



236 THIRD STREET
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11944

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MAYOR
KEVIN STUESSI
EXT 215

TRUSTEES
MARY BESS PHILLIPS
DEPUTY MAYOR

PATRICK BRENNAN

LILY DOUGHERTY-
JOHNSON

JULIA ROBINS

TREASURER
ADAM BRAUTIGAM
EXT 217

VILLAGE CLERK
CANDACE HALL
EXT 214

April 25, 2024 at 6:00 PM
Mayor and Board of Trustees – Regular Meeting
Third Street Firehouse
Greenport, NY 11944

MOTION TO OPEN THE REGULAR SESSION MEETING

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Arthur McCleery
David Allen Pultz

**BOARD PUBLIC MEETING TO RECEIVE COMMENTS ON THE
FOLLOWING STATE LIQUOR AUTHORITY APPLICATION**

**Application from Zeytin 443 Greenport LLC; 437-443
Main Street, Greenport.**

ANNOUNCEMENTS

- The Village water machines at the power plant are temporarily out of service. New machines have arrived and will be installed in the coming weeks.
- Village Brush pick up has begun, please visit the Village of Greenport website for the schedule this season. Residents are encouraged to use bio-degradable paper bags for the containment of leaves and brush.

PUBLIC TO ADDRESS THE BOARD

CALL TO ORDER**RESOLUTIONS****RESOLUTION # 04-2024-3**

RESOLUTION adopting the April, 2024 agenda as printed.

RESOLUTION # 04-2024-4

RESOLUTION accepting the monthly reports of the Greenport Fire Department, Village Administrator, Village Deputy Treasurer, Village Clerk, Village Attorney, Mayor and Board of Trustees.

VILLAGE TREASURER**RESOLUTION # 04-2024-5**

RESOLUTION authorizing Deputy Treasurer Brautigam to perform attached budget Amendment #5778, to appropriate light fund reserves to fund the replacement of VFD motor control engine and directing that Budget amendment #5778 be included as part of the formal meeting minutes of the April 25th Regular Meeting of the Board of Trustees.

RESOLUTION # 04-2024-6

RESOLUTION adopting the Fiscal Year 2024/2025 Tentative Budget as proposed.

RESOLUTION # 04-2024-7

I move the adoption of Resolution # 04-2024-8, which provides that the Board is the lead agency under the New York State Environmental Quality Review Act with regard to the proposed local law providing for sidewalks and curb construction, determines that the law is an Unlisted Action, and finds that the Board's adoption of the law will not have the potential to create a significant adverse environmental impact.

RESOLUTION # 04-2024-8

RESOLUTION approving the attached bond resolution dated April 25, 2024 provided by Norton Rose Fulbright, in the amount of \$700,000 for the Improvements to Sidewalks and Curbs.

RESOLUTION # 04-2024-9

I move the adoption of Resolution # 04-2024-10, which provides that the Board is the lead agency under the New York State Environmental Quality Review Act with regard to the proposed local law providing for Rehabilitation of Sewer Facilities, determines that the law is an Unlisted Action, and finds that the Board's adoption of the law will not have the potential to create a significant adverse environmental impact.

RESOLUTION # 04-2024-10

RESOLUTION approving the attached bond resolution dated April 25, 2024 provided by Norton Rose Fulbright, in the amount of \$1,300,000 for the Rehabilitation of Sewer Facilities.

RESOLUTION # 04-2024-11

I move the adoption of Resolution # 04-2024-12, which provides that the Board is the lead agency under the New York State Environmental Quality Review Act with regard to the proposed local law providing for Construction or Reconstruction of Bulkheads at Mitchell Park Marina, determines that the law is an Unlisted Action, and finds that the Board's adoption of the law will not have the potential to create a significant adverse environmental impact.

RESOLUTION # 04-2024-12

RESOLUTION approving the attached bond resolution dated April 25, 2024 provided by Norton Rose Fulbright, in the amount of \$4,500,000 for the Construction or Reconstruction of Bulkheads at Mitchell Park Marina.

RESOLUTION # 04-2024-13

"WHEREAS, the Board is considering a proposed bond resolution for the purchase of a dump truck; NOW, THEREFORE, BE IT RESOLVED that the Board is the lead agency under SEQRA, the proposed bond resolution is a Type II action under SEQRA, as it involves the purchase of equipment, and no further environmental review is required."

RESOLUTION # 04-2024-14

RESOLUTION approving the attached bond resolution dated April 25, 2024 provided by Norton Rose Fulbright, in the amount of \$140,000 for the acquisition of a Dump Truck, motion to table until May 2024 Work Session.

VILLAGE CLERK**RESOLUTION # 04-2024-15**

RESOLUTION scheduling a public hearing for 6:00 p.m. on Special Meeting, Wednesday, May 22, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, NY 11944 regarding the Village of Greenport Code Committee suggested changes to the local law-Chapter 103, entitled "Rental Properties".

RESOLUTION # 04-2024-16

RESOLUTION scheduling a public hearing for 6:00 pm on Work Session, Thursday, May 16, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, New York, 11944 regarding the Wetlands Permit Application submitted by Rosemary W. Gutwillig as Owner, property located at 109 Bay Avenue, Greenport, New York 11944 (1001-5-3-1.2).

RESOLUTION # 04-2024-17

RESOLUTION scheduling a public hearing for 6:00 pm on Work Session, Thursday, May 16, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, New York, 11944 regarding the Wetlands Permit Application submitted by Costello Marine Contracting Corp., as Agent for 222 4th Street Greenport LCC, LLC c/o Nathaniel Ewing the property located at 222 4th Street, Greenport, New York, 11944 (1001-7-3-19.2)

RESOLUTION # 04-2024-18

RESOLUTION scheduling a public hearing for 6:00 pm on Work Session, Thursday, May 16, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, New York, 11944 regarding the Wetlands Permit Application submitted by Costello Marine Contracting Corp., as Agent for Nathaniel & Emily Ewing the property located at 230 4th Street, Greenport, New York, 11944 (1001-7-3-16)

RESOLUTION # 04-2024-19

See attached SEQRA Resolution regarding Wetlands Permit Application submitted by Costello Marine Contracting Corp., as Agent for St. Agnes RC Church c/o Father Piotr Narkiewicz for the property located at 2050 Manhasset Avenue, Greenport, NY 11944

RESOLUTION # 04-2024-20

RESOLUTION approving the Wetlands Permit Application submitted by Costello Marine Contracting Corp., as Agent for St. Agnes RC Church c/o Father Piotr Narkiewicz for the property located at 2050 Manhasset Avenue, Greenport, New York, 11944 SCTM# 1001-3-1-2 to perform the following work:

Construct a 112' low profile retaining wall. Install three rows of 12" coir-logs, 16' in length. Plant Cape America Beach Grass 12" o.c. Backfill approximately 10 cubic yards.

RESOLUTION # 04-2024-21

RESOLUTION approving the contract between the Pride of Baltimore, Inc. and the Village of Greenport for the provision of a berth at the Railroad Dock from July 19, 2024, through July 21, 2024, to include the provision of public visitation and public sails as detailed on the agreement; and authorizing Mayor Stuessi to sign the Agreement.

RESOLUTION # 04-2024-22

RESOLUTION approving the closing of North Street from First Street to Main Street, Main Street from North Street to Front Street, and Front Street from Main Street to the Carousel, from 11:00 a.m. through 12:00 noon on October 26, 2024, with a rain date of October 27, 2024, for the Village sponsored Halloween Parade.

RESOLUTION # 04-2024-23

RESOLUTION ratifying the hiring of Elisabeth L. Hooper as a part-time carousel worker, at a pay rate of \$16.00 per hour effective, April 13, 2024.

RESOLUTION # 04-2024-24

RESOLUTION hiring Andrea Malinowski, as a provisional, full-time Office Assistant, at a wage rate of \$20.00 per hour, effective May 1, 2024. All health insurance and other full-time employment benefit provisions specified in the current contract between the Village of Greenport and CSEA Local 1000 apply to this hiring.

RESOLUTION # 04-2024-25

RESOLUTION approving the Public assembly application received from Jack Martilotta on behalf of the American Legion for the Memorial Day Parade, scheduled for Monday, May 27, 2024. The event will include a ceremony at Steamboat Corner, followed by a parade through various Village Streets and approving a waiver of the \$50.00 application fee.

RESOLUTION # 04-2024-26

RESOLUTION approving the Public assembly application received from Hellenic American Taxpayers & Civic for the Greek Cultural Festival to be held at Mitchell Park from 5:30 - 9:30 pm on Saturday August 31, 2024.

RESOLUTION # 04-2024-27

RESOLUTION approving Public assembly application received from the East End Seaport Museum for Friday, September 20, 2024 for the Festival Set Up in Mitchell Park from 11:00 AM to 5:00 PM to include music from the Greenport Band while the classic boats are set up.

RESOLUTION # 04-2024-28

RESOLUTION approving Public assembly application received from Nicki Gohorel on behalf of Clinton Memorial AME Zion Church and Coming to the Table North Fork for the Juneteenth Celebration to be held on Saturday, June 15, 2024 from 10:30am – 6:00pm. The event will include road closures on various Village Streets for a parade, beginning Clinton Memorial AME Zion Church to Mitchell Park for speakers, music, and yoga and approving a waiver of the \$50.00 application fee.

RESOLUTION # 04-2024-29

RESOLUTION approving Public assembly application received from Frank J. Zory, Commander on behalf of USCG AUX 014-18-08 Southold Flotilla to be held May 18, 2024 from 9:00 AM to 3:00 PM, for public information for safe boating and educational opportunities, and approving a waiver of the \$250.00 application fee.

RESOLUTION # 04-2024-30**FARMERS MARKET RESOLUTION**

WHEREAS, the Greenport Farmers Market Inc. has applied to operate a farmers market (the "Farmers Market") on Fridays from 3:00pm to 6:30pm starting May 17, 2024 and continuing through October 11, 2024 at Mitchell Park; and

WHEREAS, the Board finds that the operation of the Farmers Market provides a benefit to the Village and its residents;

NOW, THEREFORE, BE IT RESOLVED, that the Board approves a Public Assembly Permit to authorize the non-exclusive use of Mitchell Park from 3pm to 6:30pm on Fridays from May 17, 2024 through October 11, 2024 for Farmers Market subject to the following conditions:

1. The Farmers Market is authorized to be conducted on the dates and times as aforesaid.
2. Subject to the conditions imposed herein and any other guidelines established by law, regulation or guideline adopted by the Village and/or New York State Division of Agricultural Development, the Farmers Market shall be conducted consistent with the proposed market operation as described in the "Response to Conditional Approval".
3. The Village shall have full governance and coordination over the operation and may require changes to the operation if conditions warrant for the protection of the Village, its residents or conditions within and/or around Mitchell Park.
4. Vendors shall be permitted to sell products in their assigned locations.
5. The Farmers Market shall comply with all New York State Agriculture and Markets requirements.
6. Vendors with proper licenses may provide samples and sale of locally produced wine, beer, cider and similar product. Except where a customer is trying a sample at the vendor's assigned location, there shall be no open containers permitted to be distributed or sold by any vendor.
7. Setup and take down shall be coordinated with the Village.
8. Applicant shall provide the Village, no later than May 7, 2024, with proof of insurance in the amount of \$1,000,000 per occurrence for general commercial liability, naming the Village as an additional insured.
9. The Farmers Market shall be subject to all Village laws, guidelines and regulations as may be adopted from time to time by the Village.

MAYOR**RESOLUTION # 04-2024-31**

I move the adoption of Resolution # 04-2024-32, which provides that the Board is the lead agency under the New York State Environmental Quality Review Act with regard to the proposed local law providing for adoption of Bill 2 of 2024, a proposed local law amending the maximum speed limit in non-school zones throughout the Village to 25 miles per hour, determines that the law is an Unlisted Action, and finds that the Board's adoption of the law will not have the potential to create a significant adverse environmental impact.

RESOLUTION # 04-2024-32

25 MPH Speed Limit Law Adoption Resolution

WHEREAS, the Board of Trustees has been considering the adoption of a local law that reduces the maximum speed limit throughout the Village (except for school zone limitations) to 25 miles per hour (Bill VOG 2-2024), and

WHEREAS, the law is not a zoning law subject to referral to the Suffolk County Planning Commission, and

WHEREAS, the Board has determined that the proposed law is an Unlisted action under the State Environmental Quality Review Act and will not result in a significant adverse environmental impact, and

WHEREAS, the Board published and posted legal notice of a scheduled public hearing on the proposed law, and

WHEREAS, the Board held a public hearing on the proposed local law, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts the proposed law (VOG 2-2024) as Local Law 3 of 2024, a local law amending the maximum speed limit in non-school zones throughout the Village to 25 miles per hour, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to file the law with the New York Secretary of State.

RESOLUTION # 04-2024-33

I move the adoption of Resolution # 04-2024-34, which provides that the Board is the lead agency under the New York State Environmental Quality Review Act with regard to the proposed local law providing for adoption of Bill 6 of 2024, a proposed local law amending and restating Chapter 44 of the Code of the Village of Greenport, to modify the regulation of mass public assemblies, determines that the law is an Unlisted Action, and finds that the Board's adoption of the law will not have the potential to create a significant adverse environmental impact.

RESOLUTION # 04-2024-34

Mass Assembly Chapter Revision Adoption Resolution

WHEREAS, the Board of Trustees has been considering the adoption of a local amending and restating Chapter 44 of the Code of the Village of Greenport, to modify the regulation of mass public assemblies (Bill VOG 6 of 2024), and

WHEREAS, the law is not a zoning law subject to referral to the Suffolk County Planning Commission, and

WHEREAS, the Board has determined that the proposed law is an Unlisted action under the State Environmental Quality Review Act and will not result in a significant adverse environmental impact, and

WHEREAS, the Board published and posted legal notice of a scheduled public hearing on the proposed law, and

WHEREAS, the Board held a public hearing on the proposed local law, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts the proposed law (VOG 6 of 2024) as Local Law ___ of 2024, a local law amending and restating Chapter 44 of the Code of the Village of Greenport, to modify the regulation of mass public assemblies, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to file the law with the New York Secretary of State.

RESOLUTION # 04-2024-35

RESOLUTION approving an increase in the hourly wage rate for William Schulz, from \$32.00 per hour to \$ 34.50 per hour, effective June 1, 2024 owing to the acquisition of substantial expertise in his area of employment by virtue of work experience, per Article VII (Salaries and Compensation), Section 9 (b) - Merit Clause – of the collective bargaining agreement currently in force between the Village of Greenport and CSEA Local 1000.

VOUCHER SUMMARY**RESOLUTION # 04-2024-36**

RESOLUTION approving all checks per the Voucher Summary Report dated April 24, 2024, in the total amount of \$473,015.19 consisting of:

- o All regular checks in the amount of \$405,570.31, and
- o All prepaid checks (including wire transfers) in the amount of \$67,444.88.

SHIP VISITATION AGREEMENT

AGREEMENT dated _____, 2024 BETWEEN the VILLAGE OF GREENPORT (“Village”), 236 Third Street, Greenport, New York 11944, and Pride of Baltimore, Inc. (“Foundation”), 841 E. Fort Avenue, #342, Baltimore, MD 21230 (jointly with the Village the “Parties”) regarding the Pride of Baltimore II (“Ship”) for the stay by the SHIP at the Village of Greenport Marina as further detailed in this Agreement.

1. Ship shall arrive at the Village on July 18, 2024, and shall depart on July 22, 2024.
 - a. In lieu of payment for dockage, Pride of Baltimore II will open for FREE deck tours between the hours of 10:00am – 4:00pm.
 - b. The Foundation shall provide the following Ship schedule, subject to changes by mutual agreement of the Parties, in writing:

Thursday, July 18th, 2024: arrive in Greenport (tentative arrival 12:00pm)

Friday, July 19, 2024: FREE deck tours a 10:00am – 4:00pm. Paid sails 5:00pm – 7:00pm.

Saturday, July 20, 2024: FREE deck tours a 10:00am – 4:00pm. Paid sails 5:00pm – 7:00pm.

Sunday, July 21, 2024: FREE deck tours a 10:00am – 4:00pm.

Monday, July 22, 2024: departure from Greenport (9:00am-10:00am)

2. The Berth: Upon Ship’s arrival in the Greenport Harbor, the Village shall provide berthing at the Village of Greenport Railroad Dock.
3. Public Visitation and Sailing: The Foundation will provide supervised on-board public sales, touring and visitation according to the schedule in this Agreement, weather permitting.
4. Foundation will provide and maintain Ship, properly crewed and equipped as required by marine authorities, in sound structural and operational condition, in the Greenport Harbor at a Berth to be designated by the Village.
5. Foundation shall name and provide contact information for a Ship. Representative to be the communication and contact person with the Village at all times during the Ship’s stay in the Village, and if it is a different person, the name and contact information of the senior officer or representative of the Ship and Foundation while the Ship is at Greenport. The Village will name and provide contact information for Village representatives during the stay.
6. For any private functions hosted on board Ship, the Foundation shall be responsible for cleanup and trash removal, ensure host liquor liability insurance coverage, and holds the Village harmless from loss or damage occasioned by its employees, agents, or guests.

7. The Village will provide during the stay:
 - a. normal waste trash removal, excluding hazardous or environmentally unsafe products for foreign and domestic garbage upon arrival and at regularly scheduled intervals throughout the stay provided that Ship staff shall be responsible for removing its waste from Ship and placing it in a designated container;
 - b. if available at the berth, access to 208-volt, 30 amp, 2 pole connection; and
 - c. potable water.
8. The Foundation acknowledges and agrees that the Ship Captain has complete and unfettered authority for the health and safety of the crew and safety of the Ship. Should he/she decide, in his/her professional opinion, that for any reason of safety to either the crew of the Ship and/or guests (including but not limited to bad weather) that the above mentioned dates and times cannot be complied with, or that a technical or mechanical problem (or a combination of any of the above) causes the inability to comply with the agreed upon dates and times, then the Foundation has a right to cancel all or part of the stay (or reschedule by mutual written agreement). Ship Captain and Foundation shall be responsible for and shall maintain the security and safety of the Ship and its crew.
9. The Ship must be registered, equipped, insured and maintained as may be required by law.
10. Foundation must have and maintain property (\$500,000), liability (\$1,000,000/\$2,000,000) and hull insurance (\$500,000) at all times during the stay, naming the Village of Greenport as additional insured, and provide proof thereof to the Village of Greenport.
11. The Village assumes no liability and shall not have any liability for the safety of the crew or The Ship or any fire, theft, vandalism, or damage.
12. The Foundation and the Ship agree to indemnify, hold harmless and defend the Village of Greenport and its officers and employees from any liability related to damage to the Ship or claims made against the Village of Greenport or its officers or employees relating to or arising from the stay or the activities of the Foundation or Ship. The Foundation and Ship agree to waive all rights of subrogation against the Village. The Village assumes no responsibility for damage or loss to the Ship or Ship personnel whether caused by severe storm, flood, fire, hail, frost, ice, lightning, tornado, wind, water, explosion, theft, malicious mischief, or other hazard or casualty. In the event of a severe storm or flood, the Foundation is solely responsible to take all emergency measures possible, the Village does not assume any responsibility for said protection and/or damage to the Ship.
13. No services such as mechanical, wood or fiberglass repair or replacement, canvas repair work may take place while the Ship is berthed at the marina.
14. The Village may designate marina quiet hours and other policies and rules.

15. Swimming, diving or fishing from the dock or Ship shall not be permitted at any time while the Ship is at the dock or marina. Children under twelve years of age that board the ship must wear a Coast Guard approved PFD while not berthed.

16. Any dispute arising from this Agreement shall be subject to the laws of the State of New York, and venue for any litigation shall be in a court of competent jurisdiction in Suffolk County, New York.

Village of Greenport

Pride of Baltimore, Inc.

BY: _____

BY: _____

DATE: _____

DATE: _____

Bill VOG 06-24.

A local law amending and restating Chapter 44 of the Code of the Village of Greenport, to modify the regulation of mass public assemblies.

Chapter 44

Assemblies, Mass Public

§ 44-1 **Intent.**

The Board of Trustees of the Village of Greenport, being concerned for the health, safety and welfare of the residents of the Village of Greenport and the public that otherwise are within the jurisdiction of the Village of Greenport, and being cognizant of the difficulties in the concentration and gatherings of persons in public places has enacted this chapter.

§ 44-1A **Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

ADDITIONAL EQUIPMENT OR STRUCTURES

Any temporary structure (including, tents, dance floors or stages), furnishings (including tables and chairs), sound reproduction devices (including speakers), entertainment devices (but excluding sound reproduction devices) such as bouncy houses, inflatable slides, jet skis, movie or film screens or other similar items, food trucks or carts or any other equipment (but excluding sound reproduction devices), including generators, grills, powered refrigeration units or catering trucks that is intended to be brought in specifically in connection with the hosting of any mass assembly event, but excluding, for the avoidance of doubt, any beach umbrella, any beach pop-up tent that is intended for sun protection, any beach canopy that is intended for sun protection, beach chairs, portable coolers that do not require any type of power or small tables being utilized to hold small items for personal use but not for seating or dining related purposes.

CHARITABLE ORGANIZATION

An organization as defined in New York Executive Law § 171-a, including but not limited to, not-for-profit corporations. Such charitable organizations shall be recognized as exempt from federal taxation under Internal Revenue Code § 501(c)(3), shall be duly registered with the Charities Bureau of the Attorney General of the State of New York and shall provide services or funds that benefit the Village of Greenport.

DEMONSTRATION

Any assembly or gathering of one or more persons held for the purpose of exercising free speech activity protected either by the First Amendment to the United States Constitution or Article I, Section 8 of the

New York State Constitution, which shall include conduct the sole or principal object of which is the expression, dissemination or communication of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in, or attendance at, such assembly or gathering. Examples of a demonstration may include, without limitation, press conferences, speeches and protests.

ENTERTAINMENT PERMIT

A permit issued to any business in accordance with §150-51 in connection with such business providing entertainment (as defined in Chapter 150) or hosting catered affairs (as defined in Chapter 150).

MASS ASSEMBLY EVENT

Any organized parade, procession, walk, run, march, race, ride, motorcade, concert, theatrical event, cultural event, exhibit, fair, fundraising event, boat show, car show, sporting event, catered event or any other similar social occasion or event or activity that involves the planned one-time assembly of persons for a common purpose, with or without a requirement for the payment of any fee or donation or any sponsorship, of more than (A) to the extent utilizing in whole or in part any (i) public space, (ii) public waterway, (iii) public-right-of-way or (iv) private property located in any residential area, the lesser of (x) such number of persons as shall be prescribed for any applicable public park pursuant to Chapter 101 and (y) 50 persons or (B) in all other cases, 100 persons. Examples of mass assembly events may include, without limitation, a circus, carnival, fair, festival, block party, marathon or other running event, bicycle race or tour, sporting tournament, spectator sporting event (such as football, baseball and basketball games), art show, craft fair, barbeque, reception party, wedding, family reunion, graduation party, birthday party, dance or movie screening event.

MITCHELL PARK

Means the public park and marina located south of Front Street between Bootleg Alley and Third Street which is commonly referred to as “Mitchell Park” or “Mitchell Park Marina”.

PERSONS

An individual, association, firm, syndicate, company, trust, partnership, corporation, department, bureau or agency or any other entity recognized by law.

PUBLIC HOLIDAY

Has the meaning specified in Chapter 88.

PUBLIC PARK

Has the meaning specified in Chapter 101 and shall include for the avoidance of doubt Mitchell Park.

PUBLIC RIGHT-OF-WAY

Has the meaning specified in Chapter 88.

PUBLIC SPACE

Has the meaning specified in Chapter 88 and shall include for the avoidance of doubt any public park.

PUBLIC WATERWAY

Has the meaning specified in Chapter 88.

RESIDENT

With respect to any location, a natural person who makes such location their primary place of domicile as evidenced by such person using such location as (a) their address for purposes of official personal identification (i.e. a driver’s license) and (b) the primary location for purposes of income tax filings or otherwise demonstrating through other customary means that such location is the principal domicile

such person.

SOUND REPRODUCTION DEVICE

Has the meaning specified in Chapter 88.

MASS ASSEMBLY PERMIT

A permit issued by the Board of Trustees by the Village of Greenport as required under the terms of this Chapter.

SPONTANEOUS DEMONSTRATION

Any demonstration occasioned by news or affairs coming into public knowledge and initiating a peaceful public response.

§ 44-2 Special permit required for mass public assembly; Exceptions to Mass Assembly Permit Requirement; Limitations on use of Mitchell Park.

- A. (1) Subject to § 44-2(B) below, a mass assembly permit is required for all mass assembly events within the Village of Greenport, including, in any public waterway, public space or on or using any public right-of-way.
- (2) Subject to § 44-2(B) below, no person or group of persons shall maintain, conduct, promote, engage in, operate or knowingly participate in any mass assembly event within the boundaries of the Village of Greenport, including, in, on or using any public waterway, public space or public right-of-way. except pursuant to, and in accordance with, a mass assembly permit issued by the Board of Trustees of the Village of Greenport as hereinafter provided.

Any mass assembly event that is held pursuant to a mass assembly permit shall be held in accordance with the information provided in the application for such mass assembly permit and shall be subject in all respects to any other applicable provisions of Village Code, including, those set forth in Chapter 88 (Noise) and Chapter 101 (Recreation Areas and Beaches) and any other terms, conditions or limitations contained in the applicable mass assembly permit. The organizers of any mass assembly event that shall receive a mass assembly permit shall be responsible for satisfying the requirements set forth in § 44-8 below prior to the occurrence of the applicable mass assembly event or such mass assembly permit shall be considered void.

- B. A mass assembly permit shall not be required for any of the following:
 - (1) Any activity undertaken by any person that expressly permitted under any conditional use approval, site plan approval or entertainment permit validly issued and in effect in accordance with the provisions of Chapter 150, except to the extent of any catered event involving more than 100 persons which event shall also require the issuance of a mass assembly permit to the extent constituting a mass assembly event.(2) Any (a) spontaneous demonstration occurring between the hours of 9:00 a.m. and 10 p.m.; *provided* that such demonstration relates to events that have occurred in the immediately preceding 48 hours or (b) any other demonstration occurring between the hours of 9:00 a.m. and 10 p.m.; *provided* that the Village Clerk and the Southold Town Police Department are notified of the plan to hold such demonstration by no later than close of business of the day immediately preceding the day on which such demonstration is to be held; and *provided further* that, in either case, such demonstration does not involve the use of vehicles, animals, fireworks or equipment (other than any sound reproduction device which is otherwise expressly permitted to be used in connection therewith in accordance with Chapter 88); or
 - (3) Lawful picketing; or

- (4) Funeral processions by a licensed mortuary; or
- (5) Events sponsored by the Village of Greenport, including, without limitation, an annual Halloween Parade, an annual Christmas Parade and Tree Lighting, an annual Menorah lighting, a summer concert series in Mitchell Park, an Easter Egg hunt, and other similar events; or
- (6) Regular sporting events or tournaments held at facilities intended for such purposes; or
- (7) Student assemblies at any school chartered by New York State.

C. No mass assembly permit shall be issued for the holding of any mass assembly event at Mitchell Park except for the following types of events:

- (1) Any mass assembly event that is open to the public and held for the purpose of benefiting a charitable organization;
- (2) Any mass assembly event that is open to the public for cultural, arts, educational or sporting or fitness purposes, including races, marathons, yoga, tai chi or other fitness classes, theater events, musical performances and other similar events; *provided* that no such event shall require any sponsorship, the payment of any fee or the making of any donation in order to participate therein
- (3) Any mass assembly event for a private event (i.e. one that is not generally open to the public such as a birthday party, wedding, retirement party, engagement party or reunion) that is held at either (i) the carousel or in the area immediately adjacent thereto or (ii) in the area above the marina office and in the grass area adjacent to the Mitchell Park Marina Office and the Camera Obscura; *provided* that (a) such event is being held or hosted by a resident of the Village of Greenport, (b) no such event shall be permitted to occur on any (i) public holiday, (ii) Saturday or Sunday that falls immediately before or after a public holiday or (iii) day on which any other mass assembly event is occurring in Mitchell Park and (c) no more than five (5) such events shall be permitted between the period beginning on the Friday immediately preceding the last Monday in May (otherwise being known as the Friday immediately before Memorial Day) and continuing through the first Monday in September, known as Labor Day of any calendar year.
- (4) Any other mass assembly event as determined by the Board of Trustees to be consistent with the policies set forth in this Chapter.

§ 44-3 Application procedure; review; contents of mass assembly permit.

A. Application procedure.

- (1) Any person seeking to organize or host any mass assembly event shall file an application with the Village Clerk at least 60 days prior to the date or dates upon which such mass assembly event is to take place or such later date as the Village Board of Trustees may agree to but in any event a date that is no later than seven (7) days prior to any regularly scheduled meeting of the Board of Trustees that precedes the date on which such mass assembly event is to take place.
- (2) The application shall include the following:
 - (a) A description of the proposed mass assembly event, including a description of the purpose of such event, all related activities to be carried out in connection therewith and the fee, donation or sponsorship required to be made in connection with participation (if any) in such event and the proposed property or location where such event is contemplated to be located.
 - (b) The expected maximum number of persons intended to use the relevant property, or location in connection with such event, including the total number of participants, guests, organizers,

performers (if applicable), employees (if applicable), merchants (if applicable) and instructors (if applicable). In the event that any proposed mass assembly event is proposed to take place in Mitchel Park pursuant to Section 44-2(C)(3), the applicant shall also include a general description of the persons intended to be invited to attend such event (i.e relatives, friends, etc.) and indicate approximately what percentage of such attendees reside in the Village of Greenport and/or the Town of Southold.

- (c) The proposed date or dates thereof.
- (d) The proposed duration of the event.
- (e) The means of accommodating attendees as to:
 - (i) Food and beverages, if food and beverage service is part of the event, including the name and address and telephone number of any person or persons who will be engaged in the preparation and/or sale of food and a copy of any applicable County Department of Health Services permit number.
 - (ii) Shelter (if applicable).
 - (iii) Facilities for toilet and other personal sanitary needs for men and women.
 - (iv) Emergency first aid.
 - (v) Parking of cars, showing the means of ingress, egress and parking areas for gatherings of 100 or more persons.
 - (vi) Provision for public safety, guards or special police assisting in the control of traffic and the supervision of those persons attending the event, for outdoor events.
- (f) The name, address and telephone number(s) of the person(s) organizing the event and who can be contacted prior to and during the event by the Village or any Southold Town police officer.
- (g) The names of any groups, organizations, charitable organizations, businesses or individuals who shall benefit from the proceeds of such event (if any).
- (h) Whether it is contemplated that any additional equipment or structures and/or sound reproduction devices will be used in connection with such mass assembly event and, if so, a description of such additional equipment or structures, sound reproduction devices and the proposed placement and use thereof.
- (i) Provisions for the disposition of any garbage, trash, rubbish or other refuse that arises in connection with such mass assembly event.
- (j) A description of any signage or lighting to be utilized in connection with such mass assembly event.
- (k) A description of any food, beverages, goods or other services to be sold or auctioned at, or otherwise be made available to attendees, in connection with such mass assembly event.
- (l) If a transportation shuttle is proposed, the location of parking for shuttle passengers and any pick-up/drop-off locations within the Village.

- (m) Any additional information required by the Board of Trustees.
- B. In making a determination as to whether to grant an application for a mass assembly permit, the Board of Trustees of the Village of Greenport shall review the application and consider the following:
- (1) The size and capacity of the proposed area where the mass assembly event is scheduled to take place to accommodate the proposed mass assembly event without unduly impinging on the public's right to access or use of any associated public space, public waterway or public right-of-way.
 - (2) The impact of the proposed mass assembly event on the safe and orderly movement of traffic in the area directly surrounding the proposed mass assembly event and in the Village more generally
 - (3) The need for the Southold Town Police Department or any emergency services to be present in connection with the proposed mass assembly event.
 - (4) The potential impact of the proposed mass assembly event on fire and police protection and ambulance service to the areas contiguous to the proposed mass assembly event and to the Village in general.
 - (5) The potential impact of the proposed mass assembly event on the movement of firefighting equipment or ambulance service in the Village of Greenport.
 - (6) The potential impact of the proposed mass assembly event on adjacent property owners and the surrounding neighborhood.
 - (7) Possible conflicts with other events and seasonal demands which may overtax or cause an undue burden on the Village of Greenport and/or Town of Southold. As a general rule, mass assembly events in public parks should be avoided on public holidays and Saturdays or Sundays immediately following or preceding any such public holiday except to the extent open to the general public and specifically related to such public holiday.
 - (8) Whether the applicant is the subject of any outstanding violations in respect of the provisions of this Chapter or any other provisions of the Code.
 - (9) The frequency of the proposed mass assembly event and whether it constitutes a use of the applicable property compatible with its character and that of the surrounding area.
 - (10) Whether the proposed mass assembly event has a high probability of disorderly conduct likely to endanger public safety or to result in significant public damage.
 - (11) The availability of parking for the event.
 - (12) Any other matters that relate to the health, safety and welfare of the general public.

A mass assembly permit is a privilege and not a right and may be denied (a) if the applicant fails to comply with any applicable provision of this Chapter or (b) for any other reason not prohibited by law.

- C. The Board of Trustees may issue a mass assembly permit upon such terms and conditions as the Board of Trustees deems necessary and proper to ensure the public health, safety and welfare. In particular, but without limitation, the Board of Trustees may place limitations on (1) the use or placement of any additional equipment or structures in connection with a particular mass assembly event, (2) the hours

during which such mass assembly event may occur, (3) the total number of participants or guests permitted to attend such mass assembly event and (4) the use and placement of sound reproduction devices in connection with such mass assembly event.

- D. A mass assembly permit shall include the following information:(1) The location of the applicable mass assembly event and date, starting and endings times therefore.
- (2) Whether such mass assembly event is permitted to utilize any additional equipment and structures or sound reproduction devices and, if so, any limitations applicable thereto. In the event that a mass assembly permit does not include a specific authorization for any of the foregoing, the use thereof shall not be permitted if otherwise prohibited pursuant to the terms of Chapter 88 or 101 or any other provision set forth in this Code.
 - (3) The maximum number of participants permitted in connection with such mass assembly event or, if such mass assembly event consists of a parade, motorcade or other similar moving event, the maximum number of vehicles and/or length of such parade, motorcade or event.
 - (4) Any requirements for the presence of Southold Town police or any emergency services in connection with such mass assembly event.
 - (5) Any conditions around the use of signage in respect of such mass assembly event.
 - (6) The name and contact details of the organizers of the applicable mass assembly event.
- E. No mass assembly permit is transferable and shall expire at the close of the mass assembly event for which it is issued.
- F. An applicant who is denied a mass assembly permit by the Board of Trustees may apply to the Board of Trustees for reconsideration of the application by filing an appeal with the Village Clerk within 10 days of the date of the denial. A complete copy of the original application for the applicable mass assembly event shall accompany the request for reconsideration. The Board of Trustees may, following a public hearing, affirm, amend or reverse the determination of its prior decision subject to any conditions deemed appropriate under the circumstances.

§ 44-4 **Concurrent remedies.**

Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the Board of Trustees or other law enforcement authority to avoid or prevent any violation or attempted violation of this chapter, such as but not limited to an injunction or restraining order. The Village of Greenport may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

§ 44-5 **Supplementary provisions.**

This chapter is in addition to any other law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

§ 44-6 **Penalties for offenses.**

Any person or persons, who shall violate or aid in, take part in or assist in the violation of this chapter shall be subject to: (a) a minimum fine of not less than \$500 and not more than \$1,000 for the first offense and (b) a minimum fine of \$1,000 or a maximum fine of \$5,000 for each additional offense occurring within twelve (12) months of the first offense. Any penalties payable under this § 44-6 shall be in addition to any other penalties that such person or persons may be liable for pursuant to any other provision of this Code,

including, without limitation, pursuant to Chapter 88 or Chapter 101.

§ 44-7 Revocation of Permit.

Any mass assembly permit may be summarily revoked by the Mayor or Board of Trustees at any time, when, by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by certified mail or by such other notice as the Board of Trustee may designate from time to time.

§ 44-8 Other Applicable Requirements.

- A. Each applicant for a mass assembly permit shall be required to pay to the Village Clerk an application fee of not less than \$150 or such greater amount as the Board of Trustees may prescribe from time to time by resolution; *provided* that an applicant may include a request for approval of up to *six* (6) different mass assembly events in connection with any application for a mass assembly permit (without any greater cost in respect of the fee for such application
- B. Each applicant for any mass assembly event to be held at any public space, public right-of-way or public waterway shall be required to provide a certificate of general liability insurance naming the Village of Greenport as an additional insured with limits of \$1,000,000 per occurrence or such other limit as may be required by the Village Board of Trustees in connection with approving the applicable mass assembly permit for events where expected attendance is anticipated to exceed 100 persons.
- C. Each applicant that is hosting a mass assembly event to be held at any public space, public right-of-way or public waterway shall be required to make (1) a minimum clean up deposit with the Village of Greenport of \$500 which shall be returned upon a demonstration that no damage has occurred as a result of such mass assembly event and that all garbage, trash, rubbish, signage and other refuse has been satisfactorily disposed of in accordance with the provisions of this Section and any other applicable provisions of the Code, including Chapter 101 and (2) at the discretion of the Board of Trustees, a deposit in an amount to be determined based upon the estimated direct costs attributable to any additional police or emergency costs associated with the relevant mass assembly event. Any such deposit shall be used to cover any applicable costs associated with clean up or the provisions of additional police or emergency services and any monies remaining will be returned to the applicant.
- D. For all mass assembly events which anticipate attendance in excess of 100 persons, the organizers must retain the services of a security professional possessing either a private investigator's license or a watch, guard or patrol agency license from the State of New York. Said security professional shall submit to the Village Clerk and the Southold Town Police Department a detailed security plan, in a form acceptable to the Southold Town Police Department outlining potential security threats affecting the applicable mass assembly event and plans to mitigate the same. The Southold Town Police Department shall approve the security plans in order for any applicable mass assembly permit to be issued.
- E. The Board of Trustees for the Village of Greenport may waive in whole or in part any of the requirements set forth above in clauses A, B, C or D.
- F. No additional equipment or structures may be placed on the location of the proposed mass assembly event to be held at any public space, public right-of-way or public waterway prior to the date on which such event is permitted to occur and all such structures shall be removed at the close of such mass assembly event unless the mass assembly permit shall expressly provide for different time periods.

G. No signage associated with the mass assembly event shall be permitted to be put up in any public space or public right-of-way more than five (5) days prior to the occurrence of such event and all such signage put up in connection with any mass assembly event shall be removed and disposed of offsite by no later than two (2) days after the end of such mass assembly event.

Section 2. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

Bill VOG 05-24.

A local law amending and restating Chapter 103 of the Code of the Village of Greenport, to modify the regulation of rental properties.

Section 1. Chapter 103 is amended and restated as follows:

“Chapter 103. Rental Properties

§103-1. Legislative Intent.

The Board of Trustees of the Village of Greenport hereby finds that it is in the public interest to prevent unsafe conditions arising from the rental of residential property that is in violation of the New York State Uniform Fire Prevention and Building Code or the Greenport Village Code, and any other codes or regulations that are applicable within the Village of Greenport, and property used for rental that is inadequate in size, overcrowded and dangerous; or which pose hazards to life, limb and property of residents of the Village of Greenport or that tend to promote and encourage deterioration of the housing stock of the Village of Greenport; create blight, excessive vehicle traffic and parking problems; and overburden municipal services. The Board of Trustees further finds that additional Code provisions are required to halt the proliferation of such conditions and that the public health, safety, welfare and good order governance of the Village of Greenport will be enhanced by enactment of the regulations set forth in this chapter.

§103-2. Applicability.

This chapter shall apply to all rentals of property for residential use in the Village of Greenport. Any property shall be presumed to be rented if said premises are not occupied by the legal owner thereof.

§103-3. Relation to other laws and regulations.

The provisions of this chapter shall be deemed to supplement applicable state and local laws, codes and regulations. Nothing in this chapter shall be deemed to abolish, impair, supersede or replace existing remedies or existing requirements of any other provision of state or local law or code or regulation. The issuance of any permit or the filing of any form under this chapter does not make legal any action or state of facts that is otherwise illegal, unlawful or nonpermitted, or is otherwise in contravention of any other applicable law, code, rule or regulation.

§103-4. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

CONVENTIONAL BEDROOM

A room designed as a bedroom or, as in the case of a studio apartment, a common room used for sleeping purposes. Rooms having other purposes, such as dens, kitchens, living rooms or hallways, are not to be interpreted or used as conventional bedrooms. A room that is not a conventional bedroom may not be converted to or used as a conventional bedroom without the prior approval of the Village of Greenport.

DWELLING UNIT

A building or entirely self-contained portion thereof containing complete housekeeping facilities, and having no enclosed space (other than vestibules, entranceways, or other hallways or porches) or cooking or sanitary facilities in common with any other dwelling unit and which contains at least and not more than one kitchen.

KITCHEN

Any assembly of cabinets, appliances, countertops or plumbing used in connection with the storage, preparation or cooking of food.

LONG TERM OCCUPANCY

Occupancy by a written lease with a term of at least one year.

NONCONFORMING BUILDING OR USE

A building or use that does not conform to the applicable building, zoning or other relevant regulations of the district in which it is situated.

NONHABITABLE SPACE

Space used as kitchenettes, pantries, bath, toilet, laundry, rest, dressing, locker, storage, utility, heater, boiler and recreation rooms, closets and other space for service and maintenance of the building, and those spaces used for access and vertical travel between stories and specifically excluding any rooms used for sleeping, eating and cooking, other than kitchenettes. The presence of a bed or bed frame, crib or other sleeping provisions in a room is presumptive evidence that the room is being used for sleeping purposes. Nonhabitable space shall not be used for sleeping purposes.

OWNER

Any person, partnership, corporation or other entity who alone, or jointly with others, has legal title to any premises, including a mortgagee in possession or with maintenance responsibility due to a foreclosure or other proceeding. The general partner of a partnership, director of a corporation and member of a limited liability company shall be deemed to be an owner for purposes of this chapter. If the operating agreement or other document governing the limited liability company or partnership provides that a member or partner has an interest in the company or partnership only for the period of occupancy or use of a premises, that member is not an owner.

RENEWAL RENTAL PERMIT

A permit which is to be issued to the owner of the rental property where such dwelling unit has been the subject of a rental permit continuously prior to the date of the application for the permit.

RENTAL

Occupancy or use of premises by a person who is not an owner or a family member of owner. A family member is a person who is related by blood or marriage to the owner.

RENTAL PERMIT

A permit issued by the Building Inspector to the owner to allow the use or occupancy of a rental property.

RENTAL UNIT

A dwelling unit or portion of a property which is occupied for habitation by a person or persons, other than the owner or the owner's immediate family.

RESIDENTIAL PROPERTY

Property which is zoned for residential use or that portion of a mixed-use property which is a residential use.

SHORT-TERM RENTAL

Commencing on January 1, 2025, the rental of residential property or a portion thereof for a term of less than 30 days, in exchange for money, commodities, services, barter or other forms of compensation. Hotels, motels and bed-and-breakfast

establishments that have been approved by the Village of Greenport in accordance with Chapter 150 are not considered short term rentals.

§103-5. Confidential information maintained by owner.

The owner shall maintain a confidential record of the names and telephone numbers of the tenants.

§103-6. Rental permit required.

No owner shall cause, permit or allow the occupancy or use of any portion of a rental property as a rental unit without a valid rental permit and no person shall occupy or otherwise use a dwelling unit or any part thereof as a rental unit without a valid rental permit being issued for the rental unit. A rental permit issued under this chapter shall only be issued to the owner(s) of the real property at issue. Any person or entity acting as an owner or an owner's representative or a person with authority to permit use or occupancy of a premises who permits a premises or portion thereof to be used as a rental unit shall be guilty of a violation of this chapter.

§103-6-A. Short-Term Rental

Notwithstanding any other provision of this chapter or the Village Code, short-term rentals are prohibited in the Village. Any person or entity acting as an owner or an owner's representative or a person with authority to permit use or occupancy of a premises who permits a premises or portion thereof to be used as a short-term rental unit shall be guilty of a violation of this chapter.

§103-7. Application for rental permit.

An application for a rental permit required by this chapter shall be made in writing to the Building Inspector, on a form provided therefor by the Village, shall contain at least the following information, and shall be accompanied by payment of a fee in an amount determined from time to time by resolution of the Board of Trustees:

A. the name and address of the applicant and, if different, the name and address of the owner of the premises where the rental unit is located;

B. the number of dwelling units at the premises, and the number and identification of such units and bedrooms proposed to be occupied as a rental unit;

C. documentation that a valid certificate of occupancy exists with respect to each such rental unit, or that no certificate of occupancy is required to permit such rental unit to be used for residential purposes;

D. the name, address and telephone number of a contact person to be contacted in event of emergency at the premises;

E. whether there are any open building permits for the premises where such rental unit is located other than permits for active construction;

F. verification of an inspection by the Village of Greenport or a written certification from a licensed architect or licensed engineer that states that the rental unit fully complies with all applicable provisions of the New York State Uniform Fire Prevention and Building Code, chapter 150 of this code, and any other applicable codes and regulations, which certification shall not have been completed more than 30 days prior to the date of the application for a rental permit, and a floor plan of the rental unit;

G. the signature of the owner of the premises and, if the owner is not the applicant, the signature of the applicant, attesting to the accuracy of the information contained in the application;

H. copy of the deed for the premises;

I. if the owner is a limited liability company or partnership, copy of the operating agreement; and

J. such other information as may reasonably be required by the Building Inspector to determine whether the rental unit(s) may be registered, and a permit issued, pursuant to this chapter; and

§103-8. Review of application: issuance of rental permit.

The Building Inspector or another person designated by the Board of Trustees shall review each application for completeness and accuracy and shall issue a rental permit when the application is complete and fee paid.

§103-9. Term of permit; renewal.

A. All permits issued pursuant to this chapter shall have a term of two years

B. An application for the renewal of a rental permit shall be signed by the owner and shall be completed and filed with the Building Inspector not later than 30 days prior

to the expiration of any valid rental permit. The application for a renewal of the rental permit shall contain an official copy of the prior valid rental permit and either a signed and sworn affidavit by the owner affirming that the rental property, to the best of his/her knowledge, fully complies with all of the provisions of the New York State Uniform Fire Prevention and Building Code, and Greenport Village Code, that the structure has not been physically altered in any way, except in full conformance with a valid building permit, and the owner is not aware of the property being in violation of the New York State Uniform Fire Prevention and Building Code, and the Greenport Village Code; or an inspection by the Building Inspector of the Village of Greenport.

§103-10. Register of permits.

It shall be the duty of the Building Inspector to maintain a register of the owner name and address, number of rooms in the premises, and expiration date of permits issued pursuant to this chapter.

§103-11. Fees.

The biennial permit fee for a rental permit or a renewal rental permit, including the fee for an owner of a rental property found by any court of competent jurisdiction to have violated this chapter within a two-year period preceding the date of the commencement of the renewal period, shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§103-12. Regulations.

A. No rental unit shall be occupied by more than the number of persons permitted to occupy the rental property under the New York State Uniform Fire Prevention and Building Code and International Codes and the other codes and regulations of the State of New York.

B. No more than two bedrooms shall be permitted in the basement of a rental property.

C. The selling of shares to subtenants where they obtain rights for use and/or occupancy in a dwelling shall be prohibited.

D. The leasing, subleasing, occupancy or use by a tenant of less than the entire rental property or rental unit is prohibited.

E. The owner(s) and tenant(s) shall ensure that all applicable parking regulations provided for in the Greenport Village Code are satisfied.

F. A rental unit shall only be occupied or otherwise utilized in accordance with the certificate of occupancy issued for the rental unit.

G. The owner(s) and tenant(s) shall ensure that all property maintenance regulations provided for in the New York State Uniform Fire Prevention and Building Code and the United States Department of Housing and Urban Development Section 8 Housing Quality Standard Inspection Checklist standards are satisfied as may be applicable.

H. Dumpsters are prohibited on residential property for anything other than incidental short-term use.

I. A rental permit number shall be issued for each rental permit that is granted by the Village and the rental permit number shall be displayed on all advertisements of the rental unit to which the rental permit number corresponds.

§103-13. Inspections.

The Building Inspector and Village personnel or agents for the Village who are engaged in the enforcement of the provisions of this chapter, the New York State Uniform Fire Prevention and Building Codes and the Greenport Village Code, are authorized to make or cause to be made inspections to determine the condition of rental properties to safeguard the health, safety, and welfare of the public.

§103-14. Revocation of permit.

A. The Building Inspector shall revoke a rental permit when the permit holder has caused, permitted or allowed to exist and remain upon the rental unit a violation of any provision of the New York State Uniform Fire Prevention and Building Code, or the Greenport Village Code, for a period of 14 calendar days or more after written notice has been provided to the permit holder, owner, managing agent, or tenant of the rental property by mail, certified mail, or hand delivery.

B. An appeal from such revocation may be made in writing by the permit holder to the Board of Trustees within 30 days from the date of such revocation. The Village Board of Trustees shall hold a public hearing on such appeal within 30 days after receipt of written notice of such appeal and, after such hearing, shall make written findings and

a decision either sustaining such permit revocation or reinstating such permit within 30 days after close of such public hearing.

§103-14-A. Presumptions.

The presence or existence of any of the following factors shall create a rebuttable presumption that a premises is rented as a rental unit:

1. the dwelling unit is occupied by someone other than the owner or a member of the owner's family, and the owner of the property represents, in writing or otherwise, to any person or entity that such owner resides at an address other than the rental property when the rental property is being used for rental purposes;
2. one or more persons residing in the dwelling unit represents that such person, or one or more other persons, pay rent to the owner of the premises;
3. utilities, cable television, phone or other services are in place or requested to be installed or used at the premises in the name of someone other than the record owner;
4. a sworn statement or testimony by a person having knowledge of the facts that it is common knowledge in the community that a person other than the record owner or a member of the family of the record owner resides in the unit;
5. there is more than one mailbox at the premises;
6. there is more than one electric, water or gas meter at the premises;
7. there are separate entrances for distinctly separate portions of the building at the premises;
8. there are internal partitions or internal doors which may serve to bar access between separate portions of the dwelling used for residential purposes, including but not limited to bedrooms;
9. there exists a written or oral lease or rental arrangement, payment or other agreement for occupancy of portions of the dwelling among its owner(s) and/or occupants and/or persons in possession thereof;
10. one or more occupant of the premises does not have unimpeded and/or lawful access to all parts of the premises;
11. there are two or more kitchens at the premises, each containing one or more of the following: a range, oven, hotplate, microwave or other similar device customarily used for cooking or preparation of food and/or a refrigerator;

12. the premises are advertised on the internet or some other method for the rental of the premises;

13. the premises are a short-term rental if advertised on the internet or some other method for a period less than the period as defined in section 103-4.

14. any person who offers the premises for rent, use or occupancy by a non-owner is a person with authority as that term is used in sections 103-6 and 103-6-A.

§103-15. Penalties for offenses.

A. The first violation of this chapter within an eighteen-month period by the owner(s) and/or tenant(s) shall be punishable by a fine of not less than \$500 nor more than \$1,500.

B. The second violation of this chapter within an eighteen-month period shall be punishable by a fine of not less than \$1,000 nor more than \$2,500.

C. The third violation of this chapter within an eighteen-month period shall be punishable by a fine of not less than \$1,500 nor more than \$5,000.

D. Each day that a violation of this chapter exists shall constitute a separate violation of this chapter.

E. A violation existing at the premises shall be a violation by both the tenant and the owner and at the sole discretion of the Village either the tenant or the owner or both the tenant and the owner may be charged with and prosecuted for the existence of a violation.

F. Additionally, in lieu of imposing the fine authorized by this chapter, in accordance with Penal Law § 80.05(5), the court may sentence the defendant(s) to pay an amount, fixed by the court, not exceeding double the amount of the rent collected over the term of the occupancy.

§103-16. Severability.

In the event that one or more of the provisions of this local law or chapter shall be deemed to be unenforceable, the remaining provisions of this local law or chapter shall remain in full force and effect.

Section 2. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 3. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

25 MPH Speed Limit Law Adoption Resolution

WHEREAS, the Board of Trustees has been considering the adoption of a local law that reduces the maximum speed limit throughout the Village (except for school zone limitations) to 25 miles per hour (Bill VOG 2-2024), and

WHEREAS, the law is not a zoning law subject to referral to the Suffolk County Planning Commission, and

WHEREAS, the Board has determined that the proposed law is an Unlisted action under the State Environmental Quality Review Act and will not result in a significant adverse environmental impact, and

WHEREAS, the Board published and posted legal notice of a scheduled public hearing on the proposed law, and

WHEREAS, the Board held a public hearing on the proposed local law, and

NOW, THEREFORE, BE IT RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts the proposed law (VOG 2-2024) as Local Law 3 of 2024, a local law amending the maximum speed limit in non-school zones throughout the Village to 25 miles per hour, and

BE IT FURTHER RESOLVED, that the Board directs the Village Clerk to file the law with the New York Secretary of State.

Negative Declaration Pursuant to
New York State Environmental Quality Review Act

WHEREAS, the New York State Environmental Conservation Law and the regulations of the Department of Environmental Conservation as contained in 6 NYCRR Part 617 require review of the possible environmental consequences of various actions under consideration by the Board of Trustees, and

WHEREAS, the Board of Trustees is considering the adoption of Bill 2 of 2024, a proposed local law amending the maximum speed limit in non-school zones throughout the Village to 25 miles per hour; and

WHEREAS, the Board of Trustees has considered the nature and impact of the proposed action; and

WHEREAS, the Board of Trustees has reviewed a Short Environmental Assessment Form prepared with respect to the proposed law,

NOW, THEREFORE, IT IS

RESOLVED, that the Board hereby finds and concludes that the Board of Trustees is the Lead Agency with respect to environmental impact review of proposed bill 2 of 2024 (to be adopted as Local Law 3 of 2024) as defined in the State Environmental Quality Review Act and its regulations (SEQRA), and

- A. the proposed adoption of Bill 2 of 2024 is an Unlisted Action under SEQRA;
- B. the Board has considered the adoption of Bill 2 of 2024, a local law amending the maximum speed limit in non-school zones throughout the Village to 25 miles per hour;
- C. the Board has thoroughly reviewed the Short Environmental Assessment Form and the supplemental description of the proposed action;
- D. the Board also has considered the following factors and made the following conclusions in respect to its review of the environmental impacts of the proposed action:
 - i. the proposed action would not result in any substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, nor any substantial increase in solid waste production, nor create a substantial increase in the potential for erosion, flooding, leaching or drainage problems;
 - ii. the proposed action would not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on a significant habitat area, substantial adverse impacts on a threatened or endangered species of animal or plant, or the habitat of such a species, or other significant adverse impacts to natural resources;

- iii. the proposed action would not impair the environmental characteristics of any Critical Environmental Area;
 - iv. the proposed action would not conflict with the community's current plans or goals as official approved or adopted;
 - v. the proposed action would not impair the character or quality of important historical, archeological, architectural or aesthetic resources or of existing community or neighborhood character;
 - vi. the proposed action would not result in a major change in the use of either the quantity or type of energy;
 - vii. the proposed action would not create a hazard to human health;
 - viii. the proposed action would not create a substantial change in the use, or intensity of use, of land, including agricultural, open space or recreational resources, or in its capacity to support existing uses;
 - ix. the proposed action would not encourage or attract large numbers of persons to any place for more than a few days, compared to the number who would come to such place without such action;
 - x. the proposed action would not create changes in two or more elements of the environment, no one of which would have a significant impact on the environment, but when taken considered together would result in a substantial adverse impact on the environment;
 - xi. the proposed action would not create substantial adverse impacts when considered cumulatively with any other actions, proposed or in process;
 - xii. the proposed action would not result in substantial adverse impact with respect to any relevant environmental consideration, including noise, aesthetics, traffic, air quality, water quality or adequacy of water supply, drainage, soil conditions, or quality of life in the community in general and the immediate neighborhood in particular;
 - xiii. the proposed action would enhance the protection of the environment in the Village, in that it would preserve and maintain the existing character of the Village;
- E. the proposed action would not have a significant adverse environmental impact;
- F. no further environmental review is required with respect to the proposed action,
and
- G. the Mayor, or his designee, is authorized to execute the Short EAF in a manner consistent with the foregoing findings concluding that the proposed action will not result in a significant adverse environmental impact.

Bill VOG 02-24.

A local law to amend the Code of the Village of Greenport, to amend the maximum speed limit in non-school zones throughout the Village to 25 miles per hour.

Section 1. Legislative Intent and Findings.

The Village of Greenport currently imposes a speed limit of 25 miles per hour on Main Street and Front Street, and 30 miles per hour on all other streets (except in school zones where the speed limit is 20 miles per hour). The Village recognizes that there is significant pedestrian and bicycle traffic, including residents and tourists, throughout the Village, not just on Main and Front Streets but on the residential streets in the Village, and finds that due to these conditions and traffic engineering considerations streets would be made safer if the speed limit on all streets, other than in school zones, is 25 miles per hour. Establishing a Village-wide 25 miles per hour speed limit will reduce the potential for traffic accidents and pedestrian or bicyclist injuries and will improve the character of the Village.

Section 2. Chapter 132 of the Code of the Village of Greenport is hereby amended, to read as follows:

“§132-45. Schedule VII: Speed Limits.

In accordance with the provisions of §132-10, the maximum speed limit at which vehicles may proceed on or along any streets or highways within the Village is hereby established at 25 miles per hour, except as indicated below.

Name of Street	Speed limit (mph)	Location
Moore's Lane (school zone)	20	1,450 feet from Route 25 to Water Tower Property (this would include the stone-paved road which is the entrance to the polo grounds on the north end.)

Section 3. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.