

MEETING HELD NOVEMBER 2, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, November 2, 2015, 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 Saverio Terenzi, Joseph Kenner, Daniel Brakewood, Luis Marino, Gregory Adams and Mayor Pilla.

Also present were: Deputy Village Clerk Vita Sileo; Village Manager Christopher Steers, Village Attorney Tony Cerreto; Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Assistant Director of Planning & Development, Jessica Youngblood; Director of Recreation, Heather Krakowski; Legal Intern, David Kenny; Rick Casterella, 2nd Asst. Fire Chief.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE MARINO, the meeting was declared opened at 6:05 p.m.

ROLL CALL

AYES: Trustees Terenzi, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None.

ABSENT: Trustee Kenner

DATE: November 2, 2015

MOTION FOR EXECUTIVE SESSION

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the Board adjourned into an executive session regarding

- 1. Interviewing a Particular Position for a seat on the Planning Commission.*
- 2. Considering the appointment of Particular Persons to a Bulkhead Steering Committee.*
- 3. For Consultation with a Particular Attorney for a Personnel Complaint.*

ROLL CALL

AYES: Trustees Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None.

ABSENT: None

DATE: November 2, 2015

Also present were for the 3rd executive session topic was the Village Attorney Anthony Cerreto.

At 7:03 p.m. a motion to come out of executive session was made by TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS. The Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees Terenzi, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None.

ABSENT: Trustee Kenner

DATE: November 2, 2015

The regular meeting was reopened at 7:04 p.m.

Trustee Marino, due to other commitment, asked that we take one Resolution out of order.

RESOLUTION #1

APPOINTMENT OF VILLAGE CLERK

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

RESOLVED, that David Thomas, be and he hereby is appointed VILLAGE CLERK for the Village of Port Chester, New York, said appointment to be effective immediately and to expire on April 4, 2016, at an annual rate of compensation of \$75,000.00 or as heretofore adopted by the Board of Trustees, to be paid every two weeks; and be it further

RESOLVED, that his bond as said Clerk be and the same is hereby fixed at \$50,000.00.

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

ABSENT: None

DATE: November 2, 2015

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION

A joint public hearing to consider the amended petition as submitted by G&S Port Chester, LLC for respective zoning map and text amendments to the MUR Marina Redevelopment Project Renewal District (“MUR”), the associated urban renewal plans, and the Concept Development Plan for the Modified Marina Redevelopment Project to permit multi-family residential development with a floor area ratio bonus and the following bulk and density regulations: a maximum height of 5 stories/70 feet, a maximum floor area ratio of 3.7; a minimum lot area per dwelling unit of 240 square feet; no front, side, or rear yard setback requirements; and no requirements for usable open space per unit, in a portion of the Project Area known and designated as Retail “D” and more fully described as Section 142.31, Block 1, Lots 3, 4, 5, 6, 20, 21, 22, 23 and 24 of the Town of Rye Official Tax Map as well as an interstitial right-of-way shown on said Map.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE BRAKEWOOD, the joint public hearing was declared open.

ROLL CALL

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

NOES: None.

ABSENT: None

DATE: November 2, 2015

On motion of Anthony Baxter, seconded by Mr. Summa, the Planning Commission declared the joint public hearing open.

ROLL CALL

AYES: Misters Pellon, Baxter, Summa, Coperine and Scarola

NOES: None

ABSENT: None

DATE: November 2, 2015

Mayor Pilla invited the applicants to give a presentation. They have amended their plan per the Planning Commission.

Mr. Riley and Mr. Tartaglia, representing G&S, made their PowerPoint presentation to the public. Mr. Tartaglia commented there is a need in the downtown for residents to support the retail. Shown were the current and proposed uses for this property. We were asked to hold off

the submission of our plan until the Village finished its comprehensive plan. This would be a new zoning district for residential and retail.

Mayor Pilla asked for the comments from the Planning Commission.

Michael Scarola commented they is supportive of the concept of mixed use and the appetite for the level of density that was proposed. We did express concerns about certain elements of the proposal; for example the 3.7 as the floor ratio. We are concerned about parking. There is a total of 56 units, or the bonus density of 79; parking is a problem and that would be taken care of with the Waterfront development; traffic flow and the types of retail.

Mr. Tartaglia commented there have been meetings with the parking companies in order to keep the marina parking lot as an option. Right now there is no all-night parking in the marina lot. We need to create a safe pedestrian crossing to the Waterfront lot in order to keep the tenants out of the marina lot. The residential parking is 1.25 to 1.5 per unit.

Mr. Baxter commented on no open space in this area. There could be green space on the rooftop. Mr. Tartaglia mentioned the rooftop space would only be usable by tenants. There will be an atrium for the residential.

Mr. Tartaglia said that the entire project will be on the exempt role. We have to go back to the I.D.A. because we amended the project.

The Planning Commission commented they would like to review the parking plan when the time comes. Overall, for the benefit of the public, it is better to have the marina parking lot remain public.

Mayor Pilla asked if there was anyone from the audience with comments.

PUBLIC COMMENTS ON THE PUBLIC HEARING:

Ms. Goldie Solomon commented commercial areas should stay commercial. We can't have residential in commercial areas.

Mr. Reavis commented this area should be used for housing. His concern is what analysis has been done to reflect the need for additional housing. Also, will affordable housing be made in the units. Parking is an issue; this is a safety issue. There are services the Village is going to have to provide for this project.

Ms. Bea Conetta commented that the builders are the ones who benefit from the residential buildings. Why are you giving them a bonus to build 79. The downtown is too overcrowded.

Mr. Richard Abel commented on the G&S project. It started as a two story project. The project as proposed is five stories tall. The building would be almost as tall as the Waterfront. Height is one of the questions. Downtown we are going to be creating canyons giving no sun on Main Street. The other residential projects have parking. People want to park where they live.

Mr. Bart Didden commented that what G&S wants, G&S gets. This project has been taking advantage of State laws. There will be no tax paid on the materials to build the building because it is a partnership between the Village and the builder and they get tax exempt status. They also don't pay mortgage taxes. The mortgage taxes go to the Town of Rye. Their retail tax rate has been frozen since 2000. G&S has not touched the bulkhead or the promenade. Does this amendment touch on traffic or parking in the downtown area. The G&S project has not provided jobs. What happens if during construction something happens to the storm drain pipe? How much more housing? Why are we living in an agreement from the 1990's. The Board of Trustees should not be doing this project. The Planning Commission is doing a fine job. It is time for G&S to step up on the bulkhead and the marina.

Mr. Joseph Rende commented any successful community in Westchester County has a mix of residential with commercial if their downtown is to be successful. There is no reason why Port Chester shouldn't be looking at this same type of development.

Ms. Conetta commented that Port Chester is 2.4 square miles. We are not a big city. We are too overcrowded and we do not need any more residential.

Mr. Rende commented that his comparison was to the need. You need a component of residential in downtown. Would we rather see a vacant lot or a building of good character.

Ms. Solomon commented the area should stay commercial.

Mr. Abel commented on renderings. They don't come out the way they look. We are going to end up with a skinny vacant lot next to the new five-story building.

Mr. Reavis commented that many of us do not get out of the community to see what's going on in the country. The plan does make sense because that is how a lot of areas are surviving. The key issue is that they are not giving away the shop, and that is what most of us are afraid of. With all this new housing they should be contributing to the schools. We need to have a comprehensive plan that is not going to be a burden to the taxpayers.

Mr. Didden commented that if you don't change the zoning, G&S does not have a right to ask for it. The Board of Trustees is the gatekeeper on what moves forward.

BOARD COMMENTS ON THE PUBLIC HEARING:

Trustee Brakewood commented on the new proposal, which does not mention the number of units. We have a master plan which lays out a large comprehensive plan for the entire Village.

We have a Planner, which we didn't have when the original plan was contemplated. He recognized that the developer is working with three different boards, and the professional staff. The I.D.A. has to review this project.

Trustee Terenzi commented we are generating about \$2.5 million from this project. If the G&S development didn't happen would we have all the restaurants on Main Street? He is in favor of the project as long as the traffic and the parking make sense.

Trustee Ceccarelli commented that adverse impacts have to be carefully weighed. The comp plan can be used as an effective tool. It can balance out things that are totally one sided. The density is a concern. He would like to see more stringent environmental impacts on this project. We are at a maximum day demand on the water supply.

Trustee Kenner commented on the Planning Commission's discussion of the downtown density. Mr. Pallon commented the real issue is that the residential areas in Port Chester stay residential; that the suburban areas stay single family. To offset we want single professionals living in the downtown.

Mr. Scarola commented on comprehensive the master plan. The topic of increased density continues to be discussed. One of the key considerations is the composition of density. At the Castle, Mariner and 120 North Pearl we have 80% studios and 1 bedroom and 20% 2 bedrooms and 0 three bedrooms, where you don't have a significant number of school children.

Trustee Ceccarelli commented about how traffic and parking in the downtown area continue to be a nightmare.

Mayor Pilla thanked the Planning Commission, the professional staff, the Board and the public for all their comments. He commented on the importance of mixed use. What we've seen happening is that when areas are rezoned to be mixed use the property values increase, which increases property taxes. There is an indirect economic benefit from the mixed use type of zoning. We should look at that economic analysis to see the direct and indirect benefits to having people live and shop in our downtown. Regarding our responsibility, we should look into accidents in the Don Bosco corridor. He commented he would also like to see three dimensional shots of what the building will look like. He is also concerned about the parking and the weekend parking at the marina lot. We need to know the direct costs and benefits of this project. Attorney Cerreto commented our next step is to comply with State law and the SEQRA process. We have a number of outstanding requests from the applicant that will be part of the review.

Mayor Pilla commented the professional staff will work with the applicant.

Mr. Tartaglia commented the SEQRA has to be done before it goes to the I.D.A.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE ADAMS, the public hearing was moved to the January 4th meeting.

ROLL CALL

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

NOES: None.

ABSENT: None

DATE: November 2, 2015

A motion was made by Mr. Coperine, seconded by Mr. Summa, to adjourn the joint public meeting of the Planning Commission and the Board of Trustees until January 4th.

PUBLIC COMMENTS AFTER THE PUBLIC HEARING:

Miss Goldie Solomon commented that our saints are our fire department, police department, EMTs and DPW. Tomorrow is the Rye Town election.

Mr. Reavis commented on the problem of traffic congestion. Why can't we have our police or auxiliary police at stations to direct traffic at peak times. On King Street it is a raceway.

Ms. Bea Conetta commented that it was said she joined the amnesty program. I had every intention of telling why I joined the amnesty. Of my family of seven people, six died instantly of short circuit heart attacks. She has lived in the house 55 years and there are few changes. I want to get my house in order. I am not against the amnesty program, only the name and what it has become. The Mayor and Village Manager should sit down and talk about differences. Get out and vote in the local election tomorrow because this affects our pocketbooks.

Mr. Richard Abel commented on the local law amending the Code of Ethics. The Town of Greenburgh made it illegal for any developer coming before the Board to donate money to campaigns. Since ethics is a question, this is a good idea.

Mr. Bart Didden commented that the marina parking lot is for use of the whole Village. My employees use the downtown restaurants and shops. The Westmore News question about firing someone after the Town election is rude and disrespectful. Let the Boards make their decisions. Mr. Didden commented the Board of Trustees should work together to promote the well-being of the employees. You have to support and nurture your employees.

PRESENTATION

Mr. Joe Gianfrancisco, Chairman of the Traffic Commission commented of the problem on Arnett Street brought to his attention by Fire Chief Quinn. In responding to a small fire they

could not get the fire truck up the street. The only way to rectify this issue is to take away the parking on the right side of the street. This is a safety issue and needs to be addressed as soon as possible.

Parkway Drive is impassable in the spring, summer and late into the fall. It is also difficult for pedestrians crossing the street. It should be one way going west from Putnam to King Street with parking on both sides.

We have another situation on Willett and Locust. People go out at night and cannot find a parking space when they return. We put pay stations on Horton Avenue and people do not want to have to run out every three hours. We also have street cleaning restrictions in the Brooksville area.

The light at Glen and North Regent is going to be worked on in about two weeks. They are going to put up a one-arm stanchion.

The stop signs had to come out because they were temporary and unsafe. There should be a crosswalk between the Mariner and Willett House building. There is a crosswalk at the traffic signal.

Chief Coway commented they use speed tables in the Bronx to slow traffic. They are lower and longer than speed humps.

STARWOOD PUBLIC HEARING:

Deputy Clerk Sileo commented that the public hearing time period for Starwood project was extended to October 30th. The comments received since the October 5th Public Hearing are on file in the Clerk's office.

RESOLUTION # 2

SETTING A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW TO AMEND THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 53. ETHICS, WITH REGARD TO DEFINITIONS, GIFTS AND NEPOTISM

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI,

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

RESOLVED, that the Board of Trustees hereby sets a public hearing on November 16, 2015 at 7:00 p.m., or as soon thereafter, at the Police Headquarters/Justice Court Courtroom, 350

North Main Street, Port Chester, to consider the advisability of adopting a local law to amend the Code of the Village of Port Chester, Chapter 53, Ethics, with regard to definitions, gifts and nepotism.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: November 2, 2015

RESOLUTION #3

**RESOLUTION TO RETAIN SPECIAL COUNSEL REGARDING CORRESPONDENCE
BETWEEN THE VILLAGE MANAGER AND THE MAYOR**

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

WHEREAS, the Village Manager has directed correspondence dated October 5, 2015 to the Mayor, and provided copies to the Board of Trustees and Village Attorney; and,

WHEREAS, pursuant to Section 77-7D of the Village Code, “The Board of Trustees shall have the power and duty to investigate the affairs of every department or agency of Village government and the official conduct of every officer and employee.”; and,

WHEREAS, given the unique circumstances presented, the Board elects to delegate its investigatory authority to a special counsel who has a labor law background and experience in workplace investigations; and

WHEREAS, the Village Attorney has solicited qualified candidates for the position prior to presentment of his recommendation. Now, therefore, be it

RESOLVED, that the Village Attorney is hereby directed and authorized to retain Brian Murphy, Esq. 560 Broadhollow Road, Suite 303, Melville, New York 11747 pursuant to his proposal dated October 30, 2015 to investigate the correspondence between the Village Manager and the Mayor, compensation to be \$280/hour, to be appropriated from Legal/ Contractual 1.1420.400 and be it further

RESOLVED, that as part of his investigation, Mr. Murphy be directed to engage in fact-finding, and within 45 days of retainer, prepare a report to the Board with a recommended course of action.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: November 2, 2015

RESOLUTION #4

TO MODIFY THE MARINA IMPROVEMENT PROJECT TO ADVANCE MARINE ENGINEERING SERVICES TO FIX THE FAILED BULKHEAD IN ACCORDANCE WITH THE EXECUTED CONTRACT WITH THE DEPARTMENT OF STATE

(\$225,420 –The Acquisition of Surveys, Preliminary Plans, Detailed Plans and Specifications Necessary for Future Capital Improvements to Bulkheads)

A regular meeting of the Board of Trustees of the Village of Port Chester (the “Village”), located in the County of Westchester, State of New York, was held at 350 North Main Street, in Port Chester, New York, on November 2, 2015 at 7:-00 P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

PRESENT:

MAYOR DENNIS G. PILLA
TRUSTEE GREGORY K. ADAMS
TRUSTEE DANIEL BRAKEWOOD
TRUSTEE GENE CECCARELLI
TRUSTEE JOSEPH D. KENNER
TRUSTEE SAVERIO L. TERENZI

ABSENT:

TRUSTEE LUIS A. MARINO

ALSO PRESENT:

* * * * *

Trustee GREGORY ADAMS submitted the following bond resolution and moved for its adoption. The motion was seconded by Trustee GENE CECCARELLI. The Board of Trustees of the Village was polled. The motion was adopted by a vote of six (6) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with No negative votes and one (1) vote absent.

BOND RESOLUTION, DATED NOVEMBER 2, 2015, AUTHORIZING THE ISSUANCE OF UP TO \$225,420 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 Surveys, Preliminary Plans, Detailed Plans and Specifications Necessary for Future Capital improvements to Bulkheads.

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 surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to Bulkheads, all in and for the Village, 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 \$225,420, 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 \$225,420, pursuant to the Local Finance Law, in order to finance the costs of the acquisition of surveys, preliminary plans, detailed plans and specifications necessary for future capital improvements to Bulkheads, all in and for the Village, including the acquisition of any applicable equipment, machinery, apparatus, land and rights-in-land necessary therefor and any preliminary and incidental costs related thereto (collectively, the "Project").

Section 2. The Board of Trustees of the Village has ascertained and hereby states that (a) the estimated maximum cost of the Project is \$450,840; (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, or bond anticipation notes issued in anticipation of the issuance of such serial bonds, as authorized herein and (ii) a Local Waterfront Revitalization Program grant from the Department of State in the anticipated amount of \$225,420; (d) the maturity of the serial bonds authorized herein will be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay any costs of the Project for which 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 a specific object or purpose, or of a class of object or purpose, described in subdivision 22 pursuant to subdivision 62 a. 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 to be published, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, in 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 at the date of the publication of this bond resolution, were not substantially complied with, and an action, suit or proceeding contesting such validity is commenced within twenty (20) days after the date of such publication, or if such obligations are 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 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 will re-adopt, amend or modify this bond resolution prior to the issuance of any obligations authorized herein upon the advice of bond counsel.

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 adoption date of this bond resolution by the Board of Trustees.

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 or such bond counsel or other qualified independent special counsel of the Village 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 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

TO MODIFY THE EXISTING CAPITAL LINE FOR THE BULKHEAD REPLACEMENT PROJECT

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

WHEREAS, the New York State Department of State (“DOS”) Local Waterfront Revitalization Program (“LWRP”) provides grant funding opportunities for planning initiatives and projects that advance strategies for community and waterfront revitalization; and

WHEREAS, the Village of Port Chester received a grant award from the Department of State Local Waterfront Revitalization Program on January 9, 2014 for up to \$225,420 for design and construction documents plus all permits to fix the failed bulkhead and provide increased public waterfront access; and

WHEREAS, the Village entered into a contract (#C1000444) with the Department of State (DOS) in November of 2014 for services as described in ‘Workplan C’ of the executed contract; and

WHEREAS, the Village Board of Trustees approved by resolution on November 3, 2014 the village’s commitment to contribute its 50% required grant match of \$225,420; thereby increasing the total project budget to a maximum of \$450,840 and

WHEREAS, the Village Board of Trustees retained by resolution on July 6, 2015 Boswell Engineering, Inc. to complete the design and construction documentation and permitting work required by the executed contract, and

WHEREAS, an existing Marina Improvement project was already established in the Village’s Capital Fund. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to modify the Marina Improvement project in the Capital Fund and increase its budget by \$450,840 as follows:

Marina Improvement Project Budget increased from \$407,560 to \$858,400

Revenue Increase:

5.5.5731.2009.107

Bond Anticipation Notes

\$225,420

5.5.3789.2009.107	NYS LWRP Grant	\$225,420
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Appropriations:

5.5.7230.400.2009.107	Marina Improvement	\$450,840
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and, be it further

RESOLVED, that the Village Board of Trustees authorizes the Village Manager to execute a contract with selected consultant Boswell Engineering, Inc. in an amount of \$305,000 for marine engineering services described in the executed contract with the Department of State.

Approved to form:

Village Attorney

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: November 2, 2015

RESOLUTION #6

TO ESTABLISH A BULKHEAD STEERING COMMITTEE

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the Mayor was nominated to reach out to the Board Chairmen to select a Board to serve as the Bulkhead Steering Committees.

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE CECCARELLI, the resolution was tabled to the November 16th meeting.

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: November 2, 2015

REPORT OF THE GRANT WRITING WORK GROUP

Administrative Aide Chris Ameigh commented that the JCAP application was filed for about \$18,000 for equipment for the courtroom facilities. We sent in the application for the CDBG. We will have the strategic plan for the grant writing at the next meeting.

CORRESPONDENCE

From Reliance Engine & Hose Co. No. 1 on the election of Mario Marin to active membership.

A motion was made by TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, the Board of Trustees accepted the election of Mr. Mario Marin as a member of Reliance Engine & Hose Co. No. 1 with the Port Chester Fire Department.

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: November 2, 2015

From Reliance Engine & Hose Co. No. 1 on the expulsion of Michael Beadle

Noted.

From Robert B. Peake of JMC re SEQRA Resolutions

This is for the record.

From the Tamarack Tower Foundation requesting approval to hold a Turkey Trot on November 26, 2015 (Thanksgiving) with street closures and police supervision as well as to have three (3) banners hung, one on Putnam Avenue, on Westchester Avenue and across N. Main Street; and a sign placed at Messina Park.

This was referred to staff without objection for affirmative action

From Paul S. Rosenberg, Mayor of the Village of Rye Brook, commenting on the proposed zoning amendments at 406-408 Boston Post Road and 999 High Street

This is for the record.

PUBLIC COMMENTS AND BOARD COMMENTS

Mr. Richard Abel commented on the discussion between Ms. Conetta and Trustee Terenzi. There has to be mutual respect between the members of the Board and the Village staff. The Board is supposed to look out for the people. The Village Manager's job is to run the ship.

BOARD COMMENTS

Trustee Terenzi commented he spoke with Tom. Ira will be here on November 16th to make a presentation. We will meet in the conference room. He asked Chris Ameigh to follow up on Paul Costa Way and Ed Sullivan Way.

Trustee Brakewood commented on the Mariner and the decision on burying the wires. There are now wires going across Abendroth hanging very low. He commented about booting and towing and the signage at Walgreens. The Village Manager role is a very unique role. It takes four votes to hire someone and four votes to transition someone out of the Village. That is why you have a contract.

Trustee Ceccarelli commented on 201 Grace Church Street. Chris Ameigh has a meeting tomorrow to hammer out the details; he will get an update to the Board at the next meeting. Trustee Ceccarelli commented on a Journal News article regarding the issues that are taking place in Spring Valley. They are approximately the same size as Port Chester but they are doing a horrible job on their inspections and the State has advised them they will take it over. There are some things that may be of interest; Rockland County uses a sanitary code in their inspections. The Metro North station is going to get \$2.6 billion for upgrades and it would be good to know where the money is going. He commented on meeting with G&S on the marina parking lot. He gave credit to Heather and staff on Halloween in the Park.

Trustee Adams commented we lost Corine Roth, a longtime Port Chester resident. Also, the Halloween party was great. He thanked the Village Manager for the pavement job well done on South Regent Street.

Trustee Brakewood commented on the SEQRA from the schools. Is there something the school board is commenting on?

Mayor Pilla commented he has the utmost respect for Village Manager Steers.

MOTION FOR EXECUTIVE SESSION

Mayor Pilla asked for a motion to go into executive session..

On motion of TRUSTEE ADAMS, seconded by TRUSTEE TERENZI, the six Trustees and the Village Attorney adjourned into an executive session regarding consultation with the Village Attorney regarding a particular personnel complaint.

ROLL CALL

AYES: Trustee Terenzi, Kenner, Brakewood, Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None

ABSENT: Trustee Marino

DATE: November 2, 215

On meeting was declared closed at 11:27 p.m.

Respectfully submitted,

Vita Sileo
Deputy Village Clerk