



236 Third Street  
Greenport NY  
11944

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**MAYOR**  
**DAVID NYCE**  
Ext. 215

**TRUSTEES**  
GEORGE HUBBARD JR.  
DEPUTY MAYOR

DAVID MURRAY

MARY BESS PHILLIPS

JULIA ROBINS

**CLERK**  
SYLVIA LAZZARI PIRILLO  
Ext. 206

**TREASURER**  
CHARLENE KAGEL, CPA  
Ext. 217

**VILLAGE ADMINISTRATOR**  
DAVID ABATELLI  
Ext. 209

**UTILITIES DISTRICT**  
**SUPERINTENDENT**  
JOHN W. NAYLOR, JR., P.E.  
Ext. 202

September 23, 2013 at 6:00 PM  
Board of Trustees - Regular Meeting  
Third Street  
Firehouse  
Greenport, NY 11944

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

- o Lawrence Francis Damiani
- o Mark Nicholas Nelson
- o Terence Lawrence

**ANNOUNCEMENTS**

- o The next brush pick-up will be on the 1<sup>st</sup> of October.
- o Hurricane season is upon us! Please have a plan for your personal safety and that of your family members. Please note that the Suffolk County Joint Emergency Evacuation Program number is via FRES at: 852-4900, or at: 853-8333, for the Office for People with Disabilities.
- o Village Hall will be closed October 14, 2013 in celebration of Columbus Day.

**LIQUOR LICENSE APPLICATIONS - None**

**PUBLIC HEARINGS**

- o Continuation of Matassa Wetlands Permit Application Hearing- **Postponed**
- o Wetlands Permit Application - McCarthy - **Postponed**
- o Residential Rental Permit Proposed Local Law

**PUBLIC TO ADDRESS THE BOARD**

**PRESENTATION - None**

**BOARD DISCUSSION - None**

**REGULAR AGENDA**

**RESOLUTIONS****RESOLUTION # 09-2013-1**

RESOLUTION adopting the September 2013 agenda as printed.

**RESOLUTION # 09-2013-2**

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

**RESOLUTION # 09-2013-3**

RESOLUTION approving the application for membership of Helen Reiss to the Greenport Fire Department Rescue Squad, as already approved by the Greenport Fire Department Board of Wardens on September 18, 2013.

**RESOLUTION # 09-2013-4**

RESOLUTION authorizing Treasurer Kagel to perform the attached budget adjustments concerning:

- o transmission rights,
- o electric meters and
- o insurance recovery at McCann Campground.

**RESOLUTION # 09-2013-5**

RESOLUTION adopting the following:

Whereas the Village of Greenport is required to make the second payment for Transmission Credits for the purchase of power and the proposed funding plan includes an appropriation of Electric Fund Balance surplus in the amount of \$ 251,909; now be it resolved that Treasurer Kagel is authorized to make the attached Budget Amendment and pay the second TCC installment.

**RESOLUTION # 09-2013-6**

RESOLUTION authorizing the following Fall training schedule for the Treasurer's Office: October 8, 2013: Robert Brandt and Linda Topalian - NYS GFOA Fall Training - Hamlet Windwatch - Hauppauge, NY at a cost of \$ 170.00 to be expensed from line item number A.1325.400, (Treasurer Contractual) and October 23, 2013: Linda Topalian - NYS Health Insurance Plan Annual Update Meeting - Hyatt Regency - Hauppauge, NY at no cost to the Village of Greenport.

**RESOLUTION # 09-2013-7**

RESOLUTION authorizing Mayor Nyce to sign and execute the 2013/2014 Service Award Program Service Fee Agreement between the Village of Greenport and Penflex, Inc., per the proposal dated September 6, 2013.

**RESOLUTION # 09-2013-8**

RESOLUTION authorizing Penflex, Inc. to offer Length of Service Award Program beneficiaries the option to be paid a lump-sum in lieu of remaining guaranteed monthly payments, as per the attached resolution, and as previously approved by the Greenport Fire Department Board of Wardens on September 18, 2013.

**RESOLUTION # 09-2013-9**

RESOLUTION approving the Public Assembly Permit Application as submitted by the Greenport Public Schools for the use of certain Village streets from 5:45 p.m. through 6:15 p.m. on October 18, 2013; for the Annual Homecoming Parade.

**RESOLUTION # 09-2013-10**

RESOLUTION approving the Public Assembly Permit Application as submitted by the Floyd Memorial Library/Greenport PTA for the street closure of Front Street from Mitchell Park to First Street, and of First Street from Front Street to the Floyd Memorial Library, for the Halloween Parade, on October 20, 2013 from 1:00 p.m. - 2:15 p.m.

**RESOLUTION # 09-2013-11**

RESOLUTION scheduling a public hearing for November 25, 2013 at 6:00 p.m. at the Third Street Firehouse, regarding a proposed amendment to Chapter 142 (Wetlands, Floodplains and Drainage) of the Village of Greenport Code and directing Clerk Pirillo to notice the hearing accordingly.

**RESOLUTION # 09-2013-12**

RESOLUTION approving the attached proclamation declaring October, 2013 as Anti-Bullying Awareness Month.

**RESOLUTION # 09-2013-13**

RESOLUTION adopting a SEQRA resolution regarding Local Law # 6 of 2013 creating Chapter 103 - Rental Regulations for Residential Properties adopting lead agency status, determining that the action is an unlisted action, and adopting a negative declaration.

**RESOLUTION # 09-2013-14**

RESOLUTION adopting local law # 6 of 2013 creating Chapter 103 - Rental Regulations for Residential Properties - of the Village of Greenport Code, per the attached document dated September 9, 2013.

**RESOLUTION # 09-2013-15**

RESOLUTION awarding the annual bid for Delivery of Liquid Fuels (2013) to Hands Fuel, d/b/a Demarest Holding Corporation. This is per the bid opening as held on August 30, 2013 at 9:35 a.m. Hands Fuel / Demarest Holding Corporation prices as quoted are as follows:

- Unleaded Gasoline at a unit cost of \$ 0.13 per gallon over the "rack" wholesale price, which has an equivalent annual cost of \$3,380 over wholesale prices, based upon an estimated 26,000 gallons of gasoline per year.
- Heating Oil at a unit cost of \$ 0.13 per gallon over the "rack" wholesale price, which has an equivalent annual cost of \$1,755 over wholesale prices, based upon an estimated 13,500 gallons of gasoline per year.
- Diesel Fuel at a unit cost of \$ 0.13 per gallon over the "rack" wholesale price, which has an equivalent annual cost, including temporary tank rental, of \$ 1,950 over wholesale prices, based upon an estimated 15,000 gallons of gasoline per year.

**RESOLUTION # 09-2013-16**

RESOLUTION authorizing the Village of Greenport to conduct a lottery for permission to hunt deer, via bow and arrow, as per New York State hunting regulations, in the western portion of Moore's Woods, beginning October 1, 2013; with not more than five people at one time hunting in the western portion of Moore's Woods.

**RESOLUTION # 09-2013-17**

RESOLUTION authorizing David Berson to use the Village of Greenport Old Schoolhouse on Saturday mornings beginning in October 2013 for the Glory Going Green Art, Science and Writing program.

**RESOLUTION # 09-2013-18**

RESOLUTION authorizing the reimbursement to Ray Dunbar of the following expenses affiliated with attendance on August 21, 2013 at the New York Water Environment Association sponsored Wastewater Treatment License recertification class in Rochester, New York as required by the New York State Department of State:

\$ 32.00 in tolls,

\$ 60.00 class charge, and

\$ 446.35 in travel expenses

to be expensed from line item number G.8110.407 (Employee Training).

**RESOLUTION # 09-2013-19**

RESOLUTION ratifying the attendance of Ray Dunbar on September 11, 2013 at the New York Water Environment Association Filament

Identification and Control class in Watertown, New York as required by the New York State Department of State, at a cost of:

\$ 15.00 in tolls,

\$ 60.00 class charge, and

\$ 212.44 in travel expenses

to be expensed from line item number G.8110.407 (Employee Training).

**RESOLUTION # 09-2013-20**

RESOLUTION authorizing Mayor Nyce and Jim Fogarty to attend the NYAPP Annual Conference from September 25 - September 26, 2013 in Albany, New York at a conference fee of \$ 225.00 per person and room rate of \$ 149.00 per night per person, plus all applicable travel costs, to be expensed from line item number A.1210.400 ( Mayor Contractual Expense) for Mayor Nyce and line item number E.0781.100 (Executive Department) for Jim Fogarty.

**RESOLUTION # 09-2013-21**

RESOLUTION adopting a SEQRA resolution regarding the proposal of Genesys Engineering for services related to the Phase II capital improvement upgrade program at the power plant and adopting lead agency status, determining that the action is an unlisted action, and adopting a negative declaration.

**RESOLUTION # 09-2013-22**

RESOLUTION accepting the proposal of Genesys Engineering for services related to the Phase II capital improvements upgrade program at the power plant, and further authorizing Attorney Prokop to create the corresponding contract between Genesys Engineering and the Village of Greenport, to cover the work to be performed per the prioritized recommendations as outlined in the proposal as prepared by Genesys Engineering.

**RESOLUTION # 09-2013-23**

RESOLUTION authorizing the creation of both legal and technical bid specifications for Phase II of the capital improvements upgrades program at the power plant, per the prioritized recommendations as outlined in the proposal as prepared by Genesys Engineering to include:

**RESOLUTION # 09-2013-24**

RESOLUTION approving an increase in the hourly wage rate of William Schultz, from \$ 13.00 per hour to \$ 14.08 per hour, for the assumption of additional duties and responsibilities, as detailed in the current collective

bargaining agreement between the Village of Greenport and the CSEA - Article VII - Section 9 (a) - Merit Clause.

**RESOLUTION # 09-2013-25**

RESOLUTION authorizing Dan Prindle to complete the Re-Certification Cross Connection Control Course to be held at Hydronic Supply located in Copiague, NY at a cost of \$ 300.00, to be expensed from line item number F.8310.410 (Employee Training).

**RESOLUTION # 09-2013-26**

RESOLUTION hiring John Fudjinski as a full-time Laborer effective September 24, 2013 at a pay rate of \$ 14.00 per hour, for a 40-hour work week, including all applicable health and retirement benefits, and with the requisite six-month probationary period.

**RESOLUTION # 09-2013-27**

RESOLUTION authorizing C & L Concrete Corporation to perform curb replacements and install new curbs at various locations throughout the Village of Greenport, at a cost of \$ 17.50 per linear foot, and a total cost of approximately \$ 26,075.00, and not to exceed \$ 33,000.00; per the estimate dated August 27, 2013; to be expensed as follows:

\$ 15,000.00 from line item A.5110.451 (CHIPS), and the balance from A.5110.406 (Sidewalks and Curbs).

**RESOLUTION # 09-2013-28**

RESOLUTION authorizing the attendance of David Abatelli at the New York State Building Officials Conference in Colonie, New York from October 21-23, 2013, at a class fee of \$ 315.00, with hotel charges not to exceed \$ 280.00, and all applicable travel costs, to be expensed from line item number A.3620.400. (Safety Inspector Contractual expense).

**RESOLUTION # 09-2013-29**

RESOLUTION approving all checks per the Voucher Summary report dated September 18, 2013, in the total amount of \$ 471,397.44 consisting of:

- o all regular checks in the amount of \$ 416,533.60, and
- o all prepaid checks (including wire transfers) in the amount of \$ 54,863.84.









# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2014 Period: 9 Trans Type: B2 - Amend Status: Balch  
Trans No: 997 Trans Date: 09/16/2013 User Ref: CHARLENE  
Requested: Approved: Created by: CHARLENE 09/09/2013  
Description: APPROPRIATE ELECTRIC FUND SURPLUS FOR THE SECOND TCC PAYMENT Account # Order: No  
\$251,909 Print Parent Account: No

Account No.	Account Description	Amount
E.5990	APPROPRIATED FUND BALANCE	251,909.00
E.0781.405	TRANSMISSION RIGHTS	251,909.00
<b>Total Amount:</b>		<u>503,818.00</u>

September 2013

**VILLAGE OF GREENPORT  
RESOLUTION OF THE BOARD OF TRUSTEES**

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In the matter of adding an  
optional form of payment  
to the Village of Greenport  
Service Award Program  
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WHEREAS, the Board of Trustees of the Village of Greenport (i.e., "Board") is the sponsor of the Village of Greenport Service Award Program (i.e., "Program"), which became effective January 1, 1994; and,

WHEREAS; New York State General Municipal Law, Article 11-A, §217(h) states, in summary, that a service award program may designate that benefits can be paid in different actuarial equivalent forms; and,

WHEREAS, currently, monthly payments made from the Program to entitled participants are guaranteed to be made for one hundred twenty (120) months from the date that such benefits become payable; and,

WHEREAS, in the event a participant dies before receiving all one hundred twenty (120) guaranteed monthly payments, the designated beneficiary will continue to receive the remaining portion of such guaranteed monthly payments; and,

WHEREAS, if payment is made to an estate upon the participant's death, it is an administrative burden to the estate to collect monthly payments, and thereby necessitate keeping the estate account open for a prolonged period of time; and,

WHEREAS, Penflex, Inc., the firm retained by the Board to provide actuarial, administrative and consulting services for the Program, is recommending that the Board allow beneficiaries of deceased monthly payees to elect to receive a one-time actuarial equivalent lump sum instead of receiving the monthly payments; and,

WHEREAS, Penflex, Inc. states that allowing such an option will not increase the cost of the

September 2013

Program and will actually make the program easier to administer and therefore potentially reduce the cost of the Program, if this option is selected by a beneficiary;

NOW, THEREFORE, BE IT RESOLVED THAT, the administrative procedures of the Village of Greenport Service Award Program shall be changed effective immediately to allow any beneficiary of a deceased monthly payee to elect to be paid a one-time actuarially equivalent lump sum instead of being paid the remaining portion of the one hundred twenty (120) guaranteed monthly payments, and such lump sum will be calculated using the same interest rate used to calculate the annual required contribution due during the year of death.

Village trustee \_\_\_\_\_ moved, Village trustee \_\_\_\_\_  
seconded, and the Village Board, in a meeting held on \_\_\_\_\_ voted as follows:

	YES	NO
Village trustee _____	_____	_____
Village trustee _____	_____	_____
Village trustee _____	_____	_____
Village trustee _____	_____	_____
Village trustee _____	_____	_____

PROCLAMATION RECOGNIZING OCTOBER, 2013  
AS ANTI-BULLYING AWARENESS MONTH

*WHEREAS, We must safeguard schools and communities for our children, and, through our recognition of the serious issues that face them each day, offer our children an environment that holds promise and security; and*

*WHEREAS, Many organizations, school districts, educators and parents have publicly expressed concern about the bullying of children; and*

*WHEREAS, Each day an estimated 160,000 children refuse to go to school because they dread the physical and verbal aggression of their peers, and the loneliness that comes from being excluded and made the target of rumors and cyber-bullying; many more students attend school in a chronic state of anxiety; and*

*WHEREAS, It is important that we acknowledge and heighten awareness about the serious issues and the negative effects of bullying, including the long-term damage it can cause in our youth as well as the risks of teenage suicide; and*

*WHEREAS, Providing a safe physical and emotional environment is a significant goal and a personal responsibility of each individual; and*

*WHEREAS, It is time to "Stand UP for Character - DOWN to Bullying!"; now, therefore be it*

*PROCLAIMED, that I, MAYOR DAVID NYCE do hereby designate the month of October 2013 as Anti-Bullying Awareness Month in THE VILLAGE OF GREENPORT as a symbol of our commitment to the year-round struggle against bullying.*

BOARD OF TRUSTEES

VILLAGE OF GREENPORT

SEQRA RESOLUTION REGARDING THE  
ADOPTION OF A LOCAL LAW OF 2013  
CREATING CHAPTER 103 OF THE GREENPORT VILLAGE CODE  
RENTAL REGULATIONS FOR RESIDENTIAL PROPERTIES

WHEREAS a local law of 2013 creating Chapter 103 of the Greenport Village Code, rental regulations for residential properties, has been proposed; and

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport and the Board of Trustees 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 approval of the adoption of the local law and it is further

RESOLVED that the Board of Trustees hereby determines that this adoption of the local law is an Unlisted Action for purposes of SEQRA; it is further;

RESOLVED that the Board of Trustees of the Village Greenport hereby determines that the adoption of the local law;

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, and that it is therefore;

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

Upon motion by Trustee        seconded by Trustee        this resolution is carried upon roll call as follows:

Trustee Hubbard -

Adopted September 23, 2013

Trustee Murray -

\_\_\_\_\_

Trustee Phillips -

Sylvia Lazzaro Pirillo, Village Clerk

Trustee Robins -

Village Seal:

Mayor Nyce -

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

LOCAL LAW NO. OF THE YEAR 2013

CREATING A CHAPTER 103 OF THE GREENPORT VILLAGE CODE

RENTAL REGULATIONS FOR 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 Creation of Chapter 103

3.0 Severability

1.1 Title

This Local Law shall be entitled “Local Law of 2013 Creating a 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 2013, 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



RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

Secretary of State of New York, which shall be with in 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 adopt regulations for property rentals 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.

General Provisions.

2.1 Chapter 103 of the Greenport Village Code is hereby created as follows:

103-1 Legislative Intent

The Village Board of the Village of Greenport hereby finds that it is in the public interest to prevent unsafe conditions arising from the rental of dwelling units that are substandard or in violation of the New York State Code or Rules and Regulations or the Greenport Village Code, and any other code or regulation applicable within the Village of Greenport, and dwelling units that are inadequate in size, overcrowded and dangerous; or which pose hazards to life, limb and property of residents of the Village of Greenport and 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 rental dwelling units located within the Village of Greenport, whether or not the use and occupancy thereof shall be permitted under the applicable use regulations for the zoning district in which such rental dwelling unit is located except that

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

this Chapter shall not apply to a seasonal rental or legal transient or temporary rentals. Any dwelling unit, rooming house unit, boardinghouse unit or any other premises subject to this Chapter shall be presumed to be rented for a fee and a charge 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. In case of conflict between any provision of this Chapter and any applicable state or local law, code or regulation, the more restrictive or stringent provision or requirement shall prevail, except that in the event that any provision of this Chapter is inconsistent with a provision of a New York State law or regulation, the New York State law or regulation will prevail. 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 unpermitted, or 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:

BUILDING DEPARTMENT; The Building Department of the Village of Greenport or any agent or officer of such Department.

BUILDING INSPECTOR; The Building Inspector of the Village of Greenport or any person duly appointed as such Inspector by the Mayor and approved by the Board of Trustees.

CODE ENFORCEMENT OFFICER; Any officer of the Village of Greenport that is authorized to act as a Code Enforcement Officer by the New York State Uniform Building and Fire Prevention Code. For purposes of this Chapter, Code Enforcement Officer shall also

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

include those officers and employees of the Village of Greenport that are designated to enforce the Greenport Village Code and issue violations under this Chapter, which shall include the Building Inspector, Housing Inspector, any Fire Marshal, Fire Inspector or Chief of the Fire Department, or their designees that may be appointed by the Mayor and approved by the Board of Trustees.

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 may not be converted to a conventional bedroom without the permission of the Building Department. The definition and interpretation of the use of a room as a bedroom shall be as provided in the New York State Code and Rules and Regulations.

DWELLING, ONE FAMILY; A unit designed and authorized for exclusive occupancy as a home or residence for not more than one family, which building shall have not more than one kitchen.

DWELLING UNIT; A building or entirely self-contained portion thereof containing complete housekeeping facilities for only one family, 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.

FAMILY; Two or more persons that are related by blood, adoption, civil union or marriage, or up to five persons that are not related by blood, adoption, civil union or marriage, that are occupying one dwelling unit and living together as a family or the functional equivalent of a family. There shall be a presumption that more than five persons that are not related by blood, adoption, civil union or marriage occupying one dwelling unit are not a family, which presumption may be rebutted by proof presented to the Building Inspector of the Village of Greenport.

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

IMMEDIATE FAMILY; The owner's spouse, children, parents, siblings, grandparents or grandchildren.

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

LICENSING REVIEW BOARD; A Board which will be comprised of up to five individuals who will be appointed by the Mayor and approved by the Board of Trustees and who will undertake the responsibilities outlined in this Chapter. In the event that a Licensing Review Board has not been appointed by the Mayor and approved by the Board of Trustees, the Board of Trustees shall act as the Licensing Review Board.

MANAGING AGENT; Any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity responsible for the maintenance or operation of any rental property as defined within this Chapter.

MULTIPLE DWELLING BUILDING; A building or portion thereof containing three or more dwelling units and designed for, or occupied by, three or more families living independently of each other.

NEW PERMIT; A permit that is issued to the owner of an intended rental dwelling unit where such premises does not possess a rental permit that is valid and in force prior to the date that the application is submitted for said rental permit.

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,

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

other than kitchenettes and as may otherwise be designated by the New York State Uniform Fire Prevention and Building Code or the other codes and regulations of the State of New York. 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.

**OWNER;** Any person, partnership, corporation or other entity who alone, or jointly with others, has legal title to any premises, with or without accompanying actual possession thereof; or who shall have charge, care or control of any dwelling unit as a cooperative shareholder or as executor, administrator, trustee, receiver or guardian of the estate or as a mortgagee in possession, title or control; including but not limited to a bank or lending institution, regardless of how such possession, title or control was obtained.

**OWNER-OCCUPIED;** Occupation (other than a multiple-dwelling structure), by the owner and/or his immediate family.

**PERSON;** Includes any individual, business, partnership, firm, corporation, enterprise, trustee, company, industry, association, public entity or other legal entity.

**PUBLISH;** Promulgation of an available rental property to the general public or to selected segments of the general public, in a newspaper, magazine, flyer, handbill, mailed circular, bulletin board, sign or electronic media.

**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.

**RENT;** A return, in money, property or other valuable consideration (including payout in kind or services or other thing of value), for the use and occupancy or the right to the use and occupancy of a rental property, whether or not a legal relationship of landlord and tenant exists between the owner and the occupant or occupants thereof.

**RENTAL PERMIT;** A permit issued by the Building Inspector to the owner to

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

allow the use or occupancy of a rental property.

RENTAL PROPERTY; A dwelling unit which is occupied for habitation as a residence by persons, other than the owner or the owner's immediate family, and for which rent is received by the owner, directly or indirectly, in exchange for such residential occupation. For purposes of this Chapter, the term "rental property" shall mean all non-owner-occupied single-family residences, two-family residences (where neither of the dwelling units is owner-occupied), multi-family residences, and townhouses, and shall exclude:

- A. Properties used exclusively for nonresidential commercial purposes in any zoning district; or
- B. Any legally operating commercial hotel/motel business or bed-and-breakfast establishment operating exclusively and catering to transient clientele, that is, customers who customarily reside at these establishments for short durations for the purpose of vacationing, travel, business, recreational activities, conventions, emergencies and other activities that are customary to a commercial hotel/motel business; or
- C. Properties being used for a seasonal rental or for a transient or temporary rental.

SEASONAL RENTAL- Use of occupancy of a one-family dwelling for residential purposes under an agreement for a term of less than four months for which compensation is paid directly or indirectly, where such term includes the summer or any part of the summer.

TENANT; An individual who leases, uses or occupies a rental property.

TRANSIENT OR TEMPORARY RENTAL; A rental of real property or a portion thereof for a period of 29 days or less.

TWO-FAMILY BUILDING; A building containing two dwelling units and designed and authorized for exclusive occupancy as a home or residence for not more than two families living independently of each other, which building shall have at least, but not more than, one kitchen per dwelling unit.

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

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 dwelling unit as a rental property without a valid rental permit and no person shall occupy or otherwise use a dwelling unit as a rental property without a valid rental permit being issued for the dwelling 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

Where a dwelling unit is to be used as a rental property, an application for a rental permit that has been signed and sworn to by the owner and the managing agent, where applicable, shall be filed with the Building Inspector before the term of the rental is to commence.

B. The application shall contain the following:

1.a. The legal residence of each owner;

b. In the event that the owner of the rental property is a corporation, partnership, limited liability company, or other business entity, the name, proof of legal residence, and telephone number of each owner, officer, principal shareholder, partner and/or member of such business entity shall be provided;

c. A copy of the last deed of record for the rental property, as recorded with the Suffolk County Clerk, confirming the ownership of record of the rental property.

2. The name, address and telephone number of the managing agent, if applicable.

3. The location of the rental property, including the street address and the Suffolk

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

County Tax Map parcel number.

4. The period of the proposed occupancy.
5. A floor plan of each rental unit.
6. A copy of the certificate of occupancy or similar certificate of approval for the rental property.
7. Inspection by the Village of Greenport, written certification from a licensed architect or licensed engineer, or proof of inspection or report by a governmental agency or representative that states that the rental property fully complies with all of the provisions of the Greenport Village Code, the New York Uniform Fire Prevention and Building Code, and the other codes and regulations of the State of New York.

C. The owner(s) of the premises and the managing agent, if applicable, shall submit an application that is signed, sworn to and notarized.

Section 103-8 Review of application; issuance of rental permit

The Building Inspector shall review each application for completeness and accuracy and shall make an on-site inspection of the proposed rental property unless the owner has elected to provide a certification from a licensed architect or a licensed engineer, or from a governmental agency complying with Section 103-7(B)(7) above. The Building Inspector shall issue a rental permit when the application is complete and fee paid, and when the Building Inspector, based on an inspection or on the paperwork submitted, is satisfied that the proposed rental property fully complies with the Greenport Village Code, the New York State Uniform Fire Prevention and Building Code, and the other codes and regulations of New York State.

103-9 Term of permits and renewal

All permits issued pursuant to this Chapter shall have a term of two years. A renewal rental permit application 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



RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

renewal rental permit application shall contain the following:

1. An official copy of the prior valid rental permit;
2. Either: (a) 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 Greenport Village Code and the New York State Code and Rules and Regulations 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 Greenport Village Code or the New York State Uniform Fire Prevention and Building Code or (b) 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 permits issued pursuant to this Chapter. Such register shall be kept by street address, showing the name and address of the permittee, the number of rooms in the rental property, and the date of expiration of the rental permit.

Section 103-11 Fees

A. A nonrefundable biannual permit application fee, in the amount of \$100, shall be paid upon the filing of an application for a rental permit or a renewal rental permit.

B. The nonrefundable annual permit application fee shall be waived if the owner of a rental property leases for the entire rental term to low income households, and in such rental amounts as adopted by the Board of Trustees through the annual resolution which updates the rental formula multipliers for units reserved for income-eligible households pursuant to the Greenport Village Code.

C. The nonrefundable biannual rental permit application fee shall be waived if the owner of a rental property qualifies for any of the following real property tax exemptions at his or her primary residence located in the Village of Greenport:

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

1. Enhanced STAR;
2. Veterans exemption; or
3. Senior citizens exemption.
4. The owner of a rental property submits a sworn affidavit affirming that the rental property will be leased to any active member of a volunteer fire department or ambulance corps and/or if the owner is qualified for a volunteer firefighters and ambulance workers real property tax exemption.
5. The nonrefundable biannual rental permit application fee shall be waived if the owner of a rental property submits a sworn affidavit affirming that the rental property will be leased to a senior citizen or a qualified disabled person.

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 biannual rental permit application fee for the property involved will be \$500.

Section 103-12 Regulations

- A. A rental property shall only be leased, occupied or used by one person or a family.
- B. No rental property shall be occupied by more than the number of persons permitted to occupy the rental property under the New York Uniform Fire Prevention and Building Code and the other codes and regulations of the State of New York.
- C. No more than two bedrooms shall be permitted in the basement of a rental property.
- D. The selling of shares to subtenants where they obtain rights for use and/or occupancy in a dwelling shall be prohibited.
- E. The leasing, subleasing, occupancy or use by a tenant of less than the entire rental property is prohibited.

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

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

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

H. The owner(s) and tenant(s) shall ensure that all property maintenance regulations provided for in the Greenport Village Code, the codes and regulations of the State of New York, and the United States Department of Housing and Urban Development Section 8 Housing Quality Standard Inspection Checklist standards are satisfied.

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 and the New York State Uniform Fire Prevention and Building 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. The owner of a rental property may request assistance from the Village with regard to an eviction that is related to a dangerous, hazardous or unsafe condition at a premises, and the Village can go to an owner for the assistance in the inspection or removal of a dangerous, hazardous or unsafe condition.

Section 103-14 Application for search warrant authorized

The Village is authorized to make application for the issuance of a search warrant in order to conduct an inspection of any rental property where the owner or tenant refuses or fails to allow an inspection of its premises and where there is reasonable cause to believe that a violation of this Chapter or the New York State Uniform Fire Prevention and Building Code or the other codes and regulations of the State of New York.

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

Section 103-15 Revocation of permit

A. The Building Inspector shall revoke a rental permit when ~~he or she~~ the Building Inspector finds that the permit holder has caused, permitted or allowed to exist and remain upon the rental property a violation of any provision of the Greenport Village Code for a period of 14 days or more after written notice has been given to the permit holder, owner, managing agent, or tenant of the rental property.

B. An appeal from such revocation may be made in writing by the permit holder to the Licensing Review Board. In the event that the Licensing Review Board confirms the revocation of the permit, the permit holder may then appeal to the Village Board of Trustees, by written request, made 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 103-16 Presumptive evidence dwelling unit is being used as rental property

A. The presence or existence of any of the following shall create a presumption that a dwelling unit is being used as a rental property:

1. The property is occupied by someone other than the owner or his/her immediate family;

2. Voter registration, motor vehicle registration, a driver's license, or any other document filed with a public or private entity which states that the owner of the rental property resides at an address other than the rental property;

3. Utilities, cable, 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. Persons residing in the dwelling unit represent that they pay rent to occupy the

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

premises;

5. A dwelling unit which has been published as being available for rent;
- B. The foregoing may be rebutted by evidence presented to the Building

Inspector or any court of competent jurisdiction.

Section 103-17 Presumptive evidence of multifamily occupancy

A. It shall be presumed that a single- or one-family dwelling unit is occupied by more than one family if any two or more of the following features are found to exist on the premises:

1. More than one mailbox, mail slot or post office address;
2. More than one electric meter annexed to the exterior of the premises;
3. More than one doorbell or doorway on the same side of the dwelling unit;
4. More than one connecting line for cable television service;
5. More than one antenna, satellite dish, or related receiving equipment;
6. There are three or more motor vehicles registered to the dwelling and each vehicle owner has a different surname;
7. There are more than three waste receptacles, cans, containers, bags or boxes containing waste from the premises placed for pickup at least twice during a weekly garbage pickup area;
8. There are separate entrances for segregated parts of the dwelling;
9. There are partitions or internal doors which may serve to bar access between segregated portions of the dwelling, including but not limited to bedrooms;
10. There exists a separate written or oral lease or rental arrangement, payment or agreement for portions of the dwelling among the owner and/or occupants and/or persons in possession thereof;
11. Any occupant or person in possession thereof does not have unimpeded and/or

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

lawful access to all parts of the dwelling unit;

12. Two or more kitchens, 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;

13. There are bedrooms that are separately locked.

B. If any two or more of the features set forth in Subsection A(1) through (13) are found to exist on the premises by the Building Inspector or Village personnel engaged in the enforcement of the provisions of this Chapter, a verified statement will be requested from the owner of the dwelling unit by the Building Inspector that the dwelling unit is in compliance with all of the provisions of the Greenport Village Code the laws and sanitary and housing regulations of the County of Suffolk and the laws of the State of New York. If the owner fails to submit such verified statement, in writing, to the Building Inspector within 10 days of such request, such shall be deemed a violation of this Chapter.

Section 103-18 Presumptive evidence of owner's residence

A. It shall be presumed that an owner of a rental property does not reside within said rental property if two or more of the following sets forth an address other than that of the rental property:

1. Voter registration;
2. Motor vehicle registration;
3. Driver's license; or
4. Utility Bill
5. Any other document filed with a public or private entity.

B. The foregoing may be rebutted by evidence presented to the Building Inspector or any court of competent jurisdiction.

Section 103-19 Presumptive evidence of over-occupancy

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

A. It shall be presumed that a bedroom is over-occupied if more than two mattresses or sleeping provisions for more than two persons exist in a bedroom.

B. The existence of number of motor vehicles at the premises may be used by the Village as a presumption of the number of individuals occupying the premises.

Section 103-20 General applicability of presumptions.

The presumptions set forth in this Chapter, subject to the limitations contained therein, shall also be applicable to the enforcement and the prosecution of building and zoning Greenport Village Code violations.

Section 103-21 Appeals of Building Inspector Determinations

An appeal from the Building Inspector's determination may be taken to the Licensing Review Board, by written request, within 30 days of such determination. The Licensing Review Board shall hold a public hearing on such appeal within 60 days after receipt of written notice of such appeal and, after such hearing, shall make written findings and a decision either sustaining or reversing such determination within 30 days after close of such public hearing.

Section 103-22 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.

RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

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 court may dismiss the violation or reduce the minimum fine imposed where it finds that the defendant has cooperated with the Village of Greenport in the investigation and prosecution of a violation of this Chapter.

I. Where authorized by a duly adopted resolution of the Board of Trustees, the Village Attorney may bring and maintain a civil proceeding, in the name of the Village, in the Supreme Court, to permanently enjoin the person or persons conducting, maintaining or permitting said violation or for other relief as may be appropriate or to take such other civil action as may be necessary to correct, prevent or remove a violation or unsafe and hazardous condition. The owner and tenants of the residence wherein the violation is conducted, maintained or permitted may be made defendants in the action. The commencement of a civil proceeding by the Village shall not be deemed or construed to be a waiver by the Village of the right to bring an action for prosecution or enforcement of the violation and the fines and penalties under this Section or as otherwise may be applicable under the law and the election of either a prosecution or civil proceeding by the Village shall not be exclusive of any other



RENTAL PERMIT LAW  
SEPTEMBER 9, 2013

remedy. The Village shall be entitled to an award of all costs in the proceeding, including but not limited to administrative, engineering, filing, and other costs and legal fees, and to bring a separate action for those costs as may be necessary.

J. 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 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.

BOARD OF TRUSTEES  
VILLAGE OF GREENPORT

SEQRA RESOLUTION REGARDING THE  
APPROVAL OF A PROPOSAL BY GENYSIS ENGINEERING  
FOR POWER PLANT PHASE II CAPITAL IMPROVEMENT PROGRAM

WHEREAS an agreement with Genysis Engineering for power plant phase II capital improvement program has been proposed; and

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport and the Board of Trustees 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 approval of the agreement and it is further

RESOLVED that the Board of Trustees hereby determines that this adoption of the local law is an Unlisted Action for purposes of SEQRA; it is further;

RESOLVED that the Board of Trustees of the Village Greenport hereby determines that the approval of the agreement;

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, and that it is therefore;

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

Upon motion by Trustee      seconded by Trustee      this resolution is carried upon roll call as follows:

Trustee Hubbard -

Adopted September 23, 2013

Trustee Murray -

Trustee Phillips -

\_\_\_\_\_  
Sylvia Lazzaro Pirillo, Village Clerk

Trustee Robins -

Village Seal:

Mayor Nyce -