

**VILLAGE OF PORT CHESTER
BOARD OF TRUSTEES
Meeting, Monday, March 2, 2015
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. to 7:00 P.M.

I	PROPOSED MOTION FOR EXECUTIVE SESSION	ACTION
1	Consultation with Village Attorney with regard to potential agreement with the Metropolitan Transportation Authority.	
2	Consultation with Village Manager and Village Attorney with regard to potential renewal agreement with Port Chester Youth Baseball League.	
3	Discussion with regard to selection of consultant to be retained in response to Request for Proposals for Property Condition Assessment and Neighborhood Revitalization Strategies Study.	
4	Consultation with Village Attorney regarding personnel matters regarding the career fire fighters.	
5	Consultation with Village Attorney regarding changes to the Sewer Rent Law.	

TIME: 7:00 P.M.

II	AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:	ACTION
1	Public Hearing regarding a local law amending the code of the Village of Port Chester by adding a new chapter, Chapter 302, Towing and Booting.	
III	PUBLIC COMMENTS	ACTION
IV	RESOLUTIONS	ACTION
	Administration	
1	Tax Certioraris \$1000.00	
	Finance	
2	Participate with Westchester County regarding New York State Tax Freeze	
3	To transfer \$6,600.00 from the DEA Asset Forfeiture account to equipment for the 12 month rotating rental of cars from Enterprise car Rental (DBA ELRAC, Inc of Wilton CT) to be used for undercover narcotics operations.	
	Appointment(s)	

4	John B. Colangelo, Esq. as Citizen Representative on the EMSC for a term to commence immediately and to end June 30, 2016.	
V	REPORT OF THE VILLAGE CLERK	
VI	DISCUSSIONS	ACTION
1	CDBG Program – as requested by Trustee Adams	
VII	REPORTS	
1	From Christopher Ameigh Administrative Aide to the Village Manager regarding new www.portchesterny.com home page.	
2	From Director of Planning and Development Christopher Gomez regarding C-1 Zone.	
VIII	CORRESPONDENCE	ACTION
1	From Poningo Properties Sewer Rent Appeal for 33 New Broad Street	
2	From Poningo Properties Sewer Rent Appeal for 46 Poningo Street	
3	From Howie Ravikoff Re: Parking Opposite Fire Headquarters	
4	From Howard Ravikoff re: ETPA	
IX	PUBLIC COMMENTS AND BOARD COMMENTS	ACTION

TIME: _____

**PROPOSED MOTION
FOR
EXECUTIVE SESSION**

AFFIDAVIT OF PUBLICATION
AND
NOTICE OF PUBLICATION RE

Proposed Local Law Regulating Towing and Booting in Port Chester



PREDATORS BEWARE!



HISTORY OF COMPLAINTS OF ABUSE

- Residents and Consumers have complained about being extorted by nefarious Towers/Booters.
- Car owners are arbitrarily blocked in by tow truck drivers who demand exorbitant fees on the spot
- Such complaints have been documented by Police Logs, Letters to the editor, Blogs and Social Media.



Black Eye on Port Chester

- Predatory booting and towing practices can create a black eye for Port Chester
- Consumers will not want to shop or dine in Port Chester if this business remains unregulated and the Village does not take steps to protect consumers from unprofessional Towers & Booters



THE NEED FOR LOCAL REGULATION

- County and State laws are ineffective and inadequate
- County sets fee limits and some other minor procedures, but does not go far enough to protect consumers and Village Police Dep't cannot enforce
- State Law only speaks very minimally to the Tow Truck Driver such as driver's license requirements
- The Board has taken the initiative to direct the Village Attorney to prepare a local law to address this issue.

Leading
the
Way



Research and Investigation

- Conducted nationwide search on Booting and Towing practices and regulations to obtain best practices
- Studied Booting and Towing Regulations throughout Westchester County
- Consulted with Westchester County Municipalities.
- Fully engaged with Village Police Department and implemented their recommendations
- Consulted with the Village Manager on his experience in Florida, where this problem is notorious.



Who Is Affected By The Local Law

- OWNERS!!! of commercial and multi-family properties (3 dwelling units or more).
- Tow companies (Towers)/Booters.
- Those who violate parking lot rules.



Public Engagement

- Complied with the public notice requirements contained in state law (legal notice Journal News and Westmore News).
- Mailed a draft of the local law and notice to properties that have been subject to frequent complaints
- A full series of mailings to private property owners who may be subject to the local law (1,100+)
- The Board has discussed this issue in several public meetings
- A copy of the law was posted on the Village's website
- We received inquiries from property owners who received the mailing



What Does This Local Law Regulate

- Trespass Booting and Towing is the towing or booting of privately owned cars parking on privately owned property.
- This does not include breakdown tows.
- This law regulates how parking lot owners may police their parking lots, such as requiring the lots be used by customers only



Property Owner's Responsibilities

- The owner or his lessee or his agent must have a contract with the Tower/Booter, a sample contract will be available.
- Must have informational signs approved by PD.
- Must be the one to initiate the tow or boot by contacting their Tower/Booter.
- Must be present for tow or boot.
- Can be held jointly/severally liable for damage that Booter/Tower does to a car



Highlights of the Local Law

- Establishes a rigorous licensing procedure through the Chief of Police
- Provides for criminal history background check of key officers and employees to ensure professional and trustworthy people will be conducting towing and booting
- Sets up strong procedures to protect consumers against predatory booting and towing practices
- Charges are to be in accordance with County Law

Licensing Requirements

- Criminal history background checks (Fingerprints sent to DCJS)
- Insurance requirements
- Location of storage facility (within 15mi)
- Towers/Booters must be available 24/7
- Property owner and Tower/Booter must have a contract approved by Village
- Chief of Police administers issuing of license



Consumer Protections

- Informational signage requirements to put those wishing to park on notice.
- Police department intimately involved
- Fees cannot exceed county limit.
- All Booters and Towers must be able to accept cash or credit. No cash only requirements.
- Strong procedures Towers and Booters must follow

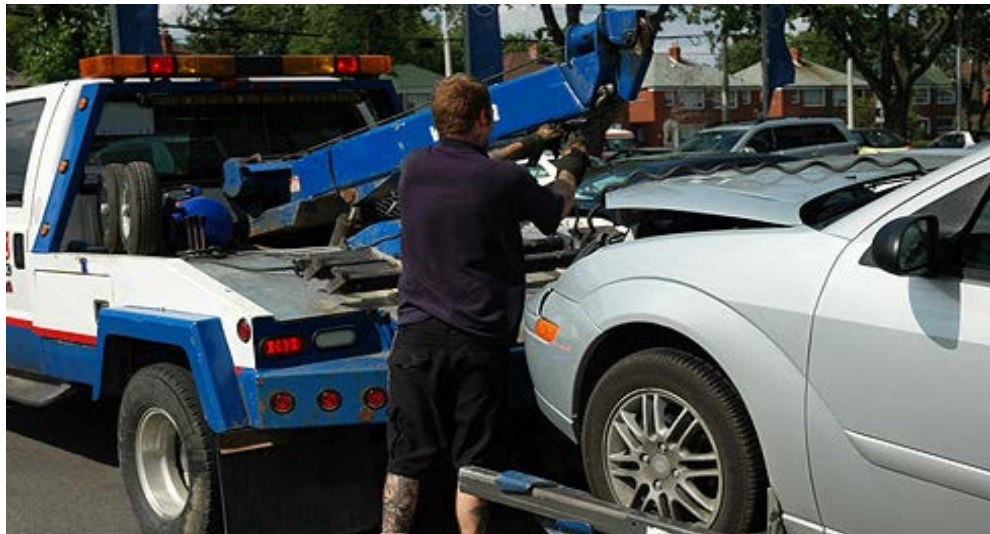


Towing Procedures

- Required to be licensed
- Property Owner, or agent, must have directly requested tow and be present.
- Written documentation (police log) and prior notification to PD
- Hook up is key:
 - If approached by car owner before hook up must let car go for no fee
 - If car is hooked up but not removed must unhook car and give to owner for \$15 only.
 - If towed away must release car with in 1 hour of receiving payment.

Towing Procedures continued

- Also cannot tow if a natural person or live animal is in the car.
- Any violation of the procedures set out or any section of this local law shall prohibit a Tower from collecting a fee, and any fee collected must be reimbursed



Booting Procedures

- Must also have license, maintain written record of bootings as proscribed by PD, and notify PD immediately before booting.
- Property owner or agent must have requested and be present for the booting
- Booted cars must place informational stickers on the cars as proscribed by this law. (8 1/2" x 11")
- Locking of boot is key
 - If car owner approaches before the boot is locked, the car must be returned for no fee.



Booting Procedure Continued

- Cars occupied by natural person or live animal cannot be booted. Also cars in handicap spaces or blocking fire hydrants cannot be booted
- Cannot have waiver for damage to car from boot. Property owner may be jointly liable for damage Booter does placing boot.
- However tampering with a Boot is prohibited
- Cars that have been booted for 24 hours can be towed.
- Any violation of these procedures bars Booter from collecting a fee and if a fee was already collected the car owner must be reimbursed

Enforcement

- The Police Department will be in control of enforcing this new local law and will be in charge of issuing the licenses
- The PD will also be routinely checking written logs of towers/booters.
- Violating this law prohibits the collection of a fee for towing and booting and is subject to fines (\$500 1st violation) or imprisonment of up to 15 days.
- Village Attorney may also take civil actions to enforce this law authorized in General Business law §§ 399-v & 399-x.

LAW ENFORCEMENT



Enforcement Continued

- Licenses may also be suspended and revoked by Chief of Police (application for appeal made to Village Manager in writing).
- If a license is revoked cannot reapply until one year after revocation date.
- Chief of Police is authorized to write rules and regulations to help with enforcement
- Will report violators to Westchester County



Law Enforcement





Enforcement

In Conclusion

- This local law seeks to ensure that there are responsible and professional Towing and Booting.
- Property Owners have a reasonable method to effectively police their parking lots
- Consumers and Residents are protected from predatory towing and booting practices.



COMPREHENSIVE

**A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER
BY ADDING A NEW CHAPTER, CHAPTER 302, TOWING AND BOOTING**

SECTION 1: The purpose and intent of this local law is to regulate the towing and booting of cars on private parking lots in the Village of Port Chester. It is hereby declared and found that the nonconsensual towing and booting of vehicles from parking lots that are on privately owned property, as defined in this chapter, in the Village of Port Chester involve matters affecting the public interest. Regulation of these commercial activities through a licensing process is necessary to establish a uniform and predictable system of business operations, balance the rights of private owners to manage and operate their property against the rights of consumers against unreasonable fees, and predatory and illicit practices. The Village is authorized to adopt this local law pursuant to Municipal Home Rule Law, Section 10(1)(ii)(a)(9-a) and Section 10(1)(ii)(a)(12) and General Business Law, Section 399-v.

SECTION 2: The section of the Code of the Village of Port Chester is hereby amended by adding a new chapter, Chapter 302, entitled “Towing and Booting” and to read as follows:

Section 302-1 Purpose and Intent.

It is hereby declared and found that the nonconsensual towing and booting of vehicles from parking lots that are on privately owned property, as defined in this chapter, in the Village of Port Chester involve matters affecting the public interest. Regulation of these commercial activities through a licensing process is necessary to establish a uniform and predictable system of business operations, balance the rights of private owners to manage and operate their property against the rights of consumers against unreasonable fees and predatory and illicit practices. The Village is authorized to adopt this local law pursuant to Municipal Home Rule Law, Section 10(1)(ii)(a)(9-a) and Section 10(1)(ii)(a)(12) and General Business Law, Section 399-v.

Section 302-2 Definitions.

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

APPLICANT

An owner of a towing and/or booting service, seeking a towing/booting license under this chapter.

BOOT

Shall mean the utilization of a “boot” or other device which causes vehicles to be immobile or otherwise renders a vehicle immobile or inoperable.

BOOTER

The licensee who boots or immobilizes a motor vehicle.

BOOTING OR IMMOBILIZATION DEVICE

Any mechanism that is clamped, affixed or locked onto the wheel of a motor vehicle to prevent the wheel from rotating, thereby immobilizing the vehicle, or other similar mechanism that results in the immobilization of the vehicle.

HOOKUP

The steps and actions to be taken in order to totally secure and engage a vehicle for towing.

LICENSE

A certificate duly issued by the Village of Port Chester to allow the licensee to engage in booting and/or towing.

LICENSEE

An owner of a tow truck or booting company who is the holder of a valid license. This term shall also include said owner's employees or agents.

MULTI FAMILY DWELLINGS

Residences containing three or more dwelling units.

POLICE LIST

A listing of all licensees who have been authorized to boot and tow from privately-owned property within the Village of Port Chester.

PRIVATELY-OWNED PROPERTY

Real property owned by any individual, firm, association, joint venture, partnership, group, corporation or any legal entity or combination of entities whatsoever, and shall include, without limitation, shopping centers, parking lots, multi-family dwellings and land used for commercial purposes. This term shall include real property, where by agreement with another party, fee title is nominally with the Port Chester Industrial Development Agency, but the lessee is using for the any of the proceeding purposes. This term shall also include parking lots owned by or under the control of Port Chester Housing Authority. This term shall not include property improved by one or two family dwellings.

PROPERTY OWNER

The person who exercises dominion and control over a parcel of real property, including but not limited to the legal title holder, lessee, a resident manager, a property manager or other

agent who has legal authority to bind the owner. A person providing a towing or immobilization service may not be appointed as an agent for a property owner.

TOW

To haul, carry, pull along, or otherwise transport or remove a vehicle by means of another vehicle.

TRESPASS TOWING

The moving or removal of a motor vehicle, without consent of the vehicle's owner or operator, as authorized by this chapter, when that vehicle is parked on privately-owned property.

TOW TRUCK

A vehicle that is being used to tow another motor vehicle.

TOW TRUCK DRIVER

Any person that is operating a tow truck for the purposes of towing.

UNAUTHORIZED VEHICLE

A vehicle that is parked in violation of the posted parking lot rules on the privately-owned property.

Section 302-3 License required.

No person shall engage in trespass towing or booting on privately-owned property without first having obtained a towing/booting license from the Village of Port Chester as provided herein.

Section 302-4 License application requirements.

An applicant for a towing/booting license shall make application to the Chief of Police or his designee on a form provided by the Village which contains the following:

A. A statement of the name and address of the applicant, specifying, in the case of a partnership or an unincorporated association, each partner or member thereof, and in the case of a corporation, the location and address of the place of incorporation and principal place of business, as well as the name and address of each officer, director and stockholder with a controlling interest thereof.

B. A statement of the owner or lessee and address of all properties that will be used for the storage of towed vehicles in connection with the applicant's towing or booting business which location shall not exceed fifteen (15) miles from the subject privately owned property. All motor vehicles towed to such storage location(s) shall be able to be reclaimed by the vehicle's owner or

operator on a 24/7 basis. The applicant must provide certification from the municipal enforcement officer charged with the enforcement of buildings and land uses, that the storage location(s) to be used are in conformance with the applicable zoning and building codes.

C. A statement as to whether the applicant or any booter or tow truck driver under the applicant's employ or contract has, within the last five years, ever been convicted of a crime and, if so, the date, crime charged and sentence imposed. The applicant, and all booters and tow truck drivers under the applicant's employ or contract, shall submit to fingerprinting through the Police Department such fingerprints and fees shall be submitted in the form and manner as prescribed by the Division of Criminal Justice Services. The fee for such investigation shall be assumed by the applicant.

D. A statement whether the applicant has ever been denied a license or permit by any governmental agency or authority to operate a tow truck, towing business and/or booting business and also whether or not any such license or permit has been suspended or revoked and, if so, the date, the location and the circumstances thereof.

E. A copy of all current licenses or permits duly issued to the applicant which authorizes the operation of a tow truck or booting business.

F. A copy of all current licenses or permits duly issued to applicant or its employees and/or agents to operate a tow truck or boot.

G. An indication as to whether the application is for an initial license or a renewal.

H. A certificate of insurance evidencing proof of comprehensive general liability insurance in accordance with Village's standard insurance requirements and indemnification agreement, both approved by the Village Attorney.

I. Vehicle and tow truck ownership information for all vehicles to be used, including but not limited to make, model, year, color, vehicle identification number, license plate number, a copy of each registration, and a copy of all insurance information.

J. Copy of a duly executed contract between the licensee and the owner, lessee, managing agent or other person in control of the privately owned property that is the subject of the license. The contract shall at a minimum contain the following terms:

(i) The legal name, physical address and telephone number of the towing or immobilization service and the property owner requesting the towing or immobilization services;

(ii) The name of the real property owner and the name of any agent, site manager, lessee or other person in control of the real property and the address and/or legal description of the real property from which the vehicle(s) will be towed or at which the vehicle(s) will be immobilized;

(iii) The duration of the agreement. The contract must be in effect for the entire term of the license ;

(iv) The time of day that such towing or immobilization is authorized;

(v) The days of the week that such towing or immobilization is authorized;

(vi) An enumerated list of all fees to be charged to the vehicle owner/operator that shall not exceed the amounts set by the County in Chapter 863 of the consumer protection code;

(vii) The address and tax lot designation of the location where the vehicle will be towed/stored or immobilized. Said storage site shall not be more than fifteen (15) miles from where the tow originates; and

(viii) A statement stating that no payment or valuable consideration was given, or will be given, from applicant to owner for the right to engage in booting and towing from the property owner's property.

(ix) The signature of both the property owner and the owner, or authorized representative of the towing or immobilization service, certifying that each has read and is in compliance with the applicable provisions of State and Local law.

(x) The contract shall also acknowledge that both parties shall be jointly and severally liable with the licensee to the Village of Port Chester for any violation by such licensee or his or her employees or agents of any of the provisions of this chapter or of any rules and regulations promulgated thereunder. The contract shall be in effect for the entire term of the license.

K. Photographs or proof of informational signage as provided for and in compliance in this chapter.

L. Any change(s) from the information provided in the application shall be disclosed to the Chief of Police on a form provided by the Village, within five days of such change(s).

Section 302-5 Application fee

An application fee, in the amount set forth in Chapter 175, shall accompany each application for a towing/booting license.

Section 302-6 No Soliciting

No applicant or licensee shall pay or rebate money, or solicit or offer the payment or rebate of money or other valuable consideration, to property owners for the right to engage in booting and towing from any property.

Section 302-7 Issuance of License

Upon receipt of a complete application, payment of the requisite fees, and results of the criminal history background check, the Chief of Police may issue a towing/booting license, such license shall be valid for a term of twenty-four months from issuance. A licensee may reapply for a renewed license provided that such application made and received within sixty days prior to expiration.

Section 302-8 Denial of Application

The Chief of Police is responsible for reviewing the criminal history record information disseminated by the Division of Criminal Justice Services and may deny an application, in the first instance or renewal, if it is determined that:

- A. The applicant is unfit and incapable of properly conducting a towing or booting business within the Village of Port Chester or does not conform to the provisions of this chapter; or
- B. The place where vehicles are towed for storage is in violation of any state or local law or regulation, including any zoning or building codes; or
- C. The applicant has made a false statement or misrepresentation in the application; or
- D. The applicant, or any booter or tow truck driver under the applicant's employ or contract has been convicted of a felony or any crime involving violence, dishonesty, deceit, or moral turpitude. If an applicant has been convicted of one of the above specified criminal activities, any decision regarding such applicant's fitness for a license shall be made upon consideration of New York State Correction Law §§701-703-b and §§751-753.

Section 302-9 Transfer or assignment.

A license issued hereunder shall not be transferred or assigned, and any attempt to transfer or assign, shall render such license void.

Section 302-10 Informational Signs.

A. No owner of privately owned property shall tow or boot, or cause to be towed or booted any motor vehicle, nor shall any licensee service such privately owned property, unless there is erected in plain view and maintained at each entrance to such property an informational sign with dimensions of four feet by four feet. All information on the sign must be legible at all times from the parking lot entrances.

B. Each sign must contain the following minimum information:

- (a) The rules of the parking lot, including but not limited to, a statement that the lot is for customers of the business(es) only, hours of operation, size and type of vehicles allowed, and a statement that a vehicle parked in violation of the listed rules shall be deemed an unauthorized vehicle. With respect to property held by the Port Chester Industrial Development Agency, such rules shall be consistent with any agreement with the Agency and/or the Village regarding said premises.
- (b) A statement containing a warning that unauthorized vehicles are subject to be towed or booted at the vehicle owner's expense.

(c) The words “tow away zone” must be included on the sign in not less than 4-inch high letters.

(d) The towing/booting and/or storage fee to be charged, which shall not exceed the fee amount authorized by the County of Westchester.

(e) The name, address and telephone number of the licensed towing/booting company, and how the car may be recovered or how the boot can be removed. The phone number of the Port Chester Police Department designated for receipt of calls with respect to towing or booting within this chapter.

C. The signs shall be on a white background, with black lettering that shall be of sufficient size so as to be capable of being read from the sidewalk or street adjacent to the entrance(s) to the parking lot.

D. No changes shall be made to any sign during the term of the license without the permission of the Police Chief or his designee.

E. All informational signs shall be kept in good condition.

Section 302-11 Towing of Vehicles.

A. No person shall engage in trespass towing, without having a current and valid towing/booting license as proscribed by this chapter.

B. No vehicle shall be towed, nor shall any licensee engage in trespass towing, without the direct request and authorization of the property owner, lessee, or agent, who must be present at the time of the trespass towing. Such authorization shall be documented and a written entry on a form prescribed by Police Department shall be made as soon as practicable. Such entry shall include the time, date, location, production year, manufacturer, and license plate number of the vehicle towed or booted. Furthermore said licensee shall maintain such form for a period of at least one year and deliver a copy of entries made during the preceding month to the Chief of Police or his representative by 7th day of the subsequent month. Said licensee shall make such records available for inspection, at any time, to any member of the Port Chester Police Department, or any other law enforcement agency having jurisdiction in the Village, upon request of such officer

C. Whenever a licensee engages in a trespass tow within the Village of Port Chester, said licensee shall notify the Port Chester Police Department immediately prior to any such tow. Such notification to the Police Department shall relate at a minimum the following information: the identification of the licensee and tow truck driver involved, the nature of the motor vehicle’s violation, the location of the storage site to which the vehicle will be towed, the time the vehicle will be towed or removed, the make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle.

D. Whenever a licensee is about to remove an unauthorized vehicle from a private parking lot but has not yet hooked up or engaged said vehicle to a towing truck, and said vehicle owner or operator appears seeking the return of the vehicle, said licensee shall immediately release custody and control of the vehicle to the owner or such other person authorized to operate the same without charging any fee whatsoever, provided only that said vehicle is immediately removed from the property.

E. In the event that a licensee is about to remove an unauthorized vehicle from private owned property and has hooked up, and engaged, said vehicle to a tow truck, but has not removed the vehicle from the premises, and said vehicle owner or operator appears seeking the return of the vehicle, said tow truck driver shall immediately release custody and control of the vehicle to the owner or operator, for the payment of a fee of \$15, and further provided that said vehicle is immediately removed from the premises by the owner or operator.

F. Whenever a licensee, engages in trespass towing, and removes an unattended motor vehicle from privately owned property to the storage location, said licensee shall provide at such site, on a twenty-four-hour-a-day basis an individual authorized to release the impounded vehicle. Said motor vehicle must be released within one hour, upon receipt the payment of the authorized towing and storage charges. Upon release, the licensee shall provide the owner of the impounded vehicle with a legible, numbered and signed receipt of payment. Such receipt shall state the name, business address, business telephone number and license number of the person who has towed such vehicle as such information appears on the license to engage in towing, and such receipt shall also include a telephone number for the office within the Police Department responsible for receiving complaints with respect to towing.

G. Upon request, the tow truck driver shall display to the owner or operator of such vehicle a valid towing/booting license issued by the Village of Port Chester pursuant to this chapter.

H. An owner, lessee, managing agent or other person in control of privately owned property who has entered into a contract with a person licensed pursuant to this section authorizing such licensee to tow motor vehicles parked on such property shall be jointly and severally liable for any violation by such licensee, or such licensee's employees or agents, of the provisions of this section, or of any rules promulgated pursuant there under.

I. No motor vehicle may be towed or removed if:

- (1) Such vehicle is occupied by a natural person, or live animal; or,
- (2) Such vehicle is an ambulance, police or fire vehicle, or other official Village or other governmental vehicle.

J. If any person has committed a violation of this section, or any rules promulgated pursuant to this section, such person shall be prohibited from collecting a fee or charge for their towing services, and any such unlawful charge collected shall be reimbursed to the vehicle's owner.

K. Whenever a licensee engages in trespass towing, all charges imposed for both towing and storage shall not exceed those authorized by the County of Westchester Consumer Protection Code.

L. The owner or person in control of a vehicle that has been towed, or hooked up but not removed from the premises, shall be allowed to pay any authorized charge(s), in cash or credit card.

Section 302-12 Booting of vehicles.

A. No person shall engage in booting, without having a current and valid towing/booting license as proscribed by this chapter, such license

B. No vehicle shall be booted or immobilized without the direct request and authorization of the property owner, lessee, or agent, who must be present at the time of the booting. Such authorization shall be documented and a written entry on a form prescribed by Police Department shall be made as soon as practicable. Such entry shall include the time, date, location, production year, manufacturer, and license plate number of the vehicle towed or booted. Furthermore said licensee shall maintain such form for a period of at least one year and deliver a copy of entries made during the preceding month to the Chief of Police or his representative by 7th day of the subsequent month. Said licensee shall make such records available for inspection, at any time, to any member of the Port Chester Police Department, or any other law enforcement agency having jurisdiction in the Village, upon request of such officer.

C. Whenever a licensee engages in booting or immobilization of vehicles within the Village of Port Chester, said licensee shall notify the Port Chester Police Department immediately prior. Such notification to the Police Department shall relate at a minimum the following information: the identification of the licensee and booter involved, the nature of the motor vehicle's violation, the location of the parking lot, the time the vehicle will be booted, the make, model, year, color, vehicle identification number (VIN) and license plate number of the vehicle.

D. A licensee may boot an unauthorized vehicle on privately owned property instead of towing it therefrom. The fee for such booting shall not exceed that authorized by the County of Westchester Consumer Protection Code.

E. Immediately after a vehicle is booted or immobilized, the licensee booting or immobilizing such vehicle, the owner of the property where the vehicle was immobilized, or an employee or agent of such person or owner, shall affix upon the window adjacent to the driver's seat of such vehicle, a sticker with a completely removable adhesive, measuring eight and one-half by eleven (8½ x 11) inches, containing a warning that any attempt to move the vehicle may result in damage to the vehicle and stating the name and business address of the licensee who immobilized such vehicle as well as a business telephone number, which must be available on a 24 hour basis 7 days a week, that will facilitate the dispatch of personnel responsible for removing the immobilization device

F. In the event that a licensee boots an unoccupied motor vehicle on privately owned real property, the licensee must remove the boot from the vehicle within 15 minutes after being paid the charge for same as prescribed by the parking lot's rules. Upon the removal of the booting device, said vehicle shall be immediately removed from the property by the owner or operator thereof.

G. Whenever a licensee has begun the process of booting an unauthorized vehicle on privately owned property but has not yet locked the boot onto the vehicle, and said vehicle owner or operator, arrives and makes demand for return and the owner or operator of the vehicle offers to remove the vehicle from the premises, said booter shall remove the boot from the improperly parked vehicle at no charge to the vehicle owner or operator.

H. Upon request, the booter shall display to the owner or operator of such vehicle a valid towing/booting license issued by the Village of Port Chester pursuant to this chapter.

I. An owner, lessee, managing agent or other person in control of privately owned property who has entered into a contract with a person licensed pursuant to this section authorizing such licensee to boot motor vehicles parked on such property shall be jointly and severally liable for any violation by such licensee or such licensee's employees or agents of the provisions of this section, or of any rules promulgated pursuant there under.

J. No motor vehicle may be booted if:

- (1) Such vehicle is occupied by a natural person, or live animal;
- (2) Such vehicle is parked in a fire lane, or in front of or immediately adjacent to a fire hydrant, fire connection or building emergency exit;
- (3) Such vehicle is an ambulance, police or fire vehicle, or other official Village or other governmental vehicle.
- (4) Such vehicle is parked in a space reserved for vehicles displaying a handicap permit.

K. No release or waiver purporting to limit or avoid liability for damages to a vehicle that has been booted shall be valid. In addition, any person who booted a vehicle, or other person authorized to accept payment of any charges for such booting, shall provide a signed receipt to the individual paying the booting charges at the time such charges are paid. Such receipt shall state the name, business address, business telephone number and license number of the person who has booted such vehicle as such information appears on the license to engage in booting, and such receipt shall also include a telephone number for the office within the Police Department responsible for receiving complaints with respect to booting.

L. If any person has committed a violation of this section, or any rules promulgated pursuant to this section, such person shall be prohibited from collecting a fee or charge for their booting services, and any such unlawful charge collected shall be reimbursed to the vehicle's owner

M. The owner or person in control of a vehicle that has been booted, shall be allowed to pay any authorized charge(s), in cash or credit card.

N. Tampering with a boot or immobilization device that is lawfully attached to a motor vehicle is prohibited.

O. Any vehicle that has been booted which has not been claimed within twenty-four (24) hours of booting, may be towed by the licensee who booted said vehicle.

Section 302-13 Penalties.

Any person who violates any of the provisions of this chapter shall be subject to a fine of not less than \$500 for the first violation \$1,000 for the second violation and \$1,500 for each violation thereafter per violation or imprisonment of less than 15 days. Each violation shall be considered a separate and distinct offense.

Section 302-14 License suspension/revocation.

A. Any license issued hereunder may be suspended or revoked by the Chief of Police upon the grounds that the licensee has been notified and charged with a violation of this chapter or any rule or regulation adopted hereunder.

B. Such notice shall become final unless the licensee makes application to appeal same to the Village Manager or his designee within five (5) days from receipt.

C. Any licensee whose license has been revoked shall not be eligible to file an application for a towing/booting license for a period of one year from the date of revocation.

Section 302-15 Regulations.

The Chief of Police is authorized to promulgate reasonable rules and regulations with regard to the administration and implementation of this local law.

Section 302-16 Enforcement.

A. The provisions of this chapter shall be enforced by the Police Department.

B. The Village Attorney is authorized to commence a civil action or special proceeding for an injunction upon any person(s) in violation of this chapter, and to take such action authorized in General Business Law §§ 399-v and 399-x.

C. Violators of this local will be referred to the Westchester County Department of Consumer Protection.

SECTION 3: SEVERABILITY

If any clause, sentence, paragraph or part of this chapter shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, section or part thereof directly involved in the controversy and in which such judgment shall have been rendered.

SECTION 4: EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of the State of New York.

Frequently Asked Questions

Q1: What does this Towing/Booting Law regulate?

A1: The local law regulates trespass booting and towing, or the towing and booting of privately owned cars parked on certain privately owned properties, without the car owner's consent.

Q2: What properties are affected by this local law?

A2: This law is limited to parking lots of commercial properties, such as shopping centers and restaurants, and multi-family dwellings that have three or more dwelling units.

Q3: I own property that is subject to this local law. What must I do now?

A3: This law only affects you if you wish to police your parking lot by booting and towing cars on your property. Should you wish to have cars towed and booted from your lot this law requires you to enter into a contract with a tower/booter, who has been licensed under this local law. This local law proscribes certain contract requirements and the Village must approve the contract. This law also requires that certain signage be posted to warn car owners that they may be towed and/or booted, what would cause them to be towed/booted, and if their car is towed/booted how to regain control of their car. The Police Department must approve of the signage. Finally this law requires that the person in control of the property or his agent, must be present during the tow or boot, and must have directed the tower/booter to boot or tow the specific vehicle.

Q4: I own a towing and booting company what does this local law require of me?

A4: This local law now requires you to be licensed by Port Chester before you can service parking lots within the Village for trespass towing. The license has certain application requirements, such as a fingerprint criminal background check for all drivers/booters and the owner. This local law also requires you to have a written contract with the property owner (or agent thereof), regarding such towing and booting services, and has certain requirements of what must be in said contract. Furthermore this law sets procedures for how towing and booting must be conducted. This local law only affects trespass towing as defined in this local law, this law does not affect breakdown tows, or any other reason for towing, and again is limited to commercial and multi-family dwellings as defined in this local law.

Q5: What happens if I see my vehicle about to be towed and I approach the tow truck driver telling him to stop and that I'll move the car?

A: It depends on which stage in the hook-up/removal process the tow truck driver is in. If your car is not yet hooked up or engaged to the tow truck the driver must release control of your vehicle to you for no charge, granted you remove your car immediately from the parking lot. If your car has been hooked up but not removed from the lot, you must pay the driver \$15 to release your vehicle; however he is not allowed to charge you more than \$15. If your car is about

to be booted, but the boot has not yet been locked on to your vehicle, the car must be returned to you for no fee.

Q6: How much will it cost me if my car is towed off the property?

A6: This law incorporates the fee limits set by the County, which is currently \$65 if towed for 1 mile, and it is \$1.50 for each additional mile towed. Then there is a \$5.00 a day storage fee for each day or part thereof, that the car is stored on the premises of the towing company. Charging over these rates is considered a violation of this local law.

Q7: How much will it cost me if my car is booted?

A7: The County as also set a fee limit for booting, which is \$65.00 for placement and removal of the booting device. No booter may charge you over \$65.00, doing so is a violation of this law.

Q8: If a tower/booter violates the procedures set forth in this law can they still collect a fee for their services?

A8: No. If a tower/booter violates the procedures set forth in this law not only are they prohibited from collecting a fee, any fees already collected that are connected to such violation must be refunded to the vehicle owner.

Q9: How do I know if the person booting or towing my car has been licensed by Port Chester?

A9: This local law requires that upon request a booter or tower must display to the owner or operator of such vehicle a valid license issued by the Village of Port Chester.

Q10: Who will enforce this local law?

A10: The local law will be enforced by the Police Department. The Department will also be responsible for issuing the licenses and inspecting signage.

Q11: My vehicle was damaged by the tow truck driver/booter what can I do?

A11: This law proscribes that there is joint and several liability between the towing/booting entity and the property owner, or lessee, so you may sue either party over the damage done to your vehicle. Also no liability waivers are allowed under this law.

Q12: How long is my towing and booting license valid for?

A12: The license is valid for a term of 24 months (2 years) from issuance.

Q13: I don't have a license but I am a tow truck driver and found a friend that is willing to sell me his license because he is retiring and doesn't need it anymore, can I buy his license from him?

A13: Absolutely not. No license may be transferred or assigned and any attempt to do so shall render such license void.

Q14: How far is a tow truck driver allowed to take my car? Are there any requirements that his storage facility be close by?

A14: All storage facilities used for towing under this law, must be within 15 miles of the parking lot being serviced. Under this law they cannot tow your car more than 15 miles away.

Q15: What is the main purpose of this law? Why are we passing this law?

A15: This law was designed to protect consumers and residents from predatory booting and towing practices. Too often have we heard complaints of car owners being cornered in empty parking lots at night by “scary” tow truck drivers and booters, forced to pay whatever fee they demanded. This law regulates towing and booting to protect against such practices, while still allowing property owners to police their private property.

Q16: If adopted, when will this law be implemented?

A16: We have been working with the Police Department so that this law will be effectively administered. The Chief of Police has given us a target date of June 1st to begin taking license applications.

PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees hereby schedules a public hearing on Monday, March 2, 2015 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, to consider adopting a local law amending the Code of the Village of Port Chester with a new chapter, Chapter 302, Towing and Booting, that would establish licensing requirements on those who wish to boot or tow motor vehicles from private property in the Village of Port Chester.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The copy of the proposed local law is available at the Village Clerk's office or online at the Village website www.portchesterny.com.

Date: February 13, 2015

/s/ JANUSZ R. RICHARDS
JANUSZ R. RICHARDS
Village Clerk
Village of Port Chester, New York

PUBLIC COMMENTS

RESOLUTIONS

SETTLEMENT OF TAX CERTIORARI PROCEEDINGS BROUGHT CHALLENGING A
PROPERTY TAX ASSESSMENT

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 approve the proposed settlement of a tax certiorari proceeding challenging a property tax assessment which would involve a refund from the Village of Port Chester in excess of \$1,000.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

RESOLUTION

PARTICIPATION WITH WESTCHESTER COUNTY IN NYS PROPERTY TAX FREEZE/GOVERNMENT EFFICIENCY PLAN

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, a real property tax freeze was adopted by the 2014-15 NY State budget with the intent of encouraging the sharing of services among local governments and the implementation of efficiencies, and therefore be it

RESOLVED, that the Board of Trustees does hereby authorize the Village Manager to sign the application with Westchester County to participate in the County's shared service and efficiency plan.

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:

The Property Tax Freeze

What You Need to Know

NYCOM Wednesday Webinar Series
February 4, 2015
Barbara Van Epps
NYCOM Deputy Director

Property Tax Freeze

Outline

- Overview of the Tax Freeze
- Taxpayer Eligibility
- Local Government Compliance/Certifications - For Year 1
- Local Government Compliance – For Year 2
- Government Efficiency Plans (GEP)
- Local Government Certifications – For Year 2
- Calculating the Credit
- Additional Resources

Property Tax Freeze

Overview

- Adopted as Part of the 2014-15 State Budget
- Optional program that is intended to encourage the sharing of services among local governments and the implementation of efficiencies
- Will essentially “freeze” property taxes for two years
- Qualified homeowners will receive a freeze credit that will be distributed in the form of a check
- Expected to generate over \$1.5 billion in property tax relief over three years

Property Tax Freeze

Overview

The Credit will be equal to the greater of:

a) the amount by which the individual's property tax bill increased from year to year

or

b) the amount of the individual's prior year tax bill multiplied by the allowable levy growth factor (currently 1.62%)

This eliminates the incentive for a municipality to increase their tax levy to the amount allowable under the cap whether they need to or not

Property Tax Freeze

Overview

- For local governments (except for those with fiscally dependent school districts), the first year of the Tax Freeze is your fiscal year beginning in 2015
- Since all residents live in multiple taxing jurisdictions, the amount of the credit will be based only on those jurisdictions that meet the eligibility requirements
- Each eligible homeowner will receive one check that contains the aggregate amount of the freeze credit for that individual, which will be determined by the Department of Taxation and Finance

Property Tax Freeze

Overview

- For example, a homeowner in a village pays taxes to a village, town, county and school district
- If the county and village comply with the tax freeze requirements, but the school district and town do not, the resident will receive a freeze credit for the county and village taxes only
- The NYS Department of Taxation and Finance is responsible for determining the amount of the freeze credit for every eligible homeowner and will issue one check to each homeowner reflecting such amount

Taxpayer Eligibility

- Homeowner must be eligible for the STAR Property Tax Credit
- Limited to homeowners with an adjusted gross income of \$500,000 or less
- Property must serve as the primary residence
- Commercial properties are not eligible for a tax freeze credit

Local Government Compliance For Year 1

Year 1 - 2015

In the fiscal year beginning in 2015, a local government must:

- Have an adopted budget that complies with the Tax Cap
- Have repealed its local law to override the Tax Cap if one was enacted

The chief executive officer or budget officer must certify to the State Comptroller and the Commissioner of Taxation and Finance that these requirements were met

Local Government Certifications For Year 1

Year 1 - 2015

- The certifications for compliance in Year 1 must be submitted by the 21st day of the local fiscal year to which they apply
- The State Comptroller is developing a system to allow each local government to submit the certifications electronically
- Chief Executive Officer or Budget Officer
 - Cities – The City Mayor or Manager (or as specified in charter)
 - Villages – Village Mayor, Manager or designee

Local Government Compliance For Year 2

Year 2 - 2016

In the fiscal year beginning in 2016, a local government must:

- Comply with the Tax Cap
- Have repealed its local law to override the Tax Cap if one was enacted
- Submit a Government Efficiency Plan (GEP) by June 1, 2015 that includes eligible activities that meet the required savings targets

GEP - Participation

- Local Governments are strongly encouraged – but are not required – to develop the GEP on a county-wide basis
- As an alternative, local governments may develop the GEP with other local governments or on their own
- A local government or school district may only participate in one plan but either may include *their share* of the savings from an eligible activity that was undertaken by a local government and a school district

GEP Savings Requirements

- Each GEP must contain eligible activities that will collectively generate savings of at least 1% of the combined 2014 tax levy of all those participating in the plan
- This 1% savings target must be achieved in local fiscal years *beginning* in 2017, 2018 and 2019
 - 2017: 1% of the 2014 levy
 - 2018: 1% of the 2014 levy
 - 2019: 1% of the 2014 levy

GEP Savings Requirements

- The savings requirement is plan-wide
- Each local government participating in the plan does not have to individually meet the 1% target
- A participating local government may actually incur a cost as long as the GEP as a whole meets the 1% collective savings target
- An analysis of the savings must accompany each GEP

GEP Eligible Activities

- Cooperation Agreements
- Shared Services
- Mergers
- Efficiencies

GEP Eligible Activities

Cooperation Agreements

“Agreements entered into between eligible local government units to implement the sharing or consolidation of functions or services”

- Procurement
- Real estate, facility management, fleet management
- Business and financial services
- Administrative services
- Payroll, time and attendance, benefits administration
- Contract management, grants management
- Transportation services, facilities and function
- Information technology infrastructure, process, services

GEP Eligible Activities

Shared Services

“Functional consolidations by which one eligible local government unit completely provides a service or function for another eligible local government unit which no longer engages in that function or service; shared or cooperative services between and among eligible local government units; and regionalized delivery of services between and among eligible local government units...”

GEP Eligible Activities

Shared Services

- Procurement
- Real estate and facility management
- Fleet management
- Business and financial services
- Administrative services
- Payroll, time and attendance, benefits administration
- Contract management, grants management
- Transportation services, facilities and functions
- Information technology infrastructure, processes or services

GEP Eligible Activities

Mergers

“Consolidations or dissolutions of local government units in accordance with Article 17-A of General Municipal Law or reorganizations, consolidations, or dissolutions of local government units in which one or more local government units are terminated and another local government unit assumes jurisdiction over the terminated local government unit or units pursuant to any other provision of law.”

GEP Eligible Activities

Efficiencies

“Actions taken by a local government or school district to improve the completion of existing processes or functions or the delivery of existing services that result in lower costs.”

GEP Eligible Activities

The “Look Back” Period

- Local governments can include “eligible activities” implemented since the local government has been subject to the tax cap – that is the fiscal year beginning in 2012
- Need to submit documentation of the actions implemented and the associated savings

GEP Certifications – For Year 2

Individual Local Government

In addition to repeating the certifications required in Year 1...

For Year 2, the CEO or Budget Officer must certify in writing -- by June 1, 2015 -- that the local government unit agrees to “undertake its best efforts to fully implement by the end of the local fiscal year beginning in 2017 the cooperation agreements, mergers, efficiencies and/or shared services specified in such plan”

GEP Certifications – For Year 2

Individual Local Government

The chief financial officer of the local government must also certify in writing that "in his or her professional opinion, full implementation of the eligible activities specified in such plan will result in savings equal to at least 1% of its 2014 tax levy in each of the fiscal years beginning in 2017, beginning in 2018 and beginning in 2019."

GEP Certifications – For Year 2

Multiple Local Governments

If several local governments are developing a GEP together:

- One local government must be designated as the *lead entity* to which all other local governments participating in the Plan will deliver their certifications by May 15, 2015
- The CFO of the lead entity is then responsible for submitting all of the required documents to the Director of the Division of the Budget no later than June 1, 2015

GEP Certifications – For Year 2

Multiple Local Governments

In addition to repeating the certifications required in Year 1...

The chief executive officer *or* budget officer of each local government that is a signatory to the plan must certify that:

The local government agrees to undertake its best efforts to fully implement by the end of the local fiscal year beginning in 2017 the cooperation agreements, mergers, efficiencies and/or shared services specified for the local government”

GEP Certifications – For Year 2

Multiple Local Governments

The CFO must also certify that in his/her professional opinion:

“Full implementation by the end of the local fiscal year beginning in 2017, of the cooperation agreements, mergers, efficiencies and/or shared services that are to be taken by such local government unit itself as specified in such plan will result in the savings set forth in the government efficiency plan attributable to such local government unit”

GEP Certifications – For Year 2

Multiple Local Governments

The CFO must also certify that in his/her professional opinion:

“Full implementation of the cooperation agreements, mergers, efficiencies and/or shared services as specified for all of the local government units and dependent school districts that are signatories to such plan will result in savings over the aggregate tax levies for fiscal years beginning in 2014 for all local government units that are signatories to such plan of at least one percent in each of the fiscal years beginning in 2017, beginning in 2018 and beginning in 2019”

Summary of Certifications

For Local Governments to be Compliant in Year 1 – 2015

- Adopted Budget is Within Tax Cap (21 days into FYB 2015)
- Local Law to Override Tax Cap was Repealed (21 days into FYB 2015)

For “Individual” Local Governments to be Compliant in Year 2 – 2016

- Repeat Year 1 Required Certifications (21 days into FYB 2016)
- Agree to Undertake Activities in GEP (by June 1, 2015)
- Agree to Savings Estimates in GEP (by June 1, 2015)

For “Multiple” Local Governments to be Compliant in Year 2 – 2016

- Repeat Year 1 Required Certifications (21 days into FYB 2016)
- Agree to Undertake Activities in GEP (by June 1, 2015)
- Agree to Savings Estimates in GEP (by June 1, 2015)
- Agree to Savings Estimates for ALL local governments in 2017, 2018 & 2019 (by June 1, 2015)

GEP Submission

- The State is developing an “online application” for local governments to use to submit their GEPs
- The Director of the Division of the Budget will notify the Commissioner of Taxation and Finance, by July 31 2015, regarding which local governments met the GEP requirements

Calculating the Credit

As calculated by the NYS Department of Taxation and Finance, the amount of the credit will equal the greater of:

The homeowners year-to-year growth in property taxes

OR

The allowable levy growth factor multiplied by the prior year tax bill

Calculating the Credit

In 2015, the allowable levy growth factor (ALGF) was 1.5%, but the Village of Efficiency kept its levy flat from year-to-year

Calculation 1

Tax bill in 2014 - \$1000

Tax bill in 2015 - \$1000

Change in Tax Bill = \$0

Calculation 2

2014 Bill = \$1,000

x ALGF x 1.5%

Cap Growth = \$15

**Tax Freeze Credit would be \$15

Calculating the Credit

In Year 2, assuming compliance occurs, the homeowner will receive the 2015 rebate plus the greater of the increase in his/her 2016 taxes or the allowable levy growth factor multiplied by the 2015 bill

2015 Rebate to Homeowner -- \$15

2015 Tax Bill -- \$1000

2016 Tax Bill -- \$1020

Increase in Taxes -- \$20 (same as ALGF of 2%)

2016 Rebate -- \$15 + \$20 = \$35

Freeze Credit Payment Calendar

- Fall 2014 Year 1 – School District Tax Credit
- Fall 2015 Year 2 – School District Tax Credit
 Year 1 – Local Government Tax Credit
- Fall 2016 Year 2 – Local Government Tax Credit

Miscellaneous Items

- Tax Freeze Credit will not be permitted for an individual property's tax increase due to:
 - ✓ Improvements to property that increase value
 - ✓ Change in exemption status
 - ✓ A jurisdiction-wide reassessment
- A local government's compliance in one year has no bearing on its compliance in the other year. In other words, if a local government does not comply in year 1, its residents will still be eligible for a freeze credit in year 2.

Miscellaneous Items

- School Districts (outside the Big Four cities) may develop plans with other school districts but not with local governments (although they may implement efficiencies together)
- The Big Four Cities must develop their plans jointly with their respective school districts
- The Big Four Cities can submit a GEP with other local governments but not with other school districts

Miscellaneous Items

- In addition to its adopted budget, each local government must now submit certain aspects of its proposed budget to the State Comptroller
- A taxpayer is not responsible for calculating the freeze credit or applying for the freeze credit
- The Department of Taxation and Finance will establish a procedure for taxpayers to request a freeze credit if they did not receive one and believe they were eligible

Miscellaneous Items

The freeze credit for co-op and mobile homes that are not separately assessed will be calculated as follows:

- Co-op – The Credit will be 60% of the average credit for the jurisdiction
- Mobile Home – The credit will be 25% of the average credit for the jurisdiction

Additional Resources

- State Guidance Document

<http://www.tax.ny.gov/pdf/publications/orpts/pub1030.pdf>

- Frequently Asked Questions Document

<https://www.budget.ny.gov/pubs/press/2015/PropertyTaxFreezeFAQs.pdf>

- Email for questions: Tax Freeze@Budget.ny.gov

Questions???



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Police Department

BOT Meeting Date: 3/2/2015

Item Type: Resolution

Sponsor's Name: Richard F. Conway, Chief Police

Description	Yes	No	Description	Yes	No
Fiscal Impact	x	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	x
Funding Source:DEA Account #:001.00001.695			BID #		
			Strategic Plan Priority Area		
			Public Safety		
Agreement	x		Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	Other		

Agenda Heading Title
(Will appear on the Agenda as indicated below)

To transfer \$6,600.00 from the DEA Asset Forfeiture account to equipment for the 12 month rotating rental of cars from Enterprise car Rental (DBA ELRAC, Inc of Wilton CT) to be used for undercover narcotics operations

Summary

Background: The Narcotics unit is in need of undercover surveillance vehicles. Due to the fact that the identify of these vehicles are frequently discovered by those in the drug trade, regular change of these vehicles is required

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

--

RESOLUTION
BUDGET AMENDMENT – USE OF DEA FUNDS FOR CAR RENTALS FOR
UNDERCOVER NARCOTICS OPERATIONS

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 Police Chief is recommending the use of DEA Asset Forfeiture Funds to rent cars on a rotation basis for undercover narcotics operations from ELRAC, Inc., D/B/A Enterprise Car Rental, 131 Danbury Road, Wilton, CT 06897. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Manager to enter into a twelve month contract with ELRAC Inc., and be it also,

RESOLVED, that the Board of Trustees authorizes the Village Treasurer to modify the 2014-15 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(6,600.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$6,600.00
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Appropriations:

001-3120-0422	Lease & Maintenance Contract	\$6,600.00
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VILLAGE OF PORT CHESTER

Department of Police, 350 North Main Street, Port Chester, NY 10573



Richard F. Conway
Chief of Police

(914) 939-1000
(914) 939-6402
Fax: (914) 939-2298
E-mail: RConway@vpcpd.com

To: Leonie Douglas, Village Treasurer
From: Richard Conway, Chief of Police
Re: Transfer of Funds
Date: February 25, 2015

Please be advised I authorize the transfer of \$6600.00 from the DEA Asset Forfeiture Account Number 001-0001-0695 to the Equipment, Appropriation Number 001-3120-0200 for payment for the following:

422

ELRAC Inc., D/B/A Enterprise Car Rental, 131 Danbury Rd., Wilton, Ct. 06897

12 month rotating rental of cars to be used for undercover narcotics operations.

Lease & Maintenance Contract

Village of Port Chester Budget Transfer Form

Department: Police

Date: 2/25/15

	FROM ACCOUNT	TO ACCOUNT	AMOUNT
Account	001-1320-0406	001-1320-0200	Example
Description	Office Supplies	Equipment	500.00
Account	001-0001-0695	001-3120-0200 ⁴²²	
Description	DEA Asset Forfeiture	Equipment	6600.00
Account		Lease & Maintenance Contract	
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			
Account			
Description			

Department Head Approval

Village Manager Approval

Business Rental Preferred Rate Agreement

Company: Portchester Police Department

Company: ELRAC, Inc.

Contact: Chris Krzeminski

Contact: David Doblin

Address: 350 N. Main St. Portchester NY 10580

Address: 131 Danbury Rd.

Wilton, CT 06897

BASE RENTAL CHARGES*

VEHICLE CLASS	RATES		
Compact	\$41.99/day	\$179.99/week	\$550.00/mth
Intermediate	\$46.99/day	\$179.99/week	\$550.00/mth
Standard Size	\$49.99/day	\$249.99/week	\$949.99/mth
Full Size	\$54.99/day	\$274.99/week	\$1044.99/mth
Premium	\$59.99/day	\$299.99/week	\$1139.99/mth
Mini-Van	\$79.99/day	\$449.99/week	\$1309.99/mth
Medium SUV	\$79.99/day	\$449.99/week	\$1329.99/mth
Cargo Van/Truck	\$59.99/day	\$329.99/week	\$1149.99/mth

*Base Rental Charges apply to participating Enterprise locations in the following geographic area(s): CT.

For U.S. rentals (including Puerto Rico) outside of the geographic area(s) described above, the renting location from which the rental originates will apply a 5% discount off the standard, undiscounted daily, weekly, and monthly rates charged by the renting location.

RENTAL LOCATION SURCHARGES: In addition to the applicable Base Rental Charges set forth above, rental location surcharges are assessed as follows: NJ Metro, including Westchester, Islip and Newark Airports - \$14.00/day; New York City Boroughs, including JFK and LaGuardia Airports - \$18.00/day.

EXCLUSIONS: Base Rental Charges do not include applicable taxes, surcharges, refueling, one-way, drop-off, delivery, pickup, youthful driver or additional driver charges; or, except as set forth below, any optional products or services such as damage waiver ("DW"), liability protection, personal accident insurance and personal effects coverage ("Driver Protection Products").

NO COVERAGE. There is no coverage (collision or liability) on any products or discounts. Renter is responsible for loss and/or damage to the vehicle. Liability coverage will be at the limits and as specified in the applicable standard Rental Agreement.

MILEAGE CHARGES: Base Rental Charges for rentals in the tri-state area area on Compact size vehicles through Premium size vehicles include unlimited daily and weekly mileage, as applicable. All other car classes will include 150 free miles per day and 1,050 free miles per week. All car classes are capped at 2,500 miles per month. Any additional miles will be charged at the rate of \$0.20/mile. Base Rental Charges for rentals outside of the tri-state area may not include mileage. Mileage charges charged by the renting location's branch will apply outside of the tri-state area.

VEHICLE AVAILABILITY: Hybrid vehicles are subject to the availability at the renting branch and are not available at all locations. Other restrictions may apply. 12 and 15 passenger vans are subject to availability at the renting branch and are not available in all states. Unless included in the Base Rental Charges listed above, rates for these vehicles will be determined by the applicable originating Enterprise location in its discretion.

ADDITIONAL TERMS AND CONDITIONS

- 1. Term. The term of this Business Rental Preferred Rate Agreement ("Agreement") begins _____, 2013, and shall remain in full force and effect until such time as either party provides the other party with thirty (30) days written notice.
- 2. Rental Program. Enterprise agrees to make its vehicles available to Employees for rental from Enterprise's rental facilities for business use or personal use. For business use rentals, occasional personal use during the business rental period is allowed. During such occasional personal use, spouses of Employees will be considered additional authorized drivers. Employees of Customer must (a) use the customer number assigned by Enterprise to Customer (L24CSOA) for rentals for business use.
- 3. Rental Contracts. For each vehicle rented, the Employee must execute Enterprise's Rental Contract in the jurisdiction in which the vehicle rental occurs. Each Employee and Employee's spouse (and any person identified on page 1 of the Rental Contract as an "Additional Authorized Driver") must possess a valid driver's license issued by the state in which such person resides, and must be age 21 or older (unless otherwise agreed to in writing and 18 or older if required by law; and 25 or older for 12 and 15 passenger vans), and meet Enterprise's other normal renter qualifications. In the event of a direct conflict between the terms of this Agreement and the terms of any Rental Contract, the terms of this Agreement will govern. However, the specific terms of each Rental Contract will govern to the extent not directly in conflict with the terms of this Agreement. Customer agrees to pay Enterprise upon demand for all rental and other charges incurred and all indemnity and other payments owed by an Employee under a Rental Contract relating to a rental for business use not timely paid by the Employee.
- 4. Rental Rates. For the first 12 months following the date of this Agreement, Enterprise agrees to charge the Base Rental Charges quoted in this Agreement; provided however that Customer's total rental days rented through Enterprise reaches 25/100 rental days ("Volume Commitment") during any calendar quarter/year. In the event Customer's rentals through Enterprise fails to meet the Volume Commitment in any calendar quarter/year, Enterprise reserves the right to increase the Base Rental Charges by providing notice of such increase to Customer. In each successive 12-month period the Base Rental Charges then in effect shall increase by 5 %. In

determining the length of rental, a day is deemed to be any 24-hour period or portion thereof.

- 5. Preferred Provider Status. Customer agrees to promote Enterprise as a preferred provider of rental cars, and to recommend Enterprise as an option to Employees renting vehicles for business use. Customer agrees to include Enterprise as an option on their self-booking tool. In addition, Customer agrees to promote Enterprise on their internal website and through other company-wide internal communication networks. Customer grants Enterprise the right to promote its preferred provider status to Customer's Employees.
- 6. Miscellaneous. Except as otherwise required by law, Customer agrees to maintain the confidentiality of the pricing offered to Customer and all other terms under this Agreement. This Agreement and any Rental Contract entered into between Enterprise and an Employee sets forth the entire understanding between the parties and may only be amended in a written document signed by each party. This Agreement shall be governed by the substantive laws of the state listed as part of Customer's address on Page 1. Rental Contracts shall be governed by the substantive laws of the state in which they are executed.
- 7. Third-Party Beneficiary. The parties intend for each subsidiary of Enterprise Rent-A-Car Company, a Missouri corporation, to be accorded the status of third-party beneficiary under this Agreement, and for all rights hereunder to inure to the benefit of each such subsidiary.
- 8. Offsets. The parties agree that Enterprise/Provider may, from time to time and upon notice to Customer, offset any amounts that are owed to Enterprise/Provider from the Customer against amounts owed to the Customer, in the ordinary course of business. Enterprise/Provider shall have the ability to discontinue this right to offset (in whole or in part), upon advance written notice to the Customer.
- 9. Assignment. Customer hereby consents to an assignment by Enterprise/Provider to any of Enterprise's/Provider's affiliated companies or a corporate successor upon conversion, merger or consolidation.

ENTERPRISE

By _____
 Name: _____
 Title: _____
 Date: _____

CUSTOMER

By _____
 Name: _____
 Title: _____
 Date: _____

RATIFICATION OF APPOINTMENT TO
EMERGENCY MEDICAL SERVICES COMMITTEE

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 inter-municipal agreement, between the Village of Rye Brook, City of Rye and Village of Port Chester for emergency medical services provides for an Emergency Medical Services Committee; and

WHEREAS, the position of the Port Chester Community Representative on the Committee is vacant; and

WHEREAS, pursuant to Section 3A of the inter-municipal agreement, the community representatives shall be recommended by the contracted emergency services provider, the Port Chester-Rye-Rye Brook Volunteer Ambulance Corps (“Corps”) and thereafter ratified by joint resolution of the municipalities.; and

WHEREAS, by letter dated February 9, 2015 from Scott T. Moore, Administrator, the Corps has recommended John B. Colangelo, Esq. to fill the vacancy. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby ratifies the recommendation of John B. Colangelo, Esq. Port Chester, New York to be appointed to the Emergency Medical Services Committee to fill the balance of the unexpired term of David Byrnes to expire on June 30, 2016.

Approved as to Form:

Anthony M. Cerreto, Village Attorney



PORT CHESTER-RYE-RYE BROOK EMERGENCY MEDICAL SERVICES

VILLAGE OF PORT CHESTER

2/9/2015

FEB 18 2015

RECEIVED

VM

Mr. C. Steers - Manager
The Village of Port Chester
220 Grace Church Street
Port Chester, NY 10573

RE: Citizen Representative Appointment

Dear Mr. Steers:

The position of Community Representative to the EMSC for the Village of Port Chester has been vacated by Mr. Byrnes, due to employment conflicts.

Section 3A of the Inter-Municipal Agreement states that "the community representatives shall be recommended by the Corps and ratified by joint resolution of the municipalities." In accordance with the agreement, I respectfully submit Mr. John B. Colangelo for appointment to the EMSC for a term to commence immediately and to end June 30, 2016. Mr. Colangelo is a long time Port Chester resident and has always been very dedicated to this community. Mr. Colangelo also has many years of experience in public service as a Rye Town Judge. The Board of Director's of Port Chester-Rye-Rye Brook EMS feels that he would be a great choice for service as Citizen Representative on our EMSC board. I request that this matter be placed on the agenda of the next scheduled Village of Port Chester Board Meeting.

Please don't hesitate to contact me with any questions, comments or concerns. Thank you for your consideration in this matter.

Sincerely,

Scott T. Moore
EMS Administrator

"Caring for the Community since 1968"

417 Ellendale Avenue Port Chester, N.Y. 10573

Phone: 914-939-8112 Fax: 914-939-1075 EMSADM2@aol.com

JOHN B. COLANGELO

Residence: 60 Priscilla Lane
Port Chester, NY 10573
(914) 937-5039

Office: 211 South Ridge Street
Rye Brook, NY 10573
(914) 939-0002
(914) 939-2665 (fax)

Education:
J.D. Albany Law School – June 1979
M.S. University of Bridgeport – Secondary Education (history) – 1975
A.B. Dartmouth College – Government Major – 1971
1967 Graduate, Port Chester High School, Port Chester, NY

Professional:
1980 to present **Attorney in Private Practice**
Law Office of John B. Colangelo, Rye Brook, NY
1985 to present **Town Justice, Town of Rye, NY**
1981-1985 **Councilman, Town of Rye, NY**
1971-1976 **Social Studies Teacher, Port Chester High School**

- Assistant Varsity Football Coach
- Varsity Tennis Coach
- Developed everyday law curriculum
- Advisor to numerous clubs and activities

Professional/Community Affiliations:

- Admitted to practice, Supreme Court of the United States
- Member/Past President – Port Chester/Rye Bar Association
- Member – New York State Magistrate’s Association
- Member – Westchester County Bar Association
- Member – New York State Bar Association
- Member – Columbian Lawyer’s Association
- Former Code Enforcement Officer, Village of Port Chester
- Former Member, NYS Bar Assn Committee on Local Court Administration
- Former Counsel, Village of Port Chester Industrial Development Agency
- Counsel & Member – Port Chester Council for the Arts, Inc.
- Member/Past President/Board Member – Forty/Forty Club of Port Chester
- Former Chairman – Special Village Governmental Study Commission
- Member – Port Chester Old Timer’s Athletic Association
- Honorary Board Member – Tamarack Tower Foundation Port Chester Schools
- Former Member – Port Chester High School Band Parents’ Association
- Former Member – Port Chester H.S. PTSA, Rams Baseball/Softball Boosters and Port Chester Rams Football Booster Club

Personal:

Lifelong resident of the Village of Port Chester

Born July 15, 1949, son of the late Daniel W. Colangelo and Marie (Maida) Colangelo

Married June 5, 1977 to former Denise Linen, Executive Director, Port Chester Council for the Arts, Inc., Two Daughters:

Christina Marie (born 5/19/78, Married 4/15/06 to Brian Beadle – 1 granddaughter, Samantha Beadle 3/19/11)

B.A. (Theater & Drama) Indiana University, Bloomington, 2000

M.S. (Guidance & Counseling) College of New Rochelle, 2002

M.A.T., Mercy College (Secondary English & Drama), 2008

Teacher (English/Theater), Blind Brook High School, Rye Brook

Julie Anne (Born 2/19/82):

B.A. (American Studies) Manhattanville College, 2004, portfolio honors

M.A.T. (Elementary Education) Manhattanville College, 2005

6th Grade Teacher, Port Chester Middle School, Port Chester, New York

Varsity Softball Coach, Blind Brook High School, Rye Brook, New York

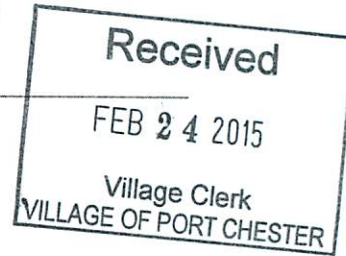
REPORT FROM
THE VILLAGE CLERK

DISCUSSION



U.S. Department of Justice

*United States Attorney
Southern District of New York*



February 20, 2015

Janusz Richards
Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: CDBG Program

Dear Mr. Richards:

Your letter of October 22, 2014, to the Attorney General of the United States, has been forwarded to me for response.

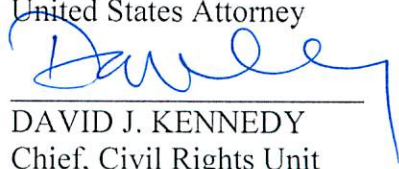
Thank you for sharing your concerns about the availability of funds for programs in the Village of Port Chester, given the County of Westchester's May 9, 2014, decision to forego participation in the Community Development Block Grant ("CDBG") program. As you may be aware, however, on February 9, 2015, Governor Cuomo and Congresswoman Lowey announced a mechanism to apply for CDBG monies on a going forward basis, which may ameliorate many of the concerns identified in your letter.

Thank you for your interest in this matter.

Sincerely,

PREET BHARARA
United States Attorney

By:


DAVID J. KENNEDY
Chief, Civil Rights Unit
Tel. No.: (212) 637-2733
Fax No.: (212) 637-0033
E-mail: david.kennedy2@usdoj.gov

REPORTS



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Planning and Development Department

Village BOT Meeting Date: 3/2/2015

Item Type: Discussion Item

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		X	Manager Priorities		
Strategic Plan Related	X		Planning & Zoning		

Sponsor's Name: Christopher N. Gomez, Director of Planning & Development

Agenda Heading Title
(Will appear as indicated below on Agenda)

Permitting Medical and Dental Facilities in the C1 Neighborhood Retail District

Summary

Background:

The proposed zoning text change would permit medical and dental facilities in the C1 Neighborhood Retail District and clearly define medical and dental facilities by combining existing use categories that currently distinguish between facilities with x-rays. The proposal would also remove existing special exception criteria that are unachievable and overly burdensome to applicants (e.g. proximity to an operating hospital) as previously discussed.

The Planning Commission reviewed the draft changes at their February 23, 2014 meeting and is supportive of the concept.

Proposed Action

Direct staff to prepare a local law for board review

Attachments

Draft use definition, use table, special exception criteria, and parking requirement.

ZONING

345 Attachment 3A

Village of Port Chester
Schedule of Regulations for Nonresidence Districts
Part 1, Use Regulations

Type of Use	Districts													
	C1 Neighborhood Retail §345-47	C2 Main Street Business §345-48	C3 Office and Commercial §345-49	C4 General Commercial §345-50	C5 Train Station Mixed Use §345-50.1	C5T Downtown Mixed Use Transitional §345-50.2	CD Design Shopping Center §345-51	CDS Special Designed Commercial §345-52	PD Design Professional Building §345-53	DW Design Waterfront §345-54	DW2 Downtown Design Waterfront §345-54.1	M1 Light Industrial §345-55	M2 General Industrial §345-56 ¹	PMU Planned Mixed Use §345-57
Residential Uses														
1 Family Dwelling	X	X	X	X	X	X	X	X	X	X	X	X	X	X
2 Family Dwelling	X	X	X	X	X	X	X	X	X	X	X	X	X	X
Multifamily Dwelling	X	SE	X	X	SE	SE	X	X	X	SE	SE	X	X	P
Multifamily Dwelling (floors above first floor)	X	SE	X	X	P	P	X	X	X	SE	SE	X	X	P
Residential Community Facilities														
Church or other Place of Worship, Parish House, Rectory, Sunday School, Convent, Seminary	SE	SE	SE	SE	SE	SE	SE	X	X	SE	SE	SE	SE	SE
General Community Facilities														
Assembly Hall	X	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	P
Convalescent home or nursing home	X	X	SE	X	X	X	X	X	SE	SE	X	X	X	P
Hospital	X	SE	SE	X	SE	SE	X	X	X	X	X	X	X	SE
Medical, and dental offices, not including operating room or community X-ray or therapy room	X	SE	P	X	SE	SE	P	P	P	X	X	X	X	SE
Membership club, fraternal organization or similar social institution not operated for a profit	X	P	SE	SE	P	P	X	X	X	SE	SE	X	X	P
Nursery school, day camp or day care center	SE	SE	SE	X	SE	SE	X	X	X	X	X	X	X	SE
Public utility facility	X	SE	SE	SE	SE	SE	X	X	X	SE	SE	P	P	SE
School, elementary or high, public, private, or parochial, having a curriculum equivalent to that ordinarily given in public schools.	X	SE	X	X	SE	SE	X	X	X	SE	SE	X	X	SE
Medical, and dental offices including X-ray and therapy room	X SE	SE	X SE	X SE	SE	SE	X SE	X SE	X SE	X	X	X	X	SE
Business Uses														
Automobile repair garage	X	X	X	SE	X	X	X	X	X	X	X	X	X	X
Bank, excluding drive-in	P	P	P	P	P	P	P	P	P	SE	SE	P	P	P
Bar or Tavern	X	P	X	X	P	P	X	X	X	X	X	X	X	P
Bowling Alley	X	SE	SE	SE	SE	SE	P	P	X	X	X	X	X	P
Cabaret	X	P	X	X	P	P	X	X	X	X	X	X	X	P
Catering and Events Establishment	X	P	X	X	P	P	X	X	X	X	X	P	P	P
Commercial Indoor Athletic Training Facility	X	SE	X	X	SE	SE	X	X	X	X	X	X	P	P
Drive-in establishments other than restaurant, or circus, carnival, or other outdoor amusements	X	X	SE	SE	X	X	SE	SE	X	X	X	X	X	X
Drive-in and fast-food restaurant	X	X	X	SE	X	X	X	X	X	X	X	X	X	X
Food processing shop	X	X	X	SE	X	X	X	X	X	X	X	X	X	X
Funeral Home	SE	SE	SE	SE	SE	SE	X	X	X	X	X	X	X	SE
Gasoline Station	X	X	X	SE	X	X	X	X	X	X	X	SE	SE	X
Health Club, including racquetball facilities and indoor swimming pools	X	P	P	P	P	P	P	P	X	X	X	X	X	P
Heating, air conditioning, plumbing, electrical, and similar construction businesses, excluding open storage of materials	X	X	X	P	X	X	X	X	X	SE	X	P	P	X

Notes:
P = permitted use
SE = special exception use
X = prohibited use

All unlisted uses are prohibited in all districts
¹Editor's Note: See §345-56 for additional special exception uses in the M2 District.

§ 345-60 General standards.

A. For every such special exception use the Planning Commission shall determine that:

- (1) Such use will be in harmony with and promote the general purposes and intent of this Regulation, as stated in § 345-1.
- (2) The plot area is sufficient, appropriate and adequate for the use and the reasonably anticipated operation and expansion thereof.
- (3) The proposed use will not prevent the orderly and reasonable use of adjacent properties in adjacent use districts.
- (4) The site is particularly suitable for the location of such use in the community.
- (5) The characteristics of the proposed use are not such that its proposed location would be unsuitably near to a church, school, theater, recreational area or other place of public assembly.
- (6) The proposed use, particularly in the case of a nonnuisance industry, conforms with the Regulation definition of the special exception use where such definition exists, or with the generally accepted definition of such use where it does not exist in the Regulation.
- (7) Access facilities are adequate for the estimated traffic from public streets and sidewalks, so as to assure the public safety and to avoid traffic congestion; and further, that vehicular entrances and exits shall be clearly visible from the street and not be within 75 feet of the intersection of street lines at a street intersection except under unusual circumstances.
- (8) All proposed curb cuts have been approved by the street or highway agency which has jurisdiction.
- (9) There are off-street parking and truck loading spaces at least in the number required by the provisions of § 345-14, but in any case an adequate number for the anticipated number of occupants, both employees and patrons or visitors; and further, that the layout of the spaces and driveways is convenient and conducive to safe operation.
- (10) Adequate buffer yards, walls, fences and screening are provided where necessary to protect adjacent properties and land uses.
- (11) Adequate provisions will be made for the collection and disposal of stormwater runoff from the site, and of sanitary sewage, refuse or other waste, whether liquid, solid, gaseous or of other character.
- (12) The proposed use recognizes and provides for the further special conditions and safeguards required for particular uses in § 345-60, if any.

§ 345-61 Special conditions and safeguards for certain special exception uses.

~~U. Medical and dental offices including x-ray and therapy room.~~

~~{Added 2-1-1995 by L.L. No. 1-1995; amended 11-3-2003 by L.L. No. 9-2003}~~

- ~~(1) The use shall not be permitted on a lot having an area of less than 12,500 square feet.~~
- ~~(2) The site must be located within 500 feet of an M-1 Zone.~~
- ~~(3) The site must be located no more than .6 mile from a hospital.~~
- ~~(4) Adequate emergency access shall be assured through access to a major thoroughfare.~~
- ~~(5) A site plan is to be provided for approval by the Planning Commission, showing compliance with the above conditions and the site plan regulations.~~

Use Definition:

Medical, dental office: An ambulatory facility, not including a hospital, for the primary purpose of providing health services in one or more medical or dental specialty, including such practices as physicians, psychiatrists, psychologists, social workers, physical therapists, etc. for out-patient medical or dental care of the sick or injured as licensed by the New York State Department of Education.

Parking Requirement:

1 space per 400 sq. ft. of medical office space

CORRESPONDENCE



VILLAGE OF PORT CHESTER

Village Clerk

222 Grace Church Street, Port Chester, New York 1057

Phone (914) 939-5202 • Fax (914) 305-2560

www.portchesterny.com

Received

FEB 18 2015

Village Clerk
VILLAGE OF PORT CHESTER

TO: Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573

APPEAL

In accordance with the provisions of Section 268-9 of the Village Code, I, NEW Broad St LLC, residing at 410 M RAVILLOFF ASSOC.
33 NEW Broad St, hereby make hereby make application and appeal to the Board of Trustee for review with regard to the attached sewer rent bill dated 2-4-15 for the period from 1/5/15 to 2/4/15 for service located at the property at 33 NEW Broad St Port Chester, New York, also designated as Section 142.30 Block 2 and Lot 64 on the Tax Map of the Town of Rye.

(please attach a copy of the referred to Sewer Rent Bill)

The grounds of my appeal are as follows: (check appropriate box)

- That the amount of water consumption reflected on the attached Sewer Rent Bill is not correct. The Village will refer this matter to United Water Westchester, Inc. for their comment prior to hearing.
- That the fee amount in the attached Sewer Rent Bill should be adjusted because a significant portion of the water consumed during the period indicated on the attached Sewer Rent Bill was not discharged into the Village Sanitary Sewer System.

To claim a grievance under option 2. Include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system.

- Pools, supply a copy of the Certificate of Occupancy (available at the Port Chester Building Department), and documentation of the capacity of the pool.
 - Hot tubs/like kind, provide documentation of the make and model of your unit.

Poningo Properties, LLC

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Appeal SEWER RENT, 46 Poningo St Port Chester NY

February 18, 2015

To Whom It May Concern,

46 Poningo St is a mixed use multi tenant building. There are 2 water meters monitored by United Water Westchester.

As Landlords we have 1 meter. As Tenant and owner of a traditional laundry matt, Wash N Dry aka Robinson Ent, has 1 meter direct billed by United.

Wash N Dry calculates that on average 4.89% of the water measured does not go back down the drain into the sewer system. See attachment.

We present that we should be billed for 4.89% less than what we have been billed for.

Carrying this conclusion forward to our current bill:


Billing date 02/04/2015 $\$149.97 \times 4.89\% = \7.33

We ask for a credit of \$7.33

We ask that a process should be enacted to keep these more accurate calculations in place moving forward for 1 year or more without having to submit a grievance application upon receipt of each and every bill saving all people, businesses, Village Boards and personnel substantial time.

We encourage the Board to adopt and amendment to this law allowing for 100% of the sewer rent to be recouped and this amendment should be retroactive.

Sincerely,



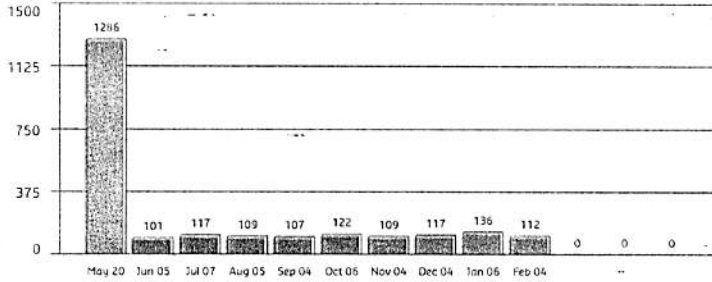
Howie Ravikoff
M. Ravikoff Assoc.
Managing Agent
44-48 Poningo Street
Port Chester, NY 10573



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 03/04/2015

Billing Date: 02/04/15
Account Number: 07901410924842

Previous Balance \$182.11
 Payments Through 02/04/15 *THANK YOU* \$182.11
 Balance Forward \$0.00
 Current Charges Due 03/02/2015 \$149.97
TOTAL AMOUNT DUE \$149.97

***PAY BY 03/03/2015 TO AVOID A 1% LATE PAYMENT CHARGE**

SERVICE TO: M. RAVIKOFF ASSOC., INC.

SERVICE ADDRESS: 46 PONINGO ST PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
60829218	01/05/15	02/04/15	30	01969	02081	112 EQUIVALENT TO	CCF 83,776 GALLONS	ACTUAL	SWM

112.0000 @ \$1.338999 SEW RENT
TOTAL CURRENT CHARGES

\$149.97
\$149.97

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.

Sewer Rent Lien Notice

Please be advised that if your account has any delinquent sewer rent as of April 1, 2015 it will be placed on your 2015-2016 Village proper tax bill to be paid to the Town of Rye Tax Office and treated as property taxes owed. Your first bill after April 1st will reflect the removal of any delinquent amount. Any payment for such delinquent amount that is received by United Water between April 1 and June 1, 2015 will be applied as a credit on your account for future Sewer Rent billings. Effective June 1, 2014, the sewer rent changes from \$1.30002 to \$1.338999 per CCF.

PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.



Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801

Temp - Return Service Requested

SERVICE ADDRESS: 46 PONINGO ST
 PORT CHESTER NY

Please check this box if you have made any changes to the information on the reverse side.

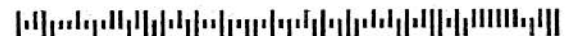
000026



*****SINGLE-PIECE 26 T1:1 26 1 SP 0.480
 M. RAVIKOFF ASSOC., INC.
 33 NEW BROAD ST STE 4
 PORT CHESTER NY 10573-4651



Account Number: 0790141092484
 Balance Forward \$0.00
 Current Charges Due 03/02/2015 \$149.97
TOTAL AMOUNT DUE \$149.97
Please make payable to: VILLAGE OF PORT CHESTER SEWER RENT
 Payment Amount Enclosed \$_____



VILLAGE OF PORT CHESTER SEWER RENT
 PO BOX 28327
 NEWARK NJ 07101-3159

0790141092484200000014997000000000



VILLAGE OF PORT CHESTER

Village Clerk

222 Grace Church Street, Port Chester, New York 1057

Phone (914) 939-5202 • Fax (914) 305-2560

www.portchesterny.com

Received

FEB 18 2015

Village Clerk
VILLAGE OF PORT CHESTER

TO: Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, N.Y. 10573

APPEAL

In accordance with the provisions of Section 268-9 of the Village Code, I, Pomino Properties II, residing at 90 M ZAVIKOFF ASSOC.
33 New Broad St, hereby make hereby make application and appeal to the Board of Trustee for review with regard to the attached sewer rent bill dated 2-4-15 for the period from 1/5/15 to 2/4/15 for service located at the property at 46 Pomino St Port Chester, New York, also designated as Section 142.22 Block 1 and Lot 52 on the Tax Map of the Town of Rye.

(please attach a copy of the referred to Sewer Rent Bill)

The grounds of my appeal are as follows: (check appropriate box)

- That the amount of water consumption reflected on the attached Sewer Rent Bill is not correct. The Village will refer this matter to United Water Westchester, Inc. for their comment prior to hearing.
- That the fee amount in the attached Sewer Rent Bill should be adjusted because a significant portion of the water consumed during the period indicated on the attached Sewer Rent Bill was not discharged into the Village Sanitary Sewer System.

To claim a grievance under option 2. Include all evidence to support the degree and amount of water usage that is claimed to be applied for uses that do not result in discharges into the sanitary sewer system.

- Pools, supply a copy of the Certificate of Occupancy (available at the Port Chester Building Department), and documentation of the capacity of the pool.
 - Hot tubs/like kind, provide documentation of the make and model of your unit.

Had Piroff

Signature of owner

914 934 2424

Phone # of Owner

2.18.15

Date

Note

- You may apply for only one billing period at a time.
- You have 30 days from the date of receipt of your bill to file a grievance.
- An incomplete application will be denied.

FOR VILLAGE USE ONLY

Date of Receipt: _____

Date of Referral to Staff: _____

Date of Report and Recommendation: _____ (copy annexed):

DETERMINATION

Upon review of the foregoing, the Board of Trustees of the Village of Port Chester hereby GRANTS /DENIES (circle one) the application and appeal of _____

New Broad Street, LLC

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

Mayor and Board of Trustees
c/o Village Clerk
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Appeal SEWER RENT, 33 New Broad St Port Chester NY

February 18, 2015

To Whom It May Concern,

33 New Broad Street is a commercial multi tenant building. There is 1 water meter monitored by United Water Westchester. As Landlords we have installed sub-meters including 1 each for the Beldotti Bakery (Good Bread Bakery) and Josam Foods (Matt Miller Culinary) among others. These sub-meters are monitored by the Landlord and used to measure their corresponding water usage.

Good Bread Bakery calculates that 90% of the water measured does not go back down the drain into the sewer system. See attachment. 90% of the water measured goes into their product and out the door. We present that we should pay only 10% of their use.

Josam Foods calculates 20% of the water measured does not go back down the drain in to the sewer system. See attachment. They site water content in cooked product that goes out the door. We present that we should pay only 80% of their use.

Using historical data Good Bread Bakery water use measures 14263 cubic feet in 6 months and 28526 cubic feet in 12 months.

Josam Foods water use measures 12767 cubic feet in 6 months and 25534 cubic feet in 12 months.

Total water usage measured by United Water Westchester for the entire building is 40596 cubic feet for 6 months and 81192 cubic feet for 12 months.

Total water measured minus Good Bread Bakery use minus Josam Foods use is as follows:

$$81192-28526-25534=27132$$

27132 cubic feet we should be billed for 100%

28526 we should be billed for 10% (2852)

25534 we should be billed for 80% (20427)

We present that we should be billed for $27132+2852+20427$ or 50411 cubic feet. This equates to 62% of the total water measured by United Water Westchester.

Carrying these results forward to our current bill:

$$\text{Billing date } 02/04/2015 \quad \$66.95 \times 62\% (\$41.50) = \$25.41$$

We ask for a \$25.41 credit

We ask that a process should be enacted to keep these more accurate calculations in place moving forward for 1 year or more without having to submit a grievance application upon receipt of each and every bill saving all people, businesses, Village Boards and personnel substantial time.

We encourage the Board to adopt and amendment to this law allowing for 100% of the sewer rent to be recouped and this amendment should be retroactive.

Sincerely,



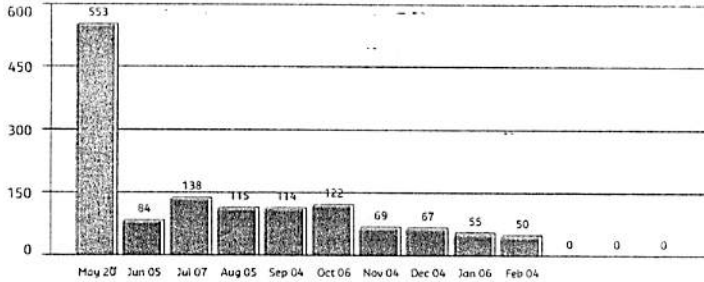
Howie Ravikoff
M. Ravikoff Assoc.
Managing Agent
New Broad St LLC
33 New Broad Street
Port Chester, NY 10573



VILLAGE OF PORT CHESTER SEWER RENT
 Serviced by United Water Westchester

Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801
 Telephone: 888-876-1672
 www.unitedwater.com

USAGE HISTORY
 Usage in Hundreds of Cubic Feet



Next meter reading date: on or about 03/04/2015

Billing Date: 02/04/15
 Account Number: 07902425083708

Previous Balance \$73.6
 Payments Through 02/04/15 *THANK YOU* \$73.6
 Balance Forward \$0.0
 Current Charges Due 03/02/2015 \$66.9
TOTAL AMOUNT DUE \$66.9

*PAY BY 03/03/2015 TO AVOID A 1% LATE PAYMENT CHARGE

SERVICE TO: NEW BROAD STREET LLC

SERVICE ADDRESS: 33 NEW BROAD ST PORT CHESTER NY

Meter Number	Service		Days of Service	Meter Reading		Usage	Unit of Measure	Reading Type	Rate
	From	To		Previous	Present				
60829333	01/05/15	02/04/15	30	01075	01125	50	CCF	ACTUAL	SWR
						EQUIVALENT TO		37,400 GALLONS	

50.0000 @ \$1.338999 SEW RENT
TOTAL CURRENT CHARGES

\$66.95
\$66.95

SEE REVERSE SIDE FOR IMPORTANT ACCOUNT INFORMATION

IMPORTANT MESSAGES

SEWER RENT - User charges established by the Village of Port Chester for the use of the sanitary sewer system. Your sewer rent is based on the total water consumption for the period.

Sewer Rent Lien Notice

Please be advised that if your account has any delinquent sewer rent as of April 1, 2015 it will be placed on your 2015-2016 Village proper tax bill to be paid to the Town of Rye Tax Office and treated as property taxes owed.

Your first bill after April 1st will reflect the removal of any delinquent amount.

Any payment for such delinquent amount that is received by United Water between April 1 and June 1, 2015 will be applied as a credit on your account for future Sewer Rent billings.

Effective June 1, 2014, the sewer rent changes from \$1.30002 to \$1.338999 per CCF.

0 0 0 0 RE 492106 PLEASE DETACH HERE AND RETURN THE BOTTOM PORTION WITH YOUR PAYMENT IN THE RETURN ENVELOPE PROVIDED.



Village of Port Chester Sewer Rent
 Customer Service Center
 2525 Palmer Avenue
 New Rochelle, NY 10801

Temp - Return Service Requested

SERVICE ADDRESS: 33 NEW BROAD ST
 PORT CHESTER NY

Please check this box if you have made any changes to the information on the reverse side.

000027



*****SINGLE-PIECE 27 T1:1 27 1 SP 0.480
 NEW BROAD STREET LLC
 M RAVIKOFF ASSOC
 33 NEW BROAD ST
 PORT CHESTER NY 10573-4632



0790242508370800000006695000000008

Account Number: 0790242508370

Balance Forward \$0.0

Current Charges Due 03/02/2015 \$66.9

TOTAL AMOUNT DUE \$66.9

Please make payable to: VILLAGE OF PORT CHESTER SEWER RENT

Payment Amount Enclosed \$ _____



VILLAGE OF PORT CHESTER SEWER RENT
 PO BOX 28327
 NEWARK NJ 07101-3159

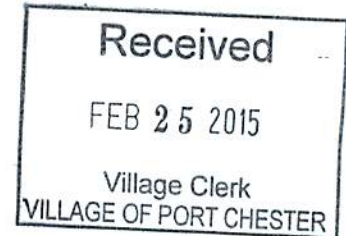
M. Ravikoff Assoc.

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

Traffic Commission
Board of Trustees ✓
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573



Re: parking opposite Fire Headquarters

February 20, 2015

Dear Board of Trustees,

In a letter dated February 12, 2015 the Traffic Commission recommended posting signs and painting the roadway in front of fire headquarters on Westchester Avenue as well as OPPOSITE fire headquarters. The recommendation included signs that would prevent "parking" and "standing."

We own 204-212 Westchester Avenue, the property directly across from Fire Headquarters. This property includes 4 retail stores.

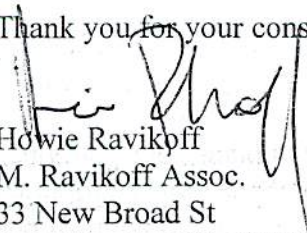
Please do not prohibit vehicles from "STANDING" at this location as it will eliminate a vital aspect to the small businesses in our building.

A vehicle that is "standing" is occupied and can communicate with Fire fighters. A vehicle that is "standing" can hear and see the engines should they need to leave headquarters and said vehicle can move readily.

We do not oppose the erection of a sign preventing "parking."

Please recognize this as a compromise and one that should not effect the goal of the Traffic Commissions intent.

Thank you for your consideration.


Howie Ravikoff
M. Ravikoff Assoc.
33 New Broad St
Port Chester, NY 10573

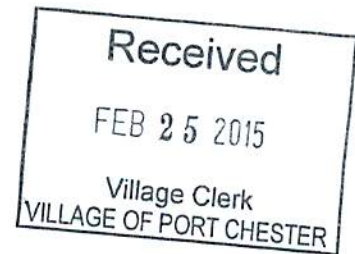
M. Ravikoff Assoc.

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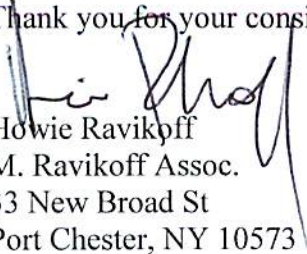
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Howie Ravikoff
M. Ravikoff Assoc.
33 New Broad St
Port Chester, NY 10573

Lotipac Holding Co., LLC

Received

FEB 26 2015

Village Clerk
VILLAGE OF PORT CHESTER

33 New Broad Street
Port Chester, NY 10573

Phone 914-934-2424

Fax 914-937-5186

February 18, 2015

Mayor Neil Pagano
Village Attorney
Board of Trustees ✓
Village Manager
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: ETPA in the Village of Port Chester

To All Concerned:

I would like to draw your attention to ETPA in the Village of Port Chester. I appreciate your attention to this matter as well as any guidance you can offer to execute the following end;

I believe the Village of Port Chester is obliged to end ETPA. In doing so, ending ETPA will help this business owner and perhaps several others, and remove the Village from regular responsibilities of administering ETPA.

We own a 29 unit apartment building here in the Village of Port Chester. Having 7 or more units and being built before 1974 the apartments are regulated under ETPA.

It is my understanding that each municipality in New York State had the opportunity to declare "an emergency" and thus the rental housing stock of 7 units or more in a single building constructed in 1974 or earlier would be subject to ETPA regulations.

Port Chester declared such an emergency.

It is also my understanding that because of this declaration each municipality is required to keep a tally of total units, not just ETPA regulated units, and the number of vacancies available on an annual basis.

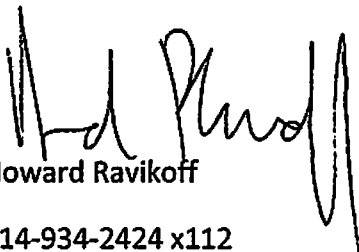
This is required because the act requires certain things of each municipality including;

"The emergency must be declared at an end once the vacancy rate described in subdivision a of this section exceeds five percent."
(Section 3b ETPA of 1974)

Consider this a formal request for an accurate count of vacancies in the Village of Port Chester.

I look forward to your response.

Sincerely,

A handwritten signature in black ink, appearing to read "Howard Ravikoff". The signature is stylized with a large initial "H" and a long, sweeping tail.

Howard Ravikoff

914-934-2424 x112

**PUBLIC COMMENTS
AND
BOARD COMMENTS**