

## MEETING HELD JUNE 6, 2016

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, June 6, 2016, in the Court Room of the Police headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla were Trustees, Gregory Adams, Daniel Brakewood, Gene Ceccarelli, Bart Didden, Frank Ferrara and Luis Marino.

Also present were: Deputy Village Clerk, Vita Sileo; Village Attorney, Anthony Cerreto; Director of Finance Leonie Douglas; Chief of Police, Richard Conway; Intern Assistant to Village Attorney David Kenny; Edward Quinn, Village Fire Chief ; Chief Engineer Vince Masucci and Outside Counsel \_\_\_\_\_

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was declared opened at 7:09 p.m.

### **ROLL CALL**

**AYES:** Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino, Mayor Pilla

**NOES:** None

**ABSENT:** None

**Date:** June 6, 2016

### **PUBLIC COMMENTS**

Mrs. Goldie Solomon spoke in support of the Port Chester Paid Fire Fighters, stating that our taxes are to pay for the Police, Fire, DPW and EMT. Asked that the Board and Mayor represent the people of Port Chester otherwise, they'll vote you out.

John Reavis, President of NAACP Branch. Spoke regarding Resolution to reinstate the paid firefighters. Hopes that it will be passed tonight. Concerned about safety of the entire community. Important to community that we have people on call who are professionals. Expressed concern about the Community Benefits Agreement. He understands that the Board will be receiving a draft from the Sustainable Housing Incorporated an org which reps community and other groups. Hopes we make a commitment to ensure people from our community will be given opportunities to hav necessary job training to work during construction programs. All past developers are employing a large number of people from outside the of Port Chester area. We should look at development process that is affordable for people in our community. We should identify with Community Benefits Agreement. Nyack and New Rochelle have taken some info from the Benefits agreement. We should also make the document available for people.

Mr. Joseph Rende commented on displeasure of specific Board members use of Face Book regarding the paid fire fighters. Especially those participating in an antagonistic way, should cease

immediately. He also questioned the ad in the Westmore News, regarding the fire fighters, calling it propaganda. Noted that 4,000 residents have signed petition and that we should see that the ad is foolish. He asked if tax dollars were used to fund the ad, feels Board is wasting money if it continues with these ads. He will continue to be present at Board meetings until Board realizes it has made a mistake. Board would be respected more for acknowledging it made a mistake and reinstate paid firefighters

Barry McGoey, President of Yonkers Fire Fighters. Feels Board made a decision on bad advice. Own up to the fact Board made a mistake and received bad advice for Chief Quinn. He had filed a foil request to document the data provided by Chief Quinn and said no one was able to provide. Suggested that lawsuits will be forthcoming. NYS Public Offices Law, objected to the small venue in a letter to Mayor and Village Clerk. Also stated that the 4,200 signatures were returned by the Village Clerk as irrelevant because it wasn't 20 percent, was a slap in the face to the community.

Mayor Pilla acknowledged the letter from Mr. McGoey and stated that there would be another meeting in a larger venue.

Lou Demitri, Secretary of Uniformed Professional Fire Fighters Association of Connecticut and on behalf of State President Peter Carosa, stand behind Port Chester career fire fighters.

Linda Agugliaro spoke to Janine Rose (12 News) praising their coverage of the fire fighters. Lives at 360 Westchester (140 units) and counts on professional fire fighters to save her. Feels the volunteers need the help of the paid professional fire fighters for training. "Don't put a price on my life." Make Port Chester proud.

Adams Bush, Fire fighter New York City Company One. Accused Pilla and Brakewood of speaking in code. The vote was never on the agenda. Said that in a radio interview Mayor Pilla spoke about Government transparency and NYC.

Harold Schaitberger, General President of International Association of Fire Fighters, representing 301,000 members. Suggests he can help with budgetary issues and knows that Sen. Schumer has spoken with you. Has worked in the past with governments to be able to assure health and safety of Willing to work with counsel, self and designated staff to bring resources to the Village of that is the real reason behind Board's decision. He suspects it's not. We need to reinstate the 8 fire fighters. Need to protect a department with a 106 year history. Let's work together to reinstate the paid fire fighters. Let Sen. Schumer and Nita Lowey. Lives of eight people eight families will be out of work. He is extending his hand, but if this is not resolved, promises that this IAFF will see you (the Board) in court, in the court of public opinion, in a referendum that will ultimately be held, if necessary, and in the ballot box next election.

Sean DeNigris New Rochelle Professional Fire Fighters Association. Brought up the fact of Safer Grants, free federal money designed for this situation. Senior grant expert from a large fire department in the County had offered to write the grant but was turned down for political reasons. After 2 hours with representatives fire departments from 3 states and Canada came to explain that this was a terribly dangerous idea. The Board response was that these were outsiders and their opinions didn't

matter. He is here because of his concern for the safety of Port Chester residents. Board's comment to the petitions signed by over 4,000 residents of Port Chester is that the opinions and voices of over 4,000 residents "Have no Relevance". Mr. DeNigris asked Board to take a step back and consider that there is money available, the experts have cautioned that this is terribly dangerous and the residents have demanded it.

Richard Kochanowicz was in support of firemen. Board should resign if they turned down money to help fire fighters.

Jamie Innominato wanted to know when tonight's meeting was scheduled. Asked if the meeting at the King Street School didn't give them an inkling that the meeting tonight would have so many people attended. Not a lot of communication regarding these meetings. Mayor apologized for not having a larger venue. Suggested the Board is stalling for time and the names on the petitions should be respected. Then she addressed the "So-called" chief regarding the audio tape regarding another fire fighters home.

Brian Peterson, a 9 year career fire fighter with the Greenburg Fire Dept, Reminded the Mayor about conversation 3 weeks ago where Mayor said it was not personal. Also brought up the audio tape about damaging another fire fighters house. He said exports have spoken, the residents have spoken. We want our 8 fire men back. He stated that this was personal, it was an attack. Time for Board to hire back the fire fighters.

Mr. Vincent Lyons brought up the fact that the Mayor and Mr. Didden enjoy going on FB and having conversations but when people come to the meetings to ask them questions, they don't talk. He brought up the audio tape on News 12 of Chief Quinn. Quoted the Mayor saying this was investigated and addressed to which Mr. Lyon said "How could this be addressed if this maniac is still sitting here and driving around in a Chief's car". He continued to address other videos related to Quinn. H threatened to release these additional videos and letters unless Board does something. He stated Chief Quinn is a liar.

Tom Kisner, spoke in favor of career fire fighters. He belongs to Sustainable Alliance, specifically hazardous materials. Paid fire firefighters are trained to handle these types of situations, but the volunteers will have to be trained. Two examples are the development of Starwood's ground and water needs to be tested and removed safely. Two expressways, 287 and 95 have high volume of tanker trucks some of which carry toxic chemicals. If there is an accident, these chemicals will have to be handled professionally and quickly.

Chip Nanko, President of Greenburg Fire Fighters, spoke about National Think Tank report and that he was leaving the Board a copy, with specific suggestions on how to run a combined fire department. He also commented on Chief Quinn's comments on the videos. He also mentioned the ad in the Westmore News and the number of the volunteers. Mr. Adams asked if the ad was issued by the Board of Trustees and made it known that he did not approve it.

George Ford wanted to support career fire fighters. Asked that Quinn step down. Read the proposed Budget and stated that it included a tax reduction due to assessments. This Board could have delivered a budget under tax cap while keeping the fire fighter services. Also, under Code Enforcement

and Building Department Overviews, it stated “There are more properties and complaints than there are fire inspectors and Code Enforcement team can reach in adequate timeframes”. Suggested the eight paid fire men participate in fire inspections. He asked Board to please vote to reinstate the fire fighters.

(unnamed) commented there are only 70 trained interior volunteer firefighters. Offered help through IAFF and AGF grants. Rye Brook now has 2 career fire fighters at night. EMS training should be returned.

Vincent Donofrio, President of Pelham Fire Fighters. Addressed the fact that Bart Didden was looking at his phone, instead of listening to speakers. Bart responded that he was reviewing the list of 100% volunteer fire departments in the County and wanted to know when the unions were going to make presentations to them. Everyone he spoke with in Port Chester signed the petitions. The Board is supposed to represent the public. The People want their fire men back.

Linda Aguilara said she’s a concerned citizen . Asked the Board to eat hml pie and unite. We should work together. Bring back fire fighter and don’t put a price on my life.

Ted Kochanowicz Volunteer fire fighters have delivered for almost 200 years. Suggested the IAFF pay the fire fighters until they find other jobs.

Bob Schenfield spoke about Safe Haven Law. Enables young mother to bring a baby under 30 days old to be dropped off at Fire House, if its manned. Addressed Chief Quinn, and suggested he “jump out of the frying pan”.

Bart Didden, commented on Bob Schenfield’s comments. If we had 2 people in each of the four fire houses, 24 hours a day, it would cost us about \$8.8 million, a 38% tax increase on the people of Port Chester. People of Port Chester just can’t afford it.

Jack Anuzi Village of Mamaroneck, retired fire fighter. Referred to 1<sup>st</sup> Amendment regarding Chief Quinn. Recommended the Board do something about the Chief and the comments that are on the tapes.

Brett Lyons, former paid and volunteer fire fighter suggested the Board was given wrong information as well as bad legal advice. Will FOIL the billable hours the legal counsel is charging the Village and will print it in an ad in the paper. He believes that what we paid for his services could probably staff the fire department for one year. Wants to protect the residence of this Village.

Mr. Rende, returned to speak about the people who have come up to give their opinions from years of experience and expertise of firematics who have come to help Port Chester. If the Board feels they have only come to help restore jobs, shame on you. They have come because they are concerned for the safety of the residence of Port Chester. He also addressed Bart Didden’s comments on volunteer fire departments. He stated that a volunteer and paid combination has worked for years. He is proud of fact that people like Lyons brothers come from a long line of volunteers and have answered the call risking his live to save residents of Port Chester. No one is criticizing the volunteer department. He wants to know

that when his grandchildren are in school they are supported by paid fire fighters that in the event of an emergency there will be a trained professional to attend to their needs. This is an emotional issue that the Board has struck with the Village.

Barry McGoey returned to microphone about the letter he'd sent regarding violation of the Open Meetings Law. He said he never requested that the Board put off the vote. There was a motion made by Mr. Adams seconded by Mr. Marino and it's going to be on the agenda tonight and there is going to be a vote. Because of violations of the Open Meetings Law, there will be litigation challenging every one of the prior meetings as well as Executive Session, especially the one after the budget meeting. Some of the Board will be testifying as to what transpired in that meeting. What he requested is to have a venue that would accommodate the people who remained out on the street. He wants to verify data that the Mayor has given out to the media regarding interior/exterior volunteer fire fighters. He addressed Bart Didden's Face Book comments and how he looks down at the people. He said that in the past we had 30 paid fire fighters. When it was decided to downsize, we lost EMS. Our fire fighters should be trained to provide first response. Representatives from other fire houses on their way to the meeting tonight, responded to a woman down. Incident happened only two blocks from the fire house. There was no one at firehouse trained to provide emergency assistance. He directed his comments to Bart Didden that there should be 32 paid fire fighters and they should be supplemented by volunteers. Volunteers should not be providing the primary service in the Village the size and density of Port Chester.

Mr. Reavis returned to microphone would like to see fire fighter resolution be voted on so we can move on. Asked that the Board listen to concerns of the volunteer fire fighter on the Board.

Mr. Kochanowicz returned to microphone. One way or another we need to get paid fire fighters back.

Mr. Richard Abel, questioned why fire fighter resolution was not on the agenda either on line or in the packet. Would like to hear when and if they were going to vote on the resolution, what it was going to say.

Sean DeNigris returned to microphone. Confirmed that both paid and volunteer fire fighters are essential to Port Chester. Addressed Mr. Didden's comments about all volunteer fire departments. Port Chester is the second most densely populated municipality in Westchester. PC is the only one of the top-five most populated municipality in Westchester that is not primarily protected by professional fire fighters.

Mr. Kochanowicz returned to microphone and was glad his comments spurred others to praise the volunteer fire fighters.

Chip Nanko returned to microphone to say that people like Mr. Jenkowitz are the type of people that need to be reached because they do not have all the information. He works in Greenburg which is surrounded by all volunteer departments (Elmsford, Fairview and Hartsdale). Greenburg goes right to the scene. All volunteer departments are asking for help nationally. Fires are more dangerous and go faster. Port Chester needs well trained men and women.

Mayor Pilla thanked everyone for participating tonight.

Anthony Cerreto asked if anyone wanted to speak about Open Meeting Violation.

Mayor Pilla suggested the Resolution to Reinstate Paid Fire Fighters be tabled to make decision legally binding and would afford the Board to have whatever information they need. This would require a change to the Budget. Village Manager Mr. Steers is not here.

Mr. Reavis returned to microphone said the Board has to make a decision and not continue to table. The Trustees should vote on whether or not they want to reinstate the paid firefighters.

Village Attorney Cerreto commented the Add-On Resolution failed and now needs to be brought up as a motion. Trustee Adams would have to advise that this should move forward. Mr. Adams has indicated his willingness to proceed tonight.

A motion was made by TRUSTEE ADAMS, seconded by TRUSTEE MARINO that the Add-On Resolution be brought to the table.

Trustee Brakewood commented there is no backup to the Resolutions. Trustee Adams proposed the resolution and he should have prepared the Resolution. This was not brought up at the Agenda Meeting.

Trustee Adams made a motion the Add On Resolution should be tabled until the next meeting.

Harold Schaitberger commented the IAFF makes sure that the children of burned members get a full college scholarship. The IAFF takes care of it's members. He gave each of the eight firefighters money to hold them over until they get back to work.

Trustee Brakewood commented that the Board should discuss what the Resolution should actually say. The idea that this was not done for financial reasons is completely inaccurate. He commented we have been negotiating with Rye

Mr. Brett Lyons commented that if it takes two weeks of discussion between the Board members, take the time it needs.

Mayor Pilla explained that this resolution was verbal. This was not discussed so there is nothing to back it up. The staff prepares resolutions when we have a formal discussion first.

Mayor Pilla commented we can't just take \$1,100,000 and add it in. Village Treasurer Leonie Douglas said we would have to eliminate something else.

### **RESOLUTION #1**

#### **REINSTATE PAID FIRE FIGHTERS**

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Resolution will be on the agenda for June 20<sup>th</sup>.

**ROLL CALL**

**AYES:** Trustees Didden, Ferrara, Brakewood, Ccccarelli, Adams, Marino and Mayor Pilla

**NOES:** None

**ABSENT:**

**RESOLUTION #2**

**SPECIAL HOME RULE LEGISLATION REGARDING TRUSTEE OATHS**

At the request of Village Attorney Cerreto the Resolution was postponed to June 20<sup>th</sup>.

**RESOLUTION #3**

**AUTHORIZING AGREEMENT TO CONTINUE LONG-STANDING PUBLIC-PRIVATE PARTNERSHIP WITH PORT CHESTER COUNCIL FOR THE ARTS, INC.**

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE BRAKEWOOD, the resolution was discussed by the Board of Trustees

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the Resolution was tabled to the meeting of June 20<sup>th</sup>.

**ROLL CALL**

**AYES:** Trustees Didden, and Marino

**NOES:** Trustees Ferrara, Brakewood, Ceccarelli, Adams and Mayor Pilla

**ABSENT:** None

WHEREAS, through a long-standing agreement with the Port Chester Council for 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 2016-2017; and

WHEREAS, the expense for such support is the same as in the previous year, and has been budgeted in the Village Budget. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into an agreement with the Port Chester Council for 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 2016-2017, compensation to be in the amount of \$32,000.

APPROVED AS TO FORM:

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Anthony M. Cerreto  
Villager Attorney

#### **ROLL CALL**

**AYES:** Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla

**NOES:** None

**ABSENT:** None

**DATE:** June 6, 2016

#### **BOND RESOLUTIONS A-E**

##### **RESOLUTION #4-A**

Trustee BRAKEWOOD submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee FERRARA. The Board of Trustees of the Village was polled. The motion was adopted by a vote of seven (7) 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 none (0) votes absent.

**BOND RESOLUTION, DATED JUNE 6, 2016, AUTHORIZING THE ISSUANCE OF UP TO \$975,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF (I) THE ACQUISITION, OF MOTOR VEHICLES AND (II) THE ACQUISITION OF LED STREET LIGHTING.**

**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 (\$195,000) and (ii) the acquisition of LED street lighting (\$780,000), 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 \$975,000, 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 \$975,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the “Project”), the respective estimated maximum cost of such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The acquisition of motor vehicles, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs

related thereto, at an estimated maximum cost of \$195,000 for which \$195,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of five (5) years pursuant to subdivision 29 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of five (5) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds; and

(b) The acquisition of LED street lighting, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$780,000 for which \$780,000 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 32 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

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 \$975,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from (i) the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of the serial bonds authorized herein shall not be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any costs in connection with the Project for which the proceeds of any obligations authorized herein are to be applied to reimburse the Village, the Board

of Trustees of the Village took “official action” for federal income tax purposes to authorize the capital financing of such expenditure.

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

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

Section 6. When this bond resolution takes effect, the Village Clerk shall cause the same, or a summary thereof, to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in The Westmore News and The Journal News, 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 #4-B**

Trustee CECCARELLI 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 seven (7) 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 none (0) votes absent.

**BOND RESOLUTION, DATED JUNE 6, 2016, AUTHORIZING THE ISSUANCE OF UP TO \$3,350,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF (I) THE IMPROVEMENTS TO VILLAGE PARKS, (II) THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION TO VILLAGE STREETS, INCLUDING IMPROVEMENTS TO SIDEWALKS, LANDSCAPES AND DRAINAGE, AND (III) 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 improvements to village parks (\$250,000); (ii) the acquisition, construction and reconstruction to Village streets, including improvements to sidewalks, landscapes, and drainage (\$2,680,000); and (iii) the acquisition of machinery and apparatus for construction and maintenance (\$420,000), including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefore and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$3,350,000, 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 \$3,350,000, pursuant to the Local Finance Law, in order to finance the costs of the specific objects or purposes, or classes of objects or purposes, hereinafter described.

Section 2. The specific objects or purposes, or class of objects or purposes, to be financed pursuant to this bond resolution (collectively, the "Project"), the respective estimated maximum cost of

such specific objects or purposes, the principal amount of serial bonds, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds, authorized for such specific objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The improvements to village parks, 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 \$250,000 for which \$250,000 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 19(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;

(b) The acquisition, construction and reconstruction to Village streets, including improvements to sidewalks, landscapes and drainage, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$2,680,000 for which \$2,680,000 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

(c) The acquisition of machinery and apparatus for construction and maintenance, including any preliminary and incidental costs related thereto, at an estimated maximum cost of \$420,000 for which \$420,000 principal amount of serial bonds, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, are authorized herein and appropriated therefore, having a period of probable usefulness of fifteen (15) years pursuant to subdivision 28 of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds shall have a maximum maturity of fifteen (15) years computed from the earlier of (a) the date of the first issue of such serial bonds or (b) the date of the first issue of bond anticipation notes issued in anticipation of the issuance of such serial bonds.

Section 3. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$3,350,000; (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 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 the Westmore News and The Journal News, 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 #4 C**

Trustee BRAKEWOOD submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee ADAMS. The Board of Trustees of the Village was polled. The motion was adopted by a vote of seven (7) 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 none (0) votes absent.

**BOND RESOLUTION, DATED JUNE 6, 2016, AUTHORIZING THE ISSUANCE OF UP TO \$340,000 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 OF TRAFFIC SIGNALS OR TRAFFIC SIGNAL 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 of traffic signals or traffic signal systems, in and for the Village, and including the acquisition of any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$340,000, 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 \$340,000, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of traffic signals or traffic signal systems, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (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 \$340,000; (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 not be in excess of twenty (20) 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 of a class of object or purpose as described in subdivision 72 of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is twenty (20) years. The serial bonds authorized herein shall have a maximum maturity of twenty (20) 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 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 Westmore News and 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 #4-D**

Trustee MARINO submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee BRAKEWOOD. The Board of Trustees of the Village was polled. The motion was adopted by a vote of seven (7) 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 none (0) votes absent.

**BOND RESOLUTION, DATED JUNE 6, 2016, AUTHORIZING THE ISSUANCE OF UP TO \$300,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK, PURSUANT TO THE LOCAL FINANCE LAW, TO FINANCE THE COSTS OF THE CONSTRUCTION OF AN ADDITION OR ADDITIONS TO OR THE RECONSTRUCTION OF CLASS "A" 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 construction of an addition or additions to or the reconstruction of (i) a class "A" fire department building (\$150,000) and (ii) a class "A" police department building (\$150,000), in and for the Village, and including the acquisition of any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$300,000, all in accordance with the Local Finance Law;

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

Section 1. There is hereby authorized to be issued serial bonds of the Village, and/or bond anticipation notes issued in anticipation of the issuance of such serial bonds, in the aggregate principal

amount not to exceed \$300,000, pursuant to the Local Finance Law, in order to finance the costs of the construction of an addition or additions to or the reconstruction of (i) a class "A" fire department building (\$150,000) and (ii) a class "A" police department building (\$150,000), including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (the "Project").

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum costs of the Project will not exceed \$300,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds authorized herein, and/or of bond anticipation notes issued in anticipation of the issuance of such serial bonds; (d) the maximum maturity of the serial bonds authorized herein shall not be in excess of twenty five (25) 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 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. 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 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 Westmore News and The Journal News, 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 #4-E**

Trustee FERRARA 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 seven (7) 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 none (0) votes absent.

**BOND RESOLUTION, DATED JUNE 6, 2016, 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 RECONSTRUCTION OF OR ADDITION TO A SEWER SYSTEM.**

**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 reconstruction of or addition to a sewer system, in and for the Village, and including the acquisition of any preliminary and incidental costs related thereto, 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 reconstruction of or addition to a sewer system, including the acquisition of any applicable equipment, machinery, apparatus, land or rights-in-land necessary therefor and any preliminary and incidental costs related thereto (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 \$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 not be in excess of thirty (30) 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 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 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 Westmore News and The Journal News, 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 #5**

#### **AUTHORIZING AGREEMENT SUMMER ENTERTAINERS TO PROVIDE ENTERTAINMENT FOR LYON PARK, CONCERT SERIES AND PORT CHESTER DAY 2016**

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

On motion of TRUSTEE MARINO, seconded by TRUSTEE FERRARA, the motion was tabled to June 20<sup>th</sup>.

#### **ROLL CALL**

**AYES:** Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla

**NOES:** None

**ABSENT:** None

### **RESOLUTION #6**

#### **REQUEST TO PREPARE A FORMAL COMMUNICATION TO THE DEPARTMENT OF JUSTICE FROM THE ATTORNEY OF RECORD, BRIAN SOKOLOV FOR THE SCHEDULED MEETING ON FRIDAY, JUNE 3, 2016 AND TO RESCIND THE RESOLUTION THAT WAS ENTERTAINED ON MAY 23, 2016**

This Resolution was withdrawn at the request of TRUSTEE CECCARELLI.

## **DISCUSSIONS**

### ***Report back to the Board of Trustees re: Department of Justice Meeting***

Mayor Pilla explained his meeting with the DOJ and the Election and members of the Board not signing their oath.

### ***False alarms fines/fees***

Mayor Pilla is watching the fire department's activities. One location had seven false alarms in four days. There is an alarm review board that is called together when someone has a high amount of false alarms.

## **CORRESPONDENCE**

### ***From Washington Engine & Hose Co. #4 Inc. on the resignation of Brian Sury.***

We thank Brian for his service.

### ***Petition from Fire Fighter's Union***

So noted.

### ***Donation request from Independence Day Committee***

\$5,500 is budgeted for this event.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

### **PUBLIC COMMENTS**

Mr. Richard Abel commented on the DOJ and voting. Only a federal judge can make a decision. He spoke on the first amendment. Tonight the room was too small for the number of people who came to express their opinions.

Ted Richards commented on the signature discussion. The DOJ has these rules and you should comply. Regarding the paid firefighters and volunteers, think before you make any decision. The Board was elected by the residents to make the Village successful. The volunteers have served for over 175 years. He spoke about police cars being dispatched to be used at development sites, the car is left running and gas is paid for by residents.

Mr. Abel commented that any four trustees can vote to fill a vacant seat.

Brian Kerr commented on the firefighters. Is it possible to reinstate all eight and when they retire do not fill the position.

### **BOARD COMMENTS**

Trustee Didden commented that when Rye Brook went to Rural Metro they may have defaulted on their contract with Port Chester in the amount of \$250,000. He and Mayor Pilla have visited the different departments on their meeting nights. The only thing we asked of the Chief was whether the volunteers could handle the load should the paid firefighters be eliminated.

Trustee Ferrara commented on meeting rules of procedure. Let's bring back the Agenda Meeting. Regarding the Elections, trustees made suggestions of special treatment. Regarding the firefighters, we need to attend the best interests of the Village. Trustee Ferrara endorses the Volunteer Fire Department.

Trustee Brakewood agrees with Trustee Didden. He hopes the DOJ steps in. The Oath Book should be signed on the night the Trustees are sworn in.

Trustee Ceccarelli commented on the Fire Department. The volunteers go out in full force 24 hours a day. He thanked the career and volunteer firefighters for all they do. He thanked the Beautification Committee for Clean Up Day last Saturday. The PTA, Kohl's employees, the Water Company and individuals came out for the day.

Trustee Adams thanked all Veterans.

Mayor Pilla commented we will get in a meeting on rules and procedures. He thanked Chief Quinn, Mike DiVittorio and Rick Casterella for their leadership.

A motion was made by TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, that the Board go into Executive Session with Outside Counsel, Village Attorney Cerreto, Legal Intern David Kenny and Village Deputy Clerk Vita Sileo

### **ROLL CALL**

AYES; Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, Marino and Mayor Pilla  
NOES: None

The regular meeting was adjourned at 11:22 p.m.

Respectfully submitted,

David Thomas  
Village Clerk