1. Public Hearings

   A. Bill 5A of 2017 – Regulating Short Term Rental and Bed & Breakfast Establishments

       Mayor Weitzner opened the public hearing, adjourned from December 6, 2017, to consider the adoption of Bill 5A of 2017, Establishing Requirements, Regulations and Procedure in the Establishment and Operation of a Short Term Rental and a Bed & Breakfast Establishment in the Village of Port Washington North. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor closed the public hearing. On motion of Trustee Cohen, seconded by Trustee Kepke, the following resolution was unanimously adopted:

       WHEREAS, the Village of Port Washington North is considering the adoption of Bill 5 of 2017, a proposed local law to establish requirements, regulations and procedure in the establishment and operation of a short term rental and a bed & breakfast establishment in the Village of Port Washington; and

       WHEREAS, the Village Board of Trustees has reviewed an environmental assessment form containing an explanation of the action, and

       WHEREAS, the Village Board of Trustees has declared its intention to declare itself lead agency; and

       WHEREAS, the Village Board of Trustees has reviewed the environmental assessment form and pursuant to said review of the relevant environmental factors affected by the proposed action, and the Village Board of Trustees has determined that said action be classified as a Type 1 action and be deemed a Negative Declaration, causing no significant adverse effect upon the environment, in accordance with the Environmental Conservation Law of the State of New York and its regulations thereon,

       NOW, THEREFORE, BE IT RESOLVED, that the Village Board of Trustees, as Lead Agency, finds that the action be classified as a Type 1 action; and be it further

       RESOLVED, that in accordance with the provisions of Sections 3-0301(1)(b), 3-0301(2)(m) and 8-0113 of the N.Y.S. Environmental Conservation Law and its applicable regulations thereon (6NYCRR, Part 617), the Village Board of Trustees determines that the action be deemed to constitute a Negative Declaration. The deeming of this action as a Negative Declaration indicates that it would cause no significant adverse effect on the environment.

       On motion of Trustee Kepke, seconded by Trustee Cohen, it was resolved that Bill 5A of 2017 be and hereby is adopted as Local Law 1 of 2018 to read as follows:

       LOCAL LAW 1 of 2018

       ARTICLE XXII

       REGULATION OF SHORT TERM RENTALS

       INCLUDING BED AND BREAKFAST ESTABLISHMENTS
Section 176-13-Prohibiting Short Term rentals including Bed and Breakfast Establishments

It is the intention of the Board of Trustees of the Village of Port Washington North to enact a local law to protect the public health, safety and welfare by prohibiting the establishment and operation of bed-and-breakfast establishments/transient rentals in the Village of Port Washington North. The Village Board finds that residential homes being rented for short periods of time detrimentally affects the quality of life in the neighborhoods in which they occur.

Section 176-14 Definitions

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

OWNER - An individual or group of individuals who are in possession of and have a fee interest in real property. The term “owner” shall not include a business entity or association, a trustee, receiver or guardian of an estate, or a mortgagee or lien holder.

OWNER OCCUPIED - A one or two family house used by the owner as his or her or their primary principal residence (domicile).

DWELLING UNIT - A structure or building providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

TRANSIENT RENTAL PROPERTY - A rental dwelling or dwelling unit occupied by persons other than the owner or a family member of the owner and for which rent is received by the owner, directly or indirectly, in exchange for such rental occupation for a period less than 180 days.

BED AND BREAKFAST ESTABLISHMENT - A house or residence that is owner occupied in which someone can rent to sleep and the price includes breakfast for the next morning.

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

Section 176-15 Transient Rental Property

A. It shall be unlawful and a violation of this chapter for any person or entity who owns a dwelling unit in the Village of Port Washington North to establish, maintain, use, let lease, rent or suffer or permit the occupancy and use thereof of a transient rental property and/or a Bed and Breakfast establishment in the Village of Port Washington North.

B. Presumption of a dwelling unit as transient rental property/Bed and Breakfast Establishment.

   (1) The presence of the following shall create a presumption that a dwelling unit is being used as a transient rental property:

      (a) The dwelling unit or any room therein is offered for lease or otherwise on a short term rental basis website, including but not limited to Airbnb, Home Away, VRBO and the like for a period of less than 180 days; or

      (b) The dwelling is offered for lease in any medium for a period of less than 180 days.

   (2) The foregoing presumption may be rebutted by evidence presented to the Port Washington North Code Enforcement Officials that the dwelling unit is not a transient rental property and/or a Bed and Breakfast Establishment.

Section 176-16 Violations and penalties for offenses

A. Each and every violation of, or failure to comply with any provision of this chapter shall constitute a violation, punishable as follows: for a conviction of a first offense, by a fine not to exceed $500.00; for a conviction of a second offense, both of which were committed within a period of four years, by a fine not less than $500.00, nor more than $1000.00; for a conviction of a third or subsequent offense, all of which were committed within a period of two years, by a fine not less than $1000.00, nor more than $1500.00; and for a fourth offense, all of which were committed within a period of four years, by a fine not less than $1500.00, nor more than $2500.00 or imprisonment for a period not to exceed 15 days, or both such fine and imprisonment.

Section 176-17 Severability
If any clause, sentence, paragraph, subdivision, section or part of this chapter or the application thereof to any person, individual, corporation, firm, partnership or business shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, then such order or judgment shall not effect impair or invalidate the remainder thereof but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section or part of this chapter, or its specific application.

Section 176-18 Effective Date
This local law shall take effect immediately after filing with the Secretary of State.

Vote was recorded as follows: Trustee Cohen-aye, Trustee Kepke-aye, Trustee Malatino-absent, Mayor Weitzner-aye. Motion carried.

B. Bill 1B of 2017 – Economic Development B Permitted Uses
Mayor Weitzner opened the public hearing, adjourned from December 6, 2017, to consider the adoption of Bill 1B of 2017, Amending Permitted Uses in the Economic Development B District. A stenographic transcript of the hearing is on file with the Village Clerk. All those present wishing to speak having been heard, the Mayor adjourned the public hearing to 7:30 p.m. on Wednesday, February 7, 2018 at the Village Hall, 3 Pleasant Avenue, Port Washington, New York

2. Clerk
   A. Minutes
On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the reading of the minutes of the Board of Trustees meeting of November 1, 2017 be waived and that they be and hereby are approved as prepared by Clerk Torrisi.

B. Village Election
On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village Clerk be and hereby is directed to publish in the official newspaper of the Village at least ten days prior to the General Village Election to be held on Tuesday, March 20, 2018 a notice that shall state:
   • The polling place in each election district;
   • The hours during which the polls shall be open, to wit, from noon to nine o’clock in the evening;
   • The names and addresses of those who have been duly nominated in accordance with the provisions of the election law for the Village office whose petitions have been duly filed with the Village Clerk, and the offices and terms of said office for which they have been so nominated.

C. Grievance Day
On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that on the 20th day of February 2018, at the Village Hall, 3 Pleasant Avenue, Port Washington, New York 11050, the Board of Trustees and the Assessor will meet for the purpose of hearing complaints in relation to assessments from 10:00 a.m. to 2:00 p.m. on said day. Each complainant shall file with the Village Clerk on or before February 20, 2018 a statement under oath, specifying the respect in which the assessment complained of is incorrect, which statement must be made by the person whose property is assessed or by some person authorized to make such statement who has the knowledge of the facts stated therein.
3. Treasurer
   A. On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the reading of the General Fund Abstract of Vouchers #193, totalling $201,021.92, and the Trust & Agency Abstract of Vouchers #139, totalling $1,582.50, be waived and that they be and hereby are approved as prepared by Treasurer Bella.
   
   B. Mayor Weitzner stated that Trustee Scheff has reviewed the bank statement reconciliations for November 2017.

4. Reports
   A. Public Works
      On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Public Works Department report for the month of December 2017 be and hereby is accepted as submitted by Superintendent Novinski.

   B. Building Department
      On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Building Department report for December 2017 be and hereby is accepted as submitted by Superintendent Barbach.

   C. Emergency Management & Traffic Safety
      On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Emergency Management and Traffic Safety reports for the month of December 2018 be and hereby are accepted as presented by Commissioner Kaplan.

   D. Justice Court
      The Board accepted the Justice Court reports for October and November 2017.

5. Business
   A. Board of Appeals Vice Chair
      On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North hereby establishes the position of Vice Chair of the Board of Appeals, with a term of one official year.

      On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that Paul Joseph, be and hereby is appointed as Vice Chair of the Board of Appeals, for a term of one official year, said term to expire April 2018.

   B. Bill 1 of 2018 – Prohibiting Double Utility Poles in Rights-of-Way
      On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the Board of Trustees of the Village of Port Washington North will hold a public hearing to consider the adoption of Bill 1 of 2018, Prohibiting Double Utility Poles in Village Rights-of-Way, on Wednesday, February 7, 2018 at 7:45 p.m. at the Village Hall, 3 Pleasant Avenue, Port Washington, New York 11050.

   C. Consent to Change Attorney – Downing v. Village
On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the Village of Port Washington North hereby consents that the law offices of Gerber Ciano Kelly Brady LLP be substituted for Goldberg Segalla LLP as attorneys of record for the Village in the matter of Henry J. Downing v. Village of Port Washington North, et al.

6. Executive Session

On motion of Trustee Kepke, seconded by Trustee Cohen, it was unanimously RESOLVED that the Board enter into executive session to seek advice of counsel.

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the executive session is adjourned and the regular meeting is reconvened.

Mayor Weitzner stated that no action was taken in executive session.

On motion of Trustee Cohen, seconded by Trustee Kepke, it was unanimously RESOLVED that the meeting be and hereby is adjourned at 8:45 p.m.

Palma Torrisi, Village Clerk