



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-01
BOT 2-1 -2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/1/2016

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:			BID # RFP 2015-07		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

Resolution Awarding RFP 2015-07 for Eminent Domain Legal Services

Summary

Background:

Following a policy discussion, the Board authorized the Village Attorney to seek qualified law firms to assist the Board in considering the use of eminent domain to remedy substandard property at 23 Washington Street.

The RFP process resulted in four proposals. The proposers were all more than qualified to perform these services. Interviews were conducted of all proposers.

The Village Attorney and Village Manager recommend the law firm of Feerick Lynch MacCartney PLLC to undertake these services on the basis of pricing as well as overall background and experience.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments
Proposal and Supplement from Feerick Lynch MacCartney, PLLC Resolution

AWARDING BID FOR EMINENT DOMAIN
LEGAL SERVICES RFP 2015-07

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, following a Board policy discussion, the Village Attorney was authorized to seek qualified law firms to assist the Board in considering the use of eminent domain to remedy substandard property at 23 Washington Street; and

WHEREAS, through a Request for Proposals process, the Village invited proposals for specialized legal services in the area of eminent domain (RFP 2015-07); and

WHEREAS, the Village received four proposals; and

WHEREAS, all proposers were interviewed and deemed more than qualified to provide such services; and

WHEREAS, the Village Attorney has recommended the law firm of Feerick Lynch MacCartney PLLC, South Nyack, New York, for award. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for RFP 2015-07 Eminent Domain Legal Services to Feerick Lynch MacCartney PLLC., 96 South Broadway South Nyack, New York, 10960, compensation to be \$250.00/hour..

FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the firm, and be it

FURTHER RESOLVED, that the funding for said work be appropriated from Law contractual line 1.1420.400

Approved as to Form:

Anthony M. Cerreto, Village Attorney



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-02

BOT 2-1 -2016

AGENDA MEMO

Office of the Village Treasurer

Village BOT Meeting Date: 2/1/2016

Item Type: Resolution

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

Sponsor's Name: Leonie Douglas, Village Treasurer

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

Designating Time Periods to Implement the Affordable Care Act's Look-Back, Measurement Methods and Determining Affordability

Summary

Background:

The Affordable Care Act employer mandate is a requirement that all businesses with 50 or more full-time equivalent employees provide health insurance to at least 95% of their full-time employees and dependents up to age 26, or pay a fee by 2016. The first filing for employees and retirees is due by March 31, 2016 and by June 30, 2016 for IRS filing. It was recommended by our Affordable Care Act attorney that a resolution clearly determining the Look-Back and Measurement Periods in order to Determining Affordability be clearly established. We are therefore recommending that the Board adopts the resolution.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments



RESOLUTION
Designating Time Periods to Implement
the Affordable Care Act's Look-Back, Measurement Method
and Determining Affordability

RESOLVED, that for the purpose of implementing the Affordable Care Act's look-back measurement method, the Village of Port Chester designates the following: a standard measurement period covering the period of November 1 through October 31; an administrative period covering the period of November 1 through December 31; and a stability period covering the period of January 1 through December 31.

RESOLVED, that for the purpose of determining the full-time status of new variable hour and seasonal employees, the Village of Port Chester designates the following: a 10 month initial measurement period commencing on the first day of the first month following the employee's date of hire; a one month administrative period; and a 12 month stability period.

RESOLVED, that for the purpose of determining whether, pursuant to the Affordable Care Act, the Village of Port Chester offered affordable health insurance coverage, the Village elects to determine affordability based upon the Box 1 wages set forth on each employee's W-2 form.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-03
 BOT 2-1 -2016

AGENDA MEMO

Department: Police Department

BOT Meeting Date: 2/1/2016

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 Asset Forfeiture Account #:001-0001-0695			BID #		
			Strategic Plan Priority Area		
			Public Safety		
Agreement	<input type="checkbox"/>	x	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	Other		

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

Transfer of \$6,184. from DEA funds to the Equipment Account for the Purchase of a 12.5 foot commercial grade inflatable rescue boat with 15hp outboard motor and trailer

Summary

Background: The Department would like to upgrade its emergency response capability to floods and off season water rescue

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Proposal.

RESOLUTION
BUDGET AMENDMENT – USE OF DEA FUNDS TO PURCHASE
DEFENDER INFLATABLE RESCUE BOAT FOR EMERGENCY RESPONSE

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 purchase a 12.5 foot commercial grade inflatable rescue boat with 15hp outboard motor and trailer with emergency response capability to floods and off season water rescue for \$6,184 from Defender Industries, Inc, Great Neck Road, Waterford, CT 06385. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2015-16 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(6,184.00)
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Revenues:

001-0001-2613	Use of Deferred DEA Revenue	\$6,184.00
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Appropriations:

001-3120-0200	Police Equipment	\$6,184.00
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VILLAGE OF PORT CHESTER
PRE-PURCHASING QUOTE FORM
(MINIMUM OF 3 QUOTES REQUIRED)

VENDOR: Defender Industries PRICE QUOTE: \$2,795.-

ITEM DESCRIPTION: Inflatable Dive/Rescue Boat

VENDOR: Lifeline Inflatable Sw. PRICE QUOTE: \$2,825.-

ITEM DESCRIPTION: Inflatable Dive/Rescue Boat

VENDOR: West Marine PRICE QUOTE: \$2,999.-

ITEM DESCRIPTION: Inflatable Rescue Boat

DEPARTMENT COMMENT:

VOUCHER WILL NOT BE PROCESSED WITHOUT 3 VALID PRICE QUOTES.

VILLAGE OF PORT CHESTER
PRE-PURCHASING QUOTE FORM
(MINIMUM OF 3 QUOTES REQUIRED)

VENDOR: Defender Industries Inc PRICE QUOTE: \$2,255. —

ITEM DESCRIPTION: Tohatsu Electric Motor

VENDOR: Outboards PRICE QUOTE: \$2,349.99

ITEM DESCRIPTION: Tohatsu Electric Motor

VENDOR: Cabela PRICE QUOTE: \$2,529.99

ITEM DESCRIPTION: Tohatsu Electric Motor

DEPARTMENT COMMENT:

VOUCHER WILL NOT BE PROCESSED WITHOUT 3 VALID PRICE QUOTES.



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

AGENDA MEMO

Department: Police Department

BOT Meeting Date: 2/1/2016

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 Asset Forfeiture Account #:001-0001-0695			BID #		
			Strategic Plan Priority Area		
			Public Safety		
Agreement	<input type="checkbox"/>	x	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	x	Other		

y

Agenda Heading Title

(Will appear on the Agenda as indicated below)

Transfer of \$599.99 from DEA funds to the Equipment Account for the Purchase of a DeSantis EDP Bag for the safe restraint of emotionally disturbed persons

e

Summary

Background: The Department would like to upgrade its capacity to safely deal with persons in emotional crisis. The DeSantis EDP Bag was developed by the NYPDs Emergency Service Unit for just this purpose

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

RESOLUTION
BUDGET AMENDMENT – USE OF DEA FUNDS TO PURCHASE
DESANTIS EDP BAG FOR THE SAFE RESTRAINT OF
EMOTIONALLY DISTURBED PERSONS

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 purchase a DeSantis EDP bag for the safe restraint of emotionally disturbed persons for \$599.99 from Optics Planet Inc, 3150 Commercial Avenue, Northbrook, IL 60062. Now, therefore be it

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York hereby authorizes the Village Treasurer to modify the 2015-16 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue Police DEA	\$(599.99)
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Revenues:

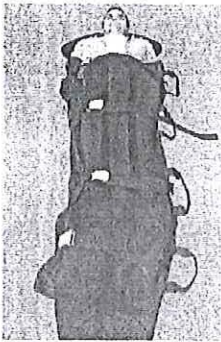
001-0001-2613	Use of Deferred DEA Revenue	\$599.99
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Appropriations:

001-3120-0220	Police Service Equipment	\$599.99
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DeSantis EDP Bag - Style M76 w/ Free Shipping and Handling — 2 models

not yet rated
review & rate



DeSantis EDP Bag - Navy - M76AJZZZ0



You May Also Like



OPMOD PRB 2.0 Range Bag, Black
SVDFBG3POPMDL01 ~~\$79.00~~
\$69.99



OPMOD MCS 1.0 Modular Brief Case, Coyote
SVINTRCNGCMCYOPMD001 ~~\$69.00~~
\$36.99



OPMOD MCS 1.0 Tri-Modular Sling Bag,
Coyote SVINTRCNGMDCYOPMD001 ~~\$69.00~~
\$34.99

Customer Reviews

All Customer Product Reviews

Government Restriction
This item is available for sale to Military and Law Enforcement Agencies or Individuals, Private Security Guards, Correctional Facility Personnel, Peace Officers, and other qualified personnel. Documentation required may include an official government or employer issued identification and additional certification forms. Certain federal, state, and/or local laws and regulations may apply.

Select a Model

part number or keyword



Model: DeSantis EDP Bag - Navy - M76AJZZZ0 ~~\$999.99~~ **\$579.99**
Save 42%

Code: ZD-BG-CDFBDA-M76AJZZZ0
MPN: M76AJZZZ0
UPC: 792695305989

Add to Cart

Estimated to ship within 5-7 weeks



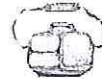
Model: DeSantis EDP Bag - Black - M76BJZZZ0 ~~\$999.99~~ **\$599.99**
Save 40%

Code: ZD-BG-CDFBDA-M76BJZZZ0
MPN: M76BJZZZ0
UPC: 792695305996

Add to Cart

Estimated to ship within 5-7 weeks

Buy Together & Save Even More!



~~\$1,068.99~~ **\$616.98**
Save 42%

ADD BOTH TO CART

- DeSantis EDP Bag - Navy - M76AJZZZ0
- Save 46% on OPMOD MCS 1.0 Modular Brief Case, Coyote SVINTRCNGCMCYOPMD001

We apologize for the inconvenience, but at this time we are unable to export this product outside of the USA.

DeSantis EDP Bag - Style M76 Product Info

DeSantis EDP Bag - Style M76 on sale and available from our online store. OpticsPlanet, Inc is an Authorized US Distributor for DeSantis Carrying Bags <<http://www.opticsplanet.com/desantis-carrying-bags.html>> . DeSantis EDP Bag - Style M76 is available with the following options:

- DeSantis EDP Bag - Navy - M76AJZZZ0
- DeSantis EDP Bag - Black - M76BJZZZ0

Specifications for DeSantis EDP Bag - Style M76:

Style: M76

Package Contents:

- DeSantis EDP Bag - Style M76

DeSantis EDP Bag - Style M76

DeSantis EDP Bag was originally developed for the Emergency Service Unit of the NYPD. DeSantis took suggestions from many officers in similar units and after many



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-05
BOT 2-1-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/1/2016

Item Type: Resolution

Sponsor's Name: Leonie Douglas, Village Treasurer

	Yes	No	Description	Yes	No
Fiscal Impact	<input checked="" type="checkbox"/>	<input type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source: Real Property Tax			BID #		
Account #: 1.1.1001			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

AUTHORIZING PAYMENT FOR TAXES OVERPAID FOR SILEO & BEAUREGARD OF
 46 GRANT STREET FOLLOWING AN ADMINISTRATIVE CORRECTION OF ERRORS
 PROCESS UNDER STATE REAL PROPERTY TAX LAW

Summary

Background:

The property owner of property located at 46 Grant Street, Section 141.44, Block 2, Lot 30 on the Tax Map of the Town made application under State law to correct an error made by the Town of Rye with regard to the correct veterans disability rating.

The Real Property Tax Law (RPTL) provides for an administrative process through the County Tax Commission to make corrections to the tax roll and support the appropriate payment for taxes overpaid.

The County recommended that application be approved for the 2012, 2103 and 2014 Tax Years which requires Board action.

[AM-V20140930](#)

The Village Treasurer has computed the appropriate payment due the property owner.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Submission from the Town of Rye

AUTHORIZING PAYMENT FOR TAXES OVERPAID FOLLOWING AN
ADMINISTRATIVE CORRECTION OF ERRORS PROCESS UNDER STATE REAL
PROPERTY TAX LAW

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, pursuant to the State Real Property Tax Law (RPTL), Marie A. Sileo and Richard J. Beauregard, owners of property located at 46 Grant Street, Section 141.44, Block 2, Lot 30 on the Tax Map of the Town of Rye, made application for refund and credit for the 2012, 2013 and 2014 Tax Years; on the ground that the disability rating made by the Town was not correct; and

WHEREAS, in correspondence dated September 29, 2015 from Mary Beth Murphy, Executive Director of the Westchester County Tax Commission, the County found that a clerical error was made by the Town and that the application should be approved pursuant RPTL Section 550.2(c); and

WHEREAS, the Board accepts the County Commission's findings so as to properly rectify this matter. Now, therefore, be it

RESOLVED, that the Village Treasurer be and is hereby authorized to make payment to Marie A Sileo and Richard J. Beauregard, owners of 46 Grant Street, Port Chester, Section 141.44, Block 2, Lot 30 on the Tax Map of the Town of Rye, in the amount of \$1,411.87, for taxes overpaid following an administrative correction of errors process through the Westchester County Tax Commission, payment to be made from FY 2015-16 General Fund budget line as follows:

1.1.1001	Real Property Taxes	\$1,411.87
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Approved as to Form:

Anthony M. Cerreto, Village Attorney

**VILLAGE OF PORT CHESTER
TAX ERRORS CORRECTION-RP-556 VET DISB REFUND
2/1/16**

**MARIE A SILEO & RICHARD J. BEAUREGARD
SECTION 141.44, BLOCK 2, LOT 30, 46 GRANT STREET
CHECK PAYABLE TO MARIE A. SILEO & RICHARD J. BEAUREGARD**

TOWN ROLL ASSESSMENT YEAR	VILLAGE TAX/FISCAL YEAR	ORIGINAL ASSESS.	DISABLE VET REDUCED ASSESS.	COMBAT VET REDUCED ASSESS.	S/B AMOUNT REDUCED	ACTUAL TAX BILLS	OVER BILLED ASSESS.	TAX RATE	TAX REFUND
2012	2013-14	\$ 360,000	\$ 54,000	\$ 90,000	\$ 216,000	\$ 270,000	\$ 54,000	\$ 8.549127	\$ 461.65
2013	2014-15	\$ 360,000	\$ 54,000	\$ 90,000	\$ 216,000	\$ 270,000	\$ 54,000	\$ 8.630732	\$ 466.06
2014	2015-16	\$ 375,000	\$ 56,250	\$ 90,000	\$ 228,750	\$ 285,000	\$ 56,250	\$ 8.607294	\$ 484.16

TOTAL TAX REFUND DUE: \$1,411.87

001-0001-1001 \$1,411.87

001-1960-0480 \$0.00

Calculation for Disability Veteran Exemption: 30% of original assess value times 50%.

Assess. Yr.	Original AV	30%	Dis Vet Exempt 50%
2012	\$ 360,000	\$ 108,000	\$ 54,000
2013	\$ 360,000	\$ 108,000	\$ 54,000
2014	\$ 375,000	\$ 112,500	\$ 56,250



Robert P. Astorino
County Executive

Westchester County Tax Commission

Mary Beth Murphy, Esq.
Executive Director

Tuesday, September 29, 2015

Town Council c/o Supervisor Joseph Carvin
Town of Rye
10 Pearl Street
Port Chester, NY 10573

Port Chester Board of Trustees, c/o Mayor Neil J. Pagano
Village of Port Chester
222 Grace Church St.
Port Chester, NY 10573

✓ Denise S. Knauer, IAO
Assessor
Town of Rye
10 Pearl Street
Port Chester, NY 10573

T-RYE 455R OCT-19-15

RE: Application for Refund and Credit (141.44-2-30 / Sileo & Beauregard)

Dear Sirs and Madams:

Enclosed are applications for refund and credit (RP-556) that this office received for the parcel referenced above. The years involved are 2013, 2014 and 2015 County, Town and Village tax. I have determined that a clerical error occurred.

It is therefore my recommendation that the application be approved pursuant to RPTL §550.2(c).

As you are aware, the Town is the tax levying body for the County tax. If this application is approved by the tax levying body, a correction to the tax roll should be made accordingly.

Enclosures

Sincerely,


Mary Beth Murphy
Executive Director

Westchester County Tax Commission, Office of the Executive Director
110 Dr. Martin Luther King Jr., Blvd. FAX: (914) 995-4333
Room L-221 Telephone: (914) 995-4325
White Plains, New York 10601 E-mail: Mbm7@westchestergov.com

Website: <http://www.westchestergov.com/taxcommission>



Don't waste
a drop!
Save water

Douglas, Leonie

From: Denise Knauer <dknauer@townofryeny.com>
Sent: Friday, January 15, 2016 2:16 PM
To: Douglas, Leonie
Cc: richard.beauregard@verizon.net; Maria Rappoccio
Subject: FW: 46 Grant St - Completed RP-556 Correction of Errors Form - Village of Port Chester Refund
Attachments: 46 Grant St CORRECTED RP-556 Vet Disb Refund VPC Signed by JCarvin MBMurphy.pdf

Hi Leonie,

I spoke with Mr. Beauregard concerning his refund of taxes regarding the attached correction of errors. Below is the original request we sent to you.

If you have not done so already, could you kindly process this village tax refund. Please note that when we did the original estimate, we had neglected to take 50% of the disability rating. **As such your final refund numbers will be 50% less than what was originally attached.** I have made note of this on the spreadsheet on page 6.

The NYS reference on the 50% of the disability rating is on the following webpage: https://www.tax.ny.gov/research/property/assess/manuals/vol4/pt1/sec4_01/sec458_a.htm And it states: Veterans who sustained service-related disabilities, as evidenced by receipt of disability compensation rating from the Veterans Administration or the Department of Defense are eligible for a percentage exemption **equal to one-half of their disability rating.**

Mr. Beauregard also asked to be copied on this email. If you have any questions, please do not hesitate to contact me.

Thanks,
Denise

From: Maria Rappoccio [mailto:MRappoccio@townofryeny.com]
Sent: Wednesday, November 25, 2015 2:13 PM
To: Douglas, Leonie; tcerreto@portchesterny.com; CSteers@portchesterny.com
Cc: Denise Knauer
Subject: 46 Grant St - Completed RP-556 Correction of Errors Form - Village of Port Chester Refund

Good Afternoon,

Attached please find a *RP-556 Correction of Errors Application for Refund and Credit of Real Property Taxes* for which a refund for 46 Grant Street needs to be processed. In 2006, the owner applied for and was entitled to the Veteran's Disability Exemption, but it was never applied to the parcel in RPS, our Assessment database. Also I attached is the original 2006 Veteran's Disability exemption application, as well as a spreadsheet of the **estimated** tax refund and copies of the applicable tax bills. It will be your responsibility to calculate the actual refund as the attached was ONLY a estimate.

Thank you for your prompt attention to this matter.

Maria

Maria Rappoccio

Assessor's Office | Town of Rye | 222 Grace Church Street, 3rd Fl., Suite 303, Port Chester, NY 10573
(914) 939-3075 | (914) 939-8926 FAX | *Office Hours 8:30 am to 4:00 pm (Monday through Friday)*

Murphy, Mary Beth

From: Denise Knauer <dknauer@townofryeny.com>
Sent: Monday, September 28, 2015 1:00 PM
To: Murphy, Mary Beth
Subject: FW: 46 Grant St - Completed Correction of Errors Form
Attachments: 46 Grant St 2015 Twn-Co-Vlg RP-556 Completed form.pdf; 141.44-2-30 46 Grant St Orig 2006 Disability Alt Vet Appl..pdf; 46 Grant St 2015 Twn-Co-Vlg 3yrs Tax Bills backup.pdf; 46 Grant St Disab Vet Prcnt Exmpt Refund Calc.pdf

Hi Mary Beth,

Attached please find an RP-556 Correction of Errors for 46 Grant Street. In 2006, the owner applied for and was entitled to the Veteran's Disability Exemption, but it was never applied to the parcel in RPS. Also attached is the original 2006 Veteran's Disability exemption application, as well as a spreadsheet of the estimated tax refunds (to be verified by the Receiver/Vlgs) and copies of the applicable tax bills.

As a part of our vet recertification process in 2014, the homeowner applied for the disability exemption and it was applied to our 2015 assessment roll. As such, no correction needs to be done on the 2015 roll. We are seeking correction of the 2012-2014 assessment rolls for the 2013-2015 taxes.

If you need anything else, please let me know.

Thanks,
Denise

From: Maria Rappoccio [mailto:MRappoccio@townofryeny.com]
Sent: Monday, September 28, 2015 11:45 AM
To: Denise Knauer
Subject: 46 Grant St - Completed Correction of Errors Form

Denise,

Attached is the signed Correction of Error forms for 46 Grant St.-M

Assessor's Office | Town of Rye | 222 Grace Church Street, 3rd Fl., Suite 303, Port Chester, NY 10573
(914) 939-3075 | (914) 939-8926 FAX | *Office Hours 8:30 am to 4:00 pm (Monday through Friday)*



NEW YORK STATE DEPARTMENT OF TAXATION & FINANCE
OFFICE OF REAL PROPERTY TAX SERVICES

APPLICATION FOR REFUND AND CREDIT OF REAL PROPERTY TAXES
FOR THE YEAR(S) 20 13, 2014 and 2015

Part I: To be completed in duplicate by Applicant. For refund or credit of real property tax, submit both copies to County Director of Real Property Tax Services (in Nassau and Tompkins Counties, submit to Chief Assessing Officer), or in a village which has retained its assessing unit status, submit to the village assessor or chairman of village board of trustees. The application must be submitted within three years of the annexation of the warrant for the collection of such tax. For an "unlawful entry" as defined in Sec. 550(7)(a) of the Real Property Tax Law, attach statement signed by assessor or majority of board of assessors substantiating that assessor(s) have obtained proof that parcel should have been granted tax exempt status on tax roll. (See definitions on reverse side).

Marie A Sileo & Richard J Beauregard
46 Grant Street
Port Chester, NY 10573
141.44-2-30

Day (914) 937-1429 Evening ()
2. Telephone Number
Same
3. Parcel Location (if different than 1b.)

NOTE: Estimated refund is 50% of the figure noted below, or \$1,411.88

4. Description of real property as shown on tax roll or tax bill (Include tax map designation): 3 Year Estimated Refund \$2,823.75
5. Account No. 0003536,37 & 38 6a. Amount of taxes paid or payable See above 6b. Date of payment (if paid) 2013 - 15
(as appears on tax bill) *Amounts paid and to be refunded to be verified/calculated by Tax Receiver or Comptroller.

7. I hereby request a refund or credit of real property taxes levied for the year(s) 13-15 by Village of Port Chester
for the following reasons (use additional sheets if necessary):
In 2006, homeowner applied for Veterans Disability Exemption and it was never applied to their property.
(Tax levying body)
* Insert name of village, county, city, school district; town in Westchester County

9-28-15
Date

[Signature]
Signature of Applicant

PART II: For use by COUNTY DIRECTOR, VILLAGE ASSESSOR: Attach written report including documentation and recommendation (Include type of error as defined in Sec. 550)

Date application received: 9/28/15 Date warrant annexed: 6/1/13; 6/1/14; 6/1/15

Last day for collection of taxes without interest: _____
Recommendation: Approve application* Deny Application
9/29/15 [Signature]
Date Signature of Official

* If box is checked, this copy is for assessor and board of assessment review of city/town/village of _____ which are to consider attached report and recommendation as equivalent of petitions filed pursuant to section 553.

PART III: For use by TAX LEVYING BODY or OFFICIAL DESIGNATED BY RESOLUTION _____ (Insert Number or Date)

APPLICATION APPROVED (Check reason) Clerical error Unlawful entry Error in essential fact
Amount of taxes paid: \$ _____ Amount of taxes due: \$ _____
Amount of refund or outstanding tax to be credited: \$ _____

APPLICATION DENIED Reason: _____
11/19/15 [Signature]
Date Signature of Chief Executive Officer or Official Designated by Resolution

Real Property Tax Law, Section 550(2):

A "clerical error" means:

- (a) an entry of assessed value on the tax roll which differs from the entry for the same parcel on the property record card, field book or other final work product of the assessor, or the final verified statement of the board of assessment review due to an error in transcription;
- (b) a mathematical error in the computation of a partial exemption;
- (c) an incorrect entry due to failure of the assessor to act on a partial exemption;
- (d) an arithmetical error in the computation or extension of the tax;
- (e) an incorrect entry due to a mistake in the determination or transcription of a special assessment or other charge based on units of service provided by a special district;
- (f) a duplicate entry of the description or assessed valuation, or both, of an entire single parcel;
- (g) an entry on a tax roll which is incorrect by reason of an arithmetical mistake by the assessor appearing on the property record card, field book or other final work product of the assessor
- (h) an incorrect entry on a tax roll of a relieved school tax or relieved village tax which has been previously paid; or
- (i) an entry on a tax roll which is incorrect by reason of a mistake in transcription of a relieved school tax or relieved village tax.

Real Property Tax Law, Section 550(3):

An "error in essential fact" means:

- (a) the assessment of an improvement destroyed or removed prior to taxable status date;
- (b) the assessment of an improvement not in existence or present on a different parcel;
- (c) an incorrect entry of acreage which was considered by the assessor in valuing the parcel and which resulted in an incorrect assessed valuation, where such acreage is shown to be incorrect on a survey submitted by the applicant;
- (d) (e) [not applicable to refunds]; or
- (f) misclassification of a parcel in an approved assessing unit which is exclusively used for either residential or non-residential purposes.

Real Property Tax Law, Section 550(7):

An "unlawful entry" means:

- (a) an assessment of wholly exempt property on the taxable portion of the assessment roll;
- (b) an assessment of real property located entirely outside the boundaries of the assessing unit, the school district, or the special district in which the real property is designated as being located;
- (c) an entry made by a person or body without the authority to make such entry;
- (d) an assessment of taxable state land which exceeds the assessment as approved by the Office of Real Property Tax Services; or
- (e) an assessment of special franchise property which exceeds the final assessment as made by the Office of Real Property Tax Services or the full value of that special franchise as determined by the Office of Real Property Tax Services adjusted by the final state equalization rate established by the Office of Real Property Tax Services for the assessment roll upon which that value appears.

Refunds:

When an application concerns a tax that has already been paid, and the application is approved, the applicant is entitled to a refund of the overpayment.

Credits:

When an application concerns a tax that has not yet been paid, and the application is approved, the applicant is entitled to a credit reducing the amount of the outstanding tax. The corrected tax must be paid with the interest and penalties that have accrued up to that point, but no additional interest and penalties shall be imposed if the corrected tax is paid within eight days of the date on which the notice of approval is mailed to the applicant (see Part II of this form). The interest and penalties on the credited portion of the tax are cancelled.

2015 VILLAGE OF PORT CHESTER VILLAGE TAXES

TAX NOTICE JUNE, 2015

PROPERTY DESCRIPTION AND LOCATION

46
GRANT ST
141.44-2-30

Exemption
COMBAT VET

Tax Purpose
VILLAGE

Value 90,000 Full Value 90,000

The Assessor Estimated Full Market Value Of This Property As of July 1, 2014

The Uniform Percentage of Value Used To Establish Assessment Is: 100%

The Assessed Value Of This Property Is: 375,000

SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

TAX BILL NO. 0003538

WARRANT DATED: 06/01/2015

BANK CODE

FISCAL YEAR 6/01/15 - 5/31/16

Tax Amount Due By June 30, 2015	Tax Amount Due By Dec. 31, 2015
1,226.54	1,226.54
LATE PENALTY AMOUNT	LATE PENALTY AMOUNT
TOTAL AMOUNT DUE	TOTAL AMOUNT DUE

WHEN PAYING IN PERSON, BRING THIS ENTIRE BILL **1st HALF** **2nd HALF**

LEVY DESCRIPTION	FULL VALUE	TAXABLE VALUE	TAX RATE	TAX AMOUNT
2015 VILLAGE HMSTD	375,000	285,000	8.607294	2,453.08 ✓

PORT CHESTER, NY

2nd HALF PAYMENT DUE BY DECEMBER 31, 2015

Make Checks Payable To: Receiver of Taxes

When paying in person, bring this entire bill or mail this portion with your payment to:
PO Box 48336, Newark, NJ 07101-8536

0003538
SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

CHECK HERE IF RECEIPT REQUESTED

TAX AMOUNT DUE
1,226.54
LATE PENALTY AMOUNT
TOTAL AMOUNT DUE

2nd HALF

141.44-2-30

158026554801100353862600001226547000012265478

PORT CHESTER, NY

1st HALF PAYMENT DUE BY JUNE 30, 2015

Make Checks Payable To: Receiver of Taxes

When paying in person, bring this entire bill or mail this portion with your payment to:
PO Box 48336, Newark, NJ 07101-8536

0003538
A-01-3NT-GM-02068-11
SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

CHECK HERE IF RECEIPT REQUESTED

TAX AMOUNT DUE
1,226.54
LATE PENALTY AMOUNT
TOTAL AMOUNT DUE

1st HALF

141.44-2-30

158026554801100353861800001226547000024530825

2014 VILLAGE OF PORT CHESTER VILLAGE TAXES

TAX NOTICE JUNE, 2014

PROPERTY DESCRIPTION AND LOCATION	Exemption	Tax Purpose	Value	Full Value
46 GRANT ST 141.44-2-30	COMBAT VET	VILLAGE	90,000	90,000

The Assessor Estimated Full Market Value Of This Property As of July 1, 2013

BANK CODE

The Uniform Percentage of Value Used To Establish Assessment is: 100%

FISCAL YEAR 6/01/14 - 5/31/15

The Assessed Value Of This Property is: 360,000

Tax Amount Due By June 30, 2014	Tax Amount Due By Dec. 31, 2014
1,165.15	1,165.15
LATE PENALTY AMOUNT	LATE PENALTY AMOUNT
TOTAL AMOUNT DUE	TOTAL AMOUNT DUE

SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

TAX BILL NO. 0003537

WARRANT DATED: 06/01/2014

WHEN PAYING IN PERSON, BRING THIS ENTIRE BILL **1st HALF 2nd HALF**

LEVY DESCRIPTION	FULL VALUE	TAXABLE VALUE	TAX RATE	TAX AMOUNT
2014 VILLAGE HMSTD	360,000	270,000	8.630732	2,330.30 ✓

PORT CHESTER, NY

2nd HALF PAYMENT DUE BY DECEMBER 31, 2014

Make Checks Payable To: Receiver of Taxes

When paying in person, bring this entire bill or mail this portion with your payment to:
PO Box 48336, Newark, NJ 07101-8536

TAX AMOUNT DUE

1,165.15

LATE PENALTY AMOUNT

TOTAL AMOUNT DUE

0003537

SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

CHECK HERE IF RECEIPT REQUESTED

2nd HALF

141.44-2-30

141026554801100353782600001165158000011651584

PORT CHESTER, NY

1st HALF PAYMENT DUE BY JUNE 30, 2014

Make Checks Payable To: Receiver of Taxes

When paying in person, bring this entire bill or mail this portion with your payment to:
PO Box 48336, Newark, NJ 07101-8536

TAX AMOUNT DUE

1,165.15

LATE PENALTY AMOUNT

TOTAL AMOUNT DUE

0003537

A-01-305-GM-02030-11

141026554801100353781800001165158000023303064
SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

CHECK HERE IF RECEIPT REQUESTED

1st HALF

141.44-2-30

141026554801100353781800001165158000023303064

2013 VILLAGE OF PORT CHESTER VILLAGE TAXES

TAX NOTICE JUNE, 2013

PROPERTY DESCRIPTION AND LOCATION

46
GRANT ST
141.44-2-30

Exemption
COMBAT VET

Tax Purpose
VILLAGE

Value
90,000

Full Value
90,000

The Assessor Estimated Full Market Value Of This Property As of July 1, 2012

The Uniform Percentage of Value Used To Establish Assessment is: 100%

The Assessed Value Of This Property Is: 360,000

SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

TAX BILL NO. 0003536

WARRANT DATED: 06/01/2013

BANK CODE

FISCAL YEAR 6/01/13 - 5/31/14

Tax Amount Due By June 30, 2013	Tax Amount Due By Dec. 31, 2013
1,154.13	1,154.13
LATE PENALTY AMOUNT	LATE PENALTY AMOUNT
TOTAL AMOUNT DUE	TOTAL AMOUNT DUE

WHEN PAYING IN PERSON, BRING THIS ENTIRE BILL 1st HALF 2nd HALF

LEVY DESCRIPTION	FULL VALUE	TAXABLE VALUE	TAX RATE	TAX AMOUNT
2013 VILLAGE HMSTD	360,000	270,000	8.549127	2,308.26 ✓

PORT CHESTER, NY

2nd HALF PAYMENT DUE BY DECEMBER 31, 2013

Make Checks Payable To: Receiver of Taxes

When paying in person, bring this entire bill or mail this portion with your payment to:
PO Box 48336, Newark, NJ 07101-8536

0003536
SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

CHECK HERE IF
RECEIPT REQUESTED

TAX AMOUNT DUE
1,154.13
LATE PENALTY AMOUNT
TOTAL AMOUNT DUE

2nd HALF

141.44-2-30

133026554801100353602600001154137000011541379

PORT CHESTER, NY

1st HALF PAYMENT DUE BY JUNE 30, 2013

Make Checks Payable To: Receiver of Taxes

When paying in person, bring this entire bill or mail this portion with your payment to:
PO Box 48336, Newark, NJ 07101-8536

0003536
A-01-278-GM-01996-11
SILEO MARIE A
BEAUREGARD RICHARD J
46 GRANT ST
PORT CHESTER NY 10573-4450

CHECK HERE IF
RECEIPT REQUESTED

TAX AMOUNT DUE
1,154.13
LATE PENALTY AMOUNT
TOTAL AMOUNT DUE

1st HALF

141.44-2-30

133026554801100353601800001154137000023082609

141.44-2-30 46 Grant Street, VPC												
Sileo/Beauregard Disabled Vet (30% Rating) Refund Estimate												
Levy Yr	Assmt Yr	TAV	30% Disab Rating (None Prior)	Total County Taxes Paid	County Tax Rate	County ESTIMATED Tax Refund	Total Town Taxes Paid	Town Tax Rate	Town ESTIMATED Tax Refund	Total Village Taxes Paid	Village Port Chester Tax Rate	Village Port Chester ESTIMATED Tax Refund
2013	2012	360,000	108,000	\$ 969.70	3.591478	\$ 387.88	\$ 12.67	0.046934	\$ 5.07	\$ 2,308.26	8.549127	\$ 923.31
2014	2013	360,000	108,000	\$ 985.69	3.650718	\$ 394.28	\$ 11.81	0.043754	\$ 4.73	\$ 2,330.30	8.630732	\$ 932.12
2015	2014	375,000	112,500	\$ 1,007.52	3.535149	\$ 397.70	\$ 10.78	0.037837	\$ 4.26	\$ 2,453.08	8.607294	\$ 968.32
				\$ 2,962.91		\$ 1,179.86	\$ 35.26		\$ 14.05	\$ 7,091.64		\$ 2,823.75
								EST. TOTAL REFUND		\$ 4,017.66		

ALL OF THESE CALCULATIONS SHOULD BE MULTIPLIED BY 50% SINCE THE VETERAN IS ENTITLED TO HALF THEIR DISABILITY RATING.

The village amount is therefore estimated at $\$2,823.75 / 2 = \$1,411.88$



NYS BOARD OF REAL PROPERTY SERVICES

JUN 2 - 2005

RP-458-a (1/03)

POSTED TO ROLL

APPLICATION FOR ALTERNATIVE VETERANS EXEMPTION FROM REAL PROPERTY TAXATION

VETERANS - A/WAR

41121

4113

(General information and instructions for completing this form are contained in Form RP-458-a-Ins)

1. Name and telephone no. of owner(s) Maria A. Sileo

2. Mailing address of owner(s) 46 GRANT STREET
Port Chester, NY
10573

Day No. () 914-937-1429

Evening No. () 914-937-1429

3. Location of property (see instructions)

Street address 46 GRANT STREET Village (if any) Port Chester

City/Town Port Chester

Property identification (see tax bill or assessment roll)

Tax map number or section/block/lot 554801 141.44-2-30

4. Is the owner a veteran who served in the active military, naval or air service of the United States? Yes No
 If No, indicate the relationship of the owner to veteran who rendered such service: WIFE
 If Yes, is the veteran also the unmarried surviving spouse of a veteran? Yes No

5. Indicate branch of veterans service and dates of active service: ARMY AUS INF
 (Attach written evidence)

6. Was the veteran discharged or released from the active service under honorable conditions? Yes No
 (Attach written evidence)

7. Did the veteran serve in a combat zone or combat theater? Yes No
 If Yes, where did the veteran serve and when was such service performed? VIETNAM WAR 2-1968
2-1969

(Attach written evidence)

8. Has the veteran received, or did the veteran receive prior to his/her death, a compensation rating from the United States Veteran's Administration or from the United States Department of Defense as a result of a service connected disability? Yes No

If Yes, what is (was) the veteran's compensation rating? 30%
 (Attach written evidence showing the date such rate was established)

check if rating is permanent?

If No, did the veteran die in service of a service connected disability or in the line of duty while serving during wartime? Yes No (Attach written evidence)

9. Is the property the primary residence of the veteran, unmarried surviving spouse of the veteran or Gold Star parent? Yes No

If No, is the veteran, unmarried surviving spouse of the veteran or Gold Star parent the owner of the property and absent from the property due to medical reasons or institutionalization? Yes No

Explain: _____

10. Is the property used exclusively for residential purposes? Yes No
 If No, describe the non-residential use of this property and state what portion is so used. _____

POSTED TO ROLL

11. Date title to this property was acquired: 7/27/1981 (attach copy of deed)

12. Has the owner(s) ever received or is the owner(s) now receiving a veterans exemption based on eligible funds on property in New York State? Yes No

If yes, the amount of eligible funds used in the purchase was \$ _____

The location of the property was or is: _____ (same as in question 3) or

Street address: _____

Village of _____ City/Town of _____ School District _____

I (we) hereby certify that all statements made on this application are true and correct to the best of my (our) knowledge and belief and I (we) understand that any willful false statement made herein will subject me (us) to the penalties prescribed therefore in the Penal Law.

ALL OWNERS MUST SIGN APPLICATION

Marie A. Sileo
Signature of owner(s)

05/30/05
Date

Signature of owner(s)

Date

FLOW FOR ASSESSOR'S USE ONLY

914-261-3430

RICHARD BEAUREGARD

PLEASE SEE ME CP

Period of war ative service or expeditionary medal recipient (5% or ceiling tax.) approved ___ Yes ___ No	Combat zone service (including expeditionary medal) (10% or ceiling Max.) approved ___ Yes ___ No	Service connected disability rating (x50% or ceiling Max.) approved ___ Yes ___ No	Total

Assessor's signature

Date

THIS IS AN IMPORTANT RECORD
SAFEGUARD IT.

PERSONAL DATA	1. LAST NAME - FIRST NAME - MIDDLE NAME BEAUREGARD RICHARD JOSEPH		2. SERVICE NUMBER US 52 723 427		3. SOCIAL SECURITY NUMBER 049 38 8511			
	4. DEPARTMENT, COMPONENT AND BRANCH OR CLASS ARMY AUS INF				5a. GRADE, RATE OR RANK SP5 (T) SER 30	6. PAY GRADE E-5	7. DATE OF RANK 6 JAN 69	
	7. U. S. CITIZEN <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO		8. PLACE OF BIRTH (City and State or Country) NORWICH CONN		9. DATE OF BIRTH 26 JUN 47			
SELECTIVE SERVICE DATA	10a. SELECTIVE SERVICE NUMBER 6 22 47 173		10b. SELECTIVE SERVICE LOCAL BOARD NUMBER, CITY, COUNTY, STATE AND ZIP CODE LB# 22 WILLMANTIC CONN 06226			11. DATE INDUCTED 14 SEP 67		
	12. TYPE OF TRANSFER OR DISCHARGE TRF TO USAR (SEE 16)				13. STATION OR INSTALLATION AT WHICH EFFECTED FT DIX NJ			
TRANSFER OR DISCHARGE DATA	14. REASON AND AUTHORITY AR 635-200 SPN 411 EARLY DEP FR OS				15. EFFECTIVE DATE 12 SEP 69		16. TYPE OF CERTIFICATE ISSUED NONE	
	17. LAST DUTY ASSIGNMENT AND MAJOR COMMAND SPD SP TRPS USATCI FT DIX NJ				18. CHARACTER OF SERVICE HONORABLE		19. REENLISTMENT CODE RE-1	
	20. DISTRICT, AREA COMMAND OR CORPS TO WHICH REENLISTED TRF TO USAR CON GP (RELNF) USAAC ST LOUIS MO				21. TERMINAL DATE OF RESERVE/UNIT'S OBLIGATION 13 SEP 73			
	22. CURRENT ACTIVE SERVICE OTHER THAN BY INDUCTION & SOURCE OF ENTRY <input type="checkbox"/> UNLISTED (From Railroad) <input type="checkbox"/> UNLISTED (Prior Service) <input type="checkbox"/> REENLISTED <input type="checkbox"/> OTHER NA		23. YEAR OF SERVICE (Years) 2 NA		24. DATE OF ENTRY DAY MONTH YEAR			
SERVICE DATA	25. PRIOR REGULAR ENLISTMENTS NONE		26. GRADE, RATE OR RANK AT TIME OF ENTRY INTO CURRENT ACTIVE SVC PV-1		27. PLACE OF ENTRY INTO CURRENT ACTIVE SERVICE (City and State) NEW HAVEN CONN			
	28. HOME OF RECORD AT TIME OF ENTRY INTO ACTIVE SERVICE (Street, RFD, City, County, State and ZIP Code) 36 2ND STREET PLAINFIELD (HARTFORD) CONN 06374		29. STATEMENT OF SERVICE		30. CREDITABLE FOR BASIC PAY PURPOSES			
	31. SPECIALTY NUMBER & TITLE 11C20 INF		32. RELATED CIVILIAN OCCUPATION AND D.O.C. NUMBER NA		33. NET SERVICE THIS PERIOD 1 11 29		34. OTHER SERVICE 0 0 0	
	35. DECORATIONS, MEDALS, BADGES, COMMENDATIONS, CITATIONS AND CAMPAIGN DISTONES AWARDED OR AUTHORIZED COMBAT INFANTRY BADGE BRONZE STAR MEDAL NATIONAL DEFENSE SERVICE MEDAL TWO OVERSEAS BARS VIETNAM SERVICE MEDAL VIETNAM CAMPAIGN MEDAL SHARPSHOOTER M-14		36. TOTAL ACTIVE SERVICE 1 11 29		37. FOREIGN AND/OR SEA SERVICE USARPAC 0 11 23			
	38. EDUCATION AND TRAINING COMPLETED ATP 21-114 CODE OF COND CRSE B MIL JUST GENEVA CONV C B R TRG							
VA AND EMP. SERVICE DATA	39. NON-PAY PERIODS TIME LOST (Months/Two Years) NA		40. DAYS ACCRUED LEAVE PAID NONE		41. VA CLAIM NUMBER c-NA		42. MONTH ALLOTMENT DISCONTINUED NA	
	43. VA CLAIM NUMBER		44. SERVICEMEN'S GROUP LIFE INSURANCE COVERAGE YES \$10,000 <input type="checkbox"/> \$50,000 <input type="checkbox"/> NONE <input type="checkbox"/>					
REMARKS	45. REMARKS BLOOD GP A ITEM 5A DATE OF APT PFC E-3 (P) 8 MAR 68 4 YRS HS (DIPL) 3 YRS TECH SCH (DIPL)							
	46. PERMANENT ADDRESS FOR MAILING PURPOSES AFTER TRANSFER OR DISCHARGE (Street, RFD, City, County, State and ZIP Code) 36 2ND STREET PLAINFIELD CONN 06374				47. SIGNATURE OF PERSON BEING TRANSFERRED OR DISCHARGED <i>Richard D. Beauregard</i>			
AUTHENTICATION	48. TYPED NAME, GRADE AND TITLE OF AUTHORIZING OFFICER ROBERT A HERD 1LT ADA ASST CHIEF ENL BRANCH				49. SIGNATURE OF OFFICER AUTHORIZED TO SIGN <i>Robert A. Herd</i>			



DEPARTMENT OF VETERANS AFFAIRS

New York Regional Office
245 West Houston Street
New York NY 10014

OCT 9 1 2002

RICHARD BEAUREGARD
46 GRANT STREET
PORT CHARLES NY
10573

In Reply Refer To: 306/POST-D/PB
C 26 551 573

Dear Mr. Beauregard:

We made a decision on your claim for service connected compensation received on February 21, 2002.

This letter tells you about your entitlement amount and payment start date and what we decided. It includes a copy of our rating decision that gives the evidence used and reasons for our decision. We have also included information about additional benefits, what to do if you disagree with our decision, and who to contact if you have questions or need assistance.

What Is Your Entitlement Amount And Payment Start Date?

Your monthly entitlement amount is shown below:

Monthly Entitlement Amount	Payment Start Date	Reason For Change
\$306.00	Mar 1, 2002	disability compensation was granted
310.00	Dec 1, 2002	a legislative increase was granted

We are paying you as a single veteran with no dependents.

We couldn't pay you for spouse because you failed to provide all of the information which we requested regarding your dependency status.

What Do We Need From You To Complete Your Claim For Dependents?

The information you sent us about your dependents wasn't complete. Before we can pay additional benefits for your dependent(s), send us the following:

C 26 551 573

- VA Form 21-686c, "Declaration Of Status Of Dependents." Please fill out every blank on the form which applies to you. You indicated on your application for benefits that you and your current spouse each had two prior marriages; you must provide all requested data pertaining to your prior marriages.
- Social Security number(s) for your spouse.

When And Where Do You Send The Information Or Evidence?

Send the information or the evidence to the address at the top of this letter. Please put your full name and VA file number on the evidence.

We may be able to pay you from the date we received your claim, if we receive the information or evidence within one year from the date of this letter and we decide that you are entitled to VA benefits. If we do not receive the evidence within one year from the date of this letter, we can only pay you from the date we receive the evidence.

When Can You Expect Payment?

Your payment begins the first day of the month following your effective date. You will receive a payment covering the initial amount due under this award, minus any withholdings, in approximately 15 days. Payment will then be made at the beginning of each month for the prior month. For example, benefits due for May are paid on or about June 1.

What Did We Decide?

We determined that the following condition(s) was/were related to your military service, so service connection has been granted:

Medical Description	Percent (%) Assigned	Effective Date
Meniere's Disease	30%	Feb 21, 2002

A decision on entitlement to compensation for skin cancer and soft tissue sarcoma is deferred, pending your response to our Duty to Assist letter dated July 30, 2003. You have until July 30, 2004 to submit any additional evidence to support your claim.

We have enclosed a copy of your Rating Decision for your review. It provides a detailed explanation of our decision, the evidence considered and the reasons for our decision. You



**Department of
Veterans Affairs**

245 W HOUSTON ST
NEW YORK NY 10014

December 29, 2004

RICHARD J BEAUREGARD
46 GRANT ST
PORT CHESTER NY 10573

FILE NUMBER:
26 551 573
R J BEAUR

DEPARTMENT OF VETERANS AFFAIRS BENEFITS INCREASED

Congress has passed and the President has signed into law an act increasing service-connected benefits from December 1st.

Your new monthly rate of compensation is \$363.00; however, your actual deposit may be less if you currently have amounts deducted from your benefits, e.g. insurance premiums.

The provisions of the new law apply to veterans entitled to service-connected disability compensation, surviving spouses, and children entitled to dependency and indemnity compensation.

VA benefit information from your records is expected to be matched with the following agencies to verify accuracy of the information contained in VA records and/or the records of the other agency:

1. Department of Defense to verify a return to active military service.
2. Department of Defense to obtain information concerning receipt of military pay and allowances by members of the National Guard and Reserves who receive VA disability benefits.
3. Social Security Administration to determine whether a veteran being paid at the 100-percent rate because of unemployability is receiving substantial earned income.
4. Bureau of Prisons and Social Security Administration to determine if a beneficiary is incarcerated in excess of 60 days.
5. Social Security Administration to verify the accuracy of eligibility to benefits from the Supplemental Security Income program.
6. U.S. Department of Health and Human Services to assist the states in determining eligibility for public assistance programs.
7. Department of Education to verify veteran status of applicants for financial assistance.
8. Federal and state law enforcement agencies to determine if a VA beneficiary is a fugitive felon.
9. Social Security Administration to verify a beneficiary's self-certification of eligibility for prescription drug subsidy assistance under the Medicare Prescription Drug, Improvement and Modernization Act of 2003.

Continued On Reverse

Please advise us immediately if you go on active duty in the Armed Forces or if there is any change in your current address or marital status. If you are receiving additional benefits for dependents, notify us immediately of any change in their status.

If you want to open or expand a small business, VA's Center for Veterans Enterprise (CVE) can help. To open a business, they'll connect you with local specialists who can answer start-up and financing questions as well as help you craft a business plan. VA has no business loans or grants, but some veterans may be eligible for tuition assistance for qualified business courses. To expand an existing business into the federal marketplace, they'll help you learn how to identify and market contract opportunities. To learn more, visit the CVE web portal at <http://www.vetbiz.gov>.

The Internal Revenue Service has asked us to encourage you to take advantage of certain tax credits, deductions and services that many of you will qualify for. Special deductions and credits can benefit disabled taxpayers or their families. Free tax help is available for low-income, elderly, disabled or non-English speaking individuals. Returns can be filed electronically to speed receipt of refunds and increase accuracy. The Earned Income Tax Credit may be available to low or moderate-income workers, depending on the amount of earned income and the number of children in the household. Even when income is below the threshold for filing a tax return, eligible individuals can file a return and claim the credit to receive a refund. Education credits and deductions for non-reimbursed expenses may be available to individuals when they or members of their family are pursuing post-secondary or job-related education. Child Tax Credits may be available to those with children under age 17. To find out more and to see if you qualify for the credits, call the Internal Revenue Service at 1-800-829-1040 toll-free or visit the IRS web site at <http://www.irs.gov>.

Any questions or correspondence should be submitted to the VA Regional Office handling your account. If you do not know which regional office handles your account, contact the office nearest your home. For telephone inquiries, dial the following Toll-Free Number: 1-800-827-1000. Hearing Impaired, dial 1-800-829-4833.

DEPARTMENT OF VETERANS AFFAIRS

Certificate of Marriage

Let this Certify That,

in the Village of Port Chester
County of Westchester and State of New York.

I, BRUNO J. GIOFFRE a Town Justice
did by virtue of the power in me vested, on the 14th
day of April, 1996

Unite in Marriage

Mr. RICHARD J. BEAUREGARD
of the Town of Farmington of State of Connecticut
and MARIE A. SILEO of the Village
of Port Chester, New York according to the laws of the
State of New York.

In Presence of

Marie Ramieri
Joseph L. Sila

Bruno J. Gioffre
Town Justice, Town of Rye



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-06
 BOT 2-1-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/1/2016

Item Type: Resolution

Sponsor's Name: Dennis Pilla, Mayor

	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

Appointment of Ciro Cuono to the Planning Commission

Summary

Background:

Having been interviewed, the board indicated a desire to vote on a resolution to appoint Mr. Cuono to the Planning Commission. Mr. Cuono's resume was provided to the BOT on November 24, 2014. He will be taking the seat of Kevin Pellon who resigned a seat on 1/19/16.

Attachments
Resolution

RESOLUTION

APPOINTMENT OF MEMBER OF THE PLANNING COMMISSION

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 **Ciro Cuono**, residing in Port Chester, New York, hereby is appointed as a full member of the Port Chester Planning Commission to fill the seat previously held by **Kevin Pellon** effective immediately with said term to expire January 19, 2019.

Approved as to form;

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES:

NOES:

ABSENT:

DATE:



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-07
BOT 2-1-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/1/2016

Item Type: Resolution

Sponsor's Name: Dennis Pilla, Mayor

	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

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

Reappointment of William Villanova to the Zoning Board of Appeals

Summary

Background:

The board indicated a desire to vote on a resolution to reappoint Mr. Villanova to the Zoning Board of Appeals.

Attachments

Resolution

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that WILLIAM VILLANOVA residing in Port Chester New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2018.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:
NOES:
ABSENT:
DATE



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-08

BOT 2-1-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/1/2016

Item Type: Resolution

Sponsor's Name: Dennis Pilla, Mayor

	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input checked="" type="checkbox"/>	<input type="checkbox"/>
Funding Source:			BID #		
Account #:			Strategic Plan Priority Area		
	Yes	No	N/A		
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input type="checkbox"/>	<input checked="" type="checkbox"/>	N/A		

Agenda Heading Title

(Will appear on the Agenda as indicated below)

Reappointment of Evelyn Petrone to the Zoning Board of Appeals

Summary

Background:

The board indicated a desire to vote on a resolution to reappoint Ms. Petrone to the Zoning Board of Appeals.

Attachments

Resolution

RESOLUTION
REAPPOINTMENT OF MEMBER TO
ZONING BOARD OF APPEALS

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

RESOLVED, that EVELYN PETRONE, residing in Port Chester, New York is hereby reappointed as a member of the Port Chester ZONING BOARD OF APPEALS, effective immediately with said term to expire December 31, 2018

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

AYES:
NOES:
ABSENT:
DATE



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-09

BOT 2-1-2016

AGENDA MEMO

Department: Office of the Mayor

BOT Meeting Date: 2/1/16

Item Type: Resolution

Sponsor's Name: Dennis Pilla, Mayor

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

Agenda Heading Title

(Will appear on the Agenda as indicated below)

TERMINATING AGREEMENT WITH NATIONAL DEVELOPMENT COUNCIL TO STUDY BUILDING A 108,000 SQUARE FOOT MUNICIPAL CENTER THAT INCLUDES A REPLACEMENT VILLAGE HALL AND ADDITIONAL RETAIL SPACE

Summary

Background:

This resolution would terminate the agreement the Village of Port Chester has with the National Development Council with regard to the proposed Municipal Center.

Proposed Action

That the Board of Trustees adopt the resolution

Attachments

Agreement

**TERMINATING AGREEMENT WITH NATIONAL DEVELOPMENT COUNCIL
TO STUDY BUILDING A 108,000 SQUARE FOOT MUNICIPAL CENTER THAT
INCLUDES A REPLACEMENT VILLAGE HALL AND ADDITIONAL RETAIL SPACE**

WHEREAS, Village Board of Trustees has established as a strategic priority that the Police / Court facility be expanded and modernized to suit the needs of the community; and,

WHEREAS, the Board of Trustees has recently established a Sub-committee consisting of three Trustees, the Village Manager, Police Chief, and additional Village staff; and,

WHEREAS, the Sub-committee has researched other Police / Court facilities to learn about other similar size communities' best practices and order-of-magnitude facility project costs; and,

WHEREAS, seeking to minimize costs and the financial impact to Port Chester taxpayers, the Sub-committee is looking in a direction that excludes constructing a replacement Village Hall and additional retail space; and

WHEREAS, the Board of Trustees has engaged the services of National Development Council for the purpose of studying the construction of a new 108,000 square foot municipal center that includes a replacement Village Hall, retail rental space, and a Police / Court facility. Now, therefore, be it hereby

RESOLVED, that the Board of Trustees directs the Village Manager to terminate the agreement with National Development Council for the aforementioned project; and be it further

RESOLVED, that the Board of Trustees directs the Village Treasurer to transfer the remaining unspent funds for the above study to the Mariner Proffer fund in the Trust and Agency account; and be it further

RESOLVED, that the Board of Trustees directs the Village Treasurer to designate said fund for the purpose of Housing Rehabilitation, Making Housing Affordable, and Neighborhood Revitalization.

Approved as to Form:

Anthony M. Cerreto, Village Attorney



VILLAGE OF
PORT CHESTER

222 Grace Church Street, Port Chester, New York 10573

RES-10
 BOT 2-1-2016

AGENDA MEMO

Department: Office of the Village Manager

BOT Meeting Date: 2/1/2016

Item Type: Resolution

Sponsor's Name: Anthony (Tony) Cerreto, Village Attorney

	Yes	No	Description	Yes	No
Fiscal Impact	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Public Hearing Required	<input type="checkbox"/>	<input checked="" type="checkbox"/>
Funding Source:					
Account #:					
	Yes	No	Strategic Plan Priority Area	N/A	
Agreement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	Manager Priorities		
Strategic Plan Related	<input checked="" type="checkbox"/>	<input type="checkbox"/>	N/A		

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

SUPPORT FOR THE ENACTMENT OF THE ABANDONED PROPERTY
 NEIGHBORHOOD RELIEF ACT TO FACILITATE A STATE-WIDE EFFORT TO
 ASSIST MUNICIPALITIES IN THEIR MANAGEMENT OF VACANT AND ABANDONED
 PROPERTIES

Summary

Background:

The Board supported the adoption of this proposed legislation in the 2015 legislative session.

The resolution will reiterate the Board's support and will align the Village of Port Chester with municipalities throughout the State, the New York Conference of Mayors, Westchester Municipal Officials Association and others who all seek to have the proposed legislation enacted into law.

Proposed Action

That the Board of Trustees adopt the Resolution

Attachments

Resolution Copy of bills

SUPPORT FOR THE ENACTMENT OF THE ABANDONED PROPERTY
NEIGHBORHOOD RELIEF ACT TO FACILITATE A STATE-WIDE EFFORT TO ASSIST
MUNICIPALITIES IN THEIR MANAGEMENT OF VACANT AND ABANDONED
PROPERTIES

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, due to the ongoing national housing crisis, property owners are increasingly burdened with mortgages which exceeds the value of their homes; and

WHEREAS, as a result, owners abandon their properties with no intention to maintain or reoccupy their homes and typically are difficult if not impossible to locate; and

WHEREAS, although mortgagees and loan servicing companies may keep property taxes current, they do not typically assume any obligation to maintain the properties in conformance with state and local codes; and

WHEREAS, for various reasons, mortgagees and loan servicing companies are reluctant to complete the foreclosure process; and

WHEREAS, abandoned residences become magnets for crime, are a hazard to emergency response services; creates urban blight, decreases property values for surrounding properties, are a drain on all village services and negatively impacts the quality of life for all residents of the Village; and

WHEREAS, notwithstanding the foregoing, current State Law does not require mortgagees and loan servicing companies to maintain property before a judgment of foreclosure is obtained nor authorize a municipality to intervene in a mortgage foreclosure proceeding; and

WHEREAS, at the instance of the State Attorney General, bills were introduced in both houses of the state legislature in the 2015 legislative session that were entitled “the New York State Abandoned Property Neighborhood Relief Act” which would ameliorate the current problems by:

-imposing the duty on mortgagees and loan servicing companies to maintain vacant and abandoned properties in compliance with the State Property Maintenance Code and authorizing a municipality to bring suit in the event that they are in violation.

- requiring the State Attorney General to establish and maintain a state-wide vacant and abandoned property electronic registry imposing disclosure requirements on mortgagees and loan serving companies and a toll-free “hot line” to receive complaints from neighbors of vacant and abandoned properties.

-authorizing municipalities to intervene in any foreclosure proceeding to request an injunction to assure the property is maintained in conformance with the Code and that the foreclosure proceeding is timely prosecuted; and.

WHEREAS, these bills did not advance out their respective committees to the floor for full consideration; and.

WHEREAS, the Board of Trustees has been informed that these bills may be refiled and takes the earliest opportunity to call upon its state elected officials to assure passage of same this year for the benefit of the Village of Port Chester. Now, therefore, be it,

RESOLVED, that the Board of Trustees hereby calls upon State Senator George Latimer and Assemblyman Steve Otis to gather support in their respective houses for the passage of the “State Abandoned Property Neighborhood Relief Act”, in the 2016 legislative session.

Approved as to Form:

Anthony M. Cerreto

A06932 Summary:

BILL NO A06932

SAME AS
SAME AS

SPONSOR Weinstein

COSPNR Woerner, Brindisi, Skartados, Kaminsky, Russell, Magnarelli,
Lavine, Solages, Robinson, Cahill, Barrett, Peoples-Stokes, M
Santabarbara, Hooper, Schimel, Fahy, Wozniak, Titone

MLTSPNSR Ceretto, Curran, Galef, Kearns, McDonald, Murray

Amd S1307, add SS1307-a & 1308, RPAP L; add S91-g, St Fin L

Establishes the "Abandoned Property Neighborhood Relief Act of 2015"; re to the duty of the mortgagee or its loan servicing agent to maintain property secured by a delinquent mortgage.

A06932 Text:**STATE OF NEW YORK**

6932

2015-2016 Regular Sessions

IN ASSEMBLY

April 10, 2015

Introduced by M. of A. WEINSTEIN -- (at request of the Department of Law) -- read once and referred to the Committee on Judiciary

AN ACT establishing the "New York state abandoned property neighborhood relief act of 2015"; and to amend the real property act proceedings law, in relation to the duty of the mortgagee or its servicing agent to maintain property secured by delinquent and in relation to special foreclosure proceedings for abandoned property; and to amend the state finance law, in relation to establishing the abandoned property neighborhood relief fund

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

1 Section 1. This act shall be known and may be cited as the "
 2 state abandoned property neighborhood relief act of 2015".
 3 § 2. Section 1307 of the real property actions and proceedings
 4 added by chapter 507 of the laws of 2009, is amended to read as
 5 § 1307. Duty to maintain [~~foreclosed~~] property secured by de
 6 mortgage. 1. [~~A plaintiff in a mortgage foreclosure action where~~
 7 ~~a judgment of foreclosure and sale pursuant to section thirteen~~
 8 ~~fifty-one of this article, involving residential real prop~~
 9 ~~erty defined in section thirteen hundred five of this article,~~
 10 ~~vacant, or becomes vacant after the issuance of such judgment~~
 11 ~~abandoned by the mortgagor but occupied by a tenant] (a) With re
 12 a mortgage loan secured by residential real property, as define
 13 section thirteen hundred five of this article, where the prc
 14 "vacant and abandoned" as defined in paragraph (b) of this sub
 15 or a foreclosure action has been commenced against the property
 16 the mortgagor has failed to maintain the property or where a jud
 17 foreclosure under section thirteen hundred fifty-one of this art
 18 been obtained on the property that has been abandoned by the m
 19 ortgagor but remains occupied by a tenant lawfully in possession, the m
 20 ortgagor or its loan servicing agent shall maintain such property until s~~

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

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1 as ownership has been transferred through the closing of title i
2 closure, or other disposition, and the deed for such property
3 duly recorded; provided, however, that if a municipality or gove
4 entity holds a mortgage [~~subordinate to one or more mortgages~~
5 residential real property, the municipality or governmental enti
6 not be subject to the requirements of this section.

7 (b) For purposes of this section, residential real property s
8 deemed "vacant and abandoned" when: (i) at least three monthly
9 are past due on the mortgage loan or the mortgagor has info
10 mortgagee or loan servicing company in writing that the mortgag
11 not intend to occupy the property in the future; and (ii) eit
12 there is a reasonable basis to believe that the property is not
13 which shall be determined in accordance with the requirements c
14 graph (b-1) of this subdivision; (B) such residential real prop
15 risk to the health, safety or welfare of the public or any adjc
16 adjacent property owners, due to acts of vandalism, loitering,
17 conduct, or physical destruction or deterioration of the prop
18 (C) the relevant governmental authority has declared the propert
19 for occupancy and to remain vacant and unoccupied or to be dem
20 Where a mortgagee or loan servicing company has received written
21 from a mortgagor that such mortgagor does not intend to occ
22 property in the future, the mortgagee or loan servicing compan
23 promptly notify the attorney general in writing of its receipt
24 notification and the date thereof.

25 (b-1) For purposes of paragraph (b) of this subdivision, a re
26 basis to believe that residential real property is not occupie
27 at a minimum, be based upon periodic inspections of such prop
28 least thirty days apart, where two or more such inspection
29 evidence of abandonment. For purposes of this subdivision, "evid
30 abandonment" shall include but not be limited to any of the f
31 conditions: (i) overgrown or dead vegetation; (ii) accumulation
32 papers, circulars, flyers or mail; (iii) past due utility
33 disconnected utilities, or utilities not in use; (iv) accumul
34 trash refuse or other debris; (v) absence of window coverings
35 curtains, blinds, or shutters; (vi) one or more boarded, mi
36 broken windows; (vii) the property is open to casual entry or t
37 or (viii) the property has a building or structure that is or
38 structurally unsound or has any other condition that presents a
39 tial hazard or danger to the safety of persons.

40 (b-2) For purposes of determining whether residential real pro
41 occupied, the mortgagee or loan servicing company shall conduct
42 to be conducted periodic inspections of such property at le
43 every thirty days commencing no later than seven days after t
44 upon which two mortgage payments on such property are past due,
45 er if so required by federal statute, rule, regulation, publish
46 ance, or other requirements of the Federal National Mortgage
47 ation, Federal Home Loan Mortgage Corporation or Federal Housing
48 Agency.

49 (b-3) For purposes of paragraph (b) of this subdivision, res
50 real property shall not be deemed "vacant and abandoned" whe

51 property is: (i) an unoccupied building which is un
52 construction, renovation or rehabilitation that is proceed
53 completion, and the building is in compliance with all applicak
54 nances, codes, regulations and statutes; (ii) a building occupie
55 seasonal basis that is otherwise secure; (iii) a building
56 secure, but is the subject of a probate action, action to quiet

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3

1 or other similar ownership dispute; (iv) a building damaged by a
2 disaster and one or more owner intends to repair and reoccupy t
3 erty; or (v) occupied by the mortgagor, a relative of the mortga
4 tenant lawfully in possession.

5 2. Such [~~plaintiff~~] mortgagee and/or its loan servicing age
6 have the right to peaceably enter upon such property determined
7 vacant and abandoned pursuant to subdivision one of this sectic
8 cause others to peaceably enter upon the property for the
9 purpose of inspections, repairs and maintenance as required
10 section, or as otherwise ordered by court; provided, however,
11 the property is occupied by a tenant lawfully in possession,
12 seven days notice must be given to such tenant, unless emergency
13 are required in which case reasonable notice shall be provided
14 tenant.

15 2-a. (a) It shall be unlawful for a mortgagee, its servicer or
16 party agent or other person acting on behalf of a mortgagee
17 residential real property that is not vacant and abandoned
18 purpose of forcing, intimidating, harassing or coercing a lawf
19 parent of such residential property to vacate that property in c
20 render the property vacant and abandoned, or to otherwise force
21 idate, harass, or coerce a lawful occupant of residential real
22 to vacate that property so that it may be considered as vacant a
23 doned.

24 (b) Liability for such unlawful conduct shall extend to any p
25 for whose benefit the actions were initiated, in addition to any
26 employee or subcontractor of the mortgagee who retained, hired c
27 wise enlisted the perpetrator.

28 (c) A homeowner and/or occupant who has been subjected to suc
29 ful conduct may bring an action for damages and injunctive relie
30 may be raised as a counterclaim in a foreclosure or eviction pro
31 or in any other action or proceeding brought to regain possessic
32 quiet title to, residential real property, or may be raised as a
33 mativie action in any court of competent jurisdiction.

34 (d) Punitive damages, costs and/or attorney fees, may be awar
35 the conduct complained of has been carried out with knowing disr
36 the rights of the occupant or was part of a pattern of conduct
37 to secure the vacating of properties so that those properties
38 considered as vacant and abandoned for purposes of this section.

39 3. [~~The~~] In addition to the authority granted to the attorney
40 pursuant to subdivision three of section thirteen hundred se
41 this article, the municipality in which such residential real
42 is located, any tenant lawfully in possession, and a board of
43 of a condominium in which the premises are located or a homeowne
44 ciation if said premises are subject to the rules and regulat
45 such an association, shall have the right to enforce the obl
46 described in this section in any court of competent jurisdic
47 at least seven days notice to the [~~plaintiff in the foreclosure~~
48 mortgagee or its loan servicing agent unless emergency repa
49 required. Any entity acting pursuant to this subdivision shal
50 cause of action in any court of competent jurisdiction agai

51 ~~[plaintiff in the foreclosure action]~~ mortgagee or its loan s
52 agent to recover costs incurred as a result of maintaining the p
53 Such entity shall provide the attorney general with written nc
54 least ten days prior to bringing an action pursuant to this subd
55 provided, however, that failure to comply with this notice req
56 shall not be a defense to the entity's proceeding. The a

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1 provided by this subdivision shall be in addition to, and shall
2 deemed to diminish or reduce, any rights of the parties descr
3 this section under existing law against the mortgagor of such
4 for failure to maintain such property.

5 4. In the event the mortgagor of the property commences a pr
6 in bankruptcy court prior to the completion of the public
7 ordered in the judgment of sale, the duties created by this
8 shall be suspended during the pendency of the bankruptcy procee
9 until such time as an order has been entered in that proceeding
10 or removing the automatic stay of the foreclosure sale.

11 5. For the purposes of this section "maintain" shall mean keep
12 subject property in a manner that is consistent with the stand
13 forth in the New York property maintenance code chapter 3 sectic
14 302 (excluding 302.2, 302.6 and 302.8), 304.1, 304.3, 304.7,
15 304.12, 304.13, 304.15, 304.16, 307.1, and 308.1; provided,
16 that if the property is occupied by a tenant, then such prope
17 also be maintained in a safe and habitable condition.

18 6. A [~~plaintiff~~] mortgagee or its loan servicing agent s
19 relieved of its responsibilities [~~to maintain the residential re~~
20 ~~erty that is the subject of a foreclosure action~~] under paragrap
21 subdivision one of this section for the period that a receiver
22 property is serving.

23 7. Nothing contained in this section shall diminish in any
24 obligations pursuant to any state or local law of the mortgage
25 property or a receiver of rents and profits appointed in an ac
26 foreclose a mortgage to maintain the property prior to the cl
27 title pursuant to a foreclosure sale.

28 8. This section shall not preempt, reduce or limit any rights
29 gations imposed by any local laws with respect to property mai
30 and the locality's ability to enforce those laws.

31 § 3. The real property actions and proceedings law is am
32 adding a new section 1307-a to read as follows:

33 § 1307-a. Delinquent mortgage; vacant and abandoned property;
34 wide vacant and abandoned property electronic registry. 1.
35 mortgagor is three monthly payments past due on a mortgage loan
36 by residential real property, the mortgagee or its loan servi
37 shall provide written notice to the mortgagor stating that the m
38 has the right to occupy the property until he or she is ordered
39 the property by a court of competent jurisdiction. Such notice s
40 provided to the mortgagor within fifteen days of the date that t
41 owner's account is past due by ninety days, and a copy of suc
42 shall promptly be provided by such mortgagee or loan servicing a
43 the attorney general. The notice shall be in fourteen-point
44 shall include the following language in a clear and conspicuous
45 "As your loan servicer or mortgage holder, we are required to
46 this notice pursuant to New York state law.

47 As the owner of your home, you have the right to occupy yo
48 until such time as you are ordered to leave by a court of c
49 jurisdiction.

50 We may initiate collection activity including taking steps to

51 and litigate a foreclosure lawsuit against you and the property.
52 You are allowed by New York state law to continue living in yc
53 regardless of any collection methods we pursue or oral or writte
54 ments made during the collections process, including the for
55 process, until such time as you are ordered by a court to lea
56 property."

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1 2. (a) The attorney general shall maintain a statewide va
2 abandoned property registry in the form of an electronic databa
3 attorney general may, in accordance with the applicable provi
4 the state finance law, retain a private contractor to administ
5 database for the purposes of satisfying this requirement, an
6 upon written request, provide appropriate officials of any count
7 town or village with direct electronic access to information ma
8 on such database for the purpose of enforcing this section,
9 thirteen hundred seven of this article or article nineteen-A
10 chapter, or any other related law, code, rule, regulation or ord

11 (b) A mortgagee or its agent shall submit to the attorney
12 information required by the attorney general about any vacant an
13 doned residential real property, as that term is defined in p
14 (b) of subdivision one of section thirteen hundred seven of thi
15 cle, within fifteen days of when the mortgagee or its agents l
16 reasonably should have learned, that such property is vacant an
17 doned. Such information shall, at a minimum, include: (i) the
18 name, address and contact information for the lender or servicer
19 sible for maintaining the vacant property; (ii) whether a for
20 action has been filed for the property in question, and, if so,
21 on which the foreclosure action was commenced; and (iii) the la
22 address and contact information for the mortgagee of record.

23 (c) Where any of the information contained in a mortgagee's
24 agent's initial submission to the registry has materially chang
25 such submission, such mortgagee or agent shall make an
26 submission to the registry not later than thirty days after the
27 gee or its agents learn, or reasonably should have learned, of
28 or changed information.

29 (d) The attorney general is authorized and empowered to ad
30 rules and regulations as may in the judgment of the attorney gen
31 necessary for the effective administration and operation of suc
32 try, including but not limited to rules and regulations governin
33 to the registry and specifying the manner and frequency of regi
34 and the information that must be provided. The attorney gen
35 amend such regulations from time to time as necessary to effectu
36 purpose of this section and section thirteen hundred seven of th
37 cle.

38 (d-1) The attorney general shall take such measures as he or s
39 appropriate to ensure that the Federal National Mortgage Associ
40 the Federal Home Loan Mortgage Association, as applicable, is
41 notified in writing, which may include notification by email
42 electronic means, when residential real property with respect t
43 either such association is the mortgagee, servicer or insurer,
44 to the registry.

45 (e) The attorney general shall establish and maintain a t
46 hotline that neighbors of real property that is, or appear
47 vacant and abandoned residential real property, as such term is
48 in paragraph (b) of subdivision one of section thirteen hundred
49 this article, and other community residents can use to repor
50 attorney general any hazards, blight or other concerns related

51 property and to obtain publicly available information concer
52 status of such property. Such publicly available informati
53 include but not be limited to whether such property is currentl
54 on the statewide vacant and abandoned property registry est
55 pursuant to this subdivision, and the identity of the mortgagee
56 servicing company responsible for maintaining such vacant and a

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6

1 property pursuant to subdivision one of this section. The offic
2 attorney general shall include on its official public website
3 tion about such toll-free hotline.

4 3. (a) Whenever a mortgagee or agent of a mortgagee shall viol
5 section or section thirteen hundred seven of this article, an
6 tion may be made by the attorney general in the name of the pe
7 the state of New York to a court or justice having jurisdic
8 special proceeding to issue an injunction, and upon notice
9 defendant of not less than five days, to enjoin or restrain the
10 uance of such violation; and if it shall appear to the satisfac
11 the court or justice that the defendant has, in fact, viola
12 section or section thirteen hundred seven of this article, an in
13 may be issued by such court or justice, enjoining and restrain
14 further violation, without requiring proof that any person has,
15 been injured or damaged thereby. In connection with any such
16 application, the attorney general is authorized to take proof an
17 determination of the relevant facts and to issue subpoenas in ac
18 with the civil practice law and rules.

19 (b) In addition to, or in lieu of, the relief authorized in pa
20 (a) and (c) of this subdivision, a municipality where the res
21 real property is located may intervene as a matter of right in a
22 closure action commenced under this article for the purposes of
23 ing injunctive relief to assure that the property in question
24 tained in accordance with all ordinances, codes, regulati
25 statutes and that the foreclosure action is timely prosecu
26 intervenor may move to have any adjournments or voluntary di
27 uances in such foreclosure action conditioned upon the posting c
28 or other undertaking or to order other measures intended to ensu
29 ing maintenance of the property until such time as title to the
30 has been transferred through a foreclosure sale or otherwise
31 vention in a foreclosure action pursuant to this paragraph s
32 available with respect to any residential property secured by a
33 loan as defined under section thirteen hundred five of this
34 regardless of whether the property is occupied, so long as one
35 other conditions described in paragraph (b) of subdivisio
36 section thirteen hundred seven of this article is present.

37 (c) Whenever the court shall determine that a violation
38 section or section thirteen hundred seven of this article by a m
39 or agent of a mortgagee has occurred, the court may impose
40 penalty of up to one thousand dollars per day for each day the v
41 persisted in addition to the costs of maintaining the property.
42 standing any provision of law to the contrary, all civil p
43 collected by the attorney general pursuant to this paragraph
44 deposited to the credit of the abandoned property neighborhood
45 fund established pursuant to section ninety-one-g of the state
46 law.

47 (d) The provisions of this section may also be enforced by any
48 ty or municipality in which the vacant property is located,
49 that the locality or municipality provides the attorney gene
50 written notice at least ten days prior to commencing such an

51 under this section; and provided further that failure to con
52 this notice requirement shall not be a defense to the locali
53 municipality's proceeding. Any civil penalty imposed pursuant
54 graph (c) of this subdivision in an action brought by a muni
55 pursuant to this paragraph shall be retained by such municipalit

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1 4. This section shall not preempt, reduce or limit any rights
2 gations imposed by any local law with respect to property mai
3 and the locality's ability to enforce those laws.

4 § 4. A part of the supreme court shall be devoted to for
5 actions involving property alleged to be vacant and abandoned.

6 § 5. The real property actions and proceedings law is ame
7 adding a new section 1308 to read as follows:

8 § 1308. Special foreclosure proceeding for vacant and abandon
9 dential real property. 1. In any foreclosure action involving
10 tial real property, as defined in section thirteen hundred five
11 article, alleged to be vacant and abandoned, the plaintiff may
12 application for an order to show cause upon notice which seeks
13 judgment of foreclosure and sale on the grounds that such prop
14 vacant and abandoned. Any such application shall be made via
15 show cause, wherein the court shall direct service consiste
16 section three hundred eight of the civil practice law and rules.
17 application shall be directed to be served upon defendant until
18 to answer the complaint in such action shall have expired, nor s
19 such application be granted until after the mandatory settlement
20 ence pursuant to rule three thousand four hundred eight of t
21 practice law and rules has been noticed to any such defendant, a
22 all such defendants have failed to appear for said conferenc
23 application shall:

24 (a) state on the face of the order to show cause that "This
25 show cause seeks entry of a judgment of foreclosure and sale pur
26 Real Property Actions and Proceedings Law § 1308 on the ground t
27 mortgaged premises are vacant and abandoned";

28 (b) set forth the allegations evidencing vacant and abandoned
29 tial property as provided for under subdivision four of this sec
30 attach documentary evidence in support;

31 (c) state within the affidavit or affirmation supporting the
32 tion the sums alleged to be due and owing upon the subject
33 documents and attach documentary evidence in support, including
34 limited to proof of ownership of the mortgage and the note; and

35 (d) state within the affidavit or affirmation supporting the
36 tion that an immediate order of reference is sought for the app
37 of a referee to compute pursuant to this chapter.

38 2. The chief administrative judge of the courts shall adopt su
39 as he or she deems necessary to expeditiously implement the pr
40 of this subdivision.

41 3. The court shall take the evidence supporting the facts and
42 stances stated in the order to show cause and shall examine the
43 tiff or his or her agent, at an evidentiary hearing under oat
44 the evidence presented with respect to vacant and abandoned p
45 and shall make a written finding whether the property to be fc
46 upon pursuant to this section meets the definition of vacant an
47 doned pursuant to subdivision four of this section and shall s
48 with specificity the factors met under such section. Evidence
49 submitted to the court shall include utility company records ev
50 the abandoned status of the premises. Written findings shall

51 evidence that the plaintiff is the owner and holder of the subje
52 gage and note, or has been delegated the authority to institute
53 gage foreclosure action by the owner of same.

54 4. (a) As used in this section, "vacant and abandoned" res
55 real property means residential real property, as defined in
56 thirteen hundred five of this article, with respect to which the

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8

1 gee proves to the satisfaction of the court that the mortgaged
2 is not occupied by a mortgagor or tenant as defined in section
3 hundred five of this article, and:

4 (1) the property is a risk to the health, safety, or welfar
5 public, or any adjoining or adjacent property owners, due to
6 vandalism, loitering, criminal conduct, or physical destruction
7 rioration of the property; or

8 (2) the relevant governmental authority has declared the
9 unfit for occupancy and to remain vacant and unoccupied or to be
10 ished.

11 (b) For purposes of this section, residential real property s
12 be considered "vacant and abandoned" if the property is a
13 described in subparagraph (i), (ii), (iii) or (iv) of paragraph
14 subdivision one of section thirteen hundred seven of this articl
15 occupied as described in subparagraph (v) of such paragraph.

16 5. (a) A judgment of foreclosure and sale shall not be entere
17 ant to this section if the mortgagor or any other defendant has
18 answer, appearance or other written objection that is not withdr

19 (b) The court's denial of a judgment of foreclosure and sale
20 to this section where the court does not find that the mortgaged
21 ty is vacant and abandoned shall not be on the merits.

22 (c) The provisions of this section shall not preempt, reduce
23 any rights or obligations imposed by any local laws with res
24 property maintenance or a locality's ability to enforce such law

25 (d) The provisions of this section shall not abrogate any r
26 duties pursuant to this article.

27 § 6. The state finance law is amended by adding a new section
28 read as follows:

29 § 91-g. Abandoned property neighborhood relief fund; enf
30 assistance grants. 1. There is hereby established in the custod
31 state comptroller a special fund to be known as the "abandoned
32 neighborhood relief fund."

33 2. Such fund shall consist of all civil penalties collecte
34 attorney general pursuant to paragraph (c) of subdivision t
35 section thirteen hundred seven-a of the real property act
36 proceedings law and required to be deposited into this fund,
37 other moneys credited or transferred thereto from any other
38 source pursuant to law. Any income earned on moneys within the a
39 property neighborhood relief fund shall be added to and made a
40 for the purpose of such fund.

41 3. Monies of the fund shall be allocated to and expended by th
42 ney general, on the audit and warrant of the state comptroller,
43 the purpose of providing abandoned property enforcement as
44 grants to localities in accordance with subdivisions four, five
45 of this section.

46 4. The chief elected official of a county, city, town or
47 located within the state may, on an annual basis, submit a
48 application to the attorney general, or his or her authorized c
49 for an abandoned property enforcement assistance grant from a
50 moneys in the abandoned property neighborhood relief fund est

51 pursuant to subdivision one of this section. The attorney genera
52 require that applications submitted pursuant to this subdivision
53 such information as the attorney general deems appropriate, in
54 at a minimum, the following:
55 (a) The amount of funding sought;

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9

1 (b) A detailed description of the impact that the presence of
2 and abandoned residential real properties in the requesting loca
3 had on its affected communities, the locality's efforts to add
4 problem to date and the result of those efforts;

5 (c) A detailed description of the enforcement purpose or pur
6 which the funding will be applied, with specific reference
7 provision or provisions of sections thirteen hundred seven and
8 hundred seven-a of the real property actions and proceedings law
9 to be enforced; and

10 (d) The date and result of any prior applications made by the
11 to the attorney general pursuant to this section.

12 5. In determining whether to approve an application submitted
13 to subdivision four of this section, the attorney general sha
14 minimum, consider:

15 (a) The extent to which the presence of vacant and abandoned
16 tial properties in the requesting locality has negatively impa
17 communities where those properties are located and the localit
18 whole;

19 (b) The likely impact approval of the application and disburs
20 funds would have on addressing the problem of vacant and abandon
21 dential properties in the requesting locality through enhanced
22 ment of sections thirteen hundred seven and thirteen hundred se
23 the real property actions and proceedings law;

24 (c) The availability of other sources of funding to pay some c
25 the enforcement costs for which the requesting locality seeks
26 and

27 (d) Where the requesting locality previously applied for and
28 an enforcement assistance grant pursuant to this section, whet
29 grant funds were used by the locality in accordance with the pr
30 of this section and any applicable rules or regulations adopted
31 attorney general.

32 6. Upon approval of an application, the attorney general may a
33 disbursement of funds in any amount up to the amount sough
34 requesting locality. Such disbursement may be by advance payment
35 locality before it incurs the cost for which its applicatic
36 funding, by reimbursement to the locality after it incurs and pa
37 costs in the first instance, or by some combination thereof
38 attorney general determines is appropriate under the circumstanc
39 and all enforcement assistance grant moneys disbursed pursuant
40 section shall be used by the recipient county, city, town or
41 solely to aid in the enforcement by such locality of sections
42 hundred seven and thirteen hundred seven-a of the real property
43 and proceedings law.

44 7. The attorney general shall adopt such rules and regulatic
45 or she deems appropriate to effectuate the purposes of this
46 including provisions for periodic monitoring and evaluatic
47 enforcement assistance grant program established herein.

48 8. The state comptroller shall have the power to inspect, exam
49 audit the fiscal affairs of any locality awarded an enforcement
50 ance grant pursuant to this section to the extent necessary to d

51 whether the funding received has been used in accordance w
52 purpose or purposes for which it was sought in the applicat
53 whether there has been compliance with the applicable provisions
54 section and any applicable rules or regulations adopted by the
55 general.

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1 9. The attorney general, in consultation with the state comp
2 shall report annually to the governor and the legislature regard
3 operation and success of such grant program.

4 § 7. This act shall take effect on the ninetieth day after
5 have become a law; provided, however, that effective immediate
6 addition and/or repeal of any rule or regulation necessary
7 implementation of this act on its effective date is authori
8 directed to be made and completed on or before such effective da

Senate Bill S4781

"Abandoned Property Neighborhood Relief Act of 2015"; relates to the duty of the mortgagee or its loan servicing agent to maintain property secured by delinquent mortgage

[DOWNLOAD PDF \(HTTP://LEGISLATION.NYSENATE.GOV/PDF/BILLS/2015/S4781\)](http://legislation.nysenate.gov/pdf/bills/2015/s4781)

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BILL STATUS



[HIDE ACTIONS](#)



ACTIONS

15 / Apr / 2015

REFERRED TO HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT

06 / Jan / 2016

REFERRED TO HOUSING, CONSTRUCTION AND COMMUNITY DEVELOPMENT

SUMMARY

Establishes the "Abandoned Property Neighborhood Relief Act of 2015"; relates to the duty of the mortgagee or its loan servicing agent to maintain property secured by a delinquent mortgage.

DO YOU SUPPORT THIS BILL?

✓ AYE (/REGISTRATION/NOJS/LOGIN) ✗ NAY (/REGISTRATION/NOJS/LOGIN)

BILL DETAILS

See Assembly Version of this Bill:

[A6932 \(/Legislation/Bills/2015/A6932\)](/Legislation/Bills/2015/A6932)

Versions:

[S4781 \(/Legislation/Bills/2015/S4781\)](/Legislation/Bills/2015/S4781)

Legislative Cycle:

2015-2016

Current Committee:

[Senate Housing, Construction And Community Development \(/Committees/Housing-Construction-And-Community-Development\)](/Committees/Housing-Construction-And-Community-Development)

Law Section:

Real Property Actions and Proceedings Law

Laws Affected:

Amd §1307, add §§1307-a & 1308, RPAP L; add §91-g, St Fin L

SPONSOR MEMO

BILL NUMBER:S4781

TITLE OF BILL:

An act establishing the "New York state abandoned property neighborhood relief act of 2015"; and to amend the real property actions and proceedings law, in relation to the duty of the mortgagee or its loan servicing agent to maintain property secured by delinquent mortgage and in relation to special foreclosure proceedings for vacant abandoned property; and to amend the state finance law, in relation to establishing the abandoned property neighborhood relief fund

PURPOSE:

To help community residents and municipalities throughout the State better address the growing problem of vacant and abandoned residential properties by creating a statewide registry of such properties and imposing a duty on mortgagees and their loan servicing agents to

report these properties to the registry and take earlier (pre-foreclosure) action to identify, secure and maintain them.

SUMMARY OF SPECIFIC PROVISIONS:

Section 1 establishes the title of the Act as the "New York State Abandoned Property Neighborhood Relief Act of 2015."

Section 2 amends section 1307 of the Real Property Actions and Proceedings Law to: create a definition of "vacant and abandoned" residential real property; expand the existing duty of a mortgagee to maintain vacant residential real property to include pre-foreclosure "vacant and abandoned" residential property as defined in the bill, and to expand such duty to the mortgagee's loan servicing agent; establish a periodic inspection requirement for mortgagees and loan servicing agents to determine if residential real property subject to a delinquent mortgage is currently occupied; and make it unlawful for a mortgagee or loan servicing agent, or a person acting on their behalf, to enter residential real property that is not vacant or abandoned for the purpose of forcing, intimidating, harassing or coercing a lawful occupant thereof to vacate the property in order to render it vacant and abandoned.

Section 3 adds a new section 1307-a to the Real Property Actions and Proceedings Law to: require the Attorney General to establish and maintain a statewide electronic Vacant and Abandoned Property Registry that shall be accessible to local officials across the State; require mortgagees or their agents to promptly submit to the statewide Registry information about vacant and abandoned properties, including but not limited to the current name, address and contact information for the lender or servicer responsible for maintaining the property, whether a foreclosure action has been filed, and any updated material information when it becomes available; require mortgagees or their loan servicing agents to provide prompt written notice to mortgagors, when the mortgage on their residential real property is three monthly payments past due, of the mortgagor's right to occupy the property until he or she is ordered to leave by a court of competent jurisdiction; require the Attorney General to take appropriate measures to ensure that the Federal National Mortgage Association and

the Federal Home Loan Mortgage Association are promptly notified when certain properties are added to the electronic registry; authorize a municipality wherein vacant and abandoned residential property is located to intervene as of right in a foreclosure action involving the property for the purpose of requesting injunctive relief to ensure the property is maintained in accordance with law and that the foreclosure action is timely prosecuted; require the Attorney General to establish and maintain a toll-free hotline that community members concerned about vacant and abandoned properties can call to report such

properties and to obtain information relating to such properties, including but not limited to whether a specific property is listed on the Attorney General's statewide Vacant and Abandoned Property Registry and, if so, the identity of the mortgagee or loan servicing company responsible for maintaining the property; and authorize the Attorney General, and any affected locality upon written notice to the Attorney General, to seek injunctive relief and/or civil penalties against mortgagees and/or their agents for violations of RPAPL sections 1307 and 1307-a

Section 4 requires that a part of the Supreme Court be devoted to foreclosure actions involving property alleged to be vacant and abandoned.

Section 5 adds a new section 1308 to the Real Property Actions and Proceedings Law to establish a special foreclosure proceeding for vacant and abandoned residential real property.

Section 6 adds a new section 91-g to the State Finance Law to create the Abandoned Property Neighborhood Relief Fund, to be comprised of all civil penalties collected by the Attorney General in enforcement actions under RPAPL section 1307-a(3)(c), and to establish a procedure for the disbursement to localities of Enforcement Assistance Grants from available monies in such fund to aid such localities in the enforcement of RPAPL sections 1307 and 1307-a.

Section 7 establishes an effective date of 90 days after the act shall have become a law.

EXISTING LAW:

Section 1307 of the Real Property Actions and Proceedings Law currently requires a plaintiff in a mortgage foreclosure action who obtains a Judgment of Foreclosure and Sale involving residential real property that is or becomes vacant to maintain the property until such time as ownership of the property has been transferred through the closing of title in foreclosure or other disposition, and the deed is duly recorded.

JUSTIFICATION:

Vacant and abandoned residential properties securing delinquent mortgages fall into disrepair and harm neighboring properties and the surrounding community. These properties are a blight on neighborhoods because they are often boarded up, inhabited by squatters or used for criminal purposes. When a vacant and abandoned property is not maintained for an extended period of time, there is a decline in the community's real estate market and the state's property tax base.

There is also an increased likelihood of crime in and around the property. There are instances of such properties being used by criminals to manufacture and/or distribute illegal drugs.

Municipalities are often forced to expend taxpayer funds to prevent a vacant and abandoned property from becoming a public hazard. If a municipality is forced to care for a significant number of vacant and abandoned properties, its budget can be depleted quickly.

Current law, enacted in 2009, imposes a duty on plaintiff-mortgagees to maintain vacant residential properties only after a Judgment of Foreclosure and Sale has been entered. Unfortunately, this law has proven inadequate to address the growing number of vacant and abandoned properties falling into disrepair across New York State. A survey in one jurisdiction showed that most vacant and abandoned properties were not subject to foreclosure actions and, if they were, the cases had not proceeded to Judgment of Foreclosure and Sale. In many instances, the plaintiff-mortgagee abandoned the foreclosure effort. In others, the plaintiff-mortgagee sought to vacate its own Judgment of Foreclosure and Sale, bringing the property outside of the existing maintenance requirement imposed on the plaintiff-mortgagee by statute. There is also evidence showing that current and former New York homeowners have been misled into believing they need to leave their homes earlier in the foreclosure process than they actually have to, resulting in even more vacant and abandoned properties.

In response to this growing threat to communities across New York State, the Abandoned Property Neighborhood Relief Act of 2015 will ensure that homeowners are provided with early notice that they are legally entitled to remain in their homes until ordered to leave by a court and will require mortgagees and their loan servicers and agents to identify, secure and maintain vacant and abandoned properties much earlier in the mortgage delinquency timeline. It will also require that they electronically register these properties with the newly-created Vacant and Abandoned Property Registry to be established and maintained by the Attorney General. The Registry, in turn, will provide a much needed and readily available source of information on vacant and abandoned residential properties to local officials throughout the State, and will be supplemented by a toll-free hotline that community residents can use to report suspected vacant and abandoned properties to the Attorney General and receive information regarding the status of registered properties, including the identity of the mortgagee or agent responsible for maintaining them. The Act also would establish in the State Finance Law a new Abandoned Property Neighborhood Relief Fund, to be comprised of civil penalty monies collected by the Attorney General in enforcement actions under the Act, which monies would be used to fund Enforcement Assistance Grants to aid localities in their enforcement of the Act.

PRIOR LEGISLATIVE HISTORY:

2014: S 7350-A/Klein - referred to Judiciary

FISCAL IMPLICATIONS:

It is expected that there will be costs to the Office of the Attorney General for the establishment and maintenance of the statewide Vacant

and Abandoned Property Registry and the toll-free community resident hotline established by the Act.

EFFECTIVE DATE:

90 days.

[VIEW BILL TEXT](#)



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A233

2 comments • 4 months ago



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S6069

1 comment • 3 months ago



Steve E Wood — This bill is a waste of money. New York will be one of the few states to require these systems. Show me

A8670

2 comments • 16 days ago



murschel — I join John G. in being opposed to this misguided bill. Kratom has been a Godsend to many folks who might

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Port North Main Street Zoning Petition

The Village of Port Chester's Planning Commission discussed Port North Main Street's zoning petition during the January 25, 2016 Planning Commission meeting. Below are the Commission's comments to the Board of Trustees regarding the proposed inclusion of retail and personal service uses by special exception, special exception criteria, amended dimensional regulations, and a retail parking requirement for the North Main C4 District.

- Consider traffic and circulation impacts of retail uses along this corridor. Retail uses generally generate trips on a fairly even basis throughout the day, in comparison to other land uses which generate a concentrated number of trips during particular times during the day.
- Retail should be context appropriate. Consider implementing special exception criteria to restrict the types of permitted retail based on desired character of the District.
- Utilize the waterfront and incorporate the Byram River, as stated in the Comprehensive Plan, where possible and practical. Also consider the sensitivities presented by the River and address environmental impacts to the waterfront wherever possible.
- Aesthetics, building orientations, and overall appearance should fit in with the "gateway" nature of the District.



VILLAGE OF PORT CHESTER

OFFICE OF THE VILLAGE MANAGER

MEMORANDUM

TO: Mayor and Board of Trustees

FROM: Christopher W. Ameigh

THROUGH: Christopher D. Steers

DATE: January 28, 2016

RE: Grant Writing Work Group Update

The Village has been awarded two CDBG grants this year:

- \$106,745 to replace kitchen appliances and the bus that services the Village's Senior Community Center, which are at the end of their useful life. New appliances, equipment and bus services will allow the village to continue providing meals and transportation to approximately 1,300 seniors.
- \$750,000 to inspect and repair deteriorated sewer mains throughout the village with Cured-In-Place piping. This project is part of a multi-phase sewer rehabilitation program in the Village.

This award joins other recent awards including a \$10,000 award from the ESD: Market NY program for promotion of our 150th anniversary celebration.

The CDBG Funds will likely be received around late winter-early spring. A conference is required prior to formal paperwork being filed. Staff is awaiting further information regarding the steps for receipt.

The Village also has several outstanding grant applications for consideration including

- \$1.7 Million application was filed in the fall through the EFC Clean Water Grant program sponsored by Assemblyman Otis earlier this year. It was selected for advancement and a secondary application will be required this spring prior to review and announcements. That deadline has not yet been set by EFC.

- \$97,000 application was filed through the Assistance to Fire Fighters Grant program from FEMA. Awards will be announced on a rolling basis in March – October.
- \$13,000 application was filed through the Justice Court Assistance Program in October.

Currently Staff is working with Millennium Strategies and Dolph Rotfeld Engineering on an application for a FEMA Hazard Mitigation Grant for flood mitigation in the downtown. This project is in the conceptual phase at present.

PORT CHESTER HOUSING AUTHORITY

2 WEBER DRIVE, P.O. BOX 347
PORT CHESTER, NEW YORK 10573
TELEPHONE: (914) 937-5550
FAX: (914) 937-3214

BLANCA P. LÓPEZ
CHAIRPERSON

ROBERT J. VYSKOCIL
EXECUTIVE DIRECTOR

January 6, 2016

Mr. Anthony M. Cerreto
Village Attorney
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Re: Village Sewer Rent Fees

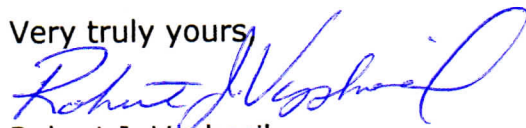
Dear Mr. Cerreto:

As a follow up to my letter to you dated August 14, 2015 (copy enclosed), I am writing to confirm that the Port Chester Housing Authority (PCHA) understands and acknowledges that acceptance by the Village of the payment for \$6,739.97 which was enclosed with that letter does not constitute the Village's waiver of its rights to collect any further amounts which may be determined to be due from PCHA related to the Village Sewer Rent.

The payment that we remitted was sent as a sign and gesture of our good faith efforts to contribute our fair share and to continue negotiations with the Village in an honest, forthright and productive manner. It continues to be our desire and intention to act in good faith, and to negotiate with the Village to arrive at a mutually agreeable outcome that will enable PCHA to do what we are able to do financially to carry our weight and contribute to the good of the Village... we are not looking for a free ride, but instead, a reduced, prorated amount that will enable us to contribute our fair share, while maintaining the vital services we provide to the Village and its residents.

As stated in my previous letter, we respectfully request a meeting with the Village Board of Trustees, the Mayor, the Village Manager and you to continue our discussions and negotiations in an effort to come to an agreement that is fair, reasonable, feasible and equitable to the Village, its residents, and the Authority.

Very truly yours,



Robert J. Vyskocil
Executive Director

cc: Honorable Mayor Dennis G. Pilla
B. Lopez, PCHA Board Chair
PCHA Board Members
Leonie Douglas, Village Treasurer
Christopher Steers, Village Manager
Christopher Ameigh, Assistant to the Village Manager



Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

Village of Port Chester, New York

Local Law No. I-___ of the year 2016

Be it enacted by the Board of Trustees of the Village of Port Chester, New York

A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT CHESTER, CHAPTER 53, "ETHICS", WITH REGARD TO USE OF MUNICIPAL RESOURCES

SECTION 1: Purpose and Intent

Article 18 of the General Municipal Law prohibits municipal officers and employees from having certain conflicts of interest. Section 806 of the General Municipal Law requires the governing body of each local government to adopt a code of ethics that sets forth standards of conduct as guidance for their officers and employees. In 1968, the Village of Port Chester adopted a Code of Ethics which also established a Board of Ethics whose charge is to provide advisory opinions to Village officers and employees to assist them on ethical issues. In addition, the Board of Ethics is empowered to make recommendations as to any amendments to the Code to the Board of Trustees.

Recognizing that the Code of Ethics may need up-dates, the Board of Ethics has been regularly meeting and identifying discrete subject-matters for discussion, receiving input from the Village Manager and other Village staff, and arriving at a consensus with regard to proposed changes to the Code of Ethics. The Board of Ethics has been informed by recently-enacted local laws in other municipalities and the Model Code of Ethics for Local Governments promulgated by the State Office of the Comptroller. The Board of Ethics is continuing its work and will make further recommendation to the Board of Trustees in the regular course.

The purpose and intent of this local law is to further the goals of the Code of Ethics as originally enacted by providing for new provisions on the subject of use of municipal resources.

SECTION 2: The Code of the Village of Port Chester, Chapter 53, Section 53-11 "Use of village employees or public property", is hereby repealed and a new provision entitled "Use of municipal resources" is adopted in its place and stead to read as follows:

§53-11. Use of municipal resources

(A) Municipal resources shall be used for lawful municipal purposes. Municipal resources include, but are not limited to, municipal personnel, and the municipality's money, vehicles, equipment, materials, supplies or other property.

(B) No municipal officer or employee may use or permit the use of municipal resources for personal or private purposes, but this provision shall not be construed as prohibiting:

(1) any use of municipal resources authorized by law, municipal policy, contract or collective bargaining agreement, or the appointing authority; or

(2) the use of municipal resources for personal or private purposes when provided to a municipal officer or employee as part of his or her compensation; or

(3) the occasional and incidental use during the business day of municipal telephones and computers for necessary personal matters such as family care and changes in work schedule.

(C) No municipal officer or employee shall cause the municipality to spend more than is reasonably necessary for transportation, meals or lodging in connection with official travel.

SECTION 3: Severability

If any provision of this local law is held to be invalid or unenforceable in whole or in part, such invalidity or unenforceability shall attach only to such provision or part thereof and the remaining part of such provision and all other provisions shall continue in full force and effect.

SECTION 4: Effective Date

This local law shall be effective immediately upon filing with the Secretary of State.

emailed m/vm

COR-01
BOT 2-1-2016



**Homes and
Community Renewal**

Housing
Trust Fund
Corporation

ANDREW M. CUOMO
Governor

JAMES S. RUBIN
Commissioner/CEO

VILLAGE OF PORT CHESTER

JAN 28 2016

vm RECEIVED *vm*

January 25, 2016

Honorable Dennis Pilla
Mayor
Village of Port Chester
222 Grace Church Street
Port Chester, NY 10573

Dear Mayor Pilla:

Re: CDBG Program Award
NYS CDBG Project #1528WC-PF223-15

Congratulations. On behalf of Governor Andrew Cuomo, the Housing Trust Fund Corporation, and the NYS Office of Community Renewal (OCR), it is my pleasure to inform you that the Village of Port Chester has been awarded a \$106,745.00 New York State Community Development Block Grant (NYS CDBG), as part of the 2015 NYS CDBG Competitive Housing Round.

For this year's NYS CDBG Competitive Round, NYS Homes and Community Renewals' OCR will award more than \$4.3 million to assist communities across Westchester County in addressing their community development and affordable housing needs. Working collaboratively with our local partners, these investments will help to revitalize communities and improve the quality of life for the working families of New York by providing new homeownership opportunities and better quality of living through home rehabilitation programs.

Staff from the OCR will contact you shortly to outline the procedures necessary to facilitate your grant agreement and advance the project effectively. Should you have any questions in the interim, please contact Andrew Griffin, Community Developer at (518) 474-2057 or Andrew.Griffin@nyshcr.org. Please reference your 2015 CDBG project number listed above.

Again, I offer my congratulations to you and your community. We look forward to working with you on this and other important community development projects.

Sincerely,

James S. Rubin
Chairperson
NYS Housing Trust Fund Corporation

cc: Christian M. Leo, Vice President, Office of Community Renewal
Christopher Steers, Village Manager