

MEETING HELD AUGUST 19, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, August 19, 2013 at 6:30 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, Saverio Terenzi, Luis Marino, Joseph Kenner and Gene Ceccarelli.

Also present were Village Manager, Christopher Steers; Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas; Police Chief, Joseph Krzeminski; Assistant Building Inspector, Steve Carroll; Administrative Aide, Christopher Ameigh and Village Engineer, Dolph Rotfeld.

On motion of Trustee Adams, seconded by Trustee Marino the special meeting was declared opened at 6:30 p.m.

Roll Call

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

NOES:

ABSENT:

MEETING OF THE BOARD OF TRUSTEES IN THEIR CAPACITY AS A BOARD OF POLICE COMMISSIONERS

The Board of Trustees proposed a motion for executive session regarding a particular personnel matter.

MOTION FOR EXECUTIVE SESSION

At 6:31 p.m., on motion of Trustee Adams, seconded by Trustee Marino, the Board of Trustees adjourned into an executive to discuss a particular personnel matter.

Roll Call

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

NOES:

ABSENT:

Present in addition to the Board were Village Manager, Christopher Steers; Village Attorney, Anthony Cerreto; Village Clerk, Janusz R. Richards; Police Chief, Joseph Krzeminski and Administrative Aide, Christopher Ameigh.

No action was taken in the executive session.

At 7:03 p.m., on motion of Trustee Ceccarelli, seconded by Trustee Marino, the executive session was closed.

Roll Call

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

NOES:

ABSENT:

At 7:03 p.m., on motion of Trustee Adams, seconded by Trustee Kenner, the special meeting was declared closed.

Roll Call

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

NOES:

ABSENT:

After a short recess, on motion of Trustee Adams, seconded by Trustee Terenzi, the regular public portion of the meeting opened at 7:08 p.m.

Roll Call

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

NOES:

ABSENT:

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION

The following Public Notices were duly published in the Journal News and the Westmore News on July 19, 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, August 19, 2013 at the Police Headquarters/Justice Court Courtroom, 2nd Floor, 350 North Main Street, Port Chester, New York, to consider a local law modifying the permit amnesty program so as to provide additional relief to owners of one and two-family residences and additional relief for pre-existing structures and their uses existing prior to 2010.

Interested persons are invited to attend and will be afforded the opportunity to be heard at this time. The application and all supporting documents are available at the Village Clerk's office or online at the Village website www.portchesterny.com/Pages/PortChesterNY_Pending/index.

JANUSZ R. RICHARDS

On motion of Trustee Kenner, seconded by Trustee Ceccarelli, the public hearing was declared opened.

Roll Call

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

NOES:

ABSENT:

Mayor Pagano said that based on the last meeting, he read the following statement from the Board of Trustees.

This Board is mindful of the often considerable expense that maybe incurred in bringing one and two family dwellings, other pre-existing structures, indoor uses and any related accessories buildings or structures into code compliance. The Board is mindful that the owners of such premises typically lack the income stream necessary to retain the design professionals needed to prepare a permit application and or pursue relief of local law planning or zoning processes. At the same time however the Board also aware of the need for the Building Inspector to have all relevant documentation for his review and determination so it's not to compromise the integrity of the permitting process and compliance with the state mandated uniform fire prevention and building code.

Moreover, the Board is mindful that relief may also be required to ease the burden of proof ordinarily required of owners to establish legal non-conforming use status, where a proper building permit was issued for certain work, such premises and where the uses existed for many years and accepting staff's recommendation in this matter, the Board finds that one and two family residences are the only occupancy types relegated to the state residential code and that the additional relief for owners of these properties on a voluntary bases to be provided is both appropriate and desirable, and it is the minimal necessary to accomplish the Board's intentions.

Finally, the Board is mindful that additional relief is warranted for those structures or indoor uses that are pre-existing prior to January 1, 2010. On or about that date, the Village determined to address long standing issues in Building Department processes.

Mayor Pagano asked if anyone from the public would like to comment regarding the proposed local law modifying the permit amnesty program.

Ms. Denise P. Ward, Vice President of the Port Chester Rye Bar Association read the following statement on behalf of the association regarding the amnesty program.

Current version of statute as drafted is admirable & appropriate. It addresses a serious community problem seeking an equitable solution within the framework of state mandates ensuring public safety-which must always be a paramount concern.

This Village has been plagued-perhaps, fairly, perhaps unfairly, with a reputation for disreputable & unreliable Building Dept. Records. Regardless of the underlying cause, the problem & the reputation needs to be fixed. The public needs to be able to rely on municipal records.

The problems facing Port Chester are being wrestled by municipalities across this County, and indeed, across this State & this nation. I see it in my practice day after day; in Eastchester, in Oyster Bay, in Peekskill, in New City. Building Department records have to match what exists. Lenders want it, buyers want it; standards have changed, for better or sores, & we have to make our records match current needs. Failing to do so takes this population out of the marketplace.

This statute also addresses the issue I hear raised most often in my practice: “But the assessment record shows that _____ exists, & I’m being taxed on it.”

Blank being a 4th bedroom, a deck, a half bath, a pool.

This statute allows the homeowner to use that status of being taxed for 10 years on the improvement as the basis for legalizing the improvement. It is a win-win.

There have been opponents who have complained that it is unfair that they are being held to the strictures of the NYS Building Code; that the Building Inspector or the City Manager should somehow “look away” & let things go to issue a certificate of occupancy. I cannot comprehend that complaint. It is precisely that mentality - “just do me this one favor” that created the nightmarish scenario in which this Village - and dozens of other municipalities find themselves. We all live in small towns. But regardless of how much we don’t like it, we live in a global society and a global economy. The Building Dept records in Port Chester have to be pretty darn similar in appearance and content to those in Chester, Iowa, because an underwriter in Charlotte, North Carolina needs to have recognizable, reliable, coherent information to approve a loan for a potential buyer. That benefits every resident of this time. It’s a little medicine that will go a long way...and in the end this Village will shine for tackling this problem & getting it resolved responsibly & fairly.

Questions and comments were also made by Ms. Goldie Solomon, Mr. Dominick Ranieri, Mr. Terranova, Mr. Calabrese, Mr. Tom Ceruzi, Ms. Doris Reavis, Mr. Richard Abel, Ms. Alexander Chancey, Mr. Buccieri, Mr. John M. Crane, Mr. Anthony Tirone, Ms. Bea Conetta, Ms. Linda Turturino and Mr. Frank Ferraro.

Mayor Pagano, Mr. Steers, Mr. Cerreto and Mr. Ameigh answered and addressed the questions and comments from the public. The Board also commented about the questions and comments that were raised by the public.

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

Roll Call

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

ABSENT:

Adoption of Local Law No. 12 of 2013

RESOLUTION

AN INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF FOR OWNERS OF ONE AND TWO-FAMILY RESIDENCES AND PROVIDING ADDITIONAL RELIEF TO PREEXISTING STRUCTURES AND/OR USES EXISTING PRIOR TO 2010

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:

RESOLVED, that the Village of Port Chester Board of Trustees hereby adopts Local Law #12 of 2013 MODIFYING THE PERMIT AMNESTY PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF FOR OWNERS OF ONE AND TWO-FAMILY RESIDENCES AND PROVIDING ADDITIONAL RELIEF TO PRE-EXISTING STRUCTURES AND/OR USES EXISTING PRIOR TO 2010.

Approved as to Form:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES:

ABSENT:

DATE: August 19, 2013

Local Law No. 12 of 2013

AN INTERIM LOCAL LAW MODIFYING THE PERMIT AMNESTY PROGRAM SO AS TO PROVIDE ADDITIONAL RELIEF FOR OWNERS OF ONE AND TWO-FAMILY RESIDENCES AND PROVIDING ADDITIONAL RELIEF TO PRE-EXISTING STRUCTURES AND/OR USES EXISTING PRIOR TO 2010

SECTION 1 Purpose and Intent.

Pursuant to Local Law No. 4 of 2012, the Board of Trustees (herein referred to as “Board”) adopted an interim local law establishing a permit amnesty program applicable to all properties within the Village of Port Chester (herein referred to as “Village”) under certain terms and conditions.

By Local Law No. 1 of 2013, Section 2 of Local Law No. 4 of 2012 was amended to authorize the extension of the amnesty period from December 31, 2012 to April 30, 2013. By Local Law No. 10 of 2013, Section 2 of Local Law No. 4 2012 was again amended to authorize a further extension of the amnesty period until October 31, 2013 so as to provide more opportunity for individuals to learn about and participate in the program. All other sections of Local Law No. 4 remained intact.

Based on public input, the Board finds that consideration of modifying Local Law No. 4 of 2012 establishing the amnesty program in substantive respect is now warranted.

At the direction of the Village Mayor and Board of Trustees, staff was challenged with divining substantive relief to those affected by the apparent systemic lack of certificates of occupancy and open permits. In returning to the Board, staff has made recommendations which are the subject of this local law.

The Board is mindful of the often considerable expense that may be incurred in bringing one- and two-family dwellings, other pre-existing structures and/or uses, and any related accessory buildings or structures into code compliance. The Board finds that the owners of such premises typically lack the income stream necessary to retain the design professionals needed to prepare a permit application, and/or pursue relief through local planning or zoning processes. At the same time, however, the Board is aware of the need for the Building Inspector to have all relevant documentation for his review and determination so as not to compromise the integrity of the permitting process and compliance with the state-mandated Uniform Fire Prevention and Building Code. Moreover, the Board finds that relief may also be required to ease the burden of proof ordinarily required of owners to establish legal nonconforming use status where a proper building permit was issued for certain work to such premises and where the use has existed for many years. In accepting staff’s recommendations on this matter, the Board finds that one- and two-family residences are the only occupancy types relegated to the State Residential Code and that the additional relief for owners of these properties on a voluntary basis to be provided herein is both appropriate and desirable and is the minimum necessary to accomplish the Board’s intentions. Finally, the Board finds that additional relief is warranted for those structures and/or uses that are pre-existing prior to January 1, 2010. On or about this date, the Village determined to address long-standing issues in Building Department processes. Given the benefit of the past three years of experience, the Board concludes that adoption of this local law modifying Local Law No. 4 of 2012 which established the permit amnesty program will not only enhance these difficult initial efforts, but will also serve to increase the support of the entire community for a matter that will require a significant, sustained commitment of Village resources for many years into the future.

SECTION 2. Section 3 of Local Law No 4 of 2012 and entitled “Permits” is hereby amended as follows:

A. For those applications under the Amnesty Program involving open expired permits, the Building Inspector is authorized to renew said permit(s) under the umbrella of a single new permit that will encompass any number of open expired permits. All work related to an open expired permit (s) may be closed out under a single new permit as may be practical in the judgment of the Building Inspector. Such expedited process would avoid the need for an applicant to obtain a new permit and pay the requisite fees for each expired permit.

B. Applicants are eligible to proceed on a streamlined basis for work in one- and two-family dwellings that involve “minor improvements,” which is defined as work that is valued at \$10,000 or less in present construction cost or 500 square feet or less in area.

1. To be accorded the favorable treatment under this section, submissions need not be in the form of full construction documents. They may be in the form of a sealed drawing from a licensed professional. Such drawing shall, however, contain at a minimum the following information satisfactory to the Building Inspector:

(a) Dwelling without an addition

i. An outline that delineates the space(s) in question, measurements of room size, ceiling heights and adequate egress.

ii. Bedrooms shall be required to show window size.

iii. Other rooms, including bedrooms, shall be required to verify adequate light and ventilation.

iv. All spaces shall be required to show placement of required smoke and CO detectors.

(b) Dwelling with an addition

All requirements as stated above and an updated survey to show setbacks.

(c) Decks

1. Plans must show size of deck, support system (footings, depth and adequate size, framing and structural supports), guards and railings and proper and adequate attachment to dwelling.

2. The applicant’s design professional shall certify that the work in question meets the minimum Code at the time of construction and is structurally sound.

Applicants under this section are not required to secure interim inspections by the Building Inspector prior to the inspection for the certificate of occupancy; however, a final inspection for the certificate of occupancy shall be required.

SECTION 3: Section 4 of Local Law No. 4 of 2012 and entitled “Zoning” is hereby amended as follows:

A. Those applications under the Permit Amnesty Program regarding open expired permits issued prior to the effective date of the 1955 Zoning Regulation, relating to structures that pre-existed the Code change, or demonstrating the need for some dimensional and/or use variance from the requirements under the applicable zoning regulation are hereby deemed to be lawfully nonconforming. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a lawful building permit prior to the effective date of the 1955 Zoning Regulation and any subsequent amendments prior to the effective date of the 1975 Zoning Regulation.

2. The building or structure complies with the Building Code in effect at the time of construction.

Such buildings or structures are deemed “lawfully nonconforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

B. Those applications under the Permit Amnesty Program regarding open expired permits issued after the effective date of the 1975 Zoning Regulation and any, subsequent amendments relating to structures and/or uses that were preexisting prior to January 1, 2010, that may involve the need for some dimensional and or use variance from the requirements under the applicable zoning regulation; are hereby deemed to be lawfully nonconforming. To qualify as eligible for this determination, the following standards must be strictly satisfied:

1. The building or structure must be pre-existing and have been issued a lawful building permit and/or other substantive documentation from the Village or any other bona-fide documentation as to the existence of the use and/or structure preexisting without interruption for 10 years or more prior to January 1, 2010.
2. Further, said documentation shall include verified tax records showing said use and/or structure pre-existing as aforesaid with proof of property tax payments made. Additional bona-fide documentation may include but not be limited to:
 - Paid Property Tax Receipts
 - Leases
 - Utility Bills
 - Building Permits
 - Other Recorded Documents

Properties and/or pre-existing uses that can exhibit the paid tax receipts and any verifiable combination of documentation as aforementioned shall be deemed eligible for such nonconforming status. Such determination shall be made by the Building Inspector.

3. The building or structure complies with the Building Code in effect at the time of construction.

Such structures are deemed “lawfully non-conforming” as prescribed above and shall not require waiver or variance from the Zoning Board of Appeals.

Those buildings / structures and/or uses that may otherwise qualify for the determination of “lawful non-conforming” status that do not however have an existing permit(s) under this section shall be subject to the regular fees for permits and applications. The provisions of Local Law No. 4 of 2012 with respect to waivers and/or reductions of fees shall not apply in such instance.

SECTION 4: Supersession

This local law shall supersede any inconsistent or otherwise applicable provisions of the Village Code and/or local law.

SECTION 5: Validity and severability.

Should any section of or provision of this local law be decided by a court of competent jurisdiction be held unconstitutional or otherwise invalid, such decision shall not affect the validity of the local law not in whole or in part so decided to be unconstitutional or otherwise invalid.

SECTION 6: Effective Date.

This local law shall be effective upon due publication and filing with the Secretary of State.

BY ORDER OF THE BOARD OF TRUSTEES OF
THE VILLAGE OF PORT CHESTER, NEW YORK
NEIL PAGANO, Mayor
JANUSZ R. RICHARDS, Village Clerk

Adopted: August 19, 2013

PUBLIC COMMENTS

Mayor Pagano asked if anyone if anyone from the audience would like to make any public comments.

Ms. Leigh Taylor Mickelson commented about the upcoming ribbon cutting ceremony at the Clay Art Center for a community clay mural on Saturday, September 7, 2013.

Ms. Goldie Solomon thanked the Fire and Police Department and asked the Board not to cut the budget for the Police, Fire, DPW and EMT Departments. Ms. Goldie also commented about Port Chester Day.

Ms. Bea Conetta commented about the MTA, the Starwood program and the Castle.

Mr. Bill Shannon and his family thanked the Mayor, Board of Trustees, Mr. Steers and Mr. Miley for receiving his certificate of occupancy.

Mr. Ceruzi commented regarding a two past correspondence regarding posting signs and use of Port Chester roadways in September, 2013.

Mr. Gregory commented about telephone and power wires on Abendroth Avenue and applicants that come before the Planning Commission.

PRESENTATION

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

A representative from Jarden/Westchester Triathlon spoke regarding the request for use of the the Village of Port Chester roadways on Sunday, September 29, 2013. The Board referred the request to staff.

RESOLUTIONS

RESOLUTION

AWARDING BID FOR STREET RESURFACING 2013

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, the Village of Port Chester has advertised for bids for Street Resurfacing 2013 (Bid No. 13-05) with the work to be done on Abendroth Avenue, Austin Place, Clinton Street, Eldridge Street, Grace Church Street, Hawley Avenue, North Regent Street, Olivia Street, Pilgrim Drive, Poningo Street, Upland Street, Soundview Street and Wesley Avenue; and

WHEREAS, the Village's consulting engineer, Dolph Rotfeld Engineering, P.C., recommends that the alternate involving drainage work not be undertaken by the contractor and that the work can instead be done by Department of Public Works personnel; and

WHEREAS, of the three bidders, the base bid of ELQ Industries is the lowest bid and the contractor's references have since been verified; and

WHEREAS, the Village Manager recommends that the Board accept this bid which meets all the specifications as set forth in the bid documents. Now therefore, be it

RESOLVED, that the Board of Trustees hereby awards the bid for Road Resurfacing 2013 to ELQ Industries, 567 Fifth Avenue, New Rochelle, New York 10801 in the amount of \$607,068.00; and

BE IT FURTHER RESOLVED, that the Village Manager is hereby authorized to enter into an agreement with the contractor; and

BE IT FURTHER RESOLVED, that the funding for said work be appropriated from Street Resurfacing Project, Capital Fund 5110.400.2013.130.

APPROVED AS TO FORM:

Village Attorney
Anthony Cerreto

ROLL CALL

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

NOES:

ABSENT:

DATE: August 19, 2013

RESOLUTION

AUTHORIZATION OF FREE HOLIDAY PARKING FOR 2013

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, by letter from the President of the Chamber of Commerce dated August 12, 2013, request has been made that there be free parking on North Main Street between the railroad bridge and Westchester Avenue, South Main Street, Abendroth Avenue, Willett Avenue between Abendroth Avenue and Marvin Place, Adee Street, Marvin Place, Westchester Avenue east of the Library, Lower King Street to the Railroad Bridge, and the Highland Street, Broadway and Adee Street Lots from December 20, 2013 to January 1, 2014 for the Holiday Season; and

WHEREAS, this practice has been a tradition in the Village of Port Chester for many years; and

WHEREAS, this practice encourages shoppers and visitors to the Village and promotes its' reputation as the "Restaurant Capital of Westchester County", thereby increasing property values and the Village's tax base. Now, therefore, be

RESOLVED, that enforcement be suspended so that there will be free parking within all posted limitations of parking time limits and hours on North Main Street between the railroad bridge and Westchester Avenue, South Main Street, Abendroth Avenue, Willett Avenue between Abendroth Avenue and Marvin Place, Adee Street, Marvin Place, Westchester Avenue east of the Library, Lower King Street to the Railroad Bridge, and the Highland Street (Lot 11), East Broadway (Lot 18), Willett Avenue (Lot 16) and Adee Street (Lot 17) Municipal Parking Lots from December 20, 2013 to January 1, 2014 for the Holiday Season.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES:

ABSENT:

DATE: August 19, 2013

RESOLUTION

NEW YORK STATE INDEXED LUMP SUM SNOW AND ICE AGREEMENT

2012-2013 WINTER SEASON

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

WHEREAS, pursuant to New York State Highway Law, Section 12, the maintenance and repair of improved state highway in towns and incorporated villages, including control of snow and ice, is under the direct supervision and control of the commissioner of transportation; and

WHEREAS, the commissioner is authorized to enter into an agreement with a municipality for the performance of the work of such control of snow and ice on such terms as the commissioner may determine in the best interest of the public; and

WHEREAS, there are 13.2 lane miles of New York State-owned roads in the Village of Port Chester; and

WHEREAS, the State of New York has historically contracted with the Village of Port Chester for snow and ice removal on these roads; and

WHEREAS, the State has most recently contracted with the Village by agreement dated August 18, 1997 for a term of three years, commencing July 1, 1996 which has been annually extended; and

WHEREAS, such extensions provide for an estimated expenditure determined by the State at the time of extension with an adjustment to the actual payment amount based upon the intensity and severity of the winter season; and

WHEREAS, the State recently presented to the Village an Agreement to Extend the Indexed Lump Sum Municipal Snow and Ice Agreement for the 2012/2013 season with an estimated lump sum expenditure of \$1,578.00 per lane mile for a total of \$20,829.60; and

WHEREAS, such agreement must be executed for the State to reimburse the Village for the work that was done. Now, therefore, be it

RESOLVED, that the Village Manager be and is hereby authorized to execute the Agreement to Extend the State Indexed Lump Sum Municipal Snow and Ice Agreement for the 2012/13 season, with estimated payment to the Village of Port Chester in the amount of \$20,829.60.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES:

ABSENT:

DATE: August 19, 2013

RESOLUTION

SUPPORT FOR STATE LEGISLATION THAT WOULD REQUIRE A SAFETY AND RELIABILITY INSPECTION OF TELEPHONE AND ELECTRIC POLES AND THE REPLACEMENT AND REMOVAL OF ALL DEFICIENT POLES

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

WHEREAS, when a new telephone and electric pole is installed and the wiring is transferred from the old pole, the old pole is often not removed leaving a condition which is called a “double pole”; and

WHEREAS, not only are such conditions unsightly, but they also pose a significant threat to public and utility worker safety; and

WHEREAS, with the increased frequency of severe weather in the region, poles have toppled over and fallen bringing down utility lines and resulting in widespread power outages; and

WHEREAS, despite complaints by municipalities, residents and unions, these conditions have only gotten worse; and

WHEREAS, a proceeding before the New York Public Service Commission has not resulted in a remedy to this issue; and

WHEREAS, it is apparent that state legislation is required to hold the telephone and electric corporations accountable for their failure to remove such poles and/or poles that are otherwise deficient; and

WHEREAS, a bill was introduced in the 2013 legislative session that would enact legislation requiring the larger telephone and electric corporations to inventory existing conditions and timely correct deficient poles or face fines for their noncompliance; and

WHEREAS, the Board is in accord with such approach, now, therefore, be it

RESOLVED, that the Board of Trustees hereby supports S. 1537 as a worthy legislative initiative that would compel telephone and electric corporations to address the significant public safety issue of the condition of their poles in a proactive and comprehensive manner; and be it further

RESOLVED, that the Mayor is authorized to present a copy of this resolution to State Senator George Latimer and State Assemblyman Steve Otis and ask for their support and possible co-sponsorship of this bill or their introduction of similar such legislation in the next legislative session; and be it further

RESOLVED, that the Mayor be also authorized to work with the Westchester Municipal Officials Association to present a united front on behalf of municipalities in Westchester County.

APPROVED AS TO FORM:

Village Attorney, Anthony Cerreto

ROLL CALL

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

NOES:

ABSENT:

DATE: August 19, 2013

REPORT OF THE VILLAGE MANAGER

Mr. Steers spoke on some of the following issues from his memo to the Board of Trustees which included traffic signal and road improvements located at the intersections of Pearl and Broad Street at Westchester Avenue, Show Mobile use policy, Chamber of Commerce Banner Program and the Request for Proposal for the Economic Development. Mr. Steers said that he will have more updates at the next meeting.

REPORT OF THE POLICE CHIEF

Mayor Pagano said that the Police Chief had to leave the morning and asked to give his report at a later time. The Board had no objection with the request.

CORRESPONDENCES

From Harry Howard Hook and Ladder Company No. 1 on the election of new member Christopher Lutton.

The Board duly noted the correspondence.

From Harry Howard Hook and Ladder Company No. 1 on the election of new member Timothy Gordon Hannigan.

The Board duly noted the correspondence.

From Fire Patrol & Rescue Co. 1 on action taken to expel Omar Barrett.

The Board duly noted the correspondence.

From Port Chester Rye Brook Rye Town Chamber of Commerce regarding free parking.

The Board referred the correspondence to staff.

From Lotipac Holding Co. LLC regarding ETPA in the Village of Port Chester.

The Board referred the correspondence to staff.

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

The Board referred the correspondence to staff earlier in the meeting.

PUBLIC COMMENTS AND BOARD COMMENTS

Public:

Mr. Richard Abel commented about the parking meters costs and enforcement.

Board:

Trustee Adams commented about the Beautification Committee.

Trustee Brakewood commented about the Beautification Committee and the Mariner.

Trustee Terenzi commented about the Planning Board Commission and the Police Department negotiations.

Trustee Marino commented about the Village of Port Chester court dates.

Trustee Kenner commented about staffing needs for the Building Department.

Trustee Ceccarelli commented about the amnesty program, vehicle traffic and parking in the village.

Mayor Pagano thanked the entire staff with the amnesty program and commented regarding the amnesty program processes.

At 10:15 p.m., on motion of Trustee Terenzi, seconded by Trustee Brakewood, the meeting was closed.

Roll Call

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

NOES:

ABSENT:

Respectfully submitted,

Jacqueline Johnson
Deputy Village Clerk