

## **MEETING HELD APRIL 15, 2013**

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, April 15, 2013 at 7:00 P.M., in the Court Room of the Police Headquarters Building, 350 North Main Street, Port Chester, New York, with Mayor Neil Pagano presiding.

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

It should be noted that Trustee Saverio Terenzi was absent.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Director of Planning and Development Christopher Gomez; Police Chief, Joseph Krzeminski; Administrative Aide, Christopher Ameigh and Village Planner, Jessica Youngblood.

On motion of Trustee Kenner, seconded by Trustee Marino, the meeting was declared opened at 7:00 p.m.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**

*Public Hearing to consider the Carver Center, 400 Westchester Avenue, Special Exception Use Application.*

The following Public Notices were duly published in the Journal News and the Westmore News on February 1, 2013 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

### PUBLIC NOTICE

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 15, 2013, at 7:00 P.M., at the Police Station/Justice Courtroom second floor, 350 North Main Street, Port Chester, New York, to consider public comment on the proposed special exception use application made by the Carver Center, 400 Westchester Avenue, to operate a membership club, fraternal organization or similar social institution not operated for a profit.

Interested persons will be afforded the opportunity to be heard at this time.

Janusz R. Richards  
Village Clerk

Dated: March 26, 2013

On motion of Trustee Ceccarelli, seconded by Trustee Adams, the public hearing was declared open.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Mr. Richards stated that the public hearing was duly noticed as required by law.

Mr. Gary Gianfrancesco of Arconics Architecture, P.C. spoke regarding the proposed construction for a rear handicap accessible entrance to the Carver Center facility.

Mayor Pagano asked if anyone from the public would like to comment on the proposed special exception use for the Carver Center.

Ms. Goldie Solomon commented that the Carver Center needs a handicap ramp.

Ms. Bea Conetta commented that the Carver Center needs a handicap ramp and the Board should pass the application.

Trustee Brakewood commented that the Carver Center does need to have a handicap accessible ramp.

On motion of Trustee Brakewood, seconded by Trustee Kenner, the public hearing was declared closed.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

On motion of Trustee Brakewood, seconded by Trustee Kenner, the Board asked the Village Attorney to prepare a resolution for the Carver Center special exception use:

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**

### ***Public Hearing to consider a proposal to locate a Port Chester Dog Park in Abendroth Park***

The following Public Notices were duly published in the Journal News and the Westmore News on February 1, 2013 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

#### **PUBLIC NOTICE**

PUBLIC NOTICE is hereby given that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 15, 2013 at 7:00 P.M., in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a proposal to locate a Port Chester Dog Park, to be operated by the Village of Port Chester, in Abendroth Park.

Interested persons are invited to attend. The presentation made by Port Chester Dog Park Group is available at the Village Clerk's office or online at the Village website [www.portchesterny.com](http://www.portchesterny.com)

JANUSZ R. RICHARDS  
Village Clerk

Dated: April 2, 2013

On motion of Trustee Brakewood, seconded by Trustee Marino, the public hearing was declared open.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano  
NOES:  
ABSENT: Trustee Terenzi

Mr. Richards stated that the public hearing was duly noticed as required by law.

Ms. Dina Goren read a statement on behalf of the Port Chester Dog Park Group.

Mr. Joe Langworth of Touraine Avenue commented and asked questions on the following issues: enforcement of park cleanup; monitoring who uses the dog park and if there will be a monitor on duty; safety of children and residents; pavilion parking; dog barking in the evening and property value for homes near the park.

Mr. Terranova commented about the use of the park and pavilion parking.

Ms. Goren commented and answered the questions that were asked by residents and the public.

Mr. Ceruzzi commented that the dog park should only be for Port Chester residents and they should have the dog park as a pilot program first to see if the dog park program works.

Mr. Edgar Salcedo of Touraine Avenue commented that he is not in favor of the dog park. Mr. Salcedo commented about dog fights, dog feces, parking and park maintenance.

Ms. Deidra Curran commented that she is in favor of the dog park and thinks the program will work with responsible dog owners.

Ms. Linda Turturino of Birch Street commented that the responsible dog owners will police the dog park.

Trustee Brakewood commented that this is an excellent public hearing and thinks the dog park will help the problems that already exist in the park.

Trustee Kenner commented his concerns about the maintenance for the dog park and liability issues.

Mayor Pagano asked staff to work out the details with Ms. Goren and to have a resolution prepared for the May 6, 2013 meeting.

On motion of Trustee Adams, seconded by Trustee Marino, the public hearing was declared closed.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

## **AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION**

### ***Public Hearing for the purpose of considering and discussing such tentative budget for FY 2013-2014***

The following Public Notices were duly published in the Journal News and the Westmore News on February 1, 2013 certified by Cecilia Hernandez, Principal Clerk of the Journal News and Angelina Brescia, Office Manager of the Westmore News.

VILLAGE OF PORT CHESTER

### **NOTICE OF BUDGET PUBLIC HEARING**

PLEASE TAKE NOTICE, that pursuant to Section 5-508 of the Village Law, a Tentative Budget showing the revenue and expenditures for the fiscal year of the Village

of Port Chester, New York, commencing June 1, 2013, was filed with the Clerk of said Village.

PLEASE TAKE NOTICE, that a public hearing will be held by the Board of Trustees of said Village on Monday, April 15, 2013 at 7:00 p.m. with the hearing to be held in the Village Justice Courtroom, 350 North Main Street, Port Chester, New York for the purpose of considering and discussing such tentative budget. A copy of such Tentative Budget is available at the office of the Clerk, where it may be inspected by any interested person during office hours or online at [www.portchesterny.com](http://www.portchesterny.com)

Said Tentative Budget includes compensation for the Mayor of \$12,633.00 per annum and for the Trustees of \$5,200.00 per annum.

PLEASE TAKE NOTICE, that at said public hearing all persons are invited to attend and provide the Board with written and oral comments and ask questions concerning the Village's Tentative Budget.

BY ORDER OF THE BOARD OF TRUSTEES  
OF THE VILLAGE OF PORT CHESTER, NEW YORK

Janusz R. Richards  
Village Clerk

Dated: April 1, 2013

On motion of Trustee Adams, seconded by Trustee Brakewood, the public hearing was declared open.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Mr. Richards stated that the public hearing was duly noticed as required by law.

Ms. Goldie Solomon commented about the many residents who are struggling to pay their bills and she also commented about the Police, Fire and EMT departments.

Mr. Steers and Ms. Douglas presented to the Board a summary and recommendation of the tentative budget for fiscal year 2013-2014.

Mr. Giangrande commented regarding the parking meter fees.

Mr. Abel also commented regarding the parking meter time and fees.

Mr. Ceruzzi commented that there should also be budget cuts.

Ms. Conetta also commented that there should also be budget cuts.

Mr. Steers commented to the public that the tentative budget has been cut significantly.

On motion of Trustee Adams, seconded by Trustee Brakewood, the public hearing was declared closed.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

**WORK SESSION**

***Budgetary legislative work-session for Library budget and revenue enhancements.***

Ms. Lisa Simon, Treasurer of the Library introduced to the Board some of the Library Board members and staff that were present at the meeting. Ms. Simon presented to the Board the tentative Library budget.

The Board along with staff discussed the tentative Library budget and revenue enhancements.

**Work Session Resolutions**

Resolution 1A

ADJUSTMENT TO PARKING METER HOUR RATES

On motion of TRUSTEE CECCARELLI, seconded by TRUSTEE MARINO, the following resolution was **postponed to April 29, 2013** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, parking meter hour rates are established in Chapter 175, Fees, which may be adjusted by resolution of the Board of Trustees; and

WHEREAS, the Village Manager has provided the Board of Trustees his Tentative Budget for FY 2013-2014; and

WHEREAS, as part of this submission, the Manager suggested certain revenue enhancements, including an adjustment to parking meter hour rates. Now, therefore, be it

RESOLVED, that Chapter 175 Fees, is hereby amended to read as follows:

Parking meter zones

	<u>Section</u>	<u>Rate</u>
2-hour limit	319-87A	\$0.25 for each [20] <u>15</u> minutes
12-hour limit	319-87B	\$0.25 for each [20] <u>15</u> minutes
Parking lots	319-87C	
Parking Lot No. 1		
12-hour limit		\$0.25 for each [20] <u>15</u> minutes, up to a maximum of [\$5] <u>\$6.25</u> .
Parking Lot No. 4		
2-hour limit		\$0.25 for each [20] <u>15</u> minutes
12-hour limit		\$0.25 for each [20] <u>15</u> minutes, up to a maximum of [\$5] <u>\$6.25</u>
[12-hour limit		\$0.25 for each 30 minutes, up to a maximum of \$3 (except decal-only spaces]
Parking Lot No. 11		
2-hour limit		\$0.25 for each [20] <u>15</u> minutes
[South side of Highland Street From North Main Street to Abendroth Avenue		\$0.25 for each 20 minutes,, up to a maximum of \$5]
Parking Lot No. 12		
2-hour limit		\$0.25 for each [20] <u>15</u> minutes
Parking Lot No. 13		
2-hour limit		\$0.25 for each [20] <u>15</u> minutes
12-hour limit		\$0.25 for each [20] <u>15</u> minutes Up to a maximum of [\$5] <u>\$6.25</u>
Parking Lot No. 16		
2 hour limit	319-87C	\$0.25 for each [20] <u>15</u> minutes
Parking Lot No. 17		
2-hour limit	319-87C	\$0.25 for each [20] <u>15</u> minutes
Parking meter cover per day, per cover	<b>319-34B</b>	Single [\$5] \$6.25 Double [\$10.00] \$12.50

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**Resolutions 1B, 1C, 1D, 1E and 1F combined as a group**

Trustee Marino made a motion to combine resolutions 1B, 1C, 1D, 1E and 1F, of the agenda for the purpose of casting one vote for all five resolutions by the Board of Trustees of the Village of Port Chester, New York. The motion was seconded by Trustee Kenner:

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

On a motion by Trustee Ceccarelli, seconded by Trustee Kenner the following resolutions 1B, 1C, 1D, 1E and 1F were adopted as a group.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**RESOLUTION 1B  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING CHAPTER 319 OF THE CODE OF THE VILLAGE  
OF PORT CHESTER WITH REGARD TO INCREASING THE HOURS OF  
PARKING METER OPERATION**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 29, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a



Local Law amending CHAPTER 319 of the Code of the Village of Port Chester with regard to increasing the hours of parking meter operation.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**RESOLUTION 1C  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING CHAPTER 345 OF THE CODE OF THE VILLAGE  
OF PORT CHESTER WITH REGARD TO SUBMISSION PROCEDURES FOR  
SITE PLANS**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 29, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 345 of the Code of the Village of Port Chester with regard to submission procedures for site plans.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**RESOLUTION 1D  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING CHAPTER 345 OF THE CODE OF THE VILLAGE  
OF PORT CHESTER WITH REGARD TO REIMBURSEMENT OF  
PROFESSIONAL FEES**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 29, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 345 of the Code of the Village of Port Chester with regard to reimbursement of professional fees.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**RESOLUTION 1E  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING THE CODE OF THE VILLAGE OF PORT  
CHESTER, CHAPTER 175, WITH REGARD TO NEW PLANNING AND  
ZONING FEES**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 29, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending the code of the Village of Port Chester, CHAPTER 175, with regard to new planning and zoning fees.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**RESOLUTION 1F  
SET PUBLIC HEARING  
A LOCAL LAW AMENDING CHAPTER 332 AND CHAPTER 175 OF THE  
CODE OF THE VILLAGE OF PORT CHESTER WITH REGARD TO THE FEES  
FOR WATERFRONT CONSISTENCY REVIEW**

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

RESOLVED, that the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday, April 29, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider a Local Law amending CHAPTER 332 and CHAPTER 175 of the code of the Village of Port Chester with regard to the fees for Waterfront Consistency Review.

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

Resolution 1G

ADJUSTMENT TO BUILDING DEPARTMENT FEES

On motion of TRUSTEE MARINO, seconded by TRUSTEE CECCARELLI, the following resolution was **postponed to April 16, 2013** by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, Building Department Fees are established in Chapter 175, Fees, which may be adjusted by resolution of the Board of Trustees; and

WHEREAS, the Village Manager has provided the Board of Trustees his Tentative Budget for FY 2013-2014; and

WHEREAS, as part of this submission, the Manager suggested certain revenue enhancements, including an adjustment to Building Department Fees. Now, therefore, be it

RESOLVED, that Chapter 175 Fees, is hereby amended to read as follows:

<u>Fee Type</u>	<u>Section</u>	<u>Fee</u>
<b>Architectural Board</b>		
<b>Construction</b>	9-4	
One- and two-family dwellings		\$50.00
All other uses		\$100.00
<b>Signs</b>	9-7	<del>[\$40.00]</del> <u>\$50.00</u>
<b>Sign installation</b>		<del>[\$25.00]</del> <u>\$100.00</u>
<b>Building and fire prevention</b>		
<b>Building permits</b>	151-6	
Construction costs		
Residential		\$75.00
Commercial		\$100.00
Over \$1,000,000 construction cost residential		\$150.00

Over \$1,000,000 construction cost commercial	\$250.00
Each additional \$1,000 or part thereof, per \$1,000	\$12.00
Amendments to permit	
Residential	<del>[\$75.00]</del> <u>\$100.00</u>
Commercial	<del>[\$100.00]</del> <u>\$150.00</u>
<b>Certificate of occupancy</b>	
Residential	
1- and 2-family dwellings	<del>[\$50.00]</del> <u>\$100.00</u>
Multiple-family dwelling (3 or more dwelling units)	\$200.00
Nonresidential	<del>[\$200]</del> <u>\$300.00</u>
Change in nature of occupancy (commercial tenancy only)	\$125.00
<b>Temporary certificate of occupancy</b>	
Residential (1- and 2-family dwellings)	
First 60 days	\$100.00
Each additional 30 days	<del>[\$50.00]</del> <u>\$100.00</u>
Multifamily	
First 60 days	<del>[\$150.00]</del> <u>\$200.00</u>
Each additional 30 days	<del>[\$75.00]</del> <u>\$150.00</u>
Plus	<del>[\$10.00]</del> <u>\$15.00</u> per unit 6 or more
Commercial	
First 60 days	<del>[\$25.00]</del> <u>\$300.00</u>
Each additional 30 days	<del>[\$75.00]</del> <u>\$150.00</u>
<b>Applications for extensions</b>	
Alteration and repair and building permits	
Residential	\$175.00

Multifamily	\$200.00, plus \$10.00 each unit 6 or more
Commercial	\$300.00
<b>Fire sprinkler permits</b>	
Residential (1- and 2-family dwellings)	\$150.00
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$12.00</u>
Multifamily	
First 24 heads	\$200.00
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$15.00</u>
[25 to 99 heads] <u>Above 24 heads</u>	\$100.00
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$12.00</u>
[About 100 heads]	[\$150.00]
Commercial	
First 24 heads	[\$200.00] <u>\$300.00</u>
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$15.00</u>
[25 to 99 heads] <u>Above 24 heads</u>	\$100.00
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$12.00</u>
[Above 100 heads]	[\$150.00]
<b>Fire sprinkler permits - Alterations or repairs to existing systems</b>	
Residential	[\$75.00] <u>\$150.00</u>
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$15.00</u>
Multifamily	<u>\$250.00</u>
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$17.00</u>
[First 24 heads]	[\$150.00]

[25 to 99 heads]	[\$100.00]
Commercial	<u>\$250.00</u>
<u>Each additional \$1,000 or part thereof, per \$1,000</u>	<u>\$17.00</u>
[First 24 heads]	[\$150.00]
[25 to 99 heads]	[\$100.00]
[Above 100 heads]	[\$150.00]
[Above 100 heads]	[\$150.00]
<b>HVAC permits</b>	
Residential	\$100.00 for the first \$10,000; \$5.00 per \$1,000
Multifamily	\$200.00 for the first \$10,000; \$5.00 per \$1,000
Commercial	\$25.00 for the first \$10,000; \$5.00 per \$1,000
<b>Plumbing permit fees</b>	
1 to 5 fixtures, minimum fee	[\$50.00] <u>\$100.00</u>
Each additional fixture over 5, per fixture	[\$5.00] <u>\$10.00</u>
Testing gas meters	
First meter	[\$24.00] <u>\$50.00</u>
Each additional meter	[\$15.00] <u>\$25.00</u>
Return for retesting of gas meter, per meter	[\$25.00] <u>\$50.00</u>
<b>Electrical permit fees</b>	
Work cost	
\$0 to \$10,000	[\$50.00] <u>\$100.00</u>
\$10,001 to \$100,000	[\$100.00] <u>\$150.00</u>
\$100,001 and up	[\$200.00] <u>\$250.00</u>
<b>Demolition work</b>	
Work cost	
\$0 to \$1,000	\$250.00

Each additional \$1,000		\$15.00
<b>Interior demolition work</b>		\$100.00, plus \$10.00 per \$100.00
<b>Any application for an extension made to the Board of Trustees, Zoning Board of Appeals, Planning Commission or Building Inspector</b>		[\$150.00] <u>\$300.00</u>
<b>Administrative fee where work has been commenced without the requisite having been obtained</b>		\$250.00 or 3 times the permit fee, as set out above, whichever is greater
<b>Other permits</b>	151-7	
Tanks (new and replacements)		[\$30.00] <u>\$50.00</u>
Sale or storage of explosives		\$50.00
Installation or test of oil burner		\$30.00
Storage and sale of small arms ammunition		\$80.00
Fireworks display and discharge		\$150.00
Tents		\$150.00
Blasting (per job)		\$80.00
Copies of fire reports		\$10.00
Transport of explosives		\$50.00
Storage or handling of any catalytic agent necessary for the manufacture of plastic materials		\$40.00
Retailer, jobber or wholesaler storing or handling more than 25 pounds of cellulose nitrate plastics (pyroxylin)		\$40.00
<b>Inspection program</b>	151-7.2	
Each regular inspection		\$100.00
Each reinspection		[\$25.00] <u>\$50.00</u>
<b>Building permit administrative fee where there is an outstanding stop-work order</b>	151-9B(3)	\$300 or 3 times the permit fee, whichever is greater
<b>Fire safety and property maintenance inspection program</b>	151-11	



Multiple dwellings

3 units	\$100
4 to 20 units	\$150
21 to 40 units	\$200
41 to 60 units	\$250
61 or more units	\$300

Places of public assembly

Up to 99 occupants	<del>[\$150]</del> <u>\$200.00</u>
99 occupants or more	<del>[\$250]</del> <u>\$300.00</u>

Nonresidential properties

Up to 9,999 square feet	\$150
10,000 to 50,000 square feet	\$250
51,000 square feet or more	\$350
First reinspection	<del>[\$25]</del> <u>\$50.00</u>
Each additional reinspection	<del>[\$35]</del> <u>\$75.00</u>

**Obstructions**

283-21

Initial permit (roll-off box)	\$5
Additionally, per day or fraction thereof	\$20
Other, (scaffolding, barriers) per foot	\$10

**ROLL CALL**

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

RESOLUTION 1H

PETITION TO NEW YORK STATE PUBLIC SERVICE COMMISSION WITH  
REGARD TO PROPOSED SEWER RENT PROJECT

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:

AUTHORIZING FILING OF JOINT PETITION OF THE VILLAGE  
OF PORT CHESTER AND UNITED WATER WESTCHESTER TO  
THE New York STATE PUBLIC SERVICE COMMISSION FOR  
APPROVAL TO FURTHER ADVANCE A PLAN OF  
IMPLEMENTING SEWER RENTS PURSUANT TO ARTICLE 14-F OF  
NEW YORK  
GENERAL MUNICIPAL LAW

WHEREAS, the prior Board of Trustees made it a policy priority to establish a multi-year, \$15 million capital program to comprehensively address the maintenance and reconstruction of the Village of Port Chester's sanitary sewer system; and

WHEREAS, historically, the funds to maintain the Village's sewer system have been raised through the real property tax which is not only regressive, but does not include all users of the system; and

WHEREAS, in an effort to more equitably spread the significant cost of the program, and operate the system in a more effective and efficient manner, the Board proceeded in the direction of abandoning the Village's reliance on the property tax and instead adopting a system of sewer fees whereby all property owners would be required to contribute; and

WHEREAS, Article 14-F of the New York General Municipal Law authorizes municipalities to charge annual fees for the maintenance of sanitary sewers known as sewer rents by the adoption of a local law; and

WHEREAS, although the statute accords municipalities wide latitude in establishing the formula for calculating sewer rents, water consumption is the most equitable basis and is widely used across the nation; and

WHEREAS, unlike other municipalities in Westchester County that have adopted sewer rents, the Village of Port Chester does not have its own water department but is instead served by a private water company, United Water Westchester Inc.; and

WHEREAS, last year the Village opened discussions to utilize the water company's consumption data and to outsource billing and collection services in order to cost-effectively implement a sewer rent plan; and

WHEREAS, the Board retained specialized counsel experienced in public utility law and who had represented the Village of Port Chester and neighboring municipalities in rate proceedings before the State Public Service Commission; and

WHEREAS, after extensive negotiations, the water company has submitted a proposed work plan and proposal to the Village to offer its services subject to the approval of the New York Public Service Commission to the extent required by law; and

WHEREAS, if consummated between the parties, the proposed relationship would be the first such public-private partnership in New York State.

RESOLVED, that special counsel, Joel Dichter, Esq. Dichter Law Firm, be and is hereby authorized to file a Joint Petition with United Water Westchester Inc. on behalf of the Village of Port Chester and United Water Westchester, Inc. for approval of the use of United Water-Westchester water consumption data for its customers in order to compute and bill charges for sewer rents adopted by the Village of Port Chester pursuant to the General Municipal Law; and be it further

RESOLVED, that counsel further be authorized to negotiate and finalize an agreement with United Water Westchester, Inc., subject to approval by the Board of Trustees.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

## **PUBLIC COMMENTS**

Ms. Conetta congratulated Mayor Pagano, Trustee Adams and Trustee Ceccarelli. Ms. Conetta commented regarding the role of the Board of Trustees, code enforcement and illegal apartments in the village.

Mr. Ceruzzi commented regarding traffic congestion on Putnam Avenue, illegal parking, certificate of occupancy and the amnesty program.

Mr. Abel commented regarding the sewer rent project.

## **RESOLUTIONS**

### RESOLUTION

#### AUTHORIZING JUDICIAL INTERVENTION TO ADDRESS NUISANCE CONDITIONS AT 48 IRENHYL AVENUE AND 169 FAIRVIEW AVENUE

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

WHEREAS, the houses at 48 Irenhyl Avenue and 169 Fairview Avenue have been vacant for some time and the properties are in a state of disrepair; and

WHEREAS, these properties has been the subject of repeated complaint by the surrounding neighbors; and

WHEREAS, the current situation is untenable and is nothing less than a public nuisance that must be abated by court action if necessary. Now, therefore, be it

RESOLVED, the Village Attorney is hereby authorized to seek judicial intervention to remedy the nuisance conditions at 48 Irenhyl Avenue and 169 Fairview Avenue, Port Chester, by the commencement of a special proceeding in the Supreme Court, Westchester County.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

#### ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

RESOLUTION  
AGREEMENT  
BRONX UMPIRES ALLIANCE  
FOR ADULT SOFTBALL LEAGUE 2013 SEASON

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:

RESOLVED, that the Village Manager is authorized to enter into an agreement with the Bronx Umpires Alliance, 60 Topland Road, White Plains, New York 10605 to provide umpiring services for the Village of Port Chester Recreation Department Adult Softball League for the 2013 Season at a fee of \$40.00 per umpire for two-umpire games and \$55 per umpire for single-umpire games.

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

RESOLUTION  
BUDGET AMENDMENT – DEA FUNDS TO PURCHASE  
RICOH PRINTER, RICI FINGER PRINGING SYSTEM & DELL PRECISION  
COMPUTERS

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

WHEREAS, the Police Chief recommended the use of DEA Funds for these items and that it is a proper use of such funds to purchase the following items:

1. To replace the existing color printer that served the Detective Division for thirteen years with a Ricoh Aficio MP C3002 Printer, copier, fax & scanner for **\$7,112.00** from Ricoh USA, 2500 Westchester Avenue, Purchase, NY 10577, GSA Contract-GS-03F-0085U, and
2. To replace the existing thirteen year old finger printing system with a new RICI System for **\$20,096** from Comnetix, Inc., 2872 Bristol Circle, Suite 100, Oakville, Ontario, Canada, L6H 6G4, NYS contract PT63109, and
3. Two (2) Mobile Precision M6600 (22-0379) Computers @ \$1,266.53 each (Total **\$2,533.06**) from Dell Computer, JC Otero, Account Manager, Dell Public Sales – North East, NYS contract PT 65340. 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 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:

001-001-0695	Deferred Revenue DEA	\$(29,741.06)
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Revenues:

001-0001-2613	Use of Deferred DEA Funds	\$29,741.06
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Appropriations:

001-3120-0200	Police Equipment	\$29,741.06
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ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

RESOLUTION

BUDGET AMENDMENT – USE OF DEA FUNDS & DETMER DONATION  
TO PURCHASE POLICE EMERGENCY VEHICLE RETRO-FIT WITH CUSTOM  
SPECIALTY EQUIPMENT STORAGE

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

WHEREAS, \$25,000 was donated to the Police Department by Christine Detmer of Greenwich, Connecticut, in two payments of \$5,000 and \$20,000 in FY 2006-07 for a K-9 Unit, and

WHEREAS, said funds were being held in the Trust & Agency Fund, and

WHEREAS, Christine Detmer has since died; and

WHEREAS, on August 19, 2010, the executrix and sole beneficiary of the Estate has requested that the use of such funds be re-designated so as to confirm Ms. Ditmer's intentions that her donation be used to defray the cost of the current needs of the Police Department; and

WHEREAS, the Police Chief has recommended that the donation be used together with a transfer of DEA funds so as to acquire and retrofit an emergency vehicle; and

WHEREAS, the Chief has advised that such a transfer is a proper use of such DEA funds. Now, therefore, be it

RESOLVED, that the Board of Trustees hereby authorizes the Village Treasurer to make payment for the purchase of an emergency vehicle and equipment as follows:

1. One (1) 2013 Chevrolet Tahoe 4WD for \$32,656.60, NYS Contract PC65854 from Hoselton Chevrolet, Inc., 909 Fairport Road, East Rochester, NY 14445, and
2. One (1) WLC1-24 Rockland Cabinet-Weapons/Command Center/Storage from Rockland Custom Cabinets, 140 Broadhollow Road, Farmingdale, NY 11735, and be it further

RESOLVED, that to accomplish same, the Board accepts the gift of Christine Detmer in the amount of \$25,000; and be it further

RESOLVED, that the Village Treasurer is further authorized to transfer the said sum from the Trust & Agency Fund and modify the 2012-13 General Fund Budget as follows:

GENERAL FUND

Balance Sheet:		
001-001-0695	Deferred Revenue DEA	\$(11,413.98)
Revenues:		
001-0001-2613	Use of Deferred DEA Funds	\$11,413.98
001-0001-2705	Gifts & Donation	\$25,000.00
Appropriations:		
001-3120-0203	Police Vehicle	\$32,656.60
001-3120-0200	Police Equipment	\$3,757.38

APPROVED AS TO FORM:

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Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano  
 NOES:  
 ABSENT: Trustee Terenzi

Date: April 15, 2013

RESOLUTION  
 CERTIORARI SETTLEMENT  
 PC406 BPR LLC (UNITED HOSPITAL)

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

WHEREAS, PC 406 BPR LLC (“petitioner”) filed certiorari proceedings for review of tax assessments fixed by the Town of Rye upon property located at 406 Boston Post Road, and designated as Section 141.52, Block 1, Lot 2, on the Tax Assessment Map of the Village of Port Chester; and

WHEREAS, the Town of Rye retained specialized tax certiorari counsel to defend this matter; and

WHEREAS, these proceedings were on the trial calendar in the Westchester Supreme Court; and

WHEREAS, after several pre-trial conferences with the Court, extensive negotiations between counsel and consultations by the Town of Rye with the affected taxing jurisdictions, the parties have agreed to settle these proceedings; and

WHEREAS, the Village has received notice of entry of the consent judgment from petitioner’s counsel indicating that the court has signed same; and

WHEREAS, The Village Treasurer requests authorization of the Board since there are insufficient funds in the tax certiorari refund budget line to pay the refund. Now, therefore, be it

RESOLVED, that the Village Board hereby authorizes the Village Treasurer to modify the FY 2012-13 General Fund Budget by applying \$64,574.38 against current tax revenue and appropriating unassigned fund balance for the remaining \$165,261.58 so as to accomplish payment of the refund in the amount of \$229,835.96 to 406 BPR LLC, in care of its attorneys, Griffin, Coogan, Blose & Sultzer.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto

ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

**RESOLUTION  
SET PUBLIC HEARING  
TO CONSIDER AN INTERIM LOCAL LAW FURTHER MODIFYING THE  
AMNESTY PERIOD WITH REGARD TO LOCAL LAW NO. 4 OF 2012  
ESTABLISHING A PERMIT AMNESTY PROGRAM**

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 the Board of Trustees of the Village of Port Chester, New York, will hold a PUBLIC HEARING on Monday April 29, 2013, at 7:00 P.M., at the Village Justice Courtroom, 350 North Main Street, Port Chester, New York, to consider an interim local law further modifying the Amnesty period with regard to Local Law No. 4 of 2012 establishing a Permit Amnesty Program.

APPROVED AS TO FORM:

\_\_\_\_\_  
Village Attorney, Anthony Cerreto



## ROLL CALL

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Date: April 15, 2013

## **REPORT FROM THE VILLAGE CLERK**

Mr. Richards gave an update on the Board & Commission member letter and showed the Board a sample copy of the letter. Trustee Kenner asked for the Board to receive an attendance report on all current Board & Commission members.

## **DISCUSSIONS**

*To establish a Code Enforcement Task Force.*

The Board referred the discussion to another date.

*To fill the position of Chairman on the Waterfront Commission.*

The Board referred the discussion to another date.

## **CORRESPONDENCES**

*From Alex Payan requesting to be considered for appointment to the Ethics Board.*

The Board of Trustees acknowledged the correspondence from Mr. Alex Payan.

*From Jarden – Westchester Triathlon requesting permission for use of the roadways through the Village of Port Chester on Sunday September 29, 2013.*

The Board of Trustees referred the correspondence to staff.

*From Joseph Levi, Project Manager for struc'tur'al, regarding 395 Westchester Ave - Emergency Garage Repair Work.*

The Board of Trustees referred the correspondence to staff and the Traffic Commission for further discussion.

***From Council of Community Services seeking co-sponsorship of the Village of Port Chester “Port Chester Fest” and to clarify one significant error on our part as well as provide additional information.***

Due to Trustee Ceccarelli being a member of the Council of Community Services; he recused himself from the correspondence. Mayor Pagano and the Board of Trustees referred the correspondence to the April 16, 2013 meeting.

***From the Village of Mamaroneck requesting the use of Port Chester’s Showmobile for public cooperative concert with the Emelin Theater in Harbor Island Park on Sunday, July 13, 2013***

The Board of Trustees denied the correspondence and referred the denial letter to staff.

***From Rye Town Youth Football and Cheerleading, requesting permission to display an annual Fund-Raising Barbecue sign in Messina Park from May 26 to June 9, 2013.***

The Board of Trustees referred the correspondence to staff.

***From Port Chester Rye Brook Girl Scouts, requesting permission to post a 4’ x 4’ sign in Messina Park from April 13 to April 21, 2013.***

The Board of Trustees referred the correspondence to staff.

### ***Add-on Correspondence***

Trustee Marino made a motion to add on the following correspondence from Centro Cultural Bolivia, seconded by Trustee Kenner:

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

***From the Bolivian Cultural Center, requesting permission to sponsor a parade to celebrate Bolivian Culture on Sunday, August 25, 2013 at 12:30p.m.***

The Board of Trustees referred the correspondence to staff.

## **MINUTES**

***Approval of the Board of Trustees minutes of March 28, 2013 and March 29, 2013.***

On motion of Trustee Kenner, seconded by Trustee Marino, the minutes of March 28, 2013 and March 29, 2013 were adopted.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

## **PUBLIC COMMENTS AND BOARD COMMENTS**

### ***Public***

Mr. Abel commented regarding the April 16, 2013 meeting.

### ***Board***

Trustee Adams thanked everyone who voted for him. Trustee Adams asked staff if he could get a report on the parks which show the fees and permits. Trustee Adams also commented that the village should advertise about the parks.

Trustee Brakewood commented about Lyon Park and the baseball league. Trustee Brakewood also commented about the fire at 222 William Street.

Trustee Marino commented about the fire at 222 William Street.

Trustee Ceccarelli commented regarding the fire at 222 William Street and landlord issues.

## **MOTION FOR EXECUTIVE SESSION**

At 11:15 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the Board of Trustees adjourned into an executive session for consultation with Village Attorney, Village Manager and the Fire Chief regarding a particular personnel matter involving the Fire Department.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None

ABSENT: Trustee Terenzi

No action was taken in the first executive session.

At 11:44 p.m., on motion of Trustee Kenner, seconded by Trustee Ceccarelli, the executive session was closed.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES: None

ABSENT: Trustee Terenzi

At 11:45 p.m., on motion of Trustee Marino, seconded by Trustee Kenner, the meeting was closed.

Roll Call

AYES: Trustees Adams, Brakewood, Marino, Kenner, Ceccarelli and Mayor Pagano

NOES:

ABSENT: Trustee Terenzi

Respectfully submitted,

Jacqueline Johnson  
Deputy Village Clerk