

MEETING HELD AUGUST 3, 2015

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 3, 2015, in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Dennis Pilla presiding.

Present in addition to Mayor Pilla, were Trustees Saverio Terenzi, Joseph Kenner, Daniel Brakewood, Gene Ceccarelli, Luis Marino and Gregory Adams.

It should be noted that Trustee Brakewood was absent.

Also present were: Village Clerk, Janusz R. Richards; Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas (Arrived at 7:09); Chief of Police, Richard Conway; Christopher Ameigh Administrative Aide to the Village Manager; Building Inspector and Director of Code Enforcement Peter Miley; Assistant Director of Planning & Development, Jesica Youngblood; Michael De Vittorio, 1st Assistant Fire Chief.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, the meeting was declared opened at 7:05 p.m.

ROLL CALL

AYES: Trustees Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

PRESENTATION

NDC Presentation.

Mr. R. Price Jepsen, Vice President of STV, Inc. updated the Board on the rehab of the police station. One was a moderate rehab of 350 North Main with building out the back. The other was to consider acquiring the next door property. We met with the police chief to understand their requirements; and review the requirements of the court and justices. The next steps are to finalize the program. The renovation or addition to the current building would have impact on parking and updated codes. There would also need to be temporary or swing space.

Sustainable Westchester on regional energy efficiency opportunities.

Glen commented this is a non-profit merger of two previous consortiums. They can aggregate our electrical usage that Con Ed provides. There are energy efficiency programs and solar programs. They will see if they can come up with a lower cost electricity provider for all of the commercial and residential property owners in the municipality who don't already have a service provider. This also includes the solarize program. The more residents who sign up the lower the rates will be.

Resolution

SETTING A PUBLIC HEARING TO CONSIDER THE ADOPTION OF A LOCAL LAW TO ESTABLISH A COMMUNITY CHOICE AGGREGATION (ENERGY) PROGRAM IN CONJUNCTION WITH SUSTAINABLE WESTCHESTER IN THE VILLAGE OF PORT CHESTER

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

RESOLVED, that a public hearing be held on September 21, 2015 at 7:00 p.m. or as soon thereafter, at the Port Chester Justice Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider the advisability of adopting a local law amending the Code of the Village of Port Chester by adding a new chapter, Chapter 21, to establish a Community Choice Aggregation (Energy) Program in conjunction with Sustainable Westchester in the Village of Port Chester; and be it further

RESOLVED, that in addition to the required legal notice, that the Village staff is directed to mail notice of the hearing to households in the Village; and be it further

RESOLVED, that Village staff invite Con Edison to send a representative to the hearing.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Brakewood.

DATE: August 3, 2015

PUBLIC COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

John Giangrande commented on being honored by the Port Chester Old Timers. He thanked the mayor for being honored by the Village.

Bill Giangrande commented on the Old Timers dinner. Mayor Belmont was also honored.

Ms. Goldie Solomon commented on the property owned by G&S at the marina. She was not previously aware of the Peruvian festival.

Joseph Rende commented that you have to mail to every user the opt-out option of Con Ed. He commented the name Amnesty Program has created confusion with residents. The building department has been more than fair in meeting and handling the issues that come up.

Ms. Bea Conetta commented on how the Amnesty Program is hurting the people of Port Chester. It should be changed to be geared towards helping the people. Between the municipal center and the Board of Education proposal it is \$107M. The assessment has been raised. You have to go ahead with the police station. The Starwood program will be a \$42M loss over a 20-year period. They should pay their fair tax and something toward the schools. She commented Janusz Richards was one of the best Clerks we've ever had.

Jim Black commented on the discussion section of the agenda and is hoping the Dog Park people are going to speak.

Mr. Richard Abel commented on the appraisals of the police station property. The contractors are going to want offsets. As a developer comes in they are going to want concessions – pilots, discounts on building permits, you name it. That will offset the value of the purchase.

Salana Yerrena commented on the handicapped situation at the Port Chester train station. The Starwood project will bring more traffic into Port Chester. They should not get a tax break. It is smart to check service providers to get a lower rate.

Steve Schenartz invited Board members to come along and see how a booting and towing company operates.

RESOLUTIONS

RESOLUTION #1

RULES AND REGULATIONS FOR THE MARSHALS

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

WHEREAS, the Village Charter provides for marshals in service to the Port Chester Justice Court; and

WHEREAS, the marshals are appointed by the Board of Trustees and has most recently taken action in this regard; and

WHEREAS, the Board desires to promulgate rules and regulations for the management of the marshals, delegating to the Chief of Police the operational responsibility over them, and further to assure the uniform, non-discriminatory and proper discharge of their duties. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby promulgates rules and regulations for the marshals in the form annexed.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Brakewood.

DATE: August 3, 2015

RESOLUTION #2

**REVOCABLE LICENSE AGREEMENT TO PERMIT PERIMETER
RIGHT-OF-WAY FENCING LOCATED AT 14 UNIVERSITY PLACE**

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

WHEREAS, UCF Regent Park, LLC, 745 Boylston Street, Suite 502, Boston, Massachusetts 02116 (the "Licensee") owns property at 14 University Place, Port Chester, also known as Section 136.61, Block 1, and Lot 27 on the Tax Map of the Town of Rye; and

WHEREAS, there exists a three (3) foot post and rail perimeter fence adjacent to the public sidewalk minimally encroaching onto the Village right-of-way along North Regent Street, Columbus Avenue, and University Place; and

WHEREAS, such fencing was constructed as part of the Licensee's substantial financial investment in making necessary site improvements; and

WHEREAS, the owner obtained conditional site plan approval on July 27, 2015 from the Planning Commission subject to, among other things, obtaining a revocable license agreement from the Board of Trustees to permit the encroachment into the Village's right-of-way; and

WHEREAS, the Board of Trustees finds that the fence provides aesthetic appeal and a uniform streetscape preserving the residential character of the area in accordance with the Village's Comprehensive Plan. Now therefore be it

RESOLVED, that the Village Manager be and is hereby authorized to enter into a revocable license agreement with UCF Regent Park, LLC, 745 Boylston Street, Suite 502, Boston, Massachusetts 02116, permitting the owner to maintain a perimeter fence minimally encroaching the Village right-of-way in the form annexed hereto.

Approved as to Form:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustees Brakewood.

DATE: August 3, 2015

UPDATE FROM THE BUILDING INSPECTOR



**Building Department
-and-
Code Enforcement
Fiscal Report
Amnesty Program Update
Illegal Dwelling Update**

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Prior Board Question

What is the percentage comparison of permits and certificate of occupancies issued to commercial vs. residential properties?

In the June monthly report, it included a sample of building permits and certificate of occupancies issued during the calendar year January 2014 through December 2014.

Residential:	70%
Commercial:	24%
Mixed Occupancies:	6%

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Comparison of Residential vs. Commercial Permits and CO's

A comparison of all permits and certificate of occupancies issued from January 2011 through May 2015 combined resulted in similar percentages to the sample.

Residential:	67%
Commercial:	26%
Mixed Occupancies:	7%

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Building Department Fiscal Comparison

Fiscal 6/2013 through 5/2014

Total Permits Issued:	1,599
Certificate of Occupancies:	335
Consultations:	1,833
Inspections:	1,297
Stop Work Orders:	70

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Building Department Fiscal Comparison

Fiscal 6/2014 through 5/2015

Total Permits Issued:	1,828 (14.5% increase)
Certificate of Occupancies:	405 (21% increase)
Consultations:	1,699 (-7% decrease)
Inspections:	1,793 (38.5% increase)
Stop Work Orders:	51 (28% decrease)
	<u>a 46% decrease since 2013</u>

Revenues remain strong.

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Building Department

Amnesty Report Update 2015



Building Department Annual Report

Amnesty Progress Report 2015

Total Amnesty Applications Submitted:	766
Amnesty Reports Completed:	753
Percentage of Amnesty Reports Complete:	98%
Amnesty Consultations Completed:	502

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Building Department Annual Report

Amnesty Progress Report 2015

Permit Amnesty Program Started in October 2012

Total applications received: **766**, this represents **14%** of all tax parcels located in the Village of Port Chester.

Applications received by year

2012: 155
2013: **405**-peaked
2014: 167
2015: **39**

The majority of the 39 are by real estate brokers on behalf of their clients.

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Building Department
Annual Report

Amnesty Progress Report 2015

Conducted an analysis on the average value (construction costs) of all permits issued from 2011 through May 2015 less permits with a value of 1 million or more.

Average value(s) of a permit issued

- 2011: \$30,372
- 2012: \$29,879 “Amnesty started in October 2012”
- 2013: \$22,759
- 2014: \$23,782
- 2015: \$23,079

Since the start of amnesty, the average value (cost of construction, what a permit fee is based on) has dropped approximately \$7,000.



Building Department
Annual Report

Amnesty Progress Report 2015

To quantify the investment that the Village has made, an updated analysis of the Amnesty Permit program was conducted of all the Village costs associated with obtaining a CO.

Without Amnesty:	\$2,019.56
With Amnesty:	\$571.21
Average savings:	\$1,448.36

The Village would have collected **\$1,495,575** in permit/co fees without amnesty.

With Amnesty, the Village will collect a total of **\$422,600.00**

The total combined amount applicants will save as an Amnesty participant is **\$1,072,975.00**



Code Enforcement

Overcrowding/ Illegal Dwelling Update

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Overcrowding & Illegal Dwelling Update 2015

Total Unlawful Occupancies Discovered (2015): 193

Total Properties Affected: 90

Unlawful Occupancy Breakdown is as Follows

1. Unlawful Basement Occupancies: 34
2. Unlawful Attic Occupancies: 23
3. Single Room Occupancy (SRO's): 80
4. Additional Dwelling Units: 56

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Overcrowding & Illegal Dwelling 2015

2015 OC/IDW Distribution by Use

1 & 2 Family:	(46) Represents: 51%
Multiple Dwelling (3 or more):	(38) Represents: 42%
Mixed Use:	(6) Represents: 7%

2015 Compliance Obtained

Full Compliance Achieved:	18.9%
Compliance in Process:	12.2%
No Compliance to Date:	68.9%
Overall compliance 2012-2014:	51%

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Overcrowding & Illegal Dwelling Update 2015

Total Unlawful Occupancies Discovered 2011-2015: 1602

Total # of Properties Contributing to illegal occupancies: 880
(16% of all the properties in PC contain at least 1 illegal occupancy)

Unlawful Occupancy Breakdown

2012-2015

1. Unlawful Basement Occupancies: 349
2. Unlawful Attic Occupancies: 153
3. Single Room Occupancies (SRO's): 304
4. Additional Dwelling Units Added: 491
5. Total Overcrowded/Illegal DW 2012: 305

84 Illegal occupancies were discovered during the Amnesty Program

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Code Enforcement Fiscal Comparison

Fiscal 6-2013 through 5-2014

Complaints:	1869
Inspections Performed:	3832
Notice of Violations Issued:	883
Court Appearance Tickets Issued:	93

Fiscal 6-2014 through 5-2015

Complaints:	2092	(11% increase)
Inspections Performed:	4898	(22% increase)
Notice of Violations Issued:	781	(10% decrease)
Court Appearance Tickets Issued:	85	(1% decrease)

only 4% of the complaints result in a court appearance ticket

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Fire Safety Fiscal Comparison

Fiscal 6-2013 through 5-2014

Revenues:	<u>\$126,970</u>
Inspections Performed:	1841
Notice of Violations Issued:	636
Court Appearance Tickets Issued:	88

Fiscal 6-2014 through 5-2015

Revenues:	<u>\$233,803</u>	(80% increase)
Inspections Performed:	1931	(5% increase)
Notice of Violations Issued:	497	(25% result in an NOV a 10% decrease)
Court Appearance Tickets Issued:	35	(2% of the inspections resulted in an court appearance ticket, down 2%)

The majority of revenues are generated by applications to conduct the state mandated fire inspection.

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Fire Safety Application Comparison

Fiscal 6-2013 through 5-2014

Reminder Letters are sent out (30 days in advance)	617
Notice of Violations are issued in (approx 60-90 days after expiration)	
Failure to respond resulting in an NOV:	276
(44%) result in the issuance of an NOV	

Fiscal 6-2014 through 5-2015

Reminder Letters sent out:	1092 (44% increase)
Notice of Violations Issued for failure to respond:	351
(37%) result in the issuance of an NOV	

Most applicants respond to the reminder notice. Those that fail to respond, receive an NOV. The process for those that fail to respond to the initial reminder notice results in a 4-5 month lag. Response to the program has increased resulting in a 7% decrease in NOV's.

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Building Department Annual Report

Current Projects

The Building Department is currently collaborating with the tax assessors office. The building department recently completed a comprehensive analysis of all permits issued since 2011 and compared prior uses (prior to 2011) to approved uses. All discrepancies were reported to the tax assessor as well as a copy of all permits that were issued during that time period. Included in the analysis is the value of the improvements.

The Building Department also recently completed an analysis of all open permits from 2011 and send reminder notices and renewal applications to all. All property files received a copy of the renewal notice.

The building department created a spread sheet complete with a comprehensive analysis of all the amnesty applicants and where they are in the process. Those applicants that are close to expiring or who have not had a consultation will be sent a reminder notice

Post scanning and analyzing files for accuracy continues daily.

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DISCUSSIONS

Dog Park. Village Manager Steers gave an update. The fencing bid was awarded for the fencing to Central Industries. Total cost is approximately \$74,000. The contract has been sent to the vendor. It should take three weeks and be completed by Labor Day.

Dina Goren commented that the group is beyond thrilled and we are glad we have gotten through this difficult process. The goal was to establish a dog park and fund raise and work with the Village. We were sad that the cost was more than we hoped. The group didn't understand the bidding process.

Westchester County Department of Environmental Facilities IMA.

Village Manager Steers commented on the storm water excess infiltration inflow. We are exceeding the 150 gallons per day per capita based on the existing census. We are bound to comply with the IMA. We are meeting with the County again on August 13th to discuss specific issues.

CORRESPONDENCES

From Andrea Winchester re Block Party on Linden Street.

The Board referred the correspondence to staff without objection.

From Howie Ravikoff re Sewer Rent Law Review.

The Board referred the correspondence to staff without objection.

From Janusz R. Richards resigning as Village Clerk effective August 29, 2015.

The Board duly noted the correspondence.

From Bart Didden interesting in filling the open IDA seat.

The Board duly noted the correspondence.

From Columbus Day Celebration Committee re participation in the parade and use of the show mobile on October 11, 2015.

The Board referred the correspondence to staff without objection.

From Columbus Day Celebration Committee requesting financial assistance for this year's parade.

The Board referred the correspondence to staff without objection.

From Lisa Dileo regarding 'Block Party Request'

The Board referred the correspondence to staff without objection.

From Vladimir Molina regarding a request to sponsor our 4th Annual Bolivian Parade on August 30, 2015 in the Village of Port Chester.

The Board referred the correspondence to staff without objection.

MINUTES

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the minutes of April 6, 2015 at 3:00 PM.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino and Adams.

NOES: None.

RECUSE: Mayor Pilla.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, The Board of Trustees accepted the minutes of April 6, 2015 at 7:00 PM.

ROLL CALL

AYES: Trustees Adams, Brakewood, Terenzi, Kenner, Marino and Ceccarelli.

NOES: None.

RECUSE: Mayor Pilla.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE TERENCE, seconded by TRUSTEE MARINO, The Board of Trustees accepted the minutes of April 7, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, The Board of Trustees accepted the minutes of April 13, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the minutes of April 14, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE MARINO, seconded by TRUSTEE ADAMS, The Board of Trustees accepted the minutes of April 16, 2015.

ROLL CALL

AYES: Trustees, Kenner, Adams and Mayor Pilla.

NOES: None.

RECUSE: Trustee Terenzi, Ceccarelli and Marino.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE MARINO, The Board of Trustees accepted the minutes of April 20, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE Ceccarelli, seconded by TRUSTEE MARINO, The Board of Trustees accepted the minutes of April 21, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, The Board of Trustees accepted the minutes of April 28, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

On motion of TRUSTEE TERENZI, seconded by TRUSTEE MARINO, The Board of Trustees accepted the minutes of April 29, 2015.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

RECUSE: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

PUBLIC COMMENTS AND BOARD COMMENTS

Mayor Pilla asked if there was anyone from the audience who would like to make any public comments.

Comments were made by:

Public

Ms. Dina Goren commented that the dog park group is still selling fence dedications.

Ms. Linda Turturino commented this Friday is the last concert for the season at Lyon Park. Saturday, August 29th is Port Chester Day. We have two more concerts downtown, the 2nd and 3rd Wednesdays in August.

Board

Trustee Terenzi expressed his condolences to the family on the passing of Anthony Summa.

Trustee Ceccarelli commented on the New Rochelle LAZ parking. Chris Ameigh will follow up. The Peruvian festival was very nice. The marina problems mentioned at the last meeting were fixed immediately. He commented on the good work of Janusz Richards and thanked him for his service..

Trustee Adams commented this Saturday is Unity Day at Columbus Park. He thanked Village Clerk Richards for his service.

Mayor Pilla commented on the good service of Janusz Richards. He thanked the Village staff for their good work and long hours.

MOTION FOR EXECUTIVE SESSION

At 10:23 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the Board adjourned into an executive session to discuss particular personnel in the Village Clerks Office.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

Also present were: Village Manager, Christopher Steers and Village Attorney, Anthony Cerreto.

No action was taken in executive session.

At 10:33 p.m., a motion to come out of executive session was made by TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the Board of Trustees closed the executive session.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

At 10:34 p.m., on motion of TRUSTEE ADAMS, seconded by TRUSTEE CECCARELLI, the meeting was closed.

ROLL CALL

AYES: Trustees, Terenzi, Kenner, Ceccarelli, Marino, Adams and Mayor Pilla.

NOES: None.

ABSENT: Trustee Brakewood.

DATE: August 3, 2015.

Respectfully submitted,

Janusz R. Richards
Village Clerk