

MEETING HELD FEBRUARY 6, 2012

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, February 6, 2012 at 6:00 P.M., in the Village Justice Courtroom, at 350 North Main Street, Port Chester, New York.

Present were Deputy Mayor Joseph Kenner and Trustees Saverio Terenzi, Bart Didden and Luis Marino.

It should be noted that Trustees Daniel Brakewood and John Branca arrived at 6:10 p.m. and Mayor Dennis Pilla arrived at 6:45 p.m.

Also present were Village Manager, Christopher Russo; Assistant Village Manager / Director of Code Enforcement, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Village Clerk, Joan Mancuso; Police Chief Joseph Krzeminski; Director of Planning & Development, Christopher Gomez; Fire Chief Kevin McFadden; 2nd Assistant Fire Chief, Edward Quinn; General Foreman, Rocky Morabito and Recreation Leader, Heather Krakowski.

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On motion of Trustee Didden, seconded by Trustee Marino, the meeting was opened at 6:07 p.m.

ROLL CALL

AYES: Trustees Terenzi, Didden, Marino and Deputy Mayor Kenner

NOES: None

ABSENT: Trustees Brakewood, Branca and Mayor Pilla

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Presentation:

Christopher Russo, the Village Manager introduced John Nolon, Esq., a professor and head of the Land Use Law Center at Pace University and J. Michael Divney, P.E., AICP who is a planner. He said that we initiated contact with Mr. Nolon and Mr. Divney for them to make a proposal for the expediting and to resolve issues pertaining to planning, zoning and building code violations. Mr. Russo noted that there are two issues to be considered the matters regarding the building codes and fire safety and the other zoning code issues.

Mr. Divney told the Board his firm is located in White Plains and the scope of planning that they provide. He said as Mr. Russo has indicated that the Village has asked Mr. Nolon and himself to explore the issues that are affecting the Village regarding the process of planning, zoning and building code violations.

Mr. Nolon spoke about the PACE Land Use Law Center which provides training to local leaders on land use issues. He explained to the Board that they can listen to the local leaders and that the university with the students research into the law(s) and the best practices of communities to determine the best approach for the Village.

Mr. Divney spoke about zoning tools and that what they are proposing is for them to provide to the Village is a role of support to review the issues, research the laws and provide the best practices for the Village's consideration.

Trustee Terenzi asked how this would dovetail with the Comprehensive Plan or is it more of an oversight of what the Building Department is doing.

Christopher Steers, the Assistant Village Manager who oversees the Building Department, Code Enforcement and Planning and Zoning spoke on that question.

Trustee Terenzi said then it seems to be a parallel course and comparing notes. He asked what are we trying to accomplish and are we duplicating the planning services.

Trustee Brakewood also inquire what is the goal for these services.

Trustee Didden said that Mr. Divney spoke about tools and inquired if the Village is in this situation because the State Laws are broken are deficient so that a resident cannot get their fair process.

Mr. Steers said that residents do get a fair process but that it is very cumbersome so part of this conversation is would there be some relief in between.

Trustee Kenner asked what are we trying to accomplish.

Mr. Nolon said that they did not think they were being engage for the Comprehensive Plan but that their conversation with Village staff was focused on the properties in violation of the codes.

Trustee Terenzi spoke about noncompliance issues and issues that were before certain zoning codes and the grandfathering of those particular matters.

Mr. Nolon spoke about the Zoning Board of Appeals process and that this process takes three months.

Trustee Didden asked if there is relief for the Zoning Board of Appeals variances issues and Mr. Nolon spoke further on that. Trustee Didden said that Port Chester's problems and approach is unique. Mr. Nolon said that they think they can find communities with problems that are similar or worse than Port Chester and report on how their codes could relate.

Trustee Brakewood said that he understands what is being discussed and provided an example of a deck with a setback violation now that would not have been a violation when it was constructed based on prior codes. Mr. Steers spoke further on that type of example. Trustee Brakewood said that what is being proposed is the legal structure and asked how long this process would take because it would require data analysis and the cost.

Mr. Divney said that when they first talked to staff it was envision that it would be a ninety day process and spoke further on the analysis and the process. Trustee Brakewood and Mr. Divney spoke further on this analysis and process and that solutions for the Village could be provided sometime in May. Mr. Steers noted that right now there are no alternatives then the process that we are proceeding with.

Trustee Terenzi commented on the prior zoning codes and that the current codes are more restrictive.

Mr. Steers spoke about the research process that the Building Department does reviewing the old codes and if the setbacks are acceptable from the older codes then there is no problem but when there are other issues for example there are no records when things were built that is an issue that cannot be resolved unless it goes to zoning.

Trustee Didden questioned the three month process for zoning variances and suggested consideration of a second Zoning Board of Appeals Board or that the Zoning Board met twice a month instead of once a month. He questioned at what point the neighbors removes their rights to speak on these issues.

Mr. Nolon said that the Village could consider creating zoning categories and standards that the Board of Trustees would have to adopt. He said that there would be a whole State

Environmental Quality Review (SEQRA) public hearing process to consider these categories and spoke further on this subject.

Trustee Brakewood noted that Mr. Diveny and Mr. Nolon would do the analysis and then come back to the Board.

Trustee Marino said that he understands that it would be a ninety day process to come back to us what is the cost for this proposal.

Mr. Russo and Mr. Steers said that they are still working toward the cost with Mr. Nolon and Mr. Diveny. Mr. Russo said that this presentation to the Board was to introduce to you what has been discussed and asked if the Board wants staff to move forward to finalize the proposal to come back to the Board. There was further discussion between the Board and Mr. Russo. Trustee Kenner asked when could the proposal come back to the Board. Mr. Russo said one could be provided for the next meeting.

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Executive Sessions:

At 6:40 p.m., on motion of Trustee Didden, seconded by Trustee Marino, the Board of Trustees adjourned to an executive session for consultation with Special Counsel to discuss the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person.

ROLL CALL

- AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino and Deputy Mayor Kenner
- NOES: None
- ABSENT: Mayor Pilla

No action was taken in the executive session.

At 7:25 p.m., on motion of Trustee Kenner, seconded by Trustee Marino, the executive session was closed.

ROLL CALL

- AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
- NOES: None
- ABSENT: None

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At 7:26 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees adjourned to an executive session to discuss the medical, financial, credit or employment history of a particular person or matters leading to the appointment, employment, promotion, demotion, discipline, suspension, dismissal, or removal of a particular person appointed or employed by the Village.

ROLL CALL

- AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
- NOES: None
- ABSENT: None

No action was taken in the executive session.

At 7:29 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the executive session was closed.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

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At 7:29 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees adjourned to an executive session for consultation with counsel regarding acquisition of real property.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

No action was taken in the executive session.

At 7:31p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the executive session was closed and the public portion of the meeting was reopened.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

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Presentation:

Jennifer Myers, the Coalition Coordinator of the Port Chester Cares Community Coalition (PCCCC) made a presentation along with five Port Chester High School Students to the Board regarding their proposal for Smoke Free Parks in the Village.

Ms. Myers explained to the Board that the Youth Committee of the PCCCC has since 2007 been looking for ways to better the community, particularly in respect to the quality of life for the citizens of Port Chester. She said that as part of the PCCCC the Youth Committee has brought in speakers and developed initiatives to help educate their peers about the dangers of underage drinking and substance abuse. Ms. Meyers noted that in addition they have carried out a number of community service projects and that they are constantly looking for ways to help the Port Chester Community and make it a healthier and safer environment to live in. She said that recently the Youth Committee has seen an increase in cigarette use among their peers and that from the 2001 Prevention Needs Assessment Survey it notes that in 2007, 8.6% of all 8th, 10th and 12th grade students surveyed reported smoking a cigarette in the past 30 days and now in 2011 that number has increased to 12.8%.

Ms. Myers said that it has come to the attention of the Youth Committee that the public parks in Port Chester, an area where you hope to see children play are not tobacco free areas. She said that the Committee has received letters of support for a Tobacco Free Parks proposal from POW'R Against Tobacco, the Port Chester Youth Baseball League, the PC Rams Football & Cheerleading Booster Club, Port Chester High School PTSA, the Council of Community Services, Hudson Valley Asthma Coalition, Family Services of Westchester, Port Chester High School Aspire/21st Century After School Program, Open Door Family Medical Center, Family Services of Westchester, the Port Chester Nursing Home, the Carver Center and residents.

Ms. Meyers said that the following members of the Youth Committee, students at the Port Chester High School, Kyle Thomas, AndreCarol Davila, Maria Ayala, Joanna Cruz and Iswah Asbel Juarez will make a presentation on this proposal.

Kyle Thomas reviewed the problems stating that our parks in Port Chester are underutilized and we feel making them smoke free would increase the amount that they are used. He said that a survey of their peers indicates that 70% said that they see people smoke at the parks that 80% are bothered by the sight of cigarette smoking in the parks and a majority of our peers said that they and their families would frequent the parks more if they were smoke free.

AndreCarol Davila continued the presentation with the whys noting that safety for the children being the top reason that children model adult behavior, children are observant and easily influenced, smoking around children can impact them further in life, in which they grow up believing smoking is acceptable that this is proven by nationwide data, in which children who have parents who smoke have a higher risk of becoming smokers themselves and every year in New York, nearly 36,000 children being smoking. She said that by eliminating tobacco from our parks we would reduce the visibility of smoking for children in Port Chester. Ms. Davila spoke on the topic of second hand smoke noting that children that are exposed to even small amount of second hand smoke are at heightened risk for adverse health effects including upper respiratory, that second hand smoke has been proven to be more dangerous than first hand exposure and putting other park goers at risk who could have other health issues at risk.

Ms. Davila handed back over the presentation to Mr. Thomas who continued with the whys noting that cigarette smoke contains over 4,000 chemicals – 350 are known to be toxic and over 60 are known to cause cancer, that cigarette butts are the most littered item in the world and contain concentrated levels of carcinogens and nicotine which can be poisonous when ingested by children. He said that by eliminating smoking in our parks, we are being considerate of other park goers and hopefully improving their health. Mr. Thomas then spoke about pollution noting that filters are not 100% biodegradable which means as filters breakdown it pollutes our environment and it cost money to clean up. He concluded his portion of the presentation that by eliminating smoking in our parks we will reduce the litter, air pollution and save the Village money to clean up.

Maria Ayala said that over 300 municipalities in New York State have adopted tobacco free outdoor area policies, 170 documented. She said that in Westchester County Mt. Vernon, White Plains, Westchester County Parks and Westchester Community College have tobacco free outdoor area policies. Ms. Ayala said that the City of White Plains prohibits smoking at city parks, plazas, playgrounds and trails and that there is a \$25 fine for the first offense, \$50 for second and \$75 for each additional offense. She said that they are asking that all Village parks be tobacco free areas and showed the Board proposed signage that would be made available from PCCCC along with POW'R Against Tobacco who would pay and hang the signage at the parks. She said that the signs would be English and Spanish and the signs would also include quit line resources.

Joanna Cruz concluded the presentation on the many benefits to tobacco free parks which are cleaner parks, other cities have profited financially with associated fines, healthier children and increase of park goers.

The Board thanked Ms. Myers and the students for their presentation.

Trustee Kenner asked if this presentation has been made to the Park and Recreation Commissions.

Ms. Myer said that it has not yet been presented but will.

Trustee Kenner said that this is a wonderful proposal but has some issues regarding concerns of enforcement. There was a brief discussion on this topic.

Trustee Marino said that he would support this initiative.

Mayor Pilla recommended that the Board consider an add-on to refer this proposal to the Park and Recreation Commissions.

There being no objections, Trustee Kenner made a motion to add-on, Trustee Marino seconded the motion.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: None

PORT CHESTER CARES COMMUNITY COALITION YOUTH COMMITTEE PROPOSAL FOR TOBACCO FREE PARKS REFERRAL TO PARK AND RECREATION COMMISSIONS

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

RESOLVED, that the Board of Trustees refer the proposal of the Port Chester Cares Community Coalition Youth Committee for Tobacco Free Parks to the Park Commission and Recreation Commission for their review and report.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: None

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Work Sessions:

Christopher Russo, the Village Manager told the Board that Rose Noonan, the Executive Director of the Housing Action Council was scheduled for a work session regarding a proposed Housing Rehabilitation Program for the Village but she is unable to attend tonight's meeting. He said that Ms. Noonan suggested that this be a separate meeting with the Board. The Board said that a separate meeting would be schedule with Ms. Noonan.

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The Board held a Financial Work Session with Leonie Douglas, the Village Treasurer regarding the General Fund Revenue / Expense Financial Report for the first half of Fiscal Year 2011-2012.

Ms. Douglas reviewed the General Fund Revenue and Expenditure Projections with the Board noting that the projections are for increasing the revenues for sales tax, court fines, parking meters, green waste and some other small increases to the categories of gross receipts for electric, safety inspection searches, public safety and code grants funding.

Trustee Kenner asked Ms. Douglas where she reflected money from the Industrial Development Agency.

Ms. Douglas said that is not in this information but will be in the next quarter.

Trustee Terenzi asked Ms. Douglas that she is asking for increasing the budget with these revenue lines and has this been done this way in the past.

Ms. Douglas said that yes this would increase these revenue lines and that what has been done in the past to change the budget is to use from the fund balance. She said that from meetings it was suggested that instead of using fund balance that if there was to be additional revenue in this budget year that it could be used to offset the over expended lines.

Trustee Terenzi expressed his issues regarding projecting additional revenue to increase these lines and using these projected revenue to offset expenditures. He said that what has been done in the past is at the end of year if the revenue was more than what it was budgeted for then the over amount would be offset toward the over expended lines and what the Treasurer is asking us to do now is to increase the budget in order to cover the expenses that you are projecting for the rest of the year. Trustee Terenzi said that he has a fundamental problem with that process.

Mr. Russo told the Board that we have the adopted budget for this year so wouldn't these projective increases that the Board had requested staff to propose ultimately be part of the budget amendments at the end of the year.

Trustee Terenzi said that the only time you should look to increase the revenue side of the equation is at the end of the year if you were going to over spend your budget expenditures. He said that it is his opinion and just his opinion but to do this at six months when by the end of the fiscal year there may be line items that are not fully expended to offset over expenditures is in his opinion a better way to proceed. Trustee Terenzi spoke more on this subject and that the Board should take the hard look at areas and not use this increase revenue for what is over expended because this additional revenue could possibly be used for paying down capital expenses for example. He said that if we increase the expenditure lines now this Board is not managing this budget.

Mayor Pilla said that respectfully he does not think anyone is saying that we are not going to have that hard look discussion on the expense side that is why the department heads are at the back of the room because this is the main event that we are here to talk about.

Trustee Terenzi said that the fundamental question is do you want to artificially increase the budget six months into the process.

The Mayor said this is not an artificial approach that the Treasurer has reviewed these revenues which are coming in ahead of what was predicated. He said that this is a reforecasting of the budget.

Trustee Terenzi said that was not done last year that the revenue is not changed during the year but if we receive more revenue it is shown in the auditor's statements as an increase to revenue. He said that we should not change the revenue and that Ms. Douglas has indicated that our conservative approach will be more within the end of the budget year. Trustee Terenzi said that instead of making these adjustments now wait because we may be over on some other line items.

Ms. Douglas said that one of the reasons that she is doing this is that the Board has suggested that she go through the budget then project out which she has done. She said that there are several reasons why these projections have increased, mainly overtime and the reorganization of the departments including Building Department and Planning and Zoning.

Trustee Terenzi asked Ms. Douglas if she made a move with the contingency account regarding the reorganization. There was further discussion about what was used from contingency between Trustee Terenzi and Ms. Douglas.

Trustee Didden said that he agrees with Trustee Terenzi that it is not prudent to make adjustments to the revenue side. He spoke about overages in revenue from prior budgets which is good and that last year this Board used that overage to pay down some debt. Trustee Didden said that Ms. Douglas has given the Board information only on the lines that have been over expended and isn't there lines in departments that have been under expended because of great management from the heads of those departments. He said that shouldn't we be looking at the lines that have been under expended and speaking to these department managers and that some of these lines could be used toward the over expended lines.

There was further discussion about the budget amendments. Ms. Douglas recommended approving the budget transfers which are not part of any projected additional revenue.

Trustee Branca said that it becomes cloudy when you project increases to revenues now to use toward expenditures because he wants to know the departments and the lines that are over.

Mayor Pilla reminded the Board that Ms. Douglas' exercise was to reforecast the entire budget noting that she is the financial professional but he has worked with top corporations and never heard of reforecasting a budget where you do not reforecast the revenues and expenses.

Trustee Didden said to the Mayor that we do not build a product and sell it and take our sales team and tell them to sell 10% more in the second half of the year.

Trustee Brakewood spoke about the police lines regarding retirement and overtime which are part of the budget transfers.

Ms. Douglas and Police Chief Joseph Krzeminski explained to the Board that the retirements came quickly into the budget cycle and that the positions were budgeted for six months so there is money that will not be expended that is the reason for the transfer. Chief Krzeminski said that he understood that the two retired positions would not be filled.

Trustee Branca said that during the discussions regarding the police budget for this year it was his understanding that a portion of the remaining funds from any retirement would go toward entry level patrolmen. There was further discussion between the Board, the staff and the Police Chief regarding the overtime budget for the Police Department and Fire Department and number of personnel for the Police Department.

The Board further discussed the proposed adjustments from the Treasurer. Ms. Douglas recommended to the Board that they go forward with just the budget transfers. Trustee Brakewood spoke about policy ramifications of these transfers regarding personnel. Trustee Branca said that the manpower discussions will be part of the budget sessions for the next fiscal year 2012-2013.

The Board then spoke to Fire Chief McFadden regarding the Fire Department budget.

Fire Chief Kevin McFadden told the Board that he and the department appreciates the increase to the Fire Department overtime line noting that they have had a savings of between \$7,000 and \$10,000 a month because of the staffing changes at Station 4 but there is still a need for additional personnel. He asked for a meeting with the Board to further discuss this subject. The Board spoke to the Chief on when the next academy would be held, which the Chief believes would be in April or by June and canvassing of the list which has been done.

Mayor Pilla asked about the budget for the Building Department and Code Enforcement.

Ms. Douglas reviewed the transfers for the Building Department and there was further discussion between the Board and staff on this department and the fees / revenues associated with this department.

The Board then discussed the contingency account with Mr. Russo and Ms. Douglas.

Resolution Budget Transfers:

Trustee Didden made a motion to remove the proposed General Fund Budget Amendments for the increasing the revenues and the appropriations, Trustee Kenner seconded the motion.

ROLL CALL

- AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
- NOES: None
- ABSENT: None

2ND QUARTER GENERAL FUND BUDGET TRANSFERS

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

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to modifies the General Fund Budget for the 2nd quarter of Fiscal Year 2011-2012 as per the attachments:

ROLL CALL

- AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
- NOES: None
- ABSENT: None

**Village of Port Chester
Budget Transfers
June 1, 2011 to November 30, 3011**

GENERAL FUND BUDGET TRANSFERS

Village Justice

From:		From	To	Amount
Personnel -Salaries	1.1110.100	\$ 559,299	\$ 517,918	\$ (41,381)
To:				
Personnel Overtime	1.1110.101	\$ 15,000	\$ 25,000	\$ 10,000
Out-of-Title	1.1110.105		\$ 5,865	\$ 5,865
Personnel Part-time	1.1110.111	\$ 15,470	\$ 40,000	\$ 24,530
Software & System Support	1.1110.462	\$ 1,200	\$ 2,186	\$ 986
Total				\$ 41,381

Village Manager

From:				
Personnel-Salaries	1.1230.100	\$ 260,000	\$ 256,402	\$ (3,598)
To:				
Personnel - Seasonal	1.1230.108		\$ 1,098	\$ 1,098
Vacation Buyout	1.1230.197		\$ 2,500	\$ 2,500
Total				\$ 3,598

Finance Department

From:

Contractual 1.1320.400 \$ 25,000 \$ 500 \$ (24,500)

To:

Personnel Part-time 1.1320.111 \$ 15,000 \$ 32,000 \$ 17,000

Personnel - Salaries 1.1320.100 \$ 234,370 \$ 241,870 \$ 7,500

Total \$ 24,500

Village Clerk

From

Personnel - Salaries 1.1410.100 \$ 161,596 \$ 158,300 \$ (3,296)

To:

Publication of Notices 1.1410.476 \$ 13,000 \$ 16,296 \$ 3,296

Law Department

From:

Personnel - Salaries 1.1420.100 \$ 176,429 \$ 171,431 \$ (4,998)

To:

Personnel - Part-time 1.1420.111 \$ 4,998 \$ 4,998

Police Department

Personnel - Salaries 1.3120.100 \$ 5,997,555 \$ 5,874,191 \$ (123,364)

To:

Personnel - Overtime 1.3120.101 \$ 310,000 \$ 395,939 \$ 85,939

Final Retirement Payout 1.3120.199 \$ 131,279 \$ 168,705 \$ 37,426

Total \$ 123,365

Fire Department

From

Personnel - Salaries 1.3410.100 \$ 808,399 \$ 790,720 \$ (17,679)

To:

Personnel - Overtime 1.3410.101 \$ 125,000 \$ 142,679 \$ 17,679

Building Department

From:

IT/Central Com System 1.1650.111 \$ 32,000 \$ - \$ (32,000)

Building-Personnel-Part-time 1.3620.111 \$ 45,000 \$ 30,000 \$ (15,000)

Contingency-Contractual 1.1990.400 \$ 107,247 \$ 37,232 \$ (70,015)

Total \$ (117,015)

To:

Personnel - Salaries 1.3620.100 \$ 211,956 \$ 244,855 32,899

Personnel-Overtime 1.3620.101 \$ 7,000 \$ 20,000 \$ 13,000

Out of Title 1.3620.105 \$ 528 \$ 528

Final Retirement Payout 1.3620.199 \$ 573 \$ 573

Building-Contractual 1.3620.400 \$ - \$ 70,015 \$ 70,015

Total \$ 117,015

Code Enforcement Dept.

From:

Personnel - Part-time 1.3989.111 \$ 63,450 \$ 34,020 \$ (29,430)

To:

Personnel - Salaries 1.3989.100 \$ 425,223 \$ 440,950 \$ 15,727

Personnel Ofertime 1.3989.101 \$ 20,000 \$ 33,703 \$ 13,703

Total \$ 29,430

Recycling & Recycling

From:

Personnel-Salaries 1.8160.100 \$ 1,108,120 \$ 1,002,700 \$ (105,420)

Street Adm.-Personnel-Salaries 1.5010.100 \$ 160,667 \$ 137,600 \$ (23,067)

Total				\$ (128,487)
To:				
Personnel-Seasonal	1.8160.108	\$ 50,000	\$ 100,000	\$ 50,000
Final Retirement Payout	1.8160.199	\$ -	\$ 45,464	\$ 45,464
Parks-Personnel -Seasonal	1.7110.108	\$ 80,000	\$ 113,023	\$ 33,023
Total				\$ 128,487

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The Board continued the Financial Workshop with Ms. Douglas regarding a policy for the Fund Balance.

Mayor Pilla spoke on the proposed policy that would leave 10% of the total Village Budget in the Reserved Fund Balance. He said that having a policy such as this helps the Village is our bond ratings.

Trustee Kenner said that he liked the policy and asked Ms. Douglas where it came from our auditors or her.

Ms. Douglas said that the auditors provided samples which she modified for the Village.

Trustee Terenzi said that the Board should take into consideration a situation if we have an emergency and the fund goes below the 10%.

The Mayor said that the Board at any time can modify the policy and spoke more about the benefits of this policy for our bond rating.

FUND BALANCE POLICY

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

RESOLVED, that the Board of Trustees hereby adopts the Fund Balance Policy for the Village of Port Chester, copy of which is annexed and made a part of this resolution.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
 NOES: None
 ABSENT: None

**Village of Port Chester, New York
 Fund Balance Policy**

February 2012

Purpose

The Village of Port Chester has enacted the following policy in an effort to ensure financial security and stability in a volatile economic environment.

Reserve funds (which essentially are a legally authorized savings account for particular specific purposes) are an important component in the Village's financial planning for specific expenses, future projects, acquisitions and other lawful purposes. To this end the Village may establish and maintain reserve funds in accordance with New York State Laws. The Village will also consider rules and/or opinions issued by the New York State Comptroller when they are not in conflict with law.

The Village reserve funds must be properly established and maintained to promote the goals of creating an open, transparent and accountable use of public funds. The Village may engage independent experts and professionals, including but not limited to auditors,

accountants and other financial and legal counsel, as necessary to monitor all reserve fund activity and prepare reports that the Village may require.

The Village's primary objective is to maintain a prudent level of financial resources to protect against reducing service levels or raising taxes and fees due to temporary revenue shortfalls or unpredicted one-time expenditures. The Village also seeks to maintain the highest possible credit ratings which are dependent, in part, on the Village's maintenance of a healthy fund balance.

Definitions

Fund Balance: Fund balance is the difference between the assets and liabilities reported in a governmental fund. Fund balance is not necessarily the cash balance of the Village, the fund balance consists of other assets as well such as money due from the state and federal government, and accounts receivable. Fund balances are classified into various components depending on the limitations placed on the use of the funds. The hierarchy indicates the extent to which a government is bound to observe spending constraints that govern how it can use amounts reported in the governmental funds balance sheet.

The Village shall comply with the reporting requirements of Article 3 of General Municipal Law of the State of New York and the Governmental Accounting Standards Board (GASB) Statement Number 54, Fund Balance Reporting and Governmental Fund Type Definitions. GASB Statement Number 54 established the following classifications depicting how specific amounts can be spent:

☐ **Nonspendable** fund balance consists of amounts that are not in a spendable form in the current period either because of their form or because they must be maintained intact, including prepaid items, inventories, long-term portions of loans receivable, and financial assets held for resale.

☐ **Restricted** fund balance consists of amounts that are subject to externally enforceable legal purpose restrictions imposed by grantors, bondholders or laws and regulations of higher levels of governments; or through constitutional provisions or enabling legislation.

☐ **Committed** fund balance consists of amounts constrained to specific purposes by a government itself using its highest level of decision-making authority; to be reported as committed, amounts cannot be used for any other purpose unless the government takes the same highest-level action to remove or change the constraint.

☐ **Assigned** fund balance consists of amounts a government intends to use for a specific purpose; intent can be expressed by the governing body or by an official or body to which the governing body delegates the authority.

☐ **Unassigned** fund balance consists of amounts that are available for any purpose; these amounts are reported only in the General Fund.

Policy Statement

The fund balance of the Village of Port Chester General Fund has been accumulated to provide stability and flexibility to respond to unexpected adversity and/or opportunities.

The objective is to maintain an unrestricted fund balance of not less than 10% of annual appropriations for the fiscal year.

Village finances will be managed so as to maintain balances of the of the General Fund at level sufficient to mitigate current and future risks, such as revenue shortfalls and unanticipated expenditures, ensure stable tax rates and user fees, and protect the Village's creditworthiness. The decision to retain an unrestricted fund balance of not less than 10% of fund appropriations stems from the following:

- This amount provides adequate funding to cover approximately one and a half months of expenditures.
- This amount provides the liquidity necessary to accommodate the Village uneven cash flow due to its inherent semi annually tax collection schedule.
- The Government Finance Officers Association recommends the minimum General Fund unrestricted fund balance to be maintained should be between 5%-15% of current operating expenditures.

The Village Board will set aside certain amounts as committed fund balance. Amounts are to be determined by the Village Manager based on the need for extraordinary operating or capital that could not be anticipated and cannot be funded with current budget resources.

The Village Manager will set aside committed fund balances equal to the amount of outstanding purchase orders or encumbrances.

The Village Board delegates to the Village Manager the authority to determine the proper amounts to be assigned for purposes as are deemed necessary. This would provide the liquidity to respond to contingent liabilities and provide for capital asset replacements.

Effective as of the year ending May 31, 2012, unassigned fund balance shall be any remaining amounts.

The Village will spend, as allowed and available, the most restricted dollars before less restricted in the following order:

- a) Nonspendable (if funds becomes spendable)
- b) Restricted
- c) Committed
- d) Assigned
- e) Unassigned

The Village will be mindful of its role and responsibility as a fiduciary of public funds when acting on reserve fund issues.

This policy may be updated as deemed necessary per the Village Board of Trustees.

Before continuing the agenda Mayor Pilla asked Ms. Douglas about a policy regarding Budget Adjustments.

Ms. Douglas said that this policy would need further research and can be provided at a later date.

* * * * *

Public Comments:

Richard Kochanowitz said that he lives on Quintard Drive and that the stop signs are just fine at the locations they are now. He said that this issue should be closed tonight and not discussed any further. Mr. Kochanowitz did note that there needs to be speed limit signs posted at the beginning of Quintard. He also inquired if the retired police positions that were discussed earlier would be filled.

Goldie Solomon of Puritan Drive said that Port Chester is not a city but has more off the tax rolls than any other village. She spoke about the not for profits and group homes and that not everything should be in Port Chester that we need help from the State on this issue. Ms. Solomon said that we are a low to moderate income community within a recession / depression in the country. She said that the most important thing is to provide for our police, fire and emergency departments. Ms. Solomon continued that the property assessments are all wrong that our schools are overcrowded and taxes from the School District is too high. She told the Board and audience that February is Black History Month and that civil rights is most important for our country and that she will show a video on the civil rights for the seniors and noted that we are a diversified community. Ms. Solomon told the Board that former Mayor Peter Iasillo is very ill and that our thoughts and prayers should go out to him and his family. She said that the presentation about tobacco free parks is great but the issue is not just in our parks but also around our schools and parents need to set the example. Ms. Solomon concluded her remarks that the Board has to get our taxes down.

Patricia Johnson of 44 Quintard Drive spoke about the Traffic Commission's recommendation that the Mayor quoted at the January 17th Board meeting to move the stop sign back in front of her house instead of where it is now at the corner of Quintard and Renshaw. She said that the Traffic Commission initially did not recommend stop signs on Quintard so why did the Board then vote for the installation of the signs and then the relocation of the sign that was originally installed in front of her house. Mrs. Johnson said that the Board is not taking a responsible approach and has been going back and forth and does not want this to continue. She told the Board not to move the sign back in front of her house and it is working fine at the corner of Quintard and Renshaw.

Mr. Kochanowitz told the Board that he is working on a team to run against the Board. He said that he hopes the Board does not move the stop sign.

Mario Karas of Quintard Drive said that this is not going to stop regarding the stop signs. He said that he agrees that the Village should not move the sign in front of the Johnson's. Mr. Karas said that a resident had spoken about the welfare of children on this road that is the reason for the stop signs and that children should not be playing on the street. He told the Board that he wants the stop signs removed but the Board needs to check with everyone in the neighborhood.

Frank Stever of Rectory Street and also the Vice President of the Port Chester Fire Association asked for a clarification from the Village Manager from his statement in a prior Board meeting minutes where he stated that he had met with the Fire Association regarding discussion of using the career fire personnel for code enforcement. Mr. Stever said that Mr. Russo has not met with their Association on this matter.

Mr. Russo clarified his statement that he met on this subject but not with the Fire Association.

Mr. Stever said that the career fire fighters have been trying to move forward on providing this service to the Village but when we have started have been stopped by past Managers. He spoke about the need to have full staffing and if the department was fully staffed would not have issues regarding overtime that is occurring now. Mr. Stever said that he spent his own time working on Fire Safety Grant applications to help the Village with costs but that these applications were never funded. He said that Chief McFadden is supportive and that they are looking to submit new grant applications. There was a brief discussion between Trustee Didden and Mr. Stever about the use of overtime for required training. Mayor Pilla said that an analysis will be done regarding personnel and overtime. Mr. Stever said that the Fire Chief who is a volunteer is also recommending additional staff. Mayor Pilla spoke about the dissolution study that is being conducted for the Town which may provide information on this subject. Mr. Stever said that the career fire fighters want to be included in meetings with the Chief. The Mayor told Mr. Stever to check with the Fire Chief.

Kenneth Sunderland of Quintard Drive said that the stop signs on Quintard are not a personnel issue but a safety issue. He told the Board to leave the signs the way they are now.

George Ford of Quintard Drive asked about the budget item for the Village Manager which was a reduction of the salary line. He asked for clarification on this reduction. Mayor Pilla said that reduction was from the position of the Assistant to the Manager who Ms. Sciarabba had held but had left because she relocated out of the country. Mr. Ford asked if this position will be filled. The Mayor said that they will see during the budget process. Mr. Ford said that he did not

come down to this meeting about the stop signs on Quintard Drive and explained how it came about. He said that the signs are working where they are and that it is a safety issue so would like the signs to stay where they are and that he does not think speed humps would work on this road.

Gene Ceccarelli of Munson Street said that the auditors did a good job at the last Board meeting reviewing the audit. He commended the Treasurer, Leonie Douglas on the information that the Board reviewed. Mr. Ceccarelli said that another area that the Board could consider is an energy audit for the Village.

Richard Abel of Quintard Drive asked about the Home Rule Request on the agenda for a hotel occupancy tax. He said that this seems to be the cart before the horse situation because you are asking the State to allow for this tax and the Village has no hotels and no immediate development of any. Mr. Abel said that this would send a signal to anyone that we will tax you so would recommend that the Board table this until we have consideration for a hotel because he would rather the Village put forward legislation to the State that would benefit us now.

Trustee Didden noted that the Board also received correspondence from Mr. & Mrs. Gargone about the stop signs on Quintard Drive.

* * * * *

Resolutions:

Utilities

Mayor Pilla noted that there are representatives in the audience from United Water Westchester regarding the resolution listed under Utilities to grant permission to them for the installation of utility poles and ancillary equipment in the Village for their Automatic Meter Reading Infrastructure Project. He said that he would take this resolution out of order to be considered at this time.

Trustee Didden made a motion for discussion, Trustee Marino seconded the motion.

The representative from United Water explained the AMI project and the purpose of the installation of the equipment for the retrieval of meter consumption data as part of its Non-Revenue Water reduction program.

Trustee Didden asked about the status regarding the Village request of information for a Sanitary Sewer District Rent Project.

The representative said that United Water had its first meeting with the Village on this project and that they can provide the information requested.

Trustee Brakewood asked if the Planning Commission has reviewed this. He was told yes that they have. Trustee Brakewood asked if Rye Brook and Rye authorized this.

The representative said that they are going to the Rye Brook next week and that Rye is slightly behind in their review.

Trustee Brakewood asked if this proposal requires a public hearing.

Anthony Cerreto, the Village Attorney explained that this process goes through the Public Service Commission and if the Board wanted to hold a hearing they can but that it is not required.

Mr. Russo noted that the Public Service Commission has been pushing for this project for twenty five years.

Trustee Marino asked if this will increase the water rates.

The representative explained about the water rates and noted that this specifically will not increase the rates but can impact the rates. There was further discussion on this subject. He spoke about the design choices of the poles and would recommend the use of the wooden poles to be the best option because when you look down a street with 20 -30 wooden telephone / utility poles if their poles are wooden they would blend in instead of being more noticeable.

Trustee Brakewood asked if United Water needs approvals from all three municipalities before going ahead with the project.

The representative said that the approvals do not have to be done at the same time that once a municipality has granted permission they can move forward with the installation.

Trustee Brakewood said that he does not see why we should be the first to go forward on this proposal and why can we not wait to see what Rye Brook and Rye does. There were comments from the Mayor on the cooperation that the Village has received from United Water regarding the Sanitary Sewer District Rent Project. Trustee Terenzi noted that this will help capture information needed for the water sewer project.

Mayor Pilla asked if they were expecting design changes from the other municipalities. The representative said that the options of the pole designs have been provided.

Trustee Didden noted that there are only three poles that will be placed in the Village right-a-way and that they are using their water towers and Village Hall.

UNITED WATER WESTCHESTER, INC.
AUTOMATED METERING INFRASTRUCTURE (AMI) PROJECT

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

WHEREAS, by correspondence dated September 13, 2011, Camp Dresser & McKee (CDM) on behalf of United Water Westchester, Inc., petitioned the Board of Trustees for permission to install several utility poles and ancillary equipment for their Automated Metering Infrastructure (AMI) Project in the public right-of-way; and

WHEREAS, the AMI Project is intended to implement part of the Company's Non-Revenue Reduction Program which has been approved by the New York State Public Service Commission; and

WHEREAS, the Company has made similar requests to the City of Rye and the Village of Rye Brook; and

WHEREAS, this matter was referred to the Planning Commission for their advisory recommendation; and

WHEREAS, this matter was also reviewed by the Village Manager in consultation with the Village Engineer and General Foreman; and

WHEREAS, the various recommendations from staff and the Planning Commission were included in the final proposal from the Company; and

WHEREAS, the Village and the Company are in discussions regarding the Company's ability to provide billing services as part of a proposed schedule of user fees for the maintenance and construction of the Village's sanitary sewer system. Now, therefore be it

RESOLVED, that the Board of Trustees hereby grants permission to United Water Westchester, Inc. to install utility poles and ancillary equipment in the public right-of-way pursuant to the Company's submission dated December 2011 including proposed AMI Box and Antenna Location Map dated January 23, 2012.

feb. 6, '12

ROLL CALL

AYES: Trustees Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: Trustee Brakewood
ABSENT: None

It should be noted that Christopher Russo was excused from the meeting at this time 9:30 p.m.

Comprehensive Plan

AFFIRMING THE DEDICATION OF EFFORT BY THE COMPREHENSIVE PLAN ADVISORY COMMITTEE IN THE DEVELOPMENT OF A COMPREHENSIVE PLAN

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

WHEREAS, pursuant to the authority in Village Law, Section 7-722, the previous Board of Trustees established a Comprehensive Plan Advisory Committee (CPAC) to develop and recommend to the Board the Village of Port Chester's first-ever Comprehensive Plan; and

WHEREAS, CPAC represented a broad and diverse cross-section of the community, consisting of Village representatives, members of the Planning Commission, the Zoning Board of Appeals, the Port Chester Industrial Development Agency, members of the business community, residents and other local stakeholders; and

WHEREAS, CPAC's efforts culminated in a document that was submitted to the Board of Trustees, but was not adopted; and

WHEREAS, the current Board has evidenced no less of a strong commitment to the adoption of a Plan that would provide a sound framework for deliberate and sustainable policy decision-making and assured implementation of identified strategic goals and objectives; and

WHEREAS, the Village thereafter solicited assistance from a separate team of consultants to synthesize the working document, secure three additional studies which are intended to complement and reinforce the vision of same, and engage CPAC to provide an updated Plan for consideration by the Board; and

WHEREAS, CPAC has been since been holding public meetings with the consultants on a regular basis; and

WHEREAS, during this time as well the Board of Trustees has been conducting joint public meetings with CPAC to assure adequacy of resources and confirm policy alignment; and

WHEREAS, the Board understands that CPAC will be shortly holding a public hearing on a work document that is in final form and ready for public comment. Now, therefore, be it

RESOLVED, that the Board of Trustees affirms its intention that the Comprehensive Plan Advisory Committee continue its efforts in developing and recommending an updated Comprehensive Plan to the Board which the Board looks forward to receiving in the coming weeks.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

Environmental

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY
FOR THE ADOPTION OF THE VILLAGE OF PORT CHESTER'S
COMPREHENSIVE PLAN

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

WHEREAS, the Village of Port Chester is developing a Comprehensive Plan; and

WHEREAS, with the assistance of planning consultant, Buckhurst Fish & Jacquemart, New York, New York and Ferrandino & Associates, Elmsford, New York, the Village is developing a Comprehensive Plan and environmental documentation in support of same; and

WHEREAS, pursuant to the Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, the Board of Trustees of the Village of Port Chester intends to serve as Lead Agency for the SEQRA review of this Type 1 Action, and, in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, the Lead Agency will undertake a coordinated review of this action. Now therefore, be it

RESOLVED, that the Village of Port Chester Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this Type 1 Action, and will circulate the Lead Agency Notice, a compact disc of the draft Comprehensive Plan along with a link to the Village web site wherein the draft Comprehensive Plan is located, to all Involved and Interested Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Board of Trustees' Lead Agency designation.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner
and Mayor Pilla

NOES: None

ABSENT: None

SEQR
Intent to be Lead Agency

This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

Adoption of Village of Port Chester Comprehensive Plan

The Village of Port Chester Board of Trustees is proposing to adopt a Comprehensive Plan, in order to account for changes that have occurred since the Master Plan in 1968 and to reflect the Village's current vision for future growth.

Contact Person: Christopher Russo, Village Manager
222 Grace Church Street
Port Chester, NY 10573
T. 914.939.2200
crusso@portchesterny.com

MEMO TO: ALL INVOLVED AGENCIES

FROM: Village of Port Chester Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

PROJECT TITLE: Adoption of Village of Port Chester Comprehensive Plan
Village of Port Chester
Westchester County, New York

MAILING DATE: February 6, 2012

Involved Agencies:

Village of Port Chester Board of Trustees (Proposed Lead Agency)
222 Grace Church Street
Port Chester, NY 10573
Dennis Pilla, Mayor

Interested Agencies:

Village of Port Chester Planning Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Michael Antaki, Chair

Village of Port Chester Zoning Board of Appeals
222 Grace Church Street
Port Chester, NY 10573
Contact: William Villanova, Chair

Village of Port Chester Architectural Board of Review
222 Grace Church Street
Port Chester, NY 10573
Contact: William Hume, Chair

Village of Port Chester Comprehensive Plan Advisory Committee
222 Grace Church Street
Port Chester, NY 10573
Contact: Christopher Steers, Assistant Village Manager

Village of Port Chester Industrial Development Agency
222 Grace Church Street
Port Chester, NY 10573
Contact: Neil Pagano, Chair

Village of Port Chester Waterfront Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Peter Pascale, Chair

Village of Port Chester Park Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Jerry Terranova, Chair

Village of Port Chester Recreation Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Kim Morabito, Chair

Port Chester-Rye Union Free School District
Attn: District Clerk
113 Bowman Avenue
Port Chester, NY 10573

Town of Rye
10 Pearl Street
Port Chester, NY 10573
Contact: Joe Carvin, Town Supervisor

City of Rye
1051 Boston Post Road
Rye, NY 10580
Contact: Scott Pickup, City Manager

Village of Rye Brook
938 King Street
Rye Brook, NY 10573
Contact: Joan Feinstein, Mayor

Town of Greenwich, Connecticut
Town Hall
101 Field Point Road
Greenwich, CT 06830
Contact: Peter Tesei, First Selectman

Westchester County Department of Planning
148 Martine Avenue
Room 432
White Plains, NY 10601
Contact: Edward Burroughs, Commissioner

Metro-North Railroad
347 Madison Avenue
New York, NY 10017-3709

New York State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561-1696
Contact: Margaret Duke

New York State Office of Parks, Recreation and Historic Preservation
New York State Historic Preservation Office (SHPO)
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189
Contact: William Krattinger, Historic Preservation Specialist

New York State Department of Transportation
Region 8 Eleanor Roosevelt State Office Building
4 Burnett Boulevard Poughkeepsie, NY 12603
Contact: Melissa Slater, Assistant to the Regional Director

United States Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

SEQRA NOTICE OF INTENT TO SERVE AS LEAD AGENCY FOR
THE ADOPTION OF THE VILLAGE OF PORT CHESTER'S
UPDATED LOCAL WATERFRONT REVITALIZATION PROGRAM

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

WHEREAS, in 1992, the Village of Port Chester adopted a Local Waterfront Revitalization Program (LWRP) that was approved by the New York State Secretary of State; and

WHEREAS, through grant funding secured from New York State, the Village has commenced work on an update to the LWRP; and

WHEREAS, with the assistance of planning consultant, Buckhurst Fish & Jacquemart, New York, New York, which firm had worked on the 1992 document, the Waterfront Commission is developing recommended changes for the Board's consideration and adoption; and

WHEREAS, pursuant to the Notice annexed hereto, in accordance with the provisions of 6 NYCRR Part 617, the Board of Trustees of the Village of Port Chester intends to serve as Lead Agency for the SEQRA review of this Type 1 Action, and, in this capacity, will determine if the proposed action will have a significant effect on the environment; and

WHEREAS, the Lead Agency will undertake a coordinated review of this action. Now therefore, be it

RESOLVED, that the Village of Port Chester Board of Trustees hereby designates its intention to serve as Lead Agency for the SEQRA Coordinated Review of this Type 1 Action,

Feb. 6, '12

and will circulate the Lead Agency Notice along with the Environmental Assessment Form, to all Involved and Interested Agencies. Involved and Interested Agencies shall be given 30 days from the mailing of the Lead Agency Notice to challenge the Board of Trustee's Lead Agency designation.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner
and Mayor Pilla
NOES: None
ABSENT: None

**SEQR
Intent to be Lead Agency**

MEMO TO: ALL INVOLVED AGENCIES

FROM: Village of Port Chester Board of Trustees
222 Grace Church Street
Port Chester, NY 10573

**PROJECT TITLE: Adoption of Updated Village of Port Chester Local
Waterfront Revitalization Program (LWRP)**
Village of Port Chester
Westchester County, New York

MAILING DATE: February 6, 2012

This notification is for the purpose of designating a lead agency according to the requirements of Article 8 of New York State Environmental Conservation Law for the following proposed action:

Adoption of Updated Village of Port Chester LWRP

The Village of Port Chester Board of Trustees is proposing to adopt an update to its Local Waterfront Revitalization Program (LWRP), in order to account for changes that have occurred since the original LWRP was adopted in 1992 and to reflect the Village's current vision for its waterfront.

Contact Person: Christopher Russo, Village Manager
222 Grace Church Street
Port Chester, NY 10573
T. 914.939.2200
crusso@portchesterny.com

Involved Agencies:

Village of Port Chester Board of Trustees (Proposed Lead Agency)
222 Grace Church Street
Port Chester, NY 10573
Dennis Pilla, Mayor

New York State Department of State
Divison of Coastal Resources and Waterfront Revitalization
99 Washington Avenue, Suite 1010
Albany, New York 12231-0001
Contact: George Stafford, Director

Interested Agencies:

Village of Port Chester Waterfront Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Peter Pascale, Chair

Village of Port Chester Planning Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Michael Antaki, Chair

Village of Port Chester Zoning Board of Appeals
222 Grace Church Street
Port Chester, NY 10573
Contact: William Villanova, Chair

Village of Port Chester Architectural Board of Review
222 Grace Church Street
Port Chester, NY 10573
Contact: William Hume, Chair

Village of Port Chester Comprehensive Plan Advisory Committee
222 Grace Church Street
Port Chester, NY 10573
Contact: Christopher Steers, Assistant Village Manager

Village of Port Chester Industrial Development Agency
222 Grace Church Street
Port Chester, NY 10573
Contact: Neil Pagano, Chair

Village of Port Chester Park Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Jerry Terranova, Chair

Village of Port Chester Recreation Commission
222 Grace Church Street
Port Chester, NY 10573
Contact: Kim Morabito, Chair

Port Chester-Rye Union Free School District
113 Bowman Avenue
Port Chester, NY 10573
Contact: Jennifer Bisaccio, District Clerk

Town of Rye
10 Pearl Street
Port Chester, NY 10573
Contact: Joe Carvin, Town Supervisor

City of Rye
1051 Boston Post Road
Rye, NY 10580

Contact: Scott Pickup, City Manager

Village of Rye Brook
938 King Street
Rye Brook, NY 10573
Contact: Joan Feinstein, Mayor

Town of Greenwich, Connecticut
Town Hall
101 Field Point Road
Greenwich, CT 06830
Contact: Peter Tesei, First Selectman

Westchester County Department of Planning
148 Martine Avenue
Room 432
White Plains, NY 10601
Contact: Edward Burroughs, Commissioner

Metro-North Railroad
347 Madison Avenue
New York, NY 10017-3709

New York State Department of Environmental Conservation
Region 3 Office
21 South Putt Corners Road
New Paltz, NY 12561-1696
Contact: Margaret Duke

New York State Office of Parks, Recreation and Historic Preservation
New York State Historic Preservation Office (SHPO)
Peebles Island Resource Center
P.O. Box 189
Waterford, NY 12188-0189
Contact: William Krattinger, Historic Preservation Specialist

New York State Department of Transportation
Region 8
Eleanor Roosevelt State Office Building
4 Burnett Boulevard
Poughkeepsie, NY 12603
Contact: Melissa Slater, Assistant to the Regional Director

United States Army Corps of Engineers
Jacob K. Javits Federal Building
26 Federal Plaza, Room 2109
New York, NY 10278-0090

Finance

REFUNDING BOND RESOLUTION, DATED FEBRUARY 6, 2012, 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.

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

WHEREAS, the Village of Port Chester, located in the county of Westchester, State of New York (the "Village") previously issued \$7,110,480 principal amount of Various Purposes Serial Bonds, 2002 Series A (the "Series 2002 Bonds") pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2002 Bonds are dated November 15, 2002 and matured or mature in annual installments on November 15 in each of the years 2003-2022, inclusive, as follows:

\$100,480 in the year 2003,
 \$250,000 in the year 2004,
 \$260,000 in the year 2005,
 \$270,000 in the year 2006,
 \$280,000 in the year 2007,
 \$295,000 in the year 2008,
 \$305,000 in the year 2009,
 \$320,000 in the year 2010,
 \$330,000 in the year 2011,
 \$345,000 in the year 2012,
 \$360,000 in the year 2013,
 \$375,000 in the year 2014,
 \$390,000 in the year 2015,
 \$405,000 in the year 2016,
 \$425,000 in the year 2017,
 \$440,000 in the year 2018,
 \$460,000 in the year 2019,
 \$480,000 in the year 2020,
 \$500,000 in the year 2021, and
 \$520,000 in the year 2022

WHEREAS, the Series 2002 Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the Board of Trustees of the Village 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, \$4,700,000 aggregate principal amount of the Series 2002 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 2002 Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2002 Refunding Bonds"); and

WHEREAS, the Village previously issued \$3,730,250 principal amount of Public Improvement Serial Bonds 2003 Series A (Tax-Exempt) (the "Series 2003A Bonds") pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2003A Bonds are dated October 1, 2003 and matured or mature in annual installments on October 1 in each of the years 2005-2024, inclusive, as follows:

\$125,250 in the year 2005,
 \$130,000 in the year 2006,
 \$135,000 in the year 2007,
 \$140,000 in the year 2008,
 \$145,000 in the year 2009,
 \$150,000 in the year 2010,
 \$155,000 in the year 2011,
 \$160,000 in the year 2012,
 \$170,000 in the year 2013,
 \$175,000 in the year 2014,
 \$185,000 in the year 2015,
 \$195,000 in the year 2016,
 \$200,000 in the year 2017,
 \$210,000 in the year 2018,
 \$220,000 in the year 2019,
 \$225,000 in the year 2020,
 \$235,000 in the year 2021,

\$245,000 in the year 2022,
\$260,000 in the year 2023, and
\$270,000 in the year 2024

WHEREAS, the Series 2003A Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the Board of Trustees of the Village 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, \$2,750,000 aggregate principal amount of the Series 2003A 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 2003A Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2003A Refunding Bonds"); and

WHEREAS, the Village previously issued \$3,250,000 principal amount of Public Improvement (Serial) Bonds, 2003 Series B (Federally Taxable) (the "Series 2003B Bonds") pursuant to a certificate of determination of the Village Treasurer (sometimes referred to herein as the "Chief Fiscal Officer"), which Series 2003B Bonds are dated October 1, 2003 and matured or mature in annual installments on October 1 in each of the years 2005-2024, inclusive, as follows:

\$ 95,000 in the year 2005,
\$100,000 in the year 2006,
\$105,000 in the year 2007,
\$110,000 in the year 2008,
\$115,000 in the year 2009,
\$120,000 in the year 2010,
\$130,000 in the year 2011,
\$135,000 in the year 2012,
\$145,000 in the year 2013,
\$150,000 in the year 2014,
\$160,000 in the year 2015,
\$170,000 in the year 2016,
\$175,000 in the year 2017,
\$185,000 in the year 2018,
\$195,000 in the year 2019,
\$210,000 in the year 2020,
\$215,000 in the year 2021,
\$230,000 in the year 2022,
\$245,000 in the year 2023, and
\$260,000 in the year 2024,

WHEREAS, the Series 2003B Bonds were authorized pursuant to one or more serial bond resolutions duly adopted by the Board of Trustees of the Village 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, \$2,475,000 aggregate principal amount of the Series 2003B 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 2003B Bonds, by the issuance of the refunding bonds authorized herein pursuant to Section 90.10 of the Local Finance Law (the "Series 2003B 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 \$4,700,000 outstanding principal amount of the Series 2002 Bonds, all or a portion of the outstanding \$2,750,000 Series 2003A Bonds, and all or a portion of the outstanding \$2,475,000 Series 2003B 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 2002 Bonds, Series 2003A Bonds and Series 2003B 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 2002 Refunding Bonds, Series 2003A Refunding Bonds and the Series 2003B 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 \$10,000,000 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 \$9,615,000 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 \$9,615,000 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 2002 Bonds maturing on and after November 15, 2013 on November 15, 2012, (ii) all or a portion of the Series 2003A Bonds maturing on and after October 1, 2014 on October 1, 2013 and (iii) all or a portion of the Series 2003B Bonds maturing on and after October 1, 2014 on October 1, 2013. 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 Series 2002 Bonds, the Series 2003A Bonds and the Series 2003B 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 Series 2002 Bonds, the Series 2003A Bonds and the Series 2003B 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 Series 2002 Bonds, the Series 2003A Bonds and the Series 2003B 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 Treasurer for the 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 Series 2002A and Series 2003A 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 Series 2002A and Series 2003A 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 Journal News and the Westmore News, newspapers 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 Village Treasurer of the Village.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
 NOES: None
 ABSENT: None

Village of Port Chester, New York

Exhibit A to the Refunding Bond Resolution,

Dated February 6, 2012,

of the Village of Port Chester

in the County of Westchester, State of New York

\$7,165,000 Public Improvement Refunding Serial Bonds - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
10/1/2012	\$115,000
10/1/2013	465,000
10/1/2014	640,000
10/1/2015	645,000
10/1/2016	655,000
10/1/2017	665,000
10/1/2018	670,000
10/1/2019	685,000
10/1/2020	695,000
10/1/2021	710,000
10/1/2022	715,000
10/1/2023	220,000
10/1/2024	225,000

\$2,450,000 Public Improvement Refunding Serial Bonds (Federally Taxable) - Estimated Debt Service

<u>Maturity Date</u>	<u>Principal Amount</u>
10/1/2012	\$50,000
10/1/2013	50,000
10/1/2014	195,000
10/1/2015	200,000
10/1/2016	205,000
10/1/2017	200,000
10/1/2018	205,000
10/1/2019	210,000
10/1/2020	220,000
10/1/2021	215,000
10/1/2022	225,000
10/1/2023	235,000
10/1/2024	240,000

Exhibit B to the Refunding Bond Resolution,

dated February 6, 2012

of the Village of Port Chester,

County of Westchester, State of New York

Refunding Financial Plan*

* The Plan is attached to this resolution in the 2011-2012 Misc. Resolution Folder in the Clerk's Office.

CLOSEOUT OF CAPITAL PROJECTS

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

WHEREAS, that there remain a balance or deficit on completed capital projects; and

WHEREAS, that the Village's independent auditors have identified these balances/deficits and has recommended that corrective action be taken so that these capital projects can be closed out; and

WHEREAS, the Village Treasurer concurs with this recommendation. Now, therefore, be it

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to close out the following projects in the Capital Fund; and fund balances remaining be used to cover deficits in projects where deficits exist; or in some cases transferred back to General Fund (the source of original funding); and be it further

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the Capital Budget and establish the Sidewalk/Curb Improvements-2011/12 Project to be funded by the remaining fund balances from closing the projects listed below after covering the projects with fund deficits:

Sidewalk & Curb Improvements:

Project:	Budget	Revenues	Expenditures	Balance/(deficit)
005.5110.2109.0000.0000: Street Imprvmnts-01/02:	\$ 286,658.41	\$ 286,658.41	\$ 275,941.16	\$ 10,717.25
005.5110.2115.0000.0000: Sidewalk Imprv-General-01/02:	\$ 138,262.60	\$ 138,262.60	\$ 88,200.59	\$ 50,062.01
005.5110.2135.0000.0000: Street Maint. Imprv-02/03:	\$ 248,819.59	\$ 248,819.59	\$ 197,189.83	\$ 51,629.76
005.5110.2136.0000.0000: Sidewalk Imprvmnts-02/03:	\$ 210,989.74	\$ 210,989.74	\$ 172,574.52	\$ 38,415.22
005.5110.2137.0000.0000: Sidewalk/Curb (w/King)-02/03:	\$ 71,934.88	\$ 71,934.88	\$ 73,173.27	(\$ 1,238.39)
005.5110.2140.0000.0000: Street Imprvmnts-03/04:	\$ 170,000.00	\$ 157,939.02	\$ 197,001.83	(\$ 39,062.81)
005.5110.2141.0000.0000: Sidewalk Imprv-CDBG-03/04:	\$ 294,306.00	\$ 310,000.00	\$ 364,720.97	(\$ 54,720.97)
005.5110.0400.2004.0001: Street/Curb Maintenance-04/05:	\$ 170,000.00	\$ 187,519.37	\$ 170,884.36	\$ 16,635.01
005.5110.0400.2004.0002: Sidewalk Imprv-CDBG-04/05:	\$ 246,125.00	\$ 246,125.00	\$ 296,156.10	(\$ 50,031.10)
005.5110.0400.2004.0003: Good Neighbor Sidewalk-04/05:	\$ 300,000.00	\$ 265,188.21	\$ 261,606.21	\$ 3,582.00
005.5110.0400.2004.0004: Curbing-04/05:	\$ 50,000.00	\$ 50,000.00	\$ 23,749.64	\$ 26,250.36
005.5110.0400.2005.0017: Sidewalk Imprv-CDBG-05/06:	\$ 246,125.00	\$ 324,852.20	\$ 256,228.88	\$ 68,623.32

Sidewalk & Curb Improvements (Continued):

Project:	Budget	Revenues	Expenditures	Balance/(deficit)
005.5110.0400.2005.0018: Good Neighbor Sidewalk-05/06:	\$ 300,000.00	\$ 150,000.00	\$ 1,636.11	\$ 148,363.89
005.5110.0400.2005.0019: Curbing-05/06:	\$ 50,000.00	\$ 50,000.00	\$ 51,905.56	(\$ 1,905.56)
005.5110.0400.2005.0029: Emerg. Sidewalk Repairs-05/06	\$ 50,000.00	\$ 50,000.00	\$ 105,832.33	(\$ 55,832.33)
005.5110.0400.2006.0035: Sidewalk Imprv-CDBG-06/07	\$ 340,000.00	\$ 329,068.11	\$ 282,166.26	\$ 46,901.85
005.5110.0400.2006.0036: Sidewalk Imprv-Vlg Wide-06/07	\$ 100,000.00	\$ 100,000.00	\$ 87,161.51	\$ 12,838.49
005.5110.0400.2006.0043: Sidewalk Imprv-New King-06/07	\$ 131,000.00	\$ 131,000.00	\$ 127,104.52	\$ 3,895.48
005.5110.0400.2007.0053: Sidewalk Imprv-CDBG-07/08	\$ 355,000.00	\$ 311,714.06	\$ 218,691.17	\$ 93,022.89
005.5110.0400.2007.0054: Sidewalk Imprv-Vlg Prop-07/08	\$ 70,000.00	\$ 70,000.00	\$ 1,102.64	\$ 68,897.36
005.5110.0400.2007.0071: Sidewalk Bttrmnt-Phase 1-07/08	\$ 500,000.00	\$ 500,000.00	\$ 476,863.46	\$ 23,136.54
005.5110.0400.2008.0089: Sidewalk Imprv-CDBG-Ryan Ave	\$ 340,000.00	\$ 340,000.00	\$ 339,436.36	\$ 563.64
				\$ 460,743.91

**Capital Project Closeout Resolution
November 21, 2011 Village Board Meeting
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\$ 148,363.89	From:	005.5110.0400.2005.0018:	Good Neighbor Sidewalk-05/06
\$ 1,238.39	To:	005.5110.2137.0000.0000:	Sidewalk/Curb (w/King St)-02/03
\$ 39,062.81	To:	005.5110.2140.0000.0000:	Street Improvements-03/04
\$ 50,031.10	To:	005.5110.0400.2004.0002:	Sidewalk Improvements (CDBG)-04/05
\$ 1,905.56	To:	005.5110.0400.2005.0019:	Curbing-05/06
\$ 55,832.33	To:	005.5110.0400.2005.0029:	Emergency Sidewalk Repairs-05/06
\$ 293.70	To:	005.5110.0400.2011.0120:	Sidewalk/Curb Improvements-2011/12 (**Active Project**)

\$ 68,623.32	From:	005.5110.0400.2005.0017:	Sidewalk Improvements-CDBG-05/06
\$ 54,720.97	To:	005.5110.2141.0000.0000:	Sidewalk Improvements-CDBG-03/04
\$ 13,902.35	To:	005.5110.0400.2011.0120:	Sidewalk/Curb Improvements-2011/12 (**Active Project**)

\$ 10,717.25 From: 005.5110.2109.0000.0000: Street Improvements-01/02
 \$ 50,062.01 From: 005.5110.2115.0000.0000: Sidewalk Improvements General-01/02
 \$ 51,629.76 From: 005.5110.2135.0000.0000: Street Maintenance Improvements-02/03
 \$ 38,415.22 From: 005.5110.2136.0000.0000: Sidewalk Improvements-CDBG-02/03
 \$ 16,635.01 From: 005.5110.0400.2004.0001: Street/Curb Maintenance-04/05
 \$ 3,582.00 From: 005.5110.0400.2004.0003: Good Neighbor Sidewalk-04/05
 \$ 26,250.36 From: 005.5110.0400.2004.0004: Curbing-04/05
 \$ 46,901.85 From: 005.5110.0400.2006.0035: Sidewalk Improvements-CDBG-06/07
 \$ 12,838.49 From: 005.5110.0400.2006.0036: Sidewalk Improvements-Vlg Wide-06/07
 \$ 3,895.48 From: 005.5110.0400.2006.0043: Sidewalk Improvements-New King-06/04
 \$ 93,022.89 From: 005.5110.0400.2007.0053: Sidewalk Improvements-CDBG-07/08
 \$ 68,897.36 From: 005.5110.0400.2007.0054: Sidewalk Improvements-Vlg Property-07/08
 \$ 23,136.54 From: 005.5110.0400.2007.0071: Sidewalk Betterment-Phase 1
 \$ 445,984.22 To: 005.5110.0400.2011.0120: Sidewalk/Curb Improvements-2011/12 (**Active Project**)

\$ 563.64 From: 005.5110.0400.2008.0089: Sidewalk Improvements-CDBG (Ryan Avenue)
 \$ 563.64 To: General Fund (funding source – no debt was issued for this project)

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner
 and Mayor Pilla
 NOES: None
 ABSENT: None

Building Department

AMENDING AGREEMENT FOR CONSULTING SERVICES TO THE BUILDING DEPARTMENT

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

WHEREAS, by resolution adopted April 6, 2011, the Board of Trustees accepted the recommendation of the Village Manager and approved the retainer of Emil Antonaccio, One Lee Road, Somers, New York 10589, to provide consulting services to the Village’s Building Department as part of the Manager’s restructuring of the Building Department at a rate of \$65.00/hour with a cap of \$65,000 in total compensation; and

WHEREAS, as of the last pay period ending on January 20, 2012, the Consultant has been paid a total of \$62,855.00 since he was retained; and

WHEREAS, the Manager has advised that the consultant’s services are still required and that an amendment of the agreement with the Consultant is in order so that he may provide for such services for the balance of this fiscal year; and

WHEREAS, it is expected that the consultant’s continued services will be the subject of the upcoming budget process for the Fiscal Year 2012-2013. Now, therefore, be it

RESOLVED, the Village Manager is hereby authorized to enter into an amendment to the April 12, 2011 agreement with Emil Antonaccio, One Lee Road, Somers, New York 10589 with regard to consulting services to the Building Department with total compensation not to exceed \$95,000, said amount to be funded from Account Code, Building Department 001-3620-400.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner
 and Mayor Pilla
 NOES: None
 ABSENT: None

CHAPTER 175 – FEES
EXPEDITED SEARCH FEES

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

WHEREAS, there is a continual need to evaluate the delivery of village services in a responsive manner; and

WHEREAS, as set forth in the memo from Christopher Steers, Assistant Manager, to the Mayor and Board of Trustees, the Building Department requires the ability to deliver information regarding searches for certificates of occupancy, open violations, open permits and zoning verifications often on a time-sensitive basis; and

WHEREAS, the Village Manager has proposed additional staffing so as to ensure the more efficient operation of the Building Department and accommodate these requests; and

WHEREAS, in order to partially offset the expense of additional personnel, a fee is proposed to allow applicants the option of an expedited search. Now, therefore,

RESOLVED, that Chapter 175 "Fees", Section 175-4, be amended as follows:

<u>Code Reference</u>	<u>Fee</u>
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Chapter 151, Building Code Administration and Enforcement

Property searches

ADD

<u>Expedited searches</u>	<u>\$200.00</u>
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ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: None

Fire Department

SETTING PUBLIC HEARING ON TITLE VI OF THE CHARTER
WITH REGARD TO FIRE PATROL & RESCUE CO. NO. 1

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

RESOLVED, that a public hearing is to be held on February 21, 2012 at 7:00 p.m. at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York 10573, to consider the advisability of adopting a local law to amend Title VI of the Charter of the Village of Port Chester with regard to Fire Patrol & Rescue Co. No. 1.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: None

Home Rule Request

The Clerk presented the next resolution for a Home Rule Request for Hotel Occupancy Tax.

Trustee Marino made a motion for discussion, Trustee Brakewood seconded the motion.

The Board discussed this resolution with staff. Mr. Cerreto told the Board that the Village was contacted by Assemblyman George Latimer that bills have been reintroduced by the State Senate and Assembly on this matter which would require a Home Rule Request by the Board, the Board spoke further on the matter and whether this is the time to move forward on the proposal since there are no hotels in the Village and currently no proposed developments for a hotel.

Trustee Branca made a motion to withdraw the Home Rule Request, Trustee Kenner seconded the motion.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

Senior Nutrition Program

WESTCHESTER COUNTY FOOD SERVICE PERMIT
FOR SENIOR NUTRITION PROGRAM
220 GRACE CHURCH STREET

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

RESOLVED, that the Village Manager be authorized to submit the application to the Westchester County Health Department for renewal of permit number 01-6620-B which expires March 31, 2012 for food service establishment regarding the Port Chester Nutrition Program at 220 Grace Church Street.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

Add-on

Mayor Pilla said that the Board held an executive session earlier in this meeting and that the Board will take an add-on resolution in the matter.

There being no objections, on motion of Trustee Didden, seconded by Trustee Brakewood the following resolution was added to the agenda.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

PERSONNEL MATTER

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

RESOLVED, that on behalf of the Board of Trustees, the Mayor is hereby authorized to forward correspondence to a Village employee and the Westchester County Department of Human Resources pursuant to Section 72 of the Civil Service Law with regards to a particular personnel matter.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

* * * * *

Discussions:

Parking

Mayor Pilla said that since Mr. Russo had to leave the meeting tonight he would defer the discussion on regarding parking. The Mayor requested that this discussion be on the next Board agenda.

* * * * *

School Zones

Trustee Didden said that he had requested this discussion item because he has been advised that the Edison Elementary School is not designated a School Zone on the streets surrounding the school, Rectory Street and Locust and Orchard Avenues. He asked that legislation be drafted for this.

Trustee Branca spoke about Drug Free School Zones that were established in the 1980's he believes and wants to make sure that all schools have that designation also.

Mayor Pilla said that the traffic situations during the dismissal times at Edison and Park Avenue Schools needs to be reviewed by the Traffic Sergeant and asked the Police Chief to arrange for this.

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Budget Operation Guidelines

Trustee Didden said that he had requested this discussion item on behalf of Trustee Terenzi so would give him the floor to speak on this further.

Trustee Terenzi said that our auditors had brought up the subject regarding budget operation guidelines. He said that he would like a resolution for the Board that would authorize over expending lines which would be amended at a later date with the reference that the authorization cannot go over the adopted budget.

The Mayor noted that it was hoped that a resolution on this matter would have been on this agenda but staff needed more time to provide the necessary resolution.

The Board discussed with the Treasurer this matter and Trustee Terenzi recommended that our Auditors provide sample language to be considered.

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Correspondence:

The Clerk presented correspondence from the Port Chester Youth Baseball League requesting permission to hold their Annual Fun Run to be held on April 21, 2012.

The Board referred the correspondence from the Port Chester Youth Baseball League to staff.

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The Clerk presented correspondence from Alex Payán resigning from the Waterfront Commission.

The Board noted the resignation from Mr. Payán and thanked him for his service to the community on this Board.

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The Clerk presented correspondence from Mary Kelley resigning from the Waterfront Commission.

The Board noted the resignation from Ms. Kelley and thanked her for her service to the community on this Board.

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Appointments:

APPOINTMENT TO THE WATERFRONT COMMISSION

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

WHEREAS, currently there are two vacancies on the Waterfront Commission; and

WHEREAS, Gene Ceccarelli is the alternate member of the Waterfront Commission whose term expires on December 2, 2012; and

WHEREAS, it is the intention of the Board to elevate Mr. Ceccarelli as a full member; and

RESOLVED, that GENE CECCARELLI, residing at 91 Munson Street, Port Chester, New York, be and he hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective upon his resignation as the alternate member for the remaining of the unexpired term of Alejandro Payán whose term expires December 2, 2013.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: None

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APPOINTMENT TO THE WATERFRONT COMMISSION

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

RESOLVED, that TAV PASSERELLI, residing at 117 Neuton Avenue, Port Chester, New York, be and he hereby is appointed as a full member of the Port Chester WATERFRONT COMMISSION, effective immediately in place and instead of the unexpired term of Mary Kelley with said term to expire December 2, 2013.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

Reports:

The Clerk presented reports from Reliance Engine & Hose Co. No. 1 on the election to active membership of Augustine Diaz and Marc Pacheco.

The Board noted the actions taken by Reliance Engine & Hose Co. No. 1.

The Clerk presented reports from Fire Patrol & Rescue Co. No. 1 on the election to active membership of Andrew Sposta and Ambrogio Castellana and the resignation of Anthony Cerone.

The Board of Trustees noted the actions taken by Fire Patrol & Rescue Co. No. 1.

Minutes:

The Clerk presented the Board of Trustees minutes of January 3, 2012 and January 17, 2012.

Trustee Didden made a motion to accept these minutes, Trustee Marino seconded the motion.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla
NOES: None
ABSENT: None

Trustee Kenner abstained from the minutes of January 17th since he was absent from that meeting.

Public Comments:

Gene Ceccarelli thanked the Board for their vote appointing him as a full member of the Waterfront Commission.

Richard Abel spoke about the authorizing that the Board granted tonight to the water company for installing poles. He said that the Village of Rye Brook will be holding a public hearing on this matter and that they are posting signs at the locations where the poles are being proposed. Mr. Abel said that the water company is working with us on the sewer rent project but this shouldn't be about scratching my back doing something for them because of that. He said the public should have the benefit to speak on this. Mr. Abel asked if the water company pay taxes on the poles.

Mr. Cerreto said that utilities including the water company pay a gross receipt tax.

Board Comments:

Trustee Brakewood said that he agrees with Mr. Abel regarding the installation of poles by the water company. He said that it is about aesthetics of the community and also dealing with aesthetics are billboards which is he glad that staff will be going out with the request for proposals on the matter of billboards. Trustee Brakewood said that he was glad that Rose Noonan could not attend tonight's meeting because he would rather have a separate workshop with her that he anticipates could take an hour and half or longer with the Board on a proposal for a Housing Rehabilitation Program. He said that his vision for such a program would be to remove illegal kitchens and bathrooms and bring the dwellings into compliance so he is looking forward to working with Ms. Noonan. Trustee Brakewood concluded his comments congratulating the Port Chester – Rye Brook Public Library with the renovations that have been done to the interior of the Library consisting of an elevator and larger children and teen sections which was all paid through the Leffert's Grant. He said that he attended the grand reopening of the Library this weekend and the renovations are fantastic.

Trustee Terenzi said that he is extremely happy with the initiatives by the Board regarding the budget. He said that the next level is another staff member for Finance to focus on the Capital Plan. Trustee Terenzi noted the passing of retired Police Department member and Commission member Joseph Polesty. He concluded with prays to former Mayor Peter Iasillo who Ms. Solomon had mentioned is quite ill.

Trustee Didden spoke about Mayor Iasillo and that he is in his thoughts and prays. He said that he is also happy with the direction that Village staff is going regarding billboards. Trustee Didden said that he also attended the opening of the Library that the renovations are beautiful and wish them much success. He commented that several months ago he spoke about street vendors and that our regulations on these vendors need to be looked at. Trustee Didden said that the Board received memos from the Village Attorney and the Police Chief regarding amending the scofflaw and when can the Board expect the law on this matter. Mr. Cerreto said upon the direction of the Board staff could go forward. Mayor Pilla said that this started at a good idea and spoke about receiving past fees from a rental car company but not sure if this is the direction that the Village should go in. Trustee Didden explained further the reasoning of the proposal that the law would allow the police to go after registered vehicle owners who have three or more tickets on a combination of all the vehicles that are registered to them. He said that owners are bypassing the current law by re-registering their vehicles. The Mayor noted that no one else does this which is a concern. Trustee Didden said that a notice can be sent to the effective registered owners that the law would go into effect and they have a time to cure. There was further discussion on this subject and Trustee Didden requested that this matter be place on the next Board agenda. Trustee Didden thanked Blanca Lopez, the President of the School Board noting that they had a School Board Liaison Committee meeting last week and the Village requested information from the School Board which they received today.

Trustee Terenzi said that he would like to speak also about towing in the Village but Trustee Marino has a situation on this subject so will wait until he speaks on it later.

Trustee Didden noted that at the next Board meeting, February 21st there will be a public hearing regarding community residences which he told the public to come and speak on this subject.

Trustee Branca said that he is praying for Peter Iasillo who has given many years of service to this community. He said that the first time he ran in 1972 was with Mr. Iasillo and he has many fond memories of Mayor Pete. Trustee Branca said that there is a meeting with G&S in the middle of this month that we will be meeting with the engineers. He said that after that meeting he will update the Board.

Trustee Marino spoke about a situation where a vehicle was towed and one of their windows was broken. He said that the Village instructed the towing company to tow but asked shouldn't the towing company be responsible for this damage. Trustee Terenzi said that Captain Telesca was checking on the pricing and guidelines regarding towing. Police Chief Krzeminski said that he will check with Captain Telesca on this and will get back to the Board. Trustee Marino said that there was a fire on William Street that resulted in violations by Code Enforcement. He asked Mr. Steers how many violations were issued for this building. Mr. Steers said there was over 460 violations. Trustee Marino asked when was the last time this building was inspected? Mr. Steers said the last time was back in the 1980's and that this is one of the 200 or so properties that have not responded for an inspection. Trustee Marino said that this lack of inspections is an issue for him that no building should be that long between inspections. There was further discussion on this topic. Trustee Marino said that the Board received a letter from a resident requesting to be considered on the Planning Commission and requested that the Board conduct an interview.

Trustee Kenner said that his thoughts and prayers are with Mayor Iasillo and his family at this time. He said that he also attended the grand reopening of the Library and that they did an amazing job of the renovations to the facility. Trustee Kenner asked what is the continued process of the Comprehensive Plan noting that he has additional comments on the plan and how should he provide them. Mr. Steers said to continue to give any comments to the consultants.

Mayor Pilla also spoke about the Library and the improvements there. He said that there is a great amount of positive things happening in the Village and looks forwards to moving ahead.

Trustee Didden asked a final question to Mr. Steers of what is happening to the 200 or so properties that have not responded to a fire inspection. Mr. Steers said that they are working on that issue.

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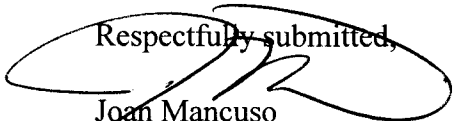
There being no further business, on motion of Trustee Didden, seconded by Trustee Kenner the meeting was closed at 10:35 p.m.

ROLL CALL

AYES: Trustees Brakewood, Terenzi, Didden, Branca Marino, Kenner and Mayor Pilla

NOES: None

ABSENT: None

Respectfully submitted,

Joan Mancuso
Village Clerk