



TO: Mayor Paul V. Pontieri, Jr.  
Board of Trustees

FROM: Patricia M. Seal  
Village Clerk

RE: AGENDA FOR BOARD MEETING OF OCTOBER 28, 2013

1. Flag Salute
2. Safety Message
3. Village Clerk
  - a. Approve Board Meeting minutes of October 15, 2013
4. Village Treasurer Krawczyk
  - a. Village Bills (see attached)
  - b. Top 5 Bills To Be Paid (see attached)
  - c. Budget Adjustments
  - d. Budget Transfers
  - e. Budget Loans
  - f. Other Items
5. Public Hearings
  - a. Request approval to amend Chapter 162 of Village Code to provide a procedure for removing and/or repairing unsafe structures
  - b. Request approval to amend Section 336-4 of Chapter 336 of Village Code to create a rebuttable presumption of rent

6. Mayor Pontieri
  - a. Request approval to reduce the assessment of 82 Brightwood Street (On the Waterfront) to reflect land value only for tax year 2014
7. B.I.D. Report – Dennis Smith
8. Chamber of Commerce Report – David Kennedy
9. Trustees
  - a. Deputy Mayor Krieger
    1. Theatre Report
  - b. Trustee Keyes
    1. DPW Report
    2. CDA Report
    3. Request approval to hire Rosemar Construction, Inc, to mill and pave Marvin Street at a cost not to exceed \$66,000
    4. Request approval to hire Rosemar Construction, Inc. to mill and pave East 4<sup>th</sup> Street at a cost not to exceed \$40,000
    5. Request approval to hire Jadeco Construction Corp. to install curbs and sidewalk on the south side of Smith Street from Rider Avenue to Bay Avenue at a cost not to exceed \$53,000
    6. Request approval to hire Jadeco Construction Corp. to install curbs and sidewalk on the east side of Rider Avenue from the race track to Smith Street at a cost not to exceed \$11,500
    7. Request approval to hire Jadeco Construction Corp. to install curbs and sidewalk on the east side of Rider Avenue from Carmen Street to the race track at a cost not to exceed \$22,000
    8. Request approval to hire Park Line Asphalt Maintenance, Inc. to prep, paint and number new pavement markings in the Terry Street, Church Street and Oak Street parking lots in an amount not to exceed \$78,000
    9. Request approval to appoint Anthony Spataro as senior swing man at an increase of \$1.00/h retroactive to June 1, 2013

c. Trustee Crean

1. Request approval to hold the 1<sup>st</sup> annual "Midnight on Main St." event on Tuesday, December 31<sup>st</sup>

d. Trustee Ferb

1. Building & Housing Report

e. Trustee Devlin

1. Planning & Zoning Report
2. Economic Development Report
3. Request approval to set a Public Hearing to amend Section 435-22 of Village Code to require off-street parking in the D3 Business District
4. Request approval to set a Public Hearing to repeal Section 435-14.1 to end the moratorium in the D3 zone on applications to intensify use, convert uninhabitable space, increase the footprint or square footage of existing buildings or increase occupancy

f. Trustee Hilton

1. Parks & Recreation Report
2. Request approval to hold the annual Veterans Day ceremonies on Monday, November 11<sup>th</sup> on the four corners beginning at 10.30am
3. Request approval to hold the 51<sup>st</sup> annual Christmas Parade on Main Street on Saturday, November 30<sup>th</sup> beginning at 6pm

10. Public to be Heard



RECEIVED  
VILLAGE OF PATCHOGUE  
OCT 24 2013  
VILLAGE CLERK'S OFFICE

American Legion Post 269

Post office Box 457

Patchogue NY 11772

475-3822

Alpost269@aol.com

Patchogue Village Board

The UVO of Patchogue requests to have Veterans Day ceremonies on Four Corners. The ceremony will start at 11am and end approximately at 12:15pm. We will need streets blocked at 10:15 to allow the Fire Department and school band to set up. We also request the Parks and Recreation supply a podium and speaker system.

FOR GOD AND COUNTRY

A handwritten signature in black ink that reads "John Matuszak". The signature is written in a cursive style with a large initial "J".

JOHN MATUSZAK

COMMANDER

ESTIMATE  
FULLY INSURED



VISIT OUR WEB SITE  
www.parkline.net

# Asphalt Maintenance, Inc.

1877 Montauk Highway  
Brookhaven, NY 11719  
Phone: (631) 286-4726 Fax: (631) 286-4763

<b>QUOTE #</b>	9624	<b>QUOTE FOR</b>	VILLAGE OF PATCHOGUE	<b>PHONE</b>	631-475-4300
<b>DATE ISSUED</b>	10/10/13	<b>ADDRESS</b>	14 BAKER STREET	<b>FAX</b>	631-475-4314
<b>ESTIMATE BY</b>	RICH MAILAND		PATCHOGUE NY 11772	<b>MOBILE #</b>	516-993-4537
		<b>CONTACT</b>	JOSEPH KEYES OR PATRICIA SEAL		
<b>JOB LOCATION</b>	CHURCH STREET PARKING LOT #6			<b>JOB TOWN</b>	PATCHOGUE

- \* Clean and sweep pavement to be sealed. Dispose of sand off site. Included
- \* Blow out cracks in asphalt pavement one quarter inch wide and larger.  
Fill cracks with hot rubberized crack filler (excludes alligator areas). \$4,500.00
- \* Seal coat pavement with two (2) coats of heavy duty commercial sealer.  
Tarmax is added to the sealer at a rate of 4%. \$10,500.00  
Tarmax is a rubberized additive which will add durability to the sealer.  
Black Beauty coal slag is added at a rate of 4 pounds per gallon.  
Black Beauty will leave a non-slip surface and add to the life of the product.
- \* Layout and paint new pavement markings with one (1) coat of Sherwin-Williams Latex Traffic Paint (approx. 220 parking spaces). \$4,290.00  
Includes numbered parking spaces.

JKEYES@PATCHOGUEVILLAGE.ORG

<b>SUBTOTAL</b>	\$19,290.00
<b>NYS SALES TAX</b>	if applicable
<b>QUOTE TOTAL</b>	

In consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) (We) hereby guarantee unto Park Line Asphalt Maintenance, Inc. the payment of any indebtedness of the owner (or contract) now existing or which is incurred hereafter and in whatever form it may be evidenced. This is to be a continuing guarantee until all payment of all indebtedness has been made. It is not to be limited in any manner. When and if this account is placed in the hands of an attorney for collection of any amounts unpaid and owing I (we) guarantee and agree to pay attorney's fees of 25% of the amount due which is agreed to be reasonable for collections, in addition to the amount of the unpaid balance due.

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Guarantor of Payment and Authorization to proceed with the above work.  
1.5% interest will be charged on unpaid balances over (30) days.

ESTIMATE  
FULLY INSURED



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www.parkline.net

## Asphalt Maintenance, Inc.

1877 Montauk Highway  
Brookhaven, NY 11719  
Phone: (631) 286-4726 Fax: (631) 286-4763

QUOTE #	9623	QUOTE FOR	VILLAGE OF PATCHOGUE	PHONE	631-475-4300
DATE ISSUED	10/10/13	ADDRESS	14 BAKER STREET	FAX	631-475-4314
ESTIMATE BY	RICH MAILAND		PATCHOGUE NY 11772	MOBILE #	516-993-4537
		CONTACT	JOSEPH KEYES OR PATRICIA SEAL		
JOB LOCATION	OAK STREET PARKING LOT #1			JOB TOWN	PATCHOGUE

- |   |            |
|---|------------|
| * Clean and sweep pavement to be sealed. Dispose of sand off site.  | Included   |
| * Blow out cracks in asphalt pavement one quarter inch wide and larger.<br>Fill cracks with hot rubberized crack filler (excludes alligator areas).   | \$3,500.00 |
| * Seal coat pavement with two (2) coats of heavy duty commercial sealer.<br>Tarmax is added to the sealer at a rate of 4%.<br>Tarmax is a rubberized additive which will add durability to the sealer.<br>Black Beauty coal slag is added at a rate of 4 pounds per gallon.<br>Black Beauty will leave a non-slip surface and add to the life of the product. | \$5,400.00 |
| * Layout and paint new pavement markings with one (1) coat of Sherwin-Williams Latex Traffic Paint (approx. 105 parking spaces).<br>Includes numbered parking spaces.   | \$2,500.00 |

SUBTOTAL \$11,400.00  
NYS SALES TAX if applicable  
QUOTE TOTAL

In consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) (We) hereby guarantee unto Park Line Asphalt Maintenance, Inc. the payment of any indebtedness of the owner (or contract) now existing or which is incurred hereafter and in whatever form it may be evidenced. This is to be a continuing guarantee until all payment of all indebtedness has been made. It is not to be limited in any manner. When and if this account is placed in the hands of an attorney for collection of any amounts unpaid and owing I (we) guarantee and agree to pay attorney's fees of 25% of the amount due which is agreed to be reasonable for collections, in addition to the amount of the unpaid balance due.

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Guarantor of Payment and Authorization to proceed with the above work.  
1.5% interest will be charged on unpaid balances over (30) days.

ESTIMATE  
FULLY INSURED



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www.parkline.net

### Asphalt Maintenance, Inc.

1877 Montauk Highway  
Brookhaven, NY 11719

Phone: (631) 286-4726 Fax: (631) 286-4763

<b>QUOTE #</b>	9620	<b>QUOTE FOR</b>	VILLAGE OF PATCHOGUE		
<b>DATE ISSUED</b>	10/10/13	<b>ADDRESS</b>	14 BAKER STREET		
<b>ESTIMATE BY</b>	RICH MAILAND		PATCHOGUE	NY 11772	<b>PHONE</b> 631-475-4300
		<b>CONTACT</b>	JOSEPH KEYES OR PATRICIA SEAL		<b>FAX</b> 631-475-4314
<b>JOB LOCATION</b>	TERRY STREET PARKING LOT (EAST LOT- C)			<b>JOB TOWN</b>	PATCHOGUE
					<b>MOBILE #</b> 516-993-4537

- \* Clean and sweep pavement to be sealed. Dispose of sand off site. Included
- \* Blow out cracks in asphalt pavement one quarter inch wide and larger.  
Fill cracks with hot rubberized crack filler (excludes alligator areas). \$3,500.00
- \* Seal coat pavement with two (2) coats of heavy duty commercial sealer.  
Tarmax is added to the sealer at a rate of 4%. \$14,385.00  
Tarmax is a rubberized additive which will add durability to the sealer.  
Black Beauty coal slag is added at a rate of 4 pounds per gallon.  
Black Beauty will leave a non-slip surface and add to the life of the product.
- \* Layout and paint new pavement markings with one (1) coat of Sherwin-Williams Latex Traffic Paint (approx. 170 parking spaces). \$3,690.00  
Includes numbered parking spaces.

JKEYES@PATCHOGUEVILLAGE.ORG

<b>SUBTOTAL</b>	\$21,575.00
<b>NYS SALES TAX</b>	if applicable
<b>QUOTE TOTAL</b>	

In consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) (We) hereby guarantee unto Park Line Asphalt Maintenance, Inc. the payment of any indebtedness of the owner (or contract) now existing or which is incurred hereafter and in whatever form it may be evidenced. This is to be a continuing guarantee until all payment of all indebtedness has been made. It is not to be limited in any manner. When and if this account is placed in the hands of an attorney for collection of any amounts unpaid and owing I (we) guarantee and agree to pay attorney's fees of 25% of the amount due which is agreed to be reasonable for collections, in addition to the amount of the unpaid balance due.

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Guarantor of Payment and Authorization to proceed with the above work.  
1.5% interest will be charged on unpaid balances over (30) days.

ESTIMATE  
FULLY INSURED



VISIT OUR WEB SITE  
www.parkline.net

# Asphalt Maintenance, Inc.

1877 Montauk Highway  
Brookhaven, NY 11719  
Phone: (631) 286-4726 Fax: (631) 286-4763

<b>QUOTE #</b>	9622	<b>QUOTE FOR</b>	VILLAGE OF PATCHOGUE	<b>PHONE</b>	631-475-4300
<b>DATE ISSUED</b>	10/10/13	<b>ADDRESS</b>	14 BAKER STREET	<b>FAX</b>	631-475-4314
<b>ESTIMATE BY</b>	RICH MAILAND		PATCHOGUE NY 11772	<b>MOBILE #</b>	516-993-4537
		<b>CONTACT</b>	JOSEPH KEYES OR PATRICIA SEAL		
<b>JOB LOCATION</b>	TERRY STREET PARKING LOT (MIDDLE LOT- B)			<b>JOB TOWN</b>	PATCHOGUE

- \* Clean and sweep pavement to be sealed. Dispose of sand off site. Included
- \* Blow out cracks in asphalt pavement one quarter inch wide and larger.  
Fill cracks with hot rubberized crack filler (excludes alligator areas). \$1,800.00
- \* Seal coat pavement with two (2) coats of heavy duty commercial sealer.  
Tarmax is added to the sealer at a rate of 4%. \$7,575.00  
Tarmax is a rubberized additive which will add durability to the sealer.  
Black Beauty coal slag is added at a rate of 4 pounds per gallon.  
Black Beauty will leave a non-slip surface and add to the life of the product.
- \* Layout and paint new pavement markings with one (1) coat of Sherwin-Williams Latex Traffic Paint (approx. 190 parking spaces). \$3,720.00  
Includes numbered parking spaces.

JKEYES@PATCHOGUEVILLAGE.ORG

**SUBTOTAL** \$13,095.00

**NYS SALES TAX** if applicable

**QUOTE TOTAL**

In consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) (We) hereby guarantee unto Park Line Asphalt Maintenance, Inc. the payment of any indebtedness of the owner (or contract) now existing or which is incurred hereafter and in whatever form it may be evidenced. This is to be a continuing guarantee until all payment of all indebtedness has been made. It is not to be limited in any manner. When and if this account is placed in the hands of an attorney for collection of any amounts unpaid and owing I (we) guarantee and agree to pay attorney's fees of 25% of the amount due which is agreed to be reasonable for collections, in addition to the amount of the unpaid balance due.

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Guarantor of Payment and Authorization to proceed with the above work.  
1.5% interest will be charged on unpaid balances over (30) days.



ESTIMATE  
FULLY INSURED



VISIT OUR WEB SITE  
www.parkline.net

# Asphalt Maintenance, Inc.

1877 Montauk Highway  
Brookhaven, NY 11719  
Phone: (631) 286-4726 Fax: (631) 286-4763

<b>QUOTE #</b>	9621	<b>QUOTE FOR</b>	VILLAGE OF PATCHOGUE	<b>PHONE</b>	631-475-4300
<b>DATE ISSUED</b>	10/10/13	<b>ADDRESS</b>	14 BAKER STREET	<b>FAX</b>	631-475-4314
<b>ESTIMATE BY</b>	RICH MAILAND		PATCHOGUE NY 11772	<b>MOBILE #</b>	516-993-4537
		<b>CONTACT</b>	JOSEPH KEYES OR PATRICIA SEAL		
<b>JOB LOCATION</b>	TERRY STREET PARKING LOT (WEST LOT- A)			<b>JOB TOWN</b>	PATCHOGUE

- \* Clean and sweep pavement to be sealed. Dispose of sand off site. Included
- \* Blow out cracks in asphalt pavement one quarter inch wide and larger.  
Fill cracks with hot rubberized crack filler (excludes alligator areas). \$1,200.00
- \* Seal coat pavement with two (2) coats of heavy duty commercial sealer.  
Tarmax is added to the sealer at a rate of 4%. \$7,995.00  
Tarmax is a rubberized additive which will add durability to the sealer.  
Black Beauty coal slag is added at a rate of 4 pounds per gallon.  
Black Beauty will leave a non-slip surface and add to the life of the product.
- \* Layout and paint new pavement markings with one (1) coat of Sherwin-Williams Latex Traffic Paint (approx. 140 parking spaces). \$3,170.00  
Includes numbered parking spaces.

JKEYES@PATCHOGUEVILLAGE.ORG

Total - \$ 79,725

<b>SUBTOTAL</b>	\$12,365.00
<b>NYS SALES TAX</b>	if applicable
<b>QUOTE TOTAL</b>	

In consideration of \$1.00 and other good and valuable consideration, the receipt of which is hereby acknowledged, (1) (We) hereby guarantee unto Park Line Asphalt Maintenance, Inc. the payment of any indebtedness of the owner (or contract) now existing or which is incurred hereafter and in whatever form it may be evidenced. This is to be a continuing guarantee until all payment of all indebtedness has been made. It is not to be limited in any manner. When and if this account is placed in the hands of an attorney for collection of any amounts unpaid and owing I (we) guarantee and agree to pay attorney's fees of 25% of the amount due which is agreed to be reasonable for collections, in addition to the amount of the unpaid balance due.

Print Name \_\_\_\_\_ Signature \_\_\_\_\_ Date \_\_\_\_\_

Guarantor of Payment and Authorization to proceed with the above work.  
1.5% interest will be charged on unpaid balances over (30) days.



# Proposal

## JADECO CONSTRUCTION CORP.

CONCRETE & GENERAL CONTRACTORS

P.O. BOX 16, ST. JAMES, N.Y. 11780 • (516) 584-3740

PROPOSAL SUBMITTED TO <b>INC VILLAGE OF PATCOGLE</b>		PHONE	DATE <b>9/30/13</b>
STREET		JOB NAME	
CITY, STATE AND ZIP CODE		JOB LOCATION	
ARCHITECT	DATE OF PLANS	JOB PHONE	

We hereby submit specifications and estimates for:

CONTRACT SCDPW LETTING NO 16-12.5.31 A1

CONTINUED

**JOB: RYDER AVE FROM TRACK TO SMITH ST EAST/ SIDEW**

DESC 4A ITEM 97AR-WT R&R CURB 80LF	X	\$ 32.00	=	\$ 2,560.00
DESC 13C ITEM 105S-WT SIDEWALK 4" 125SY X	X	\$ 44.50	=	\$ 5,562.50
DESC 28B ITEM 51F-84X PAV REST 27SY	X	\$ 60.00	=	\$ 1,620.00
DESC 28B ITEM 123ISS GRADE TOP SOIL & SEED 112SY X 10	X	\$ 11.20	=	\$ 1,120.00
DESC 28B ITEM 105EDW WARNING UNITS 10SF X	X	\$ 38.00	=	\$ 380.00
<b>SUB TOTAL</b>				<b>\$ 11,242.50</b>

**JOB: RYDER AVE FROM EDWARDS ST TO CARMEN ST**

DESC 4B ITEM 97AR-WT R&R CURB 200LF	X	\$ 24.00	=	\$ 4,800.00
DESC 14D ITEM 105S-WT SIDEWALK 4" 1,600SYX	X	\$ 43.00	=	\$ 68,800.00
DESC 28B ITEM 51F-84X PAV REST 70SY	X	\$ 60.00	=	\$ 4,200.00
DESC 28B ITEM 123ISS GRADE TOPSOIL & SEED 1600SY X 10.00	X	\$ 160.00	=	\$ 16,000.00
DESC 28B ITEM 105EDW WARNING UNIT 90SF X	X	\$ 38.00	=	\$ 3,420.00
<b>SUB TOTAL</b>				<b>\$ 97,220.00</b>

TO BE CONTINUED

**We Propose** hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows: \_\_\_\_\_ dollars (\$ \_\_\_\_\_)

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature *Jamal al Aminudi*  
 Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_  
 Signature \_\_\_\_\_

# JADECO CONSTRUCTION CORP.

CONCRETE & GENERAL CONTRACTORS

P.O. BOX 16, ST. JAMES, N.Y. 11780 • (516) 584-3740

PROPOSAL SUBMITTED TO		PHONE	DATE
VILLAGE OF FAUCOGUE			9/30/13
STREET		JOB NAME	
CITY, STATE AND ZIP CODE		JOB LOCATION	
ARCHITECT	DATE OF PLANS		JOB PHONE

We hereby submit specifications and estimates for:

SOEDW LETTING 16-12.5.31 A1

JOB: SMITH ST FROM RYDER AVE TO BAY AVE SOUTH SIDE

DESC. 4C ITEM 97A R&R CURB 28OLF	X	23.00	=	\$ 6,440.00
DESC 13D ITEM 105S-WT SIDEWALK 4" 775SY	X	43.00	=	\$ 33,325.00
DESC 28B ITEM 51F-84X PAV REST 50SY	X	60.00	=	\$ 3,000.00
DESC 28B ITEM 123ISS TOPSOIL & SEED 800SY	X	10.00	=	\$ 8,000.00
DESC 28B ITEM 105EDW WARNING UNIT 50SF	X	38.00	=	\$ 1,900.00
		<b>SUB TOTAL</b>		<b>\$ 52,665.00</b>

JOB: BAY AVE SOUTH SIDE

DESC 1D ITEM 97A-WT CURB 54OLF	X	18.00	=	\$ 9,720.00
DESC 13D ITEM 105S-WT SIDEWALK 4" 425SY	X	43.00	=	\$ 18,275.00
DESC 28B ITEM 51F-84X PAV REST 180SY	X	60.00	=	\$ 10,800.00
DESC 28B ITEM 123ISS TOPSOIL & SEED 360SY	X	10.00	=	\$ 3,600.00
DESC 28B ITEM 105EDW WARNING UNIT 30SF	X	38.00	=	\$ 1,140.00
		<b>SUB TOTAL</b>		<b>\$ 43,535.00</b>

TO BE CONTINUED

We Propose hereby to furnish material and labor — complete in accordance with above specifications, for the sum of:

Payment to be made as follows: \_\_\_\_\_ dollars (\$ \_\_\_\_\_).

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature Jacout de Almeida  
Note: This proposal may be withdrawn by us if not accepted within \_\_\_\_\_ days.

**Acceptance of Proposal** — The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Date of Acceptance: \_\_\_\_\_

Signature \_\_\_\_\_  
Signature \_\_\_\_\_

SUBMITTED TO: Village of Patchogue

DATE: October 22, 2013

ATTENTION: Mr. Joseph Dean

DESCRIPTION		AMOUNT
East 4th Street		
Item 9C Milling 2" of Asphalt Pavement 2750 sq. yds.		\$10,670.00
Item 9B(c) Install 2" NYSDOT Type 6 Top 2750 sq. yds		<u>\$28,820.00</u>
Total		\$39,490.00



Construction, Inc.

56 Pine Street, East Moriches, N.Y. 11940

Tel: (631) 878-2323 • FAX: (631) 878-2465

PAGE 1

SUBMITTED TO: Village of Patchogue

DATE: June 4, 2013

ATTENTION: Mr. Joseph Dean

DESCRIPTION	
	AMOUNT
Marvin Street	
Item 9C Milling 1 1/2" of Asphalt Pavement 1530 sq. yds.	\$4,452.30
Item 9B(b) Install 2" NYSDOT Type 6 Top 1530 sq. yds.	\$30,600.00
Total	\$35,052.30
Additional Area on Marvin St.	
Item 9C Milling 1 1/2" of Asphalt Pavement 1330 sq. yds.	\$3,870.30
Item 9B(b) Install 2" NYSDOT Type 6 Top 1330 sq. yds.	\$26,600.00
	\$30,470.30
	65,522.60

**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on Monday, October 28, 2013, at 6:00 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue **TO AMEND SECTION 336-4-A OF CHAPTER 336 OF THE VILLAGE CODE TO CREATE A REBUTTABLE PRESUMPTION OF RENT**, a copy of which proposed local law is on file at the Office of the Village Clerk.

At said Public Hearing any person interested will be given the opportunity to be heard.

\_\_\_\_\_  
Patricia M. Seal, Village Clerk

Dated: October 17, 2013

**AMENDING SECTION 336-4-A OF CHAPTER 336 OF THE VILLAGE CODE TO  
CREATE A REBUTTABLE PRESUMPTION OF RENT**

Be it enacted by the Village Board of the Incorporated Village of Patchogue:

The Code of the Incorporated Village of Patchogue, County of Suffolk, New York, is amended by:

AMENDING Section 336-4(A) of the Village Code which shall read as follows:

**[New Language]**

**[Language to be Deleted]**

§ 336-4 Rental occupancy permit required; application.

A. It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any person or entity who owns or rents a dwelling unit in the Village of Patchogue to use, establish, maintain, operate, let, lease, sublease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without first having obtained a valid rental occupancy permit therefor. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.

1. It shall be an affirmative defense to a violation of Subsection A of this section that the rental occupant or occupants is/are immediate family members of the owner of the subject premises, as defined in this chapter.

**2. Rebuttable presumption of rent. Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this chapter shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.**

This Local Law shall take effect immediately.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
___	___	Mayor Pontieri	___	___	Trustee Hilton
___	___	Trustee Crean	___	___	Trustee Krieger
___	___	Trustee Keyes	___	___	Trustee Ferb
___	___	Trustee Devlin			



Dated: October \_\_, 2013

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Patricia M. Seal - Village Clerk

Local Law Filing

**(Use this form to file a local law with the Secretary of State.)**

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

City

of The Incorporated Village of Patchogue

Town

Village

**Local Law No. \_\_\_\_ of the year 2013.**

**A LOCAL LAW OF THE VILLAGE OF PATCHOGUE**

The Amended Section 336-4(A) of the Village Code which shall read as follows:

§ 336-4 Rental occupancy permit required; application.

A. It shall be unlawful and a violation of this article and an offense within the meaning of the Penal Law of the State of New York for any person or entity who owns or rents a dwelling unit in the Village of Patchogue to use, establish, maintain, operate, let, lease, sublease, rent or suffer or permit the occupancy and use thereof as a rental occupancy without first having obtained a valid rental occupancy permit therefor. Failure or refusal to procure a rental occupancy permit hereunder shall be deemed a violation.

1. It shall be an affirmative defense to a violation of Subsection A of this section that the rental occupant or occupants is/are immediate family members of the owner of the subject premises, as defined in this chapter.

2. Rebuttable presumption of rent. Any dwelling, dwelling unit, rooming house, rooming unit or any other premises subject to this chapter shall be presumed to be rented for a fee and a charge made if said premises are not occupied by the legal owner thereof.

Effective Date:

This Local Law shall take effect immediately.



**LEGAL NOTICE**

**NOTICE OF PUBLIC HEARING**

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on Monday, October 28, 2013, at 6:00 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue **TO AMEND CHAPTER 162 OF THE VILLAGE CODE TO PROVIDE A PROCEDURE FOR REMOVING AND/OR REPAIRING UNSAFE STRUCTURES**, by proposed local law, a copy of which is on file at the Office of the Village Clerk.

At said Public Hearing any person interested will be given the opportunity to be heard.

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Patricia M. Seal, Village Clerk

Dated: October 17, 2013

**AMENDING CHAPTER 162 OF THE VILLAGE CODE TO PROVIDE A PROCEDURE FOR REMOVING AND/OR REPAIRING UNSAFE STRUCTURES**

Be it enacted by the Village Board of the Incorporated Village of Patchogue:

The Code of the Incorporated Village of Patchogue, County of Suffolk, New York, is amended by:

AMENDING Chapter 162 of the Village Code which shall read as follows:

**[New Language]**

**[Language to be Deleted]**

§ 162-1. Legislative purpose.

The purpose of this chapter is to promote and preserve the health, welfare and property of residents and owners of property located within the Village of Patchogue by providing a method for the removal or repair of buildings and structures within the limits of said Village that, from any cause, may now be or shall hereafter become dangerous or unsafe to the public. The Village Board finds that ~~open, unsecured, vacant buildings~~ **unsafe structures, as hereinafter defined**, whether caused by fire, neglect, vandalism or otherwise, pose a threat to the health, safety and general welfare of the residents of the Village of Patchogue. Therefore, it is the intent of this chapter to provide for the expeditious **removal**, boarding and/or securing of those structures which the Chief Building Inspector determines, after an inspection, to be **dangerous or unsafe to the public** ~~open, unsecured and vacant~~.

§ 162-2. Appointment and duties of Building Inspector.

A. The Village Board of Trustees shall annually appoint an official to act as Building Inspector under this chapter.

B. The Building Inspector or his designee, upon notification that a structure may be **unsafe, as hereinafter defined** ~~open, vacant and unsecured~~, shall make an inspection thereof.

~~§ 162-3. Notification of owner of record; failure to comply; assessment of costs.~~

~~A. Service of notice. If the Building Inspector shall find that a structure exists on property that is open, vacant and unsecured, the Building Inspector shall make an order directing that notice be served by certified mail on the owner of record of such land at the address shown on the last preceding assessment roll of the Village of Patchogue.~~

~~B. Posting of property. A copy of said notice shall be posted on the premises where the specified building or structure is located.~~

~~C. Contents of notice. Said notice shall contain a description sufficient to identify the premises, a statement that it contains a structure that is open, vacant and unsecured, and an order directing that the structure be boarded and secured, pursuant to the specifications of the Building Inspector, by or on behalf of the owner within 15 days after service of the notice.~~

~~D. Filing in the office of the County Clerk. Said notice shall be filed with the Suffolk County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency, except as otherwise provided herein. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a Judge or Justice of a court of record or upon the consent of the Village Attorney. The Suffolk County Clerk shall mark such notice and any record or docket thereof as canceled of record upon the presentation and filing of such consent or of a certified copy of such order.~~

~~E. Failure to comply with notice. In the event that the owner fails to board and secure the structure as required by the notice served in accordance with the notice specified in § 162-3, the Village Board may adopt a resolution authorizing the Building Inspector to retain a licensed contractor to board and secure the structure specified in the notice.~~

~~F. Assessment of costs and expenses. All costs and expenses incurred by the Village of Patchogue in connection with the proceedings to board and secure an open, vacant and unsecured building or structure shall be assessed against the land on which said building or structure is located. The amount of such cost and expense shall be determined by the Village Board and shall be reported to the Assessor of the Village 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 Patchogue to be thereafter prepared.~~

### § 162-3. Definitions.

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

#### BUILDING

Any building, structure or portion thereof.

#### BUILDING INSPECTOR

The Building Inspector of the Village of Patchogue and his duly appointed assistants or deputies or such other person appointed by the Village Board to enforce the provisions of this chapter.

#### CONDITION

Any condition of a property in the Village, whether man-made or created by disaster, act of God, erosion or similar ongoing condition or process.

#### PORTION OF BUILDING OR STRUCTURE

Any debris, rubble or parts of buildings which remain on the ground or on the premises after demolition, reconstruction, fire or other casualty

#### PROPERTY

Any parcel of real property in the Village of Patchogue.  
**UNSAFE OR HAZARDOUS BUILDING, CONDITION, PROPERTY OR STRUCTURE**

Any building, property, or structure, or portion thereof, which, due to its state or condition, creates or poses a threat to the public health or safety or an imminent danger to life, or to adjoining or nearby properties or structures, or public roads, rights-of-way or structures, or which may contain one of the following conditions:

A. 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.

B. Those which, exclusive of the foundation, show 33% or more of damage or deterioration of the supporting member or members or 50% of damage or deterioration of the nonsupporting enclosing or outside walls or covering.

C. Those which have improperly distributed loads upon the floors or roofs or in which the same are overloaded or which have insufficient strength to be reasonably safe for the purpose used.

D. Those which have been damaged by fire, wind, or other causes so as to have become dangerous to life, safety, or the general health and welfare of the occupants or the public.

E. 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.

F. Those having light, air and sanitation facilities which are inadequate to protect the health, safety, or general welfare of persons who live or may live therein.

G. 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.

H. Those which have parts thereof which are so attached that they may fall and injure members of the public or property.

I. Those which, because of their condition, are unsafe, unsanitary, or dangerous to the health, safety or general welfare of the people of this Village.

**§ 162-4. Prohibition.**

All buildings, conditions, properties and/or structures which are structurally or otherwise hazardous or unsafe, dangerous, unsanitary or not provided with adequate egress or which, in relation to an existing use, constitute a hazard to safety or health by reason of inadequate maintenance, dilapidation, erosion or other natural processes, obsolescence or abandonment are, for the purposes of this chapter, unsafe buildings, conditions, properties or structures. All such buildings, conditions, properties and structures are hereby declared to be illegal and are prohibited and shall be abated by correcting repair and rehabilitation or by demolition and removal in accordance with the procedures of this chapter.

§ 162-5. Investigation and report.

When, in the opinion of the Building Inspector, any building, condition, property or structure located in the Village of Patchogue shall be deemed to be dangerous or hazardous and unsafe to the public, as defined in § 162-3, the Building Inspector shall make a formal inspection thereof and report in writing to the Village Board his findings and recommendations in regard to the building's or structure's removal or repair.

§ 162-6. Notice to repair or remove.

A. When it shall be determined by the Building Inspector that a building, property or structure is dangerous, hazardous, or unsafe to the public, or that a condition is hazardous or unsafe, he shall promptly serve or cause to be served a written notice on the owner or other persons having an interest in such property or structure as hereinafter provided.

B. The aforementioned notice shall be served on the owner of the premises, the owner's executors, legal representatives, agents, lessees, or other person having a vested or contingent interest in the same, as shown by the last completed assessment roll of the Village, either personally or by registered mail, addressed to the person intended to be served at the last known place of business or residence as indicated on the last completed assessment roll. The Building Inspector shall cause a copy of such notice to be posted on the premises, and a copy of the notice may be filed with the Suffolk County Clerk.

§ 162-7. Contents of notice.

The notice referred to in § 162-6 hereof shall contain the following:

A. A description of the premises.

B. A statement of the particulars in which the building, property or structure is dangerous, hazardous, or unsafe.

C. An order requiring the building, property, or structure to be made safe and secure or removed or the condition to be remedied or removed.



D. A statement that the securing or removal of the building or structure or removal of the condition shall commence within 10 days of the date of the service of the notice and shall be completed within 30 days thereafter. The Building Inspector may extend the time of compliance specified in the notice where there is evidence of intent to comply within the time specified and conditions exist which prevent immediate compliance. In granting any such extension of time, the Building Inspector may impose such conditions as he may deem appropriate.

E. A statement that, in the event of neglect or refusal of the person served with the notice to comply with the same, a hearing will be held before the Board of Trustees of the Village of Patchogue, notice of which and the time and place thereof to be specified in the notice to the owner referred to in § 162-7 hereof.

F. A statement that, in the event that the Village Board, after the hearing specified in § 162-9, shall determine that the building, property, or structure or condition thereon is dangerous, hazardous, or unsafe to the public, the Village Board may order the building, property, structure, or condition to be corrected, repaired or secured or taken down, abated or removed.

G. A statement that, in the event that the building, property, structure or condition shall be determined by the Village to be dangerous, hazardous, or unsafe, and in the event of the neglect or refusal of the owner to correct, repair or remove the condition, building or structure within the time provided, the Village may correct the condition or remove such building or structure by whatever means it deems appropriate and assess all costs and expenses incurred by the Village in connection with the proceedings to remove or secure, including the cost of actually remedying said unsafe or dangerous building, condition, or structure, or removing said building or structure and any engineering, legal or other expenses, as an assessment against the land on which said building or structure is located, to be charged to the owner of the property on the next Village tax roll, although the levying of an assessment by the Village against the property on the next Village tax roll shall not be an exclusive remedy and shall not preclude the Village from any other available remedy, including but not limited to pursuing a civil judgment against the owner of the property to recover the costs.

§ 162-8. Filing of copy of notice.

A copy of the notice referred to in § 162-6 hereof may be filed with the Suffolk County Clerk, which notice shall be filed by the Suffolk County Clerk in the same manner as a notice of pendency pursuant to Article 65 of the Civil Practice Law and Rules and shall have the same effect as a notice of pendency as therein provided, except as otherwise hereinafter provided in this section. A notice so filed shall be effective for a period of one year from the date of filing; provided, however, that it may be vacated upon the order of a

Judge or Justice of a court of appropriate jurisdiction or upon the consent of the Village Attorney.

§ 162-9. Hearing.

The Village Board shall conduct the public hearing at the time and place specified in the notice to cure, remedy, repair, or demolish, or to remove or correct the unsafe or hazardous building, condition, property or structure as necessary. It may adjourn the hearing from time to time until all interested parties are heard and until the hearing is completed. At the conclusion of the hearing, the Village Board shall determine by resolution to:

A. Revoke the order of the Building Inspector;

B. Modify said order; or

C. Continue and affirm said order to direct the owner or other persons to complete the work within the time specified in the order or such other time as shall be determined by the Village Board.

§ 162-10. Emergency measures.

If the Building Inspector determines, in his inspection of any building, condition, property or structure, that there is actual and immediate danger of failure or collapse or so as to endanger life, or other imminent hazard creating a danger to the public or public order and safety in the Village of Patchogue, the Building Inspector shall promptly require the building, condition, property or structure or a portion thereof to be vacated forthwith and not to be reoccupied until the specified repairs are completed and inspected and approved by the Building Inspector or take such other action as may be appropriate under the circumstances. For this purpose, the Building Inspector may enter such building, property or structure or land on which it stands or adjoining land or structures with such assistance and at such costs as may be necessary. The Building Inspector may also order adjacent buildings, properties or structures or portions thereof to be vacated and protect the public and public order and safety by appropriate barricades or such other means as may be necessary and for this purpose may close a private or public right-of-way. The Building Inspector shall cause to be posted at each entrance to such building, property or structure a notice stating: "This building (property, structure) is unsafe, and its use or occupancy has been prohibited by the Building Inspector." Such notice shall remain posted until the required repairs are made or demolition is completed. It shall be unlawful for any person, firm or corporation or their agents or other persons to remove such notice without written permission of the Building Inspector or for any person to enter the building except for the purpose of making the required repairs or the demolition thereof. The costs of any such action, including but not limited to labor, materials, management, professional and or legal fees and costs and expenses, shall be assessed as a lien against the property on which the condition exists and shall be collected in the same manner as if real property taxes.

**§ 162-11. Request for Judicial Action.**

**In the event that he believes that judicial action is required to enforce any provision of this chapter, the Chief Building Inspector shall seek approval and direction from the Board of Trustees to the Village Attorney to institute such proceedings in the Supreme Court as are necessary to effect the purposes of this chapter.**

**§ 162-12. Costs and expenses.**

**All costs and expenses incurred by the Village of Patchogue in connection with any proceeding or any work done to remove the danger or condition or to render the building, property or structure temporarily safe or in connection with the correction or demolition or removal of any such building or structure shall be assessed against the land on which such building or structure is located, and a statement of such expenses shall be presented to the owner of the property, or, if the owner cannot be ascertained or located, then such statement shall be posted in a conspicuous place on the premises. Such assessment shall be and constitute a lien upon such land. If the owner shall fail to pay such expenses within 10 days after the statement is presented or posted, a legal action may be brought to collect such assessment or to foreclose such lien. As an alternative to the maintenance of any such action, the Building Inspector may file a certificate of the actual expenses incurred as aforesaid, together with a statement identifying the property in connection with which the expenses were incurred and the owner thereof, with the Assessor, who shall, in preparation of the next assessment roll, assess such amount upon such property. Such amount shall be included in the levy against such property, shall constitute a lien and shall be collected and enforced in the same manner, by the same proceedings, at the same time and under the same penalties as provided by law for the collection and enforcement of real property taxes in the Village of Patchogue.**

**§ 162-13. Trespassing.**

**In addition to serving the notice provided in § 162-7, the Village Board of Trustees may, if it determines that the purposes of this chapter will be further effectuated, order that no person other than the owner or its agent shall enter upon the property and shall post on such property signs indicating: "No trespassing." Anyone found trespassing in violation of this section shall be punishable pursuant to § 1-1 of this Code.**

**§ 162-14. Application for court order.**

**The Village Board of Trustees, in its discretion, may elect to commence a civil action to apply to the Supreme Court of the State of New York for an order directing that the hazardous or unsafe building, condition, property or structure be remedied or corrected or that the building, property or structure be repaired, secured or demolished and removed, and for a judgment in favor of the Village and against the owner of the property for the costs, including but not limited to all professional, administrative and legal fees for the abatement or actions of the Village with respect to the dangerous or unsafe building, condition, or structure; and the election by the Village to commence or pursue a civil action shall not be an exclusive remedy and shall not waive or preclude the right of the Village to pursue any other available remedy.**

**§ 162-15. Collection of costs.**

**The Village Board may commence a special proceeding pursuant to § 78-b of the General Municipal Law to collect the costs of demolition, including reasonable and necessary legal expenses.**

**§ 162-16. Penalties for offenses.**

**The following is a fine schedule for violations of this chapter:**

**A. First convicted violation: \$250.**

**B. Second convicted violation \$1,000.**

**C. Third violation: \$2,500 and/or 10 days in jail.**

**D. Each day that a violation of this chapter exists shall constitute a separate offense and violation of this chapter with a separate and additional penalty.**

**§ 162-417. Proceedings to obtain title to abandoned dwellings.**

Notwithstanding anything contained in the prior sections of this chapter with regard to securing and removing unsafe buildings, the Building and Housing Department and/or the Department of Code Enforcement of the Village of Patchogue are hereby authorized to institute proceedings in accordance with § 1970 of the Real Property Actions and Proceedings Law of the State of New York in order to obtain a judgment vesting in the Village of Patchogue title to any dwelling which has been abandoned by the owner thereof, except for an owner-occupied one- or two-family dwelling, all as contained within Article 19-A of the Real Property Actions and Proceedings Law. Said Departments of the Village are specifically authorized to follow all of the procedures and requirements in said Article 19-A.

~~**§ 162-5. Trespassing prohibited; penalties for trespassing.**~~

~~The Board of Trustees may, if it determines that the purpose of this chapter will be further effectuated, order that no person other than the owner or his agent shall enter upon the property and shall post on such property signs indicating no trespassing. When such a determination is made, notice of such fact shall be included in the notice to the owner referred to above. Anyone found trespassing in violation of this section shall be punishable pursuant to § 1-1 of this Code.~~

**§ 162-18. Emergency action.**

**A. In case there shall be, in the opinion of the Building Inspector, actual and immediate danger of the falling of a building or structure or a hazardous excavation so as to endanger public safety, life or property or actual or immediate menace to health or public welfare as a result of the conditions present in or about a building or structure or excavation, he shall direct the appropriate**

Village employees to perform the necessary work to render such building or structure or excavation temporarily safe, whether the procedure prescribed in this chapter for unsafe or dangerous buildings or structures or excavated lands has been instituted or not.

B. When emergency work is to be performed under this section, the Chief Building Inspector shall cause the owner and mortgagee thereof, if any, as shown on the records of the Village Assessor, to be served personally or by certified mail, return receipt requested, and shall post the premises with a notice to comply containing a description of the premises, a statement of facts describing the structure or excavation as unsafe or dangerous, and orders and directions to correct the same conditions which constitute an emergency within a specified period not to exceed three days from actual or constructive service of the notice.

C. In the event that the emergency does not permit any delay in correction, the notice shall state that the Village has corrected the emergency condition.

D. In both cases, the notice shall state that the corrective costs of the emergency will be assessed against the owner pursuant to the provisions of this chapter.

This Local Law shall take effect immediately.

<u>Aye</u>	<u>Nay</u>		<u>Aye</u>	<u>Nay</u>	
___	___	Mayor Pontieri	___	___	Trustee Hilton
___	___	Trustee Crean	___	___	Trustee Krieger
___	___	Trustee Keyes	___	___	Trustee Ferb
___	___	Trustee Devlin			

Dated: October \_\_\_, 2013

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Patricia M. Seal - Village Clerk