

MEETING HELD SEPTEMBER 24, 2002

A meeting of the Industrial Development Agency of the Village of Port Chester, New York, was held on September 24, 2002 at 7:08 P.M., in the Rye Town Conference Room at 10 Pearl Street, Port Chester, New York.

Present were Chairman James Dreves and members Peter M. Ciccone, Steve Giamundo, Bishop Nowotnik, John Hiensch and John Sweet.

It should be noted that member Kevin O'Connor was absent.

Also present was Mark Tulis, counsel for the Agency.

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The members discussed the proposed resolution with counsel and took the following action.

On motion of COMMISSIONER NOWOTNIK, seconded by COMMISSIONER GIAMUNDO, the following resolution was adopted by the Industrial Development Agency of the Village of Port Chester, New York:

WHEREAS, the Village of Port Chester Industrial Development Agency (the "IDA") is the title owner of the properties known as 17, 19, 19 ½, 27, 35, 45, 47 and 19b South Main Street and 1-9, and 11 North Main Street (the "properties"), and

WHEREAS, the IDA obtained title to the properties by virtue of sales to and/or condemnation by the Village of Port Chester of the properties as part of the Modified Marina Redevelopment Project (the "project"), and the subsequent transfer of the properties to the IDA pursuant to the Modified Marina Redevelopment Land Acquisition and Disposition Agreement, as amended, (the "LADA"); and

WHEREAS, pursuant to the terms of the LADA the IDA has leased the properties to G & S Port Chester, LLC; and

WHEREAS, certain former tenants located in the properties have refused to vacate the properties, and are holding over in possession without legal right and are not paying any use or occupation payments to the IDA or G & S; and

WHEREAS, counsel to the IDA, Mark S. Tulis, has advised the IDA that the IDA and G & S have the legal right to commence actions, including a demand for possession of the properties and legal or other actions to recover possession of the premises from the holdover former tenants; and

WHEREAS, it is necessary for the completion of the project that said holdover former tenants be required to vacate the properties so construction of the next phase can commence; and

WHEREAS, G & S has agreed to pay for any such actions to vacate the properties and directly employ G & S's counsel, DelBello Donellan Weingarten Tartaglia Wise & Wiederkehr, LLP ("DDWTWW"), on behalf of the IDA and G & S; and

WHEREAS, employing one law firm on behalf of the IDA and G & S will minimize the expense and effort of vacating the properties and counsel to the IDA, Mark S. Tulis, has advised the IDA that representation by DDWTWW of the IDA and G & S for the limited purposes of vacating the properties would not result in a conflict of interest among DDWTWW, the IDA and G & S and that Mr. Tulis would monitor and approve in advance all actions to be taken on behalf of the IDA; and

WHEREAS, Mark S. Tulis is an assistant secretary of the IDA and may execute documents on behalf of the IDA. Now, therefore be it

RESOLVED, by the IDA as follows:

1. The IDA hereby appoints DDWTWW to act as its counsel, at no cost to the IDA or the Village of Port Chester, for the limited purposes of taking actions necessary to remove the holdover former tenants from the properties and obtaining holdover use and/or occupancy payments, including demands to vacate the properties and the employment of legal process, including but not limited to actions(s) for ejection of said holdover former tenants from the properties, with any such actions subject to the prior approval of IDA counsel Mark S. Tulis.
2. The IDA hereby renews its election of Mark S. Tulis as assistant secretary of the IDA.
3. The IDA hereby authorizes Mr. Tulis, acting as assistant secretary, or the IDA Chair, to execute any and all documents, demands or legal papers of any kind necessary to seek removal of the holdover former tenants from the properties and obtaining holdover use and/or occupancy payments, including demands to vacate the properties and the employment of legal process, including but not limited to action(s) for ejection of said holdover former tenants from the properties.

ROLL CALL

AYES: Commissioner Ciccone, Giamundo, Hiensch, Nowotnik, Sweet and Chairman Dreves

NOES: None

ABSENT: Commissioner O'Connor

The Commissioners discussed additional IDA matters. No action was taken

There being no further business on motion of Commissioner Giamundo, seconded
by Commissioner Sweet, the meeting was adjourned at 7:41 p.m.

Respectfully submitted,

Joan Marino
Assistant Secretary