

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Tuesday, December 3, 2013
PROPOSED EXECUTIVE/CLOSED SESSION 6:00-7:00 P.M.
Regular Meeting: 6:00 P.M.
VILLAGE JUSTICE COURTROOM
350 North Main Street
Port Chester, New York
AGENDA**

TIME: 6:00 P.M.

I	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Proposed motion for executive session regarding status of pending investigation.	
2	Proposed motion for executive session regarding particular person(s).	
II	PRESENTATION OF NEW POLICE APPOINTMENT	ACTION
1	Promotion ceremony of Police Officer Drew Conetta to Sergeant with the Village of Port Chester Police Department.	
III	PUBLIC COMMENTS	ACTION
IV	RESOLUTIONS	ACTION
	Administration	
1	Authorize the Village Manager to enter into an agreement with Integrated Technical Systems, Inc. (ITS) regarding parking meter maintenance.	
2	Parking Station establish Phase II budget for Parking Meter Project	
3	Set a Public Hearing for Local Law change to Parking Regulations.	
4	Setting public hearing to authorize petition to New York Public Service Commission to distribute public safety infrastructure costs across the water rate base in the Village of Port Chester.	
	Finance	
5	NYS Retirement	
V	DISCUSSIONS	ACTION
1	Handicap Decal	
2	Facilitating full accessibility at the Port Chester railroad station for those with disabilities.	
3	Adopting the Village of Port Chester Electronic Use Policy.	

VI	CORRESPONDENCE	ACTION
1	Request from Mr. Moises Tenesaca to hold a procession on Sunday, December 15, 2013, to celebrate our 2nd Annual La Posada Del Nino from approximately 1:15pm - 2:30pm.	
VII	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

**PRESENTATION
OF
NEW POLICE APPOINTMENT**

PUBLIC COMMENTS

RESOLUTIONS



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Office of the Village Manager

Village BOT Meeting Date: 12/2/13

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact	X		Public Hearing Required		X
Funding Source: General Fund			BID #		
Account #: 1.3320.400 Meter Pay Station Maintenance			Strategic Plan Priority Area		
			Business & Economic Development		
Agreement	X		Manager Priorities		
Strategic Plan Related	x		5 Year Capital Plan		

Sponsor's Name: Christopher D. Steers, Village Manager

Service agreement for Maintenance of Digital Multi-space Parking Meters

Summary

Background:

With the expiration of the manufacturer's warranty, the Village requires a maintenance contract for the initial installation of the Digital Multi-Space Meters that were placed in the downtown area.

As part of the Village's Request for Proposals for Digital Meter services, installation and materials to facilitate the expansion of the multi-space meters to other areas, the Village accepted the proposal of Integrated Technology Systems, Inc. This proposal included a quote for maintenance of these meters. In negotiating the agreement, the vendor secured the cooperation of the manufacturer thereby assuring seamless coverage back to June 1, 2013 when the prior vendor's maintenance agreement expired. There are sufficient funds allocated in the FY 2013-2014 Budget for this expense.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Service Agreement

SERVICE AGREEMENT
FOR MAINTENANCE OF DIGITAL MULTI-SPACE PARKING METERS

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

RESOLVED, that the Village Manager be and is hereby authorized to enter into a service agreement with Integrated Technology Systems, Inc., 8 Capital Drive, Wallingford, Connecticut 06492, to provide maintenance services for the Village's initial installation of multi-space parking meters in the downtown, with a term of June 1, 2013 to November 30, 2014, compensation to be \$41,080.00, and be it further

RESOLVED, that payment shall be made from funds appropriated in the General Fund, General Ledger Code 1.3320.400 Meter Pay Station Maintenance.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:



SERVICE AGREEMENT

Company: Village of Port Chester
Location: Village Hall
Street: 222 Grace Church Street
City, State, Zip: Port Chester, NY 10573
Tel: 914-497-8611
Fax:
Contact: Chris Ameigh

For the fees listed below paid in advance, Integrated Technical Systems, Inc. (ITS) will service your LUKE Multi-Space Meter equipment for a term expiring on November 30, 2014, as per the following;

Scope of Work:

ITS will schedule and perform one overall equipment inspection once during the term of this agreement at a date selected by the Village. ITS will provide all on-site service due to equipment malfunction. This Service Agreement includes all parts, labor and travel pertaining to your covered equipment (See attached list of optional features on your machines. Machines as constructed are covered, with the exception of batteries), Per this agreement, will be performed between the hours of 8:00 AM and 5:00 PM Monday through Friday, excluding legal holidays. Response time shall be within 24 hours of receipt of a request for service. Emergency service is available 24 hours per day, 7 days per week billable at ITS standard emergency overtime rates set forth in the attached Schedule 1.

When, in the opinion of ITS, a unit is worn beyond reasonable repair and a shop reconditioned or new unit is necessary, ITS will issue a separate price quote for the Village's acceptance before order and installation.

Exclusions from Coverage:

This Agreement does not cover computerized and/or microprocessor units without proper surge suppression. Acts of God, vandalism, misuse and abuse are also not covered. Work external to the specific units covered by this agreement are also not covered. Consumable items (such as receipt paper) are quoted separately. (see attached Schedule 2).

Defense and Indemnification:

ITS agrees to defend and, to the fullest extent permitted by law, indemnify and hold the Village harmless from any claims, costs, judgments, liens, actions or proceedings for damage to property or injury or death to persons arising out of the negligent performance of this Agreement. At all times throughout the term of this Agreement, ITS shall procure and maintain, at its own cost and expense, general liability insurance against loss from personal injury or death or damage to property caused by an accident or occurrence, with limits of not less than \$1.0 Million as per Insurance Certificate.

Except with regard to its' own negligence, ITS shall not be responsible for any damages, loss, or loss of revenue resulting from malfunctions of equipment covered by this agreement.

Compliance:

ITS shall comply with all applicable federal, state and local laws and regulations.



Solicitation: The customer agrees not to solicit or hire any ITS employee for a period of one year following expiration of this agreement.

Compensation:

Pricing:			
<input type="checkbox"/>	Full Service Agreement (includes parts):	\$ 41,080.00	
	29 LUKE Meters		
		<u>\$ 41,080.00</u>	_____
		total of services	customer initial

This Service Agreement shall be invoiced and paid in Quarterly Installments payable on the first day of the quarter with an initial payment for all services prior to November 30, 2013 due on execution of the agreement.

Assignment: This Agreement may not be assigned by ITS without the prior written consent of the Village.

Termination: The Village may terminate this Agreement for cause upon breach and a failure to cure after notice as prescribed in said notice or on grounds of convenience.

Renewal: This Agreement may be renewed by the Village upon sixty (60) days notice prior to the end of the term for an additional term of one year.

Approved as to Form:

 Anthony M. Cerreto, Village Attorney

Signed and Accepted:

VILLAGE OF PORT CHESTER

 Christopher D. Steers, Village Manager

 Date

ITS

 ITS Representative (print)

 Date



Pricing Schedule for Overtime Service:

Overtime Service includes service work performed on Weeknights after 5pm, Weekends and Holidays.

Rates:

\$198/hour with a 4 hour minimum and an \$89 Vehicle Travel Charge

Pricing Schedule for Consumables:

Thermal Paper: \$24.75 per roll

Cleaner Card Credit Card (50 per box): \$38.07 per box

Cleaner Card Bill (15 per box): \$26.65 per box

Cleaner Card Printer (25 per box): \$63.45 per box

Batteries: 33Ahr - \$148.05 per unit



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Office of the Village Manager

Village BOT Meeting Date: 12/2/13

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact	X		Public Hearing Required		X
Funding Source: Kingsport Impact Fee & General Fund Contingency			BID #		
Account #:			Strategic Plan Priority Area		
			Business & Economic Development		
Agreement			Manager Priorities		
Strategic Plan Related	x		5 Year Capital Plan		

Sponsor's Name: Christopher D. Steers, Village Manager

AUTHORIZING VILLAGE TREASURER TO INCREASE CAPITAL FUND BUDGET AND MODIFY THE GENERAL FUND TO FACILITATE PHASE 2 OF THE EXPANSION OF DIGITAL MULTI-SPACE PARKING METERS THROUGH OTHER AREAS OF THE VILLAGE OF PORT CHESTER

Summary

Background:

As presented at the November 4, 2013 Board of Trustees meeting, staff recommended additional multi-space parking meters on Midland and Horton Avenues designated as Phase II of the parking meter expansion project. The Port Chester Traffic Commission has since recommended in favor of this phase as well as new parking regulations for enforcement.

A board resolution to set aside funding is required to pay for the installation of the meters. As indicated in the Commitment Letter from the vendor, pricing for the units will correspond to the pricing for Phase 1 that is presently underway and is expected to be completed by December 31, 2013. The \$300,000 figure will cover the extent of the project's needs, with \$242,582.58 appropriated from the Kingsport Impact Fee, and the remaining \$57,417.42 from General Fund Contingency.

Following action on the new parking regulations, the Board will be in the position of authorizing the agreement with the vendor so that work can begin as soon as possible.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Map of existing conditions on proposed streets Commitment Letter from ITS Financial detail on budget expectations Letter of support from PC Traffic Commission Resolution
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RESOLUTION

AUTHORIZING VILLAGE TREASURER TO INCREASE CAPITAL FUND BUDGET AND MODIFY THE GENERAL FUND TO FACILITATE PHASE 2 OF THE EXPANSION OF DIGITAL MULTI-SPACE PARKING METERS THROUGH OTHER AREAS OF THE VILLAGE OF PORT CHESTER

On motion of TRUSTEE _____, seconded by TRUSTEE _____, the

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

New York:

WHEREAS, on April 29, 2013, the Board of Trustees allocated \$600,000 for Phase I of "NEW PAYSTATIONS-FY2013-14" in the FY 2013-14 Capital Project Plan; and

WHEREAS, on September 16, 2013, the Board accepted the proposal of Integrated Technical Systems, Inc. (ITS) to undertake the work for Phase I which proposal anticipated future phases that would expand the use of digital multi-space parking meter stations in locations beyond the downtown; and

WHEREAS, the work for Phase I is currently underway with an expected completion date of December 31, 2013; and

WHEREAS, Village staff has since identified the scope of and extent of additional parking meter locations, designated as Phase II, for Horton Avenue and Midland Avenue; and

WHEREAS, on November 25, 2013, the Traffic Commission favorably recommended these proposed additional locations, together with the following parking regulations:

- three-hour parking
- rate of \$.25/15 minutes
- hours of enforcement to be 9:00 a.m. to 9:00 p.m. on Horton Avenue and 9:00 a.m. to 6:00 p.m. on Midland Avenue; and

WHEREAS, the Village Treasurer has developed a recommended budget for Phase II in the amount of \$300,000; and

WHEREAS, further Board action will be required to change the Village Code to reflect new parking regulations for these locations. NOW, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester hereby authorizes the Village Treasurer to increase the NEW PAYSTATIONS-FY2013-14 Capital Fund Budget by \$300,000 and modify the General Fund as follows:

GENERAL FUND:

Transfer From:

Contingency		
1.1990.400	Contingency Contractual	\$57,417.42

Transfer To:

Transfers to Capital Fund		
1.9900.0900	Transfers to Capital Fund	\$57,417.42

CAPITAL FUND:

New Paystation FY 2013-14 Budget:

Increase Project Budget
From \$660,000 to \$960,000.

Revenues:

5.5.2772.2013.127	Misc Revenue (Kingsport Impact Fee)	\$242,582.58
5.5.5031.2013.127	Transfer from General Fund	\$57,417.42

Appropriations:

5.3320.200.2013.127	New Pay-Stations – Equipment	\$300,000.00
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APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

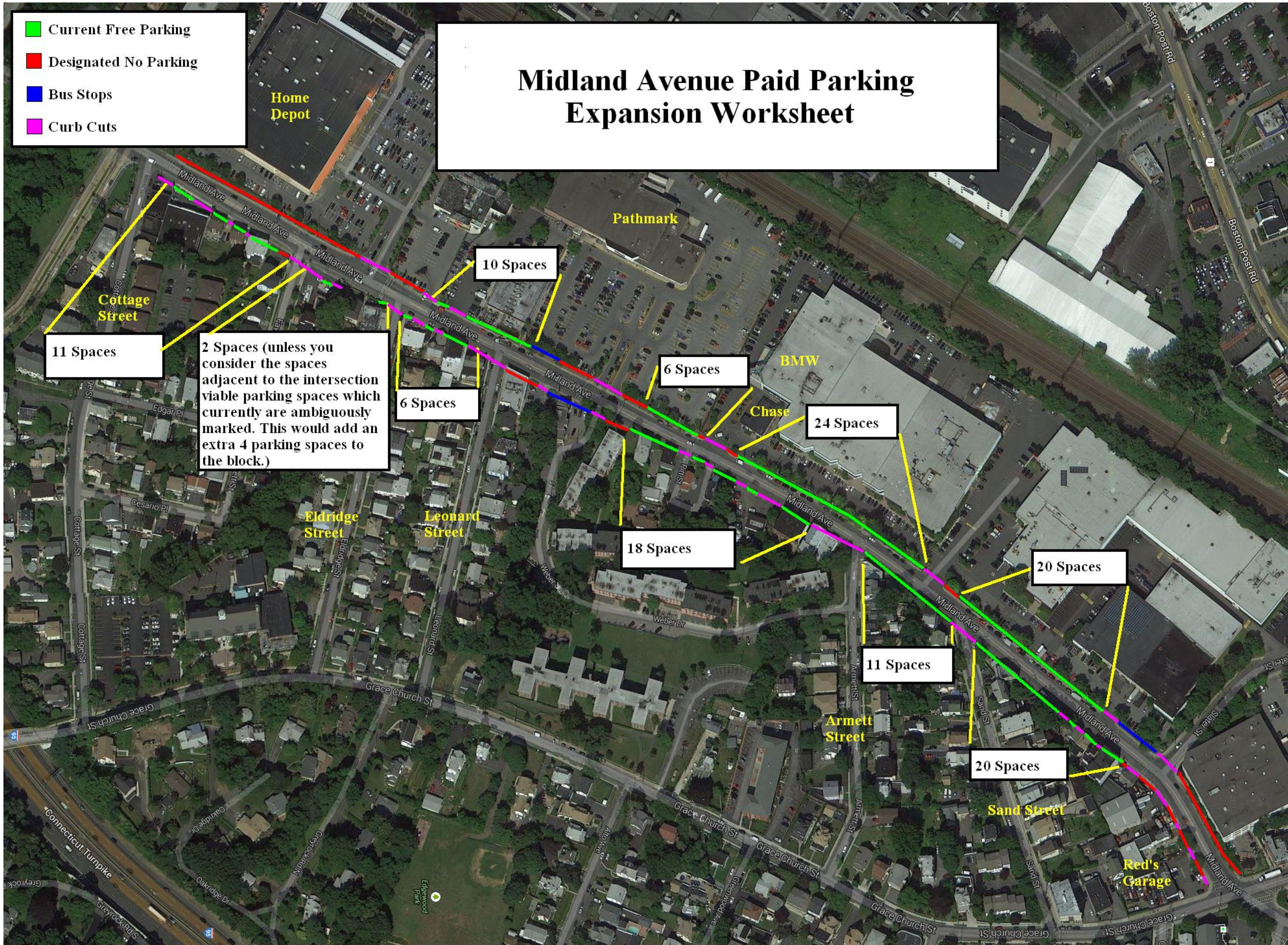
NOES:

ABSENT:

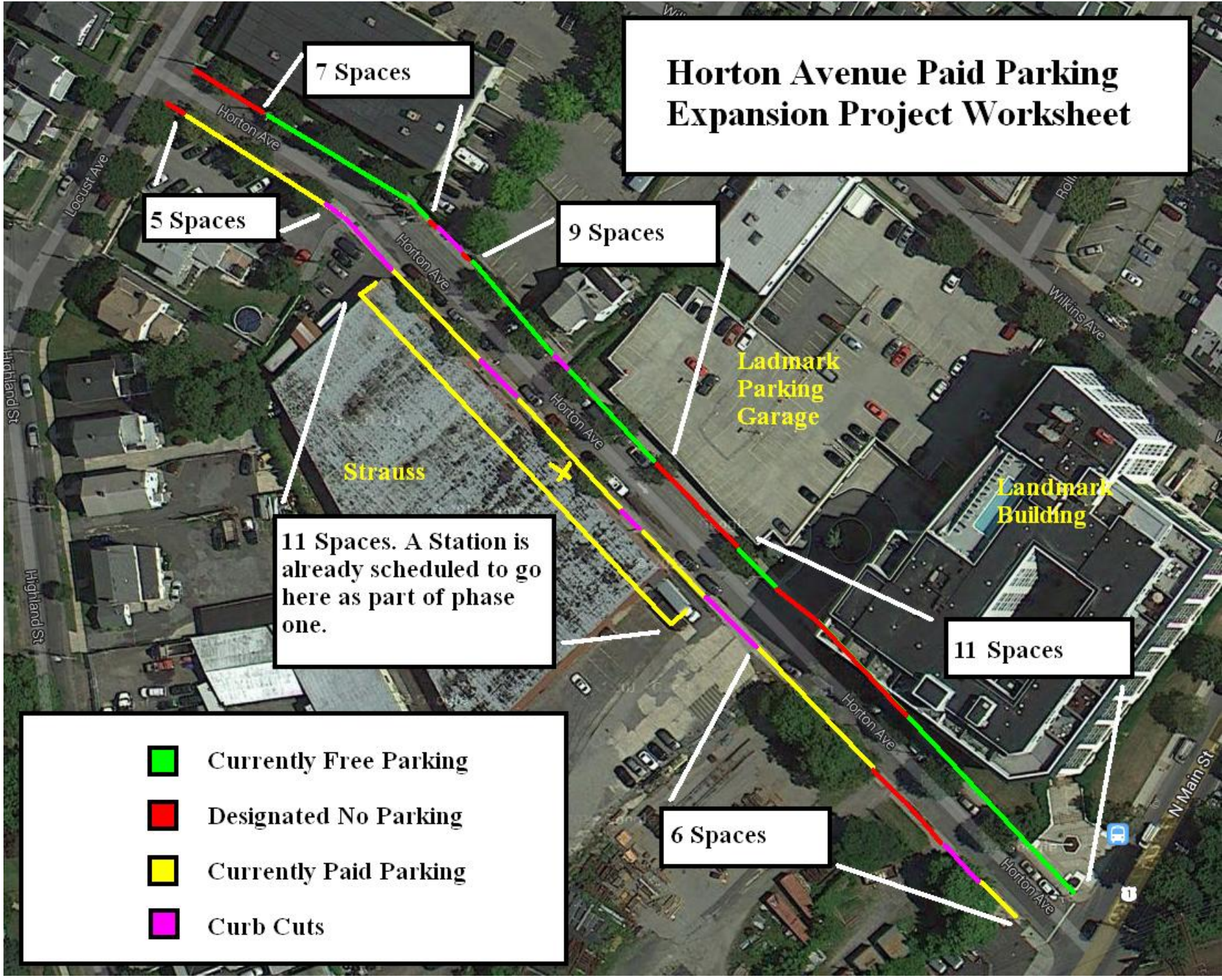
DATE:

- Current Free Parking
- Designated No Parking
- Bus Stops
- Curb Cuts

Midland Avenue Paid Parking Expansion Worksheet



Horton Avenue Paid Parking Expansion Project Worksheet





November 15, 2013

Christopher Ameigh

Administrative Aide

222 Grace Church Street

Port Chester NY 10573

Ph: 914 305 2563 Fax: 914 305 2555

Cameigh@PortChesterNY.com

Dear Chris,

Please accept this letter as a written commitment from Integrated Technical Systems, Inc. (ITS) to honor the current contract pricing for an additional 10-20 meters and corresponding installation services for the Phase II portion of the Parking Multi-Space Meter project.

This commitment will be valid for a six month period from the date of this letter.

Please contact me with any questions that you may have.

Regards,

Joseph G. Yorlano

Joseph G. Yorlano

Director of Sales

Integrated Technical Systems, Inc.

EXHIBIT II: CONTRACTOR PRICE PROPOSAL

Per Unit Pricing

A/C Power Charge Option

1	DPT	LUKEII-102A	NA (38Key, 120VAC, Coin, Card, Bill, Printer
1	DPT	880.4028	CDMA Install Kit
1	ISL	LS-300	Sierra Wireless CDMA Modem
1	DPT	880.4030	Maintenance Lock Standard-L2
1	DPT	880.4036	Collection Lock Standard-L2
1	DPT	100.0084	Create New Service Key - Maintenance
1	DPT	100.0085	Create New Service Key - Collections
1	DPT	450.0018	Key-Green Ext. Access-L/S - Each
1	DPT	450.0019	Key-Yellow Ext. Access-L/S - Each
1	DPT	450.0033	Key-Bill Stacker Access
1	DPT	450.0006	Key-Access Canister Lid
1	DPT	880.4064	AC Heater 120V
2	DPT	115.0108	Coin Canister Box Assy-L2
2	DPT	115.0132	1K-Note Nill Stacker w/ Lock
1	DPT	663.0027P	Paper Thermal-2in-L/S -

TOTAL EQUIPMENT PRICE:	\$11,281
ITS INSTALLATION	\$900
FREIGHT	\$225
GRAND TOTAL:	\$12,406

One-Year Warranty Included

SOLAR Power Charge Option

1	DPT	LUKEII-100A	NA (38key, Solar, Coin, Card, Bill, Printer)
1	DPT	880.4028	CDMA Install Kit
1	ISL	LS-300	Sierra Wireless CDMA Modem
1	DPT	880.4030	Maintenance Lock Standard-L2
1	DPT	880.4036	Collection Lock Standard-L2
1	DPT	100.0084	Create New Service Key - Maintenance
1	DPT	100.0085	Create New Service Key - Collections
1	DPT	450.0018	Key-Green Ext. Access-L/S - Each
1	DPT	450.0019	Key-Yellow Ext. Access-L/S - Each
1	DPT	450.0033	Key-Bill Stacker Access
1	DPT	450.0006	Key-Access Canister Lid
2	DPT	115.0108	Coin Canister Box Assy-L2
2	DPT	115.0132	1K-Note Nill Stacker w/ Lock
1	DPT	663.0027P	Paper Thermal-2in-L/S -

TOTAL EQUIPMENT PRICE:	\$11,873
ITS INSTALLATION	\$900
FREIGHT	\$225
GRAND TOTAL:	\$12,998

One-Year Warranty Included

One-Time Fees (for cumulative 46 units)

3	DPT	880.1028	USB Boss Key	\$125.25
1	ITS		24-Training Hours	\$3,240.00

SPARE PARTS (Per Individual Component)

1	DPT	110.0019	Controller-L/S/L2	\$2,106.00
1	DPT	521.0026	US Bill Validator	\$855.00
1	DPT	500.0131	Coin Acceptor-RADIUS/L2	\$424.00
1	DPT	500.0115	Credit Card Reader-L2	\$360.00
1	DPT	500.0116	Printer, 2in, LH-L2	\$920.00
1	DPT	115.0071	Heater 120VAC	\$389.00
1	DPT	115.0087	LCD Display Color - RADIUS/L2	\$492.00

EMS ASP Monthly Service

43	DPT	100.0012	EMS Core	\$50.00
		Includes:	Basic (Remote Config., Batch CC Processing, Stall Data)	Unit/Month
			Real Time Credit Card Processing	
			Web Based Reporting	
			Monitoring and Alarming	

*Note - EMS Fees do not include API Interface to ComPlus Handhelds
If a switch to Pay By Space or Pay By Plate operation is implemented and the API interface is desired, it can be added for an additional EMS fee of **\$5/Meter/Month**



Proposed Parking System Alterations

1. Expand Paid Parking to Midland Avenue

- Cover 131 parking spaces.
- Requires 14 digital pay stations
- Concentration of retail, personal service, restaurant, and automobile related uses.
- High utilization compared to some existing paid parking areas.

Revenue \$261,000

Expense \$181,972

Requires Local Law Change



Proposed Parking System Alterations

2. Expand Paid Parking to Horton Avenue (North)

- Cover 38 parking spaces.
- Requires 1-5 digital pay stations
- Concentration of retail, personal service, restaurant, and automobile related uses.
- High utilization compared to some existing paid parking areas.
- Eliminates method for avoiding paying existing meters on south side, increasing effectiveness of existing meters.

Revenue \$56,000+

Expense \$12,998-64,990

Requires Local Law Change

TRAFFIC COMMISSION
Village of Port Chester
Port Chester, New York 10573

November 14, 2013

Mayor Neil Pagano and the Board of Trustees
Port Chester, New York

Dear Mayor Pagano and the Board of Trustees:

At a recent meeting of the Traffic Commission, Chris Ameigh made a presentation regarding the expansion of parking meters to Midland Avenue and Horton Avenue.

The Traffic Commission is in favor of this new option to increase revenues in the Village and looks forward to working with Chris Ameigh on the specifics.

Very truly yours,

Joseph Gianfrancesco

Joseph Gianfrancesco
Chairman



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Office of the Village Attorney

Village BOT Meeting Date: 12/2/13

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact	X		Public Hearing Required	X	
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
			Business & Economic Development		
Agreement			Manager Priorities		
Strategic Plan Related	x		5 Year Capital Plan		

Sponsor's Name: Christopher D. Steers, Village Manager

SET A PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE OF PORT CHESTER, "VEHICLES AND TRAFFIC," TO CONFIRM THE HOURS OF ENFORCEMENT FOR THE THREE-HOUR LIMIT PARKING METER ZONE AND IMPOSE NEW PARKING REGULATIONS ON HORTON AVENUE AND MIDLAND AVENUE

Summary

Background:

Please see the agenda memo with regard to funding the installation of additional multi-space parking meter locations, described as Phase 2, on Horton Avenue and Midland Avenue.

The proposed draft local law will enable the Village to enforce new parking regulations on these streets. It will also confirm the hours of enforcement with regard to the three-hour limit parking meter zone.

Again, the Port Chester Traffic Commission has recommended in favor of this phase as well as the proposed new parking regulations.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Resolution

SETTING PUBLIC HEARING TO CONSIDER THE ADVISABILITY OF ADOPTING A LOCAL LAW THAT WOULD AMEND THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 319, "VEHICLES AND TRAFFIC," THAT WOULD CONFIRM THE HOURS OF ENFORCEMENT FOR THE THREE-HOUR LIMIT PARKING METER ZONE AND IMPOSE NEW PARKING REGULATIONS ON HORTON AVENUE AND MIDLAND AVENUE

On motion of TRUSTEE _____, seconded by TRUSTEE _____,

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

RESOLVED, that a public hearing be scheduled for December 16, 2013, at 7:00 p.m. or as soon thereafter, at the Port Chester Justice Court Courtroom, 350 North Main Street, second floor, to consider the advisability of adopting a local law that would amend the Code of the Village of Port Chester, Chapter 319, "Vehicles and Traffic," that would confirm the hours of enforcement for the three-hour limit parking meter zone and impose new parking regulations on Horton Avenue and Midland Avenue.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

A LOCAL LAW AMENDING CHAPTER 319
 OF THE CODE OF THE VILLAGE OF PORT CHESTER, "VEHICLES AND TRAFFIC", TO CONFIRM THE HOURS
 OF ENFORCEMENT FOR THE THREE-HOUR LIMIT PARKING METER ZONE AND IMPOSE NEW PARKING
 REGULATIONS ON HORTON AVENUE AND MIDLAND AVENUE

SECTION 1: The Code of the Village of Port Chester, Schedule XII, Section 319-74, pursuant to the provisions of Section 319-20, "No Parking or Standing at any Time" is hereby amended as follows:

Name of Street	Side	Location
...		
Horton Avenue	South	From Locust Avenue east for a distance of 22 feet
Horton Avenue	North	From Locust Avenue east for a distance of 66 feet
Horton Avenue	North	Beginning 195 feet east of Locust Avenue and continuing east for a distance of 55 feet
Midland Avenue	West	From a point 625 feet south of Slater Street and continuing north for a distance of 45 feet
Midland Avenue	East	From Grace Church Street South for a distance of 300 feet.

SECTION 2: The Code of the Village of Port Chester, Schedule XV, Section 319-76, pursuant to Section 319-22, "Parking Prohibited Certain Times" is hereby amended as follows:

Name of Street	Side	Time	Location
...			
Midland Avenue	East	Wednesdays and Fridays 8:30 a.m. to 11:30 a.m.	Slater Street to Rye [Town] <u>City</u> line
Midland Avenue	West	Tuesdays and Thursdays 8:30 a.m. to 11:30 a.m.	Slater Street to Rye [Town] <u>City</u> line

SECTION 3: The Code of the Village of Port Chester, Schedule XVI, Section 319-77, "Limited Time Parking" is hereby amended as follows:

Name of Street	Side	Time	Location
----------------	------	------	----------

...

Midland Avenue	Both	[2]3 hrs	From Grace Church Street to Rye City line
----------------	------	----------	--

...

SECTION 4: The Code of the Village of Port Chester, Section 319-81, Schedule XX, "Loading Zones" is hereby amended as follows:

Name of Street	Side	Location
...		
Midland Avenue	East	From a point measured at the Northeast curbline of Leonard Street to the west curbline of Midland Avenue extending in a southerly direction for 49 feet

...

SECTION 5: The Code of the Village of Port Chester, Section 319-87, Schedule XXVI, "Parking Meter Zones" is hereby amended as follows:

A. Three-Hour Limit. Parking meter zones are hereby established pursuant to Section 319-33A on the following streets for the parking of vehicles for not more than three hours. No vehicle shall be parked on Monday through Saturday, both inclusive, between the hours of 9:00 a.m. and 9:00 p.m. for more than three hours, except Sundays and holidays, at a rate set forth in Chapter 175, Fees.

Name of Street	Side	Location
...		
Horton Avenue	[South] Both	From Locust Avenue to North Main Street

...

G. Three-Hour Limit. Parking meter zones are hereby established pursuant to Section 319-33A on the following streets for the parking of vehicles for not more than three hours. No vehicle shall be parked on Monday through Saturday, both inclusive, between the hours of 9:00 a.m. and 6:00 p.m. for more than three hours, except Sundays and holidays, at a rate set forth in Chapter 175, Fees.

Name of Street	Side	Location
Midland Avenue	Both	From Rye City border to Slater Street

SECTION 6: This local law shall take effect immediately on filing with the Secretary of State.

To: Captain John R. Telesca, Acting Chief of Police
 From: Sergeant Mark Braccio, Traffic Division
 Date: 11/26/2013
 Re: Change of Village Code to facilitate Meter Parking on Midland and Horton Avenues

As a result of actions taken by the Traffic Commission at their meeting of 11/25/2013, installation of pay stations and an expansion of meter parking zones have been approved for both sides of Midland Avenue and Horton Avenue. In order to prepare these streets for the forthcoming installations, I am therefore proposing that the following amendments be made to the Village Code, specifically Section 319.

Village Code on Vehicle and Traffic, Schedule XIII, Section 319-74 pursuant to the provisions of Section 319-20: No Parking or Standing at Any Time.

<u>Name of street</u>	<u>Side</u>	<u>Location</u>
Add: Horton Avenue	South	From Locust Avenue East for a Distance of 22 feet
Horton Avenue	North	From Locust Avenue East for a Distance of 66 feet
Horton Avenue	North	Beginning 195 feet East of Locust Avenue and continuing East for a Distance of 55 feet
Midland Avenue	West	From a point 625 South of Slater Street and continuing North for a Distance of 45 feet
Midland Avenue	East	From Grace Church Street South for a Distance of 300 feet

Note that all of these above conditions exist and are signed but not properly codified.

Village Code on Vehicles and Traffic Section, Section 319-76 Schedule XV: Parking Prohibited Certain Times

Amend both below sections to say:		Slater Street to Rye City Line	
Midland Avenue [Amended 4-29-1987; 2-17-2004]	East	Wednesdays and Fridays 8:30 a.m. to 11:30 a.m.	Slater Street to Rye Town line
Midland Avenue [Amended 4-29-1987; 2-17-2004]	West	Tuesdays and Thursdays 8:30 a.m. to 11:30 a.m.	Slater Street to Rye Town line

Village Code on Vehicles and Traffic, Section 319-77 Schedule XVI: Limited Time Parking

Amend below section to increase 2 hours to 3 hours from 9:00 am to 6 pm

Midland Avenue	Both	2 hrs.	9:00 a.m. to 6:00 p.m.	From Grace Church Street to Rye City line
----------------	------	--------	------------------------	---

Village Code on Vehicles and Traffic, Section 319-81 Schedule XX: Loading Zones

<u>Name of street</u>	<u>Side</u>	<u>Location</u>
Delete: Midland Avenue	East	From a point measured at the Northeast curbline of Leonard Street To the West curbline of Midland Avenue thence extending in a southerly Direction for 49 feet

Village Code on Vehicles and Traffic, Section 319-87 Schedule XXVI: Parking Meter Zones

Three-hour limit. Parking meter zones are hereby established pursuant to § 319-33A on the following streets for the parking of vehicles for not more than three hours at a rate as set forth in Chapter 175, Fees.
 [Amended 4-29-2013 by L.L. No. 9-2013; 6-17-2013 by L.L. No. 11-2013]

Amend the section language above to include the following text:

No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 9:00 a.m. and 9:00 p.m. for more than 3 hours, except Sundays and holidays

<u>Name of street</u>	<u>Side</u>	<u>Location</u>
Delete: Horton Avenue	South	From Locust Avenue to North Main Street
Add: Horton Avenue	Both	From Locust Avenue to North Main Street

Additionally, There must be a new section added to Section 319-87 to reflect the hours chosen for enforcement by the Traffic Commission.

Three-hour limit. Parking meter zones are hereby established pursuant to § 319-33 on the following streets. No vehicle shall be parked on Monday to Saturday, both inclusive, between the hours of 9:00 a.m. and 6:00 p.m. for more than 3 hours, except Sundays and holidays.

	<u>Name of street</u>	<u>Side</u>	<u>Location</u>
Add:	Midland Avenue	Both	From Cottage Street (Rye City Border) to Slater Street



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Office of the Village Attorney

Village BOT Meeting Date: December 3, 2013

Item Type: Resolution

Description	Yes	No	Description	Yes	No
Fiscal Impact	x		Public Hearing Required	x	
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
			N/A		
Agreement	x		Manager Priorities		
Strategic Plan Related		x	Choose a Manager Priority		

Sponsor's Name: Christopher D. Steers, Village Manager

Heading Title
(Will appear as indicated below on Agenda)

SETTING PUBLIC HEARING TO AUTHORIZE PETITION TO NEW YORK PUBLIC SERVICE COMMISSION TO DISTRIBUTE PUBLIC SAFETY INFRASTRUCTURE COSTS ACROSS THE WATER RATE BASE IN THE VILLAGE OF PORT CHESTER

Summary

Background:

As you may recall, the Board supported the effort of a consortium of municipalities in Westchester County, led by the City of New Rochelle, to have state legislation enacted that would allow for the cost of access and maintenance of the fire hydrants to be assumed by all water users.

The State Legislature has since enacted legislation which Governor Cuomo signed that would allow a municipality serviced by a private water company to petition the State

Public Service Commission (PSC) to have such costs charged to all customers across all customer classes located in the municipality. .

The legislation requires a municipality to hold a public hearing and adopt a resolution to petition the PSC. The PSC has 120 days upon receipt to issue an order to the water company. The PSC has no discretion to turn down the petition. With such action, the costs of the fire hydrants would be more equitably distributed which is presently being placed on only property tax payers.

Should the Village proceed in this manner, the Village would be able to remove the appropriation for sewer rentals from the upcoming 2014-2015 Budget. The Village currently pays approximately \$230,000 for such expense.

.Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

- | |
|--|
| 1.Resolution
2. State Legislation, Bill Summary, Actions, Votes and Memo. |
|--|

SETTING PUBLIC HEARING TO AUTHORIZE PETITION TO NEW YORK
PUBLIC SERVICE COMMISSION TO DISTRIBUTE PUBLIC SAFETY
INFRASTRUCTURE COSTS ACROSS THE WATER RATE BASE IN THE
VILLAGE OF PORT CHESTER

On motion of TRUSTEE _____, seconded by TRUSTEE _____

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

RESOLVED, that the Board of Trustees shall hold a public hearing on December
16, 2013 at 7:00 p.m. or as soon thereafter at the Port Chester Justice Courtroom, 2nd
Floor, 350 North Main Street, Port Chester, New York with regard to a resolution that
would authorize and direct that a petition be filed with the New York State Public Service
Commission so as to distribute the costs of public safety infrastructure across the water
rate base in the Village of Port Chester; and be it further

RESOLVED, that the Village Clerk is hereby directed publish notice of such
hearing in the official newspapers of the Village of Port Chester at least seven days prior
to the public hearing date .

APPROVED:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

Date:

S T A T E O F N E W Y O R K

4086--A

2013-2014 Regular Sessions

I N A S S E M B L Y

January 30, 2013

Introduced by M. of A. PAULIN, OTIS, ABINANTI -- read once and referred to the Committee on Corporations, Authorities and Commissions -- reported and referred to the Committee on Ways and Means -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT in relation to authorizing the public service commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. 1. Notwithstanding any law to the contrary, a municipality
 2 may apply to the public service commission to have any costs for infras-
 3 tructure maintenance and access it is charged by a water-works corpo-
 4 ration to instead be charged to all customers across all customer class-
 5 es located in the municipality provided the municipality has held a
 6 public hearing with notice on the matter and has adopted a resolution
 7 and determined by a majority vote of the total voting strength of its
 8 governing body that it is in the overall public interest to have such
 9 costs charged to all customers across all customer classes. Any savings
 10 achieved as a result of this action shall be applied to the property tax
 11 levy of the municipality which has adopted such a resolution in an
 12 amount equal to such savings in the following fiscal year. Within 120
 13 days after receiving an application pursuant to this act, the public
 14 service commission is empowered and directed to issue an order requiring
 15 that costs for infrastructure maintenance and access be included in the
 16 rates charged to all customer classes and apportioned among all custom-
 17 ers located in the municipality and that such municipality shall not be
 18 charged separately or additionally for costs for infrastructure mainte-
 19 nance and access. The public service commission shall have the power to
 20 request any information that it may deem necessary from the water-works

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
 [] is old law to be omitted.

LBD05066-03-3

A. 4086--A

2

1 corporation or municipality so that it may issue an order as required by
 2 this section and may require that such information or application be in
 3 the form and manner as the commission may request.

4 2. Definitions. For purposes of this act:

5 a. "costs for infrastructure maintenance and access" means all costs
 6 associated with maintenance and operation of infrastructure and equip-
 7 ment used in connection with the sale, furnishing, transmission and
 8 distribution of water for domestic, commercial, public and emergency

9 purposes and shall also mean costs or charges associated with municipal
10 access to infrastructure or equipment.

11 b. "municipality" shall mean a city, town or village located in the
12 county of Westchester.

13 c. "water-works corporation" shall have the same meaning as that term
14 is defined in section 2 of the public service law.

15 S 2. This act shall take effect immediately.



Watch Live

Bill No.:
 [Summary](#)
 [Actions](#)
 [Votes](#)
 [Memo](#)
 [Text \(Printer friendly text\)](#)
A04086 Summary:

BILL NO A04086A

SAME AS SAME AS [S05278-A](#)

SPONSOR Paulin (MS)

COSPNSR Otis, Abinanti

MLTSPNSR

Authorizes the public service commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality; provides that all costs allocated to the infrastructure maintenance and access function of a water-works corporation including equipment used in connection with the sale, furnishing, transmission and distribution of water for domestic, commercial, public and emergency purposes are eligible to be apportioned to customers in a municipality.

[Go to top](#)**A04086 Actions:**

BILL NO A04086A

01/30/2013 referred to corporations, authorities and commissions

06/04/2013 reported referred to ways and means

06/04/2013 amend and recommit to ways and means

06/04/2013 print number 4086a

06/11/2013 reported referred to rules

06/12/2013 reported

06/12/2013 rules report cal.214

06/12/2013 ordered to third reading rules cal.214

06/17/2013 passed assembly

06/17/2013 delivered to senate

06/17/2013 REFERRED TO RULES

06/20/2013 SUBSTITUTED FOR S5278A

06/20/2013 3RD READING CAL.1533

06/20/2013 PASSED SENATE

06/20/2013 RETURNED TO ASSEMBLY

10/11/2013 delivered to governor

10/23/2013 signed chap.433

[Go to top](#)**A04086 Votes:**

BILL: A04086A DATE: 06/17/2013 MOTION: YEA/NAY: 129/10

Abbate	Y	Colton	Y	Garbari	Y	Kearns	Y	Millman	Y	Rivera	Y	Stevens	AB
Abinant	Y	Cook	Y	Gibson	Y	Kellner	Y	Montesa	Y	Roberts	Y	Stirpe	Y
Arroyo	Y	Corwin	Y	Giglio	Y	Kim	Y	Morelle	Y	Robinso	ER	Sweeney	Y
Aubry	Y	Crespo	Y	Gjonaj	ER	Kolb	Y	Mosley	Y	Rodrigu	Y	Tedisco	Y
Barclay	Y	Crouch	Y	Glick	Y	Lalor	NO	Moya	Y	Rosa	Y	Tenney	NO

[Back](#)[Bill Search & Legislative Information Home](#)[Assembly Home](#)[Bill / Floor Vote Search](#)[New York State Laws](#)[Legislative Calendar](#)[Public Hearing Schedules](#)[Assembly Calendars](#)[Assembly Committee Agenda](#)

Barrett	Y	Curran	Y	Goldfed	Y	Lavine	Y	Nojay	NO	Rosenth	Y	Thiele	Y
Barron	Y	Cusick	Y	Goodell	Y	Lentol	Y	Nolan	Y	Rozic	Y	Titone	Y
Benedet	Y	Cymbrow	Y	Gottfri	Y	Lifton	Y	Oaks	Y	Russell	Y	Titus	Y
Blanken	Y	DenDekk	Y	Graf	Y	Lopez	Y	O'Donne	Y	Ryan	Y	Walter	Y
Borelli	NO	Dinowit	Y	Gunther	Y	Lupardo	Y	Ortiz	Y	Saladin	ER	Weinste	Y
Boyland	ER	DiPietr	NO	Hawley	NO	Lupinac	Y	Otis	Y	Santaba	Y	Weisenb	Y
Braunst	Y	Duprey	Y	Heastie	Y	Magee	Y	Palmesa	Y	Scarbor	Y	Weprin	ER
Brennan	Y	Englebr	Y	Henness	Y	Magnare	Y	Paulin	Y	Schimel	Y	Wright	Y
Brindis	Y	Espinal	Y	Hevesi	Y	Maisel	Y	Peoples	Y	Schimmi	Y	Zebrows	Y
Bronson	Y	Fahy	Y	Hikind	ER	Malliot	NO	Perry	Y	Sepulve	Y	Mr Spkr	Y
Brook-K	Y	Farrell	Y	Hooper	Y	Markey	Y	Pretlow	Y	Simanow	Y		
Buchwal	Y	Finch	Y	Jacobs	Y	Mayer	Y	Quart	Y	Simotas	Y		
Butler	Y	Fitzpat	NO	Jaffee	Y	McDonal	Y	Ra	Y	Skartad	Y		
Cahill	Y	Friend	NO	Johns	Y	McDonou	Y	Rabbitt	Y	Skoufis	Y		
Camara	Y	Gabrysz	Y	Jordan	ER	McKevit	Y	Raia	Y	Solages	Y		
Ceretto	Y	Galef	Y	Katz	NO	McLaugh	Y	Ramos	Y	Stec	Y		
Clark	Y	Gantt	Y	Kavanag	Y	Miller	Y	Reilich	Y	Steck	Y		

Go to top

A04086 Memo:

BILL NUMBER:A4086A

TITLE OF BILL: An act in relation to authorizing the public service commission, upon application by a municipality, to order costs for infrastructure maintenance and access to be charged to all customer classes located in such municipality

PURPOSE OR GENERAL IDEA OF THE BILL: To reduce property taxes by having all water rate payers pay for the costs associated with fire hydrant infrastructure maintenance and access charged to a municipality by a private water company.

SUMMARY OF SPECIFIC PROVISIONS: Section 1 authorizes a municipality, upon an affirmative resolution of the municipality, to apply to the public service commission to have the costs associated with infrastructure, maintenance and access it is charged by a private water works corporation to be charged to all customers across all customer classes. Any savings achieved as a result shall be applied to the property tax levy of the municipality in an amount equal to such savings in the following fiscal year. This section also includes definitions.

Section 2 provides for an immediate effective date.

JUSTIFICATION: Municipalities that buy water from a private water works corporation have a separate line item in their budgets to pay for fire hydrant infrastructure maintenance and access. The burden of this cost is borne by municipal tax payers and not all water rate payers. This is not the case in municipalities which own their own water systems. Upon investigation, it is evident that many municipal water systems charge all rate payers, not just taxpayers, for all costs associated with water distribution, including hydrant costs. This legislation aims to remedy this inequity and apply the savings to reduce property taxes.

The City of New Rochelle is a municipality that buys water from a private water works corporation. In 2012, the Citizen's Panel on Sustainable Budgets ("Panel"), a group of community members, was tasked with examining the City's budget and proposing solutions to address its fiscal challenges. The Panel submitted its final report in September of 2012. One of its recommendations is to relieve property taxpayers of hydrant maintenance costs. This legislation was introduced in response to this recommendation.

FISCAL IMPLICATIONS: None.

EFFECTIVE DATE: Immediately.

Page display time = 0.1025 sec

RESOLUTION

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

WHEREAS, the New York State and Local Retirement System has set certain reporting requirements that apply to elected and appointed officials' and

WHEREAS, Village must establish a standard work day for each of the elected and appointed offices, specify the expiration of each term, designate the number of days to be reported for each official and certify receipt of record of their activities; and

WHEREAS the Board has discussed and deliberated with regard to same. Now, therefore, be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, hereby establishes the following as standard work days for elected and appointed officials and will report the following days worked to the New York State and Local Employees' Retirement System based on the time keeping system records or the record of activities maintained and submitted by these officials to the Village Clerk: and be it further

RESOLVED, that the Village Clerk shall file a copy of this resolution and an affidavit of posting with the New York State Comptroller's office within 45 days of the adoption of this resolution, and be it further

RESOLVED, that the Clerk shall post this resolution on the Village's website for at least 30 days following same.

Appointed Officials:

<u>Position</u>	<u>Name</u>	<u>Work Day</u>	<u>Bi-Weekly</u>	<u>Term</u>
Village Clerk	Janusz Richards	7 hours	10 days	4/2/13-4/6/15
Village Treasurer	Leonie Douglas	7 hours	10 days	4/2/13-4/6/15

Other Positions:

<u>Position</u>	<u>Name</u>	<u>Work Day</u>	<u>Bi-Weekly</u>	<u>Term</u>
Village Manager	Christopher Steers	7 hours	10 days	10/12/12-10/12/14
Village Attorney	Anthony Cerreto	7 hours	10 days	6/1//13-5/31/15
Court Clerk	Regina Hill	7 hours	10 days	
General Foreman	Rocco Morabito	8 hours	10 days	

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:

NOES:

ABSENT:

Date:



Office of the New York State Comptroller
Thomas P. DiNapoli
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

June 2010

Re: Elected and Appointed Official Reporting

Dear Employer:

The Comptroller has adopted revised regulations for reporting days worked by elected and appointed officials to the New York State and Local Retirement System (NYSLRS). Regulation 315.4 more clearly defines the reporting process and adds requirements for both employers and elected and appointed officials. Among the changes are an expanded record of work activities, a more detailed resolution and specific time frames within which requirements must be completed. The regulation applies to new terms of office or appointments beginning on or after August 12, 2009.

We have prepared the attached letter to help you explain the new requirements to your elected and appointed officials. Please distribute a copy of this letter to all applicable elected and appointed officials to help familiarize them with the regulation.

For a comprehensive explanation of Regulation 315.4, including answers to frequently asked questions, please visit our website. If you need additional assistance, please contact our Employer Participation Unit at (518) 474-0167.

Sincerely,

Melanie Whinnery
Director, Member & Employer Services

MW



Office of the New York State Comptroller
Thomas P. DiNapoli
New York State and Local Retirement System
Employees' Retirement System
Police and Fire Retirement System
110 State Street, Albany, New York 12244-0001

June, 2010

Dear Elected or Appointed Official:

If you are an elected or appointed official, the New York State and Local Retirement System (NYSLRS) has set additional reporting requirements that may apply to you. [Section 315.4 of the New York Codes, Rules and Regulations](#) requires all elected and appointed officials whose terms start on or after August 12, 2009, who are members of NYSLRS and who do NOT participate in their employer's time keeping system to prepare a log of their work-related activities for three consecutive months. Officials must then submit their logs to the clerk or secretary of the governing board within 150 days of the start of their term.¹

If this regulation applies to you, you must keep a log that contains daily details of the hours you have worked and duties you have performed that directly relate to your position as an elected or appointed official. Your log can include duties performed outside normal business hours such as attending employer-sponsored meetings or events, addressing constituent concerns and responding to emergencies. Activities not considered work-related include time attending electoral and campaign events, non-work related socializing after town board meetings, attendance at a candidate's forum and on call time.

Upon receipt of the logs, the governing board must pass a resolution at its first meeting following 180 days of the start of your new term which:

- Establishes a standard work day for each office
- Specifies the expiration of each term
- Designates the number of days to be reported for each official (based on submitted logs)
- Certifies receipt of record of activities OR that employer maintains a record of ACTUAL time worked.

Once the resolution has been passed, the clerk or secretary of the governing board must:

- Post the resolution (with personal identification numbers redacted) on their official website or sign board for at least 30 days

¹ If you are currently in a term that began before August 12, 2009, you must comply with the previous one-month log requirement.

- Submit a certified copy of the resolution and affidavit of posting to the Office of the State Comptroller. (Employers should submit these resolutions and affidavits of posting using the Office of the State Comptroller's online system.)
- Retain copies of the elected and appointed officials' logs for a minimum of ten years.

Your log may be recertified at the beginning of any subsequent terms of office for up to eight years from the date you took the office for which you maintained the initial record of activities, as long as your job duties remain the same. If there are changes in your job duties within the eight years, a new log, resolution and posting must be prepared and sent to the State Comptroller. If you believe your initial three-month log is not representative of the number of hours you typically work, you may submit a new log for an alternate three-month period. A revised resolution and affidavit of posting should then be resubmitted to the Office of the State Comptroller.

If you or your employer fails to comply with this new regulation, your membership benefits including service credit accruals, estimates, tier reinstatement, requests for previous service credit and annual membership statements can be suspended.

If you have any questions regarding this regulation, please contact your employer or visit our website for an [overview of Elected and Appointed Officials Reporting requirements](#)

Sincerely,



Melanie Whinnery
Director, Member & Employer Services

MW

Regulation on Reporting for Elected or Appointed Officials

315.4 Additional reporting requirements for elected or appointed officials of a participating employer.

(a) Record of Work Activities.

(i) Except as otherwise provided in this subdivision, an elected or appointed official shall record his or her work activities for a period of three consecutive months. Such requirement shall not apply to any elected or appointed official who is not a member of the Retirement System nor to any elected or appointed official whose employer maintains a daily record of actual time worked. In recording work activities, such official may include time outside the normal working hours that requires his or her attention to attend to official duties, including responding to an emergency, attending an employer sponsored event, or meeting with or responding to members of the public on matters of official business. Such record of activities shall be completed within 150 days of taking office and shall be submitted by such official to the secretary or clerk of the governing board within 180 days of taking office. Such record of activities shall be accepted by such secretary or clerk as submitted without alteration thereof. An elected or appointed official who has prepared a record of activities pursuant to this subdivision for a previous term, may certify in writing to the governing board within 180 days of taking office that his or her duties, responsibilities and hours have not substantially or materially changed. A record of work activities and any certification based upon such record shall not be valid for more than eight years from the date of the taking of office for which the record of activities was initially maintained. Each such record of activities and any subsequent certification shall be retained by the employer for a period of at least ten years and full and complete copies thereof shall be provided to the State Comptroller upon his or her request.

(ii) In the event the initial recording of work activities for a period of three consecutive months is not representative of the average number of hours worked by the elected or appointed official, he or she may record work activities during the same calendar year for an alternative period of three consecutive months which is representative of the average number of hours worked by such official. Such alternate record of work activities shall be submitted to the governing board.

(b) Standard Work Day and Reporting Resolution.

In addition to the reporting requirements set forth in subpart 315.3 of this Part, and for the sole purpose of reporting days worked to the Retirement System, the governing board of a participating employer of an elected or appointed official shall establish, by resolution, a standard work day for each elective or appointive office or position. Such resolution shall indicate: (i) the number of hours prescribed as a standard work day for each such elective or appointed office or position; (ii) the expiration of the term for each such office or position; (iii) that the employer maintains an actual daily record of time worked for the elected or appointed official or that the official holding the office has recorded and

submitted to the clerk his or her work activities for a period of three consecutive months; and (iv) for each elected and appointed official who has submitted a record of work activities pursuant to paragraph (i) of subdivision (a) of this section, the total number of days per month to be reported based upon such record of work activities. For the purpose of determining days worked, no fewer than six hours nor more than eight hours shall be established as a full-time standard work day. Such resolution shall be adopted no later than the first regular meeting held 180 days following commencement of the term of office and shall be applicable to employers whose elected and appointed officials are members of the Retirement System and are reported to the Retirement System by the employer. In the event an official submits an alternate record of activities pursuant to Paragraph (ii) of subdivision (a) of this section, the governing board may pass an additional resolution amending the maximum total number of days per month that will be reported for such official and directing the appropriate personnel to submit an adjustment report amending the number of days previously reported to the Retirement System.

(c) Resolution: Filing and Posting Requirements.

The resolution required by subdivision (b) of this section shall be posted on the employer's website for a minimum of thirty days or, in the event the employer does not maintain a website available to the public, such resolution shall be posted on the official sign-board or at the main entrance to the office of the clerk for the municipality or similar office of the employer for a minimum of thirty days. A certified copy of the resolution and an affidavit of posting shall be filed by the secretary or clerk of the governing board with the Office of the State Comptroller within 45 days of the adoption of the resolution. The failure of the governing board to adopt such resolution shall result in the suspension of service crediting and Retirement System membership benefits for the elected or appointed official until such time as the resolution is adopted, posted, and filed with the Comptroller. In the event the governing board submits an additional resolution amending the maximum total number of days per month that will be reported for an official pursuant to subdivision (b) of this section, such additional resolution shall be subject to the posting and filing requirements set forth in this subdivision.

DISCUSSION



DAVID J. SWARTS
Commissioner

STATE OF NEW YORK DEPARTMENT OF MOTOR VEHICLES

6 EMPIRE STATE PLAZA, ALBANY, NY 12228

Albany, New York

January 23, 2008

TO: All Issuing Agents (Except New York City)

SUBJECT: New Metered Parking Waiver for Individuals With Certain Disabilities

Effective January 14, 2008, Chapter 243 of the Laws of 2007 adds a new section 1203-h to the Vehicle and Traffic Law (VTL) to provide for the issuance of a metered parking waiver (MV-664MP) to certain severely disabled individuals. The metered parking waiver allows the holder to park at any parking meter in any city, town or village throughout New York State (except New York City) without putting payment into the meter, provided that the holder is driving the vehicle and is not accompanied by a person who is able to put payment into a parking meter. Waiver holders must still observe any time limits associated with such meters. A copy of the metered parking waiver is enclosed for your reference.

The metered parking waiver does not replace the parking permit; a parking permit is still required to park in spaces reserved for the disabled. The waiver is an option that an individual may apply for, regardless of whether he/she has a parking permit.

Eligibility

In order to qualify for a metered parking waiver an applicant must meet all of the requirements listed below:

1. Be a New York State resident;
2. Be a resident of the city, town or village in which the issuing agent is located. However, an issuing agent, in his/her discretion, may issue a waiver to a non-resident of the city, town or village in which the agent is located if the applicant resides in a city, town or village that does not have an appointed issuing agent;
3. Hold a valid (not expired) New York State driver license;

4. Be severely disabled as defined in VTL section 404-a. That is, the applicant must have a disability which would make him/her eligible to receive a permanent (blue) parking permit or special license plates for disabled persons; and
5. Have his/her severe disability certified by a licensed physician. The physician's certification must also state that the disability limits one or more of the following:
 - o Fine motor control in both hands;
 - o The ability to reach or access a parking meter due to the use of a wheelchair or other ambulatory device; and/or
 - o The ability to reach a height of 42 inches from the ground due to lack of finger, hand, or upper-extremity strength or mobility.

This waiver is designed to help individuals with severe disabilities who have great difficulty putting payment into a parking meter. As with parking permits for the disabled, DMV urges issuing agents to be prudent when issuing the waivers, to insure that waivers are issued only to those severely disabled persons who meet all of the statutory requirements.

Application Requirements

Individuals who want to apply for the waiver should use the new form MV-664.1MP, "Application for a Metered Parking Waiver for Persons with Severe Disabilities". A copy of the form is included with this memo. The application will be available on the DMV web site, and a supply can be ordered by faxing a request on official letterhead to 518-473-3521.

The law specifies that licensed physicians are the only medical professionals who can certify that a disability qualifies an individual for the metered parking waiver. Certifications from podiatrists, nurse practitioners, physician's assistants and chiropractors are not acceptable. Only a licensed physician can certify that an applicant: lacks fine motor control in both hands; cannot reach or access a parking meter due to use of a wheelchair or other ambulatory device; and/or cannot reach a height of 42 inches from the ground due to lack of finger, hand or upper-extremity strength or mobility.

A person does not have to possess a permanent parking permit or license plates for people with disabilities in order to be eligible for a waiver. However, an applicant for a waiver must have a severe disability (as defined in VTL Section 404-a) that would otherwise make the person eligible to receive a permit or plates.

In instances where an agent is issuing a permanent parking permit and a metered parking waiver at the same time, the issuing agent should be sure that the applicant submits a properly completed application for a permanent parking permit (form MV-664.1 or equivalent) and a properly completed metered parking waiver application (form MV-664.1MP). The use of two applications is necessary because a physician, podiatrist, or a nurse practitioner can give the certification for a permanent parking permit, but only a physician can certify the additional disability required to issue a metered parking waiver. The metered parking waiver application (form MV-664.1MP) should not be used to issue a permanent parking permit.

Please note that any person who makes a false statement or gives false information to a public official to obtain a metered parking waiver is subject to a civil penalty ranging from \$250 to \$1000.

Waiver Issuance Procedures

The metered parking waiver is designed to be displayed on a vehicle's dashboard and is valid for one year. DMV selected the relatively short period of validity in order to limit the abuse of the permit if a person were to fraudulently obtain one.

The face of the permit displays the pre-printed year of expiration. Issuing agents should hole-punch the month in which the waiver is issued; the permit will be valid until the last day of month in the year printed on the face of the permit.

On the reverse side of the permit are designated areas in which issuing agents should print or mark:

- the last three digits of the waiver holder's driver license number;
- the name of the issuing municipality; and
- the phone number for the issuing municipality.

Renewing Metered Parking Waivers

A waiver holder is not required to submit a new application (form MV-664.1MP) to renew the waiver. However, if an issuing agent has reason to believe the waiver holder's situation has changed so that he/she would no longer be eligible for a metered parking waiver, the issuing agent may use discretion and request that the individual submit a new waiver application.

Declaration of Forfeiture or Revocation of a Metered Parking Waiver

The metered parking waivers are non-transferable and must be forfeited if used by someone other than the person to whom it was issued. Additionally, any abuse of the

metered parking waiver by the person to whom it was issued may be cause for revocation. Abuse of the permit includes, but is not limited to, violating any of the conditions listed on the reverse side of the metered parking waiver. Issuing agents should be sure that any declaration of forfeiture or revocation action taken as a result of either forfeiture (upon a finding that someone other than the holder used the waiver) or abuse of a waiver does not violate the rights of the waiver holder. DMV encourages issuing agents to consult their counsel when establishing or reviewing their procedures regarding forfeiture or revocation of metered parking waivers.

Ordering Metered Parking Waivers

DMV does not anticipate that all issuing agents will see a demand for metered parking waivers due to the restrictive nature of the requirements that waiver applicants must meet. DMV recommends issuing agents estimate the potential demand for the metered parking waivers in their respective municipalities and fax a request for that number of waivers on official letterhead to 518-473-3521. Subsequent orders can be filled using the same process.

Information Sheet About Metered Parking Waivers

DMV has created a new form (MV-664.2MP, "Metered Parking Waiver Information") that provides information about the waiver, including eligibility requirements and how to apply for it. Issuing agents should give this form to individuals at the time a permanent parking permit is issued. The form is enclosed for your information and use. You may photocopy the form as needed, and you may order a supply by faxing a request on official letterhead to 518-473-3521.

A copy of Chapter 243 is attached for your reference. NOTE: Text on the attached copy of the chapter or law that is underlined is new; text on the attached copy that shows a line through the letters or is bracketed is deleted from the law. For more information about this law, or to see other bills or laws, please go to the NYS Assembly website at <http://assembly.state.ny.us/leg> and then click on the link called "Bill Search & Legislative Information."

If you have any questions about the metered parking waiver, please contact our office at 518-474-0614. Please share this information with appropriate personnel. Thank you.

David J. Swarts
Commissioner

Attachments

LAWS OF NEW YORK, 2007
CHAPTER 243

AN ACT to amend the vehicle and traffic law, in relation to providing certain persons with disabilities with a waiver for metered parking

Became a law July 18, 2007, with the approval of the Governor.
Passed by a majority vote, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. The vehicle and traffic law is amended by adding a new section 1203-h to read as follows:

§ 1203-h. Metered parking waiver for certain disabilities. 1. The commissioner shall distribute metered parking waiver permits to the governing bodies of all cities, villages and towns; provided, however, that the commissioner shall not distribute such permits to cities having a population of one million or more which issue special vehicle identification parking permits pursuant to paragraph fifteen of subdivision a of section twenty-nine hundred three of the New York city charter which waive the payment of metered parking fees. Notwithstanding any local law or ordinance to the contrary, such permits shall entitle any vehicle displaying such waiver permit to park at any metered parking space in any city, village or town of the state and such permits shall waive metered parking fees imposed by such city or village pursuant to paragraph nine of subdivision (a) of section sixteen hundred forty of this chapter or imposed by such town pursuant to paragraph nine of subdivision (a) of section sixteen hundred sixty of this chapter. Provided, however, that such permit shall not waive any time limit at a metered parking space imposed pursuant to paragraph nine of subdivision (a) of section sixteen hundred forty of this chapter or paragraph nine of subdivision (a) of section sixteen hundred sixty of this chapter that is applicable to a motor vehicle parking in such metered parking space without such permit.

2. The application, permit design, period of validity, and procedures for reissuance of such waiver permits shall be as determined by the commissioner.

3. Such waiver permits shall be issued by issuing agents appointed pursuant to subdivision one of section twelve hundred three-a of this article by governing bodies of cities, villages and towns having a population of less than one million to persons with disabilities who:

- (a) are residents of New York state; and
- (b) are residents of the city, town or village in which such issuing agent is located; except that, an issuing agent, in his or her discretion, may issue a permit to a severely disabled person who is not a resident of the city, town, or village in which such issuing agent is located where such person resides in a city, town, or village in which

the governing body has not appointed an issuing agent; and
(c) hold a valid driver's license issued by New York state; and
(d) are severely disabled persons, as defined in subdivision four of
section four hundred four-a of this chapter, whose severe disability, as
certified by a licensed physician, limits one or more of the following:

- (i) fine motor control in both hands;
- (ii) ability to reach or access a parking meter due to use of a wheel-
chair or other ambulatory device; or
- (iii) ability to reach a height of forty-two inches from the ground
due to the lack of finger, hand or upper extremity strength or mobility.

4. For the purposes of this section, such waiver permit shall be for
use exclusively in a vehicle when the person to whom it has been issued
is driving and unaccompanied by a person able to put payment into a
parking meter. Such permit shall not be transferable and shall be
forfeited if used by any other person. Any abuse by any person to whom
such waiver permit has been issued shall be sufficient cause for revoca-
tion of said permit.

5. The special metered parking waiver permit issued by the commission-
er shall be recognized statewide and is the only valid permit, other
than a special vehicle identification parking permit issued by cities
having a population of one million or more pursuant to paragraph fifteen
of subdivision a of section twenty-nine hundred three of the New York
city charter, for the waiver of metered parking fees for certain severe-
ly disabled drivers.

6. A person who knowingly and willfully, with the intent to deceive,
makes a false statement or gives information which such individual knows
to be false to a public official to obtain a metered parking waiver
permit in addition to any other penalty provided by law, shall be
subject to a civil penalty of not less than two hundred fifty dollars
nor more than one thousand dollars.

§ 2. Paragraph 9 of subdivision (a) of section 1640 of the vehicle and traffic law is amended to read as follows:

9. Provide for the installation, operation, maintenance, policing, and supervision of parking meters, establish parking time limits at such meters, designate hours of operation of such meters, and, except as provided in section twelve hundred three-h of this chapter, fix and require the payment of fees applicable to parking where such meters are in operation. Such fees shall be paid to such city or village and credited to its general fund, unless a different disposition prescribed by local law or ordinance enacted prior to or after the effective date of this section.

§ 3. Paragraph 9 of subdivision (a) of section 1660 of the vehicle and traffic law, as amended by chapter 722 of the laws of 1968, is amended to read as follows:

9. Provide for the installation, operation, maintenance, policing and supervision of parking meters, establish parking time limits at such meters, designate hours of operation of such meters, and, except as provided in section twelve hundred three-h of this chapter, fix and

require the payment of a fee applicable to parking where such meters are in operation. The town board of any town may exercise these powers on behalf and at the expense of a public parking district with respect to highways outside of villages but within such public parking district, in which event the fees from such parking meters shall belong to such district, and the cost of operation and maintenance thereof shall thereafter be borne by such public parking district.

§ 4. 1. The commissioner of the New York state department of motor vehicles, with the cooperation of the New York state commission on quality of care and advocacy for persons with disabilities and any other department, division, board, bureau, commission, agency or public authority of the state or any political subdivision thereof deemed necessary by the department, shall develop and implement a public outreach campaign to inform severely disabled drivers of the availability of metered parking waiver permits for certain severely disabled drivers, as provided for in section 1203-h of the vehicle and traffic law.

Such campaign shall include, but not be limited to:

a. Developing printed informational materials informing severely disabled drivers of the availability of metered parking waiver permits, permit qualification criteria and how to obtain permits;

b. Distributing such informational materials to the governing bodies of all cities, villages and towns; and

c. Making such informational materials available to the general public at all department of motor vehicle offices and all county offices that provide department of motor vehicle services.

2. Issuing agents appointed by the governing bodies of cities, villages or towns pursuant to section 1203-a of the vehicle and traffic law who issue metered parking waiver permits pursuant to section 1203-h of the vehicle and traffic law shall provide copies of the informational materials developed and provided by the New York state department of motor vehicles, pursuant to subdivision one of this section, with each application for such metered parking waiver permits, each application for a parking permit issued pursuant to section 1203-a of the vehicle and traffic law, and upon request by any person.

§ 5. This act shall take effect on the one hundred eightieth day after it shall have become a law; provided, however, that effective immediately, the addition, amendment and/or repeal of any rule or regulation necessary for the implementation of this act on its effective date are authorized and directed to be made and completed on or before such effective date.

The Legislature of the STATE OF NEW YORK ss:

Pursuant to the authority vested in us by section 70-b of the Public Officers Law, we hereby jointly certify that this slip copy of this session law was printed under our direction and, in accordance with such section, is entitled to be read into evidence.



New York State Department of Motor Vehicles

**APPLICATION FOR A METERED PARKING WAIVER
FOR PERSONS WITH SEVERE DISABILITIES**



Instructions for completing this application are on page 2. Take the completed application to the issuing agent in the area where you live. Please bring your New York State driver license with you when you apply for the waiver.

INFORMATION ABOUT PERSON WITH DISABILITY — (Please print, and sign by the arrow.)

Last Name		First	M.I.	Date of Birth	<input type="checkbox"/> Male <input type="checkbox"/> Female
Address: No. and Street		Apt. No.	City	State	Zip Code ()
Telephone No. ()					
Driver License Number and Expiration Date: _____					
Do you have license plates for persons with disabilities? <input type="checkbox"/> No <input type="checkbox"/> Yes, plate number is: _____					
Do you have a parking permit for persons with disabilities? <input type="checkbox"/> No <input type="checkbox"/> Yes, permit number is: _____					
By signing this form I certify that I meet the requirements for a metered parking waiver. I understand that making a false statement or providing misinformation on an application to obtain or facilitate the receipt of a metered parking waiver for people with disabilities may result in a civil penalty ranging from \$250-\$1,000 and/or criminal prosecution and penalties.					
→ _____ (Signature of Person with Disability or Signature of Parent or Guardian) — If signed by a parent or guardian, please state your relationship to the person with the disability after your signature.					(Date)

MEDICAL CERTIFICATION—This section must be completed only by a Medical Doctor (MD) or Doctor of Osteopathy (DO).

The metered parking waiver is available to people who are severely disabled as defined in Vehicle and Traffic Law Section 404-a (see Part A) **AND** who also have a disability that hinders their ability to put payment into a parking meter (see Part B).

- ♦ **Part A**
- Uses portable oxygen
 - Legally blind
 - Limited or no use of one or both legs
 - Unable to walk 200 ft. without stopping
 - Neuromuscular dysfunction that severely limits mobility
 - Class III or IV cardiac condition. (American Heart Association standards)
 - Severely limited in ability to walk due to an arthritic, neurological or orthopedic condition
 - Restricted by lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg of room air at rest
 - Has a physical or mental impairment or condition not listed above which constitutes an equal degree of disability, and which imposes unusual hardship in the use of public transportation and prevents the person from getting around without great difficulty.

- ♦ **Part B** Please certify that the severely disabled patient (as described in Part A) also has a severe disability that limits one or more of the following (check all that apply):
- Fine motor control of both hands
 - Ability to reach or access a parking meter due to use of a wheel-chair or other ambulatory device
 - Ability to reach a height of forty-two inches from the ground due to lack of finger, hand, or upper extremity strength or mobility.

MD/DO Name (Print/Type)	Professional License No.
MD/DO Address (Print/Type)	Telephone No. ()

By signing this form I certify that this severely disabled patient (as defined by NYS Vehicle and Traffic Law Section 404-a) has a disability limiting one or more of the actions listed in Part B above. I understand that making a false statement or providing misinformation on an application to obtain or facilitate the receipt of a metered parking waiver for people with disabilities may result in a civil penalty ranging from \$250-\$1,000 and/or criminal prosecution and penalties.

→ _____
(MD/DO Signature) (Date)

File Information (For Issuing Agent use Only)

MV-664MP No. Issued: _____ Date Issued: _____ MV-664 No. Issued: _____

New York State Department of Motor Vehicles

INSTRUCTIONS FOR COMPLETING THE APPLICATION FOR A METERED PARKING WAIVER

The metered parking waiver is intended for use by those individuals whose severe disabilities make it extremely difficult to put payment into a parking meter when traveling alone. Any person who makes a false statement or gives information which is known to be false to a public official to obtain a metered parking waiver may be subject to a civil penalty of \$250-\$1,000 and possible criminal prosecution.

STEP 1 - Metered Parking Waiver Requirements

In order to be eligible for the metered parking waiver, you must meet all of the following conditions:

1. Be a resident of New York State; and
2. Be a resident of the city, town, or village in which you are obtaining the waiver; and
3. Hold a valid New York State driver license; and
4. Are severely disabled as defined in Vehicle and Traffic Law Section 404-a (see Part A on page 1); and
5. Your severe disability as certified by a licensed physician limits one or more of the following:
 - a. Fine motor control in both hands; or
 - b. Ability to reach or access a parking meter due to use of a wheelchair or other ambulatory device; or
 - c. Ability to reach a height of 42 inches from the ground due to lack of finger, hand or upper extremity strength or mobility

Do you meet all of the requirements listed above in 1-5?

If No, you are not eligible for a metered parking waiver.

If Yes, continue on to Step 2.

STEP 2 - Complete the section "Information About Person with Disability".

- Clearly print your personal information in the boxes provided.
- Print your New York State driver license number and expiration date in the space provided. Your driver license number is the 9 digit ID number located near your picture. The expiration date is printed in red on the bottom of the license. This number needs to be a date in the future.
- If you have license plates with the International Symbol of Access, check "Yes" and write your plate number in the space provided. If you do not have those plates, check "No".
- If you have a permanent (blue) parking permit for people with severe disabilities, check "Yes" and write the permit number in the space provided. The permit number is a 6 or 7 digit number printed in black along the top portion of the permit. If you do not have a permanent permit, check "No".
- Read the certification statement and sign the form in the space provided.

STEP 3 - Have your doctor fill out the Medical Certification section.

- Bring the application form to your medical doctor or doctor of osteopathy. This form can only be filled out by a licensed physician or doctor of osteopathy, not a nurse practitioner, chiropractor, physician's assistant or podiatrist.
- The doctor should read Part A and read and fill out Part B by checking all of the disabilities that apply.
- The doctor should print his or her name, license number, address and telephone number in the space provided.
- The doctor must sign and date the form. (NOTE: Original signatures only.)

STEP 4 - Bring your completed application to the issuing agent in the area where you live to receive a waiver.

Issuing agents are often the town, village or city clerk or the local police department. You can not obtain a metered parking waiver from any State or County Motor Vehicles office. Call your local city, town or village hall to find out where to apply for the waiver. If you are a resident of Nassau County, call (516) 227-7399 to find out where to apply.



New York State Department of Motor Vehicles

**METERED PARKING
WAIVER INFORMATION**

www.nysdmv.com



Beginning January 14, 2008 a metered parking waiver is available to certain severely disabled drivers. This waiver allows the holder to park in a metered parking space without putting payment into the meter. The waiver will only be issued to people whose severe disability makes it extremely difficult to put payment into a parking meter. The eligibility and usage requirements were created by the addition of New York State Vehicle and Traffic Law section 1203-h.

About the Metered Parking Waiver

The metered parking waiver allows the holder to park in a metered parking space in any city, town or village of New York State (except in New York City) without paying the meter fee. This applies to all metered parking spaces, even those that are not reserved for persons with disabilities. However, there are certain restrictions that apply when using a metered parking waiver:

- The waiver holder must be driving the vehicle;
- The waiver holder must not be accompanied by a person who is able to put payment into a meter;
- The waiver holder must observe any time limits associated with metered parking spaces.

Please note: The metered parking waiver does not replace the parking permit or special license plates for the severely disabled. When parking in a space reserved for the disabled, the vehicle must display the parking permit or special plates. If you park in a space reserved for the disabled that has a parking meter, your vehicle must display the parking permit or plates **and** the metered parking waiver for you to legally park in that space and not pay the fee.

Eligibility for a Metered Parking Waiver

In order to be eligible for a metered parking waiver, you must meet all of the following requirements:

1. Be a resident of New York State; **and**
2. Be a resident of the city, town, or village where you are applying for the waiver; **and**
3. Hold a valid, unexpired, New York State driver's license; **and**
4. Have a permanent, severe disability as defined in Vehicle and Traffic Law Section 404-a (see page 2); **and**
5. Have a severe disability that limits one or more of the following:
 - Fine motor control in both hands
 - Ability to reach or access a parking meter due to use of a wheelchair or other ambulatory device
 - Ability to reach a height of 42 inches from the ground due to lack of finger, hand, or upper extremity strength or mobility

If you do not meet **all** of these requirements, you are **not eligible** for a metered parking waiver.

Applying for a Metered Parking Waiver

The Department of Motor Vehicles does NOT issue metered parking waivers. The governing bodies of cities, towns and villages appoint an agent to issue the waivers. The waiver is issued by most city, town or village clerks, and some police departments. Call your local city, town or village hall to find out where to apply for the waiver. If you are a resident of Nassau County, call (516) 227-7399 to find out where to apply.

To apply for the waiver, you must complete an *Application for a Metered Parking Waiver for Persons with Severe Disabilities* (form MV-664.1MP). You can get the application from the issuing agent or from the DMV web site at www.nysdmv.com. Part of the application must be completed by a licensed physician to certify that you meet the criteria listed under item #5 above. A licensed physician is the ONLY medical professional who can certify that you meet the criteria. Agents will only issue a metered parking waiver if the application provides all of the information requested, including the applicant's signature, and the medical certification is correctly completed and signed by a licensed physician.

What is a Permanent, Severe Disability?

An applicant for a metered parking waiver must have a disability covered by Section 404-a of the Vehicle and Traffic Law. This means the applicant must have one or more of the following impairments, disabilities or conditions that are permanent in nature and affect mobility.

- Use of portable oxygen;
- Legal blindness;
- Limited use, or no use, of one or both legs;
- Inability to walk 200 feet without stopping;
- A neuro-muscular dysfunction that severely limits mobility;
- A Class III or IV cardiac condition (American Heart Association standards);
- Severe limitation in the ability to walk due to an arthritic, neurological or orthopedic condition;
- Restriction because of lung disease to such an extent that forced (respiratory) expiratory volume for one second, when measured by spirometry, is less than one liter, or the arterial oxygen tension is less than sixty mm/hg of room air at rest;
- Any other physical or mental impairment not previously listed which constitutes an equal degree of disability, and imposes unusual hardship in the use of public transportation and prevents the person from getting around without great difficulty.

These are the same requirements that individuals must meet to qualify for a permanent (blue) parking permit for people with disabilities or license plates for people with disabilities. So if you have been issued either a blue permit or plates for the disabled, you meet these criteria.

NEW YORK STATE DEPARTMENT OF MOTOR VEHICLES

METERED PARKING WAIVER



JAN
FEB
MAR
APR
MAY
JUN



YEAR OF EXPIRATION
2009
PERMIT EXPIRES
ON THE LAST DAY OF
THE MONTH PUNCHED

JUL
AUG
SEP
OCT
NOV
DEC

NOT TRANSFERABLE **234567** DISPLAY ON DASHBOARD
WITH THIS SIDE FACING UP

This metered parking waiver waives the fee to park in a metered parking space in any city, village or town of New York State (except in New York City) regardless of whether or not the parking space is reserved for persons with disabilities. To lawfully use this waiver when parking in a space reserved for persons with disabilities, a valid permit or license plates for people with severe disabilities must also be displayed.

The following conditions apply:

1. The waiver holder must be driving the vehicle.
2. The waiver holder must not be accompanied by a person who is able to put payment into a meter.
3. All parking meter time limits must be observed.
4. Any abuse of this waiver is cause for revocation of the waiver.

Last three digits of Waiver Holder's Driver License Number:

Locality Issuing the Waiver:

Issuing Locality's Phone Number:

VILLAGE OF PORT CHESTER

ELECTRONIC USE POLICY

I. Purpose

Use of the Village of Port Chester's ("Village") electronic devices and telecommunications systems is provided at the Village's expense to facilitate the carrying out of Village business. Thus, Village-owned electronic devices and systems may only be accessed by employees and authorized users who need to use Village programs, files and network resources to perform their job responsibilities in connection with their employment with the Village.

The purpose of this policy is to establish terms and conditions for employees' and authorized users' use of the Village's electronic devices and telecommunications systems.

II. Applicability

This policy applies to all employees and other persons authorized to use the Village's electronic devices and telecommunications systems, whether on a permanent or temporary basis ("authorized user").

The term "electronic devices" includes, but is not limited to, desktop computers, laptop computers, PDAs, servers, scanners, copiers, fax machines, data communication facilities (modems, switches, routers, etc.), removable storage media (CDs, DVDs, floppy discs, flash drives, etc.), hardware, software, and handheld devices that allow or are capable of storing and transmitting information (e.g., tablet, iPhone, Blackberry, cell phone, etc.).

The term "telecommunications systems" includes, but is not limited to, Village E-Mail, Internet, Village-owned Telephones and Village Voice Mail Facilities.

III. Property

The Village may grant certain employees and/or authorized users access to Village-owned electronic devices (e.g., Blackberry) or telecommunications systems (e.g., Village e-mail account), but such devices will remain the property of the Village at all times.

IV. Prohibited Uses

The following uses of the Village's electronic devices and/or telecommunications systems are strictly prohibited:

- A. The Village's electronic devices and telecommunications systems may not be used for any purpose or in any manner that violates Village rules,

regulations or policies, or federal, state or local law. Users are responsible for ascertaining, understanding and complying with the laws, rules, policies, contracts and licenses applicable to their particular use.

Examples of applicable federal and state laws include those addressing discrimination, harassment, defamation, invasion of privacy, obscenity and child pornography, and online gambling as well as the Computer Fraud and Abuse Act, the Copyright Act of 1976, the Electronic Communications Privacy Act and the Freedom of Information Law ("FOIL").

- B. The Village's electronic devices and/or telecommunications systems may not be used in such a way as to harass, intimidate, or annoy others, or to receive or disseminate information containing defamatory, profane, obscene, racist, sexist, harassing, offensive or otherwise discriminatory material.
- C. The Village's electronic devices and/or telecommunications systems may not be used in such a way as to infringe copyrights.
- D. No unauthorized or unlicensed hardware or software may be used or installed on any Village-owned electronic device. Any hardware or software necessary to perform one's job duties should be requested of the employee's Department Head.
- E. No one may access or attempt to access the data/files of another person.
- F. No one may use or aid in the unauthorized use of another person's password.
- G. No one may modify the hardware and/or software on any of the Village's electronic devices.
- H. No one may disable Anti-Virus software.
- I. No one may conduct outside employment or self-employment activities or engage in private marketing or private advertising of products or services.
- J. No one may engage in political activity or solicit for or promote any not-for-profit, religious, political or personal causes via the Village's electronic devices or telecommunications systems.
- K. No one may view, display or send pornographic or obscene materials on the Village's electronic devices or telecommunications systems.
- L. No one may distribute mass communications, including "chain" letters.
- M. No one may make unauthorized copies of Village-owned software.

V. Miscellaneous

Employees and authorized users should keep in mind that e-mails from the Village are visible representations of the Village. E-mails can be immediately broadcast worldwide and can be received by intended as well as unintended parties. Users can easily misaddress e-mail, and receiving parties can forward e-mail messages to other persons without the original sender's permission or knowledge. Consequently, employees and authorized users should assume that whatever they write may at some time be made public. Accordingly, employees and authorized users should use their Village e-mail accounts in a legal, professional and responsible manner.

Employees and authorized users should keep their passwords strictly confidential.

VI. Personal Use

The Village's electronic devices and telecommunications systems are to be used primarily for job-related purposes, although limited personal use of these systems is permissible, provided it does not interfere with or disrupt any employee's or authorized user's work or the business of the Village. Personal use of the Village's electronic devices and/or telecommunications systems must be subordinate and subject to the business needs of the Village.

VII. Privacy

By using the Village's electronic devices and/or telecommunications systems, employees and authorized users waive the right to privacy in the data transmitted or received. The Village reserves the right to monitor, access, review, copy, or delete any message, file or document on its electronic devices and/or telecommunications systems, including, but not limited to, Internet access and matter stored on individual computers, cellular telephones, PDAs, smartphones and related media. Employees and authorized users may not take any steps to prevent the Village from obtaining such access, such as changing passwords or manipulating computer programs. Routine use of "delete" or "trash" options is permitted, but employees should be aware that these options do not necessarily preclude access to the deleted content.

VIII. Access to Electronic Devices and Telecommunications

A. Copying

The Village may copy an employee's or authorized user's account and/or hard drive on one of the Village's electronic devices or telecommunications systems at any time for preservation of data or evidence without notice to the employee or authorized user.

B. Record Retention

The Village reserves the right to retain copies of any message, file or document on its electronic devices and/or telecommunications systems in accordance with New York State's record retention policy.

C. Disclosure

Employees and authorized users should know that under the FOIL, the Village may be required to make certain records available for public inspection, including, but not limited to, e-mail messages relating to Village business, regardless of where such messages are created/received.

D. Litigation Hold

In the event that the Village reasonably anticipates litigation, the Village will preserve relevant documents, which may be subject to disclosure.

E. General Monitoring

The Village regularly monitors general usage patterns as part of normal system operations and maintenance and might, in connection with those duties, observe the contents of websites, e-mail or other electronic communications. Because of the inherent vulnerability of computer technology to unauthorized intrusions, employees and authorized users have no guarantee of privacy during any use of the Village's electronic devices or telecommunications systems, regardless of whether a password is used.

F. Monitoring Without Notice

The Village may monitor or inspect the activity and accounts of individual users of the Village's electronic devices and/or telecommunications systems, including individual log-in sessions, e-mail and other communications, without notice, in the following circumstances:

1. when it is reasonably necessary to do so to protect the integrity, security, or functionality of the Village, as determined by the Village Manager or his/her designee; or
2. when it is reasonably necessary to diagnose and resolve technical problems involving system hardware, software or communications, as determined by the Village Manager or his/her designee; or
3. when it is reasonably necessary to determine whether the Village may be vulnerable to liability, or when failure to act might result in significant bodily harm, significant property loss or damage, or loss of evidence, as determined by the Village Manager (e.g., workplace investigations); or

4. when there is a reasonable basis to believe that Village policy or federal, state or local law has been or is being violated, as determined by the Village Manager or his/her designee (e.g., workplace investigations); or
5. when it is reasonably necessary to access information when the employee has been absent for an extended period of time; or
6. as otherwise required by law.

IX. Use of Shared Computers

When using a shared computer, users should not save passwords or permit the computer to automatically insert user IDs and/or passwords. Users should also refrain from saving attachments or documents to the shared/public computer.

X. Security

Security on the Village's electronic devices and/or telecommunications systems is a top priority. Employees and authorized users must use a unique user ID and password to protect against unauthorized access to files on which they are working. However, individual passwords do not prevent authorized Village representatives from accessing those files.

Employees and authorized users must log-off or lock their computer when they are not personally using it. Employees and authorized users are responsible for information transmitted through the Village's network under their user log-in. If an employee or authorized user believes that someone knows one of his/her passwords, that user should change the password and contact the Village Manager. Neither employees nor authorized users are permitted to use another's account without express permission of that account holder. Any attempt to log on to the network as a system administrator may result in revocation of user privileges. Any employee or authorized user identified as a security risk may be denied access to the network.

XI. Filters

The Village reserves the right to install spam, anti-malware and spyware filters and similar devices if necessary to protect the security and integrity of the Village's electronic devices and telecommunications systems.

XII. Viruses

Employees and authorized users should be cautious when downloading information from e-mails or the Internet to avoid infecting the Village's systems with viruses.

XIII. Non-Compliance

If it appears necessary to protect the integrity, security or continued operation of its electronic devices and/or telecommunications systems or to protect itself from liability, the Village may deny employees and authorized users access to such resources. The Village Manager or his/her designee will review suspected violations of this policy and the Village may refer suspected violations to appropriate law enforcement agencies. In addition to any action by the Village, violations of this policy may result in civil penalties and/or criminal prosecution.

XIV. Anti-Retaliation

Retaliation against any employee and/or authorized user who, in good faith, reports a violation of this policy is strictly prohibited. In the event that the Village conducts an investigation into a suspected violation of this policy, retaliation against any employee and/or authorized user who participates (i.e., by testimony or otherwise) in the investigation is strictly prohibited. Retaliation includes, but is not limited to, any form of intimidation, reprisal or harassment.

Village of Port Chester

Acknowledgment of Receipt of Electronic Use Policy

I hereby acknowledge that I have received a copy of the Village of Port Chester's Electronic Use Policy ("Policy") outlining the rules, guidelines, practices and work standards relating to employees' and authorized users' use of electronic devices and telecommunications systems.

Employee Name (please print)

Department Head (please print)

Employee Signature

Department Head Signature

Date of Signature

Date of Signature

CORRESPONDENCE

Moises Tenesaca
117 Poningo Street
Port Chester, NY 10573
914-557-8874

November 27, 2013

Mayor and Board of Trustees
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Dear Mayor and Board of Trustees:

I am writing to ask permission to hold a procession on Sunday, December 15, 2013, to celebrate our 2nd Annual La Posada Del Nino from approximately 1:15pm – 2:30pm.

The participants of the procession will leave from Holy Rosary Church, 22 Don Bosco Place, at 1:15pm and proceed to St. Peter's Church on Westchester Avenue. It is anticipated that approximately 100 people will take part in the procession.

If you have any questions, please do not hesitate to contact me at 914-557-8874.

Sincerely yours,



Moises Tenesaca

cc: Mark Braccio, Police Sergeant
Luis Marino, Trustee

**PUBLIC COMMENTS
AND
BOARD COMMENTS**