

## **MEETING HELD MARCH 17, 2014**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, March 17, 2014, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

Present in addition to Mayor Pagano, were Trustees Gregory Adams, Daniel Brakewood, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

It should be noted that Trustee Adams and Ceccatelli arrived at 6:32 p.m. and Trustee Brakewood arrived at 6:34 p.m.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Building Inspector and Director of Code Enforcement Peter Miley; Christopher Ameigh Administrative Aide to the Village [Manager](#), and Village Planner Jesica Youngblood.

On motion of Trustee Marino, seconded by Trustee Terenzi, the meeting was declared opened at 6:30 p.m.

### **ROLL CALL**

**AYES:** Trustees Terenzi, Kenner, Marino and Mayor Pagano.

**NOES:** None.

**ABSENT:** Trustees Adams, Brakewood and Ceccarelli.

**DATE:** March 17, 2014

### **MOTION FOR EXECUTIVE SESSION**

#### ***EXECUTIVE SESSION #1***

Canceled

#### ***EXECUTIVE SESSION #2***

Mayor Pagano asked for a motion to go in to an Executive Session regarding particular persons in the Fire Department.

At 06:30 p.m., on motion of Trustee Terenzi, seconded by Trustee Marino, the Board adjourned into an executive session regarding particular persons in the Fire Department.

### **ROLL CALL**

**AYES:** Trustees Terenzi, Kenner, Marino and Mayor Pagano.

**NOES:** None.

**ABSENT:** Trustees Adams, Brakewood and Ceccarelli.

**DATE:** March 17, 2014

Present in addition to the Board of Trustees, were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto and Christopher Ameigh Administrative Aide to the Village [Manager](#).

No action was taken in executive session.

At 06:54 p.m., a motion to come out of executive session was made by Trustee Marino, seconded by Trustee Brakewood, the Board of Trustees closed the executive session.

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**

### **RE:**

#### ***Public Hearing #1***

The following Public Notices were duly published in the Journal News and the Westmore News on February 21, 2014 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News

### **PUBLIC NOTICE**

#### **NOTICE OF PUBLIC HEARING VILLAGE OF PORT CHESTER**

PLEASE TAKE NOTICE that the Mayor and the Board of Trustees of the Village of Port Chester will hold a PUBLIC HEARING on Monday, March 17, 2014, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2<sup>nd</sup> Floor, 350 North Main Street, Port Chester, New York, to afford all interested parties the opportunity to be heard concerning the renewal of the franchise of CSC-Acquisition-MA, Inc. in the Village of Port Chester.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed law is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com).

Date: February 19, 2014

/s/ JANUSZ R. RICHARDS

**JANUSZ R. RICHARDS**

Village Clerk

Village of Port Chester, New York

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

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

***Public Comments***

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

Comments were made by:

Mr. Robert Hack, counsel for local public affairs for Cablevision, thanked the Board for selecting the Cablevision renewal agreement. This is based on a Verizon agreement. The franchise provides a \$74,000 grant which can be used by the Village for any pegged capital purchase. That will be given in four installments per the agreement. It includes a \$15,000 performance bond and a franchise fee of 5% of gross revenue which is paid on a quarterly basis. The government access channel is up to the Village.

Ms. Goldie Solomon commented on how this affects the taxpayer.

Mr. Richard Abel commented on the payment of \$74,000 of which \$41,000 went to the school. The Village has an agreement with Verizon and Cablevision. The payment comes to the Village and it passes some of it on to the schools.

Ms. Bea Conetta commented that this is a renewal of the prior agreement.

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

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

***Resolution***

**RESOLUTION AUTHORIZING THE VILLAGE OF PORT CHESTER TO RENEW A  
CABLE FRANCHISE AGREEMENT WITH CSC ACQUISITION-MA, INC.  
TO OPERATE A CABLE SYSTEM IN THE VILLAGE OF PORT CHESTER**

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

WHEREAS, THE Village of Port Chester (the “Village”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”);

WHEREAS, the Village, executed a franchise renewal agreement on August 1, 2002 with CSC Acquisition-MA, Inc. (“Franchisee”), which was thereafter confirmed and made effective by the New York State Public Service Commission (“Commission”) on September 16, 2003 for a term of ten (10) years (Case No. 98-V-0090), and

WHEREAS, Franchisee has submitted a proposed Franchise Renewal Agreement to operate a cable system within the Village; and

WHEREAS, The Village and Franchisee have mutually agreed to the terms of a Franchise Renewal Agreement; and

WHEREAS, the Village has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchise and applicable law; and

WHEREAS, the Village has determined that Franchisee has the requisite legal, technical and financial capabilities to operate a cable system within the Village and that Franchisee’s proposal for renewal of the franchise meets the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Village to be heard on the proposed Franchise Renewal Agreement, was held before the Village on March 17, 2014. Now, therefore, be it

**RESOLVED**, that the Board of Trustees determines that it is in the best interest of the public to award a Franchise Renewal Agreement to the Franchisee; and be it further

RESOLVED that the Village Board concludes that the terms of Franchise Renewal Agreement are reasonably comparable in its totality with the terms of the Agreement between the Village and Verizon NY, Inc., (Case No.07-V-0225, confirmed by the Commission on March 23, 2007), and does not contain economic or regulatory burdens which, when taken as a whole, are greater or lesser than those burdens placed upon the party to the other agreement, and be it further

RESOLVED that the Village Board hereby authorizes the Village Manager to enter into a Franchise Renewal Agreement with CSC Acquisition-MA, Inc., and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the Village of Port Chester.

Approved as to Form:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

### **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

### ***Public Hearing #2***

The following Public Notices were duly published in the Journal News and the Westmore News on March 7, 2014 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News

### **PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, March 17, 2014, at 7:00 P.M., or as soon thereafter at the Port Chester Justice Courtroom, 2<sup>nd</sup> Floor, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law that would amend the Code of the Village of Port Chester, Chapter 319, "Vehicles and Traffic", that would change existing parking regulations on both sides of North Main Street between the Rectory Street intersection and the Port Chester Police Station Parking Lot to eliminate meter parking hours 6-9PM Monday through Thursday.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed law is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com).

Date: March 7, 2014

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

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

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

***Public Comments***

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

Comments were made by:

Village Administrative Aide Chris Ameigh commented that this is an opportunity to hear from the public regarding eliminating payment of parking hours between 6 and 9 p.m. Monday through Thursday for Board meetings and night court. This would be a stretch from where the parking lot of the police station north to Rectory Street

Ms. Solomon commented on how you determine the people parking in front of the courthouse are attending the BOT meeting.

Mr. Abel commented that the Traffic Commission conducted themselves very professionally. This is a public place and Rye Town is going to be having their meetings here.

Ms. Conetta commented on the Board's finally doing something regarding parking for the Board meetings. This has come about because residents have come forward to complain.

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

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

***Motion***

Mayor Pagano asked for a motion to approve a local law amending Chapter 319, Vehicles and Traffic Code of the Village of Port Chester, to provide for new parking regulations on both sides of North Main Street between the Port Chester Police Department and Rectory Street.

On motion of Trustee Brakewood, seconded by Trustee Terenzi, the Local Law No. 3 of 2014 was adopted by the Board of Trustees of the Village of Port Chester, New York.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**PUBLIC COMMENTS**

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

Comments were made by:

Ms. Solomon commented that if you have the 6 to 9 thing, how do you know the people parking are attending the BOT meeting? She commented on the status of the police chief and that the residents are getting killed with taxes. The Luigi DelBianco plaque has to be put in Port Chester because he represented the Village at Mount Rushmore.

Mr. Richard Heiman commented on the Blight Study. Noted as a consultant he prepared blight studies, and as a commissioner in the Department of Planning in Mt. Vernon he utilized them. Blight reports are a legal requirement to do urban redevelopment. In the past funds were available from the U.S. Government and State Government. In 1974 the urban renewal program ended and effectively rolled into the Community Block Grant program. Westchester County no longer has this program, so there is no government money available for alleviating blight. If an owner in this area wants to take out a loan to fix up the property, the banks will not give it. If the owner uses his own money the property may be taken. This will unfairly designate areas just by having a study available. The Starwood offer is only a dream that may not happen. If this Board goes ahead you will be creating planning blight in this Village.

Ms. Granata commented on the shed issue that has not been resolved. Mayor Pagano replied that the Building Department will take the most pressing matters first. Peter

Miley commented that a survey would be required to check that sheds are 5' from the property line.

Ms. Conetta commented that you should go after sheds after the important things you have to do. Table the issue for now. On the Amnesty Program, Brian Maloney touched many of the problems we have. On the Government Center, residents don't even know what is going on, even though you are going to spend about \$40,000 for a study. We want a Village Hall, not a complex with retail stores. As far as the police chief test, the three top scorers are going to be considered. If five men are eligible, the top should be promoted to chief. The majority of Port Chester residents do not even know about the Municipal Center.

Mr. Abel commented about the on the rate increase by United Water. They are seeking what could be a 28% rate increase. We should join with Rye and Rye Brook on this. The PSC decision on the Water Company with the sewer rent district states that United Water will receive significant benefits. The merger between the two water companies benefits them, not us. Also, the planned meeting on Saturday, the Village is paying for the lunch. This is taking place in Rye Brook when Port Chester has many restaurants.

Ms. Conetta commented that she wrote to Gov. Cuomo and he said he was going to do something about the Amnesty Program. I have written another letter and if and when I get a response it will be published in the Westmore News.

## **RESOLUTIONS**

### **RESOLUTION #1**

#### **RETAINING ARCHITECTURAL AND OTHER PROFESSIONAL CONSULTING SERVICES WITH REGARD TO PROPOSED MUNICIPAL CENTER DEVELOPMENT PROJECT**

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

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

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

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

WHEREAS, there are operational advantages in relocating Village offices, together with the Village's state legislative representatives, Town of Rye and Port



Chester-Rye Brook Chamber of Commerce, from 222 Grace Church Street to such new facility as a Municipal Center Project (“Project”); and

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

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

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

WHEREAS, the Village identified the Project as a priority for the National Development Council; and

WHEREAS, following a public presentation to the Board, the National Development Council, in partnership with STV, Inc., has submitted a proposal dated February 27, 2014 to additionally undertake the following: (1) Start-Up and (2) a Facilities Architectural and Operational Program with additional tasks to be determined based on project size and scope. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Manager to enter into an agreement with the National Development Council, 708 Third Ave., Suite 710, New York, N.Y. 10017 in partnership with STV, Inc. to provide preliminary architectural and other professional consulting services as set forth in its proposal dated February 27, 2014 with regard to the Municipal Center Development Project, compensation to be a total of 40,000 lump sum for tasks one and 2, with additional tasks to be determined depending upon results obtained and further action of the Board, and be it further

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to use \$40,000 from the Mariner Proffer and modify the FY2013-14 General Fund Budget as follows:

**Increase General Fund Budget:**

Revenues:

1.1.1589                      Use of Developers Fees                      \$40,000

Appropriations:

1.8020.400                      Planning Contractual                      \$40,000

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

**AYES:** Trustees Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano.

**NOES:** Trustees Adams and Brakewood.

**ABSENT:** None.

**DATE:** March 17, 2014

## **RESOLUTION #2**

### **ACCEPTING DONATION OF MEMORIAL TO LUIGI DEL BIANCO**

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

WHEREAS, Luigi De Bianco, an Italian immigrant, after studying as a stone carver, settled in the Village of Port Chester in 1920 where he met his wife Nicoletta Cardarelli and raised his family, living in the Village until his death in 1969 ; and

WHEREAS, Mr. Del Bianco would have a long association with Gutzon Borglum assisting him in creating the famous carving at Stone Mountain near Atlanta, Georgia, the Wars of America Memorial in Newark and other notable public sculptures; and

WHEREAS, Mr. Del Bianco's most prominent effort was serving as master carver at the Mount Rushmore National Memorial, completed in 1941 after fourteen years of work, bearing the likenesses of four presidents, George Washington, Thomas Jefferson, Abraham Lincoln and Theodore Roosevelt; and

WHEREAS, Mr. Del Bianco also made a lasting impression on the Village in his carving the bases for the erection of the monuments of the Spanish American War Memorial, the Virgin Mary at the Holy Rosary School, Christopher Columbus at Columbus Park, several statues for Corpus Christi Church and over 500 headstones for St. Mary's Cemetery from his small studio on Clinton Street; and

WHEREAS, the record of Mr. Del Bianco's petition for U.S. citizenship and accompanying certificate of arrival and declaration of intent have been posted on the Westchester County Historical Society's web-page entitled "Historical Treasures of Westchester County" documenting the waves of immigrants that made Westchester County their new home; and

WHEREAS, members of Mr. Del Bianco's family have labored hard to preserve his memory which has been the subject of recent attention of historical groups, schools and the news media; and

WHEREAS, Lou Del Bianco, Mr. Del Bianco's grandson, and Port Chester resident, has petitioned the Board of Trustees to donate a stone memorial in his honor to be placed at the traffic island on North Regent Street, Webster Avenue and Elizabeth Street; and

WHEREAS, on March 18, 2013, the Board granted conceptual approval of the proposed memorial subject to further review; and

WHEREAS, Park Commission advised that the matter is not within their jurisdiction; and

WHEREAS, members of the Recreation Commission favorably recommended the request with a landscaping plan that utilizes plantings that were the subject of a previous donation to the Village; and

WHEREAS, at the Board's meeting on February 19, 2014, Lou Del Bianco made a detailed public presentation of the proposed memorial and bronze plaque containing gold lettering requesting the date of May 10, 2014 for an unveiling. Now, therefore, be it

RESOLVED, that the Board of Trustees accepts the donation of Lou Del Bianco of a proposed memorial to be installed in the traffic island at North Regent Street, Webster Avenue and Elizabeth Street to commemorate his grandfather, Village resident, who has left a lasting national legacy in the area of public sculpture; and be it further

RESOLVED, that such acceptance is subject to the condition that the cost of the installation of the memorial and relocation of the horse trough to an appropriate location in Lyon Park are to be assumed by the donor.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #3**

**ADDING LOADING ZONES ON ADEE AND KING STREETS**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to establish new loading zones on Adee and King Street; and

WHEREAS, the loading zones currently exist but are not called out in the Village Code; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of Village of Port Chester, Vehicles and Traffic, Section 319-81, Schedule XX, Loading Zones, is hereby amended as follows:

- A. In accordance with the provisions of Section 319-27, the following locations are designated as loading zones:

Name of Street	Side	Location
...		
Add: Adee Street	East	From a point measured 75 feet from North Main Street extending East for a Distance of 28 feet
....		
King Street	West	From a point measured 209 feet from Westchester Avenue extending North for A distance of 50 feet

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #4 (POSTPONE)**

On motion of Trustee Brakewood, seconded by Trustee Marino to postpone the vote on resolution Number 4 to the April 7, 2014 meeting.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**PROVIDING NEW PARKING RESTRICTIONS ON NORTH PEARL STREET FOR SHORT-TERM PARKING**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to impose new parking restrictions on North Pearl Street to provide for short-term parking and thereby increase the availability of such parking; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-74, Schedule XIII, No Parking or Standing at Any Time, pursuant to the provisions of Section 319-20 is amended as follows:

Name of Street	Side	Location
...		
Amend North Pearl Street	East	From Westchester Avenue north for a Distance of [115] <u>31</u> feet
...		

And, be it further

RESOLVED, that the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-81, Schedule XX, "Loading Zones", is hereby amended as follows:

Name of Street	Side	Location
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B. From the period from January 1 to March 1 in each year, the following parking restrictions shall apply:

<u>Street</u>	<u>Side</u>	<u>Between the Hours of</u>	<u>Location</u>
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....

Add:	Fawcett Street	North	11:00 pm & 6:00 am	Entire Length
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...

And, be it further

RESOLVED, that the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-5, Schedule XIV, Nighttime Parking Prohibited Certain Hours is amended as follows:

A. In accordance with the provision of Section 319-21A, the parking of vehicles between the hours of 1:00 a.m. and 6:00 a.m. is prohibited in the following locations:

<u>Street</u>	<u>Side</u>	<u>Location</u>
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...

Delete:	Fawcett Street	South	Entire Length
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...

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

**RESOLUTION #5**

**IMPOSING NO RIGHT TURN ON RED RESTRICTION ON  
ABENDROTH AVENUE AT THE INTERSECTION OF MILL STREET**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to make a no right turn on red restriction on Abendroth Avenue at the intersection of Mill Street to enhance public safety; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of Village of Port Chester, Vehicles and Traffic, Section 319-64, Schedule III, in accordance with Section 3 19-7, is hereby amended by adding a right turn on red restriction as follows:

Signal facing traffic on	Direction of travel	At intersection of
...		
Add: Abendroth Avenue	North	Mill Street
...		

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #6**

**IMPOSING NEW PARKING RESTRICTIONS ON UPLAND STREET**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to impose new parking restrictions on Upland Street; and

WHEREAS, the restrictions would decrease congestion on the street on school days, allow for access of emergency vehicles and reduce danger to pedestrians; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of Village of Port Chester, Vehicles and Traffic, Section 319-74, Schedule XIII, No Parking or Standing at Any Time, in accordance with Section 319-20, is hereby amended as follows:

Name of Street	Side	Location
...		
Delete Upland Street	South	For 150 feet along King Street School Property
Delete Upland Street	North	From a point measured 181 feet from West corner of Fairhaven Land then Extending in a westerly direction for A distance of 199 feet, and be it further
...		

RESOLVED, that the Code of Village of Port Chester, Vehicles and Traffic, Section 319-76 Schedule XV Parking Prohibited Certain Times, in accordance with Section 319-22, is hereby amended as follows:

Name of Street	Side	Time	Location
...			
Add: Upland Street	North	School days 7:00 a.m to 3:30 p.m.	From Fairhaven Lane to King Street
...			

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014



**RESOLUTION #7**

**IMPOSING NEW NO PARKING AND STANDING RESTRICTIONS ON ABENDROTH AVENUE AT THE INTERSECTION OF WILLET AVENUE**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to make new no parking and standing restrictions on Abendroth Avenue at the intersection of Willet Avenue to increase greater visibility for vehicular and pedestrian traffic; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of Village of Port Chester, Vehicles and Traffic, Section 319-74, Schedule XIII, in accordance with Section 319-20, is hereby amended by adding a new parking and standing restriction as follows:

	<u>Name of street</u>	<u>Side</u>	<u>Location</u>
	...		
Add: for a	Abendroth Avenue	East	From Willett Avenue South  Distance of 35 feet
	...		

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #8**

**IMPOSING NEW OVERNIGHT PARKING RESTRICTIONS  
ON FAWCETT STREET**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to impose new overnight parking restrictions on Fawcett Street to increase the availability of such parking; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-77, Schedule XVI, Limited Time Parking, is amended as follows:

B. From the period from January 1 to March 1 in each year, the following parking restrictions shall apply:

	<u>Street</u>	<u>Side</u>	<u>Between the Hours of</u>	<u>Location</u>
	....			
Add:	Fawcett Street	North	11:00 pm & 6:00 am	Entire Length
	...			

And, be it further

RESOLVED, that the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-5, Schedule XIV, Nighttime Parking Prohibited Certain Hours is amended as follows:

A. In accordance with the provision of Section 319-21A, the parking of vehicles between the hours of 1:00 a.m. and 6:00 a.m. is prohibited in the following locations:

	<u>Street</u>	<u>Side</u>	<u>Location</u>
	...		
Delete:	Fawcett Street	South	Entire Length

...

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** Trustee Terenzi.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #9**

**IMPOSING NEW LIMITED TIME PARKING RESTRICTIONS ON CENTRAL AVENUE TO FACILITATE SNOW REMOVAL DURING THE WINTER MONTHS**

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

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to make new limited time parking restrictions on Central Avenue to facilitate snow removal during the winter months; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-77, Schedule XVI: Limited Time Parking, is hereby amended by adding a new parking restriction as follows:

Section 319-77B.

During the period from January 1 to March 1 in each year, the following parking restrictions shall apply:

<u>Street</u>	<u>Side</u>	<u>Between the Hours of</u>	<u>Location</u>
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...

Central Ave South 11:00 pm & 6:00 am Entire Avenue Length  
...

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #10**

**IMPOSING NEW PARKING RESTRICTIONS ON PONINGO STREET**

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the

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

New York:

WHEREAS, the Board of Trustees has received the favorable recommendation of the Traffic Commission to impose new overnight parking restrictions on Poningo Street to increase ease of enforcement and afford greater convenience to Village firefighters; and

WHEREAS, after discussion, the Board has determined to advance this subject for action. Now, therefore, be it

RESOLVED, the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-74, Schedule XII, No Parking or Standing at any Time, is hereby amended as follows:

In accordance with the provisions of Section 319-20, the parking or standing of vehicles is prohibited at all times in the following locations:

Name of Street	Side	Location
...		

Delete: Poningo Street West For 48 feet alongside fire headquarters

...

and be it further

RESOLVED, that the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-77, Schedule XVI, Limited Time Parking, is hereby amended as follows:

A. In accordance with the provisions of Section 319-23, the parking of vehicles is prohibited in the locations described below for a longer period of time than that designated, during the hours indicated of any day except Sundays and Holidays.

Name of Street	Side	Time Limit	Hours	
Location				
...				
Poningo Street	[Both] <u>East</u>	2 hrs.	9:00 a.m.-6:00 p.m.	From
Westchester				
Avenue to				
Street				King
Add: Poningo Street	West	2 hrs.	9:00 a.m. -6:00 p.m.	From
Irving				
Avenue to				
Street				King
...				

and be it further

RESOLVED, that the Code of the Village of Port Chester, Vehicles and Traffic, Section 319-87, Schedule XXVI, Parking Meter Zones, is hereby amended as follows:

A. Three-hour limit Parking meter zones are hereby established pursuant to Section 319-33A on the following streets for the parking of vehicles for not more than three hours at a rate as set forth in Chapter 175, Fees.

Name of Street	Side	Location
...		
Poningo Street	[Both] <u>East</u>	From Irving Avenue to Westchester Avenue
...		

and be it further

RESOLVED, that the Code of the Village of Port Chester, Section 39-92.1 Schedule XXXII: Special Purpose Parking Zones is hereby amended as follows:

In accordance with the provisions of Section 39-29.1, the following streets are hereby designated as special purpose parking zones:

	Name of Street	Side	Purpose	Location
	...			
Delete:	Poningo Street	East	2 spaces for volunteer firefighters	78 feet from the southeast corner of Westchester Avenue thence north for 43 feet
	Poningo Street	West	4 spaces for career firefighters and [2]4 spaces for volunteer firefighters	45 feet from the southwest corner of Westchester Avenue thence north for [128] 166 feet ([6] 8 spaces, 84 feet (4 spaces) for career firefighters and [44] 82 feet ([2]4 spaces) for volunteer firefighters,
	...			

and to take effect at such date as appropriate signage is put in place at the direction of the Village Manager.

Approved as to Form:

\_\_\_\_\_  
 Anthony M. Cerreto, Village Attorney

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #11**

RETAINING JOINT, SPECIALIZED PUBLIC UTILITY COUNSEL IN CONSORTIUM WITH THE CITY OF RYE AND VILLAGE OF RYE BROOK TO OPPOSE THE RATE INCREASE AND CONSOLIDATION REQUESTED BY UNITED WATER, INC. BEFORE THE PUBLIC SERVICE COMMISSION

On motion of TRUSTEE MARINO, seconded by TRUSTEE KENNER, the following

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

WHEREAS, United Water Westchester, Inc. ("UWW") provides water to the City of Rye, Village of Rye Brook and the Village of Port Chester; and

WHEREAS, UWW has filed with the New York Public Service Commission ("PSC") a new, substantial rate increase of 23 percent; and

WHEREAS, this proposed increase understates the impact on the Village of Port Chester and all of UWW customers since United Water proposes that it merge with United Water New Rochelle; if the PSC approves same the resulting increase would actually be 28 percent to Port Chester; and

WHEREAS, Joel Dichter, Esq., Dichter Law, LLC the City of Rye and Village of Rye Brook have agreed to work together in retaining Joel Dichter, Esq. Dichter Law, LLC, New York, New York, to appear before the PSC to oppose the petition with a proposed budget of \$63,750; and

WHEREAS, the Board finds that presenting a unified front with its neighboring communities with specialized counsel and the retention of an expert witness is the most effective means of protecting Port Chester water customers from the threat of a prohibitive rate increase. Now, therefore, be it

RESOLVED, the Village Manager be authorized to enter into a retainer agreement with Dichter Law, LLC, 488 Madison Avenue, 18<sup>th</sup> Floor, New York, New York, to as joint counsel on behalf of the Village of Port Chester, as well as the City of Rye and the Village of Rye Brook, with regard to the petition filed by United Water Westchester, Inc. for a rate increase, compensation not to exceed \$21,250.00; and be it further

RESOLVED, that appropriation be made from General Ledger Code 1.1420.400 Village Attorney- Contractual.

Approved as to Form:

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Anthony M. Cerreto, Village Attorney

## **ROLL CALL**

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

**NOES:** Trustees Brakewood and Terenzi.

**ABSENT:** None.

**DATE:** March 17, 2014

## **RESOLUTION #12**

AUTHORIZING THE VILLAGE MANAGER TO PURCHASE A NEW  
VEHICLE FOR THE SENIOR NUTRITION PROGRAM

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

WHEREAS, The Village has received SNAP grant funds for the purpose of promoting outreach and services for Seniors and nutrition services; and

WHEREAS, The 1999 Chevrolet Suburban that is currently being used to deliver meals and give rides to needy seniors is nearing the end of its expected useful life. Now, therefore, be

RESOLVED, that The Village Manager is hereby authorized to enter into agreement to purchase a 2014 Ford Escape from West Herr Ford, 5025 Camp Road, Hamburg, NY 14075, at the price of \$19,668 with a \$300 delivery fee; and

RESOLVED, that \$18,000 of the purchase price shall be paid from the SNAP program grant and the remaining \$1,968 will be transferred from the nutrition budget call a cab budget line, and be it further

RESOLVED, that the Board of Trustees hereby authorize the Village Treasurer to modify the FY 2013-14 General Fund Budget as follows:

**GENERAL FUND**

**Increase Revenue:**

001.0001.3776	State-SNAP Nutrition Program	\$18,000
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**Increase Appropriation:**

1.6720.203	Nutrition Program III C I Vehicle	\$18,000
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**Transfer From:**

1.6750.466	Nutrition Program Transp. III B - Call A Cab	\$1,968
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**Transfer To:**

1.6720.203	Nutrition Program –III C 1 Vehicle	\$1,968
------------	------------------------------------	---------

Approved as to Form:

\_\_\_\_\_  
Anthony M. Cerreto, Village Attorney

**ROLL CALL**



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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

**RESOLUTION #13**

EXTRACTS FROM MINUTES OF MEETING OF THE BOARD OF TRUSTEES OF  
THE VILLAGE OF PORT CHESTER  
COUNTY OF WESTCHESTER, STATE OF NEW YORK

*(Refunding Bond Resolution – Series 2004A and Series 2005B)*

A regular meeting of the Board of Trustees of the Village of Port Chester, located in the county of Westchester, State of New York, was held at Village Justice Courtroom, 350 North Main Street, Port Chester, New York, on March 17, 2014 at 7:00 o'clock, P.M. (Prevailing Time), at which meeting a quorum was at all times present and acting. There were:

**PRESENT:** Trustees Adams, Brakewood, Terenzi, Marino, Kenner, Ceccarelli and Mayor Pagano

**ABSENT:** None

**ALSO PRESENT:** Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Building Inspector and Director of Code Enforcement Peter Miley; Christopher Ameigh Administrative Aide to the Village Manager, and Village Planner Jesica Youngblood.

\* \* \* \* \*

Trustee Brakewood presented the following bond resolution and moved that it be adopted. The motion was seconded by Trustee Ceccarelli. The Board of Trustees was polled. The motion was adopted by a vote of Seven (7) affirmative votes (being at least two-thirds of the voting strength of the Board of Trustees of the Village with None (0) negative votes and None (0) votes absent.

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REFUNDING BOND RESOLUTION, DATED MARCH 17, 2014,  
AUTHORIZING THE ISSUANCE OF REFUNDING SERIAL  
BONDS OF THE VILLAGE OF PORT CHESTER, IN THE  
COUNTY OF WESTCHESTER, STATE OF NEW YORK,  
PURSUANT TO SECTION 90.10 OF THE LOCAL FINANCE  
LAW OF THE STATE OF NEW YORK, PROVIDING FOR  
OTHER MATTERS AND MAKING CERTAIN  
DETERMINATIONS IN RELATION THERETO AND  
PROVIDING FOR THE PAYMENT OF THE BONDS TO BE  
REFUNDED THEREBY.

-----  
WHEREAS, the Village of Port Chester, located in the county of Westchester, State of New York (the “Village”) previously issued \$3,712,500 principal amount of Various Purposes Serial Bonds, Series 2004A (the “Series 2004A Bonds”) pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the “Chief Fiscal Officer”), which Series 2004A Bonds are dated September 1, 2004 and matured or mature in annual installments on September 1, in each of the years 2006-2021, inclusive, as follows:

\$167,500 in the year 2006,  
\$175,000 in the year 2007,  
\$185,000 in the year 2008,  
\$190,000 in the year 2009,  
\$195,000 in the year 2010,  
\$205,000 in the year 2011,  
\$215,000 in the year 2012,  
\$225,000 in the year 2013,  
\$230,000 in the year 2014,  
\$240,000 in the year 2015,  
\$255,000 in the year 2016,  
\$265,000 in the year 2017,  
\$275,000 in the year 2018,  
\$285,000 in the year 2019,

\$295,000 in the year 2020, and  
\$310,000 in the year 2021,

WHEREAS, the Series 2004A Bonds were authorized pursuant to several serial bond resolutions duly adopted by the Board of Trustees of the Village on June 30, 2004 for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$2,155,000 aggregate principal amount of the Series 2004A Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2004A Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the “Series 2004A Refunding Bonds”); and

WHEREAS, the Village previously issued \$5,100,000 principal amount of Public Improvement Serial Bonds Series 2005B (the “Series 2005B Bonds”) pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the “Chief Fiscal Officer”), which Series 2005B Bonds are dated October 15, 2005 and matured or mature in annual installments on August 15 in each of the years 2007-2025, inclusive, as follows:

\$175,000 in the year 2007  
\$185,000 in the year 2008  
\$195,000 in the year 2009  
\$200,000 in the year 2010  
\$210,000 in the year 2011  
\$220,000 in the year 2012  
\$230,000 in the year 2013  
\$240,000 in the year 2014  
\$250,000 in the year 2015  
\$260,000 in the year 2016  
\$275,000 in the year 2017  
\$285,000 in the year 2018  
\$295,000 in the year 2019  
\$310,000 in the year 2020  
\$325,000 in the year 2021

\$340,000 in the year 2022  
\$355,000 in the year 2023  
\$365,000 in the year 2024, and  
\$385,000 in the year 2025

WHEREAS, the Series 2005B Bonds were authorized pursuant to several serial bond resolutions duly adopted by the Board of Trustees of the Village on July 12, 2005 for the objects or purposes described therein and delegated to the Chief Fiscal Officer the power to prescribe the terms, form and contents of and to sell and deliver such serial bonds of the Village; and

WHEREAS, \$3,685,000 aggregate principal amount of the Series 2005B Bonds currently remain outstanding and unredeemed as of the date hereof; and

WHEREAS, it is hereby determined to be in the public interest of the Village to refund all or a portion of the outstanding Series 2005B Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the “Series 2005B Refunding Bonds”); and

NOW, THEREFORE BE IT RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF PORT CHESTER, IN THE COUNTY OF WESTCHESTER, STATE OF NEW YORK (BY THE AFFIRMATIVE VOTE OF NOT LESS THAN TWO-THIRDS OF THE VOTING STRENGTH OF BOARD OF TRUSTEES OF THE VILLAGE), AS FOLLOWS:

Section 1. For the purpose of refunding all or a portion of the \$2,155,000 outstanding principal amount of the Series 2004A Bonds and all or a portion of the outstanding \$3,685,000 Series 2005B Bonds providing moneys which, together with the interest earned from the investment of certain of the proceeds of the refunding bonds herein authorized shall be sufficient to pay: (i) the refunded principal amount of the Series 2004A Bonds and the Series 2005B Bonds (collectively, the “Refunded Bonds”); (ii) the aggregate amount of the

unmatured interest payable on the Refunded Bonds to and including the date on which any series of the Refunded Bonds which are callable are to be redeemed prior to their respective maturities in accordance with the Refunding Financial Plan (as hereinafter defined) and attached hereto as Exhibit B; (iii) the costs and expenses incidental to the issuance of the Series 2004A Refunding Bonds and the Series 2005B Refunding Bonds (collectively, the “Refunding Bonds”) as hereinafter authorized and as described in Exhibit A, including without limitation, the development of the Refunding Financial Plan, costs and expenses of executing and performing the terms and conditions of the Escrow Contract (as hereinafter defined), and any securities supply contract, the premium with respect to any bond insurance policy or policies acquired with respect to the Refunding Bonds (as defined below), discount or compensation of underwriters, fees of bond counsel and financial advisors, rating agency fees, printing and service agency fees and expenses, and fees and charges of the Escrow Holder (as hereafter described); and (iv) the redemption premium, if any, to be paid on any series of the Refunded Bonds which are to be called prior to their respective maturities; there are hereby authorized to be issued in one or more series not exceeding \$6,000,000 aggregate principal amount of refunding serial bonds of the Village pursuant to the provisions of Section 90.10 of the Local Finance Law, it being anticipated that the par amount of Refunding Bonds actually to be issued will be approximately \$5,475,000 as provided in Section 4 hereof. The proposed principal amounts and dates of maturity of such Refunding Bonds are set forth in the Refunding Financial Plan attached hereto.

Section 2. It is hereby determined pursuant to Section 90.10 that:

(a) the maximum amount of the Refunding Bonds authorized to be issued pursuant to this resolution does not exceed the limitation imposed by subdivision 1 of paragraph (b) of Section 90.10 of the Local Finance Law with respect to each series of the Refunded Bonds;

(b) the aggregate amount of estimated present value savings computed in accordance with subparagraph (a) of subdivision 2 of paragraph b of Section 90.10 of the Local Finance Law is not expected to be less than three percent (3.0%) of debt service on the Refunded Bonds paid to stated maturity.

(c) The Board of Trustees is hereby authorized and directed to enter into an escrow contract (the “Escrow Contract”) with a bank or trust company located and authorized to do business in this State as the Board of Trustees shall designate (the “Escrow Holder”) for the purpose of having the Escrow Holder act, in connection with the Refunding Bonds, as the escrow holder to perform the services described in Section 90.10 of the Local Finance Law. In addition, the Escrow Contract may include a forward supply or purchase contract or agreement as part thereof or as a separate agreement for the provision of acquiring obligations of the United States of America or unconditionally guaranteed by the United States of America or other obligations or instruments qualified under Section 90.10 of the Local Finance Law or may be necessary for the completion of the Refunding Financial Plan. The Escrow Contract shall contain such terms and conditions as shall be necessary or required, including terms and conditions required for the completion of the Refunding Financial Plan, including provisions for the Escrow Holder, without further authorization or direction from the Board of Trustees of the Village, except as otherwise provided therein, including, without limitation, (i) to make all required payments of principal, interest and any redemption premiums to appropriate paying agents with respect to the Refunded Bonds, (ii) to pay costs and expenses incidental to the issuance of the Refunding Bonds, including the development of the Refunding Financial Plan, and of executing and performing the terms and conditions of the Escrow Contract by the Escrow Holder, (iii) at the appropriate time or times, to cause to be given on behalf of the Village in the manner provided by law the notice of redemption authorized to be given pursuant to Section 8 hereof, and (iv) to invest the moneys held by the

Escrow Holder pursuant to the terms of the Escrow Contract and consistent with the provisions of the Refunding Financial Plan. The Escrow Contract shall be irrevocable and shall constitute a covenant with the owners of the Refunding Bonds.

(d) The proceeds, inclusive of any premium, from the sale of the Refunding Bonds, immediately upon receipt, shall be placed in escrow by the Village with the Escrow Holder pursuant to the terms of the Escrow Contract. All moneys held by the Escrow Holder shall be invested only in direct obligations of the United States of America, in obligations the principal of and interest on which are unconditionally guaranteed by the United States of America or in obligations or instruments qualified under Section 90.10 of the Local Finance Law, which obligations or instruments shall mature or be subject to redemption at the option of the Escrow Holder not later than the respective dates when such moneys will be required to make payments in accordance with the Escrow Contract and the Refunding Financial Plan. Any such moneys remaining in the custody of the Escrow Holder after the performance in full of the Escrow Contract by the Escrow Holder shall be returned to the Village and shall be applied by the Village Treasurer to the payment of the principal of or interest on the Refunding Bonds then outstanding, to the payment of any amounts required to be paid to the United States of America in connection of with the refunding of the Refunding Bonds or to the payment of or reimbursement for the costs of issuance or other administrative costs incurred in connection with the issuance of the Refunding Bonds. In connection with the investment of moneys held by the Escrow Holder under the Escrow Contract, the Village Treasurer is authorized to execute on behalf of the Village any forward purchase or supply contract for the purchase or supply of the securities described in this subsection (d) at a date subsequent to the delivery of the Refunding Bonds, as is needed to accomplish the purposes of the Refunding Financial Plan.

Section 3. It is hereby determined that the maximum period or periods of probable usefulness permitted by law at the time of the issuance of the Refunded Bonds for each of the objects or purposes for which the Refunded Bonds were issued is no less than as shown in the Certificates of Determination of the Village Treasurer incorporated by reference herein and made a part of this resolution taking into account the earlier of the original date of issuance of any such series of serial bonds or bond anticipation notes funded by such series of Refunded Bonds; and

Section 4. The financial plan for the refunding authorized by this resolution (the "Refunding Financial Plan"), showing the sources and amounts of all moneys required to accomplish such refunding, the estimated present value of the total debt service savings and the basis for the computation of the aforesaid estimated present value of total debt service savings, are set forth in Exhibit B attached hereto and made a part hereof. The Refunding Financial Plan has been prepared based upon the assumption that the Refunding Bonds will be issued in the aggregate principal amount of \$5,475,000 if fully issued and will mature, be of such terms, and bear such interest as set forth in the Refunding Financial Plan. The Board of Trustees of the Village recognizes that the principal amount of the Refunding Bonds, the series, maturities, terms, interest rate or rates borne by the Refunding Bonds, the provisions for redemption thereof prior to maturity and whether or not all of the Refunding Bonds will be insured, and the resulting present value savings are likely to vary from such assumptions and that the Refunding Financial Plan will likely vary from that attached hereto as Exhibit B. The Village Treasurer is hereby authorized and directed to determine the principal amount of the Refunding Bonds to be issued, the series and designation or designations thereof, the time or times of the sale thereof, the maturities and terms thereof, the provisions relating to the redemption of the Refunding Bonds prior to maturity, if any, the rate or rates of interest to be borne thereby, whether or not the Refunding Bonds will be insured in whole or in part or



uninsured, and to prepare, or cause to be provided, a final Refunding Financial Plan, all in accordance herewith, and all powers in connection therewith may be exercised by the Village Treasurer; provided, that the terms of the Refunding Bonds to be issued, including the rate or rates of interest borne thereby, shall comply with the requirements of Section 90.10 of the Local Finance Law. The Board of Trustees shall file a copy of a certificate determining the details of the Refunding Bonds and the final Refunding Financial Plan with the Village Clerk within ten (10) days after the delivery of the Refunding Bonds, as herein provided.

Section 5. The faith and credit of the Village are hereby irrevocably pledged to the payment of the principal of and interest on the Refunding Bonds as the same respectively become due and payable. An annual appropriation shall be made in each year sufficient to pay the principal of and interest on the Refunding Bonds becoming due and payable in such year. To the extent that the same are not paid from other sources, there shall be annually levied on all the taxable real property in the Village a tax sufficient to pay the principal of and interest on the Refunding Bonds as the same become due and payable.

Section 6. Proceeds from the sale of the Refunding Bonds, including any accrued interest and, together with interest earned thereon, which shall be required for the payment of the principal of and interest on the Refunded Bonds, including any redemption or call premiums, in accordance with the Refunding Financial Plan, shall be irrevocably committed and pledged to such purpose and the owners of the Refunded Bonds shall have a lien upon such moneys and the investments thereof held by the Escrow Holder. The pledge and lien provided by this resolution shall become valid and binding upon the issuance of the Refunding Bonds and the moneys and investments held by the Escrow Holder shall immediately be subject thereto without any further act. Such pledge and lien shall be valid and binding against all parties having claims of any kind in tort, contract, equity, at law or otherwise against the Village irrespective of whether such parties have notice thereof. Neither this resolution, the

Escrow Contract, nor any other instrument relating to such pledge and lien, need be filed or recorded.

Section 7. In accordance with the terms of the Refunded Bonds and the provisions of Section 53.00 and of paragraph (h) of Section 90.10 of the Local Finance Law, and subject only to the issuance of the Refunding Bonds, as herein authorized, the Village hereby elects to call in and redeem (i) all or a portion of the Series 2004A Bonds maturing on and after September 1, 2015 on September 1, 2014 and (ii) all or a portion of the Series 2005B Bonds maturing on and after August 15, 2016 on August 15, 2015. The sum to be paid therefor on such redemption dates shall be the par value thereof plus the redemption premium, if any, as provided in the issuance proceedings for the Refunded Bonds and the accrued interest to such redemption date. The Escrow Holder is hereby authorized and directed to cause notice of such call for redemption to be given in the name of the Village in the manner and within the times provided in the issuance proceedings for the Refunded Bonds. Such notice of redemption shall be in substantially the form attached to the Escrow Contract. Upon the issuance of the Refunding Bonds, the election to call in and redeem the applicable portion of the Refunded Bonds and direction to the Escrow Holder to cause notice thereof to be given as provided in this paragraph shall become irrevocable, provided that this paragraph may be amended from time to time as may be necessary in order to comply with the notice, requirements of paragraph (a) of Section 53.00 of the Local Finance Law, or any successor law thereto. It is hereby determined that with respect to the series of Refunded Bonds to be called in and redeemed as provided in this Section 7, it is to the financial advantage of the Village not to charge, impose and collect or receive from registered owners of the Refunded Bonds mailing, shipping, insurance or other similar charges in connection with such redemption or calls. Accordingly, pursuant to paragraph (c) of Section 70.00 of the Local

Finance Law, no such charges shall be so charged, collected or received by the Chief Fiscal Officer, as fiscal agent.

Section 8. The Refunding Bonds may be sold at either a private or competitive sale and the Village Treasurer is hereby authorized to execute a purchase contract on behalf of the Village for the private sale of the Refunding Bonds, provided that the terms and conditions of such sale shall be approved by the State Comptroller and further provided that, prior to the issuance of the Refunding Bonds the Board of Trustees shall have filed with the Village Clerk a certificate approved by the State Comptroller pursuant to subdivision 2 of paragraph (g) of Section 90.10 of the Local Finance Law setting forth the present value savings to the Village resulting from the issuance of the Refunding Bonds. In connection with such sale, the Board of Trustees of the Village hereby authorizes the preparation of an Official Statement and approves its use in connection with such sale, and further consents to the distribution of a Preliminary Official Statement prior to the date said Official Statement is executed and available for distribution, all in accordance with applicable State and Federal securities laws, rules and regulations.

Section 9. The Board of Trustees of the Village hereby appoints the law firm of Squire Sanders (US) LLP of New York, New York, as bond counsel in connection with the issuance and sale of the Refunding Bonds. The Board of Trustees of the Village hereby appoints the firm of Capital Markets Advisors, LLC of Hopewell Jct., New York, as financial advisor in connection with the issuance and sale of the Bonds. The power to appoint the Escrow Holder, as that term is referred to herein, and a senior managing underwriter for the sale of the Refunding Bonds if sold at private sale, is hereby delegated to the Village Treasurer of the Village, as chief fiscal officer of the Village.

Section 10. Each of the Refunding Bonds authorized by this resolution shall contain the recital of validity prescribed by Section 52.00 of the Local Finance Law and the Refunding

Bonds shall be general obligations of the Village, payable as to both principal and interest by a general tax upon all the taxable real property within the Village, without limitation as to rate or amount.

Section 11. The Village Treasurer, pursuant to Sections 50.00, 90.00, 90.10 and 168.00 of the Local Finance Law, and all other officers, employees and agents of the Village are hereby authorized and directed for and on behalf of the Village to execute and deliver all certificates and other documents, perform all acts and do all things required or contemplated to be executed, performed or done by this resolution or any document or agreement approved hereby, including to correct or amend the documents and certificates authorized to complete the transactions contemplated by this resolution.

Section 12. All other matters pertaining to the terms, issuance and sale of the Refunding Bonds consistent with the provisions of Section 90.10 of the Local Finance Law shall be determined by the Village Treasurer and the powers in connection therewith not otherwise heretofore delegated thereto are hereby delegated to the Village Treasurer.

Section 13. The Village intends to issue the obligations authorized by this resolution to finance the costs of the purposes described herein for the completion of the Refunding Financial Plan. The Village covenants for the benefit of the holders of the Refunding Bonds that it will not make any use of (a) the proceeds of the Refunding Bonds, any funds reasonably expected to be used to pay the principal of or interest on the Refunding Bonds or any other funds of the Village, and (b) the purposes financed with the proceeds of the Refunding Bonds, which would cause the interest on which 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 the Refunding Bonds or the proceeds thereof, if such

action or omission would cause the interest on the Refunding Bonds 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 the Refunding Bonds or any other provision hereof until the date which is sixty (60) days after the final maturity date or earlier prior redemption date thereof. The proceeds of the Refunding Bonds may be applied to reimburse expenditures or commitments made for the purposes on or after a date which is not more than sixty (60) days prior to the adoption date of this resolution by the Village.

Section 14. For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the Village agrees, in accordance with and as an obligated person with respect to the Refunding Bonds under, Rule 15c2-12 promulgated by the Securities Exchange Commission pursuant to the Securities Exchange Act of 1934 (the “Rule”), 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 the Refunding Bonds in accordance with the Rule, with any changes or amendments that are not inconsistent with this 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 in determining whether a filing should be made.

Section 15. The validity of the Refunding Bonds may be contested only if such obligations are authorized for objects or purposes for which the Village is not authorized to expend money, or the provisions of law which should be complied with at the date of the publication of this resolution, are not substantially complied with, and an action, suit or proceeding contesting such validity, is commenced within twenty (20) days after the date of publication, or if said obligations are authorized in violation of the provisions of the Constitution of New York.

Section 16. When this bond resolution takes effect, it shall be published in full by the Village Clerk, together with a notice in substantially the form prescribed by Section 81.00 of the Local Finance Law, and such publication shall be in The Journal News, a newspaper having a general circulation in the Village and which is hereby designated as the official newspaper of the Village for such purpose.

Section 17. This bond resolution shall take effect immediately upon its adoption by the Board of Trustees of the Village.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

Village of Port Chester, New York

Exhibit A to the Refunding Bond Resolution,

Dated March 17, 2014,

of the Village of Port Chester

in the County of Westchester, State of New York

\$5,475,000 Public Improvement Refunding Serial Bonds - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
8/15/2014	\$100,000
8/15/2015	320,000
8/15/2016	580,000
8/15/2017	590,000
8/15/2018	595,000
8/15/2019	605,000
8/15/2020	615,000
8/15/2021	625,000
8/15/2022	345,000
8/15/2023	355,000
8/15/2024	365,000
8/15/2025	380,000

**REPORT OF THE VILLAGE MANAGER**

Village Manager provided the Board with a memorandum regarding Village Updates.

**INITIATIVES:**

- 1. VPCIDA:** As you are aware Friday 1/17/14 was the closing date for submissions for the RFP for Technical Assistance on Port Chester Public Schools Overcrowding, and Mitigation Analysis Relating to Housing and Economic Growth

Potentials. Presentations were given by each proposer at a joint meeting with the PCIDA and BOT on February 12<sup>th</sup>. The following two consultants were chosen as finalists: Milone & MacBroom, Inc. and Urbanomics.

Again, the desired end result is a better understanding of the issue as well as the development of a defensible formula/mitigation charge/strategy per student that would be mandatory for any residential development within the overlay zones and potentially Village wide; now through a SEQRA process. The fee/mitigation itself would go directly towards mitigating the cost of additional class rooms and perhaps administration as well. The inherent benefit of this methodology: to streamline the SEQRA process, and to standardize how such data is analyzed; thereby removing the uncertainty involved therein.

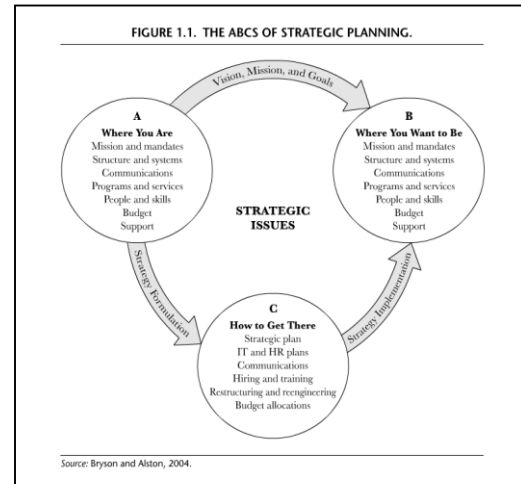
2. Staff and the assigned Board members held a follow up meeting with the two finalists on March 5<sup>th</sup>, in order to clarify the needs and request an adjusted scope of services. We have received both such revised scopes. As may be imagined the revised scope(s) have come in higher than the initial one: (Milone & MacBroom, Inc. at \$135,000.00 and Urbanomics at \$107,000.00). In the end we believe we can successfully negotiate to the amount discussed and approved by the IDA Board.
3. **National Development Council:** Again, NDC and their partners at STV, Inc. gave a presentation on the conceptual siting of a municipal complex. The results of the presentation was a request for quotes in phases as to the costs involved in taking the preliminary analysis to the next level. The proposals are included in the BOT packet and up for discussion and action at this meeting.
4. **Strategic Planning:** We have undertaken in earnest a strategic planning process. We are looking at the basic challenge of how we capitalize on the Village's physical, social, economic and human capital; for the immediate and long-range protection, enhancement, growth, and development of Port Chester. Our focus is on the major elements of the Village's built environment, including maintenance and enhancement of residential neighborhoods; revitalization of commercial areas and the waterfront; strengthening of industrial areas; improvement of transportation and infrastructure facilities; and identifying opportunities for new development.



The strategies, once implemented, are intended to guide development and preservation patterns in a proactive and predictable manner and ultimately realize the Village’s vision for a sustainable and prosperous future. The chief vehicle for implementation of these strategies is generally a strategic plan.

Again, strategic planning has been described as: “A disciplined effort to produce fundamental decisions and actions that shape and guide what an organization is, what it does, and why it does it”.

The strategic planning process brings focus on and emphasizes the future implications of current decisions. Once goals, objectives, measures, and action steps are established thereunder they are hard wired into a 2-5 year plan that established dedication of resources, organizational guidance, and Continuity in mission. The process itself requires some commitment and if followed yields tangible rewards.



**The next BOT workshop / planning session is scheduled for:**

**Saturday March 22nd, 2014.**

**From 9AM – 2 PM**

**At the Doral Arrowwood 975 Anderson Hill Rd · Rye Brook, NY · 10573**  
(See attached agenda)

5. **Property Condition Study RFP:** Again, The data needed to properly evaluate property improvement strategies include: housing and health code violations, structural deficiencies, tax delinquencies, judgment and mechanics liens, mortgage defaults, zoning code violations, etc. Proper assemblage of this data can identify areas within which blight is pervasive or areas of opportunity for rehab, expansion, and improvement of existing buildings. The RFP will call on the consultant to give us criteria for identifying the discrete areas that should be studied based on available strategies and funding as well as the data set that you need to develop a range of strategies including urban renewal, neighborhood revitalization, selective demolition, economically feasible rehabilitation, brownfield remediation, etc.

Further, a property condition study would identify areas where energy conservation can be effective through a variety of on-site generation techniques.

The RFP is essentially complete pending any necessary legal review. The RFP has been amended to incorporate Trustee comments and subsequently reviewed by Professor John Nolon of the Pace Land Use Law Center for legal sufficiency. Additional comments are currently being solicited from special counsel, Mark Chertok, Esq. Our target release date is on or about March 31<sup>st</sup>.

**ACTIONS:**

**Budget:** Budget preparation has been underway for some time. Certain unavoidable but unintentional delays in process were due to staff transition in the Town Assessors office. To err on the side of caution, my Tentative Budget will not be given to the Clerk until March 20<sup>th</sup>; and thereafter “presented” to the BOT by the Clerk on March 22<sup>nd</sup>. The Village Manager’s budget presentation will be done on at the April 7<sup>th</sup> regular BOT meeting.

**PROJECTS:**

1. **Town of Rye Move:** The Town of Rye and their contracted architect have developed a preliminary set of construction drawings for the project which includes a proposed new pair of heating units for the third floor. The Town has produced a bid specification using the current construction proposal and issued same. Apparently the responses to the bid are very high so the Town is in the process of making some adjustments to the bid specs, etc... the original plans were reviewed with the Town’s Architect. At this time we have a building permit application and a letter to waive fees, but no final plans contractor information / insurances etc... or re-submission at this point. I spoke to the Town representative on Friday March 14<sup>th</sup>, and they expect to be at least a month behind on their target occupancy date.
2. **350 North Main Street:** The proposed capital improvements to the building continue to move forward.
  - All PESH Violations have been corrected and the case has been closed (attached).

- Again, the evidence room build out is now being staged. Demolition in progress and evidence inventory is underway.

- **PROJECT TARGET SCHEDULE**

1. *Confirm preliminary design and scope* *February 6*

COMPLETE

2. *Prepare bid document plans and specs 3 weeks* *February 6 – February 27*

COMPLETE

3. *Bidding, Building Permit approval 1 week* *February 28 – March 7*

COMPLETE

(Note: minor adjustments to encourage a larger pool of bidders being made).

4. *Bid evaluation, Contract award, Demolition by Village staff. 1 week* *March 10 – March 14.*

UNDERWAY

(Note: bid evaluation pending bid closing date on Friday 3/21/14).

5. Construction 11 weeks March 17 – May 30\*

\*Court offices possibly complete in 7 weeks by May 1st.

PENDING

**3. Pay Station / Meters:** 44 of the 46 Pay stations for phase II have been installed (remaining two pending pad installation). Debugging and other adjustments being made as issues arise. Complaints are being addressed; the majority of the issues have been related to user error, however some of the issues relate to availability of manpower. The Midland and Horton Avenue pay station project is in progress. Research is underway relating to costing out pay station shelters for installation where needed.

- 4. Westchester Avenue Intersection Improvements:** Verde will begin the overhead signal installation on 3/24. They state they encountered overhead utility issues which held up the signal foundation installation. They have received the concrete testing reports confirming the poles can be set. Apparently, it will be about 2 weeks per intersection for signal installation. Once the signal cabinets are installed Con Edison will hook up power. Traffic inductance loops can be installed once the road temperature stays a consistent 40°. When power is established we can activate the 2 new signals and remove the existing. All remaining sidewalk repairs will be done at this time. As long as the weather cooperates and Con Edison energizes in a timely fashion the project should be substantially complete by 4/30.

## **PRIORITIES**

- 1. Sewer Rent:** As you are aware at the February 18<sup>th</sup>, 2014 BOT meeting the public hearing was closed relating provisions to adding provisions to Chapter 269, previously reserved, to be entitled “Sewer Rents”; and to establish sewer rent rate at \$1.300020/CCF of water consumption. Further the Public Service Commission granted the joint petition on February 25<sup>th</sup>, 2014 (attached).

Staff continues to work very closely with United Water on the implementation and we maintain almost daily contact in order to maintain our implementation deadlines. As we move forward with said implementation it is important to note that as part of the process the Village need so do significant outreach to the community. Towards that end the Village Newsletter speaks to the approval and implementation of the new Sewer Rent program and serves as the first in an outreach effort.

The next step will be to host some public meetings to do Q & A on the specifics of the program. I can endeavor to coordinate those on my own but would suggest some Board participation at these public forums. I would suggest that we hold one at senior center and one at another location within the Village; perhaps the Library or Carver Center.

2. **Bulkhead:** The required Pre-Application Meeting Form, along with a conceptual plan and rational for filling the Cove, suggests meeting agenda and Department of State descriptive grant application and subsequent approval are in the hands of the NYSDEC. The Mayor and Staff met with NYSDEC on site on Friday March 7<sup>th</sup>, with a follow up conference at Village Hall. Representatives from NYSDEC were helpful and initially intransigent but ended up very interested due to how the discussions evolved.

In sum NYSDEC signaled the a complete filling of the cove would be an uphill battle, however a partial decking/bridging of the cove combined with a more ecologically friendly bulkhead design would possibly be a home run. The NYSDEC representatives suggested that the replacement project be phased in order to keep the project moving forward. At this time I am seeking advice from various sources prior to making a recommendation to the BOT on a viable course of action.

## **INFORMATION**

- ❖ As a follow up to the meeting the Mayor and I had with Joan Thomas, and Tom Kissner in January; we attended the monthly NAACP meeting at the Carver center on March 4<sup>th</sup>. The conversation was informative surrounded a multitude of issues from a suggested need for more activities for teenagers within the Village, to questions about the “Property Condition Study” RFP.

## **UPDATE FROM THE BUILDING INSPECTOR**

Building Inspector and Director of Code Enforcement Peter Miley updated the Board on Building & Code Enforcement Department Monthly Update 2014.



## **Building & Code Enforcement Department Monthly Update Report 2014**

1

### **Overcrowding & Illegal Dwelling Update 2014**

In the last report it contained the discovery of multiple illegal dwellings, attic and basement apartments, and several single room occupancies (SRO's) that were discovered through various methods including: Municipal Searches, Fire Inspections, Code Enforcement Inspections, Police and Fire Department Referrals, and Structure Fires. There were a total of 750 illegal occupancies discovered during 2013.

2

# Overcrowding & Illegal Dwelling Update 2014

A number of those properties have come into compliance by various methods, they include:

- Code Enforcement Re-inspection(s)
- Amnesty Applications (for those that qualify)
- Building Department Consultations
- Issuance of a Building Permit
- Issuance of Certificate of Occupancies

\*Note\* Those properties that are covered under amnesty have 18 months from the date of consultation to comply.

3

## Overcrowding & Illegal Occupancy Report Totals

### Breakdown (2013)

1 & 2 Family Dwellings:	223 represents:	30.5%
Multiple Dwelling 3 or more:	455 represents:	62.3%
Mixed Use Properties:	52 represents:	7.2%

4

## Overcrowding & Illegal Occupancy Compliance Update

- Properties in the process of compliance: 53.9%
- Properties that have attained full compliance: 19.1%
- Properties that have failed to comply: 27.0%

5



## Building Department Monthly Report

### Building Department Revenue Performance Review January & February 2014

#### **Revenues Collected**

Revenues September 2013:	\$54,696.99
Revenues October 2013:	\$44,302.50 (Castle removed)
Revenues November 2013:	\$56,379.50
Revenues December 2013:	\$70,326.50
Revenues January 2014:	\$85,818.00
Revenues February 2014:	\$44,266.00 Dip Represents Winter Storm Activity
Fiscal Deposits to Date:	\$808,567.00

#### **Monthly Revenue Streams Remain Consistent**

6

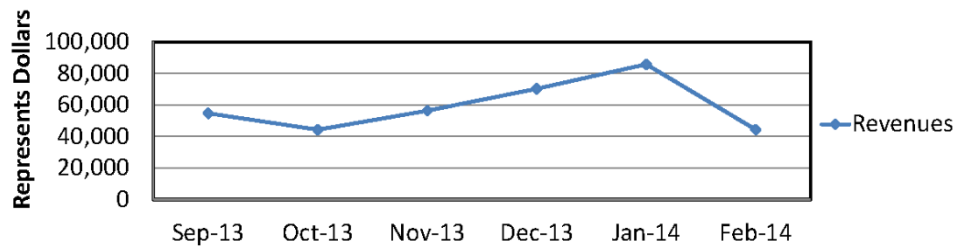




## Building Department Monthly Report

### Building Department Revenue Performance Review January & February 2014

#### Building Department Monthly Revenues



7



## Building Department Monthly Report

### Building Department Performance Review 2014 January & February 2014

#### Consultations Conducted

Consultations September 2013:	154
Consultations October 2013:	165
Consultations November 2013:	140
Consultations December 2013:	161
Consultations January 2014:	148
Consultations February 2014:	137

Consultations remain consistent month to month.

8



# Building Department Monthly Report

Building Department Performance Review 2014  
January & February 2014

## Permits Issued

Permits September 2013:	103
Permits October 2013:	175
Permits November 2013:	121
Permits December 2013:	117
Permits January 2014:	159
Permits February 2014:	128

Issuance of Permits remain consistent on a monthly basis.

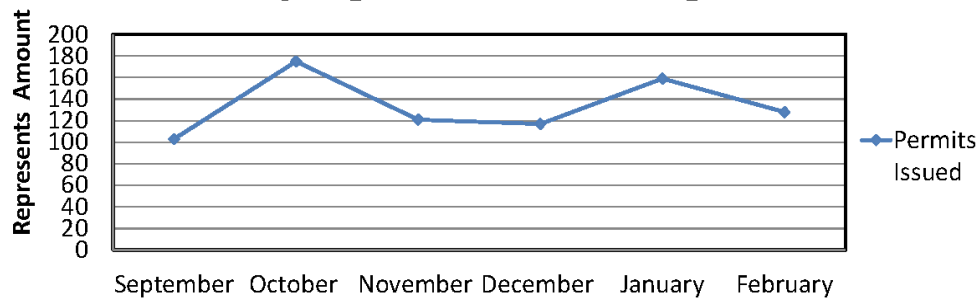
9



# Building Department Monthly Report

Building Department Performance Review 2014  
January & February 2014

## Building Department Permit Comparison



10



## Building Department Monthly Report

Building Department Performance Review 2014

January & February 2014

### Inspections Conducted

Inspections September 2013:	85
Inspections October 2013:	86
Inspections November 2013:	96
Inspections December 2013:	98
Inspections January 2014:	77
Inspections February 2014:	80

Inspections remain consistent, month to month.

11



## Building Department Monthly Report

Building Department Performance Review 2014

January & February 2014

### Certificate of Occupancy (CO's)

CO's Issued September 2013:	32
CO's Issued October 2013:	16
CO's Issued November 2013:	13
CO's Issued December 2013:	30
CO's Issued January 2014:	61
CO's Issued February 2014:	30

Issuance of Certificates of Occupancy remain consistent

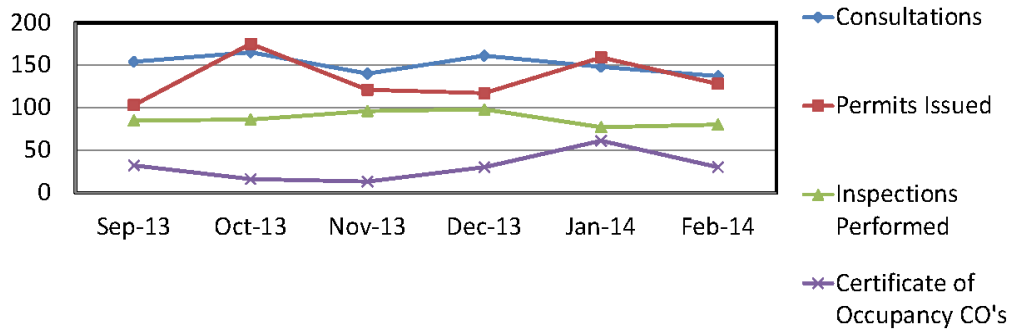
12



## Building Department Monthly Report

### Building Department Performance Review 2014 January & February 2014

#### Building Department Monthly Performance Comparison



13



## Building Department Monthly Report

### Building Department Amnesty Progress Report 2014

#### Amnesty Search Update

<b>Total Amnesty Applications Submitted:</b>	<b>587</b>
<b>Amnesty Reports Completed:</b>	<b>388</b>
<b>Percentage of Amnesty Reports Complete:</b>	<b><u>66.10%</u></b>
<b>Amnesty Consultations Completed:</b>	<b>154</b>

14



## Building Department Search Request Update

### All Searches From April 2011 to March 11, 2014

	Standard		Expedited		Amnesty	
	Completed	Pending	Completed	Pending	Completed	Pending
Total	423	0	0	0	0	0
423	Total -423		Total -0		Total -0	

	Completed	Pending	Completed	Pending	Completed	Pending*
	Total	229	0	272	0	150
657	Total -229		Total -272		Total -156	

\* The remaining 2012 Amnesty have issues with their applications.

	Completed	Pending	Completed	Pending	Completed	Pending
	Total	87	0	468	0	221
961	Total -87		Total -468		Total -406	

	Completed	Pending	Completed	Pending	Completed	Pending
	Total	7	5	46	6	17
89	Total -12		Total -52		Total -25	

### Permit Amnesty Status Report March 11, 2014

Total Applications Filed	587
Total Amnesty Reports Completed	388
Percentage of Amnesty Reports Completed	66.10%
Amnesty Consultations Conducted	154
Current Date of Amnesty Search Backlog	4/30/2013

15

# Fire Safety Monthly Report January & February 2014

16



## Code Enforcement Monthly Report

### Fire Safety Fiscal Performance Review January & February 2014

#### Revenues

Revenues are Based on Fire Safety Applications Returned

Revenues September 2013:	\$12,750.00
Revenues October 2013:	\$11,400.00
Revenues November 2013:	\$9,870.00
Revenues December 2013:	\$11,350.00
Revenues January 2014:	\$11,050.00
Revenues February 2014:	\$11,040.00

**Monthly revenues remain consistent**

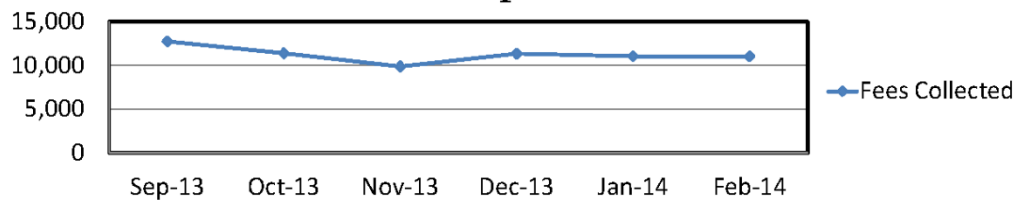
17



## Code Enforcement Monthly Report

### Fire Safety Fiscal Performance Review January & February 2014

#### Fire Safety Department Monthly Revenue Comparison



18



# Code Enforcement Monthly Report

## Fire Safety Fiscal Performance Review January & February 2014

### **Fire Inspections Performed** Includes re-inspections

Fire Inspections Performed September:	134
Fire Inspections Performed October:	130
Fire Inspections Performed November:	106
Fire Inspections Performed December:	158
Fire Inspections Performed January :	133
Specialized Inspections/ testing of equip:	(68)
Fire Inspections Performed February:	108
Specialized Inspections/ testing of equip:	(28)

19



# Code Enforcement Monthly Report

## Fire Safety Fiscal Performance Review January & February

### **Notice of Violations Issued**

Includes Failed Fire Inspections and Failure to Respond to a Request to Conduct a Fire Inspection

Notice of Violations Issued September:	108
Notice of Violations Issued October:	103
Notice of Violations Issued November:	72
Notice of Violations Issued December:	54
Notice of Violations Issued January:	106
Notice of Violations Issued February :	61

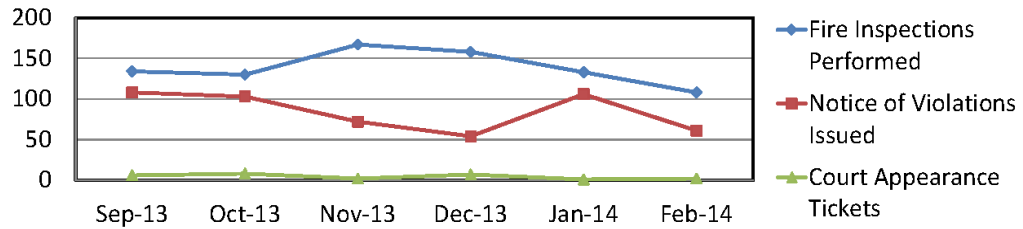
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## Building Department & Code Enforcement Fiscal Report

Fire Safety Monthly Performance Review  
January & February 2014

### Fire Safety Monthly Performance Comparison



21

## Code Enforcement Monthly Report 2014

22





# Code Enforcement Monthly Report

## Code Enforcement Monthly Performance Review January & February 2014

### Code Enforcement Complaints

Includes property maintenance, trash, signage w/o permits or approvals, lack of permits

Complaints Received September:	77
Complaints Received October:	113
Complaints Received November:	116
Complaints Received December:	86
Complaints Received January:	126
Complaints Received February:	256
Notice of Violations Issued January 2014:	37

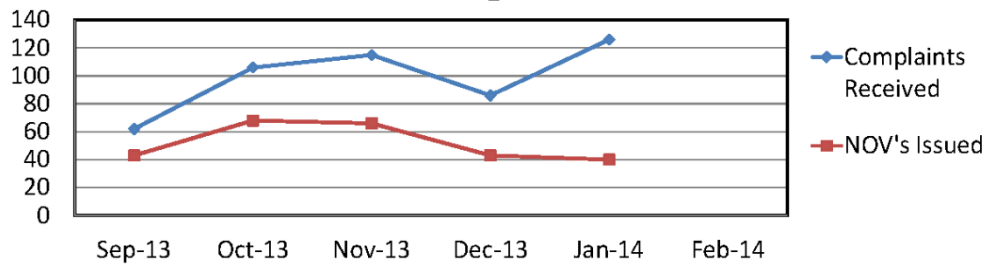
23



# Code Enforcement Monthly Report

## Code Enforcement Monthly Performance Review January & February 2014

### Code Enforcement Monthly Performance Comparison



24



## Code Enforcement Monthly Report

### Code Enforcement Court Case Update

68 Court Cases in 2013

- 33 Closed
- 35 Pending

Cases that appeared in Court during 2011-2012 disposed on average in 494 days.

Court Cases in 2013 disposed on average in 79 days.

25

## CORRESPONDENCES

**From Saint Frances AME Zion Church requesting permission to celebrate 165 years of service to the Village with a parade on Saturday, May 17, 2014.**

The Board referred the correspondence to staff.

**From Tamarack Tower Foundation requesting permission to have the Department of Public works install temporary sign and hanging of banners.**

The Board referred the correspondence to staff.

**From Port Chester Cares requesting permission hang banners from March 21st to April 8th.**

The Board referred the correspondence to staff.

**From the Church of Our Lady of the Rosary to have a procession on April 18, 2014 through the streets of Port Chester.**

The Board referred the correspondence to staff.

**From Mellor Engine & Hose Co. No. 3 on the passing of Robert Mead, a 77 year member of the Company.**

The Board duly noted the correspondence.

**From Mellor Engine & Hose Co. No. on the election of Mrs. Donna Gordiski.**

The Board duly noted the correspondence.

**From the Traffic Commission regarding parking on Puritan Drive.**

The Board referred the correspondence to staff.

**From the Traffic Commission regarding parking on Upland Street.**

The Board referred the correspondence to staff.

**From the Traffic Commission regarding parking on Glen Avenue**

The Board referred the correspondence to staff.

**From Oscar Henao regarding Port Chester Rye Brook Public Library.**

The Board duly noted the correspondence.

**From the Park Commission regarding geese in Lyon Park.**

The Board referred the correspondence to the Village Manager.

**From Clay Art Center regarding support from the Village of Port Chester.**

The Mayor asked that the request be review during our upcoming budget.

## **MINUTES**

*Minutes from March 3, 2013.*

Mayor Pagano asked for a motion to accept the minutes of March 3, 2014.

On motion of TRUSTEE TERENCE seconded by TRUSTEE MARINO, The Board of Trustees accepted the minutes of March 3, 2014 with correction.

## **ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014.

## **PUBLIC COMMENTS AND BOARD COMMENTS**

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

Comments were made by:

*Public*

Mr. Abel commented to Mr. Miley regarding whether Port Chester has ever lost a case in court. Mr. Miley replied there were some settlements and some were dismissed.

**Board**

Trustee Brakewood commented regarding burying the lines at the Capital. Village Manager Steers commented they have not had the follow-up meeting yet. Peter Miley commented that Mr. Gioffre is trying to put something together with Con Ed. They are still in violation and have until May 20<sup>th</sup> to come to the Village Planning Board.

Trustee Brakewood asked if anyone had been in contact with the Library regarding their budget proposal. Trustee Terenzi is going to work with them on fundraising. We will meet with the Mayor of Rye Brook. Village Manager Steers commented we will be invited to a workshop or meeting to discuss this with the Library board.

Trustee Brakewood voted no to two things tonight, not necessarily because he is opposed to those two things, especially fighting the Water Company. We will see how the Rye and Rye Brook do and then we should decide whether to join them. The municipal center is a 5 to 5-1/8% tax increase and don't think we can afford this.

Trustee Ceccarelli commented on the parking station fiasco and asked if there was a way to hard wire them. Chris Ameigh said this would be very expensive and it was looked at prior to the implementation of the system. The answer to this problem would be to replace the batteries.

Trustee Ceccarelli commented that he has been asked to meet with the commissions so we know what's going on. Beautification and Ethics is responding but I am hearing things on the side that the Waterfront Commission met with the Showboat operator. The Planning commission has already invited the assessor to come to talk at a workshop. If you don't pick up these things on the side you don't know what is going on.

At 9:51 p.m., on motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, the meeting was closed.

**ROLL CALL**

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

**NOES:** None.

**ABSENT:** None.

**DATE:** March 17, 2014

Respectfully submitted,

Janusz R. Richards  
Village Clerk