

Board of Trustees  
Agenda\*  
May 23, 2016  
\*subject to change

**1. Licenses**

Cabaret License:

- a. Giacomo LaGrasa for Giacomo Jacks, 248 South Ketcham Avenue
- b. Renard DeFilippo for Toomey's Tavern, 251 South Ketcham Avenue

Application for On-Street Parking

- c. Rhea Wett, 7 Terry Avenue, Amityville- requesting period of 12 months
- d. Susan Marmer, 20 Norman Avenue- requesting period of 5 months
- e. Denise Morrissey, 39 Central Avenue- requesting at least 6 months for elevation

Request for Amplified Sound Permit:

- f. Edward Spychalsky, Vice commodore for Unqua Corinthian Yacht Club

Application for Taxi Company License

- g. Aleida Morel for First Class Taxi Service, Inc., 790-A Marconi Blvd, Copiague

Application for Taxi Driver's License (new)

- h. Angela Denis for Lindy's Taxi, 21 Sterling Place, Amityville
- i. Jonathan Alvarez for First Class Taxi, 790A Marconi Blvd, Amityville

Application for Landscaper License

- j. Green Lawn in the Sunrise, 31 Penndale Drive, Amityville NY 11701
- k. RH Sanchez Landscaping, 201 Pershing Place, Freeport NY 11520

Application for Storage of Trailer:

- l. Gergory Gill, 20 Norman Avenue

**2 Request from Deputy Treasurer**

- a. Approval of Treasurer's Abstracts

**3 Request from Village Assessor**

**4 Request from Clerk/Treasurer**

- a. Request from Erica Damante for permission to use Pearsall Park on Sunday, 5/29/16 at 4:45pm for wedding photographs
- b. Authorization to issue Request for Proposals for multi-space parking meters at the LIRR lot
- c. 2015-2016 Budget Modifications

**5 Request from Police Department**

**6 Request from Fire Department**

- a. Request to pay GA Chivis Corp \$8709.65 for repairs to 1-1-15 light tower, A3410.231

**7 Request from Department of Public Works**

- a. Request to pay Dynaire Service Corp for labor and inspection agreement in the amount of \$4,300 (A1623.460) agreement runs through 1/31/17
- b. Request to pay Omni Recycling of Babylon in the amount of \$3309.75 for dumping fees, A8160.442

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**8 Request from Building Department**

**9 Request from Court**

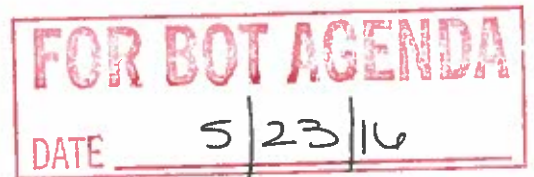
**10 Request from Village Attorney**

**11 Resolutions**

- a. **16-05-23-01 Resolution to rescind Resolution 15-12-14-2 encourage the NYS Legislature to amend the NYS Finance Law**

**12. Proposed Local Laws 6, 7 of 2016, public hearing**

- a. **Proposed Local law 6 to amend Chapter 51 Buildings, Code of the Village of Amityville (CVA), by adding a new §51-2.1, §51-13, §51-14, §51-15, §51-16, §51-17 and -§51-18 and amending §51-5, §51-6, §51-8, §51-9(A) and §51-10 thereof, to better define unsafe structures and to promote accelerated action taken by the Board of Trustees to safeguard the public**
- b. **Proposed Local Law 7 to amend the Code of the Village of Amityville (CVA) by adding a new Chapter 53 requiring the registration of vacant buildings**



**BOARD OF TRUSTEES**

**RESOLUTION # 16 - 05 - 23 - 01**

**WHEREAS**, The Board of Trustees adopted Resolution # 15-12-14-2 encouraging the NYS Legislature to amend NYS Finance Law §11, to permit the Village to bond the lump sum payment of \$1,340,000 to meet the unexpected and unbudgeted costs to compensate four (4) retiring Amityville Police Officers, for unused accumulated sick-time and vacation-time, who retired in Village Tax Year 2015/16; and

**WHEREAS**, §4-412 of the NYS Village Law vests the Board of Trustees with the responsibility to manage and protect Village property, its finances, its business, and to provide for the safety, health, comfort, and general welfare of Village inhabitants; and

**WHEREAS**, in order to fulfill its duty to comply with §4-412 and to preserve precious taxpayer dollars, the Wandell Administration has engaged in a continuous monthly line-by-line internal audit of the Village budget, weighing expenditures to ensure that taxpayer funds are wisely and efficiently expended; and

**WHEREAS**, the Administration sought out opportunities for additional non-tax revenues, such as a \$75,000 settlement from Cablevision for over-charges, a \$50,000 increase in the South Oaks Hospital PILOT payment, and more than a \$100,000 savings by eliminating benefits to former part-time officials which were provided on a scale reserved for full time employees; and

**WHEREAS**, notwithstanding salary/benefit increases for Village employees, and the continued improvement of Village services for all residents, the Village Administration expects to close-out the 2015/16 Village Tax Year with a six-figure cash surplus; and

**WHEREAS**, these responsible actions have resulted in the lowest Village debt since 2008, as well as positive reports regarding the Village's financial state from the New York State Comptroller and various bond rating agencies; and

**WHEREAS**, with these financial hurdles surpassed, the Village can now focus on a comprehensive program to repair and resurface many of the Village roadways which have been neglected for decades and all well past their life cycle; and

**WHEREAS**, by intelligent fiscal management, the bonding of debt to satisfy recent Police retirements is no longer compelled, thereby presenting the opportunity for the Board of Trustees to structure a bonding program to meet the public's longing for safer, smoother and more pleasant roadways within the Village;

**NOW, THEREFORE, BE IT RESOLVED**, that Resolution # 15-12-14-2- adopted by the Board of Trustees on December 14, 2015, encouraging the NYS Legislature to amend the NYS Finance Law to permit the Village to bond the payment of \$1.34 million dollars in separation pay benefits paid to four (4) Police Officers for unused sick-time and vacation-time is hereby rescinded.

**INCORPORATED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW #6 OF YEAR 2016**

A local law to amend Chapter 51- Buildings, of the Code of the Village of Amityville (CVA), by adding a new §51-2.1, §51-13, §51-14, §51-15, §51-16 §51-17 and §51-18 and amending §51-5, §51-6, §51-8, §51-9(A) and §51-10 thereof, to better define unsafe structures and to promote accelerated action taken by the Board of Trustees to safeguard the public.

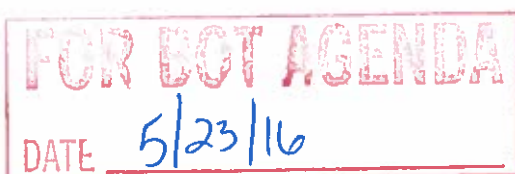
BE IT ENACTED by the Board of Trustees of the Inc. Village of Amityville as follows:

**Section 1. Purpose and Intent.**

The purpose of this article is to provide better administration and enforcement of that part of the Fire Prevention and Building Codes of the State of New York and the Village Code, as such codes relate to unsafe structures and equipment and to clarify procedures to address threats to public safety and the general welfare posed by the existence of vacant, abandoned or unsafe buildings, structures or equipment within the Village of Amityville.

**Section 2. Add a new §51-2.1. Unsafe structures and equipment.**

- A. When a structure or equipment is found to be unsafe, or unfit for human occupancy, or is found unlawful, such structure shall be condemned pursuant to the provisions of this code.
- B. **Unsafe structures.** An unsafe structure is one that is found to be dangerous to the life, health, property or safety of the public or the occupants of the structure, by not providing minimum safeguards to protect or warn occupants in the event of fire; or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe; or of such faulty construction or unstable foundation that partial or complete collapse is possible. Structures which may be unsafe include but are not limited to the following:
- (1) Those whose interior walls or other vertical structural members, list, lean or buckle to such an extent that a plumb line passing through the center of gravity falls outside of the middle third of its base.
  - (2) Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members, and/or 50% damage or deterioration of the nonsupporting enclosing or outside walls or covering.
  - (3) Those which have improperly distributed loads upon the floors or roofs or which the same are overloaded or have insufficient strength to be reasonably safe for the purpose used.
  - (4) Those which have been damaged by fire, flood, wind or other causes so as to have become dangerous to life, safety or the general health and welfare of the occupants, surrounding residents or the public.
  - (5) Those having light, air and sanitation facilities which are inadequate to protect the health, safety or general welfare of human beings who live or may live therein.



- (6) Those having inadequate facilities for egress in cases of fire or panic or those having insufficient stairways, elevators, fire escapes or other means of communication.
- (7) Those which have parts thereof which are so attached that they may collapse and injure members of the public or the property.
- (8) Those which have become or are so dilapidated, decayed, unsafe, unsanitary or which so utterly fail to provide the amenities essential to decent living that they are unfit for human habitation or are likely to cause sickness or disease so as to work injury to the health, safety or general welfare of those living therein or nearby.
- (9) A swimming pool shall further be deemed to be an unsafe structure which has any of the following additional conditions:
  - (a) Absence of enclosures and/or covers required pursuant to the New York State Building Code, or water causing hazardous conditions.
  - (b) Deterioration of the pool piping, filtration or water treatment equipment, creating an unsanitary condition in pool waters.
  - (c) Deterioration or damage to the pool piping, equipment, pool walls or floors, causing excessive leaching of pool water into the surrounding ground area.
  - (d) Improper electrical, water supply or waste removal connections to the swimming pool or pool equipment creating hazardous conditions.
  - (e) Improper storage of pool chemicals causing hazardous conditions.
  - (f) Improper installation of pool heating equipment causing hazardous conditions.
- (10) Those elements which, because of their condition, are unsafe, unsanitary or dangerous to the health, safety or general welfare of the people of this Village.

C. Unsafe equipment. Unsafe equipment includes any boiler, fixture, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or within the structure, which is in such disrepair or in a condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

D. Structure unfit for human occupancy. A structure is unfit for human occupancy whenever such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by this code, or because the location of the structure constitutes a hazard to the occupants of the structure or the public.

E. Unlawful structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under this code, or which was erected, altered or occupied contrary to law.

**Section 3.** Repeal existing CVA §51-5 and replace a new §51-5. Contents of Notice, as follows:

- A. Such notice shall contain a description of the premises, a statement of the particulars in which the building or structure or equipment is unsafe and an order requiring the same to be made safe and secure or removed. Said notice shall specify:
- (1) A description of the premises.
  - (2) A statement of the particulars in which the building is unsafe or dangerous.
  - (3) An order outlining the manner in which the building is to be made safe and secure or demolished and removed.
  - (4) A statement that the securing or removal of such building shall be completed within 7 days of the service of the notice and shall be completed within 30 days thereafter, unless, for good cause shown, such time shall be extended, or for shorter periods of time, as necessary to protect the life, safety or health of any person or property.
  - (5) The date, time and place at which a hearing shall be held before the Board of Trustees, at which hearing the owner or other persons having an interest in the structure or equipment may be heard with respect to the condition of the building, structure or equipment and the actions necessary to secure or remove same.
  - (6) Said notice shall further state that after such hearing the Board of Trustees may provide for the securing or removal of such building or structure or equipment by the Village in the event such owner fails or refuses to secure or remove the same within the time provided.

**Section 4.** Repeal existing CVA §51-6 and replace a new §51-6. Service of Notice, as follows:

Such notice, together with the report prepared pursuant to §51-3, shall be posted on the premises, and shall be filed in the office of the Suffolk County Clerk in the same manner as a notice of pendency pursuant to Article sixty-five of the Civil Practice Law and Rules, and shall be served upon the owner, or one of the owner's executors, legal representatives, agents, lessees or other person having a vested interest in the premises, either personally or by registered mail addressed to their last known address, if any, as shown by the records of the Village Clerk and/or in the office of the Suffolk County Clerk.

**Section 5.** Amend CVA §51-8. Hearing by removing the last sentence thereof and substituting a new last sentence as follows:

The owner, any occupant and such other interested persons shall receive written notice of such determination and any resulting Order in accordance with the requirement of §51-5 hereof.

**Section 6.** Repeal existing Section A. of CVA §51-9 and replace with a new §51-9(A). Refusal to comply; contracts for demolition, as follows:

- A. In the event of the refusal or neglect of the person or entity so notified to comply with said Order of the Board of Trustees within seven (7) days, or earlier if conditions require, the Board of Trustees shall direct that such building or structure be secured, repaired or demolished and removed, either by Village employees or by contract, unless such conditions require emergency or immediate remedial action, whereupon the Village shall take such action as may be necessary.

**Section 7.** Repeal existing CVA §51-10 and replace a new §51-10. Assessment of cots; assessment to

constitute lien, as follows:

All costs and expenses incurred by the Village of Amityville in connection with the proceedings to remove or secure an unsafe building, unsafe equipment or collapsed structure, including the cost of actually removing said building, equipment or structure, shall be assessed against the land on which said buildings or structures are located. The amount of such cost and expense shall be determined and audited by the Board of Trustees and shall be reported to the Village Assessor as an amount to be levied and assessed against said premises as an assessment for an improvement to be included in the next succeeding assessment roll of the Village of Amityville to be thereafter prepared.

Section 8. Add a new CVA §51-13. Order to vacate premises, as follows:

When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the occupants shall vacate the premises forthwith. There shall be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Enforcement Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or demolishing the same.

Section 9. Add a new CVA §51-14. Corrective action by the Village, as follows:

When there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Building Inspector may take such immediate action as is necessary to protect life and alleviate the danger presented, including emergency repair or removal of all or part of the building or structure, without notice or hearing to the property owner.

Section 10. Add a new CVA §51-15. Further action, as follows:

Following action taken pursuant to §51-13. - Order to Vacate Premises, or under §51-14. - Corrective Action by the Village, the Building Inspector shall prepare and deliver a report of such action to the Board of Trustees, and, if the building or structure remains unsafe, to cause said building or structure to be rendered safe pursuant to §51-9 hereof. The Building Inspector shall notify the property owner of the emergency actions taken pursuant to the provisions of §51-6 hereof.

Section 11. Add a new CVA §51-16. Assessment and lien, as follows:

All costs and expenses incurred by the Village of Amityville in connection with emergency measures taken pursuant to an Order to Vacate Premises or Corrective Action by the Village under §51-13 or §51-14, shall be assessed against the land on which said buildings or structures are located. The amount of such cost and expense shall be determined and audited by the Board of Trustees and shall be reported to the Village Assessor as an amount to be levied and assessed against said premises as an assessment for an improvement to be included in the next succeeding assessment roll of the Village of Amityville to be thereafter prepared.

Section 12. Add a new CVA §51-17. Transfer of title, as follows:

The transfer of title by an owner of the premises upon which an unsafe building or structure or excavation is located shall be no defense to any proceeding or actions already commenced under this chapter.

Section 13. Add a new CVA §51-18. Penalties for Offenses, as follows:

Any owner, upon whom a notice as provided in this article, has been personally served, who fails, neglects or refuses to place such unsafe building or structure or hazard in a safe condition as designated in such notice, or who shall violate any of the provisions of this article or Orders given pursuant thereto, or who shall resist or obstruct the Building Inspector in carrying out the provisions of this article, shall be guilty of a violation and shall, upon conviction thereof, be subject to a fine of not more than \$15,000. Each week in which such violation continues shall constitute a separate offense.

Section 14. Effective Date.

This local law shall take effect immediately upon adoption, subject to filing with the Secretary of State.



**INCORPORATED VILLAGE OF AMITYVILLE: PROPOSED LOCAL LAW # 7 OF YEAR 2016**

A local law to amend the Code of the Village of Amityville (CVA) by adding a new Chapter 53 requiring the registration of vacant buildings.

BE IT ENACTED by the Board of Trustees of the Inc. Village of Amityville as follows:



**Section 1. CVA §53-1. Legislative intent.**

The ravages of Superstorm Sandy coupled with certain economic impacts and ever changing lifestyles, place new responsibilities upon Village government to assure safe and well maintained properties. The maintenance of a Vacant Building Register will aid in assuring the health, safety and enforcement of property maintenance, by providing better access to and communication with property owners and those having an interest in particular properties to assure compliance.

**Section 2. CVA §53-2. Definitions.**

For purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them as follows:

- A. **Boarded building(s) and structure(s).** A building(s) or structure(s) with a sheet(s) of plywood, wood or similar material(s) in front or in place of one or more exterior doors, other than a storm door, or of one or more windows.
- B. **Occupied building(s) or structures(s).** Any building(s) or structure(s) wherein one or more persons actually conducts a business or resides in all or any part of the building as the business occupant, or as the legal or equitable owner(s)/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the United States Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid Village business license, if applicable, or the most recent, federal or state income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.
- C. **Owner(s).** Any person, partnership, limited-liability company, corporation or other entity who, alone or jointly with others, shall have 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.
- D. **Vacant building(s) or structure(s).** A building(s) or structure(s) where no person or persons actually currently conduct a business, or reside or live in any part of the building or structure as the legal or equitable owner(s) or tenant-occupant(s), or owner- occupant(s), or tenant(s) on a permanent, nontransient basis.

**Section 3. CVA §53-3. Vacant building registration and requirements.**

**A. Vacant building registration and fees.**

- (1) Any owner of any building which has been vacant or not occupied for more than 120 consecutive days shall file with the Village Clerk a Vacant Building Registration. Said Registration shall be in a form prescribed by the Village Clerk which shall include the street address and parcel

number of each such vacant building, the names and addresses of all owners or interest holders, in accordance with Subsection A(1)(a) through (g) below, and any other information deemed necessary by the Village Clerk, and shall be notarized. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code, zoning code or governmental regulation. The registration fee(s), as required herein, shall be due upon registration and then billed by the Village Clerk for subsequent years and be paid by January 1<sup>st</sup> of each year. For purposes of this section, the following shall be provided:

- (a) If the owner is a corporation, the names and residence addresses of all officers and directors of the corporation, and accompanied by a copy of the most recent annual franchise tax report filed with the Secretary of State.
- (b) If the owner is a limited-liability company, the names and residence addresses of the manager, managing member or those holding an interest of ten (10%) percent or greater.
- (c) If the owner is an estate, the name and residence address of the executor or administrator.
- (d) If the owner is a trust, the name and residence address of all trustees and grantors.
- (e) If the owner is a partnership, the names and residence addresses of all partners with an interest of ten (10%) percent or greater.
- (f) If the owner is any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten (10%) or greater.
- (g) If the owner is an individual person or persons, the name and residence address of such individuals.

(2) Local agent.

- (a) If none of the persons listed in Subsection A(1)(a) through (g) above are within the state, the Registration Statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process or legal notices on behalf of the owner(s).
- (b) The Registration Statement shall designate a responsible, local party or agent for the purposes of notification in the event of an emergency affecting the public health, safety or welfare.

(3) Exceptions. This section shall not apply to owners who have a second home or temporarily reside elsewhere, who demonstrated by sworn affidavits and other documentation that the premises is being regularly cared for and monitored by a family member(s) or entity engaged to provide such service.

B. Fee.

- (1) The owner(s) of the vacant or non-occupied property(ies) shall be responsible to register and pay an annual nonrefundable registration fee of \$250. Thereafter, said fee shall be billed by the Village Clerk annually on November 1<sup>st</sup>.

- (2) One Vacant Building Registration may be filed to include all vacant buildings situated upon a single property of an owner so registering. The fee of \$250 shall apply to the property upon which the buildings are situated. A separate fee need not be paid for each building upon a single tax lot.
- C. Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the Building Inspector, upon filing an application in writing to the Village Clerk no later than 30 calendar days from the date of the billing statement. On appeal, the owner shall bear the burden of providing proof that the building is occupied.
- D. One-time waiver of registration fee. A one-time waiver of the registration fee for up to 90 days may be granted by the Village Clerk upon application by the owner and upon review and advice of the Village Attorney, within 30 calendar days from the date of the bill for the registration fee; or upon appeal to the Building Inspector, if the owner:
  - (1) Demonstrates with satisfactory proof that s/he is the process of demolition, rehabilitation, or other substantial repair of the vacant building; and demonstrates the anticipated length of time for such demolition, rehabilitation, or other substantial repair; and
  - (2) Is current on all registration fees and all other financial obligations and/or debts owed to the Village which are associated with the vacant property.
- E. Delinquent registration fees as a lien.
  - (1) After the owner is given notice by First Class Mail of the amount of the registration fee due, except for those owners that have properly perfected an appeal as provided above, and the owner fails to pay the amount due within 30 days, said amount shall constitute a debt due and owing to the Village.
  - (2) Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the Village Clerk within 30 days of such occurrence and advise the Village Clerk in writing of those changes.

Section 4. CVA §53-4. Duty of village clerk to maintain and notify.

The Village Clerk shall maintain the Vacant Building Registrations in the normal course of business and shall notify the local police, fire and ambulance services of all locations on the registry.

Section 5. CVA §53-5. Penalties for offenses.

Any owner, or agent of an owner acting on behalf of the owner, who fails to register a vacant building or to pay any fees required to be paid pursuant to the provisions of this chapter, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than \$1,000 nor more than \$5,000 for each failure to register, ore repeated failure after notice, or for each failure to pay a required Vacant Building Registration Fee.

Section 6. Effective Date.

This local law shall take effect immediately upon adoption, subject to filing with the Secretary of State.