 impact of the potential application in the overlay
8 zone to the 79 acres of property along the Boston
9 Post Road corridor, because if this overlay zone is
10 applied to the Kohl's Shopping Center, it could
11 produce potential impacts that would be
12 significantly greater than those associated with
13 just the applicant's current proposal.

14 So comprehensively assessing these
15 impacts as part of the DEIS is good planning, proper
16 practice, and will help both communities better
17 understand the trade-offs required in accommodating
18 this potential future development growth.

19 Thank you very much for your time.

20 MAYOR PAGANO: You're welcome.
21 Mayor, do you have an extra copy of that that you
22 could share with the - -

23 MAYOR SACK: I will have the City
24 of Rye staff forward to Mr. Steers a summary of the
25 comments.

1 MAYOR PAGANO: Thank you very
2 much. Thank you for coming tonight.

3 Vita.

4 VITA SILEO: Chris Pierro.

5 CHRIS PIERRO: I have no facts. I
6 have no figures. My name is Chris Pierro, and I'm
7 from 24 University Place.

8 I've lived at a lot of addresses
9 in this town, and I love my community. And Sam
10 Terenzi knows. We played ball here. We grew up
11 here.

12 But you know what? We were always
13 the dirty side of the county, and I'm tired of it,
14 and Port Chester needs this development no matter
15 what.

16 I know these people. My heart
17 goes out to these people that possibly could lose
18 their - - their places to live; but if I owned a
19 three-family house and I decided not to rent it
20 anymore, I wouldn't have to pay for these tenants to
21 move to another place.

22 I mean this is a private
23 development. I don't know that any part of this is
24 public, and I'm not being harsh. I'm not being
25 mean. Life is sometimes unfair; but I'll give you

1 this - - I will talk to my friends at Starwood and
2 say, "Hey, what can - - what, if anything, can we
3 do?"

4 Maybe we could create some kind of
5 a co-op there, or we can do a tax credit deal, or
6 something, but things can be worked out; and I don't
7 want the comments made tonight to instill fear in
8 the voting electorate or anything like that on you.

9 You guys have to make a decision,
10 and the decision is do we want Starwood? Do we want
11 this overlay? Do we want this planning development?
12 And do we want this 97,000-square-foot hotel, the
13 retail stores, the medical uses, the 230 units of
14 senior housing?

15 All of this stuff is upside. It's
16 all good.

17 Now, I don't know what the result
18 is going to be for these people because, you know, I
19 do have a heart.

20 But my dad used to say - - he was
21 a County legislator here for a number of years, and
22 people used to call about the airport noise, and he
23 says, "Wait a minute. We closed that house. You
24 knew there was an airport there when you bought your
25 house, didn't you."

1 So that's what I have to say.
2 2007, Starwood, I guess, came in, bought this with
3 the hopes of developing it; and here we still are.
4 Here we are still talking about it, and I think we
5 need to move ahead and let the chips fall where they
6 may.

7 You got some good people in this
8 development staff, and, you know, I think they
9 understand the needs of the people at 999 High
10 Street, and it will all work out.

11 It's all a force for good, but we
12 have to act. Port Chester has missed so many
13 opportunities in my lifetime.

14 Three 30-story towers, Johnny
15 Messina in 1968. A Bora Bora Room that Bruno
16 Gioffre proposed, they threw him out. The Fire
17 Department stopped it.

18 And now we have the Capital
19 Theater which has been the nucleus which is bringing
20 people into this community, and our restaurants are
21 flourishing, our stores are flourishing.

22 People are talking positive about
23 Port Chester, and you got to keep it going. We got
24 to keep - - we are just regaining an economy.

25 We can do it now; but if we wait

1 too long, you know what's going to happen? Like
2 Pete Iasillo lost Robert Martin because of a failing
3 economy, and there was no money around. The banks
4 didn't want to lend.

5 So all I can say is we've heard
6 all the comments. My heart goes out to the people
7 at 999 High Street. I hope something could be
8 worked out there.

9 Port Chester does have a heart,
10 and I commend you guys on all the meetings and all
11 that you do.

12 And, Dan, I have to inform you
13 last night, I could not find a parking space in Port
14 Chester.

15 Thank you, guys. I appreciate it.

16 MAYOR PAGANO: Thank you, Chris.
17 Vita.

18 VITA SILEO: Tom Ceruzzi. Tom
19 Ceruzzi.

20 TOM CERUZZI: For those of you who
21 don't know me, I'm Tom Ceruzzi. I live at 84 Hobart
22 Avenue, Port Chester.

23 You guys got a tiger by the tail.
24 I hope you know that, because there is a lot of
25 emotion going on.

1 It's a tough act to follow. We
2 have men of the cloth. We have Mayors. I hope that
3 I can make some sense, you know. All the good stuff
4 has been said, Mayor.

5 Quickly, not to offend anyone,
6 Mr. Mayor, when I was on the Zoning Board, we had
7 the Home Depot project.

8 The City of Rye drove us to the
9 wall on that. The City of Rye drove us to the wall,
10 and there were unfounded suspicions. Home Depot is
11 fine. It didn't affect the City of Rye much. This
12 project may.

13 But U.S. 1 goes through there. It
14 goes all the way to Key West, Florida. Everyone on
15 that road is affected by someone's development.

16 What concerns me is we have so
17 much commercial-residential now. Go around town.
18 We are busting with it, and it's not a bad thing,
19 but can this little Village sustain much more?

20 Think of the thousands of more
21 toilets that are going to get flushed into our
22 already overburdened sewer system. I mean this is
23 reality.

24 Traffic. I come from my house on
25 Hobart to go to Kohl's. It takes me sometimes 15 -

1 18 minutes to make a mile-and-a-half drive. We are
2 going to have another thousand, maybe 1,500 more
3 cars going to be on the road.

4 And then the school. School is
5 probably the most important common denominator in
6 this whole project, I believe, and I know they do
7 these Rutgers studies and everything. Those studies
8 stop at the border.

9 When God said "Go forth and
10 multiply," he was pointing to Port Chester, because
11 Port Chester, we are some of the best multipliers in
12 the nation.

13 Even the Census Bureau, when they
14 did the census in 2010, they couldn't tell us how
15 many people live here. It was 28,000. It was
16 33,000.

17 It's probably forty or forty-five
18 thousand. Who knows? You got about 10,000 up on
19 Poningo Street.

20 Seriously, does a project have to
21 be built there? I guess something is going to be
22 built there, and you gentlemen are holding the lit
23 stick of dynamite as it were.

24 We only can hope that you make the
25 right decisions for us and yourselves because you

1 are residents here, too.

2 And, you know, Starwood has a huge
3 investment here. I think they bought at the wrong
4 time, but that's all hindsight now because everybody
5 can look back and see.

6 I think they are going to have a
7 rough go. They may have to make some serious
8 changes, and I think the negotiations are going to
9 be hard.

10 And, like I say, I only hope you
11 guys, you know, put your heart in it as much as you
12 can. Thank you.

13 MAYOR PAGANO: Thank you, Tom.
14 Vita.

15 VITA SILEO: Rocco Latella.

16 ROCCO LATELLA: Hello, Mr. Mayor.

17 MAYOR PAGANO: Hello, Rocco. How
18 are you?

19 ROCCO LATELLA: Fine. How are
20 you?

21 MAYOR PAGANO: Your name and
22 address for the record.

23 ROCCO LATELLA: I am on Grandview
24 Avenue, Port Chester, New York. Hello, guys.

25 I know I've been keeping low just

1 watching what's going on in Port Chester, but I
2 guess we will leave that for something else.

3 Mr. Ceruzzi was saying that you
4 guys have a lit stick of dynamite, and it's true.
5 There is something that you guys, once you let
6 Starwood move in, you are not going to be able to
7 control anything they do.

8 I just hope to God you guys go
9 through all the books. We definitely don't - - you
10 know, as a matter of fact, why doesn't Starwood
11 just, like, re-open the hospital, build a new
12 building for the residents that are there now,
13 because, you know, that would be something nice for
14 them to do.

15 We definitely can't afford any
16 other kind of stores. You know, it's not going to
17 help our taxes, definitely not going to happen.

18 They say we need something now for
19 extra taxes. We know it's not going to make a
20 difference, definitely not.

21 We can't have any more kids in our
22 school system because it's busting.

23 You know, I don't even know what
24 else to say. Everybody basically hit the nail on
25 the head.

1 I know we are here trying to make
2 things better, but it's just not going to work out.
3 We know it's not going to work out. That's the way
4 Port Chester has always been.

5 Great things try to come around,
6 and things always go sour, and we have more burdens,
7 more headaches.

8 Just like the sewer system, the
9 nice long chat that we had about the sewer system
10 have that many more residents living on that piece
11 of property burdening the sewer system worse than it
12 was, you know, for the last 20 - 30 years.

13 You know, think about this. You
14 know, I don't mean any disrespect to Starwood. You
15 know, Port Chester is a little - - the little crap
16 hole of Westchester County. You know what I mean?
17 And they want to just keep on feeding off of this
18 little town of ours. You know what I mean?

19 We need something different. Like
20 I said, why doesn't Starwood, with all the money
21 that they have, just re-open the hospital? That
22 would be great.

23 It would definitely help out the
24 community. I know a lot of people don't have health
25 insurance, but I'm pretty sure that they could do

1 something.

2 Greenwich does it. I don't see
3 why we can't, or Starwood can't.

4 GOLDIE SOLOMON: Greenwich is an
5 elitist community. We are a Village. It's not
6 elitist.

7 MAYOR PAGANO: Goldie. Behave.

8 ROCCO LATELLA: It's all right.
9 It's all right. Just think about it. You know, the
10 town is definitely the pits right now. Everybody
11 says oh yeah, you know, businesses are looking
12 great. Everything is flourishing. It's not really
13 all the roses.

14 You know, like I said, drive
15 around at nighttime, or drive around behind the
16 scenes and you see the real crap that's around.
17 This town needs to be cleaned up.

18 I think with something like big
19 buildings - - you know, I live on Grandview. Okay?
20 You think I want to open up my window and see big
21 buildings over my residential area, or taking up the
22 park, and maybe them opening up a street right off
23 of my street because, you know, Grandview used to go
24 over the highway to the other side.

25 What are they going to do - - open

1 up a new back area to get to the park to the
2 residential area? I don't need to see that.

3 You know, I pay a lot of taxes;
4 and, you know, I would just like to see it nice and
5 calm the way it always is. Maybe they should look
6 into something else. Thank you very much.

7 MAYOR PAGANO: Thank you.

8 (Applause.)

9 VITA SILEO: Audrey Moore.

10 AUDREY MOORE: Hi. Good evening,
11 Mr. Mayor, Board, Counsel --

12 MAYOR PAGANO: Your name and
13 address.

14 AUDREY MOORE: -- Mr. Gioffre. My
15 name is Audrey Moore, and I'm a face at 999 High
16 Street.

17 First of all, I want to extend a
18 thank you for having this type of forum in order to
19 allow us to be able to access information.

20 It's been very difficult for the
21 residents at 999 High Street because of the lack of
22 communication.

23 We've served the community. We
24 have worked at the hospital. We are constituents.
25 We are consumers.

1 We have paid our dues to Port
2 Chester, and we are by no means against economic
3 development; but what we are concerned about is a
4 humane approach to whatever your decision is because
5 we are humans, and we do live there, and there
6 should be some type of a provision or replacement,
7 not based on the fact that we think we belong there,
8 but we have earned the right to have an approach
9 that allows us to transition according to the
10 changes that may occur in Port Chester.

11 I just want everyone at 999 to
12 stand up, and I want you guys to look around the
13 room because at any given day, wherever you are,
14 this could happen to you, and so I want you guys to
15 just consider that when you consider the proposal.

16 We have due respect for
17 Mr. Gioffre and you guys, and we also would like
18 some due process and due respect, some
19 communication, some transition simply because we are
20 residents of Port Chester, and we don't want to
21 leave. Thank you.

22 (Applause.)

23 MAYOR PAGANO: Thank you. Is
24 there anyone else who would care to speak, please,
25 whether you're signed up or not?

1 I know Mr. Abel signed up, but I
2 would ask Mr. Able to come forward.

3 RICHARD ABEL: Good evening. I
4 would like to speak - - actually, it sort of
5 dovetails to what Trustee Terenzi said about the
6 pilot, the payment in lieu of taxes.

7 This Board only has control over
8 the pilot for the Village taxes and not the school.
9 The school tax we all know is one of the biggest
10 taxes, or is the biggest tax; and I think one of the
11 impacts that should be looked at is what the pilot
12 would be and what happens if the School Board votes
13 not to give a pilot.

14 TRUSTEE SAVERIO TERENZI: I think
15 you are incorrect, Richard.

16 RICHARD ABEL: Why?

17 TRUSTEE SAVERIO TERENZI: I know
18 there is no back and forth, but I think the idea he
19 has complete control over the pilot - -

20 MAYOR PAGANO: Sorry, that's it.
21 There is not going to be any give and take tonight,
22 Richard. Just make your statement. If you want
23 querie, that's fine.

24 RICHARD ABEL: So anyway, if I am
25 correct, then I would expect that that would be a

1 big impact if the - - you know, I just can't - -
2 okay.

3 So that's one thing; and the other
4 thing is, if I remember - - I realize this is not an
5 eminent domain issue; but if I remember, G&S had to
6 pay to move residents out of their houses, and there
7 was a fee that was paid to the residents in order -
8 - it's all a matter of money. It's real estate.
9 That's how it works.

10 So there should be - - I agree
11 that there should be some sort of compensation for
12 residents at 999 High because that would be a
13 re-location.

14 I'd hate to see the Starwood have
15 to go through an eviction process to get them out.
16 It just doesn't sound like a good PR thing.

17 The other thing, and this is sort
18 of a little different look - - I have watched many
19 developments come through Port Chester, good
20 developments, actually, and not so good; but one of
21 the things that happens, it seems, is that they
22 propose one development, they get all the permits
23 - - they get all the approvals, I should say, and
24 then somewhere down the line, they say, "Well, it's
25 not economically feasible anymore. We want to

1 change it."

2 And it's much easier to change
3 something further down the line once the Board and
4 the Village says, "oh, look at all the tax dollars
5 we are going to get."

6 And so I don't know if that's
7 something that would fit into this new document, but
8 what other possible changes could they do that would
9 affect - - affect this - - I am not sure how to
10 phrase that - - but the thing is that things change,
11 and this is not something that's going to happen in
12 three months or six months.

13 We are looking that this project
14 may not actually finish for five or seven years, and
15 I just worry that the change - - that they say that
16 we want senior housing, and then the next thing is,
17 "Well, senior housing isn't economically feasible
18 anymore. So we want to change it to some other type
19 of housing." And that's my fear.

20 I think the project at the
21 high-level looks like a great project much better
22 than the 22-story towers, if I remember, that was
23 originally proposed, and then the 620 units of
24 housing on the second proposal.

25 This proposal seems like it's

1 much better for the Village and for the residents as
2 well. So I just worry that it could change down the
3 line.

4 Thank you very much, gentlemen.

5 MAYOR PAGANO: Thank you, Richard.
6 Is there anyone else? Whether you signed up or not
7 now?

8 TOM CERUZZI: I have a question.
9 Maybe it will help everybody.

10 MAYOR PAGANO: I can't hear you.

11 TOM CERUZZI: Can we get a status
12 on what actually is the status of 999 High Street as
13 it stands now? I know they own the property.

14 MAYOR PAGANO: Starwood owns the
15 property, and that's basically it. It's under their
16 control.

17 TOM CERUZZI: Yes. It's not a
18 Mitchelama anymore?

19 MAYOR PAGANO: No, it's not.

20 If there aren't any other comments
21 of the public, what I'd like to do, with the Board's
22 approval, is to allow an additional 10 days
23 following this evening's proceedings to receive
24 additional written comments.

25 We are not going to just shut the

1 door today, but I would like an additional week and
2 a half, or about ten days for written comments.

3 If you have written comments or
4 other thoughts you have in mind, those of you here,
5 or anyone watching on TV, send them to the Village
6 Clerk at 222 Grace Church Street or by e-mail,
7 that's jrichards@portchesterny.com, and put it in
8 writing with your name and your address. This way,
9 it will become part of the record.

10 If there are no other comments,
11 what I'd like to do, and I'm also going to ask our
12 Board to do the same thing, is present their
13 comments in writing. Unless you feel compelled to
14 make a statement this evening, you are more than
15 welcome to do that, too.

16 TRUSTEE DANIEL BRAKEWOOD: I have
17 a couple comments that I would like to add to the
18 public comments if I could.

19 MAYOR PAGANO: Sure. You have
20 five minutes, Dan.

21 TRUSTEE DANIEL BRAKEWOOD: Sure.
22 Thank you. I have to clear my throat.

23 One of the comments I didn't hear
24 tonight from the public, and I don't see in the
25 Scoping Documents is anything about Lead

1 Certification and evaluating the benefits of Lead
2 Certification for this project.

3 I know that there are different
4 standards and criteria, and I would very much like
5 to see incorporated into the study what Lead
6 Certification could mean in terms of the
7 development.

8 I also would like to see more
9 information in terms of the study of the integration
10 of the project with the park in terms of access
11 points into the park.

12 You know, one of the gentlemen
13 said something about Grandview. Grandview dead-ends
14 right at the park. Touraine dead-ends right at the
15 park.

16 The project, as it was currently
17 presented, doesn't actually have anything, I
18 believe, beyond pedestrian access to the park.

19 So integration and access, both
20 automobile, bike, and pedestrian access to the park
21 would be very useful.

22 The other thing, integration with
23 the Kohl's Shopping Center. The study mentions
24 evaluating the intersection with - - into the site
25 and with the Kohl's, but I think how far into the

1 Kohl's shopping center should that evaluation go?

2 One of my concerns is the number
3 of curb cuts that exist along the Post Road that
4 many people complain about today.

5 But there is an access road that
6 is currently private, I believe, that goes behind
7 many of the buildings on the Post Road, and it would
8 be possible to study the possibility of closing the
9 curb cuts along the Post Road and having access from
10 behind those buildings.

11 So you would go into the Kohl's
12 Shopping Center at the major four-way intersection,
13 take a left, and go behind those buildings on the
14 Post Road as opposed to everyone trying to access
15 through and exit through the Post Road.

16 And I believe one of the other
17 alternatives I've heard batted around is whether to
18 have a median in the road so people can't literally
19 turn left out of there.

20 So I have heard a couple of
21 different alternatives, but I don't see those things
22 being expressed in the document today.

23 The other is, very interestingly,
24 there are two crosswalks that go from the site over
25 to the Kohl's Shopping Center, both of which go

1 nowhere.

2 They don't lead to another
3 sidewalk. They lead to a patch of green grass and
4 then straight into the parking lot.

5 So any pedestrians trying to go
6 from this site into the Kohl's Shopping Center,
7 whether you are trying to go to Whole Foods or the
8 actual Kohl's on the other side of the parking lot,
9 it would be very difficult, even though there is
10 crosswalks there. The crosswalks literally go
11 nowhere.

12 I agree with the comments about
13 the affordable housing. I'd like to see a fiscal
14 analysis of how affordable housing compares to
15 rental in terms of monthly income that would be
16 coming in to the developer and in terms of payment
17 that would be coming from the residents; because it
18 seems to me, based on the cursory analysis that
19 we've seen that the income levels of the residents
20 they are seeking for the rentals isn't really that
21 different than the affordable units would require,
22 income levels, and the monthly payments may not be
23 that far off.

24 So while most people talk about
25 this big disparity in terms of affordable units

1 versus ownership, in this case, what we are talking
2 about, comparing affordable - - potentially
3 affordable ownership to rentals, is the economic
4 disparity really that great? I think it's something
5 that's worth studying.

6 I agree with Mr. Corbia's
7 comments, although I'd like to expand. He mentioned
8 understanding the first full-year impact.

9 I would like to see a five-year
10 and 20-year impact analysis because 20 years goes by
11 very quickly, and many of the comments that the
12 other members of the Board or the public brought up,
13 looking at a longer term impact.

14 Lastly or - - sorry, not lastly
15 - - but I think it's also important to look at
16 service - - services coming in and out.

17 The proposal - - and actually, I
18 have just drawn a blank on what it's called - - not
19 the fire trucks, and police and ambulance services
20 that would need access to the site, but actually
21 delivery, service delivery, and accessing the site
22 in terms of making sure, you know, deliveries can
23 happen and things like that.

24 Because I don't - - I think
25 somebody - - I think when you presented the proposal

1 originally, I raised this issue, and he said,
2 "That's a tricky issue to have to deal with when
3 there is no back to the building. There is multiple
4 sites."

5 And then lastly, I think in terms
6 of the impact on downtown, the Mayor of the City of
7 Rye mentioned that, and I think that's smart for us
8 to analyze.

9 I quite honestly would be a little
10 nervous if I was the City of Rye. We are building
11 almost the equivalent of Purchase Street within
12 walking distance of Purchase Street.

13 So I think it would behoove you to
14 want to study that. I also think it could have an
15 impact on the Rye Ridge Shopping Center and on our
16 own downtown.

17 I would be interested in seeing
18 not repeating the mistakes of the 1970's when people
19 built malls right on the outskirts of town and
20 literally sucked the life out of the downtown,
21 especially seeing how well the downtown is doing.
22 I think that would be well worth studying.

23 With that, I'll put the rest of my
24 comments in writing, and I thank you for the time.

25 MAYOR PAGANO: Thank you, Dan.

1 TRUSTEE SAVERIO TEREZI: This
2 999 High Street is obviously going to be a
3 hot-button issue.

4 Now, my memory of them building
5 999 High Street, because I was living in the
6 neighborhood, was that this housing was for people
7 who worked at the hospital; they would get a reduced
8 rent.

9 Therefore, the services that the
10 hospital would be able to give would be affordable
11 to the entire community. Okay?

12 I think there are definitely some
13 strong arguments to make sure that the people that
14 are living there get their due process.

15 I would really love to see part of
16 this SEQRA process mark that - - I don't want to see
17 names. I want to see, you know, what apartments are
18 being - - what are there right now? How long have
19 these people been there?

20 You know, the people that worked
21 at the hospital for 30 years that are still living
22 there, I think they should be given all the
23 consideration in the world. Okay?

24 The people that moved in the day
25 before the hospital got closed - - okay? - - and are

1 living in subsidized housing right now, it's not my
2 problem right now.

3 I am really concerned about the
4 people that really put their sweat and their blood
5 into that hospital, and for no reason of their own,
6 the place got closed that had been there.

7 I know a lot of families that were
8 there over the years. I think it's important, and I
9 would really love to see a census on that, exactly
10 who lives there, because I know there is people that
11 live there right now that could afford to buy that
12 building. Okay?

13 So I don't know how people can be
14 living in there that are millionaires. Okay? I
15 will not mention names because I don't want to lose
16 my client, but the bottom line is there are people
17 in there that are well off - - okay? - - and there
18 are people there that need to live there - - okay?
19 - - and I think the Village will do everything in
20 their power to make sure, with all the affordable
21 housing that we have in this Village, nobody wants
22 to leave, nobody wants to move, but I think we have
23 plenty of affordable housing that if there are
24 people who have been there for many years that were
25 part of that hospital structure, that

1 infrastructure, they should be given every
2 consideration.

3 Now, whether we say to Starwood
4 that we are going to make 133 units of affordable
5 housing, I don't think that's going to fly, Reverend
6 Baker; but the bottom line is there is a cost to
7 that. You know, there is a major cost.

8 If we force Starwood to put a
9 hundred units of affordable housing, when they come
10 up with their proposed taxes that they are thinking
11 about giving the Village, they are going to say,
12 "Well, this is what we are going to give you; if
13 it's fully, you know, market value, this is what we
14 are going to give you, if there is a hundred
15 affordable units in there; and it's going to be a
16 dramatic difference to the tax payers.

17 So that's the decisions that we
18 will make, you know. My concern is the fiscal
19 issues of this, along with the traffic and the
20 school, but I think the fiscal issues are very
21 important.

22 So that's my feelings about it.

23 TRUSTEE GREGORY ADAMS: I wanted
24 to thank all those who came out this evening or to
25 speak and to show your faces in the audience out

1 there.

2 Did everyone who signed a paper
3 have the opportunity to speak? I thought there were
4 two sheets going around.

5 Did everybody speak that has
6 signed a paper? If not, please speak now. Okay.

7 Once again, thank you for coming
8 out. I really appreciate it.

9 MAYOR PAGANO: Any comments here?

10 TRUSTEE GENE CECCARELLI: You want
11 it in writing? I'll submit it.

12 MAYOR PAGANO: Thank you. I have
13 a number of items that I wanted to address. I am
14 not going to do it now. I will put it in writing.

15 They have to do with socioeconomic
16 studies. If we start talking about the Scopes and
17 studies, and studying kids and where they are coming
18 from, I want those studies to contain properties
19 here in Port Chjester, in our area, not Bronxville,
20 or Poughkeepsie, or Peekskill, but I want them here.

21 There are a number of other items,
22 but one of the most important items, Chris - - I am
23 not sure how we are going to do this - - is the
24 mitigation study that's presently under way, how - -
25 with regard to the school enrollment and so forth.

1 Somehow or another, that's going
2 to have to get weaved into this process. I'm not
3 quite sure how we do that, but I'll put those
4 comments in writing.

5 I am not looking for an answer or
6 anything like that, but I will put that in writing.
7 I am interested in the - - suffice it to say, I
8 think it needs to be part of the written record.
9 That's the way I'd like to do it.

10 TRUSTEE DANIEL BRAKEWOOD: One
11 last item that I didn't bring up under the
12 alternatives.

13 I am a little remiss. I just want
14 to bring it up. The study in the difference between
15 the impact of rental apartments versus
16 owner-occupied housing, that's not listed as one of
17 the alternatives, and I see no mention of it
18 anywhere here.

19 It's assumed that everything will
20 be rental, but I think we need to study rental
21 versus owner-occupied housing.

22 MAYOR PAGANO: All right. Any
23 other comments from the Board?

24 If not, gentlemen, what I would
25 like to do is double-back a bit to remind everybody

1 we will take - - if there is no objection from the
2 Board, I want to give this a little bit more time.

3 There will be an opportunity
4 following tonight for about another 10 days to
5 submit written comments.

6 To those of you here, any
7 additional thoughts you may have, anyone at home, we
8 need public comments. We want public input.

9 It will become part of the record,
10 and you can put your name and address, and you'll be
11 sure to be circulated with the results with a lot of
12 this information. That's why we ask for
13 information.

14 Unfortunately, Richard Abel, who
15 refused to sign up, will not get a lot of this
16 information unless he - -

17 Thank you all very much; and if
18 there is no other, I'll entertain a motion - -

19 CHRIS GOMEZ: I was going to say
20 July 3rd is the deadline for the written comments.
21 July 3rd is the 10 days.

22 Also again, as Mr. Gioffre
23 mentioned, on the left navigation bar, there is a
24 button there for Starwood, former United Hospital
25 site where everyone in the public can review the

1 Draft Scope that was presented this evening.

2 MAYOR PAGANO: Does the staff have
3 any comments that you need to make or want to make?
4 Chris? Tony? Dolph? Mark? Anyone?

5 DOLPH ROTFELD: I'll put them in
6 writing.

7 MAYOR PAGANO: I will entertain a
8 motion to close.

9 TRUSTEE GREGORY ADAMS: I so move.

10 TRUSTEE LUIS MARINO: I second.

11 MAYOR PAGANO: Greg and Luis.

12 Call the Roll, please.

13 (Whereupon Deputy Clerk Vita Sileo
14 called the Roll, and the motion was carried
15 unanimously)

16 MAYOR PAGANO: Thank you very much
17 for coming to this hearing. There will be more. We
18 really appreciate your input.

19 I will take a motion to adjourn.

20 TRUSTEE GENE CECCARELLI: I make a
21 motion to adjourn.

22 TRUSTEE LUIS MARINO: I second.

23 MAYOR PAGANO: Mr. Ceccarelli;

24 Mr. Marino.

25

1 (Whereupon Deputy Clerk Vita Sileo
2 called the Roll, and the motion was carried
3 unanimously.)

4 MAYOR PAGANO: Good night,
5 everybody.

6
7 (Whereupon the Hearing was
8 adjourned at 8:15 P.M.)

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STATE OF NEW YORK
COUNTY OF WESTCHESTER

I, DIANNE HILLMAN, a shorthand reporter and
Notary Public within and for the State of New York,
do hereby certify:

That the Hearing hereinbefore set forth is a true
record.

I further certify that I am not related to any of
the parties to this action by blood or marriage and
that I am in no way interested in the outcome of
this matter.

IN WITNESS WHEREOF, I have hereunto set my hand
this ____ day of _____, 2014.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the public hearing was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 23, 2014

At 8:16 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 23, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JUNE 24, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, , 2014, 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, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were Village Manager, Christopher Steers; Deputy Village Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Ed Brancati.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was declared opened at 6:00 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 24, 2014

RESOLUTIONS

RESOLUTION #1

AUTHORIZING VILLAGE MANAGER TO NOTIFY WESTCHESTER COUNTY DEPARTMENT OF HUMAN RESOURCES WITH REGARD TO PROMOTIONAL OPPORTUNITIES IN THE PORT CHESTER POLICE DEPARTMENT

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

WHEREAS, the Board wishes to provide for promotional opportunities for the positions of Lieutenant and Captain in the Police Department; and

WHEREAS, the Village has the discretion of limiting the promotional field for these positions; and

WHEREAS, the Board has given due consideration of its options as to what is in the best interest of the Police Department. Now, therefore, be it

RESOLVED, that the Board of Trustees, acting in its capacity of a Board of Police Commissioners, hereby determines the promotional field for the upcoming civil service examinations offered by the County of Westchester to be as follows:

-with regard to the position of Lieutenant, it be opened to individuals who immediately preceding the date of examination have one year of permanent competitive class status as a Police Sergeant with the Village of Port Chester

-with regard to the position of Captain, it be opened to individuals who immediately preceding the date of examination have one year of permanent competitive class status as a Police Lieutenant with the Village of Port Chester; and it further

RESOLVED, that the Village Manager is authorized and directed to notify the County Commissioner of Human Resources of this determination and take such appropriate action as may be required to implement same.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 24, 2014

PROPOSED MOTION FOR EXECUTIVE SESSION

Motion for Executive Session

At 6:09 p.m. on motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE the Board adjourned into an executive session to interview candidates for Chief of Police.

6:00 P.M.	Richard Conway, Lieutenant
6:45 P.M.	Charles Neilson, Lieutenant
7:30 PM	John Telesca, Captain (Acting Chief of Police)

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 24, 2014

Also present were Village Manager, Christopher Steers; Deputy Village Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas and Ed Brancati.

No action was taken in executive session.

At 8:08 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 24, 2014

At 8:08 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was closed.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: June 24, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JULY 1, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, July 1, 2014, 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, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Kenner arrived at 6:15 p.m.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Acting Chief of Police, John R. Telesca; Attorney Joel R. Dichter and Ed Brancati.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was declared opened at 6:03 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: July 1, 2014

PROPOSED MOTION FOR EXECUTIVE SESSION

Motion for Executive Session #1

At 6:03 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board adjourned into an executive session regarding proposed settlement with United Water regarding water rate case.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: July 1, 2014

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Acting Chief of Police, John R. Telesca; Attorney Joel R. Dichter and Ed Brancati;

Add-on Resolution #

MAYOR PAGANO asked for a motion to consider an add-on resolution to authorize Joel R. Dichter, as special counsel to the Village of Port Chester, to execute a settlement United Water on behalf of the Village.

On motion of Trustee ADAMS, seconded by Trustee MARINO, the motion received a unanimous vote of those present

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: July 1, 2014

RESOLUTION (ADD-ON #1)

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

RESOLVED that Joel R. Dichter, as special counsel to the Village of Port Chester, is authorized to execute on behalf of the Village the settlement, known as a Joint Proposal, entered into among the parties in Cases 13-W-0539, 13-W-0564 and 13-W-0006 pending before the New York Public Service Commission concerning the rates and merger proposal of United Water Westchester, Inc.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustee Kenner.

DATE: July 1, 2014

At 6:11 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: Trustee Kenner.

DATE: July 1, 2014

Motion for Executive Session #2

At 6:11 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE, the Board adjourned into a second executive session regarding an agreement with the Town of Rye to occupy Village office space at 222 Grace Church Street and share Justice Court facilities at 350 North Main Street.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: Trustee Kenner.

DATE: July 1, 2014

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Acting Chief of Police, John R. Telesca and Ed Brancati;

Add-on Resolution #2

MAYOR PAGANO asked for a motion to consider an add-on resolution to regarding a rider to lease with town of rye.

On motion of Trustee TERENCE, seconded by Trustee MARINO, the motion received a unanimous vote of those present

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: None.

DATE: July 1, 2014

RESOLUTION (ADD-ON #2)

FIRST AMENDMENT TO LEASE AGREEMENT WITH THE TOWN OF RYE TO OCCUPY VILLAGE OFFICE SPACE AT 222 GRACE CHURCH STREET AND SHARE JUSTICE COURT FACILITIES AT 350 NORTH MAIN STREET

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

WHEREAS, the Town of Rye is selling property at 10 Pearl Street used as a Town Hall; and

WHEREAS, the Village of Port Chester has office space available at Village Hall at 222 Grace Church Street and can share the Justice Court facilities at 350 North Main Street; and

WHEREAS, the addition of the Town would further the Board's desire that 222 Grace Church Street be a governmental center with offices at the state, town and village level; and

WHEREAS, by resolution adopted on December 16, 2013, the Board authorized the execution of an agreement with the Town; and

WHEREAS, said agreement was executed on December 30, 2013; and

WHEREAS, since that time, mutual issues have arisen with regard to the significant additional cost of improvements to be made at both 222 Grace Church Street and 350 North Main Street; and

WHEREAS the Board has since proceeded with its long-term goal of developing a Municipal Center at a new location; and

WHEREAS the present intention of the Town is to accompany the Village in such move and

WHEREAS after negotiation, the parties have come to new terms to such agreement. Now, therefore, be it

RESOLVED that the Village Manager be and is hereby authorized to enter into a First Amendment to the Lease Agreement with the Town of Rye for the Town to occupy office space at 222 Grace Church Street and share Justice Court facilities at 350 North Main Street as reflected in the annexed Term Sheet.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: None.

DATE: July 1, 2014

At 6:22 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

Motion for Executive Session #3

At 6:23 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board adjourned into a second executive session regarding the appointment of the new Chief of Police and Police Captain.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Acting Chief of Police, John R. Telesca and Ed Brancati;

At 6:31 p.m., Trustee Terenzi asked that the Executive Session continue with the Board of Trustees only in the room.

No action was taken in executive session.

At 6:45 p.m., a motion to come out of executive session was made by Trustee KENNER, seconded by Trustee MARINO, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

Add-On Executive Session #4

MAYOR PAGANO asked for a motion to consider an add-on an Executive Session regarding the salary compensation for the Chief of Police and Police Captain.

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the motion received a unanimous vote of those present

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

At 6:52 p.m., on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE KENNER, the Board adjourned into a second executive session regarding the salary compensation for the Chief of Police and Police Captain.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

No action was taken in executive session.

At 6:58 p.m., a motion to come out of executive session was made by Trustee BRAKEWOOD, seconded by Trustee TERENCE, the Board of Trustees closed the executive session.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

RESOLUTIONS

RESOLUTION #1

APPOINTMENT OF CHIEF OF POLICE

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 Lieutenant, Richard F. Conway, be and he hereby appointed as Chief of Police of the Port Chester Police Department, effective immediately, at an annual rate of compensation of \$170,000.00 or as heretofore adopted by the Board of Trustees, to be paid every bi-weekly.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Marino and Ceccarelli.

NOES: Trustees Adams, Kenner and Mayor Pagano.

ABSENT: None.

DATE: July 1, 2014

On motion of TRUSTEE TERENZI, seconded by TRUSTEE CECCARELLI, to table resolution #2.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None
ABSENT: None

DATE: July 1, 2014

RESOLUTION #2 (TABLE)

APPOINTMENT OF POLICE CAPTAIN

On motion of TRUSTEE TERENCE, seconded by TRUSTEE CECCARELLI,
the following resolution was table by the Board of Trustees of the Village of Port
Chester, New York:

On motion of TRUSTEE TERENCE, seconded by TRUSTEE BRAKEWOOD,
to table the vote on the resolution to appoint a Police Captain.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and
Mayor Pagano

NOES: None

ABSENT: None

DATE: July 1, 2014

RESOLVED, that _____, be and he hereby appointed as Police
Captain of the Port Chester Police Department, effective immediately.

At 7:05 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE
TERENZE, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor
Pagano

NOES: None.

ABSENT: None.

DATE: July 1, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JULY 7, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, July 7, 2014, 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, Saverio Terenzi, Luis Marino, and Gene Ceccarelli.

It should be noted that Trustee Brakewood and Kenner were absent.

It should be noted that Trustee Terenzi arrived at 6:22 p.m.

Also present were:

Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 7:00 p.m.); Director of Planning and Development Christopher Gomez (arrived at 6:58 p.m.); Chief of Police, Richard Conway; Village Planner Jesica Youngblood (arrived at 7:00 p.m.); Ed Brancati; representatives from NDC and Village Engineer, Dolph Rotfeld (arrived at 7:00 p.m.).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:03 p.m.

ROLL CALL

AYES: Trustees Adams, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustees Brakewood, Terenzi and Kenner.

DATE: July 7, 2014

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

Motion for Executive Session #1

At 6:04 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the Board adjourned into an executive session regarding:

- Regarding an appointment of particular persons as Police Officers to Port Chester Police Department.
- Interview prospective candidate for the Park Commission.
- Interview prospective candidate for the Traffic Commission.
- Interview prospective candidate for the Board of Ethics position.
- Interview prospective candidate for the Board of Ethics position.

- Interview prospective candidate for the Waterfront Commission.

ROLL CALL

AYES: Trustees Adams, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustees Brakewood, Terenzi and Kenner.

DATE: July 7, 2014

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Chief of Police, Richard F. Conway.

No action was taken in executive session.

At 6:37 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE TERENZI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

Motion for Executive Session #2

At 6:46 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board adjourned into an executive session regarding law enforcement investigation.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Chief of Police, Richard F. Conway.

No action was taken in executive session.

At 6:51 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE TERENZI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None.

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

WORK SESSION

Michael Scarola, Planning Commission Chairman, updated the Board on the activities of the Planning Commission.

RESOLUTION #11

(was taken out of order without objection)

**NOTICE OF INTENT TO DECLARE LEAD AGENCY
SO AS TO COMMENCE THE STATE
MANDATED ENVIRONMENTAL REVIEW PROCESS
OF THE SHOWBOAT RIVERBOAT
TO OPERATE AS A RESTAURANT AND ENTERTAINMENT VENUE
AT THE VILLAGE MARINA**

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

WHEREAS, the owner of The Showboat Riverboat, Billy Frenz (“Applicant”), made an application for The Showboat Riverboat (“Vessel”) to become a permanently moored craft on Village-owned land; and

WHEREAS, the Vessel will be docked alongside the Village public promenade in the Byram River approximately sixty feet south of the centerline of Willett Avenue and provide dining and entertainment activity in addition to transient boat slips, new docks and pilings, a pump out station, lighting features, an ADA compliant gangway and ADA compliant public restrooms (“Project”); and

WHEREAS, the Project requires permission from the Board in the form of a revocable license agreement subject to certain review, permits and approvals from various local, state and federal entities; and

WHEREAS, the Board of Trustees finds the Project to be an Unlisted Action under Part 617 of the State Environmental Quality Review Act (SEQRA) regulations. Now therefore be it

RESOLVED, that the Board of Trustees hereby gives notice of its intent to be Lead Agency for the proposed Project and that this Notice of Intent, the License Agreement and exhibits thereto, including the Environmental Assessment Form, be circulated to the following Involved Agencies and Interested Agencies:

Potential Involved & Interested Agencies:

Village of Rye Brook
ATTN: Christopher Bradbury, Village Administrator
Rye Brook Village Hall
938 King St
Rye Brook, NY 10573

Department of Environmental Conservation, Region 3
ATTN: Margaret Duke
Office of Communication Services
625 Broadway
Albany, NY 12233-4500

Army Corp. of Engineers
New York District
ATTN: Jodi M. McDonald
26 Federal Plaza, Room 1937
New York, New York 10278-0090

NYS Coastal Management Program
New York State Department of State
ATTN: Jennifer Street
99 Washington Ave
One Commerce Plaza, Suite 1010
Albany, NY 12231

Office of General Services
ATTN: Bethany Wieczorek
26th Floor, Corning Tower
Empire State Plaza
Albany, NY 12242

New York State Department of State
Local Waterfront Revitalization Program, Office of Planning and Development
ATTN: Jaime Ethier
1 Commerce Plaza
Albany, NY 12231

Architectural Review Board
ATTN: William Hume, Chairman

Port Chester Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Westchester County Planning Board
ATTN: Jeremiah Lynch, Chairman
148 Martine Avenue
White Plains, NY 10601

Office of Housing Preservation
ATTN: Richmond McCurnin, Assistant Commissioner
38-40 State Street
Albany, New York 12207

County Department of Health
ATTN: Lenny Meyerson
145 Huguenot St., 8th Fl.
New Rochelle, NY 10801

City of Rye
ATTN: Dawn Nodarse, City Clerk
City Hall
1051 Boston Post Road
Rye, NY 10580

New York State Department of Transportation, Region 8
ATTN: William Gorton, PE
4 Burnett Boulevard
Poughkeepsie, N.Y. 12603

Port Chester Planning Commission
ATTN: Michael Scarola, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Port Chester Waterfront Commission
ATTN: Bart Didden, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

Port Chester Zoning Board of Appeals
ATTN: William Villanova, Chairman
Village Hall
222 Grace Church Street
Port Chester, N.Y. 10573

New York State Division for Historic Preservation

New York State Office of Parks, Recreation & Historic Preservation,
Archaeology Unit
ATTN: Brian Yates
Peebles Island State Park
P.O. Box 189
Waterford, NY 12188-0189

New York State Thruway Authority
ATTN: Stephen Grabowski, Director of New York Division
4 Executive Boulevard
Suffern, NY 10901

Copy of this Notice of Intent on file with:

Janusz Richards
Village Clerk
222 Grace Church Street
Port Chester, NY 10573
T. (914) 939-5202

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon commented on the July 4th celebration being moved from Friday to Saturday. She thanked Hope Klein for her work on the Independence Day committee, Frank Neri for the fireworks and the firemen for their participation.

Mr. Bill Giangrande asked for a status on the traffic lights on Westchester Avenue. Village Manager Steers stated there are transmission lines that have to be moved. Dolph reported that Con Edison is waiting to move the wires that have to be relocated. Mr. Giangrande commented that Westchester Avenue is still congested when people make a left hand turn. There is only one street light on Merritt between Ellendale and Franklin.

Ms. Bea Conetta commented on the Amnesty Program. Some people don't understand the program. We need a new architect because the Castle is one of the ugliest buildings. She commented on the proposed Municipal Center on Irving Avenue. Port Chester has the best band and fire department.

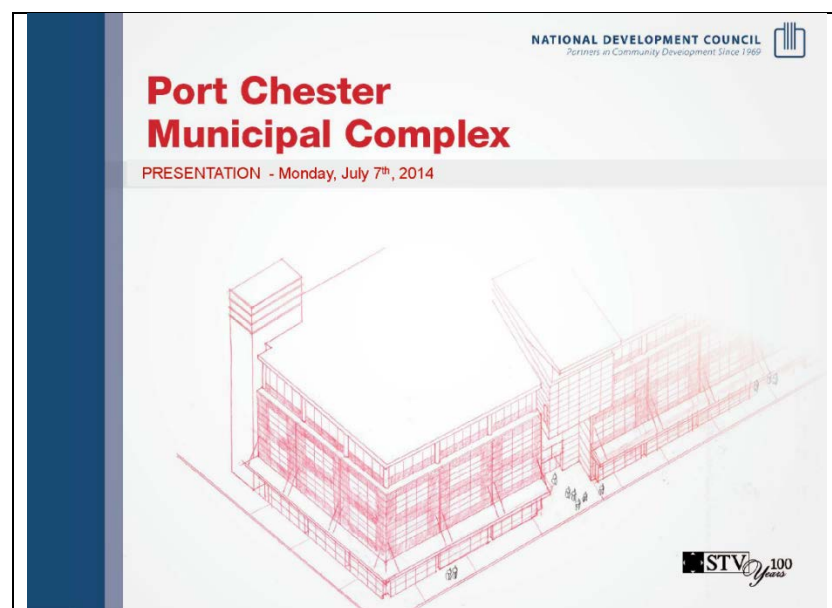
Attorney Dan Brown of Sheppard Mullin Richter & Hampton LLP commented regarding Letter 9 under Correspondence. He advocates for people with disabilities. People with disabilities are stranded on the northbound side of Metro North. He offered his services pro bono to citizens of Port Chester who need access at the train station. He asked the Board to join in his legal battle. Attorney Cerreto will meet with Dan Brown and set an Executive Session with the Board to discuss legal strategy.

Mr. Richard Abel commented on the Port Chester Hall and loud music. He commented on the bond resolution for the heating and insulation in a Class A building. The Sewer Rent appeals all come to the Board. For minimum savings it seems like a waste of the Board's time.

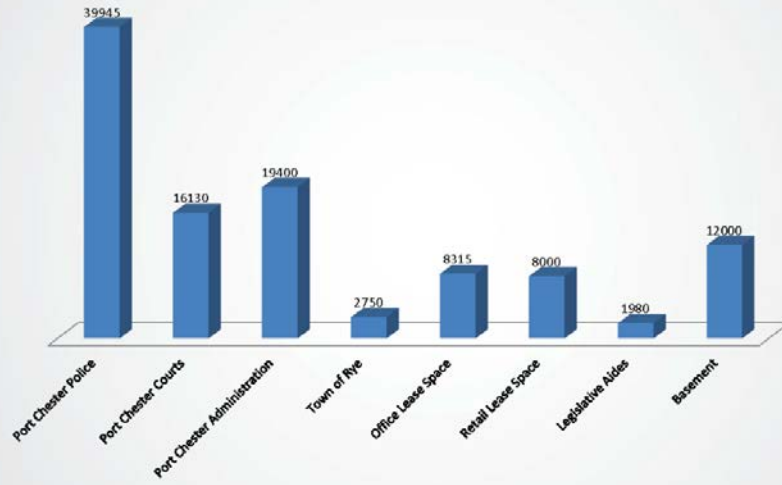
Chief Kevin McMinn, representing the Port Chester Fire department, thanked the Mayor and the Board of Trustees for their support.

PRESENTATION

Representatives from NDC and STV provided the Board with updated presentation on the proposed Port Chester Municipal Complex:



Program Summary

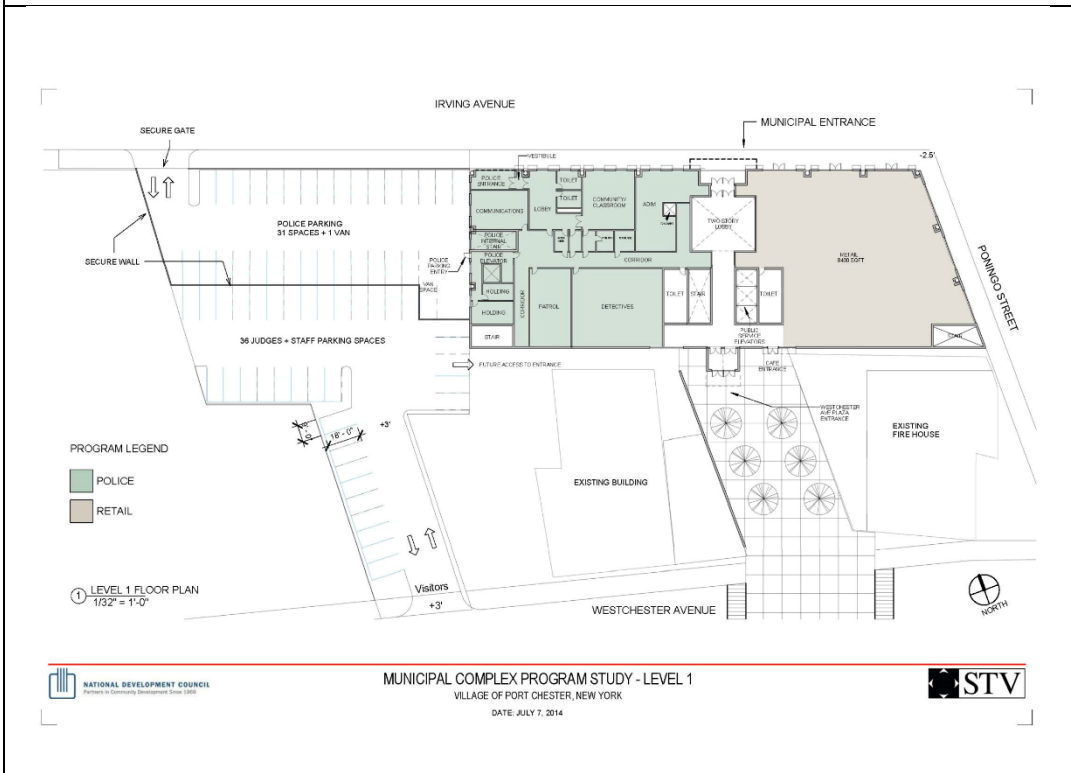
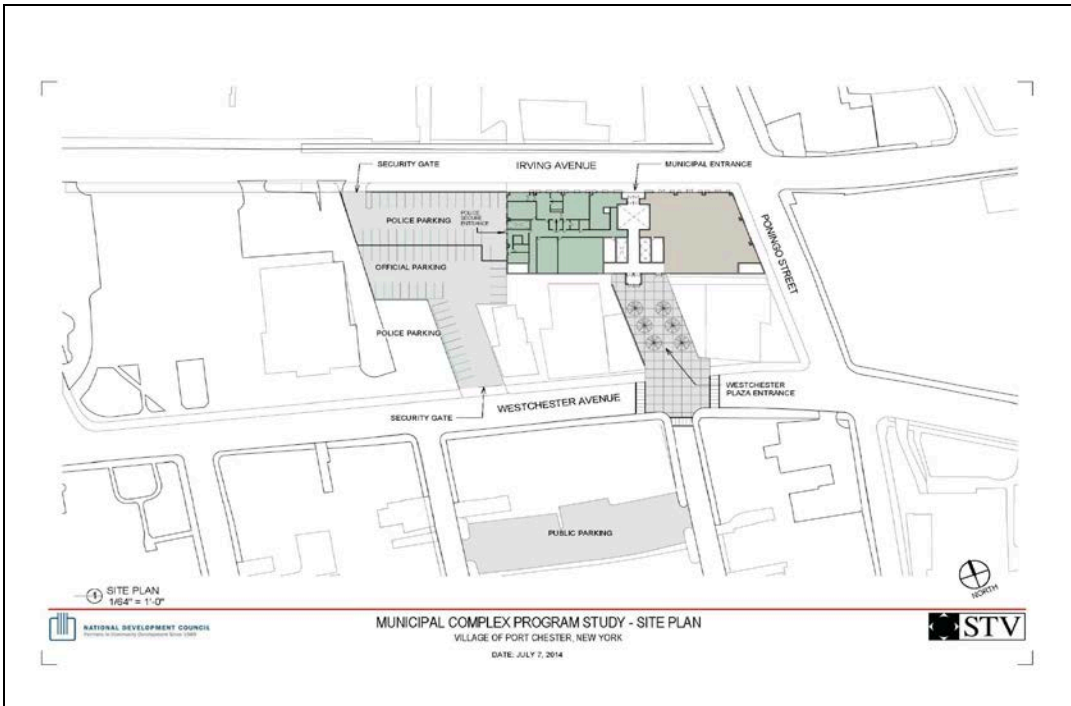


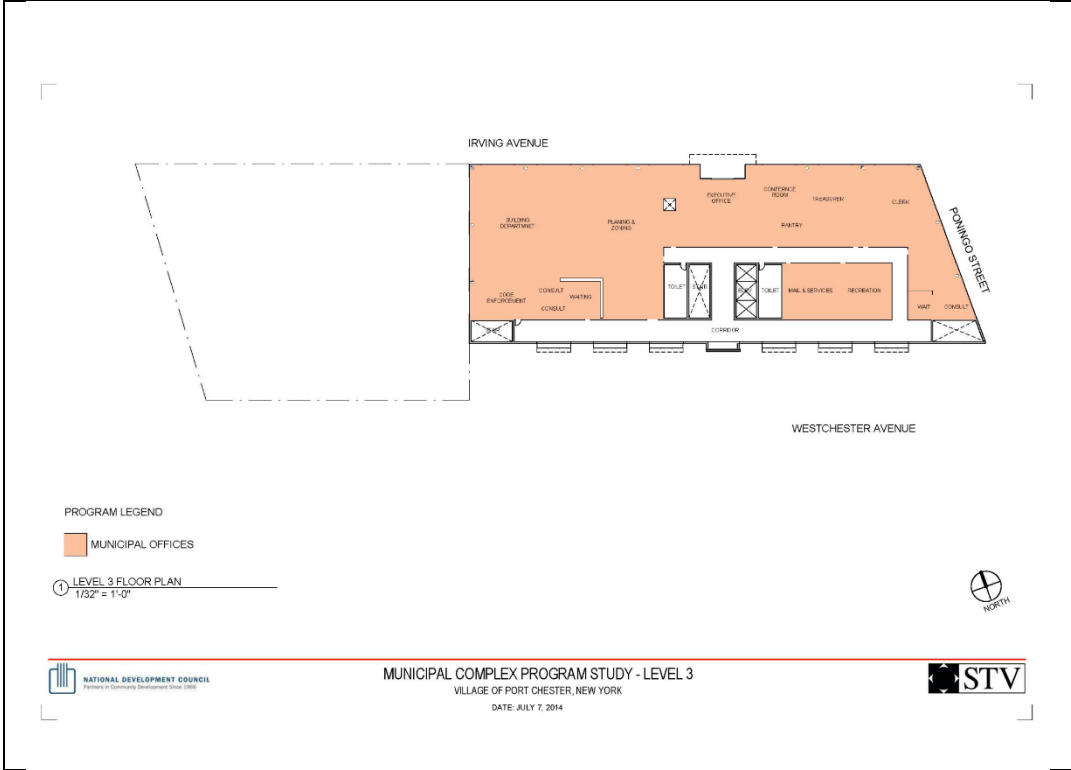
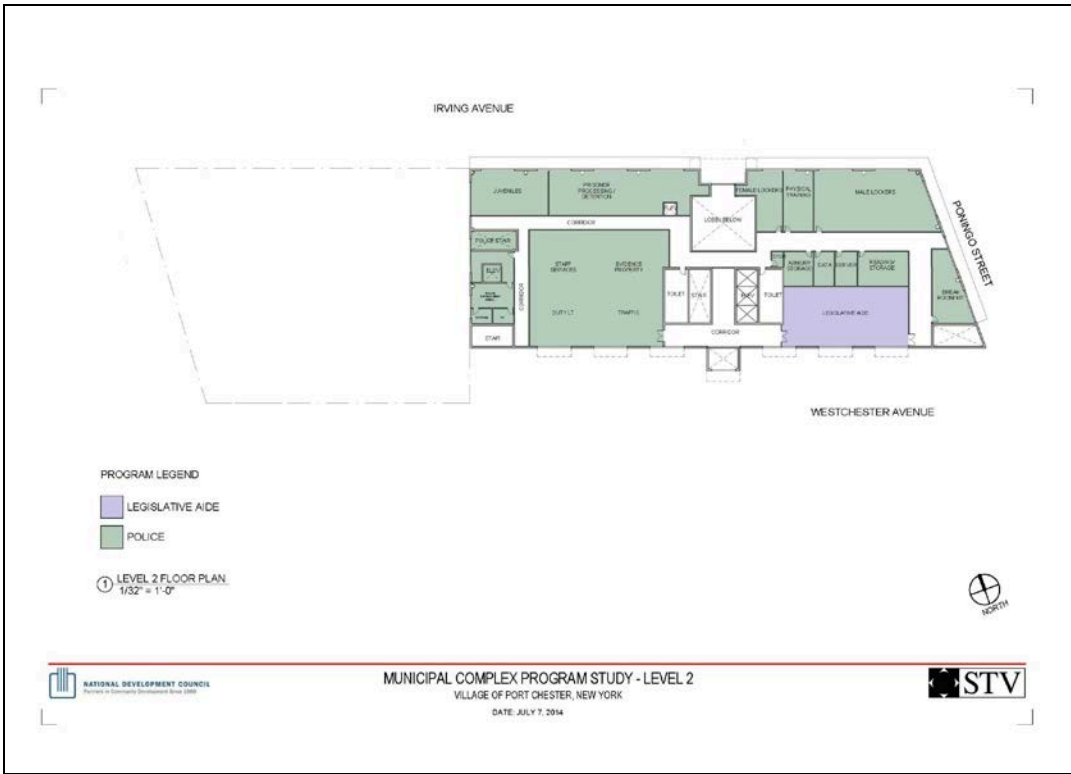
Total Facility Square Foot: 108,520

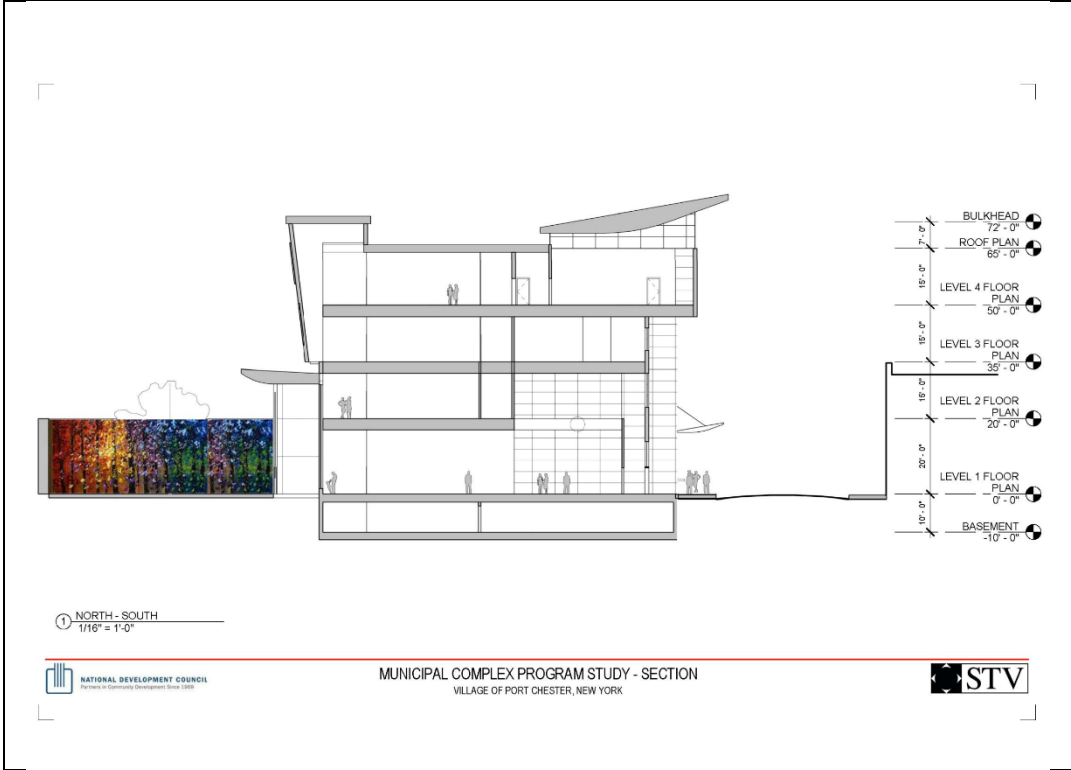
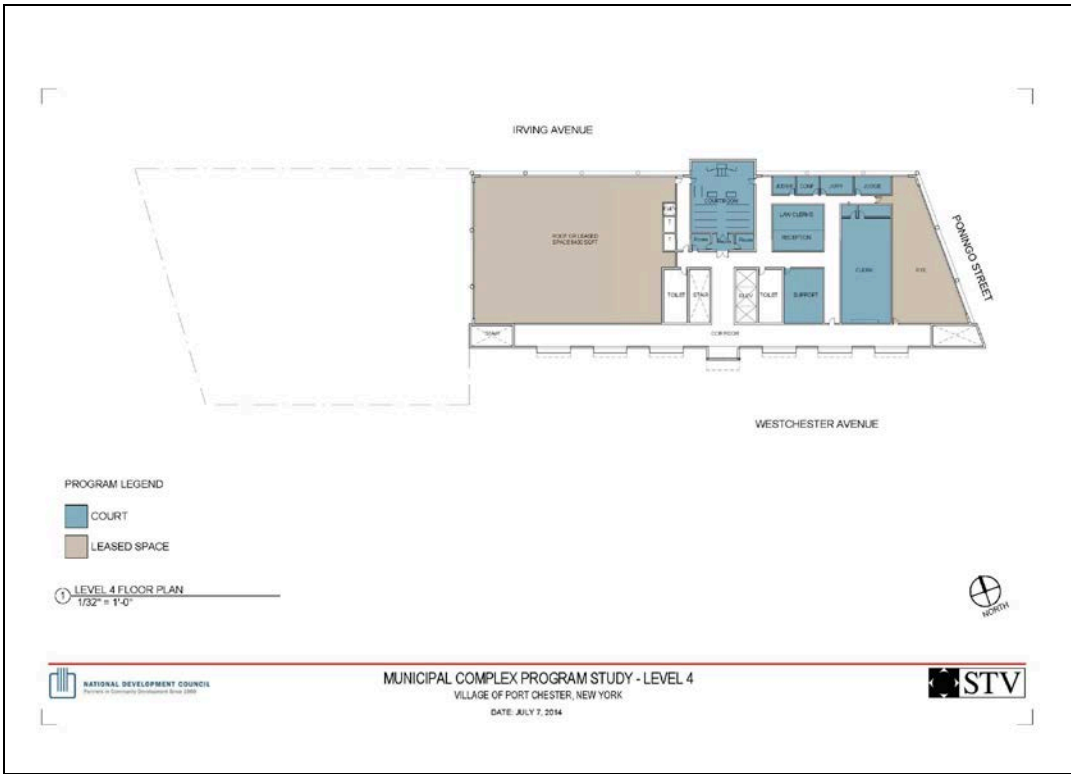


Proposed Site



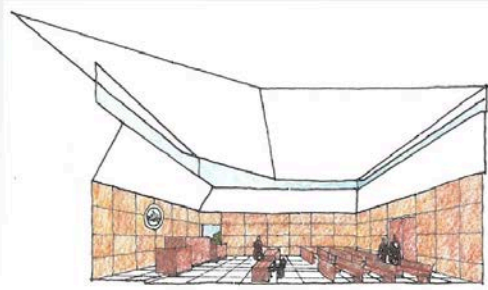




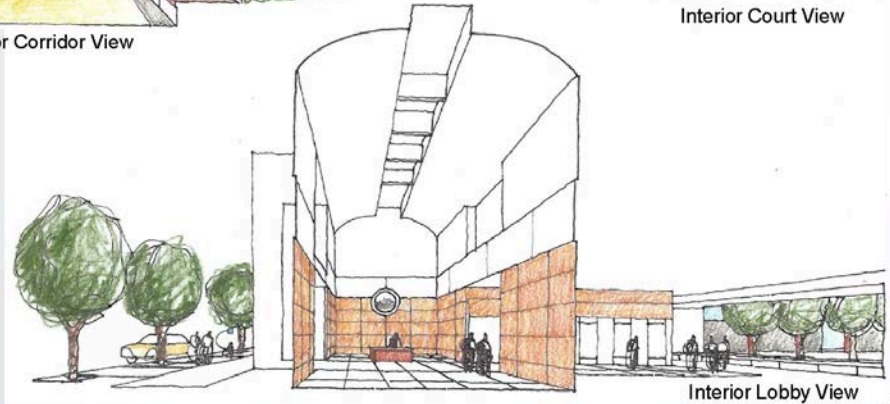




Interior Corridor View



Interior Court View



Interior Lobby View ¹⁰
STV



North Elevation - Irving Avenue





South Elevation – Westchester Avenue



West Elevation – Haseco Avenue





STV *100*
Years



STV *100*
Years



STV *100*
Years



STV *100*
Years



STV 100 Years



STV 100 Years



DISCUSSIONS

1. Sewer Rent appeal for 732 King Street. Village Manager Chris Steers said we have received 20 + appeals, of which only 4 or 5 have been substantive. Attorney Cerreto said the staff has reviewed the appeal from this resident and an adjustment of approximately 10% is appropriate. We will prepare a resolution.
2. Financing Fiscal Year 2014-2015 capital plan. Village Treasurer Leonie Douglas commented the Village adopted a capital plan of \$1.97 million. Se are proposing that the Village go ahead so we can prepare to do the projects on the list. There is a 2% added so the total comes to \$2.94 million. Currently the Village has a debt of \$2.985 million. The resolution has to go before the Board. Dolph commented they are ready to go.
3. Community Development Block Grant Program. Trustee Terenzi commented on the affordable housing money. Our community has affordable housing and we are not getting the money. This has to be resolved in an efficient manner and, if not, the three communities (Ossining, Peekskill and Port Chester) have properties that are assessed for 1/10th of the value. The homeowners are subsidizing the affordable housing and we can't get the money to do the repairs. Trustee Terenzi commented that our Village Attorney get with the attorney's from Ossining and Peekskill, maybe the three communities could do an order to show cause as to why we haven't received our money. A motion was made by Trustee Terenzi, seconded by Trustee Marino that we prepare an add-on resolution.

Add-on Resolution

TRUSTEE TERENZI asked for a motion to consider an add-on resolution to direct the Village Attorney to contact the attorneys for the Village of Ossining, City of Peekskill and Village of Sleepy Hollow regarding the legal options available to require the County of Westchester's continued participation in the Community Development Block Grant Program.

On motion of TRUSTEE TERENZI, seconded by TRUSTEE MARINO, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION (ADD-ON)

On motion of TRUSTEE TERENZI, 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 Board of Trustees hereby directs the Village Attorney to contact the attorneys for the Village of Ossining, City of Peekskill and Village of Sleepy Hollow regarding the legal options available to require the County of Westchester's continued participation in the Community Development Block Grant Program.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTIONS

RESOLUTION #1

AWARDING BID FOR SANITARY SEWER LINING AND MANHOLE REHABILITATION

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:

WHEREAS, the Village of Port Chester has advertised for bids for Sanitary Sewer Lining and Manhole Rehabilitation 2014 (Bid No. 14-03); and

WHEREAS, of the three bidders, the bid of Allstate Power Vac. Inc. is the lowest responsible bid and the contractor's references have since been verified; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept this bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Sanitary Sewer Lining and Manhole Replacement 2014 to Allstate Power Vac. Inc., 928 East Hazelwood Avenue, Rahway, New Jersey 07065 in the amount of \$879,350.00; and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Sewer Improvement 13/14, Project Account 5.8120.400.2013.132 in the Capital Fund.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #2

**RENEWAL AGREEMENT FOR THIRD-PARTY ADMINISTRATION
SERVICES TO COVER RUN-OFF CLAIMS UNDER FORMER VILLAGE'S
SELF-INSURED WORKERS COMPENSATION PROGRAM**

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

WHEREAS, the Village of Port Chester formerly had a self-insured workers compensation program; and

WHEREAS, such program required the Village to retain a firm to provide third-party administration services ("TPA"); and

WHEREAS, PMA Management Corp. was the last TPA before the Village retained PERMA as its workers' compensation carrier under a conventional insurance program; and

WHEREAS, PMA has been actively managing the run-off or claims that were open as of the date of such change; and

WHEREAS, PMA's proposal for an annual renewal has not increased, is budgeted in the FY 2014-2015 Village Budget and is less costly than adding the run-off claims to the agreement with the Village's current workers compensation carrier. Now therefore be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with PMA Management Corp. 330 Fellowship Road, Mt. Laurel, New Jersey 08054 to continue as Third Party Administrator for the run-off claims with regard to the Village's former self-insured workers compensation program for the 2014-2015 Fiscal Year, compensation to be \$12,000 and as further provided in the agreement annexed hereto.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #3

**REAPPOINTMENT FOR
EMERGENCY MEDICAL SERVICES COMMITTEE**

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

WHEREAS, the inter-municipal agreement between the Village of Rye Brook, City of Rye and Village of Port Chester for emergency medical services provides for an Emergency Medical Services Committee; and

WHEREAS, the City of Rye has approved the nomination of Bart DiNardo, 51 Clinton Avenue, Rye, New York to the Committee as their Community Representative; and

WHEREAS, the Village of Rye Brook has also approved the Mr. DiNardo's appointment as the City of Rye's Representative. Now, therefore be it

RESOLVED, that the Board of Trustees hereby approves the nomination of Bart DiNardo to be appointed to the Emergency Medical Services Committee as the Community Representative for the City of Rye for a three-year term to expire June 30, 2017.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #4

**SETTING A PUBLIC HEARING TO CONSIDER A LOCAL LAW
REGULATING DOGS IN THE PARKS**

On motion of TRUSTEE MARINO, 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 Board of Trustees hereby schedules a public hearing on July 21, 2014 at 7:00 p.m. or as soon thereafter at the Port Chester Justice Court, 2nd Floor Courtroom, 350 North Main Street, Port Chester, New York, to consider a local law

repealing existing provisions of Chapters 136 and 236 of the Village Code and enacting new provisions in their place and stead as follows with regard to regulating dogs in the parks, including providing the opportunity for a designated off-leash dog area in a park.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #5

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

On motion of TRUSTEE MARINO, 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 Board of Trustees extends a conditional offer of employment to VINCENT FIUMARA, JONATHAN L. ROMAN and GREGG FERRARO as police officers all of Port Chester, New York, with appointment to be effective August 4, 2014.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #6

**RENEWAL AGREEMENT WITH PORT CHESTER SOCCER CLUB, INC.
FOR 2014-2015**

On motion of TRUSTEE MARINO, seconded by TRUSTEE TERENCE, 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 a long-standing relationship with the Port Chester Soccer Club, Inc. to operate its youth and adult soccer program; and

WHEREAS, this program is a successful model of a public-private partnership for other municipalities; and

WHEREAS, The contract with the Club is up for annual renewal for 2014-2015. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a renewal agreement with the Port Chester Soccer Club, Inc., 118 Touraine Avenue, Port Chester, New York 10573, for the Recreation Department's Soccer Program for FY 2014-2015, compensation to be in the amount of \$31,000.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #7

**RECREATION DEPARTMENT'S OUTDOOR ENTERTAINMENT PROGRAM
FOR 2014-2015**

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

RESOLVED, that the resolution adopted on June 16, 2014 with regard to the Recreation Department's outdoor entertainment program be and is hereby amended with regard to the band, "Back to the Garden 1969", with the correct compensation to be \$1,100.00.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #8 (TABLE)

On motion of TRUSTEE MARINO, seconded by TRUSTEE TEREZI, to postpone the vote on resolutions 8, 8A, 8B, 8C, 8D, to the July 22, 2014 meeting.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

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

(Environmental Compliance Resolution – Various Improvements)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at _____, in Port Chester, New York, on July_____, 2014 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 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) with ____ negative votes and ____ votes absent.

**ENVIRONMENTAL COMPLIANCE RESOLUTION TO MAKE FINDINGS
AND DETERMINATIONS**

WHEREAS, _____, the Village Engineer (the “Engineer”), has, at the request of 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, reviewed plans and cost estimates for various improvements to the Village’s infrastructure and material as described in four (4) serial bond resolutions to be adopted by the Board of Trustees subsequent to the adoption of this resolution (the “Project”) and said plans and costs estimates have been filed in the office of the Village Clerk and are on file for public inspection, as may be applicable; and

WHEREAS, the Village has determined that upon the examination of an environmental assessment form (“EAF”) prepared by the Engineer, that all components the Project are “Type II” or “unlisted” actions, as those terms are defined in 6 NYCRR §617.2, and therefore the Village caused the EAF to be prepared and filed with the Village Clerk, as may be applicable; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project in its entirety is \$2,009,400 and that the costs of the Project, in whole or in part, as authorized by the Board of Trustees of the Village, are to be financed by the issuance of serial

bonds of the Village pursuant to the Local Finance Law and, if deemed advisable, by the issuance of bond anticipation notes in anticipation of the issuance of said bonds; and

WHEREAS, it is proposed that the costs of the Project, as aforesaid, are to be paid in part from a tax levied upon all the taxable property in the Village in annual installments determined by the Board of Trustees;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act (“SEQRA”) regulations, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, NEW YORK, as follows:

Section 1. The Village, by and through its Board of Trustees, declares and designates itself to be the “lead agency” as that term is defined in 6 NYCRR §617.2(u), with respect to the continuing environmental review of the Project.

Section 2. It is hereby determined that the Project as aforesaid, is a “Type II”, as that term is defined in 6 NYCRR §617.2(aj).

Section 3. No other agency other than the Village is involved in said environmental review and no coordinated review is necessary or required.

Section 4. No hearing as set forth in 6 NYCRR §617.9(a) (4) is required in making the determinations contained herein with respect to the costs of the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7(c) upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project: does not require segmentation for adequate environmental compliance analysis, includes no unanticipated or unidentified adverse effects which should be anticipated with respect thereto, and is precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the bond resolutions referred hereinabove to be adopted by the Board of Trustees under the Local Finance Law to finance the Project shall not be or be deemed to be an “action”, as that term is defined in 6 NYCRR §617.2(b), until its effectiveness following the estoppel period prescribed in §82.00 of the Local Finance Law.

Section 7. Taking into account the criteria set forth in 6 NYCRR §617, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 8. The Village shall include a true copy of this resolution in the file maintained, readily accessible to the public, in the office of the Village Clerk, containing the EAF.

Section 9. This resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

RESOLUTION #8A (TABLE)

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

(A - \$275,400 – 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 July _____, 2014 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 JULY _____, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$275,400 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 (\$173,400) and (ii) the acquisition of parking pay stations (\$102,000) 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 \$275,400, 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 \$275,400, 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 \$173,400 for which \$173,400 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 \$102,000 for which \$102,000 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 \$275,400; (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.

RESOLUTION #8B (TABLE)

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

(B - \$30,600 – HVAC systems, 10 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 July _____, 2014 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 JULY ___, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$30,600 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 INSTALLATION OR RECONSTRUCTION OF A HEATING, VENTILATION OR AIR CONDITIONING SYSTEM IN A CLASS A BUILDING.

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 installation or reconstruction of a heating, ventilation or air conditioning system in a Class A building , 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 \$30,600, 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 \$30,600, pursuant to the Local Finance Law, in order to finance the costs of the installation or reconstruction of a heating, ventilation or air conditioning system in a Class A building , 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 \$30,600; (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 except to the extent of Federal or State aid received by the Village, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (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 13 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) 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.

RESOLUTION #8C (TABLE)

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

(C - \$1,550,400 – 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 July___, 2014 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 JULY____, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$1,550,400 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 (\$1,020,000) and (ii) the acquisition of machinery and apparatus for construction and maintenance (\$530,400), 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 \$1,550,400, 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 \$1,550,400, 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 \$1,020,000 for which \$1,020,000 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 \$530,400 for which \$530,400 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 \$1,550,400; (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 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.

RESOLUTION #8D (TABLE)

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

(D-\$153,000 – 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 July____, 2014 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 JULY____, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$153,000 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 \$153,000, 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 \$153,000, 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 \$153,000; (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.

RESOLUTION #9

GASB 45 ACTUARIAL SERVICE AGREEMENT FOR FISCAL YEAR ENDING MAY 31, 2014

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

WHEREAS, two (2) proposals were received by two bidders for the FY 2013-2014, FY 2014-15, and FY 2015-16 actuarial services for GASB 45, and

WHEREAS, the recommendation is that the FY 2013-14 actuarial services be awarded to Danziger & Markhoff LLP, Attorneys, at Law, 123 Main Street, White Plains, NY 10601 for \$1,500 to perform mid-cycle valuation. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with Danziger & Markhoff LLP, 123 Main Street, White Plains, NY 10601 for \$1,500 to perform the mid-cycle valuation for the Village of Port Chester for fiscal year ending May 31, 2014.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

RESOLUTION #10

**GASB 45 ACTUARIAL SERVICE AGREEMENT FOR FISCAL YEAR ENDING
MAY 31, 2015 AND 2016**

On 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, two (2) proposals were received by two bidders for the FY 2013-2014, FY 2014-15, and FY 2015-16 actuarial services for GASB 45, and

WHEREAS, the recommendation is that the FY 2014-15 and FY 2015-16 actuarial services be awarded to Aquarius Capital, 110 Betsy Broad Road, Port Chester, NY 10573 for full valuation for fiscal year ending May 31, 2015 for \$3,500, and for \$1,500 for mid-cycle valuation for fiscal year ending May 31, 2016. Now, therefore, be it

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with Aquarius Capital, 110 Betsy Brown Road, Port Chester, NY 10573 for \$3,500 and \$1,500 to perform full and mid-cycle GASB 45 valuation for fiscal year ending May 31, 2015 and 2016 respectively.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

CORRESPONDENCES

Mayor Pagano asked for a motion to combine correspondence 1, 2, 3, and 4 of the agenda for the purpose of casting one vote for all of the combine correspondences.

- *From Chester B. Edwards regarding his Appeal of the Sewer Rent for 96 Hawley Avenue.*
- *From Michael Del Vecchio regarding his Appeal of the Sewer Rent for 92 Hawley Avenue.*
- *From Enrico Ciancio regarding his Appeal of the Sewer Rent for 91 Hawley Avenue.*
- *From Antoinette Janeczko regarding Sewer Rent Appeal.*

There being no objections, TRUSTEE MARINO made a motion, seconded by TRUSTEE TERENCE, the motion was accepted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

The correspondences were referred to staff to comeback with recommendations.

From Mellor Engine & Hose Co. No. 3, Inc. on the election of Fernando Santamaria to active membership.

The Board accepted the correspondence.

From Washington Engine & Hose Co #4 of the Port Chester Volunteer Fire Department - To celebrate George Marshall's 50 years of service.

The Board accepted the correspondence.

From Victor & Bernstein, PC regarding Port Chester Hall's Request to Change Method of Operation with the New York State Liquor.

The Board referred the correspondence to staff.

From Nicole & Robert Reis regarding a Block Party on Munson Street.

The Board referred the correspondence to staff without objection.

From Daniel L. Brown a partner in the Sheppard Mullin Richter & Hampton LLP, regarding Port Chester Metro North Station.

The Board accepted the correspondence.

From the Columbus Day Parade Committee invites the Mayor and Board of Trustees to be part of parade celebration and permission for the use of the Show Mobile.

The Board referred the correspondence to staff without objection.

From the Columbus Day Parade Committee requesting financial assistance for this year's parade.

The Board referred the correspondence to staff without objection.

From the Columbus Day Parade Committee requesting that Westchester Avenue be closed from Ridge Street to Broad Street from 1:30 PM to 3:30 PM on October 12th or on October 19th, the Rain Date.

The Board referred the correspondence to staff without objection.

From the Board of Ethics regarding Ethics Training.

The Board referred the correspondence to staff without objection.

From Joe Duraeyrequest for use of Columbus Park Soccer Field.

The Board referred the correspondence to staff without objection.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Public

Mr. Abel commented on a Class A Building. This refers to 222 Grace Church Street.

Board

Trustee Adams congratulated the new Police Chief. The Board will work with him.

Trustee Terenzi commented on the passing of Goody Skulky. He was a Chairman of the Zoning Board for many years. We have to look at the future 10-15 years for the Village Hall. The morale of the Police has moved up with the hiring of a new chief and the new officers.

Trustee Marino congratulated the new Police Chief.

Trustee Ceccarelli congratulated the new Police Chief. He commented on the excellent July 4th celebration. The Village Hall parking will be overcrowded once the Town of Rye moves in. He commented on the look of the building at the corner of Westchester and Main Street. The bricks at Lyon Park are good looking.

Mayor Pagano commented on the summer concerts at Lyon Park. We will need an executive session to discuss the Port Chester fire department. He thanked the members of the fire department present at tonight's meeting. The August 4th Board meeting will be rescheduled and combined with the August 18th meeting. We are behind Chief Conway.

At 10:09 p.m., on motion of TRUSTEE TERENCE, seconded by TRUSTEE ADAMS, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Kenner.

DATE: July 7, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JULY 9, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Wednesday July 9, 2014, 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, Luis Marino, Joseph Kenner, Gene Ceccarelli and Trustee Saverio Terenzi Via telephone.

It should be noted that Trustee Daniel Brakewood was absent.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Ed Brancati; Kevin McMinn, Village Fire Chief; Edward Quinn, 1st Assistant Fire Chief and Michael DiVittorio, 2nd Assistant Fire Chief

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:06 p.m.

Roll Call

AYES: Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Brakewood.

DATE: July 9, 2014,

Add-on Resolution

MAYOR PAGANO asked for a motion to consider an add-on resolution at the request of Chief of Police Richard F. Conway, regarding a conditional offer of employment for police officer.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Marino, Kenner Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Terenzi.

DATE: July 9, 2014

RESOLUTION ADD-ON

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

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 Board of Trustees extends a conditional offer of employment to David Arroyo as police officers all of Port Chester, New York, with appointment to be effective August 4, 2014.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Marino, Kenner Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Terenzi.

DATE: July 9, 2014

PROPOSED MOTION FOR EXECUTIVE SESSION

Motion for Executive Session

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board adjourned into an executive session for the purpose of consulting with Village Attorney regarding the Port Chester Fire Department.

ROLL CALL

AYES: Trustees Adams, Marino, Kenner Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Terenzi.

DATE: July 9, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Ed Brancati; Kevin McMinn, Village Fire Chief; Edward Quinn, 1st Assistant Fire Chief; and Michael DiVittorio, 2nd Assistant Fire Chief

No action was taken in executive session.

At 7:32 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Marino, Kenner Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Terenzi.

DATE: July 9, 2014

At 7:33 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Marino, Kenner Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustees Brakewood and Terenzi.

DATE: July 9, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD JULY 21, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, 21, 2014, 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, Luis Marino and Gene Ceccarelli.

It should be noted that Trustees Terenzi and Kenner were absent.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 6:35 p.m.); Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld (arrived at 7:10 p.m.).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD the meeting was declared opened at 6:02 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

MOTION FOR EXECUTIVE SESSION

Executive Session 1

At 06:02 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the Board adjourned into an executive session to consultation with Village Attorney and Special Counsel with regard to Starwood Capital Group/United Hospital Redevelopment.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher

Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; and Attorney Mark A. Chertok.

No action was taken in executive session.

At 06:28 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

Executive Session 2

At 06:34 p.m., on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the Board adjourned into an executive session for the purpose of consulting with Labor Council regarding Fire Department.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Ed Brancati; Kevin McMinn, Village Fire Chief; Edward Quinn, 1st Assistant Fire Chief; Michael DiVittorio, 2nd Assistant Fire Chief; Attorney Terry O'Neil, and Attorney Emily E. Harper Labor Councils.

No action was taken in executive session.

At 07:06 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

WORKSHOP

SEQRA Draft Scope regarding Starwood Capital Group / United Hospital Redevelopment, 406 Boston Post Rd. and 999 High St.

Village Director of Planning and Development Chris Gomez commented this is workshop to discuss further the final scoping document for the redevelopment of the United Hospital property. We have incorporated several comments from the June 23rd hearing. We provided the original scoping document and the zoning petition from the applicant. We have also incorporated the comments from the Board of Trustees, the public and staff.

Mayor Pagano asked at what point does this draft no longer become a draft? Mr. Gomez commented that this Board needs to formally adopt a final scope.

Attorney Tony Gioffre of Cuddy & Feder commented that they met with staff and discussed most of the points risen at the public hearing. Most of the additions were incorporated into the draft of the final scope.

Mr. Mark Chertoff commented the housing plan makes sense and the bus rapid transit plan makes sense. Any further comments from the board tonight should be included in the draft.

Mr. Gomez commented on the school section and an ongoing study. The public should have input.

Trustee Brakewood commented that he would like to add into the study a quantitative analysis of pedestrian volume and a traffic analysis of the impact on Route 1.

Mayor Pagano commented a meeting will be held on August 18th with Cuddy and Seder. We will be approving what Starwood Capital will be studying.

Mr. Dolph Rotfeld commented on the sewer study. We suggest the study should be on Purdy Avenue because Olivia is on a hill. Purdy Avenue is the intersection where most of the sewers go into the treatment plant. One of the problem areas is Slater Street under the railroad bridge.

Trustee Brakewood commented about lead certification. Chris Gomez commented we incorporated energy and green building.

SWEARING IN CEREMONY OF THE NEW CHIEF OF POLICE

Mayor Pagano made the following remarks.

“In taking on the role as the Chief of the Port Chester Police Department you join a long line of former Chiefs of Police who, like you signed up for a very challenging position and one with a weighty responsibility. As you formally take on that task, 53 police officers - soon to be 58 -and nearly 30,000 Port Chester residents are depending on you, and I hope you understand how many of them appreciate, and realize, that you're willing to do something that the average citizen doesn't necessarily have in them to do. But you do. You're willing to make so much of a difference that during your 28 year tenure with the Department you've even put your life and safety on the line - even as recently as a week or so ago when you, along with your fellow police officers chased down and apprehended a man with a rifle. And that is something we honor.

Police officers must be held to a higher standard of moral and ethical values than is expected of the average person. You as the highly visible face and head of the Port Chester Police Department set the tone and the direction. You will share in all of their successes and take the hit when results are less than what is expected.

Police officers need the trust and respect of the public to perform their duties and responsibilities effectively. This trust does not come without the officer knowing and understanding his sworn oath and code of Ethics. You as the Chief must set the bar.

A supervisor's attitude of "do as I say - not as I do" cannot be tolerated. Every supervisor has a responsibility to act in moral and ethical manner. To insure that everyone, especially new recruits, knows and understands how they are to behave. A supervisor must inspire and teach employees to behave ethically, by living an ethical life, both on and off duty.

Be rest assured and, to be very clear - it is without reservation - that this Mayor and the entire Board of Trustees who serve also as Police Commissioners - offer you our full faith, confidence and support in your new position and we wish you every success as you lead your department in the months and years to come.

So with that all said, it is now my honor to administer the Oath of Office to you. Lt Conway - May I ask your two sons, Thomas - who leaves for Boot Camp in Georgia on 9/23/14 and Dan - who has recently begun the enrollment process for the NY National Guard - to please come up and assist me in administering the oath of office”.

Following the Mayor’s remarks the New Chief of Police Richard F. Conway was sworn in.



Mayor Neil Pagano and Chief of Police Richard F. Conway

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION
RE:

The following Public Notices were duly published in the Journal News and the Westmore News on **July 11, 2014** certified by **Cecilia Hernandez**, Principal Clerk of the Journal News and **Angelina Brescia**, Office Manager of the Westmore News

PUBLIC NOTICE
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, July 21, 2014, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider a local law amending Chapters 136 and 236 of the Village Code to provide for new provisions with regard to dogs in village parks, including the opportunity for a designated off-leash dog area in a park.

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.

Date: July 11, 2014

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

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the public hearing was declared open.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

Public Comments

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Trustee Brakewood commented on the definition of “in” the park. “In” is within the boundaries of the park.

Jerry Terranova, Park Commission Chairman, commented about dogs in the park. In the past the main reason for no dogs in our parks is because of bites, fights and trikes. Now the main reasons for no dogs is health and EPA.

Trustee Adams commented about a situation regarding cooking in Abendroth Park.

Ms. Heather Paul commented about dogs in the parks. The general public needs to be respectful of the signs that say “no dogs in the park.” She congratulated the new Police Chief and Richard Cuddy and his committee for the new walkway in Lyon Park.

Mr. Bill Giangrande commented about dogs. People are waiting for the dog park.

Mr. Richard Abel commented with the new law that there will be no dogs allowed in any park except the dog park.

Ms. Goldie Solomon commented on the signs that say no dogs in the park in Lyon Park.

Ms. Andrea Granata commented she would like to see dogs in the park. Most people are responsible about picking up after the dogs.

Ms. Sandra Carrera commented that people should be able to take their dogs to the park.

Ms. Linda Turturino commented as part of the dog park group. The group not only picks up after their own dogs but also other people. We are striving for the dog park to make the park cleaner overall

Ms. Dina Goren commented that the issues discussed tonight are really about enforcing the law.

Trustee Adams asked if there should be a modification to the length of a dog leash. Attorney Cerreto commented it is now 8 feet.

Trustee Brakewood commented that bikers and people with dogs should obey the park rules.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the public hearing was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

Adoption of Local Law No. 01 of 2014

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER REGULATING DOGS IN THE PARKS

SECTION 1: Purpose and intent.

The purpose and intent of this local law is to resolve current inconsistency in the Village Code with regard to the regulation of dogs in Village parks, promote the quiet peace and enjoyment of the parks for all users, and provide an opportunity for an off-leash dog area to be designated within a park by the Board of Trustees.

SECTION 2: The Code of the Village of Port Chester, Chapter 136, Article I, Section 136-6, is hereby repealed and a new section enacted in its' place and stead to read as follows:

136-6 Leash Law.

A. Dogs on any public street, sidewalk, public place or to and from a designated off-leash dog area in a park shall be controlled by a leash not exceeding eight feet in length.

B. No dog shall be allowed to run at large in the Village of Port Chester, except as follows:

- 1) Upon the premises of the person who owns, keeps, harbors or otherwise has the care or custody of such dog; or
- 2) Upon the premises of another person with the knowledge and assent of such other person, or
- 3) Attended dogs at a designated off-leash dog area within a park.

SECTION 3: The Code of the Village of Port Chester, Chapter 236, Section 236-7, is hereby repealed and a new section enacted in its' place and stead to read as follows:

- A. No dogs are allowed in any of the parks in the Village of Port Chester except for service dogs or dogs in service to the Village or other governmental agencies as defined in the State Agriculture and Markets Law.
- B. This section shall not apply to attended dogs to and from and at a designated off-leash dog area within a park.

SECTION 4. This local law shall be effective immediately upon filing with the Secretary of State.

Mayor Pagano asked for a motion on a Local Law amending the code of the Village of Port Chester regulating dogs in the parks.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the following Local Law amending the code of the Village of Port Chester regulating dogs in the parks was adopted by the Board of Trustees of the Village of Port Chester, New York:

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon praised the Mayor and Board of Trustees for selecting Police Chief Conway. She commented about the summer concert series and said the Board should be there to talk to the residents.

Trustee Brakewood said that on Sunday, July 27th is Parents Day in the USA.

Mr. John Reavis commented on the Board's promotion of Richard Conway to Police Chief. We need to address the traffic congestion on Westchester Avenue on the weekends. Another issue is the Starwood redevelopment. If you want to touch people in the community about what is going on you should put it in the Westmore News, as not all people have a computer. Another concern identifies the reality that we have the neighborhood revitalization project. In the minority community it is perceived as a document to get them out of Port Chester.

Mr. Joseph Giangrande commented about his sidewalk. Does this come under amnesty? Village Treasurer Douglas commented that we are going to do phase III. We have budgeted to begin the third stage but we did not get to that phase yet. We have to inspect the sidewalks and develop that program.

Mr. Dominick Cicatelli commented on the Sewer Rent. It is based on usage and you are limited to a 10% adjustment at a maximum. Neri Bakery consumes quite a bit of water. Only 6% of the water used is discharged into the sewers. Is there a process to appeal the appeal?

Ms. Bea Conetta commented on the proposed municipal center. She cited the cost of the prior senior center proposal. At Grace Church Street there is room in the gymnasium to include the Police Station.

Ms. Dina Goren commented that Port Chester is in second place overall in the PetSafe contest to win \$100, 00 for a dog park. We are in 1st place to win \$25,000. The Dog Park group is proud of the way the community has come together to vote for the park.

Mr. Bill Giangrande commented on the broken sidewalk on Chestnut Street.

Ms. Joan DiBuono commented in support of Matthew John, Jr. for the open position on the Board of Ethics. She thanked Attorney Cerreto for his assistance and knowledge at the Board of Ethics meetings.

Ms. A. Granata commented on the water bills only being 20 days. She thanked Mayor Pagano, Village Manager Steers and Peter Miley for meeting with her. People are disappointed that there is no consistency with code interpretation.

Ms. Sandra Carrera commented on the Sewer Rental. Village Manager Steers replied that the Sewer Rent was put in place to remove the cost of the Sanitary Sewer replacement and maintenance from the tax bill. It is based on a user fee.

Mr. Richard Abel congratulated Chief of Police Conway. He commented on the taxi licenses. There are 75 cars with five taxi companies. Village Attorney Cerreto replied that there were originally four companies per Village code. We increased that cop to five to accommodate an additional license to a competitor of those four companies. The four companies brought a suit against the Village, which is still pending. There is a motion going forward shortly to assess that complaint. This is being handled by an insurance company at no taxpayer expense. He commented about cars parked overnight at the Library. If they are going to be towed or booted there must be signage.

Ms. Conetta commented that people do not come forward because there will be retaliation. Congratulations to Chief Conway.

Village Clerk Richards commented that the Village Clerk's office receives complaints about taxi drivers. The Clerk's office does not enforce the taxi drivers. This goes to the County.

RESOLUTION #1

DETERMINATION ON APPEAL WITH REGARD TO SEWER RENT

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

WHEREAS, Brenda Crandell (hereafter the "applicant") filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for

property located at 732 King Street, Port Chester, and also designated as Section 136.29 , Block 2 and Lot 1 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of June 19, 2014, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated July 1, 2014 the applicant was advised that the matter would be considered at the Board meeting of July 7, 2014 and that she would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff's report; and

WHEREAS, the applicant did not appear at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered documentation provided by the applicant as to water consumption history, pool capacity and existence of a sprinkler system in its deliberations; and

WHEREAS, at the meeting of July 7, 2014, the Board directed the preparation of a resolution granting the applicant's appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby granted to the maximum extent permitted by the Village Code; and be it further

RESOLVED, that the applicant be notified of the Board's determination with a certified copy of this resolution; and be it further

RESOLVED that the Village Manager or his designee notify United Water Westchester of same and that water consumption in the monetary amount of 17 CCF at the sewer rent rate for the time period in issue to be credited against the applicant's next sewer rent bill, and to take such other necessary and appropriate action to effectuate the Board's disposition of the appeal.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #2

TAXI DISPATCHING LICENSES

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

WHEREAS, Section 295-20, "Taxicabs", of the Village Code provides for the "Licensing of company dispatching" subject to the approval of the Village Board of Trustees; and

WHEREAS, Coqui Taxi, Luso American Taxi, P.C. Taxi, RC Taxi and Village Taxi have timely submitted applications for a dispatching license to the Village Clerk's Office for the approval by the Board of Trustees as provided by in Section 295-20 (C); and

WHEREAS, these applications have been reviewed by the Village Clerk who has favorably recommended their approval. Now, therefore be it,

RESOLVED, that the Board of Trustees hereby approves the applications submitted by Coqui Taxi, Luso American Taxi, RC Taxi, PC Taxi and Village Taxi and directs the Village Clerk to issue a license for company dispatching to each respective applicant, with said license to expire on March 31, 2015 as provided by the Village Code.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #3

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, to combine **resolution 3, 4, 5, 6, 7 and 8** of the agenda for the purpose of casting one vote for all of the combine resolutions was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

APPOINTMENT OF MEMBER TO PARK COMMISSION

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

RESOLVED, that GINGER CORBIA, residing in Port Chester New York be and hereby is appointed as a full member of the Port Chester PARK COMMISSION, effective immediately with said term expiring on 12-31-2018.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #4

APPOINTMENT OF MEMBER TO TRAFFIC COMMISSION

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

RESOLVED, that CHARLES A. GERACI, residing in Port Chester New York be and hereby is appointed as a full member of the Port Chester TRAFFIC COMMISSION, effective immediately with said term expiring on 12/31/2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.
NOES: None
ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #5

APPOINTMENT OF MEMBER TO BOARD OF ETHICS

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

RESOLVED, that MATHEW JOHN, JR., residing in Port Chester New York be and hereby is appointed as a full member of the Port Chester Board of Ethics, effective immediately.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.
NOES: None
ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #6

APPOINTMENT OF MEMBER TO WATERFRONT COMMISSION

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

RESOLVED, that DONALD RAY HENSLEY, JR., residing in Port Chester New York be and hereby is appointed as an alternate member of the Port Chester Waterfront Commission, effective immediately with said term expiring on 12/02/2017.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #7

REAPPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that GREGG GREGORY, residing in Port Chester New York, be and hereby is reappointed as a member of the Port Chester PLANNING COMMISSION, with said term expiring on 06/16/2017.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #8

REAPPOINTMENT OF MEMBER TO PLANNING COMMISSION

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

RESOLVED, that KEVIN PELLON, residing in Port Chester New York, be and hereby is reappointed as a member of the Port Chester PLANNING COMMISSION, with said term expiring on 06/16/2017.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #9

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

(Environmental Compliance Resolution – Various Improvements)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street in Port Chester, New York, on July 21, 2014 at 6:00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

ABSENT: Trustee Terenzi and Kenner.

ALSO PRESENT: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld.

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TRUSTEE BRAKEWOOD submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE CECCARELLI. The Board of Trustees was polled. The motion was adopted by a vote of five (5) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees) with none (0) negative votes and two (2) votes absent.

**ENVIRONMENTAL COMPLIANCE RESOLUTION TO MAKE FINDINGS
AND DETERMINATIONS**

WHEREAS, Dolph Rotfeld, the Village Engineer (the “Engineer”), has, at the request of 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, reviewed plans and cost estimates for various improvements to the Village’s infrastructure and material as described in four (4) serial bond resolutions to be adopted by the Board of Trustees subsequent to the adoption of this resolution (the “Project”) and said plans and costs estimates have been filed in the office of the Village Clerk and are on file for public inspection, as may be applicable; and

WHEREAS, the Village has determined that upon the examination of an environmental assessment form (“EAF”) prepared by the Engineer, that all components the Project are “Type II” or “unlisted” actions, as those terms are defined in 6 NYCRR §617.2, and therefore the Village caused the EAF to be prepared and filed with the Village Clerk, as may be applicable; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project in its entirety is \$2,009,400 and that the costs of the Project, in whole or in part, as authorized by the Board of Trustees of the Village, are to be financed by the issuance of serial

bonds of the Village pursuant to the Local Finance Law and, if deemed advisable, by the issuance of bond anticipation notes in anticipation of the issuance of said bonds; and

WHEREAS, it is proposed that the costs of the Project, as aforesaid, are to be paid in part from a tax levied upon all the taxable property in the Village in annual installments determined by the Board of Trustees;

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act (“SEQRA”) regulations, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, NEW YORK, as follows:

Section 1. The Village, by and through its Board of Trustees, declares and designates itself to be the “lead agency” as that term is defined in 6 NYCRR §617.2(u), with respect to the continuing environmental review of the Project.

Section 2. It is hereby determined that the Project as aforesaid, is a “Type II”, as that term is defined in 6 NYCRR §617.2(aj).

Section 3. No other agency other than the Village is involved in said environmental review and no coordinated review is necessary or required.

Section 4. No hearing as set forth in 6 NYCRR §617.9(a)(4) is required in making the determinations contained herein with respect to the costs of the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7(c) upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project: does not require segmentation for adequate environmental compliance analysis, includes no unanticipated or unidentified adverse effects which should be anticipated with respect thereto, and is precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the bond resolutions referred hereinabove to be adopted by the Board of Trustees under the Local Finance Law to finance the Project shall not be or be deemed to be an “action”, as that term is defined in 6 NYCRR §617.2(b), until its effectiveness following the estoppel period prescribed in §82.00 of the Local Finance Law.

Section 7. Taking into account the criteria set forth in 6 NYCRR §617, upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project (i) will not have a significant effect on the climate or climate change, and (ii) will not have a significant effect on the environment, and no unidentified adverse effects are anticipated with respect thereto and are precluded from further review under the Environmental Conservation Law.

Section 8. The Village shall include a true copy of this resolution in the file maintained, readily accessible to the public, in the office of the Village Clerk, containing the EAF.

Section 9. This resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, to combine **resolution 9A, 9B, 9C, 9D and 9E** of the agenda for the purpose of casting one vote for all of the combine resolutions was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

NOES: None

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

RESOLUTION #9A

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

(A - \$275,400 – Various Purposes, 5 years)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street in Port Chester, New York, on July 21, 2014 at 6:00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

ABSENT: Trustee Terenzi and Kenner.

ALSO PRESENT: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld.

* * * * *

TRUSTEE ADAMS submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE MARINO. The Board of Trustees of the Village was polled. The motion was adopted by a vote of five (5) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with none (0) negative votes and two (2) votes absent.

**BOND RESOLUTION, DATED JULY 21, 2014, AUTHORIZING THE
ISSUANCE OF UP TO \$275,400 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 (\$173,400) and (ii) the acquisition of parking pay stations (\$102,000) 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 \$275,400, 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 \$275,400, 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 \$173,400 for which \$173,400 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 \$102,000 for which \$102,000 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 \$275,400; (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, and Westmore News, the official newspapers of the Village, newspapers 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.

RESOLUTION #9B

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

(B - \$30,600 – HVAC systems, 10 years)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street in Port Chester, New York, on July 21, 2014 at 6:00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

ABSENT: Trustee Terenzi and Kenner.

ALSO PRESENT: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld.

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TRUSTEE ADAMS submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE MARINO. The Board of Trustees of the Village was polled. The motion was adopted by a vote of five (5) affirmative votes (being at

least two-thirds of the voting strength of the Board of Trustees of the Village) with none (0) negative votes and two (2) votes absent.

BOND RESOLUTION, DATED JULY 21, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$30,600 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 INSTALLATION OR RECONSTRUCTION OF A HEATING, VENTILATION OR AIR CONDITIONING SYSTEM IN A CLASS A BUILDING.

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 installation or reconstruction of a heating, ventilation or air conditioning system in a Class A building , 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 \$30,600, 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 \$30,600, pursuant to the Local Finance Law, in order to finance the costs of the installation or reconstruction of a heating, ventilation or air conditioning system in a Class A building , 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 \$30,600; (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 except to the extent of Federal or State aid received by the Village, which shall reduce the principal amount of such serial bonds or bond anticipation notes *pro tanto*; (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 13 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is ten (10) years. The serial bonds authorized herein shall have a maximum maturity of ten (10) 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, and Westmore News, the official newspapers of the Village, newspapers 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.

RESOLUTION #9C

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

(C - \$1,550,400 – Streets/Machinery & Apparatus, 15 years)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street in Port Chester, New York, on July 21, 2014 at 6:00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

ABSENT: Trustee Terenzi and Kenner.

ALSO PRESENT: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld.

* * * * *

TRUSTEE ADAMS submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE MARINO. The Board of Trustees of the Village was polled. The motion was adopted by a vote of five (5) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with none (0) negative votes and two (2) votes absent.

BOND RESOLUTION, DATED JULY 21, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$1,550,400 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 (\$1,020,000) and (ii) the acquisition of machinery and apparatus for construction and maintenance (\$530,400), 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 \$1,550,400, 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 \$1,550,400, 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 \$1,020,000 for which \$1,020,000 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 \$530,400 for which \$530,400 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 \$1,550,400; (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 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, and Westmore News, the official newspapers of the Village, newspapers 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.

RESOLUTION #9D

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

(D-\$153,000 – Building Improvements, 25 years)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street in Port Chester, New York, on July 21, 2014 at 6:00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

ABSENT: Trustee Terenzi and Kenner.

ALSO PRESENT: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica

Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld.

* * * * *

TRUSTEE ADAMS submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE MARINO. The Board of Trustees of the Village was polled. The motion was adopted by a vote of five (5) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with none (0) negative votes and two (2) votes absent.

BOND RESOLUTION, DATED JULY 21, 2014, AUTHORIZING THE ISSUANCE OF UP TO \$153,000 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 \$153,000, 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 \$153,000, 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 \$153,000; (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, and Westmore News, the official newspapers of the Village, newspapers 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.

RESOLUTION #9E

EXTRACTS FROM MINUTES OF A MEETING OF THE BOARD OF TRUSTEES

OF THE VILLAGE OF PORT CHESTER, NEW YORK

(E-\$2,000,000 – Sewer Improvements)

A regular meeting of the Board of Trustees the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street in Port Chester, New York, on July 21, 2014 at 6:00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano.

ABSENT: Trustee Terenzi and Kenner.

ALSO PRESENT: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Attorney Mark A. Chertok; Ed Brancati; and Village Engineer, Dolph Rotfeld.

* * * * *

TRUSTEE ADAMS submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE MARINO. The Board of Trustees of the Village was polled. The motion was adopted by a vote of five (5) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with none (0) negative votes and two (2) votes absent.

**BOND RESOLUTION, DATED July 21, 2014, AUTHORIZING THE
ISSUANCE OF UP TO \$2,000,000 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
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 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 \$2,000,000, 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 \$2,000,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition, construction and reconstruction of improvements to Village sanitary sewer system, 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 \$2,000,000; (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, and Westmore News, the official newspapers of the Village, newspapers 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.

REPORT

Director of Planning and Development Christopher Gomez reported on Property Condition Assessment and Neighborhood Revitalization Strategies Report Request for Proposals. All have been vetted by staff and meet the minimum requirements of the RFP. Since each response offers a varied approach and special area of consultant expertise, it is recommended that the Board schedule a workshop in due course to interview each respondent and have the opportunity to gather additional information.

He added that he will be available to answer general questions regarding the RFP scope on Monday evening; however specific questions or discussion on each proposal should be reserved for the special workshop where each firm will have the opportunity to formally respond.

The four firms and total cost are as follows:

Firm	Total Cost
Malone & MacBroom, Inc. 99 Realty Drive Cheshire, CT 06410	\$84,500
Ferrandino & Associates Three West Main Street Elmsford, NY 10523	Option A: \$99,500 Option B: \$275,000

BFJ Planning \$85,000
115 Fifth Avenue
New York, NY 10003

Kevin Dwarka LLC. & Pace Land Use Law Center \$75,000
40 Wall Street
New York, NY 10005

CORRESPONDENCES

From Mellor Engine & Hose Co. No. 3, on the resignation of Michael Leon.

The Board accepted the correspondence.

From Harry Howard Hook & Ladder Co. No. 1 on the election of Matthew Pagni to membership.

The Board accepted the correspondence.

From Andrea Winchester requesting permission to block off Linden Street on August 30, 2014 for a block party.

The Board referred the correspondence to staff without objection.

From the Board of Ethics regarding including Boards, Commissions and Committees to the October 2, 2014 Ethics Training.

The Board accepted the correspondence.

From Centro Cultural Bolivia to place a banner across Westchester Avenue and Main Street to advertise this year's parade.

The Board referred the correspondence to staff without objection.

From Port Chester-Rye Brook Public Library requesting Parking Enforcement for Library lot.

The Board referred the correspondence to staff without objection.

From Park Commission regarding horse trough relocated to Lyon Park from North Regent Street.

The Board accepted the correspondence.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Trustee Adams congratulated Richard Conway on his promotion to Chief. He thanked Mayor Pagano for his quick and immediate action on the racist material going around. We received a notice from The Port Chester Housing that due to the traffic that flows out from South Regent Street apartments, could we look at signage letting people know they are approaching an active driveway. The boards and commissions advised that they have to pay for their awards and materials out of pocket. Mr. Steers said that they have a budget and they may not be aware they have that money. He commented on an incident in Columbus Park regarding cooking. Also, there is a problem with the bathrooms being locked.

Trustee Brakewood thanked Mayor Pagano for his action on the racist material. We support Chief Conway. We have received many calls regarding his community program. In regard to Neighborhood revitalization, Poningo Street has some of the best sidewalks in the Village. Based on the documentation reviewed, Trustee Brakewood is very concerned about the Municipal Center and cost overruns.

Trustee Marino commented on the overall good Police Department. Regarding the parking lot behind the Senior Center this is used for Dr. Carlucci.

Trustee Ceccarelli commented on the good job done by Capt. Telesca. The Veterans Memorial is looking good.

Mayor Pagano commented on landscapers blowing into the street, which eventually goes down the storm drain. We are moving aggressively to identify members to the Taxi Commission. We currently have only two members.

Additionally Mayor Pagano read the following stamen:

“Within the past two weeks or so, two events occurred in our Village that, for purpose of the public record, are totally unacceptable and outside the realm of what our welcoming and diverse community should ever tolerate. In the first instance two race-baiting flyers were circulated on our village streets. Clearly, and, without question, the intent was to inflame and purposely cause a divide in our community. Without going into detail about their content, suffice it to say that they were disgusting and abhorrent. Our law enforcement agencies are investigating the matter for possible criminal action.

In the second instance an "SS" Flag was flown. While such activity may be a protected right under the 1st amendment, the lack of sensitivity on the part of the owner who may not have weighed the gravity of his actions, offended many local residents so much so that the event was reported and condemned on many social media outlets. To this day, such a display is not only abhorrent to the entire Jewish Community but its impact also resonates negatively to the thousands of men and women who served during World War II - most if not all of whom know first-hand what that graphic stood for. These are symbols of the most evil regime of the 20th century that was responsible for many of the crimes against humanity perpetrated by the Nazis during World War II.

This Board strongly condemns both of these actions and prays that such activity will never again rear their ugly heads - not only in our Village but across our Nation as well.”

At 10:20 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Terenzi and Kenner.

DATE: July 21, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD AUGUST 4, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 4, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York.

Present in addition to Trustee Gregory Adams, were Trustees Daniel Brakewood, Luis Marino and Gene Ceccarelli.

It should be noted that Trustees Terenzi, Kenner and Mayor Pagano were absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Police Chief, Richard F. Conway; Christopher Ameigh Administrative Aide to the Village Manager, and Village Engineer, Dolph Rotfeld.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was declared opened at 7:03 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

Motion to Elect President Pro Tem

TRUSTEE CECCARELLI made a motion to nominate TRUSTEE BRAKEWOOD President Pro Tem for the August 4, 2014 Board of Trustees meeting in the absence of Mayor Pagano and Deputy Mayor Terenzi, the motion was seconded by TRUSTEE MARINO. The motion was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

PUBLIC COMMENTS

Trustee Brakewood asked if there was anyone from the audience who would like to make any public comments.

Ms. Goldie Solomon commented on dog signs in Lyon Park and at the Marina. She is worried about dogs being unleashed. She spoke of the Westmore News will be celebrating its 50th anniversary.

Ms. Bea Conetta commented on the Amnesty Program. It is difficult to sell your house because of the program. She thanked Mr. Ceruzzi for his newspaper article. She commented on the Municipal Center and Sewer Rent.

Mr. Bill Giangrande commented on a notice he received concerning his sidewalk. Village Manager Steers replied we are about to do a Phase 3 of the sidewalk program. Mr. Giangrande said his neighbors also received notices concerning their sidewalks. Regarding the light on Merritt, a brighter bulb will be used. Mr. Giangrande commented about the traffic on King and Putnam. Village Manager Steers said the problem has been referred to Traffic. Mr. Dolph Rotfeld talked to the DOT. There should be an arrow and “only” and a sign that reads right lane must turn right. That is required and since this is a state road only the state can put up signs.

Mr. Richard Abel commented on a \$360,500 two-year bid. There was only one person who submitted a bid. This is for emergency repairs. He commented on the public hearing on the Showboat Riverboat. Does this come under the Building Department or is it different because it floats?

RESOLUTIONS

RESOLUTION #1

CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICER

On motion of TRUSTEE MARINO, 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 extends a conditional offer of employment to JEFFERY S. CAVA, of Mount Vernon, New York, as police officer with appointment to be effective August 27, 2014.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

RESOLUTION #2 (POSTPONED TO AUGUST 18, 2014)

DETERMINATION ON APPEAL WITH REGARD TO SEWER RENT

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

TRUSTEE CECCARELLI made a motion to amend the resolution as recommended by the Village Manager's Office to denial the appeal on the grounds that the application lacks documentation indicating non-sewer related discharge of water, seconded by TRUSTEE ADAMS.

The motion to amend the resolution did not have a sufficient number of votes to pass, resulting in no action.

ROLL CALL

AYES: Trustees Adams, Brakewood and Ceccarelli.

NOES: Trustee Marino.

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, to postpone any action on resolution number 2 to August 18, 2014 meeting. The motion to postpone did not have a sufficient number of votes to pass, resulting in no action.

ROLL CALL

AYES: Trustees Brakewood, Marino and Ceccarelli.

NOES: Trustee Adams

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

WHEREAS, Enrico Ciancio (hereafter the "applicant") filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for

property located at 91 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 15 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff's report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its' behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history.

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED/DENIED, and that the water consumption of 0 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board's determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

The resolution will be placed on the August 18, 2014 agenda.

RESOLUTION #3

DETERMINATION ON APPEAL WITH REGARD TO SEWER RENT

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

WHEREAS, Michael Del Vecchio (hereafter the "applicant") filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for

property located at 92 Hawley Avenue, Port Chester, and also designated as Section 136.45, Block 2 and Lot 7 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff's report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its' behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history and pool capacity and is

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED with a credit of 6.81% of the total Consumption between 12/23/13-3/24/14, and that the water consumption of 6 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board's determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

RESOLUTION #4 (POSTPONED TO AUGUST 18, 2014)

DETERMINATION ON APPEAL WITH REGARD TO SEWER RENT

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:

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, to postpone the vote on resolution number 4 to August 18, 2014 meeting was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

WHEREAS, Chester B. Edwards (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 96 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 6 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history, and pool capacity and is

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED/DENIED, and that the water consumption of 6 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

RESOLUTION #5

SETTING A PUBLIC HEARING TO CONSIDER A REVOCABLE LICENSE AGREEMENT FOR THE “SHOWBOAT RIVERBOAT”

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 Board of Trustees hereby schedules a public hearing on August 18, 2014 at 7:00 p.m. or as soon thereafter at the Port Chester Justice Court, 2nd Floor Courtroom, 350 North Main Street, Port Chester, New York, to consider authorizing the Village Manager to enter into a revocable license agreement with Showboat Riverboat, LLC and HotShot Holdings, LLC, 30 Morgan Avenue, Greenwich, Connecticut 06831, so as to allow a vessel known as the “Showboat Riverboat” to be permanently moored at the Village Marina for the operation of a restaurant and jazz bar and for certain improvements to be made thereon.
Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.
NOES: None
ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

RESOLUTION #6

AWARDING BID FOR EMERGENCY REPAIRS

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, 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 bids for Emergency Repairs (Bid No. 14-04); and

WHEREAS, although four bid packages were taken from interested bidders, Village received single bid from Joken Development Corp. for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept this bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Emergency Repairs to Joken Development Corp, 9 Beltway Place, White Plains, New York 10601 in the amount of \$360,500.00 for the first year and \$378,525.00 for the second year; and be it

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and be it

FURTHER RESOLVED, that the funding for said work be appropriated on an "as needed" basis from the appropriate budget account at the time the work is undertaken.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

REPORT OF THE VILLAGE MANAGER

Mr. Steers reported to the Board on Parking Meter expansion onto Midland and Horton Avenues began last week. The meter machines will be in by the end of this week. Signage is in stock and will be installed by DPW. All locations will be papered with notices indicating the new regulations and giving notice of the

beginning of enforcement 10 days after completion of installation. The estimated completion time for the machines and signage is August 15th.

Power issues relating to solar paneled machines have been determined to arise from the installation of inappropriate modems in the machines. The installation came as a result of manufacturers fault. These modems will be replaced this fall at no cost to the village. Various model modems will be tested as needed this august for compatibility before the changeover is made.

Several other machines with solar panel related power issues have been hardwired and this effort continues with a total machine count of 9 machine transitions before the winter season. Parts have been ordered to complete this process in house.

Lighted, glass paneled shelter locations for meters in the Broad Street Lot, Oak and Grove Lot, Highland Lot, and the Westchester and Irving Lot have been identified. The sites will require some prep work by DPW prior to installation. This money will come out of existing funds for meter program improvements dedicated under the current budget.

CORRESPONDENCES

Sewer Rent Appeal regarding 26 Grace Church Street

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal regarding 168 Poningo Street

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal regarding 31 Pearl Street

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal regarding 53-57 Pearl Street

The Board referred the correspondence to staff without objection.

Bethel Sounds of Praise Pentecostal Fellowship Ministries, Inc., requesting permission to block off the corner of Townsend Street entrance to the corner of Ryan Ave

The Board referred the correspondence to staff without objection.

PUBLIC COMMENTS AND BOARD COMMENTS

Trustee Brakewood asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Public

Mr. Frank Ferrara commented on the Sewer Rent and with the parking, we should take advantage of the technology software available. We need a transactional website. You should be able to pay tickets from your cell phone.

Ms. Bea Conetta commented on the Amnesty Program, Code Enforcement and Parking Meters. She commented about the MTA article in the Westmore News. They have improved their key stations (which does not include Port Chester). She commented about parking tickets, especially for residents on Midland Avenue.

Village Manager Steers commented that we have the responsibility for the Amnesty Program and Code Enforcement. It is for the safety of our residents and first responders. We must enforce the State building code.

Ms. Andrea Granata commented on the reregistration of every student in the schools. She commented on the amnesty program.

Mr. Richard Abel commented about the parking meters across from the Court. Do you feed the meters or get a slip from the machine?

Mr. Dolph Rotfeld commented that two years ago a grant of \$725,000 from the State was used on the sewers we fixed for the EPA problems.

Board

Trustee Adams commented about the parking meter hub have a camera for security. Village Manager Steers said it is not part of the project at this time but it may be something to look at in the future.

Village Administrative Aide Chris Ameigh commented you can now pay parking tickets through the website and there is also a pay by phone option.

Trustee Marino commented that we should put the police promotions on the next agenda.

Trustee Ceccarelli commented on the good work of Chris Steers and staff, code enforcement and the building department staff. Under the amnesty program people should be aware of who they are hiring and to go in with the inspectors to find out what has to be done and the cost. We have sent letters to those accepted to the Boards and

Commissions. Some people were not accepted and they should receive a letter to let them know they were not accepted. Town of Rye Supervisor Carvin invited the Mayor and the Board to see some activity that's going on at "Windows to the Future" classroom on Main Street.

Trustee Brakewood commented on interviewing candidates for the Neighborhood Revitalization program. He suggested the week of August 18th and will need a few hours. August 20th at 6:00 p.m. was set as a tentative date. He commented that the Board should form a citizens' Committee on Technology.

At 08:53 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino and Ceccarelli.

NOES: None

ABSENT: Trustees Terenzi, Kenner and Mayor Pagano.

DATE: August 4, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD AUGUST 18, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 18, 2014, 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.

It should be noted that Trustee Brakewood arrived at 6:07 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (arrived at 6:30 p.m.); Director of Planning and Development Christopher Gomez (arrived at 7:00 p.m.); Chief of Police, Richard Conway; Building Inspector and Director of Code Enforcement Peter Miley (arrived at 7:00 p.m.); Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood (arrived at 7:00 p.m.); Attorney Justin Miller and Attorney Terry O'Neil.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the meeting was declared opened at 6:00p.m.

ROLL CALL

AYES: Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Brakewood.

DATE: August 18, 2014

MOTION FOR EXECUTIVE SESSION

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

At 6:00 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the Board adjourned into an executive session for the following purpose:

- Interview prospective candidate for the Beautification Commission.
- Involving the promotion of a particular person(s) in the Police Department.
- Consultation with Village Attorney / Labor Council with regard to career fire fighters.

ROLL CALL

AYES: Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Brakewood.

DATE: August18, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Attorney Terry O'Neil, and Village Treasurer, Leonie Douglas (arrived at 6:30 p.m.).

No action was taken in executive session.

At 7:08 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August18, 2014

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION
RE:

The following Public Notices were duly published in the Journal News and the Westmore News on August 8, 2014, certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News

PUBLIC NOTICE
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, August 18, 2014, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider authorizing the Village Manager to enter into a revocable license agreement with Showboat Riverboat, LLC and HotShot Holdings, LLC, 30 Morgan Avenue, Greenwich, Connecticut 06831, so as to allow a vessel known as the "Showboat Riverboat" to be permanently moored at the Village Marina for the operation of a restaurant and jazz bar and for certain improvements to be made thereon.

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.

Date: August 8, 2014

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

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE TEREZI, the public hearing was declared open.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

Public Comments

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Attorney Justin Miller gave an overview of the proposed action to consider the revocable license for the Showboat, a proposed cabaret, jazz bar, restaurant facility located at the Marina adjacent to the parking lot. The costs for improving the marina would be to the licensee.

Mayor Pagano commented the negotiating committee consisted of members of the IDA, Trustees Marino and Terenzi and Billy Frenz.

Billy Frenz commented on the idea of the Showboat and was happy to have a good deal for both the Village and the licensee. This will create new jobs and bring wholesome entertainment. This will draw people from out of town to the waterfront. There will be six transient docs to accommodate larger vessels.

Ms. Goldie Solomon asked the cost of the license agreement. Mayor Pagano commented it is included in the package and the initial investment is about \$450,000 in addition to an annual rental lease fee on the average of about \$17,000 per year. Attorney Miller commented the Marina is owned by the Village and the Village has the right to issue licenses for the use of that land.

Chris Pierro commented that he did title searches on the land under water that was granted by the King of England. You can rent it and gain a fee interest. The Showboat will be a great asset to the Village.

Ms. Beatrice Conetta commented on the previous showboat in Port Chester. This one will be an asset to Port Chester.

Mr. Giangrande commented it's about time we get something in the water so people can go down and have dinner and listen to the music.

Attorney Daniel D. Tartaglia is representing G&S Developers and commented on the licensing agreement and the EAF. He notice there was a breakout of parking spaces. Under Public Lots it listed all the sections owned by the Village; and under mixed lots it listed private lots utilized by the public. The Marina lot is listed as public, but that is really owned by G&S. In the license agreement it will name the Village as additional insured and the licensee is required to carry that insurance. We would like to ask that that insurance be amended to include G&S. What procedures will be followed in the dimension of the size of the structure and whose jurisdiction will be followed by safety inspections? However, the village has jurisdiction over the marina parking lot.

Peter Miley commented the boat will be under the total jurisdiction of the building department. Once it is moved and in place it will be classified as attached property and the code enforcement will be passed on the Port Chester building department. Chris Gomez commented that the Village can make amendments to the plan if needed.

Trustee Brakewood commented on whether there is a timeline to make the public improvements required by the Village. What protects the Village from having to act on Section 25H if there was a revocation of the agreement? Attorney Tartaglia commented there is not a window of time where the Village is going to be exposed for expenditure. There are 120 days after approval under Article 78 will be up well before March. This project is all based on regulatory approvals. If it does not go through, the Village will take over the project.

Trustee Brakewood asked how the "end" is determined if some third party should intervene and the project cannot go forward. Attorney Tartaglia said if the Village is not amendable to keeping the Showboat there the Vessel will have to be relocated within a period of time and leave the marina area in which it was found, minus wear and tear. Trustee Brakewood asked what would happen if the Village is liable. If the Village would terminate without cause there is \$10,000 in there to help him move the boat in additional to the capital expense.

Mayor Pagano thanked all who worked on this very difficult project.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD the public hearing was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION

RESOLUTION OF THE VILLAGE OF PORT CHESTER (i) AUTHORIZING THE ISSUANCE OF A REVOCABLE LICENSE AGREEMENT TO SHOWBOAT RIVERBOAT LLC AND HOT SHOT HOLDINGS LLC IN CONNECTION WITH A CERTAIN PROJECT (AS MORE FULLY DESCRIBED BELOW); (ii) AUTHORIZING THE CONSTRUCTION AND OPERATION OF CERTAIN MARINA IMPROVEMENTS (AS DEFINED HEREIN); AND (iii) ADOPTING SEQRA FINDINGS WITH RESPECT TO THE PROJECT.

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

WHEREAS, the Village is the owner of a certain waterfront parcel (the “Land”) and related promenade, docking and marina improvements (the “Existing Improvements”) located within the Village of Port Chester, New York (collectively, the “Marina”); and

WHEREAS, over time, the Village has issued docking and marina slip rights to private watercraft owners for purposes of docking watercraft within the Marina, which is generally conforming with the Village’s Local Waterfront Revitalization Plan (“LWRP”) and consistent with the Village’s Modified Marina Urban Renewal Plan (“MUR Plan”); and

WHEREAS, pursuant to the MUR Plan and Village Law, the Village is empowered to authorize and approve the granting of licenses to locate and operate commercial business operations at and within the Marina, and pursuant to same desires to (i) promote commercial amenities within the Marina through the issuance of non-exclusive, revocable licenses, and (ii) facilitate enhancements and improvements to the Marina for the use and enjoyment of the public; and

WHEREAS, the Village has received a proposal from Showboat Riverboat, LLC (the “Boat Owner”) and HotShot Holdings, LLC (the “Operator”) to undertake a certain project (the “Project”) that will include (i) the issuance of a non-exclusive, revocable license agreement by the Village to the Boat Owner and Operator allowing the permanent mooring within the Marina of a certain 90’x32’ vessel owned by the Boat Owner and known as the “Showboat Riverboat” (the “Vessel”) as a Permanently Moored Craft (“PMC”); (ii) the planning, design, construction and maintenance of (a) certain improvements to the Vessel including modifications and improvements to accommodate the operation by the Operator of a commercial restaurant and jazz bar (the “Vessel Improvements”) and (b) certain improvements upon and within the Marina, including subsurface piling, expanded docking improvements, gangway improvements, onshore bathroom facilities, onshore pump-out facilities, and various onshore signage and related improvements (collectively, the “Marina Improvements”); and (iii) the acquisition and

installation in and around the Existing Improvements, the Vessel Improvements, and Marina Improvements of certain machinery, equipment and other items of tangible personal property (the “Equipment”, and collectively with the Existing Improvements, Vessel Improvements and Marina Improvements, the “Facility”); and

WHEREAS, in furtherance of the proposal and proposed Project, the Village Board of Trustees declared itself Lead Agency on July 7, 2014 for purposes of reviewing the Project pursuant to Article 8 of the Environmental Conservation Law and Regulations adopted pursuant thereto by the Department of Environmental Conservation of the State of New York (collectively, “SEQRA”), and has prepared an Environmental Assessment Form (“EAF”) and related materials (attached hereto as Exhibit A); and

WHEREAS, in furtherance of the foregoing, the Village has negotiated a License Agreement relating to the Project (the “License Agreement,” a form of which is attached hereto as Exhibit B) that will (i) provide a revocable, non-exclusive license interest in the Marina to the Boat Owner and Operator (collectively, the “Licensee”), and (ii) govern the means by which the Licensee will undertake the construction, operation and maintenance of the Marina Improvements; and

WHEREAS, following the scheduling and commencement of a public hearing regarding the Project conducted on August 18, 2014 (the “Public Hearing”), the Village desires to (i) authorize the execution and delivery of the License Agreement, and (ii) pursuant to the terms contained therein, authorize the construction of the Marina Improvements. Now therefore be it

RESOLVED, by the Village of Port Chester Board of Trustees as follows:

Section 1. The Village has identified the Project as an “Unlisted Action” as said term is defined pursuant to SEQRA. The Village’s review of the Project is coordinated, with all involved and interested agencies having been sent notices of the Village’s intent to review the Project as lead agency pursuant to SEQRA. Based upon the review by the Village of the proposed Project, design and permitting information prepared and issued by the Licensee and Village, the EAF, and related documents delivered by the Company to the Village and other representations made by the Licensee to the Village in connection with the Project, the Village hereby finds that (i) the Project will result in no major impacts and, therefore, is one which may not cause significant damage to the environment; (ii) the Project will not have a “significant effect on the environment” as such quoted terms are defined in SEQRA; and (iii) no “environmental impact statement” as such quoted term is defined in SEQRA, need be prepared for this action. This determination constitutes a negative declaration for purposes of SEQRA.

Section 2. The Village, upon review of the Project, including the presentations and statements provided at the Public Hearing, hereby finds that the undertaking of the Project will (i) enhance the Marina area through the establishment of commercial amenities and construction of the Marina improvements at no cost to the Village, (ii) enhance public safety and welfare through establishment of business operations and public amenities within the Marina, (iii) provide the Village with an annual revenue source of license fees and relief of burdens through the Licensee’s provision of operation and maintenance for the Marina Improvements, and (iv) achieve, in part, the original intent of

the MUR district through the provision of enhanced public waterfront recreation and entertainment opportunities within the Village.

Section 3. In furtherance of the foregoing, the Village hereby authorizes the Village Manager to execute and deliver the License Agreement in substantially the form attached hereto, with such revisions as approved by the Village Manager and Village Attorney.

Section 4. The officers, employees and agents of the Village are hereby authorized and directed for and in the name and on behalf of the Village to do all acts and things required and to execute and deliver all such certificates, instruments and documents, to pay all such fees, charges and expenses and to do all such further acts and things as may be necessary or, in the opinion of the officer, employee or agent acting, desirable and proper to effect the purposes of the foregoing resolutions and to cause compliance by the Village with all of the terms, covenants and provisions of the documents executed for and on behalf of the Village.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Ms. Goldie Solomon commented on the Corpus Christi Carnival and the event at St. Peter's Church concerts. She commented on unleashed dogs at the Marina and at Lyon Park. She thanked the EMTs, firemen, police and DPW for the work they do. She reminded the Trustees of the Adee Street concerts on August 20th and 27th. Port Chester Day at Lyon Park is on September 6th.

Ms. Linda Turturino made a presentation on behalf of the Dog Park committee.

“Good Evening. As you are aware, the Port Chester Dog Park Group was established last year with the goal of creating a dog park within our community. A group of area residents got together and followed a process, which brings us to today's announcement. The process included:

- Petitioning the community to confirm support for a dog park
- Researching locations that would both be suitable for a dog park as well as

have the least impact on other community recreation

- Making numerous presentations to both the Parks Commission as well as to this Board resulting in both concept and location approval for the dog park
- Organizing many fundraising events and participating in community activities to raise both awareness and money for the dog park
- Applying for several grants as well as entering Port Chester into the PetSafe Bark for your Park contest

All of this represents a lot of hard work by area residents truly dedicated to making this concept a reality. And, all of this also represents a community supporting each other and working together to accomplish something that will make Port Chester a better place to both live and visit and the results are clear.

We would first like to announce that because of everybody's support and perseverance, Port Chester came in **FIRST PLACE** in the medium size city category of the PetSafe Bark for your Park Contest and therefore won \$25,000 for the building of our dog park! This is a huge accomplishment. Out of over 1400 nominated communities nationwide, Port Chester ranked 2nd overall and 1st in our population size category! **CONGRATULATIONS PORT CHESTER!**

With the winnings from the PetSafe contest combined with the numerous fundraising efforts of the Port Chester Dog Park Group, we are so pleased to announce that we now have over \$50,000 raised for the building of our dog park and we are ready and eager to begin working with the village to make this dog park a reality in the very near future!

The Port Chester Dog Park Group would like to thank the Mayor and this Board of Trustees, the hard-working village staff, the Parks Commission, Assemblyman Steve Otis, Senator George Latimer, Ken Manning and the Chamber of Commerce, and the many businesses and local organizations that have supported this great community project. And most of all, we would like to thank the large community of supporters that have been cheering us on and who's voting in the PetSafe contest allows us to stand in front of you today with this fantastic announcement and with a clear path to the future Port Chester Dog Park.

Truly, thank you everybody!"

Mr. Giangrande commented on the Village sidewalks. Mayor Pagano said that something is in the works and will be discussed later in this meeting.

Mr. B. Giangrande commented on the traffic lights at Pearl Street. The wires are hanging. Village Manager Steers replied that Con Edison is supposed to start finishing the work on the 25th.

Ms. Bailey-Reavis complimented the Dog Park Group. She would like to see a spot at Lyon Park for dogs. She asked how many apartments are going to be in the Castle development. There will be 120 units. She is concerned about the number of apartments, including the United Hospital property, and the number of children who would be in our overcrowded schools.

Mr. Tom Ceruzzi commented on Lyon Park and the number of dogs being walked. He drives by the Castle and it does not fit the character of the neighborhood. A lot of the road cuts are really old and haven't been repaired. Willett Avenue and Regent Street at Westchester are really bad.

Mr. Salcedo congratulated the Dog Park Group. He has a problem that their plan has not gotten across to the neighborhood. They should send their plan to the neighborhood before starting their work. We have a beautiful parking lot and it remains closed. People from other towns come and they have to park at the hospital. It also makes it difficult for residents to find a parking space when others are using the street parking because the lot is closed. This park is not underutilized. About 111 people signed a petition that the park is being used. This park is very busy Tuesday and Thursday with soccer. The soccer players did not know this was going to be turned into a Dog Park. He suggested moving the Dog Park to the bumpy end of the park where there are many trees.

Trustee Adams confirmed that the parking lot is locked. Village Administrator stated this is an issue of staffing and security. Village Manager Steers would like to have Heather and the Park Commission come to the next meeting to discuss this issue. Trustee Brakewood noted we only have two parks with parking lots, Abendroth and Columbus.

Ms. Leticia Salcedo commented on the Dog Park. To say the park is underutilized is an understatement. Two concerns are who will maintain this park and there are potential lawsuits regarding aggressive dogs, physical injury from dog related hazards and dog fights.

Mayor Pagano commented the way the park is to be laid out has to be looked at. It will require neighborhood input.

Ms. Beatrice Conetta commented on the Dog Park. The parking lot used to be open and used by the people in that area. It was closed in because there was a Senior Center and a theater in Abendroth Park. She commented that 70 homes in Port Chester were in or going to foreclosure. The Board of Trustees is enabling the building department to set the fees and fines, and the people of Port Chester are enabling you to do this. You have to work with the people.

Linda of the Dog Park commented that a suggestion would be to have the Auxiliary Police get involved and check the parks and the bathrooms part-time.

Ms. Andrea Granata thanked everybody who worked so hard on the Dog Park. Parasites are everywhere and these are a real concern with pets in the park. Code Enforcement is doing a remarkable job.

Mr. Peter Miley commented that all of Ms. Granata's e-mail questions have been answered. With regard to permits, we have always required a permit. The guides are on the web and it is a mandated New York State building code.

PRESENTATION

1 AGD North Pearl LLC, 120 North Pearl Street, Village of Port Chester, NY
Special Permit-Density Bonus Application.

Director of Planning and Development Chris Gomez commented this is the first time a developer is trying to take advantage of our density bonus. It includes a reduction in a lot area for a dwelling unit from 750 square feet to 575 square feet. The applicant has been before the Planning Commission. We will set a workshop and a public hearing.

Trustee Terenzi commented that we did not finalize the percentage by which we are going to be multiplying the delta.

Attorney Tony Gioffre of Cuddy and Seder commented on the proposal for a special permit application seeking relief under the density bonus section. The proposal AGD has at 120 North Pearl for a five story 54 foot multi-family building made up of 15 studios, 26 one bedrooms and 9 two bedrooms. We are proposing 46 off-street parking spaces.

Mayor Pagano commented he would like to have the workshop at the same time as a public hearing meeting. We will aim for September 15th and if the appraisal is not available we will have the public hearing and the workshop at a later date. Chris Gomez suggested amending the Resolution to: Further Resolved that the Village Board of Trustees will hold a workshop at 6:00 P.M. and a public hearing at 7:00 P.M. on September 15, 2014.

Mayor Pagano asked for a motion on the resolution.

RESOLUTION

SCHEDULING A WORKSHOP AND PUBLIC HEARING RELATING TO AN APPLICATION FOR MULTI-FAMILY DEVELOPMENT AT 120 NORTH PEARL STREET IN CONJUNCTION WITH §345-16 BUILDING HEIGHT AND FLOOR AREA BONUS PROGRAM OF THE VILLAGE ZONING CODE

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

Motion to amend as read by Mayor Pagano.

WHEREAS, AGD North Pearl, LLC (the “Applicant”) has submitted an application to the Village Board of Trustees for special permit pursuant to §345-16 Building Height and Floor Area Bonus Program of the Village Zoning Code for the reduction of the minimum lot area per dwelling unit requirement from 750 square feet to 575 square feet in the C2 Main Street Business District; and

WHEREAS, the Project entails the construction of a 5-story, 50 dwelling unit market rate rental development (38 units as-of-right) at 120 North Pearl Street with a residential unit mixture of fifteen (15) studios, twenty-six (26) one-bedrooms, nine (9) two bedrooms, and forty-six (46) onsite parking spaces integrated in an internal parking structure; and

WHEREAS, the 28,753 square foot project site is within the C2 Main Street Business District where multi-family dwellings are permitted by special exception use permit under §345-61(Q); and

WHEREAS, the Project is consistent with the goals and objectives of the Village’s adopted Comprehensive Plan and 2014-2016 Strategic Plan that advocate for small-unit, residential growth and transit oriented development (TOD) in the downtown as a means of relieving development pressures and preserving single family neighborhood character; and

WHEREAS, the Project is classified as an Unlisted Action under Part 617 of the State Environmental Quality Review Act (SEQRA) regulations, requiring the Board of Trustees to make a determination of significance prior to issuance of a special permit; and

WHEREAS, payment for bonus floor area shall be calculated at a minimum of fifteen (15) percent of the assessed value of the bonus floor space to be dedicated to open space, downtown parking, or housing rehabilitation fund; and

WHEREAS, Village staff has coordinated with the Assessor and the applicant to commission an appraisal of both the proposed 50-unit project as well as the as-of-right 38 dwelling units on site to determine the assessed value of the bonus floor area pursuant to §345-16; now therefore let it be

RESOLVED, that the Village Board of Trustees will hold a public workshop on September 15, 2014 at 6:00 P.M. to review the application and the results of the property appraisal; and be it

FURTHER RESOLVED, that the Village Board of Trustees will hold a public hearing on September 15, 2014 at 7:00 P.M. or thereafter in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York to consider the granting of a special permit pursuant to §345-16 Building Height and Floor Area Bonus Program of the Village Code.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

2 *Presentation of NYPA Energy Services Program*

Christopher Ameigh did a presentation on the New York Power Authority Energy Services Program that provides local municipalities with Low rate financing to replace existing equipment with high efficiency modern technology. The financing is organized so that savings generated by lower power bills meet the debt service payments over the life of the loan.

Eric Alemany representative from NYPA gave a presentation and answered questions regarding the program.

Trustee Terenzi commented that when you work with NYPA it is not worth it to do it on a commercial basis. Mr. Alemany commented we are working on economies of scale. Village Manager Steers commented we are looking to work as a group with Rye Brook and Rye. He asked the impact if we decided not to go forward. Mr. Alemany commented we have a standard agreement if you proceed with the project. If you execute the agreement and do not proceed with the project there is no cost impact to the Village. If you do proceed these are the terms and conditions that apply. The second step would be essentially confirmation on the work to be done. We would give an assessment and then gain some sort of approval from the Village saying to proceed with the assessment to determine what the associated costs would be. Depending on the magnitude of the scope for 1800 lights the high end cost would be about \$10,000 to \$15,000.

The next step once the audit is complete would be completion of the design. And then we would tell you the cost of developing the design, get the Village's authorization to proceed and then go ahead. The auditor works for the NYPA..

Trustee Brakewood asked what we could potentially save. Mr. Alemany commented once we do the evaluation we can determine what the savings will be.

Last year it was \$363,000 spent on street lights.

Trustee Ceccarelli asked the difference between NYPA and CERTA. Mr. Alemany said that CERTA can charge customers a surcharge. The Village is not paying into the surcharge.

Village Manager Steers commented we move forward by entering into an agreement and not take any action until we look at the scope of the services that we are asking them to provide for us.

RESOLUTIONS

RESOLUTION #1

DETERMINATION ON APPEAL WITH REGARD TO SEWER RENT

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

WHEREAS, Enrico Ciancio (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 91 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 15 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history.

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby DENIED, and that the water consumption of 0 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano
NOES: None.
ABSENT: None.

DATE: August 18, 2014

RESOLUTION #2

**DETERMINATION ON APPEAL
WITH REGARD TO SEWER RENT**

On the 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, Chester B. Edwards (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 96 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 6 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has appeared/not appeared on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history, and pool capacity and is

prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 8 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION #3

ADOPTION OF FINAL SCOPING DOCUMENT FOR THE DRAFT ENVIRONMENTAL IMPACT STATEMENT WITH REGARD TO THE PROPOSED ACTION OF PC406 BPR, LLC and PC 999 HIGH STREET CORP.

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:

WHEREAS, on April 21, 2014, the Board of Trustees (herein referred to as “Village Board”) adopted a resolution accepting the petition of PC406 BPR, LLC and PC 999 High Street Corp. (together, the “Applicant”) for consideration of proposed zoning text and map amendments to the Village Code, Chapter 345 relating to a proposed Southern Gateway Mixed Use Overlay District or, in the alternative, to a text amendment modifying Article XI of the existing Zoning Regulation, Section 345-62; and

WHEREAS, the Applicant seeks to develop 406-408 Boston Post Road and 999 High Street for a mixed multi-family residential and commercial use development, consisting of 500 dwelling units designed to appeal to “Millennial” or young, childless working professionals, together with 230 age-restricted dwelling units, as well as 90,000 square feet of retail space, an approximately 138-room hotel and between 100,000 and 200,000 square feet of market-based office space geared towards accommodating wellness and out-patient medical uses (the “Proposed Action”); and

WHEREAS, the Village Board is the designated Lead Agency under the State Environmental Quality Review (SEQR) Act of the State of New York; and

WHEREAS, the Village Board has found that the Proposed Action is a Type I Action pursuant to the SEQR and the regulations at 6 NYCRR Part 617 and issued a Positive Declaration that the Proposed Action may have a significant impact on the environmental, and required the Applicant to prepare an Environmental Impact Statement (EIS); and

WHEREAS, the Applicant had submitted a proposed Scoping Outline for the Draft EIS, which was circulated for public review and comment and was the subject of a public scoping session held on June 23, 2014; and

WHEREAS, the time to submit comments on the proposed Scoping Outline was extended to July 3, 2014; and

WHEREAS, the Village Board has carefully considered comments that it has received on the proposed Scoping Outline.

NOW THEREFORE BE IT RESOLVED THAT,

RESOLVED, the Village Board hereby adopts the attached Final DEIS Scoping Outline.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION #4

AUTHORIZING AN INTERMUNICIPAL AGREEMENT WITH THE VILLAGE OF RYE BROOK FOR THE MUTUAL SHARING OF EQUIPMENT

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

WHEREAS, the Village of Port Chester and the Village of Rye Brook have had a long-standing relationship of inter-municipal cooperation; and

WHEREAS, it is the desire of the Port Chester and Rye Brook Board of Trustees to expand such relationship by sharing equipment; and

WHEREAS, the sharing would be on an “as needed/available” individualized basis as authorized by the Village Manager for Port Chester and the Village Administrator for Rye Brook; and

WHEREAS, this cooperative agreement is authorized under Article 5-G of the General Municipal Law; and

WHEREAS, it is expected that the sharing of equipment will result in greater efficiencies and cost-savings to Port Chester and Rye Brook. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an Inter-Municipal Agreement (IMA) with the Village of Rye Brook in the form annexed.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: Trustee Brakewood.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION #5

AWARDING BID FOR ADDITION AND ALTERATIONS TO POLICE AND COURT OFFICES

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 Village of Port Chester has advertised for bids for Addition and Alterations to Police and Court Offices (Bid No. 2014-01); and

WHEREAS, the Village received one bid for this work; and

WHEREAS, through post-bid negotiations with the bidder, the Village Manager has reduced the scope of the work with a corresponding reduction in the contract price; and

WHEREAS, the bid otherwise meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Addition and Alterations to Police and Court Offices to Peter A. Camilli & Sons, 210 Maple Avenue, Pleasantville, New York 10570 in the amount of \$185,000, and be it

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and be it

FURTHER RESOLVED, that the funding for said work be appropriated from Police Building Improvement 13/14 Capital Project 5.3120.400.2013.126

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION #6

**AUTHORIZING AGREEMENTS FOR INSTRUCTORS
FOR SENIOR CITIZEN PROGRAM FOR 2014-2015**

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the following resolution was adopted by the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester has an active Senior Citizen program;
and

WHEREAS, the Village requires qualified persons to provide instruction; and

WHEREAS, the Director of the Senior/Community Center has selected persons to serve the Village for 2014-2015; and

WHEREAS, the expense for same is provided for in the 2014-2015 Village Budget. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into agreements with the following to provide instruction for the Senior Citizen program:

Tai Chi - Domingo Colon, Tai Chi of Westchester, 40 Crestview Street,
Bronxville, New York 10801, \$75/class (one hour)

Zumba - Wendy Lee Rosa, 8 Highland Place, Greenwich, Connecticut 06831,
\$50/class (one hour)

Music - Dennis Adinolfi, 115 Pembroke Drive, Yonkers, New York 10710,
\$100/class (one hour)

Arts and Crafts/ Bingo - Sue Sabato, 26 Linden Street, Port Chester, New York 10573, \$25/hour

Oil Painting - Kathleen Pasquale d/b/a Kathleen Pasquale Design and Illustration, 2946 Quinlan Street, Yorktown Heights, New York 10598, \$100/class (two hours)

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

UPDATE FROM THE BUILDING INSPECTOR

The Village of Port Chester Permit Amnesty Program & Overcrowding Illegal Dwelling Update

Fact is...

If your home, structure or business was constructed or created on or after November 14th 1927, it required a Certificate of Occupancy (CO). An “in-lieu-of” or any other letter isn't a substitute or a replacement of a Certificate of Occupancy. Building department letters issued in the past indicating that there were no violations were used to facilitate real-estate transactions. If your home doesn't have a CO, Amnesty can help.

Success

The Permit Amnesty Program has been successful. To date, 649 (12% of all properties) have applied. Out of the 649 applicants, 298 have already attained or are in the process of compliance.

562, (87%) of the Amnesty reports have been completed. Applicants are able to renew old permits, obtain new permits for work completed without a permit and avoid a trip to the Zoning Board for variances and court.

The Truth

- The program is not a “Cash Cow” the program does not cover the cost to facilitate.
- The intent of the program is to assist homeowners that unknowingly “bought into” the prevalent violations and provide relief for open and expired permits including work that was completed without obtaining a permit.
- Amnesty applicants are not subjected to penalties or are they issued a violation.

- Amnesty substantially reduces the costs to obtain compliance and each phase has provided additional relief.
- Amnesty applicants, with proper documentation, are not required to obtain a zoning variance.
- Amnesty relaxes the requirement of a full, comprehensive set of architectural drawings realizing an approximate 66% savings.
- Amnesty has also helped to identify unlawful occupancies.

The Savings are Substantial!

- The average cost for an amnesty applicant to obtain compliance is \$366.74.
- The average cost to obtain compliance without amnesty is \$1,352.72.
- The average savings of an amnesty applicant is \$985.98.
- Without amnesty, the cost to property and business owners would skyrocket.
- The 298 Amnesty applicants combined saved \$235,650.00. That amount represents what the Village would have collected in fees without a Permit Amnesty Program

It's about Confidence & Life Safety!

Obtaining a Certificate of Occupancy ensures homeowners that their home meets the minimum NY State mandated Uniform Building and Fire Code.

Once a homeowner receives their CO, they can be confident that when they decide to sell their home, they will have a valid, transferable CO.

Q & A

Q. Does my home need to be updated to today's code?

A. NO, a home and or improvement can legally exist without requiring it to be updated to current code unless, there were alterations or significant changes. Even if an improvement was completed without a permit, the State allows for an owner to provide documentation that would verify the time of construction, it would then be required to comply with the code in effect at that time.

Q. Are there any fines imposed or will I be sent to court?

A. No fines or court appearance tickets are issued to an amnesty applicant.

Q. Amnesty implies that I did something wrong?

A. There are many definitions of amnesty. The Village's intent is to provide assistance to property owners so that they can obtain a Certificate of Occupancy.

Cost without Amnesty Residential Application

Example: Permit consists of deck constructed without a permit and other open/ expired permits.

Building Permit for Deck:	\$183.00 (3x fine) cost:	\$549.00 (Doesn't include cost of plans)
Zoning Variance Appl.	\$400.00 (min)	\$400.00
Building Permit Renewals:	\$175.00 (per open permit 6)	\$1050.00
Certificate of Occupancy:	\$100.00 (per open permit 6)	\$600.00
Certificate of Occupancy:	\$100.00 (deck CO)	\$100.00
Plumbing Permit:	\$100 minimum	\$100.00
<u>Electrical Permit:</u>	<u>\$100 minimum</u>	<u>\$100.00</u>
Total Cost:		\$2,899.00

Commercial costs are higher, costs does not take into account architectural drawings.

Cost with Amnesty

Building Permit for Deck:	\$183.00 cost of permit	\$183.00 (Doesn't include cost of plans)
Zoning Variance Appl.	No Charge	\$0
Building Permit Renewals:	\$175.00 (per open permit)	\$87.50
Certificate of Occupancy:	\$100.00 (per open permit)	\$50.00
Certificate of Occupancy:	\$100.00 (deck permit)	\$100.00
Plumbing Permit:	\$100 minimum	\$50.00
<u>Electrical Permit:</u>	<u>\$100 minimum</u>	<u>\$50.00</u>
Total Cost:		\$520.50

Overcrowding & Illegal Dwelling Update

To date, the total # of Unlawful Occupancies discovered 2012-2014: 1399

The total # of properties contributing to the unlawful occupancies: 885

20% of all the properties in Port Chester contain an unlawful occupancy.

115 unlawful occupancies were discovered so far during the Permit Amnesty Program process. With proper documentation, some of them may become lawful.

Many of the properties contain multiple unlawful occupancies including:

Attic & basement apartments, split units and single room occupancies (SRO's).

Some properties contain several unlawful occupancies.

Total Unlawful Occupancies Discovered: 241

Total Properties Affected: 139

Includes unlawful attic, basement occupancies and single room occupancies (SRO's).

Unlawful Occupancy Breakdown

1. Unlawful Basement Occupancy: 56
2. Unlawful Attic Occupancy: 27
3. Single Room Occupancy (SRO's) 33
4. Additional Dwelling Units: 125

2014 OC/IDW Distribution by Use

1 & 2 Family: (54) Represents: 39%

Multiple Dwelling (3 or more): (81) Represents: 58%

Mixed Use: (4) Represents: 3%

Multiple dwellings are still the largest contributor of unlawful occupancies.

2014 Compliance Obtained

Full Compliance Achieved: 10.8%

Compliance in Process: 22.3%

No Compliance to Date: 66.9%

Properties that are Part of Amnesty Program: 28%

41 Notice of Violations were issued (29%) as a result of failing to comply.

Total Unlawful Occupancies Discovered: 818

Total Properties Affected: 304

Several properties contain both unlawful attic and basement occupancies, split occupancies and a number of properties also contained SRO's.

Unlawful Occupancy Breakdown is as Follows:

1. Unlawful Basement Occupancy: 239
2. Unlawful Attic Occupancy: 96
3. Single Room Occupancy (SRO's) 210

4. Additional Dwelling Units:273

2013 OC/IDW Distribution by Use

1 & 2 Family:	(115) Represents:	38%
Multiple Dwelling (3 or more):	(160) Represents:	53%
Mixed Use:	(29) Represents:	10%

Multiple dwellings represent the largest contributor of unlawful occupancies.

2013 Compliance Obtained

Full Compliance Achieved:	21.4%
Compliance in Process:	54.3%
No Compliance to Date:	24.3%
Properties that are part of the Amnesty Program:	9%

165 Notice of Violations were issued (54%) as a result of failing to comply.

REPORT OF THE VILLAGE MANAGER

❖ Strategic Planning: Strategic Actions (Opportunity Areas #1-5)

1. • Facilitating transit oriented development in the downtown

Staff has had some preliminary discussions with interested parties relating to proposed/potential developments within the downtown.

In particular staff has been working with AGD North Pearl, LLC regarding the proposed project at 120 N. Pearl Street. This proposed project has already obtained site plan approval for 25 residential units and their amended proposal seeks 50 units. At this time the development can achieve 38 units as of right and they are seeking the additional 12 units through the density bonus program. The proposed unit mix is 9 two bedrooms, 15 studios, and 26 one bedrooms.

2. • Creating a new municipal center: (Update from Michael Cucchiara of NDC)

“Since NDC’s last presentation to the Board of Trustees NDC has undertaken a more substantive design and costing analysis in an effort to pin down a more specific range of total project cost. To that end NDC has requested our design and construction team represented by STV, Inc. and Whiting-Turner, to prepare formal cost estimate range for the building. In order to arrive at a more accurate number it was necessary to finalize a programming of the building that would be consistent with the needs of the various Village departments consulted. To that end STV undertook a final programming investigation with key department heads. To date STV has consulted with these department heads and has now arrived at a

programming of the building which will closely equate with any final facility configuration. This step was necessary in order for STV to be able to provide the construction team with a building configuration that can provide a basis for estimating a final range of cost.

In addition to this programming work, STV and Whiting-Turner have been collaborating on developing a next step budget covering the initial investigative work associated with the proposed building site. This work will allow NDC and the Village to have a better idea of the actual site costs involved in proceeding with the project should the Village request NDC to develop it. In order to move forward with the project the NDC will have to develop a cost range that closely approximates what the final guaranteed maximum price construction cost contract would be. In order to develop this number the Village would have enter into a contract extender with NDC to cover these site and design investigation costs. Once completed this “Costing Phase” analysis will provide the Village with a full picture of the project costs, at which time the Village can make an informed decision about whether or not to induce NDC to undertake the development of the Project.

It is proposed by NDC that the above scope of work be presented to the Village Board of Trustees in September for their approval. NDC’s ability to develop the Project is contingent on the Board’s ability to sign-on to a further cost analysis after which and should the Board seek to proceed, NDC would enter into formal lease negotiations with the Village. The timeline of key Project milestones is as follows:

- September – Presentation of Costing Scope to Board of Trustees
- September – preparation of SEQR with Village as Lead Agency
- September/October – preparation of cost range and site investigation
- Late October – presentation of final project cost range to Board and final lease figure
- November/December- negotiation of lease agreement between NDC and Village
- January 2015 – IDA inducement of project and acquisition activities”

3. • **Enhancing and revitalizing waterfront areas**

LWRP: We received comments from the Department of State and staff is preparing final response(s) to the comments. Final responses will be completed and forwarded to the Department of State within the next two weeks. Adoption of the LWRP should be completed prior to the end of the year or earlier (depending upon the State’s response time).

Bulkhead: Our \$225,000 award for design is pending finalization from the Department of State. We expect to receive the final contract for adoption with the next 30-45 days.

The recent grant application under the Consolidated Funding Application is for construction dollars based on the agreed to conceptual design. We expect to receive award updates from the Regional Economic Development Counsel in mid-September. As you may recall the current grant application contemplates the

creation of two activity nodes and the overall replacement of the bulkhead with steel sheet pile.

The next steps including the letting of an RFP for design of the concept will be on for discussion at the September 2nd BOT meeting.

Show Boat: Village and IDA staff have worked with the applicant to finalize a license agreement. The public hearing is set for this meeting.

4. • **Redevelopment of Fox Island peninsula**

NDC has made some preliminary recommendations relating to the redevelopment of Fox Island (forming an LDC, performing some preliminary environmental assessment, DPW Programming Study, etc...). We have significant research and other documentation relating to prior attempts at same. The discussion on potential next steps will be at a September BOT meeting.

5. • **Redevelopment of the United Hospital site**

Public hearing was completed on the project, with the additional public comment period ending July 3rd. written comments and Trustee comments have been incorporated into the draft scoping document. Resolution for adopting the SEQR scope is on this agenda.

RFP for consulting services relating to the project has been drafted and is scheduled for release the week on August 11th. Note: prior consultants notified of being conflicted out.

- ❖ **Property Condition Study RFP:** The RFP has been issued and responses have been received. Selection process and interviews pending special meeting of the BOT.

ACTIONS:

1. **Elections:** As you recall the BOT adopted a resolution requesting the Westchester County Board of Elections to conduct the next mayoral election as authorized by state Law. Staff has been working with the County Board of Elections and the County Attorney's Office regarding the 2015 Mayoral Election. At this time we are waiting for the County's determination. There is a follow up meeting tentatively scheduled for the first week of September.

It is important to note that the results of this meeting will determine if the County is going to conduct the election: and if not we will have no choice but to take it back on. If this is the result of the meeting we must be prepared to begin in earnest the process of securing machines, locations, poll inspectors, notices, etc...

2. **Sidewalk Betterment:**

The funds available for a Sidewalk Betterment Phase 3 is \$179,479 (includes left over from Phase 2). The cost per linear foot of sidewalk is approximately \$40/linear foot (all in). So as a 50/50 program we would have access to approximately \$358,958.00. This would allow us to repair approximately 8,974 linear feet of sidewalk or assist about 180 residential property owners (based on an average of a 50 foot frontage).

I have asked the Village engineer for an estimate relating to conducting a reassessment and prioritization of sidewalks throughout the Village. Once I receive the estimate we will have a formal discussion with the BOT as to the feasibility of the program and the next steps.

3. **Payroll Services:** Staff has met with two payroll service providers. We have reviewed their products and demos. We are arranging for a third demo from a third party. Once that demo is conducted and the program is reviewed we will have a recommendation for the BOT.
4. **Vacant / Abandoned Properties:** Again, the Village Attorney has developed an action plan to deal with vacant and abandoned properties. The first “pilot” strategy involved 169 Fairview which after a lengthy but necessary process has been successfully remediated (demolished) under a court order. Further discussion with the Board is pending the interviews/presentations relating to the Property Condition Study RFP.
5. **Park Signage:** At the BOTs request an inspection of Abendroth Park reveals that signage indicating park rules and regulations is posted at the pedestrian only Eastern entrance of the park. The Western parking Lot side of the park features no such signage. DPW can produce a sign to cover this area and will look into other parks for similar circumstances.

PROJECTS:

1. **Town of Rye Move:** The amended lease has been executed. Permits have been issued for and the construction work has started at 222 Grace Church Street. The occupancy date is on or about November 1st.
2. **350 North Main Street:** Again the amended lease has been executed. Sole bidder has negotiated down to within our budgeted parameters (\$185,000 for the addition and interior plumbing and electrical work). The bid award is on this agenda. Once the contract is authorized and executed appropriate timelines will be developed.
3. **Pay Stations / Meters:** As of 8/14/14 Parking Meters have been installed on Midland and Horton Avenues as approved by the BOT. Signage is currently being put in place and is approximately 40% complete. Notice of the parking schedule

changes is being posted and the changes will go into enforcement 10 days after all equipment and signage is erected as is standard PCPD procedure.

Some public concern has been raised on Horton Avenue regarding the 9PM meter time being later than desirable. Staff met with the citizen and Trustee Ceccarelli to discuss their concerns. Staff will monitor the area once the pay stations are activated to determine if any action is warranted.

- 4. Westchester Avenue Intersection Improvements:** Again the completion of the project is pending Con Edison's relocation of some transmission lines. Con Ed is scheduled to perform the final work during the week of the 25th. They will be replacing two sections of secondary cable on Westchester Avenue.

PRIORITIES:

- 1. Sewer Rent:** As you are aware the Sewer Rent billing has been successfully released and bills continue to be processed. Staff continues to work very closely with individuals who have questions, concerns, or who wish to undertake an appeal.

The Village Attorney is preparing a draft local law for discussion with the Board to clarify processes and procedures for the adjustment of sewer rents. Water consumption is the most widely used and accepted basis for calculating sanitary sewer user fees. The adjustment process was included to provide some relief from an otherwise rigid application of this formula.

In response to questions posed by the Board, the public and property owners who have come before you on appeal, it appears that some changes should be made to the Sewer Rent Law. I have asked the Village Attorney to prepare a draft local law that would give the Board the option of an administrative process thereby relieving it of the burden of hearing and determining such requests for adjustment, confirm that adjustments are for the time period that was billed by United Water and impose a deadline in which such requests must be made, and afford some discretion in the amount of the adjustment in the appropriate case while mindful of budgetary consequences.

INFORMATION:

- 1. Recruitments:** Actively underway in DPW, Police Department, and Fire Department.
- 2. Follow Up:** Village Attorney follow up report relating to public comments made at the July 21st BOT meeting.

DISCUSSIONS

Village of Port Chester 150 years seal. .

Postponed to future date.

Memo from Chief of Police Richard F. Conway regarding Police Department Promotions.

Add-on Resolution

MAYOR PAGANO asked for a motion to consider an add-on resolution to purchase a 2015 Ford Explorer for \$31,744 for the Detective Bureau.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION ADD-ON

BUDGET AMENDMENT – DEA FUNDS TO PURCHASE 2015 FORD EXPLORER FOR DETECTIVE BUREAU

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

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase a 2015 Ford Explorer for \$31,744 for the Detective Bureau from The Cruisers Division, 420 Mount Pleasant Avenue, Mamaroneck, NY 10543, Westchester County contract #RFB-WC-11058. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2014-15 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(31,744.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$31,744.00
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Appropriations:

001-3120-0203	Police Vehicle	\$31,744.00
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Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

IT Committee / Commission on Technology. Trustee Brakewood commented the idea is a citizen's commission on Technology. We would bring in some of our residents who have a background in computer technology or web design. The idea would be to help with strategic direction especially in the Village website. This would give residents a voice.

Village Attorney Cerreto commented on the allegations by Ms. Andrea Granata at the July BOT meeting against the Village staff. She again did that tonight. My concern is that the Village residents know the Board and staff are doing the right thing. There is a report of the timeline between the Building Department and Ms. Granata that should get out. Village Manager Steers commented we hear a lot from a very vocal minority. There is a silent majority we don't hear from and there are people in the community who say they are treated with respect and courtesy.

CORRESPONDENCES

From Lisa DiLeo requesting approval of Block Party on Breckenridge Avenue from Irving Avenue to Irenhyl Avenue on September 13, 2014.

The Board referred the correspondence to staff without objection.

From Mellor Engine & Hose Co. No. 3, Inc. on the election of Ernest Tigani.

The Board accepted the correspondence.

From Harry Howard Hook & Ladder Co. No. 1 on the election of Brett Atkinson.

The Board accepted the correspondence.

Sewer Rent Appeal regarding 33 New Broad St. - 142.22-1-37

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal regarding 33 New Broad St. - 142.30-2-64

The Board referred the correspondence to staff without objection.

Sewer Rent Appeal regarding 77 Windsor Rd. Rye Brook

The Board referred the correspondence to staff without objection.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any comments regarding this public hearing.

Comments were made by:

Board

Trustee Adams commented he lost a neighbor, Lee Lauria. About a year ago the Board gave approval for a Popeye's. That has not happened. Can we find out what happened to that? Peter Miley replied that a demolition permit is going to be issued by Friday and demolition will start in the next week or two. We should invite Don Bosco, Open Door Clinic, the Clay Arts Center, and the Port Chester Housing Authority to the September meeting to speak about their loss of funding has affected their agency. He commented about the blocked driveway at 340-350 South Regent Street (Chris Ameigh commented this has been passed on to the Traffic Commission). He would like to get the square footage of 10 Pearl Street, 222 Grace Church and 350 North Main Street. He would like a spreadsheet and the budget allocation for the Boards and Commissions.

Trustee Terenzi commented a letter should also be sent to Mr. Gelfarb. He commented on conversations he had with Mr. Oros. Trustee Terenzi commented his understanding is that Peekskill is not interested in moving forward with this. In his final comments Mr. Oros said if there is anything specific the Village is looking for we could send a request to the County and see if they would incorporate it into their capital projects. Mr. Gelfarb represents us, Rye Brook and Harrison.

Trustee Ceccarelli commented on the apartments coming into the pipeline. Doing a recent count with 100 at Mariner, 120 at Castle, 50 more on North Pearl and 730 at United Hospital, when you look at 1,000 apartments we should see some projections on the number of people. We are congesting the village with traffic and should know the effect on the sewage system.

Village Manager Steers commented we should take a look at a transportation master plan of some type. Mayor Pagano commented the Traffic Commission is waiting for the Village to make a decision on truck lanes.

Mayor Pagano wished a Happy Birthday to Scott Moore. At the request of the deputy Mayor, Mayor Pagano will be appointing a successor to the deputy Mayor.

MOTION FOR EXECUTIVE SESSION

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

At 10:56 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO the Board adjourned into an executive session for the purpose of interviewing prospective candidate for the Beautification Commission.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Christopher Ameigh Administrative Aide to the Village Manager.

Add-on Resolution

MAYOR PAGANO asked for a motion to consider an add-on resolution to appoint Sonia Phillips as a member of the Port Chester BEAUTIFICATION COMMITTEE.

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

RESOLUTION ADD-ON

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

RESOLVED, that Sonia Phillips, residing in Port Chester New York be and hereby is appointed as a member of the Port Chester BEAUTIFICATION COMMITTEE, effective immediately with said term to expire 07/01/2017.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

At 11:14 p.m., a motion to come out of executive session was made by TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

At 11:17 p.m., on motion of TRUSTEE TERENCE, seconded by TRUSTEE BRAKEWOOD, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: August 18, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD SEPTEMBER 2, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Tuesday, September 2, 2014, 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.

It should be noted that Trustee Brakewood arrived at 6:03 p.m. and Trustee Kenner arrived at 7:58 p.m.

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto (via telephone); Director of Planning and Development Christopher Gomez (arrived at 7:00 p.m.); Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Heather Krakowski, Recreation Supervisor; Ed Brancati, Human Resources; Kevin McMinn, Village Fire Chief; Village Engineer, Dolph Rotfeld (arrived at 7:00 p.m.) and Attorney Emily E. Harper, Labor Council (via telephone).

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENCE the meeting was declared opened at 6:00 p.m.

ROLL CALL

AYES: Trustees Adams, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Brakewood and Kenner.

DATE: September 2, 2014

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

Chief of Police Richards F. Conway updated the Board on recent arrests and statistics relating to the Police Department.

PROPOSED MOTION FOR EXECUTIVE SESSION

The Board of Trustees proposed a motion for executive session regarding:

- 1 - Involving the promotion of a particular person(s) in the Police Department.
- 2 - Consultation with Village Attorney regarding repairs to Village Sidewalks.

At 6:15 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO the Board adjourned into an executive session regarding:

- 1 - Involving the promotion of a particular person(s) in the Police Department.
- 2 - Consultation with Village Attorney regarding repairs to Village Sidewalks.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: September 2, 2014

Also present were:

Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto (via telephone); Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Ed Brancati, Human Resources and Attorney Emily E. Harper, Labor Council (via telephone).

No action was taken in executive session.

At 6:32 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: September 2, 2014

Add-On Executive Session

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney regarding a particular person in the Police Department.

There being no objection TRUSTEE CECCARELLI, made a motion to add-on an Executive Session regarding consultation with Village Attorney regarding a particular person in the Police Department, seconded by TRUSTEE ADAMS, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: September 2, 2014

At 6:32 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the Board adjourned into an executive session regarding consultation with Village Attorney regarding a particular person in the Police Department.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano
NOES: None.

ABSENT: Trustee Kenner.

DATE: September 2, 2014

Also present were:

Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto (via telephone); Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Ed Brancati, Human Resources; and Attorney Emily E. Harper, Labor Council (via telephone).

No action was taken in executive session.

At 6:57 p.m., a motion to come out of executive session was made by TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano
NOES: None.

ABSENT: Trustee Kenner.

DATE: September 2, 2014

Add-On Resolution

Mayor Pagano asked for a motion to add-on a resolution regarding the suspension of a member of the Port Chester Police Department pending a hearing and determination of disciplinary charges by the Board of Trustees.

There being no objection TRUSTEE MARINO, made a motion to add-on a resolution, seconded by TRUSTEE TERENCE, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Kenner.

DATE: September 2, 2014

RESOLUTION (ADD-ON #1)

**SUSPENSION OF A MEMBER OF THE PORT CHESTER POLICE
DEPARTMENT PENDING A HEARING AND DETERMINATION OF
DISCIPLINARY CHARGES BY THE BOARD OF TRUSTEES**

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

WHEREAS, disciplinary charges dated September 1, 2014 have been preferred against a member of Village of Port Chester Police Department by the Chief of Police; and

WHEREAS, a copy of said charges has been forwarded to the Board of Trustees for a hearing pursuant to Section 5711-q of the Unconsolidated Laws of New York and the Rules and the Regulations of the Port Chester Police Department; and

WHEREAS, the Board believes it is in the best interests of the Village that the individual involved be suspended without pay pending a hearing and determination on the charges;

NOW THEREFORE, BE IT RESOLVED that pursuant to Section 5711-q of the Unconsolidated Laws of New York and the Regulations of the Port Chester Police Department, the individual against whom disciplinary charges dated September 1, 2014 were preferred is hereby suspended without pay effective September 2, 2014 until the completion of the hearing and determination on the charges.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Ceccarelli and Mayor Pagano.
NOES: None
ABSENT: Trustee Kenner.

DATE: September 2, 2014

PUBLIC COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Ms. Goldie Solomon thanked the Mayor and Board members for attending the wake of Freddie Scott. Port Chester Day is this coming Saturday. The dog signs in our parks are meaningless because people do not pay attention to them. We will have a memorial ceremony at Lyon Park on September 11th.

Mr. Terranova commented on his discussion with Trustee Adams on the use of grills in the parks.

Ms. Heather Krakowski commented that the application for any resident to have a barbeque in the park is on the website. The restrooms are kept locked at times because we do not have the staff to maintain them on a daily basis. They remain open at Lyon and Columbus parks. We do have the bathrooms open at Abendroth when there is an event or when someone is renting the park. We do have port-a-potties available on the lower level.

Ms. Bailey-Reavis complimented the Board on the work they do for the Village. She commented on curb your dog or take your dog waste home signs. Another thought is to have a small area in each of the parks for leashed dogs. The road on King Street and Westchester Avenue are disgraceful. She asked that the Trustees contact Con Ed or whoever is tearing up the road to fix them. Mayor Pagano commented there would be more on this tonight. Village Manager Steers commented there will be road resurfacing. We have an agreement with Con Edison where they will pay us a fee to resurface the roads. The school census is probably well over the number who should occupy the classrooms. Thank you for co-sponsoring the town hall meeting at the Senior Center with the NAACP.

Ms. Beatrice Conetta commented in defense of Ann Latella. Port Chester is good for all the surrounding communities, but the residents are suffering. The state has too many regulations regarding permits. The crossing guards are insured for crossing children but are not insured for crossing adults. The police station is going to be renovated and add an addition. Mayor Pagano commented there is going to be some work in conjunction with the move of the Town of Rye. Bea commented she would go after anyone if what she believed they were doing was wrong, whether they are Democrats or Republicans.

Ms. Heather Paul commented on the Castle opposite the beautiful Summerfield Methodist Church. The back of it looks better than the front. The Mariner and the Castle are built right to the edge of the pedestrian sidewalk. Trustee Brakewood commented that this was done before we had a Master Plan. Mayor Pagano commented that the Westmore News posts the agendas of the boards and commissions. The meetings are open and the public is invited to voice an opinion.

Ms. Irene Tello urged the board to release the sidewalk betterment program. Most of the sidewalks in town are like the ones on Park Place. Are we being penalized because of a neighbor's complaint or are you going to cite all of the Village residents to repair the sidewalks. Some of the sidewalk was damaged by Village trees, so is the Village responsible for that part of the work? We need to work with the Village be it the Betterment Program or some other way. We are also asking that the fines be waived. Mayor Pagano commented you have to shop to get the best bid. You also have to file the permit with a contractor to stop the clock on the fines. If necessary the Building Department may extend the time. Ms. Tello commented because of the concern for safety the Village should work with the residents. Village Manager Steers commented there are associated risks and liabilities with a particular program and we need to have a program that will work with the entire Village. He mentioned that the Village does do repairs where the Village trees have caused the damage. Trustee Terenzi commented that hardship situations should be taken into consideration.

Mr. Richard Abel thanked Chris Ameigh and the Board for changing the meters in front of the courthouse. He commented on the Sewer Rent appeals and asked if you actually had to pay the bill before you appeal. Village Manager Steers commented the bill should be paid and a credit will be issued. Mr. Abel commented on the police department and their being part of the public. The public has a right to know when one of the public figures is being brought up on charges. Are we turning into a Village with people ratting on people, for instance sidewalks and sheds? It is becoming a sad issue in our Village. The planning board should not be the final board to give approval for buildings such as the Mariner and Castle. It should go to the Board of Trustees for final approval.

Mr. Morlino commented on the rental permit idea. The Village Attorney had some interest in this at one point. The Board looked at some sample ordinances in the State and in the Country. Mr. Morlino was wondering if this was still in the works. Mayor Pagano said he, the Village Manager and Village Attorney had a meeting scheduled in the Town of Islip. The original meeting was canceled but this is still on the radar.

Ms. Beatrice Conetta commented on citations for sidewalks. The planning commission should not have the last say.

PRESENTATION

Michael A. Cucchiara representing the National Development Council (NDC) provide an update related to the ongoing Municipal Building Feasibility Study undertaken by NDC.

National Development Council

NDC is the oldest national non-profit community development organization in the U.S. We have evolved a lot since our founding in 1969, but our mission -- increasing the flow of capital to underserved urban and rural areas for job creation and community development -- remains the same.



We offer our community partners development assistance and professional training as well as small business financing and debt and equity for residential, commercial, public and non-profit facilities projects.



NATIONAL DEVELOPMENT COUNCIL
Partners in Community Development Since 1969

National Development Council

NDC has worked with hundreds of communities in every one of the 50 states and Puerto Rico, providing:

- technical assistance
- professional training
- investment in affordable housing
- small business financing
- direct developer services

Our work has taken many forms, but we have kept pace with the needs of our client communities, adding new programs and services or updating old ones.



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National Development Council Component Divisions

- NDC Economic Development Consulting Services
- NDC Grow America Fund
- NDC HEDC New Markets
- NDC Corporate Equity Fund
- NDC HEDC Public Facilities Division (P3)
- NDC Training Division



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NDC, through its Public-Private Partnerships has developed projects such as:

- municipal office space
- parking garages
- laboratory space
- student housing
- libraries
- biomedical research facilities



More Projects at:
Ndcppp.org



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Standard Public Development Process

- Advantages
 - Tax-exempt financing
 - 100% financing
- Disadvantages
 - Deliberative process -- often time consuming and expensive
 - Prone to costly change orders and time delays
 - Lowest bid is often not lowest cost
 - Typical costs exceed equivalent private projects by 20%-30% on average



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Private/Public Development Process (Public Perspective)

- Advantages
 - Efficient delivery
 - Saves time and money
 - Privatization of risk
 - Extensive development experience
- Disadvantages
 - Taxable debt
 - Required market return on equity



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NDC's Public-Private Partnerships: A Public-First Model

- Familiarly, “not-for-profit”
- Not public: not part of government
- Not private: publicly-designated and publicly accountable because of tax-exemption and declared public purpose
- A Public Private development partner combines public mission and access to public financing tools with private sector knowledge and skills



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NDC's Public-Private Partnerships

- Participants or Partners must have
 - A specific and relevant mission
 - Experience and measurable achievements
 - Knowledge of public sector requirements
 - Knowledge of private sector processes including development and asset management
 - Understanding of bond compliance
 - Commitment to return benefit back to public sector
 - Commitment to accountability and transparency
 - Structure: single-asset, bankruptcy-remote entity



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Public-Private Partnerships & Tax-Exempt Financing

- 63-20 Bond: Revenue Ruling 63-20 allows a Not-for-Profit Corporation to issue debt to finance a facility for a tax-exempt purpose IF
 - A local government endorses the financing
 - The facility will be occupied by a tax-exempt entity
 - The facility reverts to the ownership of the endorsing local government at the retirement of the debt
- 501(c)(3) Bond: Recipient of bonds issued through a conduit issuer with a lease to the municipality/not-for-profit



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501(c)(3) Bond for Public Facilities

- Not-for-profit / tax-exempt debt
- Requires conduit issuer
- Development using a private development process
- Governmental control through long-term lease
- No mandated reversion / can negotiate a contractual reversion at retirement of debt



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The NDC HEDC 501(c)(3) Bonds for Municipal Facilities

- Advantages of using 501(c)(3) bonds to finance municipal facilities
 - Tax-exempt debt
 - Private development process (Greater knowledge and efficiency = Lower development costs)
 - Risk transfer to the private partner
 - 100% financing
- Disadvantages of using 501(c)(3) Bonds to finance municipal facilities
 - Slightly greater up-front cost (e.g. design process)
 - Slightly higher interest rate (4 to 10 basis points)



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The NDC HEDC 501(c)(3) Bonds for Municipal Facilities

- When Does it Make Sense?
 - When a public development process is likely to be more costly because of time delay or pricing than a privatized approach
 - When conventional general obligation bonds are not a good alternative
 - When the local government does not possess the necessary development skills



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The NDC HEDC Not-for-Profit - 501(c)(3) Finance Structure

Not your Typical Not-for-Profit

- Must be a single asset entity that has bankruptcy remote characteristics
- Strength and substance: There should be qualities about the not-for-profit that suggest it will be in existence for the next 30 years (or the length of the term of the bonds)
- Must have the correct public purpose
- Must understand real estate development including long-term asset management
- Must understand the requirements of bond compliance



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Not-for-Profit Development Entity's Responsibilities

- **Negotiate** and enter into development contracts: architect agreement, development agreement, lease agreements and bond documents
- **Issue bonds**
- **Review** construction progress and process construction draws
- **Asset management**
 - Oversee property manager
 - Process lease payments
 - Review and approve annual budgets
- **Bond compliance**
 - Annual audits
 - Annual certification and reporting



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The NDC HEDC Development Team

- **Developer** – Works for the not-for-profit and oversees the development
 - Must be willing and able to guarantee completion and price
 - Must be experienced in the type of project
 - Developer is a subsidiary
- **Architect**
 - Works for the not-for-profit and under the direction of the developer
- **Contractor**
 - Works for the not-for-profit and under the direction of the developer



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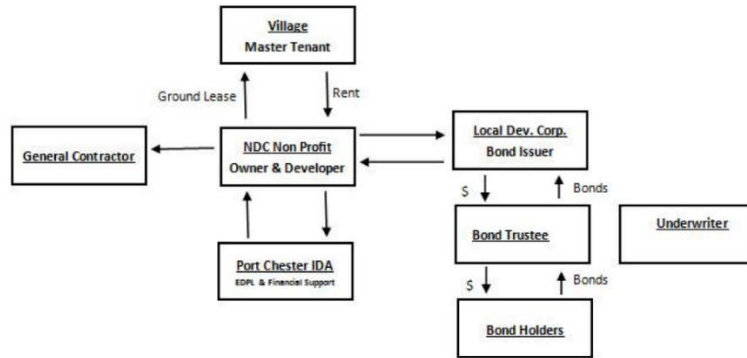
Steps and Key Players in NDC's Public Facility Development Process:

- Issuer Local Development Corp.
- PC IDA: EDPL Support & Financial Assistance
- NDC HEDC Single Purpose Not-for-profit Entity
- Developer
- Architect
- Building contractor
- Bond counsel
- Real estate / contracts counsel
- Bond trustee and trustee's counsel
- Underwriter and underwriter's counsel



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Flow Chart of NDC's Public Facility Development Process:



Advantages of NDC Projects vs. Traditional Government Projects

NDC Structure:

- Project debt belongs to NDC no recourse to Village
- Significant Cost Savings over Government Projects
- Fixed Cost Project – no liability for cost overruns
- Risk is borne by NDC not Village
- 25-30% Cost Savings over Government Projects
- Experienced Developer with over \$3 billion in projects
- Estimated project price \$35 million

Traditional General Obligation Structure:

- Project Debt goes on Village Balance Sheet
- Significantly Higher Development Costs - Wicks
- No Fixed Cost Project – full liability for cost overruns
- Project Risk assumed by Village
- 25-30% Higher Project Cost
- Inexperienced Developer
- Estimated project price \$48-52 million
 - Note: Police Station only projected at \$28 million

Where are we now in the process for the Municipal Building Study?

- Task One – Start-up Space Utilization Investigation and Facility Conceptualization Analysis- **Completed**
- Task Two – Architectural and Operational Program & Investigation – **Completed Summer 2014**
- Task Three – Facility Cost Feasibility Analysis Study – **September- December 2014**
- Task Four – Construction Documents Development – **January –February 2015**
- Task Five – Formal Design and Construction - **Spring 2015- Fall 2016**



NATIONAL DEVELOPMENT COUNCIL

Date: September 2, 2014
To: Port Chester Board of Trustees
From: Michael Cucchiara, Director, National Development Council
Re: Municipal Building Study Task Three Investigation Proposal

The purpose of this memo is to provide the Board of Trustees with an update related to the ongoing Municipal Building Feasibility Study undertaken by NDC. To date NDC has undertaken and completed Task 1 and Task 2 of the Municipal Building Feasibility Study outlined in the Agreement between the Village of Port Chester and the National Development Council dated March 28, 2014. That Agreement outlined the parameters of the Municipal Building Feasibility Study sought by the Board of Trustees. The Municipal Building Study contemplated under the Agreement is comprised of the following three discrete investigation tasks. These Tasks are as follows:

Task One – Start-up Space Utilization Investigation and Facility Conceptualization Analysis
Task Two – Architectural and Operational Program & Investigation
Task Three – Facility Cost Feasibility Analysis Study

As mentioned above the studies involved in Task One and Task Two have been completed to date. A recap of the activities undertaken under Task One and Task Two are outlined below:

Task 1: Start-up Phase: NDC will develop with professional assistance and based upon input provided by NDC and the Board of Trustees, the following items:

- (1) conceptual cost estimate schematics based upon a preliminary design scheme from January 17, 2014,
- (2) development of blocking and costs studies for three alternative development strategies, and
- (3) convene at least three meetings with the Port Chester Municipal Building stakeholders

Task 2: Architectural and Operational Program & Investigation: NDC engaged an architect to undertake a four component study to be comprised of the following:

- (1) Architectural Investigation and Operational Program,
- (2) Site Investigation,
- (3) Hazardous Materials Investigation Recommendations, and
- (4) Creation of a Geotechnical Investigation strategy.

To date NDC has completed the studies outlined in Task One and Task Two and have presented those findings to the Board of Trustees in a formal public meeting. In order to continue with the Municipal Building Study NDC is requesting that the Board of Trustees endorse NDC's recommendation that the

more extensive investigation contemplated in Task Three be undertaken in order to provide NDC with the resources necessary to undertake a costing analysis based upon the programming study previously completed in Task Two.

As part of the study undertaken in Task Three, NDC will engage its architectural and construction management team to develop an accurate facility cost based upon more substantial design and site investigation studies. The purpose of Task Three will be to deliver to the Village a cost analysis that accurately reflects the full development costs associated with undertaking a Municipal Building facility. This will allow NDC to provide the Village Board of Trustees with a formal cost estimate of the Municipal Building so that the Board may determine whether such a facility is feasible.

In order to undertake the next phase of its Municipal Building Study, NDC would request that the Village enter into a contract extender with NDC to cover study costs associated with Task Three. Once completed the Municipal Building Feasibility Study Costing Phase encapsulated in Task Three, NDC will be able to provide the Village with a full picture of the project costs, at which time the Village can make an informed decision related to feasibility.

The Municipal Building Feasibility Study Task Three budget will be comprised of the following activities and costs associated with each element of the study:

- Environmental Site Investigation – Phase I.....\$11,000**
 - Federal, state & local records review of enviro. database
 - Evaluation of adjacent parcels and historical usage
 - Preparation of written report on site investigation
 - Phase I ESA report according ASTM-1527 Standard
 - Identify any environmental concerns for Phase 2 review
- Environmental Site Investigation – Phase II\$35,000**
 - Geophysical investigation of underground concerns
 - Soil sampling, groundwater testing
 - Order of Magnitude Projections
 - Local subsurface soils sampling & testing
- Site Geotech Investigation\$69,000**
 - Drilling of Borehole for subsurface analysis
 - Perform Field Permeability testing in borehole
 - Sieve analysis
 - Organic Content ASTM Method C Review
 - Dry Unit Weight Rock Cores
 - Modeling of subsurface
- Architect ACMEP (design).....\$295,000**
 - Abatement plan – allowance for demolition plan
 - Foundations footing sizes, depths and layout with standard details
 - Steel framing plan and column scale – including member sizes; including force protection at police station;
 - Skin/Glazing schedule elevations
 - Drywall and Carpentry – partition layouts
 - Elevator size capacity, general type
 - MEP/ HVAC design, general type

- Architectural drawings using REVIT
- Site Plan
- Roof Plan – drainage, minimum insulation thickness; system type;
- Floor Plan- layouts, general type; finish schedule;
- Elevations – street level & floors
- Typical Overhead Section (2-3)
- Finish Schedule REVIT standard

Site Survey.....\$14,000

- Boundary/Topographic Site Parcels
- Structure/Improvements Review
- Utility Mapping
- NYS Board for Engineering & Land Surveying Report

Constructability Review.....\$75,000

- Identification of building materials & pricing
- Costing of steel quotes;
- Site prep work estimate
- Foundation pricing
- Labor hours schedule
- Subcontractor pricing schedules
- Finish Schedule by general type
- Construction period schedule & 12 month pricing

=====

Total Cost Phase Analysis	\$500,000
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It is proposed by NDC that the above scope of work be presented to the Village Board of Trustees in September for their approval. NDC’s ability to provide a full cost analysis study for the Municipal Building is contingent on the activities outlined above. It is therefore, NDC’s proposal that Board enter into a contract extender to cover Task Three study activities as contemplated in the Agreement of March 28, 2014.

RESOLUTIONS

RESOLUTION #1 (WITHDRAWN BY VILLAGE MANAGER)

**SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF
ADOPTING A LOCAL LAW AMENDING CHAPTER 268, "SEWER RENTS",
OF THE CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO
ADJUSTMENT IN WATER CONSUMPTION AND APPEALS**

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:

RESOLVED, that the Board of Trustees hereby schedules a public hearing on Monday, October 6, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider adopting a local law amending Chapter 268, "Sewer Rents", of the Code of the Village of Port Chester with regard to adjustment in water consumption and appeals.

RESOLUTION #2

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, to **combine resolution 2, 3, 4, 5 and 6** of the agenda for the purpose of casting one vote for all of the combine resolutions was adopted by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None

ABSENT: None

DATE: September 2, 2014

**DETERMINATION ON APPEAL
WITH REGARD TO SEWER RENT**

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, Enrico Ciancio (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 91 Hawley Ave, Port Chester, and also designated as Section 136.45 , Block 2 and Lot 15 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 7/7/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 7/22/14 the applicant was advised that the matter would be considered at the Board meeting of 8/4/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has been invited to appear on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history,

The Board is prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 8 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #3

**DETERMINATION ON APPEAL
WITH REGARD TO SEWER RENT**

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, Dominick Neri (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 31 Pearl Street, Port Chester, and also designated as Section 142.30 , Block 2 and Lot 5 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 8/4/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 8/29/14 and phone then about the applicant was advised that the matter would be considered at the Board meeting of 9/2/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has been invited to appear on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history and water use in industrial processes.

The Board is prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 902 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #4

**DETERMINATION ON APPEAL
WITH REGARD TO SEWER RENT**

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, Dominick Neri (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 53-57 Pearl Street, Port Chester, and also designated as Section 142.30 , Block 2 and Lot 9 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 8/4/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 8/29/14 and phone then about the applicant was advised that the matter would be considered at the Board meeting of 9/2/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has been invited to appear on his/her/its' behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history and water use in industrial processes.

The Board is prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 520 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board's determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #5

**DETERMINATION ON APPEAL
WITH REGARD TO SEWER RENT**

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, H & H Property Corporation (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 211 Irving Ave, Port Chester, and also designated as Section 142.22 , Block 1 and Lot 37 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 8/18/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 8/29/14 and by phone then about the applicant was advised that the matter would be considered at the Board meeting of 9/2/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has been invited to appear on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history, a breakdown of tenant’s water consumption and description of non sewer related water use,

The Board is prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 138 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board’s determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #6

**DETERMINATION ON APPEAL
WITH REGARD TO SEWER RENT**

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, H & H Property Corporation (hereafter the “applicant”) filed an appeal with the Village of Port Chester Board of Trustees with regard to the Sewer Rent charged for property located at 33 New Broad Street, Port Chester, and also designated as Section 142.30 , Block 2 and Lot 64 on the Tax Map of the Town of Rye; and

WHEREAS, at the meeting of 8/18/14, the Board referred this matter to Village staff to review and make a report with a recommendation; and

WHEREAS, by letter dated 8/29/14 and by phone then about the applicant was advised that the matter would be considered at the Board meeting of 9/2/14 and that they would be welcome to be heard at that time; and

WHEREAS, said letter also provided a copy of Village staff’s report; and

WHEREAS, the applicant has been invited to appear on his/her/its’ behalf at this meeting; and

WHEREAS, in addition to the appeal and staff report, the Board has considered the following in its deliberations:

Documentation of water consumption history, a breakdown of tenant’s water consumption and description of non sewer related water use.

The Board is prepared to make a determination on the appeal. NOW, therefore, be it

RESOLVED, that the appeal is hereby GRANTED, and that the water consumption of 77 CCFs be reduced from the bill in question on the grounds that it has been found that a significant portion of water consumed did not affect the PC Sewer System, and be it further

RESOLVED, that the applicant be notified of the Board's determination with a certified copy of this resolution; and be it further

RESOLVED, if the appeal is granted, that the Village Manager is hereby directed to take all necessary and appropriate action with regard to this matter in order to effectuate timely and complete relief.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #7

**SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF
ADOPTING A LOCAL LAW FURTHER MODIFYING THE AMNESTY
PERIOD OF THE PERMIT AMNESTY PROGRAM**

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

RESOLVED, that the Board of Trustees hereby schedules a public hearing on, Monday, October 6, 2014 at 7:00 p.m. or as soon thereafter at the Port Chester Justice Court, 2nd Floor Courtroom, 350 North Main Street, Port Chester, New York, to consider

the advisability of adopting a local law further modifying the amnesty period of the Permit Amnesty Program so that it shall be deemed to expire on September 30, 2015.
Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #8 (WITHDRAWN BY VILLAGE MANAGER)

PARTICIPATION BY THE VILLAGE OF PORT CHESTER IN THE WESTCHESTER COUNTY FIRE MUTUAL AID PLAN

On motion of TRUSTEE _____, 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 desires to become a participant in the Westchester County Fire Mutual Aid Plan (the “Plan”); and

WHEREAS, to do so, the Board of Trustees is required to adopt a resolution approving the Village’s participation in the Plan, and file said resolution with the Westchester County Commissioner of Emergency Services. Now, therefore, be it

RESOLVED, that the Board of Trustees approves participation by its’ Fire Department in the Plan, as amended from time to time, and further certifies to Westchester County, through its Commissioner of Emergency Services, that the Village shall comply with the provisions of the Plan; and be it further

RESOLVED, that there are no resolutions in effect that restrict outside service and training by the Village’s Fire Department; and be it further

RESOLVED that there are currently no limitations, conditions or restrictions on the Fire Department from providing prompt assistance, and the County Commissioner of Emergency Services shall be notified in writing if any such limitations are imposed subsequent to the adoption of this Resolution; and be it further

RESOLVED, that the Fire Department shall respond to all calls for assistance from another Fire Agency through the Westchester County Emergency Communications Center a/k/a "60 Control"; and be it further

RESOLVED, that the Village of Port Chester hereby acknowledges and accepts its' financial responsibility pursuant to applicable law; and be it further

RESOLVED, that a copy of this resolution shall be filed with the Westchester County Commissioner of Emergency Services approving participation of the Fire Department in the Plan.

RESOLUTION #9

APPOINTMENT OF PRESIDENT (DEPUTY MAYOR)

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

RESOLVED, that TRUSTEE GENE CECCARELLI, be and he hereby is designated as President of the Board of Trustees with the power to act as Mayor of the Village of Port Chester, New York, in case of the absence or sickness of the Mayor, in which event, he shall have all the powers, rights and privileges, and be subject to all the duties of the Mayor of the Village until recovery or return of said Mayor who shall have been absent or sick.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #10

**VILLAGE OF PORT CHESTER, NEW YORK
REPURPOSE RESOLUTION**

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

WHEREAS, the Village of Port Chester (the "Village") issued \$475,000 principal amount general obligations on September 27, 2007 (the "Bonds") to finance the cost of the acquisition, construction and reconstruction of parking improvements in and for the Village pursuant to a \$475,000 aggregate principal amount serial bond resolution (the "2007 Resolution") adopted by the Board of Trustees on February 21, 2007 (the "Project"); and

WHEREAS, \$317,773 of the proceeds of the Bonds were spent on the Project; and

WHEREAS, the Village Board of Trustees has determined that Project has been completed; and

WHEREAS, \$157,227 of the proceeds of the Bonds issued by the Village remain unspent (the "2007 Unspent Proceeds"); and

WHEREAS, all of such proceeds have been invested at a yield less than the yield on the Bonds such that no arbitrage profit has been earned and no event which would constitute a material event under SEC Rule 15(c)(2)(12) has occurred.

WHEREAS, the Village Board of Trustees has directed that a portion of the 2007 Unspent Proceeds be applied to projects included in the adopted capital budget for Fiscal Year 2014 and a portion of the 2007 Unspent Proceeds be applied to the payment of the acquisition, construction and reconstruction of road improvements, including drainage improvements, in and for the Village; and

NOW, THEREFORE, be it resolved by the Board of Trustees of the Village of Port Chester, New York, anything in the Code of the Village to the contrary notwithstanding, as follows:

1. **RESOLVED**, that pursuant to section 165.00(a) of the Local Finance Law and section 11 of the General Municipal Law, a portion of the proceeds originally in the amount of \$157,227 constituting obligations of the Village issued pursuant to a \$475,000 aggregate principal amount serial bond resolution adopted by the Board of Trustees on February 21, 2007, now unspent and not needed for the object or purpose stated therein, hereby shall be (A) (i) deposited in a single special account of the Village in a bank or trust company located and authorized to do business in New York, (ii) not at any time commingled with other funds of the Village, and (iii) expended and applied to the cost of the acquisition, construction and reconstruction of road improvements, including

drainage improvements, such class of objects or purposes 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 Laws, or (B) applied to debt service payable on serial bonds of the Village maturing in 2014 and 2015. In connection with the issuance of said obligations, the Board of Trustees hereby ratifies, approves and confirms the powers delegated to the Village Treasurer, as chief fiscal officer of the Village, contained in said bond resolution.

2. **FURTHER RESOLVED**, that the maximum maturity of serial bonds authorized pursuant to the 2007 Resolution shall be not be in excess of ten (10) years.

3. **FURTHER RESOLVED**, that prior to the expenditure of said unspent proceeds, the Board of Trustees shall conduct applicable environmental compliance proceedings under the NYS Environmental Quality Review Act with respect to the environmental and climate change impact of said similar object or purpose.

4. **FURTHER RESOLVED**, this resolution will take effect upon its adoption by the Board of Trustees of the Village.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #11A

CLOSEOUT OF COMPLETED STREET PROJECTS & INCREASE FY 2014-15 STREET RESURFACING PROJECT

On 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, the Village consulting engineer has recommended that streets that were severely damaged due to the harsh Winter be included in this year's street paving budget, and

WHEREAS, extra CHIPS funding of \$64,788.08 (\$214,788.08-\$150,000 was budgeted) is available from the Extreme Winter Recovery Appropriation, and

WHEREAS, the Village Treasurer is recommending the closing of various completed street paving projects, and that any remaining balance from said projects be applied to the Village's current street resurfacing project 5.5110.400.2014.141 to assist with this year's paving costs. Now, therefore, be it

RESOLVED, that the FY 2014-15 Street Resurfacing project be increased from \$1,150,000 to \$1,705,277.11 and the following projects in the Capital Fund be closed out, and that the Capital Fund be modified as follows:

<u>Project</u>	<u>Budget</u>	<u>Revenues</u>	<u>Expenditures</u>	<u>Balance</u>
005.5110.0400.2008.0074: Street Resurfacing-2008-/09	\$ 600,000.00	\$ 500,000.00	\$ 470,824.61	\$ 29,175.39
005.5110.0400.2010.0110: Road Resurfacing – 20010/11	\$1,301,505.92	\$1,371,261.10	\$1,067,174.90	\$304,086.20
005.1620.0400.2007.0070: Pkg Lot Impr-222 Grace Ch 07/08	\$ 477,000.00	\$ 477,000.00	\$ 319,772.56	\$157,227.44
\$ 29,175.39	From: Street Resurfacing -2008/09 005.5110.400.2008.74		To: Street Resurfacing-2014/15 005.5110.400.2014.0141 (Budget Increase from \$1,150,000 to \$1,179,175.39)	
\$304,086.20	From: Road Resurfacing-2010/11 005.5110.400.2010.110		To: Street Resurfacing-2014/15 005.5110.0400.2014.0141 (Budget Increase from \$1,179,175.39 to \$1,483,261.59)	
\$157,227.44	From: Pk'g Lot Imp-222 Grace Ch-2007/08 005.1620.400.2007.70		To: Street Resurfacing-2014/15 005.5110.0400.2014.0141 (Budget increase from \$1,483,261.59 to \$1,640,489.03)	
\$ 64,788.08	From: Additional CHIPS Funding		To: Street Resurfacing-2014-15 005.5110.0400.2014.0141 (Budget increase from \$1,640,789.03 to \$1,705,277.11)	

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #11B

**CLOSEOUT OF COMPLETED STREET PROJECTS & INCREASE
FY 2014-15 STREET RESURFACING PROJECT**

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENCE, the following resolution was **defeated** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, the Village consulting engineer has recommended that streets that were severely damaged due to the harsh Winter be included in this year's street paving budget, and

WHEREAS, extra CHIPS funding of \$64,788.08 (\$214,788.08-\$150,000 was budgeted) is available from the Extreme Winter Recovery Appropriation, and

WHEREAS, the Village Treasurer is recommending the closing of various completed street paving projects, and that any remaining balance from said projects be applied to the Village's current street resurfacing project 5.5110.400.2014.141 to assist with this year's paving costs. Now, therefore, be it

RESOLVED, that the FY 2014-15 Street Resurfacing project be increased from \$1,150,000 to \$1,548,049.67 and the following projects in the Capital Fund be closed out, and that the Capital Fund be modified as follows:

005.5110.0400.2008.0074:

Street Resurfacing-2008-/09 \$ 600,000.00 \$ 500,000.00 \$ 470,824.61 \$ 29,175.39

005.5110.0400.2010.0110:

Road Resurfacing – 20010/11 \$1,301,505.92 \$1,371,261.10 \$1,067,174.90 \$ 304,086.20

\$ 29,175.39 From: Street Resurfacing -2008/09
005.5110.400.2008.74 **To:** Street Resurfacing-2014/15
005.5110.400.2014.0141
(Budget Increase from \$1,150,000 to \$1,179,175.39)

\$304,086.20 From: Road Resurfacing-2010/11
005.5110.0400.2009.0090 **To:** Street Resurfacing-2014/15
005.5110.0400.2014.0141

(Budget Increase from \$1,179,175.39 to \$1,483,261.59)

\$ 64,788.08 **From:** Additional CHIPS Funding

To: Street Resurfacing-2014-15
005.5110.0400.2014.0141
(Budget increase from \$1,483,261.59 to \$1,548,049.67)

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: None

NOES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano.

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #12

AWARDING BID FOR ROAD RESURFACING 2014

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 Village of Port Chester has advertised for bids for Road Resurfacing 2014 (Bid No. 2014-05); and

WHEREAS, the Village received three bids for this work; and

WHEREAS, the Village’s consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid of Bilotta Construction Corp. with Alternate A which bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Road Resurfacing 2014 to Bilotta Construction Corp., 296 Purchase Street, Rye, New York 10580 in the amount of \$1,553,647 and be it

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and be it

FURTHER RESOLVED, that the funding for said work be appropriated from FY 2014-15 Street Resurfacing Project 5.5110.400.2014.141 in the amount of \$1,441,154.50 and from Sidewalk/Curb Improvement Project 5.5110.400.2011.120 in the amount of \$112,492.50.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #13

AWARDING BID FOR PILGRIM DRIVE DRAINAGE IMPROVEMENTS

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, 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 bids for Pilgrim Drive Drainage Improvements (Bid No. 2014-02); and

WHEREAS, the Village received eight bids for this work; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the Board accept the low bid of Con-Tech Construction Technology, Inc. which bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Pilgrim Drive Drainage Improvements to Con-Tech Construction Technology, Inc., 28 Lakeview Drive, Yorktown Heights, New York 10598 in the amount of \$78,620.00, and be it

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and be it

FURTHER RESOLVED, that the funding for said work be appropriated from Sewer Improvement 13/14 Project account code 5.8120.400.2013.132.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

RESOLUTION #14 (WITHDRAWN BY VILLAGE MANAGER)

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW TO PROVIDE FOR A PROCESS FOR LOT LINE ADJUSTMENTS

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:

RESOLVED, that the Board of Trustees hereby schedules a public hearing on Monday, October 6, 2014 at 7:00 p.m. or as soon thereafter at the Port Chester Justice Court, 2nd Floor Courtroom, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the Appendix to the Code of the Village of Port Chester A402 Land Subdivision Regulations to provide for a process for lot line adjustments.

Add-On Resolution

Mayor Pagano asked for a motion to add-on a resolution regarding co-sponsoring Town Hall Meeting with NAACP.

There being no objection TRUSTEE MARINO, made a motion to add-on a resolution, seconded by TRUSTEE TERENZI, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None

ABSENT: None

DATE: September 2, 2014

RESOLUTION (ADD-ON #2)

On motion of TRUSTEE BRAKEWOOD, 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 hereby co-sponsors a town hall-style meeting with the NAACP at a mutually convenient date and time at the Senior/Community Center so as to provide residents an opportunity to express their concerns about the recent spate of racially charged and insensitive activities in the Village of Port Chester with an open invitation to other community groups and the Board of Ethics to attend.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: None.

DATE: September 2, 2014

CORRESPONDENCES

From Church of Our Lady of the Rosary for permission to use Edgewood Park on October 12, 2014 for an outdoor mass, to close Don Bosco Place from 9:00 a.m. to 2:00 p.m. and for a police escort for a procession from the Church to the park and back.

The Board referred the correspondence to staff without objection.

From Christine Morgan Teter requesting to place a sign at Messina Park.

The Board referred the correspondence to staff without objection.

The Port Chester-Rye Union Free School District regarding Port Chester Fire Department light tower rescue truck.

The Board referred the correspondence to staff without objection.

From the Traffic Commission regarding the driveway at 330-340-350- So. Regent Street

The Board referred the correspondence to staff without objection.

From the Traffic Commission regarding handicap parking at Bethesda Baptist Church and overnight parking in parking areas.

The Board referred the correspondence to staff without objection.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pagano asked if there was anyone from the audience who would like to make any public comments.

There were no comments from the public.

Board

Trustee Adams congratulated the Westmore News on their big bash. He commented on a car racing on College Avenue, on South Regent Street and on King Street. He offered his condolences to the family of Freddie Scott. I hope this board can look into the Sidewalk Betterment Program.

Trustee Brakewood commented on the Sidewalk Betterment Program. We need to address this. The parking requirements that many municipalities have is very outdated. We are signing agreements that are very short term and people are backing out of the agreements. To try to allocate spaces to places like the Capital and restaurants is almost impossible. We really need to look at how we manage parking in our downtown area. Trustee Brakewood commented on the burying of the lines at the Mariner and the Castle. Planning and Development Director Chris Gomez commented they came before the planning commission last month and did compliance with the Willett and Abendroth intersection. Trustee Brakewood mentioned that Terry Lodge is building parking and the Village has done almost nothing to improve Abendroth Avenue as more people use and live on that street. We need to set time to talk about the Neighborhood Revitalization Study. A date was set for Monday, September 22nd in the Conference Room.

Trustee Terenzi commented on the NDC proposal. It will come down to what we can spend on an annual basis. I think we can find an alternative where we can drive the numbers down to a manageable amount.

Trustee Ceccarelli commented on the parking situation at the Clay Arts Center. Village Manager Steers said this situation has been brought to the police chief. Trustee Ceccarelli commented on the population impact and its effect on the sewage situation. It was a great event that the Westmore News put on.

Mayor Pagano commented on the litigation study. Is this at a point where we might be able to weave it in to things like Pearl Street and other projects. Village Manager Steers commented it is about 90 percent there. Chris Gomez said there will be a meeting on Friday. Mayor Pagano commented we start talking about important items like the Municipal Center and United Hospital and within five minutes people start to leave. These are important items that are going to affect the Village and people don't stay to listen.

Add-On Executive Session

Mayor Pagano asked for a motion to add-on an Executive Session to consult with Village Attorney with regard to career fire fighters staffing.

There being no objection TRUSTEE MARINO, made a motion to add-on an Executive Session, seconded by TRUSTEE BRAKEWOOD, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: September 2, 2014

At 10:07 p.m., on motion of TRUSTEE CECCARELLI, seconded by TRUSTEE KENNER, the Board adjourned into an executive session to consult with Village Attorney with regard to career fire fighters staffing.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: September 2, 2014

Also present were: Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto (via telephone); Christopher Ameigh Administrative Aide to the Village Manager and Ed Brancati, Human Resources.

No action was taken in executive session.

At 10:23 p.m., a motion to come out of executive session was made by 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: None.

ABSENT: None.

DATE: September 2, 2014

At 10:23 p.m., on motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: None.

DATE: September 2, 2014

Respectfully submitted,

Janusz R. Richards
Village Clerk

MEETING HELD SEPTEMBER 8, 2014

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, September 8, 2014, 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, Saverio Terenzi, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Luis Marino was absent.

It should be noted that Trustee Brakewood arrived at 6:15 p.m.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Director of Planning and Development Christopher Gomez; Christopher Ameigh Administrative Aide to the Village Manager; Village Planner Jesica Youngblood; Michael A. Cucchiara, representing National Development Council (NDC) and Attorney Justin Miller (via telephone).

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE TERENZI the meeting was declared opened at 6:06 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Marino.

DATE: September 8, 2014

Motion to Add-On a Correspondence

Mayor Pagano asked for a motion to add-on a correspondence from Saint Peter's Church requesting permission for a religious procession.

On motion of TRUSTEE KENNER, seconded by TRUSTEE CECCARELLI, the motion received a unanimous vote of those present.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Marino.

DATE: September 8, 2014

CORRESPONDENCES (ADD-ON)

From Saint Peter's Church requesting permission for a religious procession.

The Board referred the correspondence to staff without objection.

WORKSHOP

The meeting was for the purpose of going over the National Development Council's (NDC) proposal regarding the Municipal Center project. Trustee Terenzi put together and presented figures on the Long Term and Short Term Debt and the Municipal Center projected cash flow.

Michael Cucchiara, Director of the NDC commented at the previous Board meeting we discussed Step Three in the planning process. He approached the Board regarding spending \$500,000 for an investigative study for the design costs of the project. From that number we can figure what the annual occupancy costs would be to build it. Also, we will open another discussion point, which is does this \$500,000 need to be expended on the part of the Board to proceed. That \$500,000 will come back to the Village when we do the financing of the project. However, we know now approximately what the annual occupancy costs will be to the Village, meaning right now is a good time to determine whether we are going to proceed. This sum is really looking at the site and saying we are committed to this project. We know what some of the problems are related to this site. It doesn't tell you what the actual costs will be but it does get you within the range.

Trustee Terenzi commented do we have to spend \$500,000 before we get a guaranteed price from Turner? Mr. Cucchiara commented we are not going to get a guaranteed price even with that half million. The more we firm up the project, that's good for the moment in time. When the project gets more drawn out, that pricing begins to slip within the marketplace. If we spend the half million now to do the design work, that has a shelf life. If the Board doesn't move this will not be good in two years.

Mayor Pagano commented on the budget, part of which is for the underground. Mr. Cucchiara commented that if water were discovered on the site what the cost implications would be. That obviously depends on the extent of the water. This wouldn't necessarily be a deal killer. It would be something we would have to work around. Trustee Terenzi commented that at what point would it affect the price if we push the project out. His numbers were based on a cost of \$2,100,000 to the Village. Mr. Cucchiara commented that covers most of the elements we are looking for. We have to build in some legal expense there. On the Village side there will be counsel fees associated with this. We have LDC fees built into the figures. If we put it back on Grove Street the figure is \$2,800,000. As a cost reduction we could look at back up some for the parking structure.

Trustee Ceccarelli commented that if we had a yearly figure of \$2,100,000, what would come in the Village in terms of revenue? Would rentals cover the \$2,100,000? Trustee Terenzi commented that the Village personnel is considered a tenant so we are included in the rental figure. The \$38,000,000 would be covered at \$2,400,000 yearly. Trustee Terenzi asked if we could run a model at \$38,000,000 backed into that number. The \$2,400,000 gets you to a \$36,000,000 project including the debt. One of

the things Mr. Cucchiara worked with the fire department on space for volunteer firemen coming in for calls. Also the police would have controlled space.

Trustee Terenzi commented that added into his figures is the bonus we will receive from United Hospital. This would be \$1,000,000 into the trust fund. Right now the project is set for \$8,000,000. That means they are paying \$250,000 a year in taxes. We should lock in 2% of that. If the Municipal Center cost \$35,000,000 and we pay off \$900,000 a year for 6 years we would have a debt of \$29,000,000. The only year we would have a negative back flow is the last year. At that point we would be in the hole for \$30,000,000 – which at 4% is \$1,650,000. The debt coming off would be \$2,100,000.

Trustee Ceccarelli commented there is an economic development behind this whole project. Mr. Cucchiara commented you are getting a whole lot more for your buck by doing the Municipal Center than you would get by rebuilding a police station. Trustee Ceccarelli commented he was told they built a courthouse and municipal center in Mt. Vernon for about \$10,000,000. Would it be possible to do that in Port Chester? Mr. Cucchiara said the way that costs are escalating; it may cost about \$25,000,000 now. The police station would be about 45% of the Municipal Center space.

Mayor Pagano commented this all started with the mixed use area. We need to make our investment today. Trustee Brakewood commented that the timing is right. Mr. Cucchiara commented the new building will be about 100,000 sq. ft. Our present building cost \$15,000,000 and is 50,000 sq. ft.

Mayor Pagano asked for the Board's feelings on this project. Trustees Terenzi, Ceccarelli and Kenner stated that they are in favor of using the proffer for the initial investigative study. Trustee Brakewood stated that he is not in favor of using the proffer or in favor of the project and feels it is too expensive. Trustee Adams stated that he is not in favor of the project or using the proffer money. Mayor Pagano commented that we need to get the numbers down so we can make an intelligent decision and that he is willing to go forward. Additionally, the Mayor states that spending the money is worth it and is an investment in the neighborhood.

Trustee Terenzi said we need to make a resolution in order to start the budget process.

At 7:12 p.m., on motion of TRUSTEE TERENZI, seconded by TRUSTEE CECCARELLI, the meeting was closed.

Roll Call

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustee Marino.

DATE: September 8, 2014

Respectfully submitted,

Janusz R. Richards, Village Clerk

**PUBLIC COMMENTS
AND
BOARD COMMENTS**