

MEETING HELD DECEMBER 7, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 7, 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 Gene Ceccarelli, Luis Marino and Gregory Adams.

Also present were: Village Attorney Tony Cerreto; Village Treasurer, Leonie Douglas; Chief of Police, Richard Conway; Village Manager Christopher Steers; Assistant Director of Planning & Development, Jessica Youngblood; Legal Intern, David Kenny; Fire Chief, Edward Quinn

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the public meeting was declared opened at 6:00 p.m.

Trustee Brakewood arrived at 6:06 PM

Trustee Kenner arrived at 6:08 PM

ROLL CALL

AYES: Trustees Ceccarelli, Marino, Adams and Mayor Pilla

NOES: None.

ABSENT: Trustee Kenner and Brakewood

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the Board went into executive session to discuss:

- 1. *Review of Police Department Activities with the Police Chief in the capacity of the Board of Police Commissioners Appointment of particular persons to a Bulkhead Steering Committee***
- 2. *Particular persons in the building department***

ROLL CALL

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

NOES: None.

ABSENT: Trustee Terenzi

At 7:14 the Board came out of executive session.

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the meeting was declared opened at 7:15 p.m.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Terenzi

Mayor Pilla opened the meeting for public comments.

PUBLIC COMMENTS

Mr. Frank Cerruzi thanked the Trustees for fighting the group facility. Also, there is a lot of paving going on. The bottom of Putnam Avenue needs to be done. Don't make Parkway Drive one way. Regarding Amnesty people are running businesses out of garages; we need to hit more people with fines. The Bulkhead committee is made up of people who are not engineers. We should not have street cleaning at 4:00 in the morning. He wished all a happy holiday.

Mr. Gary Sullivan commented about the 201 Grace Church Street property. The Port Chester Youth Baseball League does play baseball at Edgewood Park. We will use it more if the parking project to be completed. If we did fertilizing and edging twice a year the baseball field would be in great shape.

Mr. John Reavis commented on the voting situation in March. We need to have a statement about what is going on in the community. This television broadcast keeps people aware. Another concern is peak hours here in Port Chester. We are experiencing a lot of speeding and running of lights especially on King Street. We could use auxiliary police to assist with the movement of traffic, especially during the holiday period. There should be some way that you can share with the community the problems that are occurring within the police department and the Village staff.

Ms. Goldie Solomon commented on a program by Carver Center. It should be given awards because it takes care of all children regardless of race or creed. Santa in the Park is December 10th at 5:30 p.m.

Ms. Bea Conetta thanked Mayor Pilla for recognizing December 7th. Do not fall for any scams on the telephone. We should fight the Betsy Brown Road facility; we already. Have 11 in the area. Property taxpayers are all going to get a rebate from New York State. Some changes should be made to the Amnesty Program. She wished a Merry Christmas and good new year to all.

Mr. Richard Abel commented on the resolution for spending \$12,000 to do a title search for the MTA property and to come to an agreement with the MTA on maintaining their property.

Village Attorney Cerreto commented that Mr. Abel is responding to a prior draft with the MTA. We have an updated copy.

PRESENTATIONS

52 Eldredge zoning petition presentation by applicant

ADD ON RESOLUTION

**SCHEDULE A PUBLIC HEARING TO CONSIDER THE 52 ELDREDGE ZONING
MAP CHANGE ON JANUARY 4, 2016**

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

RESOLVED, that a meeting be scheduled for January 4, 2016 , to consider the advisability of changing the zoning map for the property at 52 Eldredge Street in Port Chester, NY.

ROLL CALL

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

NOES: None.

ABSENT: Trustee Terenzi

RESOLUTION

**SET THE PUBLIC HEARING TO CONSIDER THE 52 ELDREDGE ZONING MAP
CHANGE ON JANUARY 4, 2016**

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

RESOLVED, that the Board of Trustees hereby sets a public hearing on January 4, 2016 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 changing the zoning map for the property at 52 Eldredge Street in Port Chester, NY.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None.

ABSENT: Trustee Terenzi

DISCUSSIONS

- Adopt an Island Program
- Update on status of G&S negotiations
- Update on status of MTA negotiations
- Police/Court Facility replacement
- Update on the status of Starwood Capital application

RESOLUTIONS

RESOLUTION - 01

AWARDING BID FOR RFP 2015-08 MTA TRAIN STATION TITLE WORK

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

WHEREAS, the Village of Port Chester has widely advertised a request for proposals seeking proposals for title investigation work around the train station (RFP 2015-08); and

WHEREAS, the Village received two proposals for these professional services; and

WHEREAS, after an extensive investigation and analysis of both proposals, the Village Attorney recommends that the East Coast Abstract proposal be accepted. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for MTA Train Station Title Work (RFP 2015-08) to East Coast Abstract Inc., 100 Quentin Roosevelt Blvd Suite 101, Garden City, NY 11530, with compensation to be \$12,000; and be it further

RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with East Coast Abstract Inc. and be it further

RESOLVED, that the Board of Trustee hereby authorizes the Village Treasurer to transfer the \$12,000 for said work from General Fund contingency as follows:

General Fund\
 Transfer from:
 Contingency A/c 1.1990.400 \$12,000.00
 Law Contractual A/c 1.1420.400 \$12,000.00

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

RESOLUTION – 02

AUTHORIZING THE BORROWING OF FUNDS FOR RECONSTRUCTION OF FIRE HOUSE APRONS

(Environmental Compliance Resolution – Addition/Reconstruction of Class “A” Building)

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 the Village of Port Chester, New York, on December 7, 2015 at 7:00 P.M. (Prevailing Time), at were

PRESENT:

TRUSTEE JOSEPH KENNER
TRUSTEE DANIEL BRAKEWOOD
TRUSTEE GENE CECCARELLI
TRUSTEE LUIS MARINO
TRUSTEE GREGORY ADAMS
MAYER DENNIS PILLA

ABSENT:

TRUSTEE SEVERIO TERENCE

ALSO PRESENT:

ANTHONY CERRETO, JESSICA YOUNGBLOOD, LEONIE DOUGLAS, CHIEF
RICHARD CONWAY, CHRISTOPHER STEERS, DAVID THOMAS

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

ENVIRONMENTAL COMPLIANCE RESOLUTION TO MAKE FINDINGS AND DETERMINATIONS

WHEREAS, JESSICA YOUNGBLOOD, the Assistant Director of Planning & Development (the “Director”), has, at the request of the Board of Trustees of the Village of Port Chester (the “Village”), a municipal corporation of the State of New York,

located in the County of Westchester, reviewed plans and cost estimates for the construction of an addition or additions to or the reconstruction of a class “A” building ,as described in one (1) serial bond resolution to be adopted by the Board of Trustees subsequent to the adoption of this resolution (each object or purpose or component of such various Village improvements, separately, or in any combination thereof, or in the aggregate, the “Project”) and said plans and costs estimates have been filed in the office of the Village Clerk and are on file for public inspection, as may be applicable; and

WHEREAS, the Village has determined that upon the examination of an environmental assessment form (“EAF”) prepared by the Director, that all components the Project are “Type II” actions, as those terms are defined in 6 NYCRR §617.2, and therefore the Village caused the EAF to be prepared and filed with the Village Clerk, as may be applicable; and

WHEREAS, it is proposed that the maximum amount estimated to be expended for the Project in its entirety is \$123,950 and that the costs of the Project, in whole or in part, as authorized by the Board of Trustees of the Village, are to be financed by the issuance of serial bonds of the Village pursuant to the Local Finance Law and, if deemed advisable, by the issuance of bond anticipation notes in anticipation of the issuance of said bonds; and

WHEREAS, it is proposed that the costs of the Project, as aforesaid, are to be paid in part from a tax levied upon all the taxable property in the Village in annual installments determined by the Board of Trustees

NOW THEREFORE, pursuant to proceedings prescribed in 6 NYCRR at §617 of the State Environmental Quality Review Act (“SEQRA”) regulations, BE IT RESOLVED, BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, NEW YORK, as follows:

Section 1. The Village, by and through its Board of Trustees, declares and designates itself to be the “lead agency” as that term is defined in 6 NYCRR §617.2(u), with respect to the continuing environmental review of the Project.

Section 2. It is hereby determined that the Project as aforesaid, is a “Type II”, as that term is defined in 6 NYCRR §617.2(aj).

Section 3. No other agency other than the Village is involved in said environmental review and no coordinated review is necessary or required.

Section 4. No hearing as set forth in 6 NYCRR §617.9(a)(4) is required in making the determinations contained herein with respect to the costs of the Project.

Section 5. Taking into account the criteria set forth in 6 NYCRR §617.7(c) upon review of all pertinent information, including taking a hard look at all the facts and circumstances, it is determined that the Project: does not require segmentation for adequate environmental compliance analysis, includes no unanticipated or unidentified

adverse effects which should be anticipated with respect thereto, and is precluded from further review under the Environmental Conservation Law.

Section 6. It is hereby determined that for purposes of the SEQRA regulations the bond resolutions referred hereinabove to be adopted by the Board of Trustees under the Local Finance Law to finance the Project shall not be or be deemed to be an “action”, as that term is defined in 6 NYCRR §617.2(b), until its effectiveness following the estoppel period prescribed in §82.00 of the Local Finance Law.

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

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

(\$123,950 – Addition/Reconstruction of Class “A” Building, 25 years)

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

PRESENT:

TRUSTEE JOSEPH KENNER
TRUSTEE DANIEL BRAKEWOOD
TRUSTEE GENE CECCARELLI
TRUSTEE LUIS MARINO
TRUSTEE GREGORY ADAMS
MAYER DENNIS PILLA

ABSENT:

TRUSTEE SEVERIO TEREZI

ALSO PRESENT:
ANTHONY CERRETO, JESSICA YOUNGBLOOD, LEONIE DOUGLAS, CHIEF
RICHARD CONWAY, CHRISTOPHER STEERS, DAVID THOMAS

* * * * *

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

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 amended motion was adopted by a vote of 6 affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village) with 0 negative votes and 1 votes absent.

BOND RESOLUTION, DATED DECEMBER_____, 2015, AUTHORIZING THE ISSUANCE OF UP TO \$123,950 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 A CLASS "A" BUILDING.

WHEREAS, the Board of Trustees of the Village of Port Chester (the "Village"), a municipal corporation of the State of New York, located in the County of Westchester, hereby determines that it is in the public interest of the Village to authorize the financing of the costs of the construction of an addition or additions to or the reconstruction of a class "A" building, 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 \$123,950, 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 in the aggregate principal amount of up to \$123,950, pursuant to the Local Finance Law, in order to finance costs of the specific 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 each item of such specific objects or purposes or class of objects or purposes, the principal amount of serial bonds authorized herein for such specific objects or purposes or class of objects or purposes, and the period of probable usefulness of such specific objects or purposes or class of objects or purposes thereof pursuant to the applicable subdivision of paragraph a of Section 11.00 of the Local Finance law, are as follows:

(a) The costs of the construction of an addition or additions to or the reconstruction of a class "A" building, together with applicable incidental and preliminary costs in connection therewith, at an estimated maximum cost of \$123,950 for which \$123,950 principal amount of serial bonds are authorized herein and appropriated therefore, having a period of probable usefulness of twenty-five (25) years pursuant to subdivision 12(a)(1) of paragraph a of Section 11.00 of the Local Finance Law. Such serial bonds 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) by the date of the first 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 cost of the classes of objects or purposes or specific objects or purposes listed in

Section 2 above is \$123,950; (b) no money has heretofore been authorized to be applied to the payment of the costs of such objects or purposes; (c) the Board of Trustees of the Village plans to finance the costs of the Project from the proceeds of the serial bonds or bond anticipation notes authorized herein; (d) the maturity of the obligations authorized herein will be in excess of five (5) years; and (e) on or before the expenditure of moneys to pay for any item within an object or purpose set forth herein for which proceeds of obligations 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 capital financing of such item.

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 - 03

**ACKNOWLEDGING THAT AN EXAMINATION OF THE JUSTICE COURT
RECORDS AND DOCKETS WAS CONDUCTED
FOR FISCAL YEAR 2014-2015**

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

WHEREAS, Uniform Justice Court Act, Section 2019-a sets out, in pertinent part, the following:

“It shall be the duty of every justice, at least once a year and upon the last audit day of such village or town, to present his records and dockets to the auditing board of said village or town; which board shall examine said records and docket or cause same to be examined and a report submitted to the board by a certified public accountant or public accountant and enter into the minutes of its proceedings the fact that such records and docket have been duly examined and that the fines therein collected have been turned over to the proper officials of the village or town as required by law. Any such justice who shall willfully fail to make and enter in such records and docket forthwith, the entries by this section required to be made or to exhibit such records and docket when reasonably required, or present his records or docket to the auditing board as herein required, shall be guilty of a misdemeanor and shall, upon conviction, in addition to the punishment provided by law for a misdemeanor, forfeit his office.”

WHEREAS, the Village retained the accounting firm of Drescher Malecki LLP, Buffalo, New York, as independent auditor to conduct an audit of the Village books, including the records and docket of the Justice Court of the Village of Port Chester; and

WHEREAS, the auditors have since presented the Village with the Village’s audit its’ opinion that the financial statements present fairly in all material respects the cash balances as of May 31, 2015 and the cash receipts collected and cash disbursements paid of the Justices of the Justice Court for the 2014-2015 Fiscal Year ended May 31, 2015. Now, therefore, be it

RESOLVED, that the Village Board of Trustees acknowledges that the required audit was conducted of the records and docket of the Port Chester Justice Court for Fiscal Year 2014-2015 and that the fines therein collected have been turned over to the Village Treasurer; and be it further

RESOLVED, that a certified copy of this resolution together with a copy of the audit for the aforesaid year be provided to the New York State Office of Court Administration.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

RESOLUTION – 04

**RESOLUTION
BUDGET AMENDMENT – USE OF DEA FUNDS TO PURCHASE
EQUIPMENT TO RETROFIT THE CHEVY TAHOE PATROL VEHICLE AS AN
EMERGENCY SERVICE UNIT PLATFORM**

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

WHEREAS, the Police Chief is recommending the use of DEA Asset Forfeiture Funds to purchase equipment to retrofit the Chevy Tahoe Patrol vehicle as an Emergency Service Unit Platform for \$8,150.00 from The Cruisers Division, 420 Mt. Pleasant Avenue, Mamaroneck, NY 10543. 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 2015-16 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695 Deferred Revenue Police DEA \$(8,150.00)

Revenues:

001-0001-2613 Use of Deferred DEA Revenue \$8,150.00

Appropriations:

001-3120-0200 Police Equipment \$8,150.00

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

RESOLUTION – 05

**ACCEPTANCE OF NEW MEMBERS OF PORT CHESTER VOLUNTEER FIRE
DEPARTMENT**

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

WHEREAS, on November 2, 2015, Harry Howard Hook & Ladder Co. No. 1, held an election for a new member; and

WHEREAS, on December 2, 2015, Putnam Engine & Hose Co. No. 2, held an election for a new member; and

WHEREAS, Elizabeth Halat and Martin Vargas were elected to be new members. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby accepts the election of Elizabeth Halat and Martin Vargas to their respective companies of the Port Chester Volunteer Fire Department.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

RESOLUTION – 06

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

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

**RESOLUTION AND AGENDA MEMO WILL BE PROVIDED AT
THE BOARD MEETING BY THE VILLAGE ATTORNEY -
DRAFT 12 4 15 MNR edits
AGREEMENT**

**METRO-NORTH COMMUTER RAILROAD COMPANY
AND
THE VILLAGE OF PORT CHESTER**

THIS AGREEMENT made this ____ day of _____, 2015 (“Agreement”) by and between METRO-NORTH COMMUTER RAILROAD COMPANY (“Metro-North”), a public benefit corporation of the State of New York and subsidiary of METROPOLITAN TRANSPORTATION AUTHORITY (“MTA”), having its principal office at 420 Lexington Avenue, New York, New York 10170, and the VILLAGE OF PORT CHESTER (the “Village”), a municipal corporation of the State of New York having its principal office at 222 Grace Church Street, Port Chester, New York 10573 (hereinafter, collectively the “Parties”).

WITNESSETH:

WHEREAS, the parties have been in discussion as to how best to improve the appearance of the area surrounding the Port Chester Train Station; and

WHEREAS, there is a disagreement between the parties as to the legal obligations of the parties with respect to the sidewalks adjacent to property owned by MTA/MNR; and

WHEREAS, in the spirit of intergovernmental cooperation, the parties agree that such issue should not impede progress on these discussions, and that there should be a means to address same on an interim basis without prejudice to either party while these discussions continue.

NOW THEREFORE, in consideration of the mutual promises contained herein and other good and valuable consideration, receipt and legal sufficiency of which is hereby acknowledged, Metro-North and the Village hereby agree as follows:

I. DUTIES OF THE PARTIES

The Village will clear or remove snow and/or ice from all sidewalks adjacent to property owned by MTA/MNR, including but not limited to Broad Street, Westchester Avenue and King Street (the “Sidewalks”) as conditions warrant. Metro-North has no obligation to clear or remove snow and/or ice from the Sidewalks.

Metro-North shall replace that portion of the sidewalk adjacent to Broad Street in the area identified in a certain valuation map dated _____ incorporated herein as Exhibit “A” during the term of this Agreement.

Metro-North shall repair the driveway apron area at the entrance to the Train Station during the term of this Agreement.

2. TERM

The term of this Agreement shall be December 7, 2015 to June 1, 2016.

3. INDEMNIFICATION

The parties agree to indemnify and save harmless and defend the other against and from any and all claims and suits for all liability, loss or expense (including attorney's fees, costs and disbursements) arising from or incidental to or in connection with damages to or loss of property and any and all claims and suits for, and any liability, loss or expense arising from or incidental to or in connection with injury to or death of any person, which said damages, loss, injury or death shall arise in any manner, directly or indirectly out of or its performance of this Agreement in connection with the Project.. Nothing herein shall be understood to impose a duty on a party to indemnify or hold harmless the other party for the other's own negligence, in whole or in part.

4. INSURANCE

5. NOTICES

Every notice or communication which Metro-North may desire, or be required to give to the Village shall be sufficiently given or rendered if sent by e-mail to: csteers@portchesterny.com; delivered to Christopher D. Steers, Village Manager, personally, sent overnight express mail service or sent by registered or certified mail addressed to him the Village at: the Village of Port Chester, 222 Grace Church Street, Port Chester, New York 10573, or at such address as the Village shall designate from time to time.

Every notice or communication which the Village may desire, or be required to give to Metro-North shall be sufficiently given or rendered if sent by email to sarch@mnr.org, or if in writing, delivered to _____ personally, sent by overnight express mail service or sent by registered or certified mail addressed to: Metro-North, 420 Lexington Avenue, 11th floor, New York, New York 10170, Attn.: Vice President and General Counsel, or at such address as Metro-North shall so designate from time to time.

The time of the giving of such notice or communication shall be deemed to be three (3) days after the same is mailed to the receiving party or on the day personally delivered thereto.

6. CODE PROSECUTION

The Village agrees to hold in abeyance and adjourn the prosecution of all notices of violations, appearance tickets and/or informations or superseding informations issued against the MTA and/or Metro-North pending a title report (to be reviewed by Metro-North) certifying ownership to the Sidewalks and during the term of this Agreement, whichever is longer. The Village will not issue any notices of violation, appearance tickets and/or informations or superseding informations to MTA or MNR during the term of this Agreement. If ownership is certified to the Village, the Village will dismiss these charges with prejudice.

7. REPRESENTATIONS AND WARRANTIES

The Village and Metro-North each represents and warrants to the other that it has full power and authority to enter into and to execute this Agreement and to assume and perform all of the obligations undertaken by each hereunder, without the consent or approval of any other person whatsoever, and

no further action or approval of any other person is required in order to constitute this Agreement as a binding and enforceable obligation of each of them.

8. NON-DISCRIMINATION

The parties agree that in the performance of the Agreement, no person on the grounds of race, color, sex or national origin shall be excluded from participation in, denied the benefits of, or be otherwise subjected to discrimination.

9. NO WAIVER

No failure by either party to insist upon the strict performance of any term hereof or to exercise any right, power or remedy upon a breach thereof, shall constitute a waiver of any such breach or any such term. No waiver of any breach shall effect or alter this Agreement, which shall continue in full force and effect or alter the rights of Metro-North or the Village with respect to any other then existing or subsequent breach.

10. ENTIRE AGREEMENT

There are no oral or written agreements between Metro-North and the Village affecting this Agreement. This Agreement may be amended, and the provisions hereof may be waived or modified, only by instruments in writing, executed by Metro-North and the Village.

11. HEADINGS

The headings of the various paragraphs of this Agreement have been inserted for reference only and shall not to any extent have the effect of modifying, amending or changing the express terms and provisions of this Agreement.

12. SEVERABILITY

If any of the provisions of this Agreement or any paragraph, sentence, clause, phrase, word, or section, or the application thereof, is in any circumstances invalidated, such invalidity shall not affect the validity of the remainder of this Agreement, and the application of such provision in any other circumstances shall not be affected thereby.

13. BINDING EFFECT

Subject to the terms and conditions contained herein, this Agreement shall be binding upon and inure to the benefit of the parties hereto, and their respective successors and permitted assigns.

14. GOVERNING LAW

The provisions of this Agreement shall be governed by and construed in accordance with the laws of the State of New York.

15. RECITALS

All recitals set forth herein and all exhibits attached hereto are incorporated herein and expressly made a part hereto.

IN WITNESS WHEREOF, Metro-North and the Village have caused this Agreement to be duly executed as of the day and year first above written.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

METRO-NORTH COMMUTER RAILROAD
COMPANY

By:
(Name)
(Title)

VILLAGE OF PORT CHESTER

By:
Christopher D. Steers (Name)

Village Manager (Title)

RESOLUTION 7

AMENDING THE APPOINTMENT OF TWO PROBATIONARY POLICE OFFICERS CONDITIONAL OFFER OF EMPLOYMENT FOR POLICE OFFICERS

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO,

the following amended resolution was adopted to change two probationary police officer to three
by the Board of Trustees of the Village of Port Chester, New York:

RESOLVED, that the Board of Trustees extends a conditional offer of
employment to Kenneth P. Manning Jr., Leonard Carriero-Granados and Yovani Lago as police
officers of the Village of Port Chester, New York, with appointment to be effective upon approval
of the Westchester County Department of Human Resources.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

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

NOES: None

ABSENT: Trustee Terenzi

DATE: December 7, 2015

CORRESPONDENCE

From John-Paul Bonanno requesting Repeal of Village Code Chapter 291 Prohibiting Tattooing and Adopting a new Chapter 291 permitting tattooing and tattoo parlors subject to restriction.

From Bryan Diaz on his resignation from the Board of Ethics

From Pouyan Darian on his interest in the Board of Ethics

From Brooksville Engine & Hose Co. #5, Inc. on the election of Elizabeth Halat to membership

From Putnam Engine & Hose Co. No. 2 on the election of Martin Vargas to membership

MINUTES

On motion of Trustee BRAKEWOOD, seconded by Trustee CECCARELLI, the minutes of September 8th, September 21st, October 5th, October 19th and November 2nd, 2015 were adopted.

ROLL CALL

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

NOES: None.

ABSENT: Terenzi.

DATE: December 7, 2015

PUBLIC COMMENTS

Mr. Richard Abel commented on Starwood. His fear of this Project is that they will build the residential first and not continue with the commercial and medical. The residential should not get a pilot. The commercial should get a pilot. The Mariner, Castle or Pearl Street did not get a pilot. Starwood should not get it.

BOARD COMMENTS

Trustee Brakewood commented on the house on Browndale Place that was slated to be demolished. Village Attorney Cerreto said this is in court and we are waiting for the judge's decision. Trustee Brakewood noted that the free parking in the downtown area starts December 20th. He questioned the path to convert a multi-family home to a single family home and do we have any documentation. How can we streamline the process for the few people who may like to do it? He wished everyone a happy and safe holiday season.

Trustee Ceccarelli commented he is happy to receive his meeting packet over the internet. He commented on the pay station issue. We don't have any shelters for the parking stations. The system violates "keep it simple".

Mayor Pilla commented he would like a financial update in January. Leonie Douglas will also have a financial advisor at the meeting. Mayor Pilla would like the Board to receive an updated Election report in January. Rye Brook has a program for solarizing for commercial property that runs through March. We should have a workshop to set goals on our major projects.

The meeting was declared closed at 10:44 p.m.

ROLL CALL

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

NOES:: None.

ABSENT: Terenzi.

DATE: December 7, 2015

Respectfully submitted,

David Thomas
Village Clerk