

MEETING HELD DECEMBER 16, 2013

A meeting of the Board of Trustees of the Village of Port Chester, New York, was held on Monday, December 16, 2013, 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 and Gene Ceccarelli.

It should be noted that Trustees Terenzi, Marino and Kenner were absent.

Also present were Village Clerk, Janusz R. Richards; Village Attorney, Anthony Cerreto; Village Treasurer, Leonie Douglas.

On motion of Trustee Adams, seconded by Trustee Ceccarelli the meeting was declared opened at 7:05 p.m.

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner

DATE: December 16, 2013

AWARD PRESENTATION

Mayor Pagano announced Trustee Gene Ceccarelli was inducted into the Westchester County Senior Citizens Hall of Fame at a luncheon attended by over 300. He was recognized by Steve Otis of the State Assembly and Assemblyman Steve Katz of the 94th District and by the Westchester County Board of Legislators by George Latimer.

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION

RE:

The following Public Notices were duly published in the Journal News and the Westmore News on December 6, 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, December 16, 2013, 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 that would amend the Code of the Village of Port Chester, Chapter 319, "Vehicles and Traffic", that would confirm the hours of enforcement for the three-hour

limit parking meter zone and impose new parking regulations on Horton Avenue and Midland Avenue.

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

Date: December 4, 2013

/s/ JANUSZ R. RICHARDS

JANUSZ R. RICHARDS

Village Clerk

Village of Port Chester, New York

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

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner

DATE: December 16, 2013

Mayor Pagano asked if there was anyone who would like to comment *on the Local Law Change to Parking Regulations*.

Comments were made by Attorney Cerreto. He made a presentation showing South Main Street and Midland Avenue parking.

Ms. Goldie Solomon commented that people in low income or middle income housing don't have parking because on-street is taken by out of area people are using the parking that is available.

Mr. Ken Manning of the Port Chester/Rye Town Chamber of Commerce commented regarding parking meters going from 6:00 p.m. to 9:00 p.m. Instead of raising taxes you are getting more revenue from parking meters. It's not fair to use parking meters for revenue – it was supposed to be used for businesses, fixing sidewalks, Christmas trees, etc. Employers have to allow their employees time to go out to feed the meters. We need a permit system.

Mr. Joe Santisero commented he owns a restaurant on Midland Avenue and other real estate and there is a problem with parking. Most of the houses on Midland Avenue do not have driveways. You may have to put the parking meters but the 3-hour limit is tough.

Mr. Keith Marino commented on parking revenues and that it is better to raise the parking fees than to raise taxes.

Mr. Ray Mangini commented that he has been in business 29 years and his employees and tenants have only one parking space. Will the parking meters impact the large trucks that need to park in front of his building?

Mayor Pagano replied this will definitely impact loading and unloading. Trustee Brakewood said that if it is not a legal parking spot today it will not be tomorrow.

Mr. B. Abel commented that the Village should be treated equally across the board. Noticed that downtown, which is commercial, the meters are being enforced 9 to 9; but on Midland Avenue which is also commercial, the meters are proposed being used 9 to 6. It is wrong to treat one part of the Village differently from another for similar uses. You should remove the 6 to 9 from downtown so residents can park.

Mr. Giangrande commented said he was at Pathmark today and the whole left side of the parking lot was completely empty. Also you can't get through there because the trucks are there all the time. They won't move because there is no loading zone.

Mr. Keith Marino commented that we have a lot on the books pertaining to overcrowding and things on the agenda including Amnesty, Code Enforcement, Building Department, the Fire Department, the Police Department and the Schools. Is anyone looking where the overlaps are and if these organizations can share data? Over the last years the number of drunk drivers is high and are we looking at whether these are people from Port Chester or from out of town.

Mayor Pagano said the schools are liaison and School Board is working to share information. Don't know where statistics are kept on drunk driving in the Village. We are a community of restaurants and bars.

On motion of Trustee Brakewood, seconded by Trustee Ceccarelli, the public hearing was adjourn to January 21, 2014.

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner

DATE: December 16, 2013

AFFIDAVIT OF PUBLICATION AND NOTICE OF PUBLICATION RE:

Public Hearing to authorize petition to New York Public Service Commission to distribute public safety infrastructure costs across the water rate base in the Village of Port Chester.

The following Public Notices were duly published in the Journal News and the Westmore News on December 6, 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, December 16, 2013, 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 resolution that would authorize and direct that a petition be filed with the New York State Public Service Commission so as to distribute the costs of public safety infrastructure across the water rate base in the Village of Port Chester.

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

Date: December 4, 2013

/s/ JANUSZ R. RICHARDS

JANUSZ R. RICHARDS

Village Clerk

Village of Port Chester, New York

Trustee Ceccarelli commented this is an excellent bill. It was introduced and passed because it takes costs away from the taxpayers totally. He commented that not-for-profits or people who don't pay taxes in the Village will be paying their share.

Mayor Pagano asked if there was anyone who would like to comment *on the* advisability of adopting a resolution that would authorize and direct that a petition be filed with the New York State Public Service Commission so as to distribute the costs of public safety infrastructure across the water rate base in the Village of Port Chester.

Comments were made by:

Ms. Goldie Solomon got a letter from the Water Company saying that the cost of water is going up. How will this affect the water bill?

Mayor Pagano replied that right now tax exempt do not have to pay for fire hydrants. This bill will now bring everybody in. The water rates are a different item.

Trustee Brakewood asked how this is going to affect the water rates. Attorney Cerreto commented that these questions have not been answered fully by the PSC.

Mr. John Telesco, representing the United Water made the following comments regarding the proposed Bill - 4086.

“Good Evening.

My name is John Telesco. I am the Production Supervisor at United Water and I am here on behalf of the company.

I appreciate the opportunity to provide information related to Bill 4086/y. I'd like to begin by explaining that United Water had no involvement with this Bill. Like you, we require clarification on its specific impact on customers, towns and the company.

In general, the bill offers the option to move certain water-related charges currently billed to the municipality over to individual customer bills. Per the legislation, the municipality must then pass on any savings to tax payers.

There are aspects of the Bill that require guidance from the New York State Public Service Commission or PSC. They are the agency which regulates private utilities, like United Water. They also establish rates that are fair for both the customer and the company.

As you know, this public hearing is the first step in the process outlined in the Bill. The process requires a municipal public hearing, then a majority vote, followed by an application to the PSC.

The PSC must then issue an order regarding the proposed rate change within 120 days. At that time, we will have a better understanding about how rate changes would specifically affect customer bills. However, until the PSC sets the new rates, we cannot tell you how much the increase will be.

Because there has been so much discussion about fire hydrant charges, I'd like to provide some background on that issue as well.

Fire Hydrants

United Water installs fire hydrants at the request of the local fire department or municipality. The department determines the number of fire hydrants needed and the locations of those hydrants.

Some of the most important components of a fire hydrant are below the ground. In addition to the hydrant itself, the system includes the mains and valves which supply water to the hydrant, as well as water storage systems and equipment which maintains water pressure and flow throughout the town. Mains that supply water to a fire hydrant are larger than domestic lines. This larger size ensures that there is enough water flow, velocity, pumping capacity and pressure to fight a fire.

Hydrant Fee

In accordance with the tariff issued by the PSC, United Water charges a fee for each municipal fire hydrant. As I noted earlier, fire hydrants are more than what you see above the ground. Therefore, hydrant fees include the infrastructure needed to provide adequate flow and increased pumping capacity. Not only is this important to save life and property, but an efficient fire suppression system is important to a municipality's ISO fire rating and insurance costs.

Insurance Service Office Fire Rating

ISO gauges the fire protection capability of the local fire department. Gradings have an impact on insurance costs. Forty percent of the ISO rating is based on the community's water supply. It considers whether the community has sufficient water supply for fire suppression beyond daily consumption. It evaluates all components of the water system, including pumps, storage and fire hydrants.

Franchise Tax/School/Property Taxes

United Water currently pays franchise fees and other taxes to your municipality. These taxes currently make up about 27% of a customer's water bill.

The franchise tax portion is based upon the length and size of mains as well as pumps and booster stations located throughout the town. United Water pays more taxes for the large mains and infrastructure needed for fire suppression.

The franchise tax that we pay offsets the hydrant fees currently charged to municipalities.

As a result of the new legislation, the hydrant charges paid by your municipality will now be paid by all water customers. As noted earlier, per the legislation, the municipality must then pass on any savings to tax payers. That tax benefit will be determined by your municipality.

Thank You

I'd like to thank you for the opportunity to provide clarification on fire hydrants, the importance of water infrastructure and how fire suppression impacts taxes, insurance costs and customer bills.”

Mr. R. Abel commented that the Village in the past paid the Water Company a fee for the fire hydrants. Now, if this bill is passed, the Village will save \$250,000; so this goes to the ratepayers.

Trustee Brakewood commented that the \$230,000 will be paid by people who are now not paying anything. But we don't know what formula will be used by the Water Company.

Mr. J. Telesco said this will be determined by the PSC.

Mr. R. Abel asked if the more water you use the more you are paying for the fire department.

On motion of Trustee Brakewood, seconded by Trustee Adams, the Public Hearing was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner

DATE: December 16, 2013

PUBLIC COMMENTS

Ms. Goldie Solomon commented on the Bill of Rights Day. Praise to the firemen, police and EMTs. Find ways to get our taxes down.

Mr. Giangrande commented on the party for the Vets. The parking on Midland Avenue and Westchester Avenue clog up the streets and the fire engines cannot get by.

Mr. Bill Giangrande commented that people park on Oak Street near Westchester Avenue and you cannot see cars coming. White lines should be drawn.

Mr. Abel commented on meter covers cost and how do you buy a meter when there are no meters. The fees for meter costs per day have not kept pace with the hourly meter costs... Under entertainment licenses, restaurants, which are our biggest industry, were raised; but adult entertainment wasn't raised. So, it wasn't across the board. Taxi licenses seem to have gone a little high, and we haven't even touched an increase in fares. It does not seem equitable and fair across the board.

RESOLUTIONS

RESOLUTION #1

ADJUSTMENT TO LICENSE AND PERMIT FEES ISSUED BY THE VILLAGE CLERK

On motion of TRUSTEE BRAKEWOOD, seconded by TRUSTEE

CECCARELLI, the following resolution was adopted by the Board of Trustees of the Village of Port Chester, New York:

WHEREAS, fees for licenses and permits issued by the Village Clerk are established in Chapter 175, Fees, which may be adjusted by resolution of the Board of Trustees: and

WHEREAS, the Village Manager provided the Board of Trustees his Tentative Budget for FY 2013-2014 which outlined the fee changes proposed herein, and

WHEREAS, the projected revenue from such adjustment was incorporated into the adopted Budget. 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>
Hawking and Peddling	195	

Resident	195-6	\$435.00 (\$350.00)
Non-resident		\$560.00 (\$450.00)
Badge Fee	195-7	\$6.00 (\$5.00)
Laundromats	204	
License	204-5	\$280.00 (\$225.00)
Lodging/Rooming house	211	
Per Building	211-5	\$285.00 (\$200.00)
Per Room if >4		\$28.00 (\$20.00)
Parking Meter Covers	319-34B	
Single/ Day		\$6.50 (\$5.00)
Double/Day		\$13.00 (\$10.00)
Roll-Off Box (Dumpster)	283-21	
Initial Permit		\$5.50 (\$5.00)
Per Day		\$22.00 (\$20.00)
Taxicab	295	
License (Car)	295-17	\$435.00 (\$350.00)
Replacement/transfer car to car		\$250.00 (\$200.00)
License transfer owner to owner		\$435.00 (\$350.00)
Co. Dispatching License	295-20	\$495.00 (\$400.00)
Fee Type	Section	Fee
Alarm Devices	126	
3 rd false alarm	126-13	\$50.00 (\$55.00)
All false alarms >3		\$100.00 (\$110.00)
Appeal to Alarm Review Board	126-16B	\$50.00 (\$55.00)
Amusement Devices	133	
Each machine	133-10	\$85.00 (\$50.00)
Billiards	143	
One or Two tables only	143-6	\$750 (\$450.00)
Dance Halls and Cabarets Annual License	165	
Occupancy 26-74	165-4A	\$800.00 (\$750.00)
Occupancy 75-299		\$960.00 (\$900.00)
Occupancy 300-599		\$1,280.00 (\$1,200.00)

Occupancy 600 +		\$1,600.00 (\$1,500.00)
Restaurant Ancillary Entertainment License	250	
Restaurant Ancillary	250-4A	\$530.00 (\$500.00)
Restaurant Ancillary/Occasional		\$160.00 (\$150.00)
Restaurant	254	
Restaurant Ancillary with Alcohol service	254-4	\$800.00 (\$750.00)
Catering and Events Annual License	155	
Occupancy 1-74	155-4A	\$530.00 (\$500.00)
Occupancy 75-299		\$640.00 (\$600.00)
Occupancy 300-599		\$750.00 (\$700.00)
Occupancy 600 +		\$850.00 (\$800.00)
Adult Entertainment	122	
Adult Entertainment Business Annual License		
Occupancy 1-74	122-4A	\$800.00 (\$750.00)
Occupancy 75-299		\$960.00 (\$900.00)
Occupancy 300-599		\$1,280.00 (\$1,200.00)
Occupancy 600 +		\$1,600.00 (\$1,500.00)

Fee Type	Section	Fee
Theaters	298	
Motion Picture house annual License	298-2	\$270.00 (\$250.00)
Theatrical House Annual License		\$530.00 (\$500.00)
Film Permits	176	
Private Property	174-4	\$630.00 (\$500.00)
+ Per Day		\$125.00 (\$100.00)
Public Property	176-11	\$950.00 (\$750.00)
+ Per Day		\$125.00 (\$100.00)
Curb Cut Permits	283-28B	
Permit		\$65.00 (\$60.00)

APPROVED AS TO FORM:

 Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner.

DATE: December 16, 2013

Motion to Add-on a Resolution

Mayor Pagano asked for a motion to consider an add-on a resolution regarding an agreement with the Town of Rye to occupy Village office space at 222 Grace Church Street and share Justice Court facilities at 350 North Main Street.

On motion of Trustee Ceccarelli, seconded by Trustee Adams, the motion received a unanimous vote of those present.

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner.

DATE: December 16, 2013

ADD-ON RESOLUTION #2

**AGREEMENT WITH THE TOWN OF RYE TO OCCUPY VILLAGE OFFICE SPACE
AT 222 GRACE CHURCH STREET AND SHARE JUSTICE COURT
FACILITIES AT 350 NORTH MAIN STREET**

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, New York:

WHEREAS, the Town of Rye is selling property at 10 Pearl Street used as a Town Hall; and

WHEREAS, the Village of Port Chester has office space available at Village Hall at 222 Grace Church Street and can share the Justice Court facilities at 350 North Main Street; and

WHEREAS, the addition of the Town of Rye would further the Board's desire that 222 Grace Church Street be a governmental center with offices at the state, town and village level; and

WHEREAS, after extensive negotiations, the parties have come to an understanding which is reflected in a term sheet that form the basis for a lease agreement. Now, therefore, be it

RESOLVED that the Village Manager be and is hereby authorized to enter into the annexed agreement with the Town of Rye to occupy office space at 222 Grace Church Street and share Justice Court facilities at 350 North Main Street, said agreement having been reviewed and approved by the Manager and Village Attorney.

APPROVED AS TO FORM:

Anthony M. Cerreto, Village Attorney

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner.

DATE: December 16, 2013

CORRESPONDENCES

From Reliance Engine & Hose Co. No. 1 on the election of Michael Beadle to active membership.

The Board accepted the correspondence.

From Reliance Engine & Hose Co. No. 1 on the election of Paul John Romanchuk to active membership.

The Board accepted the correspondence.

PUBLIC COMMENTS AND BOARD COMMENTS

Public

Mr. Giangrande commented on taxis on North Main and South Main being in front of hydrants and blocking traffic. When are they going to put the yellow markers on the streets that were paved? White line needs to be redrawn at South Main firehouse.

Board

Trustee Adams commended the Mayor and staff on the honoring of staff. If you have any old drugs you can deposit them at the Police Station disposable container. Village web page does not have the Board of Trustees on the home page.

Trustee Brakewood commented you have to reapply to the STAR program. The deadline is near and it takes about 5 minutes. It is under NYS department of taxation and finance. Would like time on agenda in January to discuss R2F revitalization and to see if we can have a developer come in and walk us through what a revitalization program would look like.

Mayor Pagano said we should have a Work Session to discuss.

Trustee Ceccarelli commented on looking at city status. It is a long haul to go that route. Liz Lyman, VP of the Citizens Commission said that it could be done but you have to become a city first and then ask for the exemptions. If we could meet with the New York State board we can see if this is worth our effort.

Trustee Ceccarelli wished all a happy holiday.

Mayor Pagano congratulated the Fire Department on their good efforts at the Haseco Avenue fire. There were quite a few people in that building. The American Red Cross set up at 222 Grace Church. In regard to Starwood, we set up an update meeting for Dec. 19 to meet with Jamie and Tony Gioffre. Thanked Trustee Ceccarelli, Trustee Marino, Heather and the DPW for Santa's tree lighting.

At 8:46 p.m., on motion of Trustee Brakewood, seconded by Trustee Adams, the meeting was closed.

ROLL CALL

AYES: Trustees Adams, Brakewood, Ceccarelli and Mayor Pagano

NOES: None.

ABSENT: Trustees Terenzi, Marino and Kenner.

DATE: December 16, 2013

Respectfully submitted,

Janusz R. Richards
Village Clerk