



236 Third Street
Greenport NY
11944

Tel: (631)477-0248
Fax: (631)477-1877

MAYOR

GEORGE W. HUBBARD, JR.
EXT. 215

TRUSTEES

JACK MARTILLOTTA
DEPUTY MAYOR

MARY BESS PHILLIPS

DOUGLAS W. ROBERTS

JULIA ROBINS

**VILLAGE
ADMINISTRATOR**

PAUL J. PALLAS, P.E.
EXT. 219

CLERK

SYLVIA PIRILLO, RMC
EXT. 206

TREASURER

ROBERT BRANDT
EXT. 217

**October 26, 2017 at 7:00 PM
Mayor and Board of Trustees – Regular Meeting
Third Street Firehouse
Greenport, NY 11944**

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

- Donald L. Brehm
- Maria Rose Grzesik
- Stanley J. Harris
- Lorraine A. Hoey

ANNOUNCEMENTS

- The annual Halloween Parade will begin at 10 a.m. at the Library on October 28th.
- The annual Fire Department hydrant testing will take place on October 29th, beginning at 9 a.m.
- Village Hall will be closed on November 10th in observance of Veterans' Day.

PUBLIC HEARING (CONTINUED/OPEN)

- Proposed amendment to Section 9 and Section 18 (Multi-Family Dwelling) of Chapter 150 (Zoning) of the Village of Greenport Code

**PUBLIC HEARING SCHEDULED FOR OCTOBER 26,
2017**

- Proposed amendment to Chapter 118 (Sub-Division and Merger of Land) of the Village of Greenport Code

PUBLIC TO ADDRESS THE BOARD

REGULAR AGENDA

CALL TO ORDER**RESOLUTIONS****RESOLUTION # 10-2017-1**

RESOLUTION adopting the October, 2017 agenda as printed.

RESOLUTION # 10-2017-2

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

VILLAGE ADMINISTRATOR**RESOLUTION # 10-2017-3**

RESOLUTION hiring Leah Kerensky as a part-time, seasonal Ice Rink Office employee at a pay rate of \$10.00 per hour, effective November 20, 2017.

VILLAGE TREASURER**RESOLUTION # 10-2017-4**

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment # 3750, for the funding of two vehicles for the Road Department, and directing that Budget Transfer # 3750 be included as part of the formal meeting minutes for the October 26, 2017 regular meeting of the Board of Trustees.

RESOLUTION # 10-2017-5

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment # 3754, for the funding of various repairs and maintenance for the Waste Water Treatment Plant, and directing that Budget Transfer # 3754 be included as part of the formal meeting minutes for the October 26, 2017 regular meeting of the Board of Trustees.

RESOLUTION # 10-2017-6

RESOLUTION authorizing Treasurer Brandt to terminate Certificate of Deposit accounts as below currently earning 0.25% interest, and to invest the corresponding funds in money market accounts currently earning 0.30% interest:

Account A.0201.120 - Clarks Beach Debt Reserve - \$ 678,382.04

Account A.0230.200 - General Fund Capital - \$ 94,306.04

Account G.0201.100 - Sewer Fund I - \$ 360,990.71

Account G.0201.120 - Sewer Fund III - \$ 717,590.48

VILLAGE CLERK**RESOLUTION # 10-2017-7**

RESOLUTION approving the attached 2017-2018 Length of Service Award Program Fee Agreement between the Village of Greenport and Penflex, Inc. and authorizing Mayor Hubbard to sign the agreement between the Village of Greenport and Penflex, Inc.

RESOLUTION # 10-2017-8

RESOLUTION accepting the bid submitted by Stanley F. Skrezec for the provision of contractor services per the bid opening on September 28, 2017 and authorizing Mayor Hubbard to sign the agreement between the Village of Greenport and Stanley F. Skrezec.

RESOLUTION # 10-2017-9

RESOLUTION accepting the bid submitted by Stanley F. Skrezec for snow removal and disposal services per the bid opening on September 28, 2017, and authorizing Mayor Hubbard to sign the agreement between the Village of Greenport and Stanley F. Skrezec.

RESOLUTION # 10-2017-10

RESOLUTION approving the attached "Fifth Renewal to Incremental Power Agreement" between the Power Authority of the State of New York and the Village of Greenport, and authorizing Village Administrator Paul Pallas to sign the attached "Fifth Renewal to Incremental Power Agreement".

RESOLUTION # 10-2017-11

RESOLUTION declaring as surplus, and no longer needed for municipal purposes, the equipment and materials as indicated on the attached list.

RESOLUTION # 10-2017-12

RESOLUTION scheduling a public hearing for November 27, 2017 at 7:00 p.m. regarding the Wetlands Permit Application submitted by Stephen Bull to approve an existing 10' x 10' x 10' shed on upland ground above NYSDEC-designated wetlands on the property at 24 Beach Road, Greenport, New York, 11944; and directing Clerk Pirillo to notice the public hearing accordingly.

RESOLUTION # 10-2017-13

RESOLUTION adopting the attached SEQRA resolution regarding the proposed local law of 2017 amending Chapter 103 of the Village of Greenport Code (Regulations for the Rental of Residential Properties); adopting lead agency status, determining the adoption of the local law amending Chapter 103 to be an Unlisted Action, determining that the adoption of the local law will not have a significant impact on one or more aspects of the environment and adopting a negative declaration for purposes of SEQRA.

RESOLUTION # 10-2017-14

RESOLUTION adopting Local Law # ____ of 2017, amending Village of Greenport Code Chapter 103 (Regulations for the Rental of Residential Properties) so that the regulations contained in Chapter 103 will apply to all rentals of residential property in the Village of Greenport in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport.

RESOLUTION # 10-2017-15

RESOLUTION authorizing the Third Annual Greenport Turkey Trot, which will begin in the Sterlington Commons Parking Plaza on Thanksgiving morning, November 23, 2017 at 8:00 a.m., with the 5K race course to proceed through the streets of the Village of Greenport and end in the Sterlington Commons Shopping Plaza by 11:00 a.m.

VILLAGE TRUSTEES**RESOLUTION # 10-2017-16**

RESOLUTION approving the request of the Village of Greenport Carousel Committee to begin the process of restoring and installing fourteen (14) inner scenic panels on the Carousel, and further authorizing the Village of Greenport Carousel Committee to solicit funding for the restoration and installation of the fourteen (14) inner scenic panels.

RESOLUTION # 10-2017-17

RESOLUTION scheduling a public meeting at 7:00 pm on December 28, 2017 at the Third Street Firehouse, Third and South Streets, Greenport, NY, 11944 regarding a potential CDBG (Community Development Block Grant) opportunity for the Village of Greenport.

VOUCHER SUMMARY**RESOLUTION # 10-2017-18**

RESOLUTION approving all checks per the Voucher Summary Report dated 10/23/2017, in the total amount of \$ 1,564,667.04 consisting of:

- o All regular checks in the amount of \$ 845,397.48, and
- o All prepaid checks (including wire transfers) in the amount of \$ 719,269.56.

Draft October 10, 2017

LOCAL LAW NO. OF THE YEAR 2017
A LOCAL LAW AMENDING SECTION 118-15 OF THE
GREENPORT VILLAGE CODE
REGARDING NONCONFORMING LOTS

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Amendment to Section 118-15 Nonconforming Lots and Merger of Lots.

3.0 Severability

1.1 Title.

This Local Law shall be entitled “Local Law of 2017 Amending Section 118-15
of the Greenport Village Code.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State
of New York, the Incorporated Village of Greenport, County of Suffolk and State of
New York, hereby enacts by this Local Law of 2017, a Local Law of the Village of
Greenport.

1.3. Effective Date.

October 10, 2017

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to create regulations regarding the development and or merger of nonconforming lots in the Village of Greenport.

2.0 General Provisions.

2.1 Section 118-15 of the Greenport Village Code, is hereby amended to read as follows:

“118-15.0 Nonconforming Lots and Merger of Nonconforming Lots:

The following provisions shall apply to and govern all nonconforming lots wherever located:

118-15. (A). Merger of nonconforming lots.

If at any time a lot with less than the area or width required in the district within which the lot is located shall be held in the same ownership as one or more adjoining parcels, the lot shall lose its status as a nonconforming lot and shall merge with the adjoining parcel. A lot created by the merger of the adjoining parcels remains nonconforming if said parcels as merged are less than the lot area or lot width requirements of the district in which said parcels are situated. No such merger shall occur, however, in the following cases:

118-15. (B)(1) Merger by death.

No merger shall hereafter result under this chapter where the ownership of a nonconforming lot becomes the same as the ownership of an adjoining parcel through the death of an individual owner of one of the parcels; provided, however, the parcels do not remain in common ownership for a period in excess of three years from the date of death.

118-15. (B)(2) Merger of improved nonconforming parcels.

No merger shall hereafter result under this chapter where adjacent nonconforming lots that are both improved with Village approved single-family residences are held in the same ownership.

VILLAGE OF GREENPORT Budget Adjustment Form

Year: 2018 Period: 9 Trans Type: B2 - Amend Status: Batch

Trans No: 3750 Trans Date: 09/13/2017 User Ref: ROBERT

Requested: P. PALLAS Approved: Created by: ROBERT 09/13/2017

Description: TO APPROPRIATE SURPLUS TO FUND THE PURCHASE OF TWO VEHICLES FOR THE ROAD DEPARTMENT Account # Order: No

Print Parent Account: No

Account No.	Account Description	Amount
A.5990	APPROPRIATED FUND BALANCE	59,000.00
A.8843.900	TRANSFER TO CAPITAL..	59,000.00
H.2816.500	TRANSFER FROM GENERAL..	59,000.00
H.5110.201	ROAD DEPT VEHICLES..	59,000.00
Total Amount:		236,000.00

VILLAGE OF GREENPORT Budget Adjustment Form

Year: 2018 Period: 10 Trans Type: B2 - Amend Status: Batch
 Trans No: 3754 Trans Date: 10/11/2017 User Ref: ROBERT
 Requested: A. HUBBARD Approved: Created by: ROBERT 10/11/2017
 Description: TO APPROPRIATE SURPLUS TO FUND VARIOUS REPAIRS AND MAINTENANCE AT THE WWTP Account # Order: No
 Print Parent Account: No

Account No.	Account Description	Amount
G.5990	APPROPRIATED FUND BALANCE	131,500.00
G.8130.202	TRTMNT PLANT MISC EQUIPMENT..	131,500.00
Total Amount:		263,000.00

Penflex, Inc. 11/1/2017-10/31/2018 Service Fee Agreement

VILLAGE OF GREENPORT
SERVICE AWARD PROGRAM

Standard Services Fee Schedule

Base Fee: \$3,400, \$0 change from 2016

Per-Participant Fee: \$17, \$0 change from 2016

Payment certification and trustee directive letters: \$75 per letter, \$0 change from 2016

Total Estimated Standard and Distribution Services Fees: \$5,900

Preparation of Financial Statement Disclosures

PLEASE CHECK 'YES' OR 'NO':

Complete the NYS LOSAP Audit Package* for a fee of \$495: _____ Yes _____ No

* Please refer to the enclosed newsletter titled 'New York State Volunteer Firefighter LOSAP Audit Requirement' for more information

Complete the GASB 73 Package* for a fee of \$750: _____ Yes _____ No

* Please refer to the newsletter titled 'New GASB Accounting and Financial Reporting Requirements' for more information. For a sample GASB 73 package, please email: info@penflexinc.com

If YES, please complete the following information:

Auditing Firm _____

Contact Name _____

Email Address _____

All other services are optional and are billed only when requested. Please call for fee estimates and purchase order arrangements. Optional services include additional client meetings, drafting of special correspondence and documents, and performing actuarial cost estimate calculations.

To authorize Penflex, Inc. to begin providing these services in accordance with this fee schedule, please have the Mayor sign and return this Service Fee Agreement. Keep a copy for your records.

Mayor
Village of Greenport

Edward J. Holohan
Edward J. Holohan, ASA
President, Penflex, Inc.

PENFLEX, INC.

SERVICE AWARD PROGRAM STANDARD SERVICES

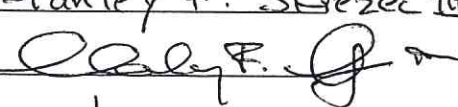
1. Prepare an annual Service Award Program participant statement for each Service Award Program participant (including the persons who are being paid monthly Service Awards),
2. Prepare for the record and for audit purposes an annual Service Award Program report which:
 - a. shows and completely documents the calculation (defined benefit plans) or allocation (defined contribution plans) of the annual Program cost.
 - b. accounts for changes in the Program's assets.
 - c. by individual volunteer, lists their earned Service Awards (defined benefit plans) or accounts for changes in their Program accounts (defined contribution plans).
 - d. summarizes the major provisions of the Program.
 - e. lists current payment recipients.
 - f. includes a service credit listing for current participants.
 - g. includes a written description of the actuarial methods and assumptions used to calculate the annual program costs (defined benefit plans).
 - h. For members of the Sponsor's Governing Board or Officials, prepare:
 - i. "Fact Sheet" which includes current year important information about their Program.
 - ii. "Special Commentary" correspondence which alerts officials about emerging issues and/or explains changes in the Program (such as an increase in Program funding costs).
3. Meet (one meeting) upon request, first with officials and then with volunteers to review the Annual Report, to answer questions from volunteers about their annual statements and to provide updates on Service Award Program related legislation and on their own Program.
4. Provide forms and instructions to enroll new volunteers, change beneficiaries, file for benefit payments, etc.
5. At year-end, provide written instructions about how to prepare the required certified listings to be approved by the Sponsor's Governing Board and Department/Company officials, posted by the Department/Company, and sent to Penflex, Inc.
6. Project the Program's cash flow needs in order to plan and formulate investment strategy.
7. Prepare written notification/explanation to be sent to persons who cease to participate in the Program.
8. During normal business hours, have trained staff available to answer questions from officials and designated client contact persons.
9. Throughout the year, receive, review and reconcile financial statements from custodian and/or investment and/or insurance providers.
10. Process Service Award payment applications, certify payment amounts and eligibility, prepare payment directives and communicate directly with the payment recipient and/or custodian and/or paying agent when necessary.
11. Answer routine questions from client's auditors about the Program and the annual report.
12. When required, prepare vouchers for payments to the Program Trust Fund.
13. Prepare and communicate to clients preliminary cost estimates of proposed changes to Program.
14. Help clients resolve Program funding issues.
15. Advise clients about potential Program non-compliance with applicable laws.

	Per 1/2 day	Per Full Day	Nights Weekends Hourly Rate
Laborer ¹	\$ <u>200-</u>	\$ <u>400-</u>	\$ <u>40-</u>
Backhoe with operator	\$ <u>500-</u>	\$ <u>1000-</u>	\$ <u>60-</u>
Bulldozer with operator	\$ <u>500-</u>	\$ <u>1000-</u>	\$ <u>60-</u>
Dump Truck with operator	\$ <u>300-</u>	\$ <u>600-</u>	\$ <u>40-</u>
Materials and Disposals ²			\$ <u>10</u> % Above cost

1. Please indicate number of laborers available 2
2. Invoices from suppliers are required before payment will be authorized.

Company Name: STANLEY F. SKREZEC
 Address: 50 Gull Pond Lane
Greenport, N.Y. 11944
 Phone No.: 631-477-1822

Authorized Signature: Please type or print name and title:

Name: Stanley F. Skrezec III
 Signature: 
 Title: owners/operators
 Date: 9/26/17

Any Bid, submission or proposal that contains any omissions, erasures, alterations, additions or items not called for in the itemized proposal, or that contains irregularities of any kind, may be deemed by the Board of Trustees to be nonconforming or nonresponsive and to constitute sufficient cause for rejection of that Bid.

In the event of any discrepancy in the price or amount of the Bid for any item in the proposal, the price as expressed in words shall govern. Any request by a Bidder or Bidder's representative to the Village or any other person or party for information, clarification, or interpretation must be submitted to the Village of Greenport Village Clerk, in writing only, not less than five (5) days prior to closing date for the submission of Bids. Bidders are cautioned not to submit proposals until after having inspected the site of the proposed work and having made themselves familiar with the Village's local conditions

The Village of Greenport is an equal opportunity employer and does not discriminate on the basis of race, color, creed, ancestry, disability or handicap, marital/financial status, military status, religion, sex, sexual orientation, age or national origin with respect to employment or any employment related matter and the Village of Greenport requires that all contractors participating in contracts for public work in the Village of Greenport and all subcontractors of those contractors comply with that same requirements. The Village of Greenport encourages bids for public contracts and public contracts with the Village of Greenport and subcontracts of those contracts by minority and women owned contractors and entities and the Village of Greenport may solicit bids and contracts from such entities with respect to the public work noticed herein.

Sylvia Pirillo, RMC
 Village Clerk
 Village of Greenport

September 14, 2017

Greenport, N.Y.
 631-477-1822

Stanley F. Skrzec - 50 Gull Pond Lane,

	Snow removal -	<u>1/2 Day</u>	<u>Full Day</u>
	Dump truck and driver	400 -	800 -
	<u>Snow removal Equipment and operator</u>	500 -	1000 -



**FIFTH RENEWAL TO THE
INCREMENTAL POWER SUPPLY AGREEMENT**

This fifth renewal to the Incremental Power Supply Agreement ("Renewal"), dated _____, 2017 is made by and between the New York Power Authority ("NYPA" or the "Authority") and Village of Greenport ("Customer"). NYPA and the Customer are collectively referred to as the "Parties."

FACTUAL RECITALS

The Authority supplies electric power to the Customer in accordance with the Customer's 1986 Application for Service, as amended and extended, which includes provisions for the sale and purchase of hydroelectricity and incremental electricity.

The Parties entered into an Incremental Power Supply Agreement ("Incremental Agreement") on June 5, 2007 as a supplement to the 1986 Application for Service to supersede any prior agreement between the Parties pertaining to NYPA's supply of incremental electricity to the Customer.

Under the Incremental Agreement, the Customer agreed, *inter alia*, to purchase its full incremental electricity needs from NYPA for a two-year term commencing midnight January 1, 2008 and expiring on 11:59 p.m. December 31, 2009, which may be renewed successively by mutual written agreement for a one year term each year thereafter.

Consistent with the Incremental Agreement, the Parties successively executed timely, written agreements, on December 22, 2009 and December 13, 2010, for the renewal of the Incremental Agreement for the term January 1, 2010 through December 31, 2010 and for the term January 1, 2011 through December 31, 2011.

The Parties mutually agreed in writing to renew the Incremental Agreement for a three-year term, on November 28, 2011, commencing January 1, 2012 through December 31, 2014.

The Parties mutually agreed in writing to the First Amendment to the Incremental Power Supply Agreement on November 21, 2014 which i) permitted the Incremental Agreement's renewal for terms of either one, two or three additional years, as may be mutually agreed in writing by the Parties; and ii) renewed the Incremental Agreement for a three-year term commencing January 1, 2015 through December 31, 2017.

The Parties now seek to renew the Incremental Agreement to extend its term for three years, commencing January 1, 2018 through December 31, 2020.

Now, Therefore, in consideration of the premises and covenants herein, the Parties hereby agree as follows:

1. To renew the Incremental Agreement for a three-year term, effective midnight January 1, 2018 and expiring on 11:59 PM on December 31, 2020.
2. Except as provided in Section 1 of this Renewal, all other terms and conditions of the Incremental Agreement remain in full force and effect.

In Witness Whereof, the Authority and the Customer have executed this Renewal to the Incremental Agreement on the date written above.

NEW YORK POWER AUTHORITY

By: _____
Name: Keith T. Hayes
Title: Vice President, Economic Development

VILLAGE OF GREENPORT

By: _____
Name: _____
Title: _____

**Surplus Items to be displaced/recycled
as of October 12, 2017**

Qty	Manufacturer	Model #	Item Description	Cost to displace/recycle
Electric Shredders				
1	Shred Star	C8A0	Electric Shredder	UK
1	Swingline	100X	Electric Shredder	UK
Printers				
1	Cannon	LBP6030W	Laser Jet Printers	UK
1	Epson	R280	Inkjet Printer	UK
3	HP	1020	Laser Jet Printers	UK
1	HP	P1102W	Laser Jet Printers	UK
1	HP	C9037A	Laser Jet Printers	UK
Monitors				
1	Acer	AL1706A	LCD Monitor (broken)	UK
1	Acer	21620	LCD Monitor (broken)	UK
3	Acer	AL1717	LCD Monitor (broken)	UK
2	Dell	REVA00	LCD Monitor (broken)	UK
1	Dell	E153FP	LCD Monitor (broken)	UK
1	Lenova	F9U	LCD Monitor (broken)	UK
Miscellaneous				
3	APC	350VA	Back up UPS	UK
1	APC	550	Back up UPS	UK
1	Cyber Power	425VA	Back up UPS	UK
1	Sharp	EL-2630P-12	Calculator	UK
1	Cannon	MP270	Calculator	UK
1	CASIO	SE-S700	Cash Register	UK
1	CASIO	PCR-272	Cash Register	UK
1	Acer	SK1688	Keyboard	UK
1	Acer	Sk9621	Keyboard	UK
2	Dell	SK8110	Keyboard	UK
2	Ketronic	K363R	Keyboard	UK
1	Lenova	SK8825	Keyboard	UK
1	RSI	KB-6	Keyboard	UK
1	Toshiba	DKT3007SD	Phone	UK
1	Ridgid	WD40700	Shop Vac	UK
1	Linksys	SR2016	Switch	UK

BOARD OF TRUSTEES
VILLAGE OF GREENPORT

SEQRA RESOLUTION REGARDING THE AMENDMENT OF CHAPTER 103 (REGULATIONS FOR THE RENTAL OF RESIDENTIAL PROPERTIES), OF THE VILLAGE OF GREENPORT CODE

WHEREAS THE Village of Greenport intends to amend Chapter 103 of the Village of Greenport Code (Regulations for the Rental of Residential Properties) so that the regulations contained in Chapter 103 will apply to all rentals of residential property in the Village of Greenport in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport; and

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport with respect to the amendment of Chapter 103 (Regulations for the Rental of Residential Properties) of the Village of Greenport Code in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport; with regard to SEQRA, and completed a short form EAF for purposes of SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the amendment of Chapter 103 (Regulations for the Rental of Residential Properties) of the Village of Greenport Code in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport of the Village of Greenport Code; and it is further

RESOLVED that the Board of Trustees hereby determines that the amendment of Chapter 103 (Regulations for the Rental of Residential Properties) in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport is an Unlisted Action for purposes of SEQRA; it is further;

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines

that the amendment of Chapter 103 (Regulations for the Rental of Residential Properties) of the Village of Greenport Code in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport;

Will not have a significant negative impact on the environment in the action, and;
Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will 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 habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two ore more related actions each of which is not significant but when reviewed together are significant.

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Upon motion by Trustee

seconded by Trustee

this resolution is carried as follows:

Dated: October 16, 2017

Draft Rental Permit Law;
September 25, 2017 - Finalized

LOCAL LAW NO. OF THE YEAR 2017

AMENDING CHAPTER 103 OF THE GREENPORT VILLAGE CODE
REGULATIONS FOR THE RENTAL OF RESIDENTIAL PROPERTIES

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE
INCORPORATED VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,
Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Amendment of Chapter 103

3.0 Severability

1.1 Title

This Local Law shall be entitled “Local Law of 2017 Amending Chapter 103 of the Greenport Village Code, Rental Regulations for Residential Properties”.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State of New York, the Incorporated Village of Greenport, County of Suffolk and State of New York, hereby enacts by this Local Law of 2017, a Local Law of the Village of Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the

Draft Rental Permit Law;
September 25, 2017 - Finalized

Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to amend the existing regulations of Chapter 103 of the Greenport Village Code regarding the rental of residential property in the Village of Greenport so that the regulations contained in Chapter 103 will apply to all rentals of residential property in the Village in order to maintain minimum quality standards for habitation, and to maintain and protect the quality of life and safety of the residents of the Village of Greenport.

General Provisions.

2.1 Chapter 103 of the Greenport Village Code is hereby amended to read as follows:

“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 non-permitted, 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.

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.

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 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,

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

Effective the date of the filing of this local law with the New York State Department of State no owner shall cause, permit or allow the occupancy or use of a rental property 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.

Section 103-7 Application for a Rental Permit

An application for a rental permit that has been signed and sworn to by the owner shall be filed for all rentals of property for habitation or residential purposes prior to the rental or occupancy thereof which application shall contain the legal residence and contact information of each owner and 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 of the provisions of the New York State Uniform Fire Prevention and Building Code and Greenport Village Code, and any other applicable codes and regulations, which certification shall not have been completed more than thirty (30) days prior to the date of the application for a rental permit, and a floor plan of the rental unit.

Section 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 permits and 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 shall be completed and filed with the Building Inspector not later than thirty (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

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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.

Section 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.

Section 103-11 Fees

A. A nonrefundable biennial permit application fee, in the amount of \$250, shall be paid upon the filing of an application for a rental permit or a renewal rental permit.

D. If an owner of a rental property is 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, the nonrefundable biennial rental permit application fee for the rental unit will be \$500.

Section 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 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.

H. 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.

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

Section 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 Code 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.

Section 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 fourteen (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.

Section 103-15 Penalties for offenses

A. The first violation of this Chapter within an eighteen (18) 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 (18) 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 (18) 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 should exist shall constitute a separate violation of this Chapter.

E. For the purpose of conferring jurisdiction upon courts and judicial officers in general, violations of this Chapter shall be deemed misdemeanors, and, for such purpose only, all provisions of law relating to misdemeanors shall apply. Each day's continued violation shall constitute a separate additional violation.

F. 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.

G. 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.

H. The Village shall have the right, after the determination by the Building Inspector, or other appropriate official or employee of the Village, that a dangerous, hazardous or unsafe condition exists on a premises that is subject to this Chapter, after the expiration of ten (10) calendar days from the date of the mailing of written notice to the owner and the occupant served by regular and certified mail return receipt requested, to enter the premises and cure, correct or repair the dangerous, hazardous or unsafe condition, and all costs and expenses associated with that action by the Village, (including administrative, engineering and professional fees in the amount of 25% of the actual costs and expenses incurred in curing, correcting or repairing the condition), shall be reimbursed by the owner of the property to the Village, and in the event that the amount has not been paid to the Village within ten days of the date of billing, the amount shall become a lien on the property and billable in the next Village real estate tax bill for that property. The notice required in this section shall not prejudice or affect any other right that the Village may have under the law to address or remedy a dangerous, hazardous or unsafe condition, including the right to immediately enter the property to correct a condition that is an imminent danger to life, property or public safety.

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.