

MEETING HELD OCTOBER 5, 2016

A Meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Wednesday, October 5, 2016 at 6:00 p.m. in the Village Justice Courtroom of the Police Headquarters Building, 350 North Main Street, Port Chester, New York

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

Also present were Village Clerk Dave Thomas, Village Attorney Anthony Cerreto, Legal Assistant to the Village Attorney David Kenny, Village Treasurer Leonie Douglas, Planning Director Eric Zamft, Human Resources Director Ed Brancoti, Village Engineer Vince Masucci, Building Inspector Kevin Donohue, Police Chief Richard Conway and Fire Chief Edward Quinn, Assistant Fire Chief Mike DeVittorio and Assistant Chief Rick Casterella

On motion of TRUSTEE ADAMS, seconded by TRUSTEE FERRARA, the meeting was declared opened at 6:07 p.m.

ROLL CALL

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

NOTES: None

ABSENT: Trustee Brakewood

Trustee Brakewood arrived at 6:10 p.m.

PROPOSED MOTION FOR EXECUTIVE SESSION

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board went into Executive Session for:

1. Report by Village Attorney regarding Village Prosecutor

ROLL CALL

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

NOES: None

ABSENT: None

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE DIDDEN, the Board went into Executive Session for:

2. Consultation with Village Attorney regarding a matter involving an investigation by Special Counsel Murphy

ROLL CALL

AYES: Trustees Didden, Ferrara, Brakewood, Ceccarelli, Adams, and Marino

NOES: Mayor Pilla

ABSENT: None

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the Board went into Executive Session to discuss:

3. Consultation with Village Attorney regarding Counseling letter to certain firefighters

ROLL CALL

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

NOTES: None

ABSENT: None

The Board came out of Executive Session at 7:05 p.m.

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the Executive Session was declared closed.

ROLL CALL

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

NOTES: None

ABSENT: None

PUBLIC HEARING

1. Local Law Amending the Code of the Village of Port Chester, Chapter 136 “Animals”, with regard to Prohibition on Sale of Commercially Bred Dogs and Cats in Pet Stores.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE MARINO, the Public Hearing was declared open.

ROLL CALL:

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

NOTES: None

ABSENT: None

Dina Goren read a statement defending the fair treatment of animals.

PUBLIC COMMENTS ON ANIMALS

Ms. Leah Masucci of the New York State Humane Association investigates animal cruelty throughout the state. We teach the sheriff’s department how to enforce the law. We should care about animals because they are vulnerable.

Ms. Bea Conneta commented on puppy mills. Dogs are dependent on human beings all of their lives.

Ms. Diane Hyme commented this is a humane issue. No responsible breeder will give their dog to a pet store. You can get pure-bred dogs at shelters, rescue groups and breeders.

Ms. Goren read a letter from Mayor Rosenbloom of Mamaroneck in support of the local law. Trustee Marino commented on purchasing animals over the Internet. The Village website should display where you can get a puppy.

Attorney Cerreto commented that the Board received a letter from the People for Ethical Treatment of Animals in support of this Local Law.

On motion of TRUSTEE MARINO, seconded by TRUSTEE DIDDEN, the Public Hearing was declared closed.

ROLL CALL:

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

NOTES: None

ABSENT: None

On motion of TRUSTEE MARINO, seconded by TRUSTEE BRAKEWOOD, the Local Law 1-36 "Animals" of the Village of Port Chester was amended by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL:

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

NOTES: None

ABSENT: None

DATE: October 5, 2016

2. Local Law Amending the Village Code with Regard to the Village Engineer – Building.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, the Public Hearing was declared open.

ROLL CALL

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

NOTES: None

ABSENT: None

Village Engineer Vince Masucci commented the purpose of this is to have the Village Engineer's costs covered rather than using consulting firms for reviewing plans. The Village Engineer is working directly with the Building Department. This allows the Village Engineer to issue a general permit to cover areas like structural, storm water management that have to be reviewed; and permits should generally be issued for that. He will be working with the Building Department in doing inspections. This allows the Village to charge and get fees for these professional services.

PUBLIC COMMENTS

There were no public comments.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the Public Hearing on a Local Law Amending the Village Code with Regard to the Village Engineer – Building was declared closed.

ROLL CALL

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

NOTES: None

ABSENT: None

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the Local Law amending the Village Code with Regard to the Village Engineer – Building was approved by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

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

NOTES: None

ABSENT: None

DATE: October 5, 2016

3. Local Law Amending the Village Code with Regard to the Village Engineer – Site Plan.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the Public Hearing was declared open.

ROLL CALL

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

NOTES: None

ABSENT: None

Village Engineer Vince Masucci commented that it is a lot less expensive to do this in-house rather than hire outside consulting firms. It is also faster, you do not have to wait weeks or months to get a review process done.

PUBLIC COMMENTS

There were no Public Comments.

Mayor Pilla asked how this compares to our escrow agreement for additional resources. The only time we would have to look at extra money for this would be if the commission said we would have to have a study done or special environmental studies.

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the Public Hearing on a Local Law Amending the Village Code with Regard to the Village Engineer – Site Plan was declared closed.

ROLL CALL

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

NOTES: None

ABSENT: None

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the Local Law amending the Village Code with Regard to the Village Engineer – Site Plan was approved by the Board of Trustees of the Village of Port Chester, New York.

ROLL CALL

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

NOTES: None

ABSENT: None

DATE: October 5, 2016

RESOLUTIONS

RESOLUTION #2

**AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER CHAPTER 175 “FEES”
WITH REGARD TO SETTING FEES FOR VILLAGE ENGINEER SERVICES**

On motion of TRUSTEE FERRARA, 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 has filled the position of Village Engineer as provided for in Chapter 49 of the Village Code; and

WHEREAS, prior to this appointment, the Village was utilizing the services of a consulting engineering firm to perform engineering functions; and

WHEREAS, the Village Engineer will now be involved with reviewing certain plans and applications; and

WHEREAS, the Village wishes to set and adjust the fee amounts to reflect the services that the Village Engineer is now providing. Now, therefore, be it

RESOLVED, that the Code of the Village of Port Chester, Chapter 175, Fees, be amended as follows:

Code Reference

Chapter 49, Engineer

<u>General Engineering Permit</u>	<u>§49-6</u>	<u>\$500</u>
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Chapter 281, Stormwater Management

<u>Review of SWPPPs, Inspection, and SMPs by Stormwater Management Officer</u>	<u>§281-26</u>	<u>\$500</u>
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<u>Each additional inspection</u>		<u>\$300</u>
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Chapter 345, Zoning

Site plan review Standard	§ 345-23C	\$1,000 plus \$25 per parking space
<u>Engineer review</u>		<u>\$100</u>

Major <u>Engineer review</u>		\$3,500 plus \$25 per parking space <u>\$300</u>
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Development Review Committee	§ 345-23C	\$500 per meeting <u>(major only)</u>
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Post Approval Review and Inspection **§345-23H**

<u>Standard</u>	<u>\$100</u>
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<u>Major</u>	<u>\$300</u>
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<u>Re-Inspection</u>	<u>\$300/re-inspection</u>
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Approved as to form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS,
MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

DATE: October 5, 2016

PUBLIC COMMENTS

Ms. Bea Conneta commented that she was shocked by the Mayor being verbally attacked at the last meeting. The mayor is the leader of the ship. This is his administration.

Ms. Linda Torturino commented she will work with Dave Thomas to post Dog articles on the Village website. She thanked the Village for co-sponsoring the Dog Park Anniversary. She commented on Parkway Drive being a busy thoroughfare between King Street and Putnam Avenue.

Mr. Richard Abel commented on the Resolution on the Strategic Planning Seminar. \$20,000 is too much money. This money could be better spent on a psychiatrist or psychologist.

Mr. George Ford commented on the Code Enforcement report. You need an army to tackle the problems in this Village. We need additional code enforcement officers. It is good we are doing the road paving but we should be working with the utility companies so that we do not have to repave.

Ms. Torturino commented that Port Chester used to have a Quality of Life Officer. We should have this come back.

REPORT OF THE VILLAGE MANAGER

A presentation was made by the Building Inspector, Kevin Donohue regarding changes to our Code to reflect the Amnesty Program. The program ended June 2016. Portions of the program are proposed to go into our Code.

Attorney Cerreto commented we can present a Local Law at the next Board meeting.

The Village Manager's report stated that hiring an IT person will be a great asset to the Village. The house at 201 Grace Church Street has come down and the parking lot has been installed. There had been a Police Courthouse subcommittee meeting on September 21st.

DISCUSSIONS

1. Parkway Drive – Report from Adler, Traffic Commission

Village Engineer Masucci presented a Traffic Improvement scenario and a Traffic Study with safety concerns. We authorized Adler to give us a proposal for a traffic study. The recommendation by

Adler was to make Parkway Drive one way westward while maintaining parking on both sides of the street.

The next steps will be to have a Resolution.

2 Update on Bulkhead Redesign

Village Planning Director Eric Zamft spoke on the three options that were presented to the Board. Option #3 was preferred by the Committee and the Board. Boswell sent the information to the State. The State said that Option #3 was the preferred option. The State would like the walkway from the Costco parking lot included in the plan. Boswell will refine the plan and submit to the State.

3, Update on Starwood

Village Planning Director Eric Zamft commented that we are still in the SEQRA process. The applicant submitted a pFEIS. There has been a lot of review by staff. The consultants should have a memorandum to the Board and the Public within days. The applicant has submitted a revised traffic study. The DOT has set a meeting on October 21st to discuss traffic.

4. Update by the Marina Parking Lot Sub-Committee.

This should have been discussed in Executive Session This will be moved to the end of the meeting.

RESOLUTIONS

RESOLUTION #1

AUTHORIZING VILLAGE MANAGER TO ENTER INTO AN INTERIM AGREEMENT WITH THE VILLAGE OF RYE BROOK REGARDING DISPUTE OVER THE PROVISION OF FIRE PROTECTION SERVICES

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 provides fire protection services to the Village of Rye Brook pursuant to an inter municipal agreement (“IMA”) for the term of June 1, 2013 through May 31, 2018; and

WHEREAS, one of the provisions in the IMA requires Port Chester to staff the Rye Brook Fire Station with a career firefighter overnight; and

WHEREAS, on May 2, 2016, the Board of Trustees adopted the 2016-2017 Village Budget; and

WHEREAS, the budget eliminated funding for the eight career firefighters employed by the Village effective May 31, 2016; and

WHEREAS, the Village of Rye Brook commenced an action in the New York Supreme Court, County of Westchester, alleging that Port Chester's inability to staff the Rye Brook firehouse was breach of contract; and

WHEREAS, with the assistance of the court, the parties agreed to mediate their differences in the hopes of an amicable resolution; and

WHEREAS, the Board selected a subcommittee consisting of three members: Mayor Pilla, Trustee Adams and Trustee Didden to attend the mediation; and

WHEREAS, on September 20, 2016, the mediator convened a mediation session which concluded with an interim agreement subject to ratification by both village boards. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to enter into an interim agreement, in such form and may be acceptable to Labor Counsel and the Village Attorney, with the Village of Rye Brook, with regard to fire protection services, on the following terms and conditions:

--Port Chester will assume the actual expense of one career Rye Brook firefighter;

--Port Chester will assume the actual expense of two career Rye Brook firefighters for the 11 day period in the month of May;

--Port Chester will assume certain training costs as previously agreed;

--Rye Brook's claims with regard to a second Rye Brook firefighter are deferred pending the resolution of an arbitration proceeding pending between Rye Brook and the fire union local;

--Rye Brook's additional claims for attorney's fees are likewise deferred;

--Payments made by Rye Brook heretofore shall be reconciled and credited accordingly.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, MARINO AND MAYOR PILLA

NOES: TRUSTEE ADAMS

ABSENT: NONE

DATE: October 5, 2016

RESOLUTION #3

BUDGET AMENDMENT – TRANSFER OF \$52,536 FROM THE DEA ASSET FORFEITURE ACCOUNT TO POLICE VEHICLE ACCOUNT FOR THE PURCHASE OF A 2016 CHEVY 2500 SUPER CAB TRUCK TO BE USED AS AN EMERGENCY SERVICE UNIT PLATFORM

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 Police Chief is recommending the transfer of \$52,536 from the DEA Asset Forfeiture Account to Police Vehicle Account for the purchase of a 2016 Chevy 2500 Super Cab Truck from Vance Chevrolet, C/o of the Cruisers Division, 420 Mount Pleasant Avenue, Mamaroneck, NY 10543, WCC RFB-WC-15304 to be used as an Emergency Service Unit platform. 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 2016-17 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(52,536.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$52,536.00
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Appropriations:

001-3120-0203	Police Vehicle	\$52,536.00
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APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS,
MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

DATE: October 5, 2016

RESOLUTION #4

BUDGET AMENDMENT – TRANSFER OF \$3287.00 FROM THE DEA ASSET
FORFEITURE ACCOUNT TO FIRE DEPARTMENT EQUIPMENT ACCOUNT FOR THE
JOINT PURCHASE OF AN EAST COAST RESCUE SOLUTIONS FORCIBLE ENTRY
DOOR SIMULATOR

On motion of TRUSTEE DIDDEN, 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 and Fire Chiefs are recommending that each department split the
cost of the purchase of an East Coast Rescue Solutions Forcible Entry Door Simulator for \$6,575
from East Coast Rescue Solutions, 4940 Merrick Road, Suite 172, Massapequa Park, NY
11762, a sole vendor, and

WHEREAS, the Police Chief is recommending that the Police Department's share of
\$3,287.50 be transferred from the DEA Asset Forfeiture Account to Fire Department Equipment
Account. 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 FY 2016-17 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(3,287.50)
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Revenues:

001-0001-2613 Use of Deferred DEA Revenue \$3,287.50

Appropriations:

001-3410-0200 Fire Equipment \$3,287.50

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS,
MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

DATE: October 5, 2016

RESOLUTION #5

YEAR-END BUDGET TRANSFERS AND MODIFICATIONS

FOR FY YEAR ENDING MAY 31, 2016

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

WHEREAS, New York State Law requires that all Budget be balance at the end of the fiscal year; and all necessary adjustments are made, and

WHEREAS, the General Fund revenues exceeded expenditures by \$12,646.99, and

RESOLVED, that the Board of Trustees of the Village of Port Chester does also hereby authorizes the Treasurer to make all necessary year-end budget transfers and modifications of the FY 2015-16 General Fund Budget.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD, CECCARELLI, ADAMS,
MARINO AND MAYOR PILLA

NOES: NONE

ABSENT: NONE

DATE: October 5, 2016

RESOLUTION #6

APPOINTMENT TO THE PLANNING COMMISSION AS AN ALTERNATE MEMBER

This Resolution was deferred until next month.

RESOLUTION #7

AWARDING RFP FOR STRATEGIC PLANNING FACILITATION

SERVICES RFP # 2016-06

On motion of TRUSTEE FERRARA , 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 a request for proposals seeking proposals for strategic planning facilitation services (RFP 2016-06); and

WHEREAS, the Village received six proposals for this work; and

WHEREAS, Management Partners was a complete responsive and qualified proposer and complied with all pertinent information sought in the RFP, and was found to have submitted the best proposal for the services sought.

Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the proposal for RFP 2016-06 Strategic Planning Facilitation Services to, and authorizes the Village Manager to enter into an agreement with Management Partners, 1730 Madison Road Cincinnati, Ohio 45206 for an amount not to exceed \$20,900.00; and be it,

FURTHER RESOLVED, that the Village Board of Trustees authorizes the Village Treasurer to transfer the \$20,900 from General Fund Contingency line 1.1990.400 to Village Manager Contractual line 1.1230.400 for the funding of said work.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: TRUSTEES DIDDEN, FERRARA, BRAKEWOOD AND CECCARELLI,

NOES: TRUSTEES ADAMS, MARINO AND MAYOR PILLA

ABSENT: NONE

DATE: October 5, 2016

ADD ON RESOLUTION

BOND RESOLUTION, DATED OCTOBER 5, 2016, AUTHORIZING THE ISSUANCE OF AN ADDITIONAL \$250,000 AGGREGATE PRINCIPAL AMOUNT SERIAL BONDS OF THE VILLAGE OF PORT CHESTER, COUNTY OF WESTCHESTER, STATE OF NEW YORK TO FINANCE THE ADDITIONAL COST OF THE ACQUISITION, CONSTRUCTION AND RECONSTRUCTION OF IMPROVEMENTS TO VILLAGE PARK LIGHTING.

TRUSTEE DIDDEN submitted the following bond resolution and moved for its adoption. The motion was seconded by TRUSTEE MARINO.

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, determined 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 park lighting (the "Project"), including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto, at a total estimated cost not to exceed \$250,000, all in accordance with the Local Finance Law; and

WHEREAS, on May 18, 2015, the Board of Trustees of the Village adopted a serial bond resolution for estimated costs associated with the financing of the costs of (i) the Project (\$250,000);

(ii) the acquisition and installation of police and fire alarm systems, signal systems, and any other system of communication of transmission (\$38,000); and (iii) the acquisition of fire-fighting apparatus (\$437,500) (the "Prior Resolution"); and

WHEREAS, the Board of Trustees of the Village now hereby determines that the maximum cost of the acquisition, construction and reconstruction of improvements to Village park lighting has increased by \$250,000 to \$500,000, and further determines to fund such additional cost through borrowing under the provisions of the Local Finance Law and authorizing \$250,000 serial bonds of the Village hereunder which, together with the borrowing authorized by the Prior Resolution, now authorizes financing of the estimated maximum cost of the Project in the aggregate principal amount of \$500,000.

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 \$250,000, pursuant to the Local Finance Law, in order to finance the costs of the Project.

Section 2. It is hereby determined that the Project is of a class of object or purpose as described in subdivision 19(c) of paragraph a of Section 11.00 of the Local Finance Law and that the period of probable usefulness of the Project is fifteen (15) years. The serial bonds authorized herein 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 \$500,000; (b) no money has heretofore been authorized to be applied to the payment of the costs of the Project except \$250,000 serial bonds authorized in the Prior Resolution with respect to 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 in the Prior Resolution with respect to the Project, 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 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.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL:

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

NOES: Trustee Adams

ABSENT: None

DATE: October 5, 2016

APPROVAL OF MINUTES

On motion of TRUSTEE FERRARA, seconded by TRUSTEE MARINO, the minutes of the meeting of June 6, 2016 were approved.

ROLL CALL

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

NOES: None

ABSENT: None

On motion of TRUSTEE ADAMS, seconded by TRUSTEE DIDDEN, the minutes of the meeting of July 18, 2016 were approved.

ROLL CALL

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

NOES: None

ABSENT: None

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE FERRARA, the minutes of the meeting of August 1, 2016 were approved.

ROLL CALL

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

NOES: None

ABSENT: None

RECUSED: Trustee Ceccarelli and Adams

CORRESPONDENCE

Request from Corpus Christi/Our Lady of the Rosary Church for a procession on October 16, 2016

Referred to Staff

From Mellor Engine & Hose Co. No. 3, Inc. on the removal from the membership roll of Nakeem Marks.

Noted.

From Putnam Engine & Hose Co., No. 2 on the expulsion of Michael J. DeFonce.

Noted.

Request for permission from Clay Arts Center for Temporary Signage Placement.

Referred to Staff.

Official Letter from PETA supporting Interim Local Law I-7 (Puppy Mills)

Referred to Staff.

PUBLIC COMMENTS

Mr. Ford commented on the agreement with Rye Brook with regard to the fire contract. He is concerned about perfectly good asphalt curbs being replaced with concrete curbs. Quintard Drive needs curbs.

Mr. Abel commented on the open meetings law. The strategic plan meeting should be within the Village borders. When you meet, the people have a right to know how you are running the business of the Village.

TRUSTEE COMMENTS

Trustee Didden commented on an outside Ethics Board investigation noted by Ms. Conneta. He corrected this to say this was an Attorney's investigation. Our staff is deficiently short. You can only get so much out of an overly dedicated staff. He read a letter received by the Fire Department from Purchase Fire Department on their assistance at the SUNY fire. He commented on the amount of abandoned cars in the Village. The *Westmore News* article stated that Mayor Pilla wants to have a referendum on the paid fire fighters. Today was the King Street International Walk to School Day.

Trustee Ferrara commented on Citizen Involvement. Your most important vote is at the local level. Register to vote. The first anniversary of the Dog Park was a tremendous success.

Trustee Brakewood commented on the King Street Walk to School Day. It is a disservice to the Mayor of Port Chester when we compare our mayor to other municipalities. We have ramped up the work being done in the village, including curbs and street repairs. Our fire department is doing an excellent job. The Board should put in place a Citizens Committee to oversee the 150th anniversary of the Village.

Trustee Ceccarelli commented on the hours and time spent on Parkway Drive. He pointed out the good job on Walk to School Day. He commented capturing the history of the Village on the 150th Anniversary Celebration. Sgt. Martello has done a fine job in Traffic.

Trustee Adams commented on the Arrows on the Post Road near High Street. They are worn and it is causing some confusing driving problems. He asked that when people come to the podium with public comments the Board members remain respectful. He thanked Steve Otis and George Latimmer on their legislation allowing three Trustees to continue on the Board. He would like a list of the Port Chester fire fighters.

Trustee Marino commented that he is happy to hear that Chris Steers is at home. The volunteer fire fighters do a great job.

Mayor Pilla commented that he has gone public on an Executive Session item. The main reason is to be open and transparent. I do not agree with all of the findings Mr. Murphy alleged.

On motion of TRUSTEE DIDDEN, seconded by TRUSTEE CECCARELLI, the Board went into Executive Session to discuss an update of the Marina parking lot (with staff – Brancati, Zanpf, Assistant Attorney Kenny, Attorney Cerreto).

ROLL CALL

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

NOES: None
ABSENT: None

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,

David Thomas, Village Clerk