

PUBLIC HEARING PLL 10-2008 p. 1

MINUTES OF A PUBLIC HEARING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF MAMARONECK HELD ON TUESDAY, OCTOBER 14, 2008 AT 7:30 P.M. IN THE COURTROOM AT VILLAGE HALL, MAMARONECK, NEW YORK

PRESENT:	Mayor	Kathleen Savolt
	Trustees	Thomas A. Murphy Toni Pergola Ryan John M. Hofstetter Randi Robinowitz
	Village Manager	Leonard M. Verrastro
	Village Attorney	Janet M. Insardi
	Police Department	Edward Flynn
	Clerk-Treasurer	Agostino A. Fusco
ABSENT:		None

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a public hearing will be held by the Board of Trustees of the Village of Mamaroneck on the 14th day of October, 2008 at 7:30 p.m., or as soon thereafter as all parties can be heard, at the municipal building located at 169 Mount Pleasant Avenue, Mamaroneck, New York, to consider [PROPOSED LOCAL LAW NO. 10-2008](#), a local law adding Article III to Chapter 126 (Building Construction) of the Code of the Village of Mamaroneck to permit full access to certain buildings and structures for life-saving and fire-fighting purposes.

PLEASE TAKE FURTHER NOTICE that a copy of Proposed Local Law No. 10-2008 is on file with the Clerk-Treasurer of the Village of Mamaroneck.

PLEASE TAKE FURTHER NOTICE that at said public hearing, all persons interested will be given an opportunity to be heard.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF MAMARONECK, NEW YORK

Agostino A. Fusco
Clerk-Treasurer

Dated: October 7, 2008

Trustee Murphy gave a background of this law. He informed the residents that this law states that there will be a box (Key Box) on the outside of every multi-family dwelling which will house keys to the building in the event that the Fire Department needs to access the building. This will make the residents and fire fighters safer and will also save the building owners money because right now, if the fire fighters do not have a key, they break the door down and the owner of the building has to pay to have the door replaced.

Chief Dean DeLitta addressed the Board. Chief DeLitta stated that this law is in effect in many parts of the country. The Key Box is a very secure system as there is only one key cut on each box and this key cannot be duplicated. The Village of Mamaroneck registers for that specific key cut and no one else could ever get that key duplicated. The keys to get into the Key Boxes are kept in a secure box in the fire apparatus as well as the Chief's cars. To access these keys, a code needs to be entered, auditing who accesses the key. With the accessing of a key, the date, time and name of individual accessing the key is recorded. There is a strobe light on the box in the vehicles that stays lit until the key is returned to the box and a code entered, recording when the key was returned. The current system today consists of a simple key that can be duplicated and that sometimes fits and sometimes does not fit the Key Box. Chief DeLitta gave examples of recent incidents that, if someone did not let them into the building, they would have had to break a door down.

On motion of Trustee Hofstetter, seconded by Trustee Ryan:

RESOLVED that the Public Hearing on Proposed Local Law 10-2008 be and is hereby opened.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt

Nays: None

Mr. Irving Scharf of Richbell Road addressed the Board. He feels that this law is too strict as the fire fighters now have the keys for 50 – 75 percent of what they need to access in a building and he therefore does not support it.

Mr. Steve O'Rourke of Thompkins Avenue appeared. Mr. O'Rourke asked what keys will be included in the Key Box. The list of keys specified in the law was read by Trustee Murphy.

Ms. Louise Yannuzzi of Richbell Road appeared. She supports the law and believes that every minute that goes by, lives are being put at stake and the safety factor needs to be addressed.

Trustee Murphy stated that as an elevator mechanic in New York City for years he has experienced times when keys were not available to him to help people stuck in elevators as they were taken by another worker. This could not happen with this system as no one but the fire department would have access to these keys.

Trustee Ryan asked about the dangers of going into buildings that house hazardous materials. Chief DeLitta stated that according to law, all buildings need to keep a list of hazardous materials on their premises and this list needs to be easily located in a cabinet close to the front door. If access to the building is not available and therefore this list not available the fire can possibly be handled in a way that it should not be if it involves hazardous materials.

Trustee Robinowitz asked how this will be funded. Chief DeLitta stated that the monies needed to put the boxes in the fire apparatus and Chief's cars has been budgeted for. The cost of installing the Key Box on the building is the responsibility of the building owner. The typical cost for a small box,

which contains 10 keys is approximately \$240 and a large box, holding 50 keys, approximately \$325. However, the cost to replace a door can be \$1,000 without a lock set.

Chief DeLitta also stated that if there is not a Chief readily available to open the secure box in an apparatus, a call can be made to County Control and they can remotely open the box. This radio transmission is audited as well. The set up of this by the County has already been done and there will be no cost for this.

This system can also be used by EMS. They can call the fire department in the event of an emergency and be let into a building. Chief DeLitta stated that in some senior buildings, residents have requested that keys to their apartment be kept in the Key Box in the event of an emergency where they could not get to the door to allow access for EMS.

Village Attorney Insardi stated that there is a typographical error on page 2, Section One, subsection B, third line; there is an extra "as" that will be removed.

Mayor Savolt informed building owners that they will have eight months from the effective date of the law to have a Key Box installed; all new construction must have a box installed before receiving their Certificate of Occupancy.

On motion of Trustee Murphy, seconded by Trustee Robinowitz:

RESOLVED that the Public Hearing on Proposed Local Law 10-2008 be and is hereby closed.

Ayes: Robinowitz, Hofstetter, Ryan, Murphy, Savolt
Nays: None

RESOLVED, that Proposed Local Law 10-2008, with the correction noted by Ms. Insardi, be and hereby is enacted as Local Law 8-2008 and shall read as follows:

LOCAL LAW NO. 8-2008

A local law amending Chapter 126 entitled "Building Construction" by adding Article III entitled "Additional Standards" to permit full access to certain structures for life-saving and fire-fighting purposes.

Be it enacted by the Board of Trustees of the Village of Mamaroneck as follows:

SECTION 1. Article III, entitled "Additional Standards" is hereby added to Chapter 126 of the Code of the Village of Mamaroneck to read as follows:

§ 126-26. Applicability.

This Article shall apply to all parts of the Village of Mamaroneck. All existing commercial buildings and multifamily dwellings shall comply with this law eight (8) months from the effective date. All newly constructed commercial buildings and multifamily dwellings not yet occupied or buildings currently under construction and all buildings or businesses applying for a certificate of occupancy shall comply immediately. The cost of purchasing and installing, along with any cost associated with implementation of the program at specific property, will be borne by the responsible party or property owner.

§ 126.27. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

DWELLING, MULTIFAMILY- A building containing three (3) or more dwelling units or a part of a building above a permitted business use containing three (3) or more dwelling units.

FIRE DISTRICT- The normal fire protection district covered by the Village of Mamaroneck Fire Department.

FIRE INSPECTOR - The Fire Inspector of the Village of Mamaroneck or any other representative duly authorized and designated to perform his or her duties including the Director of Building, Code Enforcement and Land Use Administration.

KEY BOX- A box of a size and type approved by the Fire Department that meets the requirements and utilizes the same security code adopted by the Fire Department.

KEY SWITCH- A UL listed, two-position key switch, approved by the Fire Department, that operates from the approved security key utilized by the Fire Department.

RESPONSIBLE PARTY- The property owner and/or person(s) charged with the responsibility for the occupancy or building.

SECURITY CAP- A Fire Department Connection Plug and Cap approved for use by the Fire Department with a 2 ½" New York Corporation thread Pattern or 5 inch Storz connection.

SECURITY PADLOCK- A padlock approved by the Fire Department that utilizes the approved key code utilized by the Fire Department.

§ 126-28. Requirements.

The following shall be required in order to allow the Fire Department to gain access to a structure or any portion of a structure for life-saving and fire-fighting purposes:

A. Mandatory Key Boxes for Fire Suppression and Standpipe Systems. When a building or multifamily dwelling within the Village of Mamaroneck is protected by an automatic fire suppression and/or standpipe system, it shall be equipped with a Key Box, installed in accordance with §126-29. The Key Box shall be of a size and type approved by the Fire Department.

B. Mandatory Key Boxes for Automatic Alarm Systems. When a building or multifamily dwelling is protected by an automatic alarm system and or access to or within the building is unduly difficult because of secured openings determined by the Fire Inspector, and where immediate access is necessary for life-saving or fire-fighting purposes, it shall be equipped with a Key Box, to be installed in accordance with §126-29. The Key Box shall be of a size and type approved by the Fire Department.

C. Mandatory Storage Cabinet. In occupancies storing or dispensing hazardous materials, a hazardous materials cabinet will be required. This cabinet will store Material Safety Data Sheets and other information as required by the Fire Inspector and shall be installed at a location approved by the Fire Inspector.

D. Automatic Gates. When a residential or commercial property is accessed through a gate or cross arm that impedes ingress through required fire lanes by means of a key swipe card or code, it shall be equipped with a Key Box or a Key Switch to be installed at a location approved by the Fire Inspector.

E. Security Padlock. When a property is protected by a locked fence or gate and where immediate access to the property is necessary for life-saving and fire-fighting purposes, it shall be equipped with a security padlock to be installed at a location approved by the Fire Inspector. It shall then be the responsibility of the responsible party to see that the fence or gate is secured properly so that the Security Padlock is accessible.

F. Security Cap. When a building is protected by an automatic sprinkler system or standpipe system, a Fire Department Connection Security Cap(s) shall be installed. The Fire Department Connection Security Cap(s) shall be a type approved by the Fire Inspector.

G. Key Box Contents. The Key Boxes shall contain, but not be limited to, three individual duplicate rings of keys, and the following items as designated by the Fire Inspector. It shall be the duty of the Fire Inspector to maintain the contents of the box, which shall include labeled keys to the following:

- (1) Locked points of egress, whether in interior or exterior of such buildings.
- (2) Locked mechanical rooms.
- (3) Control valves.
- (4) Fire alarm panels.
- (5) Any fence or secured area.
- (6) Elevator access, control rooms and locking devices.
- (7) The firefighter service operation of facility elevators.
- (8) All common areas of the occupancy that may be secured.
- (9) Any other areas that may be required by the Fire Inspector.
- (10) A card containing the emergency contact people and phone numbers for each occupant (3" X 5" minimum).
- (11) Floor plans of the rooms within the building may also be required by the Fire Inspector showing locations of shut-offs.
- (12) Material Safety Data Sheets as required for hazardous materials.

§ 126-29. Location and Maintenance of Key Box

A. Installation and location of Key Box. The Key Box:

- (1) Shall be installed on the exterior of the building within no less than ten (10) feet of the entrance door normally used by the fire department to access the building.
- (2) Shall be installed no higher than six (6) feet nor lower than five (5) feet from the ground level immediately adjacent to the installation location.
- (3) Shall be installed in such a manner that it is free from physical obstruction (trees, bushes, etc.).
- (4) Shall not be painted as this may reduce visibility of the box or impede entry into the box.

B. Fire Department Alert Decal. A Fire Department Alert Decal is to be affixed no higher than six (6) feet nor lower than five (5) feet from the adjacent ground level on the non-hinged side of entrance door normally used by the fire department. This decal shall be notification to responding Fire Department personnel of the presence of a Key Box in the vicinity of the entrance.

C. Key Box Maintenance. The operator of the building shall immediately notify the Fire Inspector and provide the new key when a lock is changed or re-keyed. The key to such lock shall be secured in the Key Box.

§ 126-30. Penalties for Offenses

A. Failure to comply with any provision of the article shall be deemed a violation, and the violator shall be liable for a fine of up to one thousand dollars (\$1000.) or imprisonment not to exceed fifteen (15) days, or both, and each day such violation continues shall constitute a separate violation.

B. An action or proceeding in the name of the Village of Mamaroneck may be commenced in any court of competent jurisdiction to compel compliance with or restrain by injunction the violation of any provision of this article, or to vacate the occupancy or building in the case of imminent danger to life or property. Such remedy shall be in addition to the penalties otherwise prescribed by law.

Section 2. If any section, subsection, clause, phrase or other portion of this local law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 3. This local law shall be effective immediately.

RESPECTFULLY SUBMITTED BY:

AGOSTINO A. FUSCO, CLERK-TREASURER