

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----x
UNITED STATES OF AMERICA,

Plaintiff,

v.

06 CV 15173 ()

VILLAGE OF PORT CHESTER,

Defendant.
-----x

DECLARATION OF RICHARD A. FALANKA

RICHARD A. FALANKA, pursuant to the provisions of 28 U.S.C. Sec. 1746,
declares as follows:

1. I reside at 34 West Glen Avenue, in Port Chester and have been a lifelong
resident here.

2. I worked for the Village of Port Chester for a total of 29 years. I began my
employment in 1977 as the Village Clerk, and over the years held the additional
positions of Village Treasurer, acting Village Manager, and Village Manager. As such I
am very familiar with Port Chester's government and history.

3. In New York State, Village government can only exist within an area controlled
by a Town government. The Village of Port Chester is wholly within the Town of Rye.
The Town of Rye was formed in 1660 and came to include the Village of Port Chester
(incorporated in 1868 by act of New York State Legislature), the Village of Rye
(incorporated in 1904) and the Rye Neck section same being roughly one half of the

Village of Mamaroneck, (incorporated in 1895). The Village of Rye Brook was formed in 1982 from what was previously the unincorporated area of the Town of Rye.

4. Port Chester historically had a strong Mayor and Board of Trustees. In 1975, after a referendum, Port Chester adopted a Village Manager form of government. This form of government has been in place since then. In 1985, Port Chester changed its charter by local law subject to permissive referendum, by changing its election date to be the third Tuesday in March and by changing its fiscal year to be June 1st through May 31st thereby conforming its election and fiscal calendars with the majority of Villages in New York State.

5. Port Chester has always been a business hub, first as a port. Gradually, with the expansion of the railroad around the turn of the century, Port Chester developed into a manufacturing center. The Great Depression impacted Port Chester, swelling its welfare rolls. The Village of Rye, desirous to distance itself from the welfare burden, became the City of Rye in 1942 and in essence separated from the Town of Rye. Beginning in the middle to late 1960's, Port Chester experienced a decline not unlike other municipalities in the Northeast who were manufacturing centers. Port Chester's manufacturers first scaled back and then relocated their businesses. Over the years, Empire Brush, Russell, Burdsall & Ward, Arnold Bread and Lifesavers all closed their facilities in Port Chester. After periods of continued decline, Port Chester came to recognize that it needed to become a service community and began the transformation in the late 1970's and early 1980's, recognizing that its future lay in redeveloping itself. Beginning in the 1980's, Port Chester gradually demolished much of its downtown in anticipation of a redevelopment that did not arrive until the late 1990's.

6. Against this backdrop, attracted to affordable housing, and a community used to accommodating immigrants, Hispanics started arriving in Port Chester. First to arrive in the late 1960's were hardworking individuals from the Caribbean, most notably from Puerto Rico and Cuba. By the early 1970's, the Cuban community within Port Chester was so accepted that in 1976 in response to their request, a statue in honor of Jose Marti was installed and dedicated on a green space at the base of Glen Avenue at Haseco Avenue. This was a source of much Latin pride. A plaque honoring the efforts of Argelio Rodriguez was added in 1989.

7. Beginning in the 1980's, Hispanics mostly from Latin America began arriving. Many were escaping strife in their own countries. They knew Port Chester to be a tolerant and accepting community supportive of all residents, especially immigrants. In the 1990's as Port Chester accelerated on its path to redevelopment, the number of new immigrants swelled, as was confirmed in the 2000 census.

8. In my experience, Hispanics in Port Chester are hard working, family oriented individuals, rarely getting involved in local issues. They are working hard as they adjust to life in America. Many Hispanics work two jobs so that they can afford to live in this area and take care of their families.

9. From my perspective, Port Chester has always welcomed Hispanics, and encouraged their participation in the government and political processes.

10. In the 1980's and to a great extent in the 1990's, Port Chester has benefited from the Community Development Block Grant Program. CDBG grants – with Village of Port Chester tax dollars – funded many improvements in our Village, which became the base for our current Renaissance. Projects funded included the North Main Street sidewalks

which allowed for our utilities to go underground, a shopper's parking lot behind the former Village rooms at 110 Willett Avenue, the South Main Street sidewalks, and improvements to our parks. More recently, during my tenure as Village Manager, I administered CDBG programs for new sidewalks on the streets perpendicular to Westchester Avenue, from Smith to Washington Streets, as well as on Poningo and streets perpendicular to that including Bush, Buckley, Seymour and Parker Street. I also oversaw improvements to Columbus Park, funding for our newly opened Senior Citizen Center at the recently purchased former Horton School on Grace Church Street, and sidewalk repairs on Cottage Streets, Leonard Street, Arnett Street, Eldredge Street, Edgar Place and nearby areas. Approvals are in place for CDBG and Village of Port Chester money being used to fund much needed improvements at Abendroth Park, near the former United Hospital.

11. Port Chester has always been a self-sufficient community. Volunteer Fire Companies were started in Port Chester in the late 1800. People who were born or moved to Port Chester, often stayed in Port Chester. Port Chester was a community of neighborhoods, the Bowery (downtown), Edgeland (the hill up from Midland Avenue), Washington Park (the area around Corpus Christi), Colonial Park, Brooksville (a predominantly Polish neighborhood), and King Street. While I knew this to be true, I saw it dramatically when United Hospital unexpectedly announced its closure. Suddenly, many people who had everything they needed in one Village, no longer had a hospital, even though there were hospitals nearby in White Plains and Greenwich.

12. Port Chester has always been a friendly community. Many individuals who retired and moved to Florida, still attend reunions of Port Chester residents there. Many

still subscribe to our local Westmore News just to keep up with local events. Reunions at the Port Chester High School are well attended.

13. Port Chester has always had tremendous talents in the art. Ed Sullivan grew up in Port Chester. Many vocalists and other artists hail from Port Chester. Louis DelBianco, the stonecutter of Mount Rushmore came from Port Chester. The Rolling Stones recently did an MTV broadcast at the beautifully restored Capitol Theater. In its heyday, the Capitol Theater was a mecca for many recording stars in the New York area.

14. Port Chester has always had and supported tremendous athletes. Most famous are Paul Costa (Port Chester HS and Notre Dame Graduate and ten year member of the Buffalo Bills), and most recently Port Chester resident Meaghan Francella qualified for the LPGA tour with strong community support.

15. Port Chester has always been generous. When Hurricane Katrina hit, our fire department raised \$30,000 in a matter of hours, as passing cars stuffed dollars in outstretched fire boots held by volunteer firemen. Recent significant bequests have benefited our library and parks.

16. Port Chester has always cared about its people. Port Chester has always willingly allowed food pantries to operate, in large part supported by in kind donations from its residents, and many residents regularly support community service organization within and without Port Chester.

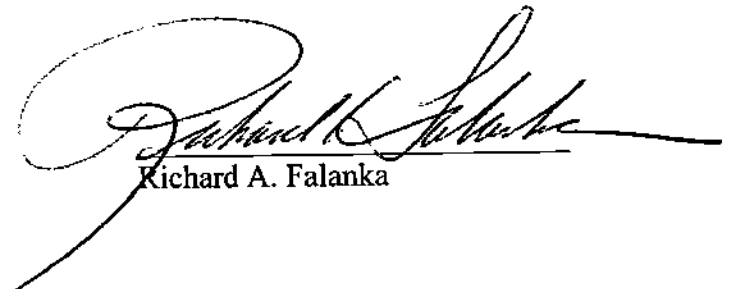
17. I believe that splitting the Village of Port Chester into districts would be unnecessarily divisive to a community where members of a family may live in different parts of the Village. I also believe from my perspective of having overseen Village elections, that the plans put forth by the Federal government would create confusion. No

attention was paid to existing election district lines which will have the effect of causing tremendous confusion.

18. I believe that the Federal government should have provided additional resources to Port Chester to achieve the goals of civic education for immigrants on the importance of registering to vote and getting more involved and to underwrite the costs of more materials written in Spanish. These efforts would help increase participation in the political process. Much like the CDBG program, Port Chester knows how to spend Federal dollars in the most efficient and productive ways to better the entire community, and the money dedicated to this lawsuit could have been better spent by the Village.

I declare under penalty of perjury that the foregoing is true and correct.

Dated: January 16, 2007
Port Chester, NY



Richard A. Falanka