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VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK : STATE OF NEW YORK  
-----x  
BOARD OF TRUSTEES  
REGULAR SESSION  
-----x

Station One Firehouse  
Third and South Streets  
Greenport, New York 11944  
January 25, 2024  
6:00 p.m.

- B E F O R E:
- KEVIN STUESSI - MAYOR
  - MARY BESS PHILLIPS - DEPUTY MAYOR/TRUSTEE
  - PATRICK BRENNAN - TRUSTEE
  - LILY DOUGHERTY-JOHNSON - TRUSTEE
  - JULIA ROBINS - TRUSTEE
  
  - BRIAN STOLAR - VILLAGE ATTORNEY
  - JEANMARIE ODDON - VILLAGE DEPUTY CLERK

1 (The Meeting was Called to Order at 6 p.m.)

2 MAYOR STUESSI: I'd like to make a motion to  
3 open the January 25th meeting of the Regular Session  
4 of the Board of Trustees. Please stand for the Pledge  
5 of Allegiance. May I have a second?

6 TRUSTEE BRENNAN: Second.

7 MAYOR STUESSI: All in favor?

8 TRUSTEE ROBINS: Aye.

9 TRUSTEE BRENNAN: Aye.

10 TRUSTEE PHILLIPS: Aye.

11 MAYOR STUESSI: Aye. Please stand.

12 (Pledge of Allegiance)

13 MAYOR STUESSI: Please stay standing a moment  
14 for a moment of silence for the following Village  
15 individuals we've lost in the past several weeks:  
16 Cynthia Ann Smith, Nancy Jean Libbey, June S. Fuller,  
17 Billy A. Ruffner, and Patty Ann Sydow.

18 (Moment of Silence)

19 MAYOR STUESSI: Please be seated. Thank you,  
20 everybody, for being here this evening. We have a few  
21 different announcements before we get started with our  
22 first public hearing.

23 The annual Washington's Birthday Day Parade will  
24 be held on Saturday, February 17th.

25 On Sunday, February 18th, the Friends of

1 Mitchell Park, with the support of the Village of  
2 Greenport, will sponsor free Carousel rides.

3 Village Hall will be closed on Monday,  
4 February 19th, in observation of Presidents Day.

5 In addition to that, which is not on the printed  
6 agenda, we have scheduled a Special Meeting for next  
7 Thursday at 6 p.m. here in the Firehouse. This is a  
8 Special Work Session for the Board of Trustees. I  
9 want to thank everybody for agreeing to participate.  
10 There is a lot we are trying to get done and get  
11 accomplished, and so the group has agreed to come in  
12 to do some additional work before our next Work Session  
13 in February.

14 With that, the *public hearing remains open*  
15 *regarding Local Law Chapter 88, entitled "Noise" of*  
16 *the Greenport Village Code, to discuss and possibly*  
17 *take action amending and restating the code, remained*  
18 *open, from the Regular Session of Thursday,*  
19 *December 28th, 2023.* With that, is there anybody from  
20 the public that would like to speak regarding the  
21 noise code? Are you getting up, Ken, or just  
22 adjusting pockets?

23 KENNETH LUDACER: No, I'm turning my phone off.

24 MAYOR STUESSI: Oh, okay. Nobody wishes to  
25 speak? Mr. Saladino? Please, go ahead, John.

1           JOHN SALADINO: Some of you might know, I'm  
2 one of the members of the Code Committee.

3           MAYOR STUESSI: I apologize if you mind just  
4 restating your name and address for the record.

5           JOHN SALADINO: John Saladino, Sixth -- where is  
6 Lucia? John Saladino, Sixth Street. Thank you.

7           I'm a member of the Code Committee, and part of  
8 the folks that, that drafted this. I would just like  
9 to -- I would just like to let the public know that  
10 not one word of code, not one word of code, not one  
11 line of code was written without the Code Committee  
12 taking into a -- into consideration every member of  
13 the business community. We looked -- we debated it  
14 had to be for three months, every week for three  
15 months. We looked at everything that we would suggest  
16 to this Board how it could affect someone else down  
17 the line. We looked at the merchants, we looked in  
18 the Waterfront Commercial, we looked at the businesses  
19 in the Waterfront Commercial, we looked at the  
20 businesses in the BID, we looked at restaurants and  
21 bars, and we came to a consensus that this code, while  
22 not being perfect, it was a compromise.

23           And, for the most part, from the attendance at  
24 those public meetings that the Code Committee had, the  
25 people there, we took their input, and the people

1       there seemed to be in agreement. I see Claudio's is  
2       here. Maybe they're not in total agreement, I don't  
3       know, but we took, we took their situation into  
4       consideration also.

5               I was at a public meeting a few weeks ago, a  
6       month ago or so. We submitted our draft to the, to  
7       the, to the Board. And from the officials that  
8       attended our meeting, the Code Committee thought that  
9       the draft would be not accepted out of hand, but it  
10      addressed all the problems that most people could have  
11      seen. I attended a public hearing and for the, for  
12      the code as it was written, and it turned into  
13      something different.

14             To let the folks know, we did take leaf blowers  
15      into consideration when we drafted the code, and we  
16      felt that the code addresses any unnecessary noise  
17      that a leaf blower might make. As a matter of fact,  
18      there were a couple of officials at one of the last  
19      meetings, and I -- and we even asked before we went  
20      forward with submitting --

21                             (Public Entered the Meeting)

22             JOHN SALADINO: With submitting, with submitting  
23      the code, everybody seemed to be on board with it.  
24      Everybody there seemed to agree that the noise code,  
25      the way it's currently written addressed any unnecessary

1 noise made by that particular industry.

2 I showed up at this meeting, I had asked, I  
3 asked no -- and just for your own information, the  
4 members of the Code Committee had decided at some  
5 point in -- while we were meeting and stuff, that we  
6 wouldn't, we couldn't address the code as it came up  
7 for your debate or for the public's debate. We  
8 thought it was inappropriate, since, you know, it  
9 would look like we were lobbying for stuff that we  
10 did, but -- so that evening of the public hearing I  
11 chose not to say anything, I listened to what the  
12 folks had to say. And on social media the next day I  
13 asked if somebody had an opposing point of view.

14 (Robert Herrmann Entered the Meeting)

15 ROBERT HERRMANN: Sorry.

16 JOHN SALADINO: That's okay. As you would think  
17 is the reasonable thing to do to get both sides to a  
18 story, you know. And it turned into a little debate,  
19 as things would on social media. And what I found  
20 troubling was, was that that evening the code was  
21 proposed, and there was a suggestion that the public  
22 hearing be closed and a vote be taken with a  
23 particular ban in place that wasn't included in the  
24 language of the code. We have never done that. We  
25 have never done that in any -- I've chaired 100 public

1       hearings, we have never done that. We have never  
2       taken -- not taken into consideration someone else's  
3       job, someone else's industry, how writing code, how it  
4       would affect that industry, and not giving that  
5       industry, a representative from that industry a chance  
6       to respond. I thought it was unreasonable, I thought  
7       it was unreasonable.

8               The industry we're talking about, obviously, is  
9       landscapers. It's -- the demographic is -- I don't  
10      even know if I'm allowed to say it. The demographic  
11      is made up of mostly minority members, traditionally.  
12      We don't see, we don't see a lot of people from that  
13      industry here complaining about stuff that's going on.

14             I just don't think that anything should, should  
15      be enacted until at least we look. We talked to every  
16      member -- not every member of the BID. We talked to  
17      the BID, we talked to every member of the BID, the BID  
18      Board. We talked to a good portion of the merchants.  
19      We got their input how a noise code would affect their  
20      business. We took all that into consideration. But  
21      here, to enact legislation that would adversely affect  
22      the earnings of a particular industry I think is  
23      unfair.

24             So two things were mentioned at that meeting,  
25      noise and environmental hazard. The noise, it's hard

1 to, it's hard to disagree. You know, I understand a  
2 lot of people feel strongly about this and stuff, but  
3 it would hard to be -- hard to disagree with the way  
4 the code is written, that if someone's violating the  
5 noise code, they could be violated. Mr. Mayor, you  
6 said last week, "Well, we" -- "What are we going to  
7 do, send the Code Enforcement Officer?" We do, that's  
8 what we do. When somebody breaks the law, that's what  
9 we do, we send the Code Enforcement Officer or we send  
10 the police. The same way if there's kids giggling in  
11 the pool, or people talking too loud in the backyard,  
12 or when somebody's shooting off fireworks, or -- I  
13 think in the code it says hooting and hollering, if  
14 somebody's hooting and hollering in the street, we  
15 send the police or we send the Code Enforcement  
16 Officer to do that. How likely will they show up? I  
17 don't know. The same way that if some particular  
18 business downtown at 2:30 in the morning is violating  
19 the noise code, we would expect somebody to show up to  
20 do that. So here the noise is addressed in the noise  
21 code.

22 As far as environment -- and I'm sorry if I'm  
23 taking a few extra minutes, but since I'm the only guy  
24 on the other side of the coin, you know, I would ask  
25 your indulgence.



1           As far as the environmental issues, we  
2           compromise all the time, all the time. There's -- we  
3           could -- I'm sure everyone in this building could name  
4           10 other businesses -- 10 other things in this Village  
5           that are far more detrimental to air quality and the  
6           health, welfare and benefit of the Village than leaf  
7           blowers. We have a peaker plant in the woods. We  
8           have two-cycle diesel motors on the ferry boat,  
9           two-cycle diesel motors on the locomotive. The Fire  
10          Department advertises on their website they do 70  
11          calls a week -- a month, fire engines, diesel engines,  
12          ambulances. During the summer, we have 2,000 boats in  
13          the harbor, 1,000 boats in the harbor. A good 50%,  
14          60% of them are two-stroke gas motors, hundreds of  
15          times more polluting, hydrocarbons, particulate  
16          matter, than a leaf blower.

17                 And before we -- I don't, I don't, I don't have  
18          a gasoline-powered leaf blower, I have an electric  
19          leaf blower. Just in case people are thinking like I  
20          own stock in a leaf blower company, I don't.

21                         (Laughter)

22                 JOHN SALADINO: But I think the industry should  
23          get a fair shake.

24                 I mentioned to a couple of the members of the  
25          Board, I used to work for the Long Island Railroad.

1 The locomotive that sits in our -- at this train  
2 station four times a day has a 9,000 cubic inch  
3 diesel, two-stroke diesel engine, two-stroke, no  
4 pollution controls. The largest gasoline-powered  
5 leaf blower made, commercial leaf blower made has an  
6 80 cc motor. You see, that diesel locomotive is equal  
7 to 1,750 leaf blowers per hour four times a day.  
8 The ferry has Detroit diesels, two-stroke Detroit  
9 diesels.

10 We can't, we can't, we can't pretend that this  
11 is anything but -- and I said this once, and the guy I  
12 was talking to didn't understand the concept. I said  
13 this once, this is low-hanging fruit, you're not  
14 addressing the problem. Trustee Lily said, "Well, you  
15 have to start someplace." That's true, that's  
16 certainly true, but you should start at a place where  
17 it would make a difference, not someplace where it  
18 would adversely affect somebody's earnings and it  
19 wouldn't make a difference.

20 When I was here, I heard people on my -- I live  
21 on Sixth Street. I heard people from my street  
22 complain about leaf blowers and wanted them banned.  
23 Nobody mentioned that every one of those people,  
24 except one, they border Southold Town where there is  
25 no ban in effect. Other people that lived on

1 Washington, they complained they don't want leaf  
2 blowers. Across the street from them is Southold  
3 Town, there is no ban. So while they won't be using  
4 the leaf blower, the guy 35 feet away will be. The  
5 guy on Sixth Street, whose backyard is adjacent to  
6 Southold Town, who's zero feet away, he'll be hearing  
7 the leaf blower. And I'm not saying we should have  
8 leaf blowers. All we should do is let that particular  
9 industry, the people that earn their living in that  
10 particular industry have a say.

11 I talked to a landscaper, my landscaper, who's a  
12 local guy, services a lot of places in Greenport.  
13 Before this big discussion, before this public hearing  
14 came up, I had asked him about it. He gave me the  
15 name of two leaf blowers that commercial guys would  
16 use, if they were forced to convert to battery leaf  
17 blowers, one of them is by Makita, one of them is by  
18 EGO, one's a 40-volt, one's a 56-volt. The Makita  
19 doesn't come with batteries, the EGO does. The EGO  
20 takes two 56-volt batteries, it's \$1200. My mistake,  
21 it's 1299. The Makita is \$800 without batteries. He  
22 would need five to service his customers. The  
23 batteries are \$449 each. He would need two battery  
24 reloads for each machine that he bought. And the  
25 charger, a six-position charger, was, I believe, \$700,

1 he would need three of them. The bottom line, we're  
2 talking about \$19,000 to retool to be able to operate,  
3 operate in Greenport. When we were doing the code for  
4 the, for the, for the -- and that's a maintenance  
5 issue. I don't know how long it would last three  
6 years, five years, six years that he would have to  
7 retool again.

8 When we were doing the code in the Waterfront  
9 Commercial and the Commercial Retail, parking was a  
10 big issue, and, and Payment in Lieu of Parking was a  
11 big deal. And we heard from many, many merchants, we  
12 heard from many, many members of the public that it  
13 would be unfair to charge somebody.

14 We had a guy that owns a big business in town,  
15 he owns a very, very big business just outside of  
16 town, well-to-do guy, and he wasn't the only one that  
17 mentioned, "Well, if I had to provide the four spaces  
18 that were required, it would cost me \$10,000. I  
19 wouldn't have been able to do that. It would have  
20 been an imposition on" -- "I couldn't have opened my  
21 businesses otherwise." I personally think that's an  
22 overstatement, but that was what he said, and that was  
23 conveyed by a lot of people.

24 And that's a one-time payment, that's one time  
25 they would have had to pay that \$10,000. Here you're

1 asking a guy to pay 18 or \$19,000 every four or five  
2 years to retool. Is it coming out of his pocket?  
3 Initially. The same way that 10 grand would have come  
4 out of this merchant's pocket, he would have got it  
5 back from the customer. But now you're saying, well,  
6 now we pass the cost onto the customer.

7 MAYOR STUESSI: John, if I could just ask you to  
8 please wrap up your statement.

9 JOHN SALADINO: I will. But I'll also remind  
10 you that you had 12 people speak in favor of this for  
11 an hour and seven -- 45 minutes, and it needs more  
12 than one --

13 MAYOR STUESSI: And we've taken other letters  
14 from people, too.

15 JOHN SALADINO: -- more than one guy a few  
16 minutes to address everything that they said.

17 The last thing that I -- that I'll say is people  
18 say, "Well, just leave" -- "leave the leaves on the  
19 lawn." It was invented 200 years ago in England, and,  
20 you know, I like a lawn. I walk by some of my  
21 neighbors' properties, I look at their properties that  
22 don't have a lawn and it looks like a vacant lot. But  
23 that's why they make vanilla and chocolate, that's  
24 what they like and this is what I like.

25 I have a -- I have a report from Cornell

1 University and the CDC saying that a layer of leaves  
2 on your lawn without being taking off promotes mold  
3 growth, and it also propagates ticks. We heard that,  
4 well, it blows away the spiders and the friendly  
5 insects. Also, ticks breed in leaves.

6 So, you know, before we, before we throw the  
7 baby out with the bath water here and throw this code  
8 out the window, you know, maybe, maybe you -- my  
9 suggestion, my suggestion as member of the Code  
10 Committee is pass the code as written and take this up  
11 as a separate issue. This way you have all the public  
12 hearings you want, you have all the facts that you  
13 want, you -- as opposed to a rush to judgment.

14 I apologize for taking up a lot of time, folks.  
15 Thank you, thanks for listening.

16 MAYOR STUESSI: Thank you, John, and thank you  
17 for all your work on the Code Committee. Who would  
18 like to speak next from the public?

19 RANDY WADE: Randy Wade, Sixth Street. I also  
20 appreciate the amount of work. I've watched them on  
21 the Code Committee and it's really like a lot of work  
22 they've been doing.

23 So I've been trying to think about who would  
24 be -- how people would be opposed. I have talked to  
25 several landscapers who said, yeah, they would buy

1 electric leaf blowers.

2 Do you remember when we did the cheapest things  
3 with our leaves, we burned them? In fact, we did it  
4 with garbage, we burned it. My house came with this  
5 really heavy-duty garbage can that was thick steel  
6 with lots of holes in it. You roll it out in the  
7 backyard and you just throw your garbage in, you could  
8 put your leaves in, and it was beautiful and fun, you  
9 see the sparks go up in the sky. But we stopped doing  
10 it, and government said you have to stop doing it  
11 because it wasn't a healthy thing, and there's  
12 particulate matter and all sorts of things. And these  
13 leaf blowers do spew 30% of their fuel out into the  
14 atmosphere.

15 I, at one of the Code Committee meetings, when I  
16 heard them talking about leaf blowers, somebody said,  
17 "Well, they just came and did my lawn and my neighbors  
18 didn't complain." And I just wanted to talk a little  
19 about psychology, because most people, unlike me --  
20 I'm very shy, but I've gotten used to speaking here,  
21 but I'm not risk -- conflict averse. Most people are  
22 conflict averse. And they might call in a noise  
23 complaint to a restaurant, but they're not going to  
24 complain to their neighbor, because it's a totally  
25 different experience, and you don't want to risk it

1 escalating and having that bad neighbor situation, it  
2 can destroy people's lives.

3 And my third point is the snowball effect. As  
4 we've started to talk amongst ourselves, Southold got  
5 wind of it, and now the Southold Peconic Civic  
6 Association is going to be taking this up to the Town.  
7 And other people who have heard about it who are  
8 bordering Washington, who live in Eastern Shores, they  
9 are so infuriated by them, and so looking forward to  
10 Greenport taking the lead, and then the snowball  
11 effect will in -- will be in a positive direction.  
12 Whereas, if the Village, now that it's been  
13 publicized, and now that the newspapers have done a  
14 lot about it, if you guys can't pass it, it's the  
15 negative snowball effect, it will be harder for  
16 Southold Town to pass it, even though it's already,  
17 you know, on the South Fork. So I urge you to just  
18 get the show on the road. Thank you so much.

19 MAYOR STUESSI: Thank you. Who would like to  
20 speak next? Is there anybody else from the public  
21 that would like to speak? Ken?

22 KENNETH LUDACER: Kenneth Ludacer, 133B Sixth Street.  
23 If you'd excuse me, I had to jot down my thoughts.  
24 Otherwise, up here my head kind of seizes up on me.

25 I have to say, I was a little troubled at the



1 last meeting during the Board discussion period  
2 relating to the proposed gas-powered leaf blower ban,  
3 troubled because it seemed that the arguments  
4 presented by the public at the December 28th public  
5 hearing concerning the environmental health and noise  
6 harm posed by gas-powered leaf blowers hadn't really  
7 been heard by some Board Members. It was suggested at  
8 one point that since the wind disturbs dust and yard  
9 matter, too, then we shouldn't worry about gas-powered  
10 leaf blowers.

11 Then there was also the thought that if leaf  
12 blowers in the future get more powerful and loud, what  
13 do we do, do we ban them? Where will it end? Now  
14 neither of these observations, which, you know, I  
15 think clearly, you know, were intended to speak  
16 against the proposed ban, neither of these observations  
17 acknowledges or takes into account the noise, public  
18 health or environmental harm posed specifically by  
19 gas-powered leaf blowers. It's as if that information  
20 didn't exist for some Board Members to consider or  
21 factor in, as if the December 28th public hearing had  
22 never happened.

23 Now at that December 28th public hearing there  
24 was a great deal said that wasn't anecdotal, you know,  
25 like talking to a landscaper here or there, and it

1 wasn't hypothetical or speculative about, you know,  
2 such as, you know, what their economic shortfall might  
3 be because of a ban. But at that public hearing,  
4 there was a lot said that was, instead, factual and  
5 easy to cross-check. And while I hate to be  
6 redundant, I have to bullet-point some of those facts  
7 once again.

8           First, air and noise pollution from gas-powered  
9 leaf blowers pose multiple hazards to human health.  
10 The noise produced by gas-powered leaf blowers may  
11 cause hearing loss, high blood pressure, which I can  
12 personally attest to, cardiovascular disease and heart  
13 attacks. The high intensity noise that gas-powered  
14 leaf blowers produce is particularly harmful to the  
15 developing ears of infants and young children.

16           Then the next fact is the significant  
17 contribution of gas-powered leaf blowers to greenhouse  
18 gas emissions is irrefutable, by some estimates  
19 accounting for as much as 10% of the CO2 discharged  
20 annually into the atmosphere.

21           And lastly, again, you know, I'm repeating, in  
22 2010, Greenport Village made a smart climate pledge  
23 that acknowledged a climate crisis to the local and  
24 global environments posed primarily by the burning of  
25 fossil fuels. And Greenport pledged at the time to

1 pursue measures to mitigate the impacts by reducing  
2 greenhouse gas emissions, shifting to renewable  
3 energy, and to consider climate change in long-term  
4 planning.

5 And here it should also be noted, another fact,  
6 that one hour of leaf-blowing is equivalent in  
7 emissions of driving 1100 miles in a car.

8 Now we're a coastal village on the front lines  
9 of the climate crisis, and Greenport Village has to  
10 take that pledge seriously. I mean, ultimately, my  
11 point here is that when the Board discusses a leaf  
12 blower ban, that discussion needs to be informed by  
13 every Village Board member of these facts. You can't  
14 reasonably discuss a leaf blower ban and pretend these  
15 facts aren't there. In large part it's precisely  
16 because of these facts that the Village is being asked  
17 to enact a ban, so that if you're discussing a ban,  
18 you're discussing and weighing these fact.

19 Of course, it's still possible for a Board  
20 Member, you know, to dispute these facts or not  
21 believe them, maybe not believe in climate change, or  
22 doesn't believe that the Village can or should do  
23 anything to help slow the climate crisis, doesn't  
24 believe there are any health risks, or that if there  
25 are, then so be it. Thank you.

1           MAYOR STUESSI: Thank you. Who would like to  
2 speak next?

3           CLAIRE SPIEZIO: My name is Claire Spiezio and  
4 I'm on Broad Street. I really don't have much to say,  
5 except that I totally agree with Ken and with Randy,  
6 and it's -- the issue is the noise. The pollution, if  
7 you stop the noise, you stop the pollution.

8           And with Mr. Saladino, when he was saying about  
9 a layer of leaves or something on your lawn will  
10 attract ticks, it will also attract good bugs and  
11 worms, and that feeds the soil, and it's very  
12 important to feed the soil. And thank you so much.  
13 That's what I have to say.

14          MAYOR STUESSI: Thank you. Is there anybody  
15 else from the public that would like to be heard on  
16 the proposed noise code? Yes, please.

17          SUSAN JOHNSON: My name is Susan Johnson, and I  
18 was attending a meeting of the North Fork Unity Action  
19 Council last Monday, and the issue of how this will  
20 affect small business owners, especially the Hispanic  
21 community, came up, and we are very active in terms of  
22 supporting that community. And it was discussed very  
23 clearly that if small business owners need to exchange  
24 their gas blowers for electric blowers, New York State  
25 now has rebates for those owners. I don't think they

1 would have them for the larger companies that could  
2 afford, could afford to make the change, but for the  
3 very small Hispanic landscapers who work, especially  
4 in Greenport, this is something that must be  
5 mentioned, because there is a way for them to afford  
6 to stay in business.

7 MAYOR STUESSI: Thank you. Is there anybody  
8 else from the public that would like to be heard?  
9 Nobody else?

10 LORRAINE KREHLING: Lorraine Krehling, Central  
11 Avenue. I want to remind friends and neighbors that  
12 10 years ago we didn't have leaf blowers, and the  
13 amount of fire power that has descended on this  
14 Village in the last decade is -- it's impossible to  
15 actually understand. It's like we've brought golf  
16 course teams of landscapers into these postage stamp  
17 size lawns.

18 And if you want to rake your leaves once, it's  
19 good for you. If you don't want to do it yourself,  
20 okay, have someone come in and rake them. But what  
21 the people from the Audubon Society are saying, and  
22 the North Fork Environmental Society are saying is  
23 those leaves, particularly on your garden beds that  
24 are getting blown away, are really good for  
25 everything, including insects who overwinter there,

1 the birds who can't stand leaf blowers. I mean, how  
2 are they supposed to talk to each other with that  
3 noise?

4 So, and the notion that we should take into  
5 consideration, as John said, the adverse effects on  
6 small industry and the minority people, we need to  
7 take into, into consideration the adverse effects on  
8 these workers who are going to lose their hearing  
9 about a decade down the road, and the possibility of  
10 lung cancer from the carcinogens that are emitted by  
11 these engines.

12 And as far as the ferry goes, well, we should  
13 start looking at how that can change, too. But the  
14 ferry is not in my backyard, you know, and it's not  
15 next door, neither is the train, and we should also  
16 look at the train. But, as Lily said, we need to  
17 start somewhere, and there's enough of the Village  
18 here in favor of doing this, and no one is saying --  
19 and everyone knows how hard this noise code was to  
20 draft and put into effect, or get to this place. No  
21 one is saying it should be thrown out. We're just  
22 saying simply that this is something that's been  
23 overlooked. There's a roomful of people who are  
24 onboard, and it's important for us and our blood  
25 pressure and our health, but also the people who are

1 manning these things.

2 So it's not -- I mean, the environment, I've  
3 always been an environmentalist, I'm not even going to  
4 go there. We're talking about noise. The noise is  
5 impossible to live with. It goes through windows, it  
6 goes through walls, and it goes through bones, as  
7 Margaret said the other night.

8 So I hope that you will consider the health of  
9 the workers, the hearing of the workers down awhile,  
10 and their -- the sound that is really intolerable,  
11 particularly if you're doing work, trying to do work.  
12 And if you're doing a conference call at home and the  
13 bees come in, you have to say, "I'll have to call you  
14 back."

15 So thank you. I appreciate the work the Board  
16 is doing, and the tolerance that you've had for all of  
17 us who aren't giving up, and thanks.

18 MAYOR STUESSI: Thank you for being here. Is  
19 there anybody else in the public?

20 SHAN QUINN: I will.

21 MAYOR STUESSI: Yes, please.

22 SHAN QUINN: Shan Quinn, and I live on Center  
23 Street, right in the middle of the Village. I would  
24 like to say ditto to the last comment. We are a  
25 postage stamp of a Village and our homes are small,

1 and we're right on top of each other. And these  
2 massive companies, or companies with large leaf  
3 blowers change the whole neighborhood, and you can't  
4 do work. And I just hope you give some consideration.  
5 I also wrote you this, so you can read that later.  
6 And, again, maybe we don't have to do this forever, we  
7 could just try it out and see if we like it, and then  
8 if we don't, we can change it. Isn't that true?

9 MAYOR STUESSI: (Nodded yes).

10 SHAN QUINN: That's it. Thank you.

11 MAYOR STUESSI: Thank you. Is there anybody  
12 else from the public that would like to be heard this  
13 evening on the noise code? Nobody else?

14 (No Response)

15 MAYOR STUESSI: Okay. Anybody from the Board  
16 have anything?

17 TRUSTEE DOUGHERTY-JOHNSON: I mean, my  
18 suggestion was going to be to close this public  
19 hearing, revise the noise code with Patrick's  
20 suggestion with a ban from May to October for 2024,  
21 and then starting January 2025.

22 And then I also have a small thing. It's just  
23 the definition of landscaping in there, I would like  
24 it to include more than just lawns, which I don't  
25 think has a real material effect, but I think our



1 words matter. And I don't think, even if you talk to  
2 a landscaper, they would say, "All we do is lawns."  
3 They do gardens, people have meadows. I don't think  
4 we have to go into every single type of plant, but I  
5 just don't think it should be about lawns, because  
6 it's not.

7 MAYOR STUESSI: Yeah. Well, if we do decide  
8 that we want to incorporate a potential leaf blower  
9 ban, as you're suggesting, or some language Patrick  
10 had suggested on the waterfront commercial, marine,  
11 true marine uses, boat building, etcetera, we would  
12 need to renote the meeting and incorporate that  
13 language, which, you know, Brian has done some work  
14 for us on already in taking a look at some things, and  
15 we would need to close the meeting and, you know,  
16 renote and reschedule for an updated code, of  
17 course.

18 TRUSTEE DOUGHERTY-JOHNSON: Right.

19 MAYOR STUESSI: Anybody else on the Board have  
20 anything they'd like to say?

21 TRUSTEE BRENNAN: Just a question for clarification.  
22 Do we have to close?

23 TRUSTEE PHILLIPS: Yes.

24 MAYOR STUESSI: Yes.

25 TRUSTEE PHILLIPS: Yes. Yes, if you're doing a

1 major change, you have to close.

2 TRUSTEE ROBINS: We have somebody else in the  
3 audience that would like to say something, he just  
4 raised his hand.

5 TRUSTEE PHILLIPS: I think it's a cleaner --

6 MAYOR STUESSI: Oh, I'm sorry. Was there  
7 somebody else who's looking to make a public comment?

8 TRUSTEE PHILLIPS: Oh, I'm sorry.

9 MAYOR STUESSI: Okay. We'll take one more,  
10 please. If you could just state your name and address  
11 for the record, please.

12 HECTOR CHAPETON HERRERA: Yes. I'm Hector, and  
13 I live on Fourth Avenue in Greenport. Well, I hear  
14 about everything, about the complaint, about this, all  
15 this, the noise, about the leaf blower and all that  
16 stuff. Listen, I work 23 years in landscaping. I  
17 take care of this Village for a long time. I worked  
18 here for a long time, also, and that's the reason that  
19 I bought my house in here, too.

20 So, but I hear something just about the leaves,  
21 about the blower, about -- listen, let me tell you  
22 this. I to this job, you guys call me, "Hey, can you  
23 please do the cleanup for us?" I say, "Sure." We  
24 went one day. I got a couple of people, they be  
25 complaining about, because they have a bugs. I hear

1 about the leaves make little bugs and ants, and  
2 whatever. But after that, if we leave the grass, or  
3 we leave the leaves, people start complaining about  
4 it, and they just call the people with the -- come for  
5 the -- to kill the bugs and everything. They call  
6 there, someone else to come over. You know, I mean,  
7 and then it's almost, almost a little game that what  
8 we just try to play.

9 Because, in my thing, in my opinion is if you  
10 don't want to hear noise, it's easy. Why you don't  
11 buy just a smaller item for you guys and just leave it  
12 at the town? You know, because we're working, we're  
13 doing the best that we can every day for everyone.

14 So why do you want to just try to just make a --  
15 consider about the noise? The noise is -- everybody  
16 has noise, no matter how, but we make noise everywhere  
17 and every day. So I don't know why just try to just  
18 do the noise, the noise, the noise. It's easy, just  
19 we try and we're living in the town, you know, for a  
20 long time, but we don't just consider just try to --  
21 listen, just close the windows and just let it go, the  
22 people working, that's easy. Thank you.

23 MAYOR STUESSI: Thank you for speaking, sir.

24 Patrick, did you want to finish with what you  
25 were saying, is there something more?

1 TRUSTEE BRENNAN: Yeah. So I have a couple of  
2 thoughts. So the public should know that I do think  
3 this is a real health issue, and it's a quality of  
4 life issue for the Village, particularly the noise,  
5 but the pollution as well. And I use an electric leaf  
6 blower, I use it with a rake, because it's not that  
7 powerful, but working with the rake, I can kind of get  
8 the job done quickly. I do have a landscaping company  
9 that comes in twice a year to do the spring and the  
10 fall cleanup. And I sympathize with everyone saying,  
11 the noise is terrible, it's really a problem.

12 I am concerned that the way -- I'm a little bit  
13 concerned that the way we legislate as a Board is like  
14 kind of going for the ban, for example. So if the ban  
15 is like a tool, you know, it would be like a hammer.  
16 And if you reach for that, then the other problems --  
17 what's the expression, when the only tool is a hammer,  
18 the other problems look like nails, right?

19 So this is a multifaceted problem. Certainly,  
20 the noise is an issue, the pollution. There's this  
21 other kind of larger environmental impact about the --  
22 stripping away everything from your lawn or your  
23 property.

24 And we've got a lot of like letters today and  
25 emails, and I appreciate everyone sending their

1 thoughts in. And I'm a little concerned that people  
2 are asking for one thing, but maybe expecting a  
3 different result. For example, a lot of the letters  
4 talk about noise, but they're also talking about the  
5 dust blowing around, right? So people are concerned,  
6 rightly so, that maybe there's lead dust in their yard  
7 or the neighbor's yard, because we have a lot of older  
8 houses, a lot of them are being renovated. So we  
9 could ban the leaf blower, gas-powered leaf blower and  
10 address the noise, it's not necessarily going to  
11 address the dust.

12 So we just have to be careful about what we're  
13 doing here, because we have more than -- we have more  
14 than one tool for how we do this. So we could use the  
15 ban, we could use public education about the benefits  
16 of not blowing everything out of your yard, we could  
17 use enforcement for the dust problem.

18 For example, the EPA already has a requirement  
19 that contractors have to be certified in how they  
20 remove lead paint. I don't see it really happening  
21 here in the Village. I'm familiar with this  
22 requirement, I have that certification myself. I see  
23 people working all over the Village grinding the paint  
24 off their clapboard siding, throwing lead dust all  
25 over. So one of the ways we can address that is

1 through public education, perhaps. I'm not sure how a  
2 Federal Law like the EPA -- it's called the RRP  
3 Program, Restoration, Repair and Painting Program.  
4 I'm not sure how the Village interacts with that in  
5 terms of enforcing it, but I don't see it happening  
6 here, it is a concern.

7 So my point is if we're going to legislate and  
8 ban this, we have to be aware that we're not attacking  
9 the entire problem, right? And I don't want people to  
10 expect that banning gas leaf blowers to solve the  
11 noise problem is necessarily going to solve the dust  
12 problem. So there's probably more work to do if that  
13 continues to be a public health issue, a public  
14 concern.

15 I do have other parts of the noise code that I  
16 still want to talk about. Can we talk about that  
17 quickly? Is that --

18 MAYOR STUESSI: Yeah.

19 TRUSTEE BRENNAN: Yeah.

20 MAYOR STUESSI: Please.

21 TRUSTEE BRENNAN: So I sent my comments to you  
22 all. And, Brian, you received my comments?

23 ATTORNEY STOLAR: (Nodded yes).

24 TRUSTEE BRENNAN: I don't know if you had a  
25 chance to review them. I was concerned about the

1 definition of residential areas when they exist in the  
2 WC and the CR zones. So our definition for  
3 residential areas and properties doesn't include WC  
4 and CR. And so we have some existing properties that  
5 are residential in those zones, and we're contemplating  
6 mixed use now, like on Front Street, for example. So  
7 how do we address -- how do we provide the protections  
8 of the noise code for the apartments that may be on  
9 the -- on Front Street? So are you following where  
10 I'm going with this?

11 ATTORNEY STOLAR: Yeah.

12 TRUSTEE BRENNAN: Because it doesn't, the  
13 definition doesn't include those areas.

14 ATTORNEY STOLAR: Correct.

15 TRUSTEE BRENNAN: So how do we --

16 ATTORNEY STOLAR: It's based solely on district.

17 TRUSTEE BRENNAN: Yeah. So how do we get those  
18 residential properties or areas adequate protection,  
19 but, at the same time, within reasonable limitations?  
20 Because this is a mixed use setting and they don't  
21 have the benefit of distance, right? So you have one  
22 use on top of the other. So have you thought about  
23 this at all, or do you have a suggestion about how we  
24 incorporate residential areas that are in those zones?

25 ATTORNEY STOLAR: It's depending on what the

1 Board wants to do. Generally, you do it by district,  
2 and if there is residential uses within a Commercial  
3 District, you know, they're neighbors, and you don't  
4 necessarily adopt additional regulations to protect  
5 them from these types of uses. That could be a burden  
6 on businesses, so it's --

7 MAYOR STUESSI: Yeah, that doesn't concern me.  
8 I mean, I feel like if you're living within the  
9 Downtown District, that there's an inherent amount of  
10 noise, whether it's boat-building or a restaurant.  
11 And then the laws would be put into place with the  
12 code, you know, that the way the restaurants have to  
13 shut down above a certain point at "X" hour covers it  
14 in my mind. I feel like we'd be trying to split the  
15 baby by trying to add an additional layer.

16 TRUSTEE BRENNAN: I completely agree with that  
17 position. I just want to make sure everyone knows  
18 that that's in fact the case.

19 MAYOR STUESSI: Yes.

20 TRUSTEE BRENNAN: So those residents are not  
21 going to enjoy some of the benefits of the noise code.  
22 They'll enjoy the benefit of the hours in the  
23 entertainment permit, the limitations around those  
24 kind of noises, but not necessarily others. And I'm  
25 fine with it, because I don't want the residents in



1 those areas to encumber the business too much, in a  
2 sense, right? Because if they're expecting to have  
3 full protection that a resident would have in an R-1  
4 or R-2 District, I think that would be a mistake,  
5 honestly.

6 MAYOR STUESSI: But we've talked about some of  
7 the noise issues carrying over the water, and  
8 Mary Bess has expressed, and I have, too, both of us  
9 living on opposite sides of the Village, but by the  
10 water, but it carries at night --

11 TRUSTEE BRENNAN: Right.

12 MAYOR STUESSI: -- many times, so I would agree.

13 TRUSTEE BRENNAN: Then I had a -- I had several  
14 smaller suggestions, which I think maybe you could  
15 incorporate it, if there's going to be any changes to  
16 this.

17 And I want to go back to a question I asked you  
18 at the last meeting, and this relates to Mr. Saladino's  
19 comments about whether the code as it's drafted  
20 protects people from leaf blowers, and I came away  
21 from your answer thinking that the code does not  
22 adequately protect someone from the leaf blower type  
23 question. Do you still feel like that's correct?

24 ATTORNEY STOLAR: No. I was -- when you asked,  
25 we were sitting here, and, obviously, I didn't have

1 the benefit of looking at all the sections. You  
2 pointed to another section which does point out that  
3 we do have a sound pressure level provision that's  
4 kind of a catchall. So that covers -- we don't define  
5 it as leaf blowers, but it covers everything, where it  
6 goes across the property line. And if it exceeds the  
7 sound pressure level based on your table, the chart  
8 that you have at the end, regardless of whether it is  
9 a leaf blower or some piece, other piece of equipment,  
10 you could be violating the code under that catchall.

11 TRUSTEE BRENNAN: Okay. Thanks for clarifying  
12 that. I understand that there's still an enforcement  
13 issue and it could be difficult, and some of the  
14 speakers touched on this, it could be difficult to  
15 enforce a leaf blower in this kind of instance, but it  
16 is, in fact, covered, just like all other types of  
17 other things, this could be potentially triggered.

18 ATTORNEY STOLAR: Right, it's just, it's not  
19 a -- it's not an outright prohibition.

20 TRUSTEE BRENNAN: Right. All righty. I think  
21 that -- I think that really covers my comments. We  
22 have heard a lot of -- from a lot of people today. I  
23 would -- I'm still curious to hear from more people  
24 from the industry that some folks have suggested may  
25 be impacted by this. And it's really unclear in my

1 mind whether we're concerned about the tooling costs,  
2 or we're concerned about the labor, the effect on  
3 labor. And I'm having a little bit of a difficult  
4 time wrapping my head around this, because we're  
5 talking about banning what is really a labor-saving  
6 device, right? So, conceivably, that leads to an  
7 increase in labor, right? So I don't -- I think  
8 there's two different arguments going on in the, in  
9 the -- from a business perspective, and it's not, it's  
10 not clear to me that they've been -- that we've fully  
11 heard from everyone, so --

12 MAYOR STUESSI: Well, we've received a couple of  
13 letters to that effect as well.

14 TRUSTEE BRENNAN: Yeah.

15 MAYOR STUESSI: But I will say for the public's  
16 benefit, we've received a number of letters --

17 TRUSTEE BRENNAN: Yeah.

18 MAYOR STUESSI: -- which the Board is taking  
19 into consideration in favor of a potential ban, and,  
20 you know, a smaller number that are against.

21 TRUSTEE BRENNAN: Yeah.

22 MAYOR STUESSI: So do you have a perspective on  
23 what Lily suggested? Because we need to make a  
24 decision tonight as to whether we want to keep the  
25 public hearing open or close it, and look at some

1 modifications, and renote it and move forward, or  
2 potentially approve the code as is, as one individual  
3 suggested.

4 TRUSTEE BRENNAN: I would like to see the code  
5 amended further and renoted, and I'd like to keep  
6 this discussion open and I would like to hear from  
7 more folks. I do appreciate everyone that came  
8 tonight, and all the letters and emails that were  
9 submitted, but I think it -- I would like to see  
10 further public engagement on this.

11 MAYOR STUESSI: Well, so if we want public  
12 engagement, then we should be keeping this open as is  
13 without any changes, or we potentially make changes  
14 and renote, but we as a Board have to make a  
15 decision on what we want to do.

16 TRUSTEE DOUGHERTY-JOHNSON: I mean, either way,  
17 we get public -- like if we --

18 MAYOR STUESSI: We're getting -- still getting  
19 public notice.

20 TRUSTEE DOUGHERTY-JOHNSON: Right, no. But I'm  
21 like we --

22 MAYOR STUESSI: But we need to take a direction.

23 TRUSTEE DOUGHERTY-JOHNSON: Yes.

24 MAYOR STUESSI: And what I don't want to happen  
25 is the same thing that happened several years ago,

1 when the Board spent many months taking a look at  
2 noise, held multiple hearings, and then the thing  
3 dropped and nothing was ever done.

4 TRUSTEE PHILLIPS: Well, in --

5 MAYOR STUESSI: This Board needs to take some  
6 action.

7 TRUSTEE PHILLIPS: In fairness, COVID came with  
8 the noise ordinance at that point, in fairness.

9 MAYOR STUESSI: Well, I'm just saying, it's not  
10 about making excuses or place any blame. This Board  
11 needs to take some decision and action and do what's  
12 best for the overall community, people that live here,  
13 businesses, etcetera.

14 TRUSTEE PHILLIPS: And my feeling is that we  
15 have several suggestions, but we need to as a Board  
16 come together to create the conversations that we have  
17 had. We need to hear more from the public, so  
18 amending it, we need to make sure that what we put out  
19 there is clear to the public as to what direction we  
20 as a general consensus have come up with.

21 And I -- Lily's idea was discussed at Code  
22 Committee a couple of times and we chose to try a  
23 different path, which is fine. I think that we should  
24 close the hearing, come up with a document that the  
25 public can now review again, reach out to some of

1 these companies that we all know are either shy to  
2 come here, or they feel that they won't be heard,  
3 because that's what I heard from some landscapers, in  
4 honesty, okay? And they did write their letters. I  
5 think we should close the hearing, amend this  
6 document, so that the public knows where we as a Board  
7 are coming from, and --

8 MAYOR STUESSI: I think that's what the public  
9 is looking to hear --

10 TRUSTEE PHILLIPS: Right.

11 MAYOR STUESSI: -- is do we, do you have a  
12 perspective on the noise issues they're bringing  
13 forward. Because if we're looking to get more  
14 solicitation before we're making any decisions, it  
15 would seem to me we should keep it open and then do  
16 that additional outreach you're suggesting, because if  
17 we close it, and we're reopening it again, we need to  
18 draft something to renotify. Am I missing something,  
19 Brian?

20 ATTORNEY STOLAR: What I would point out is what  
21 you're considering now is the existing law.

22 MAYOR STUESSI: Right.

23 ATTORNEY STOLAR: The only thing you can do with  
24 this law at any point in time is at some point close  
25 it, and then make a decision whether to vote to adopt

1 it or not.

2 TRUSTEE PHILLIPS: Right.

3 ATTORNEY STOLAR: If you continue it, it really  
4 won't matter if you make subsequent changes, because  
5 that would be a new law, you know, 1A, whatever you  
6 want to call it, it's a new version where you end up  
7 with a new notice and a new hearing. So it really  
8 doesn't matter whether you keep it open or not, but  
9 the point is you can only -- you can only consider  
10 what's in the law at some point. So it probably makes  
11 more sense, actually, to do it the other way, which is  
12 close it, make your changes, have a new hearing on  
13 notice with those changes, because that --

14 MAYOR STUESSI: Well, but the issue is the Board  
15 is not -- apparently, we don't have everybody's  
16 opinions in agreement on what we want to put in  
17 relative to noise for leaf blowers --

18 ATTORNEY STOLAR: Right.

19 MAYOR STUESSI: -- and whether we want to  
20 implement a ban or not, so.

21 ATTORNEY STOLAR: In which case there will be  
22 changes that have to be -- they have to be noticed for  
23 a hearing. So if that's the case, whether you carry  
24 this to another date or not, it's not going to change  
25 that procedural process.

1 TRUSTEE DOUGHERTY-JOHNSON: I mean, that's what  
2 I was going to say. We're not ending public  
3 engagement, because if we -- when we reopen it, people  
4 can still -- people can still come and tell us what  
5 they think of the new law. So, to me, it seems like,  
6 well, we're sort of in a -- we're trying to get this  
7 done, so to me it makes sense to close it. But I do  
8 agree with -- I mean --

9 MAYOR STUESSI: Yeah, but that presupposes that  
10 we're saying we want to put in a ban and draft  
11 language to get further comment on it --

12 TRUSTEE DOUGHERTY-JOHNSON: Right. Well, that's  
13 my --

14 MAYOR STUESSI: -- in a new law.

15 TRUSTEE DOUGHERTY-JOHNSON: That's my  
16 perspective, is what I'm saying.

17 TRUSTEE PHILLIPS: That is if -- if we decide on  
18 that factor or we're moving towards it, I think we  
19 need to have the discussion as a Board to come with a  
20 general consensus what direction we want to go. I --  
21 you know, we need to talk about Lily's idea, we need  
22 to go on with some of the ideas that Patrick has  
23 brought up, but we need to form it so that Brian can  
24 come up with a legal document.

25 And the other thing is by closing it and



1 discussing it, which we could do at next week's  
2 special meeting again, is it gets it into the  
3 newspaper, it gets it out into the public. We can put  
4 it so that people have the opportunity.

5 On the second go-around, if we don't have op --  
6 you know, conversations on the opposite side coming to  
7 put things onto the record, then we can move on. But  
8 I also believe that, you know, we need to have as much  
9 input, which is why the Code Committee didn't get as  
10 strict as we had discussed, because we didn't have  
11 that input coming from the public. So I'm in favor.

12 MAYOR STUESSI: So you're in favor of closing  
13 it, but undetermined on the issue of a --

14 TRUSTEE PHILLIPS: I would like --

15 MAYOR STUESSI: -- ban, potential ban?

16 TRUSTEE PHILLIPS: Well, I would like to finish  
17 reading all the comments that came in via email today,  
18 and there were some other suggestions.

19 MAYOR STUESSI: Okay.

20 TRUSTEE PHILLIPS: I think we need to remember  
21 that we represent not just this segment of community  
22 that's here, but we represent the whole community of  
23 the Village of Greenport, and some may not be here  
24 speaking. I mean, the business community, the only  
25 one that I really see that's here is Tora. Is there

1 anybody else from the business community here  
2 discussing the noise? No. So --

3 MAYOR STUESSI: Well, we've had lot of comments  
4 from the --

5 TRUSTEE DOUGHERTY-JOHNSON: I mean, we've also  
6 been talking about this since December, so I wouldn't  
7 say that -- and I know I have talked with landscapers,  
8 and I'm totally for public engagement and talking to  
9 everyone. So I wouldn't say we -- you know, and  
10 there's always more to do. But I don't think we  
11 should belabor it by saying --

12 TRUSTEE PHILLIPS: No, I --

13 TRUSTEE DOUGHERTY-JOHNSON: -- we haven't heard  
14 from every single person. Like we're never going to  
15 hear from every single person.

16 TRUSTEE PHILLIPS: We're not going to hear from  
17 everyone. But, obviously, there are some issues in  
18 this noise ordinance that Patrick has brought up, you  
19 have brought up, I think the Mayor may have some, a  
20 few of his own. I'm looking at some of the  
21 definitions in here that maybe need to be tightened up  
22 that come from public comments and come from comments  
23 that are from this Board. So --

24 TRUSTEE ROBINS: I wanted --

25 TRUSTEE PHILLIPS: -- I don't want to belay this

1 any longer than it needs to be. I'm the one --

2 MAYOR STUESSI: I'm sorry. What did you say?

3 TRUSTEE PHILLIPS: -- that's been pushing for  
4 it. I'm sorry.

5 MAYOR STUESSI: What did you say, Julia?

6 TRUSTEE ROBINS: I wanted to go back to actually  
7 a question that Patrick had asked Brian, okay? The  
8 title of this resolution -- this law is noise, correct?

9 ATTORNEY STOLAR: (Nodded yes).

10 TRUSTEE ROBINS: Okay. And you answered his  
11 question about decibel levels, that there is already  
12 in this noise ordinance a way to address noise,  
13 correct?

14 ATTORNEY STOLAR: Correct.

15 TRUSTEE ROBINS: In the language.

16 ATTORNEY STOLAR: Yes.

17 TRUSTEE ROBINS: It's based on decibel levels.  
18 Okay.

19 ATTORNEY STOLAR: That's one factor, yeah.

20 TRUSTEE ROBINS: Right. But, I mean, one of the  
21 things I was mentioning the last time was that this is  
22 very selective in terms of, you know, specifically  
23 leaf blowers, because there are many other pieces of  
24 equipment that are being used in the Village that  
25 create a tremendous amount of noise. How about when

1       you're having tree work done? Chainsaws actually, if  
2       you look up their decibel level, are higher than leaf  
3       blowers, okay? And you're having tree work done and  
4       they could be cutting all day long, okay? So that's  
5       one thing.

6               I mean, construction, skill saws and chop saws  
7       and stuff like that, it's well documented that people  
8       that work in that industry have hearing loss over the  
9       course of a career, because those are very high pitched,  
10       okay?

11               (Paul Kreiling Playing Saw Noise Over Phone)

12               TRUSTEE ROBINS: They are also a source of dust  
13       and things like that that everybody is complaining  
14       about, okay? By the way, I do know, because I was a  
15       contractor for many years, that the lead --

16               MAYOR STUESSI: Would you mind turning that off  
17       just so we can hear? Thanks.

18               PAUL KREILING: Just making a point.

19               TRUSTEE ROBINS: The protection from lead of  
20       people working on houses for contractors, the Consumer  
21       Affairs, who regulates contractors and does their  
22       licensing, put that into effect. I remember a number  
23       of years ago my husband was all worried about the fact  
24       that he should put protection around a house, because  
25       he was doing sanding. But the fact of the matter

1 is --

2 MAYOR STUESSI: I'm sorry. If the audience  
3 would just be quiet while she's speaking. Thank you.

4 TRUSTEE ROBINS: The fact of the matter is that  
5 nobody really does that, and it's a wink and a nod.  
6 You know, they haven't been doing that for years in  
7 terms of protecting, you know, the chips that are  
8 coming down on the ground from lead paint, they're  
9 there. And, to be honest with you, the County could  
10 care less, and they probably don't have enough  
11 employees to even send anybody out to look into it if  
12 it did happen, you know?

13 So, you know, I mean, I just really feel that  
14 this is a selective thing of one source of noise, but  
15 there -- it is very complicated. And I agree with  
16 Mary Bess, that we need to keep the -- I really think  
17 we should keep this open, and we have to hear from --

18 TRUSTEE PHILLIPS: No, I said close it.

19 MAYOR STUESSI: No, you want to close it.

20 TRUSTEE PHILLIPS: Close it.

21 TRUSTEE ROBINS: She wants to close it.

22 MAYOR STUESSI: Yes.

23 TRUSTEE ROBINS: Okay. I could go either way.  
24 But, basically, I really think that we need to hear  
25 from more people about this, and there are more sides

1 to this than a single-sided issue, okay?

2 And I hear the public, I hear what everybody  
3 feels, you know, about it, but I just feel that, you  
4 know, this is a complex thing, and I really feel that  
5 singling out one specific area is wrong at this point.

6 MAYOR STUESSI: Okay.

7 TRUSTEE ROBINS: Thank you.

8 (Discussion in Audience)

9 MAYOR STUESSI: Pardon me.

10 LORRAINE KREHLING: Sorry.

11 MAYOR STUESSI: So I am in agreement, but I  
12 think we should close the public hearing, but I  
13 believe the Board needs to do the work next week.  
14 Have a discussion, come up with suggested  
15 modifications, some of the ones we've talked about,  
16 and make a decision on this issue, and put this back  
17 in front of the public. But my hope is that we do  
18 something that we're going to be prepared to pass,  
19 because what I don't think is fair to the community is  
20 to drag this out longer.

21 I'm all for -- in favor of getting additional  
22 opinions on things, and we've heard a lot from the  
23 public. Hopefully, the Board has done their own  
24 research and read up on this issue. I know several of  
25 you have mentioned things that you've read, the public

1 has brought them forward, I've certainly done that.

2 As I had expressed, I am in favor of a limited  
3 ban initially, and then an outright ban longer term,  
4 as Lily is suggesting. I think it's an important  
5 issue. I believe the noise is of great significance.  
6 So, with that, if somebody wants to make a motion.

7 GARY SCHARFMAN: Mr. Mayor?

8 MAYOR STUESSI: We're not taking anymore  
9 comments right now. Thank you. We asked many, many  
10 times and got everybody to speak.

11 TRUSTEE DOUGHERTY-JOHNSON: I'd move to close  
12 the public hearing.

13 TRUSTEE PHILLIPS: I'll second it.

14 MAYOR STUESSI: All in favor?

15 TRUSTEE ROBINS: Aye.

16 TRUSTEE BRENNAN: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 TRUSTEE DOUGHERTY-JOHNSON: Aye.

19 MAYOR STUESSI: Aye.

20 Public hearing on "Noise" is closed. I would  
21 invite anybody who is still interested in this topic  
22 to attend next Thursday's meeting when we will be  
23 talking about it further.

24 With that, I'd like to make a motion to open the  
25 *public hearing regarding a wetlands permit application*

1        *submitted by Robert E. Herrmann, Coastal Management*  
2        *Specialist, En-Consultants as Agent for Diana Burton,*  
3        *owner of the property located at 131 Sterling Street,*  
4        *Greenport, New York 11944, to perform the following*  
5        *work:*

6                *To: Construct approximately 70 linear feet of*  
7        *vinyl bulkhead in place of (and 6 inches higher than)*  
8        *existing timber bulkhead; incidentally dredge and*  
9        *recover approximately 15 cubic yards spoil from*  
10        *10'x65' area in adjacent to bulkhead, to be used as*  
11        *backfill; remove and replace (in-place) existing*  
12        *6'x49' fixed pier with 6'x 25' fixed pier, 3'x14'*  
13        *ramp, and 6'x60' floating dock; secured by (4) 10" -*  
14        *diameter poles (sic) (piles); install five (5) 10"*  
15        *diameter tie-off piles, two (2) located 18 feet from*  
16        *the floating dock and three (3) located 16 feet south*  
17        *of the floating dock; and relocate (2) existing*  
18        *tie-off poles on the north side of the dock and (1)*  
19        *existing tie-off pole on the south side of dock to*  
20        *maintain a distance of at least 10 feet from the*  
21        *extended property line, as all depicted on the project*  
22        *plan prepared by En-Consultants, last dated*  
23        *November 28th, 2022.*

24                *With that, I will ask if anybody on behalf of*  
25        *the applicant would like to speak. I see you're*



1 there. If you could state your name and address for  
2 the record, please.

ROBERT HERRMANN: Good evening.

MAYOR STUESSI: Before you speak, I just want to add that with Village Administrator Paul Pallas absent this evening due to a conference, I'm going to ask our Chairman of the Zoning Board, who is also on the CAC Committee, to answer any questions for the Board, or as needed --

ROBERT HERRMANN: Sure.

MAYOR STUESSI: -- as part of this. Thank you.

ROBERT HERRMANN: Does anyone else want to clear out?

(Laughter)

ROBERT HERRMANN: Okay. So let me just -- I want to hand, hand up a sketch.

COURT REPORTER: I'm sorry. Could you state --

ROBERT HERRMANN: Oh, my -- stating my name, sorry. Robert Herrmann, En-Consultants, 1319 North Sea Road in Southampton, on behalf of the applicant, Diana Burton.

TRUSTEE PHILLIPS: I just have one question, Mr. Herrmann. Did you receive a copy of the CAC report?

ROBERT HERRMANN: I did.

TRUSTEE PHILLIPS: Okay.

ROBERT HERRMANN: And that's actually going to be the basis of most of my presentation, because I think all of the CAC comments are all sort of the salient points that you all would be interested in hearing about in connection with the proposal. So I'm going to try to work off those comments and provide answers here.

I did -- I got the list, I think, I don't remember if it was yesterday or two days ago, from Paul. And I did provide some written responses, which I emailed back to him, but I don't know if he's seen them or anyone else has seen them, so I'm going to respond to them for the record.

I did just want to hand up a quick plot sketch so you can follow along with some of my answers. Just for the record, what this is, is it's similar to the project plan that's before the Board, but it's with all the labeling and most of the noise cleaned off of it, and it just presents a picture of what the proposed conditions would look like with a bunch of different colored dimensions, which I'll -- I can go over in my presentation.

MAYOR STUESSI: Here, I'll pass them down, if you just want to hand them over.

ROBERT HERRMANN: Yeah.

TRUSTEE BRENNAN: Thank you.

ROBERT HERRMANN: Thank you. So this project has two basic elements to it. One is the in-place replacement of an existing bulkhead, which is surrounded on both sides by similarly constructed bulkheading. There is also an existing fixed dock on the property that is proposed to be removed and replaced with a shorter fixed dock, then with a ramp and 6-foot-wide by 60-foot-long floating dock that effectively reconfigures and extends the dock straight out from the property line -- I'm sorry, from the bulkhead.

The purpose of the bulkhead replacement is, of course, maintenance, to keep the structure intact for flood and erosion control, from material that has been lost from the bulkhead, or maybe lost during the construction. There is incidental dredging proposed within 10 feet of the face of the bulkhead, and that spoil material or recaptured earthen material that may be lost during construction would be retained onsite landward of the bulkhead as backfill. And that was one of the -- I think it was the first CAC question or comment stated, "The applicant should disclose the disposal site of any spoils, and obtain written

certification from the disposal site that they will accept the spoils." But, again, as is indicated on note No. 5 on Sheet 1 of the plan, the intention is to retain the spoils.

When I had an email exchange with Paul, he also mentioned that that question extended to the construction debris, you know, the existing bulkhead material, pilings and all, that would be getting removed, and the contractor and/or the property owner would just hire a licensed carting company to take that material away, as they would with any construction debris.

The second CAC comment asked whether any additional infrastructure would be added to the dock; example, electric or water. The answer is yes, there is electric and water there that has been serving the existing dock for a long time, and that would just be reconnected to the reconstructed dock.

I'm going to skip to the next comment, which asked the applicant to confirm the proposed dock will not extend further into basin than the adjacent -- than the adjacent docks. So that's the first time I can -- I think I need one more. I need one -- you got an extra copy of that?

MAYOR STUESSI: I do. I'll sell it back to you.

ROBERT HERRMANN: Yeah. I gave you my copy. Thank you. So that's the first reference I'll make to that drawing, is that the dock has been specifically designed not to encroach beyond what we would commonly refer to as the pier line established by the adjacent docks. And, I mean, you can generally see it visually on the plan that the intention is to keep the dock in line with the seaward encroachment of the existing docks to the north and the south. But I have added a dotted red line to this plot sketch drawn from the northerly corner of the southerly dock to the southerly corner of the northerly dock to show that this, the proposed float would remain inside that pier line.

The comment before that asked for the applicant to indicate the maximum number of boats that would be docked, and whether any dock spaces would be rented or leased, and if so, then a pumpout station would be required.

Two part question. The proposed dockage is really for up to four boats. It's a 60-foot-long float. You could really have two boats, basically, on each side, the north and the south side, and it is intended strictly for private use by the owner, her family, friends, etcetera. There is no intention of

renting or leasing the dockage space here.

The plan is based on an understanding that, one, the permitted use is in a Waterfront Commercial District, pursuant to Section 150-11 of the Village code, is for public and private yacht clubs, marinas and docking facilities. And so, basically, this, this property is in a WC zone, and the use is consistent both with the code and the with the uses to the north and the south.

The next question, which kind of has the longest answer, I guess, is that the CAC asked that the applicant confirm that any boats docked will not create maneuverability issues for adjacent docked boats. So here's where I'm going to ask you to follow along with this plot sketch that I just handed up.

The proposed dock has been designed so that the dockage is confined to the space that's defined by the proposed tie-off poles on the north and south side of the proposed six-foot-wide float. So, in other words, you can see that to both sides of the float there are several tie-off pilings, so all of the dockage would be confined between the float and those tie-off poles.

In accordance with the requirements of the New York State DEC, those tie-off piles would be located at least 10 feet inside the applicant's laterally

extended north and south property lines. So, in other words, there -- if you extended the property lines as they intersect with the bulkhead straight out, create what might be called your area of riparian rights, there is going to be no dockage within 10 feet of either of the side property lines. And there's actually a little bit more room between the tie-off piles and the extended property line to the south, as there would be a minimum 13-foot distance for the three outermost piles on the south side.

On this same sketch I've highlighted some additional separation distances that would be maintained between the proposed dock and the existing dock facilities to the north and the south. So if you take a look at that sketch, you'll see that the closest distance between the proposed float and the existing floating dock to the north is 49 feet, and the closest distance between the proposed float and the existing floating dock to the south is 50 feet, and those dimensions are shown in green.

The closest distance between the proposed northerly tie-off piles and the existing tie-off piles to the north is 31 feet, and the closest distance between tie-off piles on the south is 32 feet, and those dimensions are in red. So you can see the

facilities basically centered between these two surrounding structures.

I've also just indicated, to give you an idea that where -- the idea here was to create the slimmest footprint possible. The overall north/south waterway footprint, including the tie-off piles, again, within which the dockage space would be confined, the proposed dock is 42 feet north to south, and that's compared to 47 feet for the existing dock to the north and 44 feet for the dock to the south, and those dimensions are in light blue.

So I'm just going to read what I stated in my email to Mr. Pallas. We said, "Therefore, it can be reasonably concluded that by maintaining a smaller footprint than both adjacent docks, maintaining more than 30 feet of separation between proposed tie-off piles and adjacent tie-off piles, maintaining 49 to 50 feet of separation from both adjacent docks, and maintaining at least 10 feet of unobstructed waterway within" -- "within 10 feet of both property lines, the proposed dock facility will not create maneuverability issues for appropriately-sized and competently-operated boats docked at the adjacent docks."

The last comment indicated that any permit this Board grants would need to be contingent upon the



applicant receiving site plan approval for the, you know, so-called expansion of the dockage facility from the Planning Board, and we do understand. I think that is something that has stemmed from the code changes originating with the moratorium on waterfront activity and all that, so we do understand that to be the case. I don't really have any comment, obviously, in response to that.

So the idea here is to basically allow Ms. Burton, you know, the same rights as her neighbors have, the rights that are afforded to her under the Village Code. And we have tried to design it in the least impactful and most respectful way possible, and we've tried to illustrate that quantitatively in this sketch that I handed up this evening.

We have obtained the other necessary approvals for the bulkhead replacement and the dock replacement modification from the U.S. Army Corps of Engineers, the New York State Department of State Coastal Resources Division, and the New York State Department of Environmental Conservation. So the Village is kind of our last stop, and that's where -- why we're -- first step is before you this evening. I don't know if Diana is here.

DIANA BURTON: (Raised Hand).

ROBERT HERRMANN: There she is. And, also, Ian Crowley is the contractor of record, and he is also here. So if you have any questions for me, or of Ms. Burton or Mr. Crowley, they're here.

MAYOR STUESSI: If you could take a seat, I'm going to ask John from the CAC to come up and address --

ROBERT HERRMANN: Will do.

MAYOR STUESSI: -- this list, and then turn it over to the Board for any questions, and public comment. Thank you.

ROBERT HERRMANN: Thank you.

JOHN SALADINO: John Saladino.

MAYOR STUESSI: On behalf of the CAC.

JOHN SALADINO: On behalf of the CAC. I had gotten Paul -- Mr. Herrmann's response, the email that he sent, it's on my phone, but I don't have my phone.

AUDIENCE MEMBER: I got it.

JOHN SALADINO: So I'll just go through what I kind of heard. The first, the first request that we made was about the spoils. We're perfectly okay with putting the spoils behind the bulkhead, on the upland portion behind the bulkhead for fill. What we were concerned about was the construction waste. And I believe it was mentioned also in the DEC permit, one

of the conditions in the DEC permit, that you identify where the construction waste was going. I thought I read that. I don't have -- I don't have it. It's on my phone also, and I don't have my phone.

So we would -- just to explain, we didn't make a site visit to this property. It -- I was on crutches, it snowed, Paul was out of town.

PAUL KREILING: I did go, I did go look at it.

JOHN SALADINO: I didn't make a site visit. So there were a couple of questions that came up as far as, as the type of material on the old dock. You know, was it CAC, was it -- was it -- I don't know. That's the reason we made the request that they identify who's going to cart it away and where they're going to put it. We kind of thought that's a reasonable request. This way it doesn't wind up in a park someplace or in Moore's Woods, depending on the carter that you hire. You know, some sanitation guys are --

MAYOR STUESSI: Less than honest?

JOHN SALADINO: Are -- as far as the water and electric, it's -- again, not making a site visit, I didn't know if there was water and electric on the dock. We would like to see the plan for it. There's water and electric from the upland portion.

You know, the first question was, was -- is there going to be water? How many hose bibs? Is there going to be electric? Is there going to be shore power pedestals? We didn't have the answer to that. We didn't meet the applicant at the site, again, because it was snowing, we didn't go, I didn't because I was on crutches. So now we would kind of like to know. Saying that, "Well, there's water there and it's just going to be connected," perhaps to see the plan would, you know, make good building practices.

As far as the amount of boats that are going to be there, the new code doesn't -- we used to have a policy, the CAC had a policy -- well, the Village had a policy and the CAC abided by it, that anything more than four boats would require a pumpout station. The new code doesn't mention a number, it just says marina. And I'm going to read just -- just so everybody's on the same page, I just want to read one or two sentences from the codified version of the LWRP from '88 and then in '90, and it's Policy 34, the dumping of oil, refuse, garbage, and is prohibited in Village water.

And then it says to further the intent of this policy, pumpout facilities are required at new marinas

or expansion of existing marinas within the coastal area of the Village. Pumpout facilities must also be installed at all marinas within three years of this approval of the Local Waterfront Revitalization Program.

Again, the Village and the CAC abides by that policy that the Village adopted, that unless there's a new application, even though it's codified in the LWRP, we don't insist on pumpouts at existing marinas. We're not going to tell somebody that's in business 20 years, and not having a new application, that he's got to put a pumpout in, even though I personally think that's a great idea, but the Village makes the policy. But the new code doesn't define, all it says is marina, and it gives a definition for marina. So, I mean, it's hard to deny that this is going to be a marina.

To say that, to say that only four boats, and they're going to be friends, and family, and people we like, and we're going to let them park their boat there, if we go -- if we, if we look at the Residential Code, if we look at Chapter 150, 150-16(H), it tells you that you're only allowed to store two boats on your property. So to say like, "Well, I want to store four boats on my property,"

it's kind of contrary to the code.

We're perfectly okay if he agrees that the -- that he's not going to go past the pier and dock line. It doesn't -- it's a 6-foot-wide dock, it doesn't look like he's going to -- there's not going to be a T, so there won't be a boat on the, on the outside of that, on the other side of the pier and dock line.

Oh, and the question about -- we really didn't have a question about, about -- Paul did, but my question wasn't about, about how close to Strom or Henry's Marina. It was the Village has, has moorings in the, in the mooring field, and there's -- because the winter stakes are out, it's hard to see exactly where the mooring ball is. We all kind of remember that there'd be a mooring, there is mooring right outside that --

TRUSTEE PHILLIPS: I have a picture of it, yeah. No, there's a, there's a marker on it, because the boats coming up Stirling Creek need to see that marker because of the shrinking, shrinking channel.

JOHN SALADINO: Yeah, well. So the recommenda -- the ask was, it wasn't a recommendation, the ask was, was that they identify that mooring, exactly how far it would be, and if it's going to interfere with a 35 or a 40-foot boat on that mooring, that the mooring

be relocated at the, at the applicant's expense. And if there is no place to relocate that mooring, that, that some kind of money be exchanged with the Village to make up for the, for the -- you know, the loss of income from losing that mooring.

The last thing was -- I'm not sure if that was the last thing, but the -- we were concerned about stormwater runoff. We don't know what the upland portion's going to be. If the, if the Planning Board decides that -- which it kind of makes sense, because the new code says that for each slip, you know, you need a parking space, regardless if it's rented or not, what the surface was going to be of the upland portion. If it's -- if the Planning Board decides that no parking is required and it's going to be as it is now, long, we would then ask for a non-turf barrier between the -- which these guys kind of do anyway.

So that, that -- you know, and that's for stormwater runoff. But that was kind of like what we were, what we were thinking, and we thought it was not unreasonable to ask. So, again, I apologize, I don't, I don't have the response, and that's all.

MAYOR STUESSI: Thank you. We have it, and, you know, after the public speaks, we'll -- the Board can ask any further questions.

TRUSTEE BRENNAN: Thanks, John.

MAYOR STUESSI: Is there anybody from the public that would --

JOHN SALADINO: Oh, one last thing.

MAYOR STUESSI: Yes.

JOHN SALADINO: I apologize, one last thing. Also in our code is that -- you know, about the pumpout, also in our code, if you look at the Sanitary Code, I think it's 105, and it's 105-4, if you are within, I think it's 100 feet, of a municipal sewer system, or 200 feet of a municipal sewer system, you are obligated to hook up. And I say that only because if somebody on this Board decides that they do, in fact, need this pump out, in the past we kind of gave -- in the past we kind of gave -- you know, unwillingly, we kind of gave permission to have a portable pumpout, and we found that that's ridiculous. So we would, we would ask that, we would ask that if the Board decides that a sanitary pumpout is required, that it be permanently installed, you know, some kind of stand pipe, that it be permanently installed, like we did with the condos on Sixth and at, at Townsend.

And then, also, part of the recommendation would be to allow the Village to use that pumpout, like they do with the condos and they do at, supposedly do at



Townsend. Thank you.

MAYOR STUESSI: Thank you. Is there anybody from the public that would like to speak in regards to this applicant?

DIANA BURTON: Am I the public or am I the applicant?

MAYOR STUESSI: You're the applicant.

DIANA BURTON: And do I get to speak?

MAYOR STUESSI: You're the applicant, you're welcome to speak, please.

DIANA BURTON: Hi. I'm Diana Burton from 131 Sterling Street. I just want to say thank you. It's so nice to see you, after I've been sort of on this mission for 10 years and saving my money, endless support.

But my question is on either side of my property are two marinas that have six slips each and none of them have a pumpout. So I'm going to --

JOHN SALADINO: Paul Henry does.

DIANA BURTON: He does?

JOHN SALADINO: Yeah. It's a portable, and it's --

DIANA BURTON: Oh, I didn't know that. I've never seen it, I guess that's why.

JOHN SALADINO: Because he doesn't --

PAUL KREILING: It's portable.

(Laughter)

DIANA BURTON: Okay. So, all right. Well, if that's the case, then, you know, obviously, it's something that I, you know, do whatever you guys say, but I just -- you know, I -- it is -- you know, it's -- I've lived in this house for 27 years, and I think I started saving to rebuild this 27 years ago, because I knew it was going to be an expense. And so, you know, finally, I have an opportunity to do it. And, you know, really, I just wanted to ask about the pumpouts on either side of me on the two marinas that are sort of eclipsing me. So, anyway, thank you very much. I just really wanted to say hello.

MAYOR STUESSI: Thank you.

ROBERT HERRMANN: I'll be quick. I just wanted to try to respond to a couple of the comments just for clarification.

I can also personally vouch for the fact that Diana has been thinking about this for at least seven years, because I've been hearing about it for seven years and we just finally got to it last year. So there is a condition in the DEC permit

TRUSTEE PHILLIPS: Yes.

ROBERT HERRMANN: It is Special Condition No. 5,

and it just requires -- it says, "Any demolition debris, excess construction materials and/or excess excavated materials shall be immediately and completely disposed of in an authorized solid waste management facility. These materials shall be suitably stabilized as not to reenter any water body, wetland, or wetland adjacent area."

So this is really an issue. And I don't know if Ian can speak to this, or if it's something that's, you know, important enough to you to spend more time on it at the hearing. But there would either be a dumpster from a licensed carting company at the site, and if there's really not room for that, Ian would have to take it directly to the carting company, and then they'd -- I mean, I don't know what they do with the material, but as -- I assume they have to be a State and/or County licensed disposal company. So, as Ian said, I don't know what they do with it any more than I know what happens to our egg cartons. But that really, I think, starts to get a little bit beyond the purview of the wetlands approval anyway.

With respect to the electric and water, I don't know. Diana, I was going to ask if you want to speak. I don't really know how I would show that on the plan, other than to indicate what's there, or is that

something that would separately require a building permit? It's not really -- other than making note of it, it's not really something we would graphically be able to show on a dock plan, other than to point to a space and say, you know, electrical outlet or -- you know, I mean, what do you do? You run a garden hose from your house across the street. I mean --

DIANA BURTON: No. There's water over there already, and there's a pedestal already there that I use. And I wasn't planning on doing anything more than -- you know, certainly upgrading that once the work is done, or even just putting in a newer version of it. But I just wasn't planning on bringing in any extra electricity or water until we do --

ROBERT HERRMANN: And maybe we would just identify --

JOHN SALADINO: Wouldn't a licensed -- wouldn't a licensed electrician have to, have to perform that work?

DIANA BURTON: Yes.

JOHN SALADINO: Or a licensed plumber?

PAUL KREILING: But you're not going down onto the dock or down onto the --

DIANA BURTON: No, no.

JOHN SALADINO: You're not that supported on the dock?

DIANA BURTON: No.

JOHN SALADINO: No electric on that?

DIANA BURTON: No.

JOHN SALADINO: Then it's not an issue.

ROBERT HERRMANN: Okay. That's what I was looking to clarify. You were talking about if it was going to be put out on the dock itself.

JOHN SALADINO: Well, we mentioned that, if there's going to be water on the dock, you know, if there was going to be shore power.

ROBERT HERRMANN: Got it. What I -- sorry. What I'm -- I misunderstood, because I deal with this in the Town all the time. They just want to know if there is going to be a water and/or electric supply heading in the direction of the dock, but I do, I do understand what you're asking.

The issue with the mooring, that would be something I guess we would have to --

TRUSTEE PHILLIPS: Well, I have a question, because I'm looking at your expanded plan here.

ROBERT HERRMANN: Yes.

TRUSTEE PHILLIPS: And I'm seeing a piling, and I'm assuming that's what this little circle is, that's beyond the pier line, or am I misreading this, maybe? If you get --

TRUSTEE BRENNAN: Yeah, there is, it's the --

ROBERT HERRMANN: Oh, yeah, yeah, I see what you're saying, on the, on the north side.

TRUSTEE PHILLIPS: Which is exactly in line with the, with the mooring, which I have a picture of I can show you, because I went down and took some pictures, because --

ROBERT HERRMANN: Okay. Yeah, we'll have to address that, because if that, if that pile needs to be shifted, we would have to do that. Again, when I'm talking about the pier line, I'm talking about the docks themselves. You would have to tell me whether you would object to that pile and that placement independently, or only if it appears that it would somehow impact the mooring. I mean, I know --

TRUSTEE PHILLIPS: Well, you also have to understand your DEC permit, and the Army Corps says if it would hamper navigation --

ROBERT HERRMANN: Right.

TRUSTEE PHILLIPS: -- if you remember reading that, and that -- I have, I have a picture I can show you where the -- where this mooring is, and if it has a boat on it and it swings. You know, the size of the boat is going to have to be determined what could go on that mooring, because they do swing around.

And as I said before, Stirling Harbor is, is filling in, okay, which is a dredging problem, which is not, not your problem, but it's a navigational problem. Safe Harbor and my myself and some other people who have commercial vessels that come up and out of that Federal waterway, that it's -- you know, it to me, it's looking like that needs -- personally needs to be moved, but that's --

MAYOR STUESSI: So where are you --

TRUSTEE PHILLIPS: It's right here.

ROBERT HERRMANN: You're talking about the most --

TRUSTEE ROBINS: On the red line.

ROBERT HERRMANN: -- the most easterly pile on the north side of the float. So we'll have to, just have to look at it. I mean, obviously, the --

MAYOR STUESSI: Outside the dotted line.

DIANA BURTON: Yeah.

ROBERT HERRMANN: She was talking about that.

DIANA BURTON: Yeah, yeah, we wouldn't want it.

ROBERT HERRMANN: Yeah.

DIANA BURTON: We don't want to do anything that's --

ROBERT HERRMANN: Right, that's what I'm --

DIANA BURTON: -- going to interfere with anything.

ROBERT HERRMANN: That's what I'm saying, if that needs to be tucked in.

TRUSTEE PHILLIPS: Well, I'm just bringing it to your attention --

ROBERT HERRMANN: I mean, it doesn't, it doesn't really -- I mean, a boat that's docked on the north side of the dock is going to create the same traffic as any of the many boats that are docked to the north and the south, particularly to the north.

TRUSTEE PHILLIPS: I think, Ian, Ian can probably understand what I'm talking about.

ROBERT HERRMANN: But if it's, if it's the physical piling itself that you're talking about, then we would have to move it. I don't know if you want to --

TRUSTEE ROBINS: I have a question. You know, I know this is just a dock plan, but I just want to get a picture of the size of a boat that's going to be docked in here. Is this supposed to have -- because you have these tie-off pilings on the outside, so is this stern-in to the dock and then the bow is out and tying off at those tie-off pilings?

ROBERT HERRMANN: So the boats would have to be parallel with the float inside the tie-off piles, regardless of whether they're at --



TRUSTEE ROBINS: Parallel.

ROBERT HERRMANN: -- six-foot or a sixteen.

TRUSTEE PHILLIPS: Yeah.

TRUSTEE ROBINS: Okay.

ROBERT HERRMANN: Correct, yeah. These are not sticking out perpendicular.

TRUSTEE ROBINS: No, no. Okay, all right.

ROBERT HERRMANN: Ian, I'm going to defer to you.

IAN CROWLEY: Ian Crowley, on behalf of Diana Burton. That pile can be pulled in the pier line, that's not a problem at all.

TRUSTEE PHILLIPS: But, Ian --

IAN CROWLEY: But just as a note, there are boats on the outside of the two adjacent floats, which Diana won't have, just because of the way it's configured, but there's no problem pulling it out.

MAYOR STUESSI: Well, I think that's a good point, and that was going to be my question, if there's boats out here already.

IAN CROWLEY: So any sort of like seaward extension is -- she's going to be well inside it anyway.

MAYOR STUESSI: Uh-huh.

IAN CROWLEY: But pulling that piling in so it's on paper and neat is not a problem for you to dock.

TRUSTEE PHILLIPS: Okay. Well, it's also getting in, you know, them getting in and out.

IAN CROWLEY: Yeah, and it's more important even in the winter, like when people are coming and going, there are no boats.

TRUSTEE PHILLIPS: Correct.

IAN CROWLEY: You know, and I come in and out of there at night a lot fishing, so I want everything in line, so.

TRUSTEE PHILLIPS: And you know where I come from.

IAN CROWLEY: Oh, yeah.

TRUSTEE PHILLIPS: So, I mean, that's --

IAN CROWLEY: It's not, it's not a --

DIANA BURTON: And I know where you come from.

TRUSTEE PHILLIPS: Yeah.

DIANA BURTON: We're going to keep it tight, yeah.

IAN CROWLEY: We'll just pull it back a few feet, whatever that is, that's not a problem at all.

TRUSTEE PHILLIPS: Okay. Thanks, Ian.

ROBERT HERRMANN: That's fine. That's why I travel with him.

TRUSTEE BRENNAN: I have a couple of questions. Julia, were you finished?

TRUSTEE ROBINS: Yeah, I'm finished. Thanks.

TRUSTEE BRENNAN: I think the plan makes sense.

I was concerned about whether this is stern-to or parallel. So you're affirming that the boats will be parallel with the dock?

DIANA BURTON: Yes.

TRUSTEE BRENNAN: I don't agree with your assessment, that electric and water are not the purview of the Wetlands Board, it's up to us to decide.

ROBERT HERRMANN: Oh, I didn't say that.

TRUSTEE BRENNAN: Yes, you did.

ROBERT HERRMANN: No, I didn't. I was talking about where the ultimate disposal site for construction debris being a little bit --

TRUSTEE BRENNAN: No.

ROBERT HERRMANN: -- outside the purview of the wetlands, but not electric and water. I just said I didn't know how to show that on the plan.

TRUSTEE BRENNAN: So, certainly, you can show it on the plan.

ROBERT HERRMANN: Well, that's why I asked.

TRUSTEE BRENNAN: Okay.

ROBERT HERRMANN: But then I heard that if it's not going to be on the dock itself, it's not an issue, so I'm not sure where that leads us. So if there's a location of the water source and electric landward of the bulkhead, we can literally survey those locations

and add them to the plan, if that's what you'd like us to do.

TRUSTEE BRENNAN: I think my point is that you can show it, so it's not like its too difficult to show where --

ROBERT HERRMANN: I didn't suggest it was, sir. I'm just asking if you -- if you're telling me you'd like us to add it, we're happy to add it.

MAYOR STUESSI: Great. Thank you.

TRUSTEE BRENNAN: How would you determine whether the spoil from the incidental dredging is suitable for backfill, to use as backfill?

ROBERT HERRMANN: That I'm going to defer to Ian again.

IAN CROWLEY: Ian Crowley again, on behalf of the Diana Burton. It's going to be suitable, because it has to stay. You know, to truck it off site, we all know this from -- is onerous. So whether it could be put low, high, wherever, it's definitely going to be suitable. Most of it is sand that come through the bulkhead for the last 27 years, since you let it go, but it will be suitable, it will work.

TRUSTEE BRENNAN: You'll make it, you'll make it work.

IAN CROWLEY: And it's not far off the bulk that

needs to be done, it drops off really quick. And you're not going to put a boat on the bulkhead anyhow, so it doesn't have to be -- we're not looking to put, you know, a sailboat on the bulkhead, just looking to clean up --

TRUSTEE BRENNAN: Sure.

IAN CROWLEY: -- what's leached through.

TRUSTEE BRENNAN: No, it really makes sense. My concern is if it's silting material, is it going to be suitable for backfill.

IAN CROWLEY: It's going to be mixed enough with some sand, and, you know, it kind of all gets turned together and turns into like dirty sand that's going to -- it will be fine by the bulkhead.

TRUSTEE BRENNAN: All right. And the next question I had is so we talked about where the float's going to be, and it's going to be inside of the dotted line that you showed that belongs to the other pier. Can, can we ask the owner, or maybe this is a question for Counsel. Can we ask the owner to affirm that boats will not be docked in a such a way that they're hanging out beyond that line? So like the stern or a bow of the boat, something along the side.

DIANA BURTON: Should I get up there and do it?

TRUSTEE BRENNAN: Yeah, if you're going to

speak, you can come up here.

DIANA BURTON: Diana Burton, on behalf of Diana Burton. Yeah. No, I -- my whole reason for doing it the way I'm doing it is to create the least amount of impact for, you know, certainly the waterway at the, at the tip of it. You know, I don't want to do anything that will cause any kind of an issue. No boat is going to hang over it in any way, which is a little bit the reason why I want to even make it this long. It's like I don't really anticipate needing as much dock, but I wanted to protect the waterway.

And I also did it so that, you know, I didn't have to worry about -- you know, I was just trying to keep my footprint as linear and tight as I possibly can. So, you know, I'm a boater, I'm a -- you know, the waterway is everything to me. So I'm not doing it as a commercial venture anyway. But protecting that harbor means so much to me, so I would not want to do anything that would, you know, cause any kind of situation there. So nothing is ever going to extend over, and most likely in.

TRUSTEE BRENNAN: Okay. Thank you for that. Like I said before, I think the plan makes a lot of sense. My concern is we have larger and larger boats that are encroaching on the fairway of the, of the

mooring area.

DIANA BURTON: I see that, yes, yeah.

ROBERT HERRMANN: I --

TRUSTEE BRENNAN: So --

ROBERT HERRMANN: I can also add a notation to the plan explicitly attesting to what you're asking, so that that's something that the Board could even incorporate into the permit, that the, that the actual vessel dockage also be in line with the --

TRUSTEE PHILLIPS: Which we have done --

ROBERT HERRMANN: Determine as the flow.

TRUSTEE PHILLIPS: We have done for other permits.

ROBERT HERRMANN: Yeah, I don't have a problem with that.

MAYOR STUESSI: It makes sense to me --

TRUSTEE BRENNAN: Yeah

MAYOR STUESSI: -- that we should be doing that on an ongoing basis.

TRUSTEE BRENNAN: Yeah, I think so. I would appreciate that. And, certainly, moving the pile that we already discussed that's shown outside. I think that would be an important condition, that that be moved back inside that line.

ROBERT HERRMANN: Yep.

TRUSTEE BRENNAN: And I have a question. I think this is really a question for our Counsel. So this, this site has a fence that appears to be in the Village right-of-way. Can we ask the applicant to move that fence back to their property line?

ATTORNEY STOLAR: Is it related to the, the application?

TRUSTEE BRENNAN: I don't know. So that's the question I'm asking. So like, for example, is that fence going to come down when you're doing the work?

IAN CROWLEY: I was -- I don't know the -- I kind of know the fence, I drive through there a lot, but I think it's probably going to come down --

TRUSTEE BRENNAN: Right.

IAN CROWLEY: -- after the construction.

TRUSTEE PHILLIPS: Yeah.

IAN CROWLEY: I don't know where it exactly is and where everyone else is.

TRUSTEE PHILLIPS: It's right, it's right in front of where you're going to have to start.

IAN CROWLEY: We're going to have to get through the fence. Split rail fence?

TRUSTEE PHILLIPS: No, it's a picket fence.

TRUSTEE ROBINS: It's a picket fence, I think.

MAYOR STUESSI: A picket.



TRUSTEE ROBINS: I think it's a small white picket fence.

IAN CROWLEY: Yeah. I mean, I don't know if it's got to be official. She said she'd move it back.

TRUSTEE BRENNAN: Well, I think you have to. So if you're going to take it down for construction operations, I think the issue is you can't put it back in the street. Does that make sense?

DIANA BURTON: Yeah.

TRUSTEE BRENNAN: Yeah.

DIANA BURTON: I only put that fence where -- we just replaced the fence that was there when I moved in.

TRUSTEE BRENNAN: Right.

DIANA BURTON: So I'll put it -- if the property line is back, we'll put it --

TRUSTEE BRENNAN: Yeah, that would be helpful.

TRUSTEE PHILLIPS: Brian, just to clarify, I don't think that deals with the wetlands permit. Isn't that part of the site plan approval -- site plan review that you have at Planning Board?

ATTORNEY STOLAR: It may very well be.

TRUSTEE PHILLIPS: Because it's on the land portion of the, of the property, correct?

ATTORNEY STOLAR: Uh-huh.

TRUSTEE PHILLIPS: I mean, I have a picture of

it, if you want to take a look at it. It's --

ATTORNEY STOLAR: I'm trying to find one now.

TRUSTEE PHILLIPS: Oh.

TRUSTEE BRENNAN: I'm not trying to give this applicant a hard time about this. It's just the street is very narrow, and if people are going to do work along there, it would be helpful if the, if the --

ROBERT HERRMANN: This is, this is the fence that Diana was talking about. It's just -- you know, it's obviously not in the road, but it's outside the property line.

TRUSTEE BRENNAN: Yeah.

ROBERT HERRMANN: So, I mean, whether it's for this Board or whether it's the planning process, it would be simple exercise to add to our plan the removal of this fence and replacement along the lot line.

TRUSTEE BRENNAN: Okay.

ROBERT HERRMANN: I think that's what you're asking.

TRUSTEE BRENNAN: Yeah, yeah. Thank you. Thank you, Ian.

Another issue I have, which is really a Board issue, is I think we need to examine our policy or

requirements around the pumpout issue. It seems like the entirety of Stirling Basin is underserved by pumpout locations.

MAYOR STUESSI: Uh-huh.

TRUSTEE BRENNAN: And I'm -- again, I'm not trying to make this applicant burdened with this necessarily, but I think, I think we need to examine what our policy is. And there was some discussion about whether it was contingent on the number of boats, which doesn't make a lot of sense to me, because the smaller the boat is, the less likely it has a head or a holding tank. The larger the boat, more likely it would need a pumpout. So if you had fewer boats, that might be the thing to trigger the pumpout, as opposed to more boats. And so it's not -- I'm not even sure what our policy is on this, but I talked with our Village Administrator and he thought it was the quantity of boats, and I --

MAYOR STUESSI: Well, it sounds like the LWRP says otherwise, and we're supposed to be referring to the LWRP for any and all decisions.

JOHN SALADINO: The new code --

MAYOR STUESSI: Yeah.

JOHN SALADINO: -- doesn't -- the new version of the code doesn't, doesn't specify a number of boats to

be --

TRUSTEE PHILLIPS: Classified as marina.

JOHN SALADINO: -- classified as marina. And the LWRP says a marina needs a pumpout.

TRUSTEE BRENNAN: Okay. Thank you. So, also, I think we also need to look at -- because this is a WC area, I would agree with Mr. Saladino's assessment, that this is, in fact, a marina. And the current applicant may be intending to use it for their family and for themselves, but when the property changes hands, it could go back into a commercial marina operation. And so I think we essentially need to disregard what the current applicant's intended use is and treat it as a marina, unless there's another definition for --

MAYOR STUESSI: Yeah. And I guess the other question is, is this two separate parcels, or is this part of one parcel?

DIANA BURTON: It is two separate parcels.

MAYOR STUESSI: So if, you know, parking requirements, etcetera, being satisfied by the house, then --

JOHN SALADINO: No.

TRUSTEE BRENNAN: That's a Planning Board matter.

TRUSTEE PHILLIPS: That's a Planning Board issue.

TRUSTEE BRENNAN: Yeah, yeah. So this has come up along other --

MAYOR STUESSI: Yeah.

TRUSTEE BRENNAN: -- other properties along here. All right. Well, thank you. Thank you, Mr. Herrmann.

ROBERT HERRMANN: Thank you.

MAYOR STUESSI: Any other questions for the applicant? Lily, Mary Bess?

TRUSTEE DOUGHERTY-JOHNSON: I don't have anything.

TRUSTEE PHILLIPS: (Shook Head No).

ROBERT HERRMANN: You're through with me?

MAYOR STUESSI: Yes. Thank you.

(Laughter)

TRUSTEE PHILLIPS: Is there any other comments?

MAYOR STUESSI: What?

TRUSTEE PHILLIPS: Is there any other comments?

MAYOR STUESSI: Oh. Is there anybody else from the public that wanted to speak? We didn't have anybody, the applicant. No?

(No Response)

MAYOR STUESSI: Okay. All right. So what do you want to do here? I think we need to look at a

revised plan.

TRUSTEE PHILLIPS: Right, which could get -- we could close the hearing and request a revised plan come to us, or leave it open until -- leave it open.

ATTORNEY STOLAR: If you're requesting additional information, I would leave the record open.

TRUSTEE PHILLIPS: Okay.

MAYOR STUESSI: Yeah.

TRUSTEE BRENNAN: So what do we -- what is the revised plan for, the piling?

MAYOR STUESSI: Do you suggest putting electrical on there as well?

TRUSTEE ROBINS: The relocation of the piling on the --

TRUSTEE BRENNAN: Well, my understanding, my understanding is it's not going to have --

TRUSTEE ROBINS: I don't feel we even need electrical.

TRUSTEE BRENNAN: It's not going to have electrical. My point was I didn't agree with Mr. Herrmann saying it would be difficult to show it on the plan, it could certainly be shown.

MAYOR STUESSI: Okay. I thought that was a misunderstanding between you two.

TRUSTEE BRENNAN: No, no. I understand that

the --

MAYOR STUESSI: So do we want to see it on the plan or no?

TRUSTEE BRENNAN: I don't really care for that. The piling is important.

MAYOR STUESSI: Uh-huh.

TRUSTEE PHILLIPS: Yeah, it is.

TRUSTEE BRENNAN: It's such a small change. We -- I think we could make a motion to approve this subject to that one change. I'm not sure, unless Counsel advises otherwise.

ATTORNEY STOLAR: If that's the case, yeah. I mean, as long as you're satisfied, you can make it subject to the Building Department review, or Village Administrator review to confirm that it's in accord with what you're, what you're saying.

TRUSTEE PHILLIPS: But we also have to --

MAYOR STUESSI: Well, if it's going to Planning, so --

TRUSTEE PHILLIPS: Or go to Planning.

MAYOR STUESSI: Yeah.

ATTORNEY STOLAR: Ultimately, yes. But in terms of the --

MAYOR STUESSI: But we could approve, we could approve subject to --

TRUSTEE BRENNAN: Correct.

MAYOR STUESSI: -- making that one modification.

ATTORNEY STOLAR: Yes.

MAYOR STUESSI: Is everybody okay with that?

TRUSTEE BRENNAN: I'm fine with it.

TRUSTEE ROBINS: I think we should do that.

She's been waiting 27 years for that.

(Laughter)

DIANA BURTON: It's been like 12 since I've had enough money to start it.

(Laughter)

MAYOR STUESSI: All right. So does somebody want to make a motion?

TRUSTEE ROBINS: I'll make a motion to accept the plan as submitted, with one modification, which is the relocation of the piling.

TRUSTEE BRENNAN: Inside of the --

TRUSTEE ROBINS: Inside of the dimension.

MAYOR STUESSI: May I have second, please?

TRUSTEE PHILLIPS: Wait, wait. I'll second.

ATTORNEY STOLAR: Do you want to include conditions? It sounded like you had some.

TRUSTEE ROBINS: That's the condition.

TRUSTEE PHILLIPS: Well, no, there was another condition that we were talking about, that the boats



didn't extend beyond --

ROBERT HERRMANN: The dockage.

TRUSTEE BRENNAN: As the boats are docking, no one extend beyond --

ATTORNEY STOLAR: No portion of any boat docking there shall extend beyond that line.

MAYOR STUESSI: Yeah, and you said you would reflect that on the plans.

ROBERT HERRMANN: I'm going to add that note to the plan, also.

TRUSTEE ROBINS: He's going to change it.

TRUSTEE PHILLIPS: But --

MAYOR STUESSI: So the plans need to reflect -- so go ahead and make the motion again, please.

ATTORNEY STOLAR: And that it be limited to private use. Is that what you wanted as well?

MAYOR STUESSI: Yes.

ATTORNEY STOLAR: Okay.

TRUSTEE BRENNAN: Well, I --

TRUSTEE DOUGHERTY-JOHNSON: But, sorry, does that stay with -- I mean, is that permanent, or is that just if it changes hands?

ATTORNEY STOLAR: If it changes hands, it's still part of the approval, so it stays. What you have to be careful of, though, is when somebody buys

it, they're going to claim -- and they try to put it to a commercial use, they're going to claim that, "Oh, I didn't look at the Building Department records, I didn't look at the Village records, I didn't see that I was limited on that basis."

So the other way to deal with it, if you want to go this far, is to impose a requirement that there be a recorded document with the County Clerk's Office providing for that limitation, so that anybody who is acquiring the property cannot say that they were not under actual or constructive notice of the existence of that condition.

TRUSTEE BRENNAN: I don't think that's necessary.

TRUSTEE PHILLIPS: That's not necessary.

TRUSTEE BRENNAN: So, I mean, my suggestion was that we ignore whether this is private or not and treat it like a marina.

JOHN SALADINO: Good move.

TRUSTEE BRENNAN: Excuse me?

JOHN SALADINO: Good move.

TRUSTEE BRENNAN: So I don't want to get into a situation where we're having private uses and some are different than others. It meets the definition of marina, it's in the Waterfront Commercial area. I don't see the need to have -- unless I'm missing

something. I don't --

MAYOR STUESSI: No. I think that makes sense, because there is no reason to complicate it.

TRUSTEE BRENNAN: So --

MAYOR STUESSI: Cover the rules.

TRUSTEE BRENNAN: If Trustee Robins could make a motion that -- as two conditions. One, that the pile as shown be moved inside the pier line, and that the owner affirms that there would be no -- there'll be no docking allowed beyond the pier line, or the vessels cannot extend beyond the pier line.

TRUSTEE PHILLIPS: Beyond the pier line.

MAYOR STUESSI: And that they're running parallel to the floating dock.

TRUSTEE ROBINS: Is that --

TRUSTEE BRENNAN: I guess.

TRUSTEE ROBINS: I don't know if that -- if they have to be tied parallel to the dock? I mean, if they don't extend beyond the pilings, what difference does it make whether they're stern-in or they're parallel? Does it make -- does that matter?

DIANA BURTON: No. I think what we want to make sure is that whether it's stern or bow-in, that I honor the waterway.

TRUSTEE PHILLIPS: The navigation.

TRUSTEE ROBINS: Right, that's it.

TRUSTEE PHILLIPS: Navigation.

DIANA BURTON: And navigation, most of all.

MAYOR STUESSI: Okay. So then the motion is with two conditions, one, to move the piling inside of the outboard line.

TRUSTEE ROBINS: Correct.

MAYOR STUESSI: And --

TRUSTEE ROBINS: And the other is that no vessel will extend beyond the float, beyond the fixed dock, be proud of, I guess.

TRUSTEE BRENNAN: So moved. Is that clear enough?

MAYOR STUESSI: Second.

DIANA BURTON: Can I just say one thing? And even though we're going to do that, there are boats on the other side of that pier line that are next to me. So I'm going to be in way further than by at least who knows, you know, or be like, who knows, could be like 12 feet or something. But I just wanted to say that.

MAYOR STUESSI: Thank you.

TRUSTEE ROBINS: All right. So moved.

MAYOR STUESSI: With a second, please?

TRUSTEE BRENNAN: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries. All right. Lily, you want to start with --

TRUSTEE DOUGHERTY-JOHNSON: Yes.

MAYOR STUESSI: -- Resolution No. 1? Thank you.

TRUSTEE BRENNAN: Thank you.

DIANA BURTON: Thank you so much.

MAYOR STUESSI: Happy 27th birthday on your planning.

ATTORNEY STOLAR: We've got public to address the Board.

ROBERT HERRMANN: Thank you for hearing us.

MAYOR STUESSI: What's that?

ATTORNEY STOLAR: Public to address the Board, do you have to go there right now or later?

TRUSTEE PHILLIPS: We got public to address the Board.

TRUSTEE DOUGHERTY-JOHNSON: Or resolutions, on any issues.

TRUSTEE PHILLIPS: On any issues.

MAYOR STUESSI: Is there anybody from the public

that would like to address the Board on any issues?  
Nobody from the public has any comments this evening?

(No Response)

MAYOR STUESSI: Okay. With that, we will move on to resolutions. Lily, we'll start with No. 1.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-1, RESOLUTION adopting the January, 2024 agenda as printed.* So moved.

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE ROBINS: *RESOLUTION #1-2024-2, RESOLUTION accepting the monthly reports of the Greenport Fire Department, Village Administrator, Village Deputy Treasurer, Village Clerk, Village Attorney, Mayor and Board of Trustees.* So moved.

TRUSTEE BRENNAN: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE BRENNAN: *RESOLUTION #1-2024-3, RESOLUTION approving the application of Alessandro Beza for membership of the Greenport Fire Department Rescue, as approved by the Village of Greenport Fire Department Board of Wardens on January 17th, 2024.*

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE PHILLIPS: *RESOLUTION #1-2024-4, RESOLUTION approving the application of Yeny Sarai Garza Mateo for membership of the Greenport Fire Department Rescue, as approved by the Village of Greenport Fire Department Board of Wardens on January 17th, 2024.* So moved.

TRUSTEE DOUGHERTY-JOHNSON: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-5, RESOLUTION approving the application of Philip Stringfellow for membership of the Greenport Fire Department Rescue, as approved by the Village of Greenport Fire Department Board of Wardens on January 17th, 2024. So moved.*

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE ROBINS: *RESOLUTION #1-2024-6, Resolution ratifying the hiring of Anne Susan Kostul as a part time Administrative Assistant employee for the Greenport Fire Department, at an hourly pay rate*



*of \$20.00 per hour, effective January 24th, 2024.*

So moved.

TRUSTEE BRENNAN: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries. I'm going to suggest that the next resolution be tabled until next week. There is a revised contract coming from LKMA.

TRUSTEE PHILLIPS: So you -- all right. So, Patrick?

TRUSTEE BRENNAN: Yeah.

TRUSTEE PHILLIPS: Yeah, go ahead, Patrick.

TRUSTEE BRENNAN: *RESOLUTION #1-2024-8, RESOLUTION accepting the attached proposal submitted by Susan Stohr for the development and implementation of legislative and communications strategies to support the Village of Greenport in efforts to:*

*Continuation of policy, federal and state legislative and logistical support for the Mayor, Village Administrator and Village staff of the Village of Greenport to advance the successful completion of*

*the ongoing federally-funded Microgrid, Ferry Terminal Village projects, secure the Mitchell Bulkhead Replacement Project funding and continue efforts to identify, develop and implement strategies to secure state and federal appropriations and grants funding to support additional Village project development and Village operational and policy objectives. So moved.*

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE PHILLIPS: *RESOLUTION #1-2024-9, RESOLUTION accepting from the Town of Southold at no cost to the Village of Greenport a surplus 1998 World Cat 27-foot fiberglass hull, model #266SF/WA, VIN #EPY66312F898 with engines and equipment as per the attached Town of Southold Board Resolution 2024-61. So moved.*

TRUSTEE DOUGHERTY-JOHNSON: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-10, RESOLUTION approving the attached proposal from JRH Consulting Engineers, D.P.C. in the amount of \$27,400 for an infrastructure review of the Village Wastewater system and authorizing Mayor Stuessi to sign the proposal from JRH Consulting Engineers, D.P.C.*

So moved.

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE ROBINS: *RESOLUTION #1-2024-11, RESOLUTION accepting the attached proposal from D&B Engineers in the amount \$9,750 of for an update of anticipated construction costs for the replacement of the bulkhead at Mitchell Park and authorizing*

*Mayor Stuessi to sign the proposal from D&B Engineers.*  
So moved.

MAYOR STUESSI: And I apologize on that one, we need to table it. It's being modified and we don't have a new copy to it. So that will be for next week's meeting as well.

TRUSTEE BRENNAN: *RESOLUTION #1-2024-12, RESOLUTION authorizing Deputy Treasurer Brautigam to make an additional contribution in the amount of \$26,507.00 to the Volunteer Firefighter Length of Service Award Program for the Village of Greenport Fire Department.* So moved.

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE PHILLIPS: *RESOLUTION #1-2024-13, RESOLUTION authorizing the Village of Greenport to add the outstanding water and sewer balances in arrears to the Village of Greenport 2024 tax bills for the respective properties, per calculations to be*

*completed by, or before April 30th, 2024. So moved.*

TRUSTEE DOUGHERTY-JOHNSON: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-14, RESOLUTION scheduling a public hearing for the 2024-2025 Village Tentative Budget at 6 p.m. April 11th, 2024, at the Old Schoolhouse, Front and First Streets, Greenport, New York 11944; and directing Clerk Hall to notice the budget hearing accordingly. So moved.*

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE ROBINS: *RESOLUTION #1-2024-15, RESOLUTION authorizing Deputy Treasurer Brautigam to*

*perform attached Budget Amendment #5309 to appropriate the General Fund reserves to fund the repair of drains at the Adams Street parking lot, and directing that Budget Amendment #5309 be included as part of the formal meeting minutes of the January 25th Regular Meeting of the Board of Trustees. So moved*

TRUSTEE BRENNAN: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries

TRUSTEE BRENNAN: *RESOLUTION #1-2024-16, RESOLUTION authorizing Deputy Treasurer Brautigam to perform attached Budget Amendment #5392 to appropriate Light Fund reserves to fund the removal of a tree hanging over the power lines, and directing that Budget Amendment #5392 be included as part of the formal meeting minutes of the January 25th Regular Meeting of the Board of Trustees. So moved.*

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE PHILLIPS: *RESOLUTION #1-2024-17, RESOLUTION setting the 2024 Village of Greenport property tax lien sale for 10 a.m. on March 12th, 2024 at Village -- excuse me -- at Greenport Village Hall, 236 Third Street, New York, 11944; and directing Clerk Hall to notice the property tax lien sale accordingly.*  
So moved.

TRUSTEE DOUGHERTY-JOHNSON: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-18, RESOLUTION approving the issuance of a Request for Proposals for the management of McCann Campground for the 2024 season, and directing Clerk Hall to notice the Request for Proposals accordingly.* So moved.

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE ROBINS: *RESOLUTION #1-2024-19, RESOLUTION approving the Public Assembly Permit of the Greenport Fire Department to host the annual Washington's Birthday Parade and Celebration on Saturday, February 17th, 2024; and approving the closing to vehicular traffic of Village streets for the duration of the Parade, and approving the use of the Third Street Firehouse for the celebration.*

So moved.

TRUSTEE BRENNAN: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.



TRUSTEE BRENNAN: *RESOLUTION #1-2024-20, RESOLUTION approving the Public Assembly Permit Application submitted by GHS All Class Corporation for the use of the Fifth Street Beach/Park from 8 a.m. through 4 p.m. on July 20th, 2024 for a gathering of Greenport High School alumni. So moved.*

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE PHILLIPS: *RESOLUTION #1-2024-21, Resolution approving the Public Assembly Permit Application submitted by North Fork Kid Connect for the use of the Third Street Basketball Court from 11 a.m. through 7 p.m. on July 27th, 2024 for the annual Youth Basketball Tournament, and to include for further safety reasons temporarily closing traffic in both directions between Center Street and North Street and approving a waiver of a \$50.00 application fee. So moved.*

TRUSTEE DOUGHERTY-JOHNSON: Just to clarify

that, closing it on Third Street between Center and --

TRUSTEE BRENNAN: What's the comment?

TRUSTEE DOUGHERTY-JOHNSON: I just am saying --

MAYOR STUESSI: She's clarifying that it's Third Street --

TRUSTEE DOUGHERTY-JOHNSON: We're closing, we're closing Third Street.

MAYOR STUESSI: Between Center --

TRUSTEE PHILLIPS: Yeah.

TRUSTEE DOUGHERTY-JOHNSON: I just want to make sure of that, yeah. Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-22, RESOLUTION approving the Public Assembly Permit Application submitted by Northeast Stage for the use of a portion of Mitchell Park from 4 p.m. through 11 p.m. from January -- from July 26th, 2024 through July 28th, 2024 for the annual Shakespeare in the Park performances and approving a waiver of the \$50.00*

*application fee. So moved.*

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries. The next resolution is being tabled. The Board will be discussing it on Thursday of next week.

TRUSTEE ROBINS: *RESOLUTION #1-2024-24, RESOLUTION scheduling a public hearing for 6:00 p.m. on Regular Thursday, on Thursday, February 22nd, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944 regarding the Wetlands Permit Application submitted by Costello Marine Contracting Corporation, on behalf of St. Agnes Cemetery c/o Father Piotr Narkiewicz property located at 2050 Manhasset Avenue, Greenport, New York 11944.*

So moved

TRUSTEE BRENNAN: Second

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE BRENNAN: *RESOLUTION #1-2024-25,*  
*WHEREAS, the Board members have received and reviewed*  
*proposed Local Law 2 - speed limit of 2024.*

*NOW, THEREFORE, the Board hereby schedules a*  
*public hearing on proposed Local Law 2 of 2024 for*  
*Work Session 6 p.m. on Thursday, February 15th, 2024*  
*at the Third Street Fire Station, Third and South*  
*Streets, Greenport, New York 11944 and directs the*  
*Clerk to post and publish notice of the public hearing*  
*as required by law. So moved.*

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE PHILLIPS: *RESOLUTION #1-2024-26,*  
*WHEREAS, the Board members have received and reviewed*  
*proposed Local Law #3 - building department fees of*

2024.

*NOW, THEREFORE, the Board hereby schedules a public hearing on proposed Local Law #3 of 2024 for Work Session 6 p.m. on Thursday, February 15, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944 and directs the Clerk to post and publish notice of the public hearing as required by law. So moved.*

TRUSTEE DOUGHERTY-JOHNSON: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE DOUGHERTY-JOHNSON: *RESOLUTION #1-2024-27, WHEREAS, the Board members have received and reviewed proposed Local Law 4 - Paid Parking Program of 2024.*

*NOW, THEREFORE, the Board hereby schedules a public hearing on proposed Local Law 3 of 2024 for Regular Session 6 p.m. on Thursday, February 22nd, 2024 at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944 and directs the Clerk to post and publish notice of the public hearing*

*as required by law. So moved.*

TRUSTEE ROBINS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE ROBINS: *RESOLUTION #1-2024-28, RESOLUTION scheduling a public hearing for 6:00 p.m. on Regular Session February 22nd, 2023 at the Third Street Fire Station, Third and South Streets, Greenport, New York 11944 regarding granting a cable television franchise agreement by and between the Village of Greenport and CSC Acquisition-NY, Inc.*

So moved.

TRUSTEE BRENNAN: Second.

ATTORNEY STOLAR: Just change it to 2024. It reads 2023.

MAYOR STUESSI: Yeah.

TRUSTEE ROBINS: Oh, 2024, yeah. So moved.

TRUSTEE BRENNAN: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries.

TRUSTEE BRENNAN: *RESOLUTION #1-2024-29, RESOLUTION approving all checks per the Voucher Summary Report dated January 24th, 2024 in the total amount of \$541,846.84 consisting of:*

*o All regular checks in the amount of \$484,219.03, and*

*o All prepaid checks (including wire transfers) in the amount of \$57,627.81. So moved.*

TRUSTEE PHILLIPS: Second.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

Motion carries. With that, we need to make a motion for the Board to go into executive session for a personnel matter with Village Counsel.

ATTORNEY STOLAR: Pending litigation.

MAYOR STUESSI: Pending litigation.

TRUSTEE BRENNAN: Second.

ATTORNEY STOLAR: Not a personnel matter.

MAYOR STUESSI: All in favor?

TRUSTEE ROBINS: Aye.

TRUSTEE BRENNAN: Aye.

TRUSTEE PHILLIPS: Aye.

TRUSTEE DOUGHERTY-JOHNSON: Aye.

MAYOR STUESSI: Aye.

(The Meeting was Adjourned to Executive Session  
at 8 p.m.)



C E R T I F I C A T I O N

STATE OF NEW YORK )  
 ) SS:  
COUNTY OF SUFFOLK )

I, LUCIA BRAATEN, a Court Reporter and Notary Public for and within the State of New York, do hereby certify:

THAT, the above and foregoing contains a true and correct transcription of the proceedings taken on January 25, 2024 to the best of my ability.

I further certify that I am not related to any of the parties to this action by blood or marriage, and that I am in no way interested in the outcome of this matter.

IN WITNESS WHEREOF, I have hereunto set my hand this 8th day of February, 2024.

Lucia Braaten  
Lucia Braaten

# Chapter 88

## Noise

### GENERAL REFERENCES

Mass Public Assemblies — See Ch. 44.  
Recreation areas and beaches — See Ch. 101.  
Entertainment Permits — See Ch. 150.

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#### § 88-1 Purpose.

The purpose of this Chapter is to minimize the exposure of residents and visitors in the Village of Greenport to unreasonably loud or excessive sound, which is harmful to the peace, welfare, comfort, safety, convenience, good order and prosperity of residents and visitors of the Village of Greenport. It is the public policy and findings of the Village of Greenport Board of Trustees that every person is entitled to be protected from sound that is detrimental to life, health and the enjoyment of his or her property. The intent of the Village of Greenport Board of Trustees is to enact legislation that: (A) serves to control the level of sound in a manner which promotes commerce, the use, value and enjoyment of property, sleep and repose and the quality of the environment by establishing limits on sound levels within the Village of Greenport; (B) provides for appropriate exceptions to the provisions of this Chapter to allow for the functioning of commercial businesses and the operation of construction, landscaping and emergency equipment; and (C) provides clear guidance that certain sound-producing activities constitute unreasonable noise and are therefore prohibited by this Chapter.

#### § 88-2 Definitions; word usage.

- A. All terminology defined herein that relates to the nature of sound and the mechanical detection and recordation of sound is in conformance with the terminology of the American National Standards Institute or its successor body.
- B. As used in this chapter, the following terms shall have the meanings indicated:

#### **A-WEIGHTED SOUND PRESSURE LEVEL**

The sound pressure level measured in decibels with a general-purpose sound level meter complying with the provisions of the ANSI Specifications for Sound Level Meters (ANSI S1.4 1971), properly calibrated and operating on the A-weighting network. The level so read is hereinafter abbreviated as “**dba**”.

#### **ABATEMENT**

An action to reduce, cease, remove, stop or otherwise reduce the level of any sound or sound source.

#### **ANSI**

The American National Standards Institute.

#### **CODE ENFORCEMENT OFFICER**

Any person who is designated to enforce the ordinances and regulations for the Village as appointed by the Board of Trustees of the Village pursuant to § 53-3 from time to time; *provided* that if such person is enforcing the provisions of this Chapter that relate to a specific dba and require the use of sound level meter, such person shall only be entitled to enforce such provisions to the extent that he or she has been trained in the measurement of sound using such a device.

#### **COMMERCIAL AREA**

Any real property located within any of the areas zoned by Chapter 150 of the Code of the Village of Greenport and the Zoning Map of the Village of Greenport as CR (Retail Commercial) District, CG (General Commercial) District or WC (Waterfront Commercial) District, including any public waterway or public right-of-way located within the jurisdictional boundaries of any such zone or district, but excluding any public park that is located in any such zone or district.

#### **COMMERCIAL LANDSCAPER**

Any person who, for a fee, uses mowers, tractors or other tools or machinery for the purpose of cutting grass and providing other services associated with landscaping.

#### **CONSTRUCTION**

Any site preparation (including blasting), assembly, erection, demolition, repair, alteration or similar action for, or of, public or private rights-of-way, buildings, structures, utilities or other property.

#### **CONSTRUCTION DEVICE**

Any power device or equipment designed and intended for use in construction, including, but not limited to, air compressors, bulldozers, backhoes, trucks, shovels, derricks and cranes.

#### **DECIBEL (dB)**

The unit of measurement for sound pressure level. The number of "decibels" of a measured sound is equal to twenty (20) times the logarithm of the base 10 of the ratio of the sound pressure of the measured sound to the sound pressure of a standard sound twenty (20) micropascals, abbreviated "dB".

#### **DEMOLITION**

Any dismantling, intentional destruction or removal of buildings, structures, rights-of-way, roadways or other similar property.

#### **EMERGENCY WORK**

Any work or action required to (1) restore property to a safe condition following a public calamity, (2) protect persons or property from imminent exposure to danger or (3) to provide or restore immediately necessary utility and emergency services, including, but not limited to, repairing water, gas, electricity, telephone and sewer facilities and public transportation, removing fallen trees on public rights-of-way and abating other life-threatening conditions.

#### **ENTERTAINMENT PERMIT**

Has the meaning specified in Chapter 150.

#### **GAS-POWERED LEAF BLOWER**

Any portable, handheld or backpack style power equipment that is powered by fuel and used in any landscape maintenance, construction, property repair or property maintenance for the purpose of blowing, moving, removing, dispersing, vacuuming or redistributing leaves, dust, dirt, grass clippings, cuttings and trimmings from trees and shrubs or any other type of litter or debris.

#### **IMPULSIVE SOUND**

A sound of short duration usually less than one (1) second and of high intensity with an abrupt onset and rapid decay. Examples of "impulsive sound" would be explosions, drop forge impacts, discharge of firearms.

#### **LANDSCAPING**

The maintaining of and/or providing care of lawns, including, but not limited to, mowing, cutting and trimming, also the gathering, raking, blowing and/or removal of leaves, grass or lawn clippings and/or other debris on any lot, plot or parcel of land. This includes regular maintenance as well as fall and spring clean-ups. "LANDSCAPE" shall have a similar meaning.

**LANDSCAPING EQUIPMENT**

Any engine or motor-power device or equipment, including any gas-powered leaf blower, utilized in connection with landscaping.

**MOTOR VEHICLE**

Any vehicle that is propelled or drawn on land by an engine or motor, including, but not limited to, passenger cars, trucks, truck-trailers, campers and motorcycles.

**MOTORBOAT**

Any vessel that operates on water and that is propelled by a motor, including, but not limited to, boats, barges, water ski towing devices, jet skis and hover craft.

**MULTI-DWELLING BUILDINGS**

Any building wherein there are two (2) or more dwelling units.

**PERSON**

An individual, association, firm, syndicate, company, trust, partnership, corporation, department, bureau or agency, or any other entity recognized by law.

**PERSONAL SOUND REPRODUCTION DEVICE**

Any battery powered radio, tape player, compact disc player, MP3 player, phone or a portable compact bluetooth speaker, in each case of a type that is generally considered to be for personal use.

**PLAINLY AUDIBLE**

Any sound that can be detected by a person using his or her unaided hearing faculties. As an example, if the sound source under investigation is a portable or personal vehicular sound amplification or reproduction device, the detection of the rhythmic bass component of the music is sufficient to be plainly audible sound.

**PUBLIC HOLIDAY**

The first day of January, known as New Year's Day; the third Monday of January, known as Dr. Martin Luther King, Jr. Day; the twelfth day of February, known as Lincoln's birthday; the third Monday in February, known as Washington's birthday or Presidents' Day; the last Monday in May, known as Memorial Day; the second Sunday in June, known as Flag Day; the nineteenth day of June, known as Juneteenth; the fourth day of July, known as Independence Day; the first Monday in September, known as Labor Day; the second Monday in October, known as Columbus Day or Indigenous People's Day; the eleventh day of November, known as Veterans' Day; the fourth Thursday in November, known as Thanksgiving Day; and the twenty-fifth day of December, known as Christmas Day; each general election day and each day appointed by the President of the United States or the Governor of New York State as a day of general thanksgiving, general fasting and prayer or other general religious observance day.

**PUBLIC PARK**

Has the meaning specified in Chapter 101.

**PUBLIC RIGHT-OF-WAY**

Any street, avenue, boulevard, lane, road, highway, sidewalk, alley or similar place that is owned or controlled by a governmental entity.

**PUBLIC SPACE**

Any real property (including any public park) or structures thereon that are owned or controlled by a

governmental entity.

**PUBLIC WATERWAY**

Any navigable waterway within the boundaries of the Village of Greenport, including the area commonly referred to as “Mitchell Park Marina”

**REAL PROPERTY LINE**

- (1) The imaginary line, including its vertical extension, that separates one (1) parcel of real property from another.
- (2) The vertical and horizontal boundaries of a dwelling unit that is one (1) in a multi-dwelling-unit building.

**REPETITIVE IMPULSIVE SOUND**

Any sound that is composed of individual impulsive sounds which are repeated continuously.

**RESIDENTIAL AREA OR PROPERTY**

Any real property located within an area zoned by Chapter 150 of the Code of the Village of Greenport and the Zoning Map of the Village of Greenport as R-1 One-Family Residence District, R-2 One- and Two-Family Residence District or Park District and including any public waterway or public right-of-way located within the jurisdictional boundaries of any such zone or district.

**SHORT-TERM RENTAL**

Has the meaning specified in § 103-4 of the Code.

**SOUND**

Any variation in ambient barometric pressure.

**SOUND LEVEL METER**

An instrument, including a microphone, an amplifier and output meter and frequency-weighting networks, for the measurement of sound levels.

**SOUND PRESSURE LEVEL**

The weighted sound pressure level in decibels obtained using a sound level meter and frequency-weighting network, such as A, B or C. If the frequency weighing employed is not indicated, the A-weighting slow response shall apply.

**SOUND REPRODUCTION DEVICE**

Any device that is designed to be used or is actually used for the production, reproduction or amplification of sound, including but not limited to any musical instrument, radio, television, tape recorder, compact disc player, phonograph, loudspeaker, public address system or any other electronic device used for the amplification of sound.

**SOUND SIGNALING DEVICE**

Any device that is designed to be used or is actually used to produce a sound signal, but not spoken language, including, but not limited to, any horn, whistle, bell, gong, siren, rattle, clapper, hammer, drum or air horn.

**SOUND SOURCE**

Any activity or device whatsoever that produces sound.

**SOUND SOURCE SITE**

Any one (1) parcel of land, or a tract of land consisting of two (2) or more parcels that includes all contiguous land and water areas under the ownership or control of a person in or upon which one (1) or

more sound sources are located. The "sound source site" includes all individual sound sources that are located on such site, whether stationary, movable or mobile. A "sound source site" is created by the installation of one (1) or more sound sources thereon.

**SPECIAL EVENT PERMIT**

Has the meaning specified in Chapter 44.

**UNREASONABLE NOISE**

Sound that:

- (1) Endangers or injures any person or animal; or
- (2) Annoys, disturbs or discomforts a reasonable person of normal sensitivities; or
- (3) Adversely affects the sleep, repose, health or safety of any person.

Standards to be considered in determining whether "unreasonable noise" exists in a given situation include but are not limited to the following:

- (a) The volume of the sound.
- (b) The intensity of the sound.
- (c) Whether the nature of the sound is usual or unusual.
- (d) Whether the origin of the sound is natural or unnatural.
- (e) The volume and intensity of the background sound, if any.
- (f) The proximity of the sound to residential sleeping facilities.
- (g) The nature and zoning district of the areas within which the sound emanates.
- (h) The time of day or night the sound occurs.
- (i) The time duration of the sound.
- (j) Whether the sound source is temporary.
- (k) Whether the sound is impulsive sound or a repetitive impulsive sound.

**§ 88-3 Enforcement; Use of Sound Level Meter.**

- A. The provisions of this chapter shall be enforced by one or more code enforcement officer and/or any police officer of the Town of Southold.
- B. Any sound measurement utilizing a sound level meter for purposes of determining compliance with this Chapter 88 shall be made as follows:
  - (1) Using a sound level meter that is designated by its manufacturer as meeting the precision requirements of ANSI S1,4 or IEC 651 for Type 1 or Type 2 sound level meters.
  - (2) Using a sound level meter shall be appropriately calibrated and adjusted as necessary by means of an acoustical calibrator of the coupler-type to assure meter accuracy within the tolerances set forth by the ANSI.

- (3) Using a “slow” meter response, except as necessary to identify a repetitive impulsive sound.
  - (4) Using a windscreen approved by the manufacture of the instrument.
  - (5) At a height of at least four feet above the ground and not closer to the sound source than the real property line of the property on which the sound source is located.
  - (6) For purposes of any outdoor measurement, the back of the curb, the outside edges of driveways, fences, hedges, docks or other physical features commonly associated with property boundaries are presumed to be at a point which is at or beyond the applicable real property line of the applicable sound source site.
  - (7) When measuring sound indoors, the microphone shall be at least three feet distant from any wall, ceiling or partition and the average measurement of at least three microphone positions throughout the room shall be determined.
  - (8) When measuring sound within a multi-dwelling unit, all doors and windows shall be closed and the measurements shall be taken in the center of the room most affected by the applicable sound or sound source.
  - (9) Indoor measurements shall only be taken if the sound source is on or within the same property as the receiving property, as in the case of a multi-use property or a multi-dwelling property.
- C. In all cases, the maximum sound pressure level permitted in any applicable zoning district shall be determined based on the applicable zoning district of the property from which the sound pressure level is measured. When a sound source can be identified and the sound emanating therefrom can be measured in more than one zoning district, the limits of the most restrictive zoning district shall apply.

**§ 88-4 Maximum permissible sound pressure levels.**

- A. Subject to § 88-6, no person shall make, continue to make, cause to be made or continued any sound, or use any sound source, within the boundaries of the Village of Greenport, including any waters or beaches falling within the jurisdictional boundaries of the Village, in such a manner as to create a sound pressure level that exceeds the particular limits set forth in Table I when measured at or beyond the real property line of the applicable sound source site, except those acts specifically prohibited pursuant to § 88-5 for which no measurement of sound pressure level is required.
- B. Subject to § 88-6, no person who is in custody and control of any property or the owner and operator of any motor vehicle or motorboat located within the boundaries of the Village of Greenport shall permit any other person to make, continue to make, cause to be made or continued any sound, or use any sound source on any such property in such a manner as to create a sound pressure level that exceeds the particular limits set forth in Table I measured at or beyond the real property line of the applicable sound source or which shall create any sound that would otherwise be prohibited pursuant to § 88-5 except to the extent expressly permitted pursuant to § 88-6. For purposes of this Chapter, the following persons shall be presumed to be in “custody and control” of a property: (1) an individual owner or owners where the premises are owner-occupied, (2) (a) in the case of any short-term rental, the owner or owners of such property and (b) in all other cases where a property is rented or leased to a tenant, the tenant or tenants occupying such property, (3) (a) in the case of any business that has an entertainment permit, each responsible person specified in the application relating to the issuance of such entertainment permit and (b) in the case of any other business, the manager or the person in charge of such business and (4) in the case of any motor vehicle or motorboat, the operator thereof. A person found to be in custody and control of any property that is the subject of a violation of this Chapter shall be responsible for the payment of any fines imposed pursuant to § 88-9. Any person who is in custody or control of any short-term rental shall ensure that any person staying therein from time to time is aware of the applicable

limitations set forth in this Chapter 88, including the limitations set forth in § 88-5 below.

**§ 88-5 Prohibitions.**

Subject to § 88-6, no person shall make, continue to make, permit or cause to be made or continued any unreasonable noise as defined in § 88-1 within the boundaries of the Village of Greenport, including any waters or beaches following within the jurisdictional boundaries of the Village of Greenport. In particular, without limitation of the foregoing provision of this Section, the following enumerated acts are declared to be in violation of this Section:

A. Sound reproduction devices.

(1) The operation, playing, use or permitting the operation or playing or use of any sound reproduction device that results in any sound that is plainly audible within 50 feet from the applicable sound source (including, any motor vehicle or motorboat) ~~or at the real property site on which or from which such sound is produced as follows:~~

(a) in any residential area:

(i) on any Friday, Saturday or any public holiday occurring between May 15 and October 1 of each calendar year, between the hours of 11:00 p.m. of such day and 10:00 a.m. of the immediately following day; and

(ii) on any other day, between the hours of 10:00 p.m. of such day and 10:00 a.m. of the immediately following day; and

(b) in any commercial area:

(i) on any Friday or Saturday occurring between May 15 and October 1 of each calendar year, between the hours of 12:30 a.m. and 10:00 a.m. of the immediately following day;

(ii) on any public holiday occurring between May 15 and October 1, between the hours of 11:00 p.m. of such day and 10:00 a.m. of the immediately following day;

(iii) on any other Friday or Saturday, between the hours of 11:00 p.m. of such day and 10:00 a.m. of the immediately following day; and

(iv) on any other day, 10:00 p.m. of such day and 10:00 a.m. of the immediately following day.

Notwithstanding the foregoing, the operation, playing, use or the permitting of operating, playing or use of any sound reproduction device in any public space, public right-of-way or public waterway shall be subject to the provisions of § 88-5A(4) below.

(2) The operation, playing, use or the permitting of operating, playing or use of any sound reproduction device for commercial or business advertising purposes or for the purposes of attracting attention to any performance, show or sale or display of merchandise in connection with any commercial operation, as follows:

(a) in front or outside of any building, structure or on any property abutting or adjacent to a public right-of-way or public space, where the sound therefrom is plainly audible in any residential area or on any adjacent public right-of-way or public space; or

(b) on any boat or in any other manner on the waters within the jurisdiction of the Village of Greenport; or

(c) anywhere on any public right-of-way or public space.



- (3) The operation, playing, use or permitting of the operation, playing or use of any sound reproduction device by any person in any commercial area in connection with providing any entertainment (as defined in Chapter 150 of the Village Code), the hosting of any catered event (as defined in Chapter 150 of the Village Code) or the hosting of any mass assembly event (as defined in Chapter 44 of the Village Code) unless:
  - (a) the use thereof is otherwise permitted pursuant to § 150-51J of the Village Code without a valid entertainment permit as required under § 150-51 of the Village Code; or
  - (b) such person has (i) a valid and existing entertainment permit issued pursuant to § 150-51 of the Village Code and the use of such sound reproduction device is otherwise being operated in accordance with the terms of such entertainment and (ii) to the extent applicable, a special event permit issued pursuant to Chapter 44 and the use of such sound reproduction device is otherwise being operated in accordance with the terms of such special event.
- (4) The operation, playing, use or permitting the operation, playing or use of any sound reproduction device at any public space, public waterway or any public right-of-way except as follows:
  - (a) the use by an individual person of a personal sound reproduction device to the extent that either:
    - (i) the user thereof is using headphones or earphones in connection therewith; or
    - (ii) the sound emanating from such personal sound reproduction device is played at a low level and is not plainly audible either (A) within 25 feet from the emitting sound source or (B) at the real property line of any property located in any residential area; or
  - (b) the use thereof is expressly authorized pursuant to a special event permit issued pursuant to Chapter 44.

**B. Vocal Disturbances and Peddling.**

- (1) Vocal disturbances, including shouting, yelling, hooting, or the making of any other loud outcries, exclamations or other loud or boisterous sounds or loud and boisterous singing by any person or group of persons or the use of any device to amplify the aforesaid sound on, or in, any public right-of-way, public waterway or public space between the hours of (a) the earlier of (i) the hour on which any public space is required to close pursuant to § 101-2 of the Village Code and (ii) 9:30 p.m. of any day and (b) 8:00 a.m. of the immediately following day except to serve as a danger warning.
- (2) Vocal disturbances, including shouting, yelling, hooting, crying or bellowing or the use of any device to amplify any such sound by any peddler, hawker or vendor for the purpose of advertising goods, services, wares or merchandise. The provisions of this subsection shall not apply to the sale of merchandise, food and beverages (a) pursuant to a special event permit duly issued in accordance with Chapter 44 or (b) to the extent the applicable peddler, hawker or vendor is in receipt of a valid and effective permit issued pursuant to Chapter 197 of the Code of the Town of Southold and is otherwise operating in accordance with the terms thereof.
- (3) Human conversation from a group gathering area on any property (including at any swimming pool or hot tub) intermittently or at continuously for a period of more than 15 minutes at a volume plainly audible inside a closed residence located at 25 feet or more from such gathering area between the hours of 9:30 p.m. and 8:00 a.m. The actual words of the conversation need not be intelligible; audibility of the sound of conversation under the conditions described is sufficient to constitute unreasonable noise. A closed residence shall be a dwelling unit located in a residential area which has all windows and doors closed to the outside.

- C. Noise-Sensitive Zones. The creation of any sound by means of any device or otherwise on any public right-of-way, public waterway or public space adjacent to any school, court, house of worship or public library while such facility is in use or adjacent to any hospital or nursing home at any time, so that such sound disrupts the normal activities conducted at such facilities or disturbs or annoys persons making use of such facilities. Any such activity that is plainly audible within any such noise sensitive zone shall constitute *prima facie* evidence of a violation of this Section.
- D. Loading and Unloading. The loading, unloading, opening, closing or other handling of boxes, crates, containers, building materials or similar objects between the hours of 8:00 p.m. and 7:00 a.m. the following day so as to be plainly audible across or into any residential property.
- E. Sound Signaling Devices. Causing or permitting to be caused the sounding of any sound signaling device on or in any motor vehicle or motorboat except to serve as a danger warning.
- F. Motor Vehicles and Motorboats
  - (1) The operation of any engine of any motor vehicle, motorboats or any auxiliary equipment attached thereto for a period longer than five (5) minutes in any hour while such motor vehicle or motorboat is stationary, for reasons other than traffic congestion, on any private property, public waterway, public right-of-way or other public space such that the sound therefrom is plainly audible at either (a) a distance of 50 feet from such motor vehicle, motorboat or equipment or (b) at any property located in a residential area, on any day between the hours of (i) 9:00 p.m. of such day and (ii) 8:00 a.m. of the following day.
  - (2) The operation of any motor vehicle or motorboat that does not include a muffler or other sound-suppression equipment in operable condition.
  - (3) Any disturbing or raucous sounds caused on any public right-of-way, public spaces or in public waterway at any time by racing or accelerating the engine of any motor vehicle or motorboat while moving or not moving, by the willful backfiring of any engine and exhaust from the engine tailpipe or muffler or from the screeching of tires.
  - (4) The operation of any sound reproduction device on any motorboat or other vessel so that the sound therefrom is plainly audible at a distance of 25 feet from such motorboat or vessel.
- G. Construction. The operation or permitting of the operation of any construction device, including, but not limited to, construction and demolition work, excavating or earthmoving equipment:
  - (1) Between the hours of (a) on any Monday through Saturday, 8:00 p.m. of such day and 8:00 a.m. the following day on weekdays or (b) at any time on Sundays or on any public holiday, such that the sound is plainly audible on any adjacent property.
  - (2) At any other time such that the continuous sound-in-air level at or across the real property line of the sound source site on which such construction device is being operated exceeds an L10 of eighty (80) dBA.
  - (3) At any other time such that the impulsive sound-in-air level has a peak sound pressure level at or across the real property line of the sound source site on which such construction device is being operated is in excess of one hundred thirty (130) dBA.
- H. Landscaping Equipment. The operation or permitting of the operation of any landscaping equipment by any commercial landscaper during the following days and times: (1) Monday through Friday between the hours of 7:00 p.m. on such day and 8:00 a.m. on the following day, (b) Saturday, prior to 9:00 a.m. or after 6:00 p.m. or (c) on any Sunday or public holiday,

- I. Air Conditioning and Heat Pump Equipment. The operation of any air-conditioning or air-handling equipment, swimming pool or spa pump, exhaust fan or other heat-pump based equipment in such a manner as to exceed 55 dBA over a ten (10)- minute period of time, measured from a distance of 50 feet or more from the sound source.
- J. Garbage Pick Up. Garbage collection between the hours of 8:00 p.m. and 7:00 a.m. in such manner as to be plainly audible across or into any residential property.
- M. Animals. Barking or other sounds made by a dog or other domestic animal intermittently or continuously for more than 15 minutes.

**§ 88-6 Exceptions.**

The following activities and/or sounds are exempt from the provisions of this Chapter:

- A. Sounds created by bells, chimes or carillons not operating continuously for more than five (5) minutes in any hour.
- B. Emergency work as defined in Section 88-2 (B). Sounds from snowblowers, snow throwers and snowplows, when operated with a muffler, for the purpose of snow removal and when used in accordance with manufacturer's specifications,
- D. Sound from stationary emergency signaling devices owned and operated by any public utility, municipal subdivision, fire department or ambulance corps when used in connection with an emergency or for testing purposes, including, but not limited to, train switching.
- E. Sound from a burglar alarm of any building or motor vehicle, provided that such burglar alarm shall terminate its operation within fifteen (15) minutes after it has been activated and shall not be operated more than fifteen (15) minutes in any one-hour period.
- F. Sounds from generators during periods when there is no electrical service available due to natural disaster or power outage; *provided* that the sound created by any stationary generator shall not exceed 75dBA at any real property line of the applicable sound source site.
- G. Sound resulting from any vehicle when responding to an emergency call or acting in time of emergency.
- H. Outdoor speakers aboard excursion boats or ferries used to announce sights or make other customary announcements to passengers; *provided* that the sound created thereby shall not exceed 65dBA as measured on any property located within the boundaries of the Village of Greenport.
- I. Sounds caused by natural phenomena or wildlife.
- J. Stationary amplified announcements at athletic events, political events or civic events.
- K. Sound resulting from or, in connection with, any event that is the subject of a special event permit that specifically provides for relief from the provisions of this Chapter 88 during the approved duration of such event; *provided* that any applicable sound reproduction device used in connection with any such event shall be expressly permitted to be used pursuant to the terms of such special event permit.
- L. Sound associated with any demonstration (as defined in Chapter 44) that is permitted to occur without a special event permit pursuant to the terms of Chapter 44, other than any sound that results from the use of a sound reproduction device of any type other than a musical instrument, megaphone or bullhorn.

**§ 88-7 Prima Facie Evidence of Offenses.**

The following shall constitute *prima facie* evidence of a violation of this Code:

- A. The occurrence of any activity set forth in §§ 88-5A through 88-5M that is plainly audible at a distance of 50 feet from the location from where the sound source thereof is located.
- B. With respect to unreasonable noise of the types described in §§ 88-5A(1), 88-5A(3), 88-5A(4), 88-5B(1), 88-5B(3), 88-5D, 88-5F(1), 88-F(2), 88-(G)(1), 88-(H), 88-5(J) or 88-5(M), the making of separate and distinct but substantially similar reports to a code enforcement officer or police officer by two or more persons living in separate dwelling units (which may include apartments or condominiums located within the same building) alleging that the applicable sound constitutes unreasonable noise and specifying as to the time, duration and general location of the sound source of the applicable unreasonable noise.
- C. The occurrence of any of the activities set forth in § 88-5 that any individual person hears and reports to a code enforcement officer or police officer and the occurrence of which is corroborated by a code enforcement officer or police officer.

**§ 88-8 Penalties for offenses.**

- A. Any person who violates any provision of this chapter shall be guilty of a violation and shall be subject to penalties in the following manner:
  - (1) Upon a first violation, by a fine of not less than \$250 nor more than \$1500.
  - (2) Upon a second violation in any twelve (12)-month period, by a fine of not less than \$1000 nor more than \$2500.
  - (3) Upon a third violation in any twelve (12)-month period by a fine, of not less than \$1500 nor more than \$5000.
  - (4) Upon a fourth or consecutive violation in any twelve (12)-month period by a fine, of not less than \$5,000 nor more than \$20,000.
  - (4) Each action that constitutes a violation of this Chapter 88, which either continues or is repeated more than 30 minutes after the issuance of any notice of abatement has been issued pursuant to § 88-9 or a code enforcement officer or police officer has issued an order to cease said activity, shall be considered an additional separate and distinct offense.
- B. Nothing herein contained shall prevent the Village of Greenport from taking whatever action in law or equity as may be available to prevent and remedy an offense, including, without limitation, any action for declaratory judgment and/or the enjoinder of any continued violation of this Chapter or any action by the Village Board of Trustees pursuant to §150-51 to revoke any entertainment permit as a result of violations by any person of this Chapter 88.

**§ 88-9 Abatement.**

- A. Except as provided in Subsection **B** below, in lieu of issuing a summons, any code enforcement officer or police officer may issue a warning requiring abatement of any source of sound alleged to be in violation of this chapter.
- B. A warning shall not be issued when the applicable code enforcement officer or police officer has reason to believe that there will not be compliance with the warning, when the alleged violator has been served with a previous warning or had previously been convicted for a violation of this chapter.

**§ 88-10 Construal.**

No provision of this chapter shall be construed to impair any common law or statutory cause of action, or legal remedy therefrom, of any person for injury or damage arising from any violation of this chapter or from

other law.

**Attachments:**

088a Appendix A

APPENDIX A

TABLE I

Maximum Permissible A-Weighted Pressure Levels by Receiving Property Category, in dBA

Sound Source Property Category	Receiving Property Category			
	Residential, Public Space or any Public Right-of-Way or Public Waterway abutting a Residential Area		Commercial or any Public Right-of-Way or Public Waterway abutting a Commercial Area, Public Waterway	
	12:30 a.m. to 8:00 a.m. (next day)	8:00 a.m. to 12:30 a.m. (next day)	12:30 a.m. to 8:00 a.m.	8:00 a.m. to 12:30 a.m. (next day)
Residential Area, Public Space or any Public Right-of-Way or Public Waterway abutting a Residential Area	50	65	60	70
Commercial Area, or any Public Right-of-Way or Public Waterway abutting a Commercial Area	50	65	60	70

RAYMOND G. DiBIASE, P.E., P.T.O., P.T.P., PRESIDENT and CEO  
ROBERT A. STEELE, P.E., EXECUTIVE VICE PRESIDENT  
JAMES L. DeKONING, P.E.

*Associates*  
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ANDREW B. SPEISER  
MATTHEW C. JEDLICKA, LEED AP  
KEITH J. MESSERIA, P.E.  
VINCENT A. CORRADO, P.E.  
TAMARA STILLMAN, P.L.S.

\*\*\*TRANSMITTED VIA EMAIL\*\*\*

January 8, 2024

Mr. Paul Pallas, P.E., Village Administrator  
Village of Greenport  
236 Third Street  
Greenport, NY 11944

**Re: *Village of Greenport – Planning Board  
Proposal for 2024 Professional Services***

Dear Mr. Pallas:

L.K. McLean Associates, P.C. (LKMA) is pleased to extend this proposal for 2024 Professional Services to the Village of Greenport.

We have very much appreciated the opportunity to serve the Village Planning Board for the past two years. In light of recent Village Code changes, the scope of services to continue this support is now broader and the site plan application process in the Village is more complex.

As indicated in discussions with the Village and within provisions of the new code, the Village may be in need of traffic studies and engineering services that exceed the scope of our prior contract with the Village, which went into effect in the year 2022. As such, LKMA proposes the following scope of services and rate adjustments for the year of 2024.

**SCOPE OF SERVICES**

- I. Provide the Village Planning Board engineering and planning support to assist them in the review of site plan applications and other approvals required by Village Code §150 and related code sections. Services shall include, but not be limited to, review of surveys, site plans, application materials, permit documents, architectural plans, impact reports, feasibility studies and traffic studies. Work shall be inclusive of all correspondence, communications and regulatory review necessary provide a comprehensive review of all materials required by and all standards defined in Village Code §150. Due to the complexity of the new code, the standard turn-around time for all reviews shall be no less than thirty (30) days, depending on staff availability. This

work shall be billed on an hourly basis, according to the attached rate schedule. The majority of review work will be completed by Senior Traffic and/or Site Plan Engineers in accordance with the "Review" rate. Review of Significant Applications, as defined in Village Code §150-2, will require some involvement and oversight of Senior Project Managers. Site Plan review of applications which do not meet the criteria for Significant Applications may be accommodated in twenty (20) days or less, depending on staff availability.

- II. At the Village's request, engage in independent traffic studies, feasibility studies, impact reports and other engineering design work. This task would include, but not be limited to, the activities described by §150-31.D.(6). This task will also include development of forms, documents and other materials to support the Village on the implementation of new codes and procedures. For projects such as this, a specific cost proposal, utilizing the rate schedule in effect at the time, would be provided to the Village prior to initiating work. The specific proposal would outline the scope of services and time frame for completion of tasks requested by the Village.
- III. Virtual and in-person meetings will be attended as requested by the Village, depending on staff availability. Compensation for these meetings will be based on the hourly rate for staff member required, including travel time and all transportation expenses. Rates for 2024 will not exceed those on the included rate schedule.
- IV. LKMA Attendance at advertised Planning Board meetings must be arranged at minimum of twenty (20) business days in advance, and is subject to staff availability. A flat fee for up to four (4) hours, including travel time and expenses to Greenport Fire Department, to and from our Brookhaven office, will be billed for public meetings. The fee for meetings held in the evening hours (3pm or later), Monday through Thursday is proposed to be \$800.00. The fee for meetings held in the evening hours (3pm or later) on Fridays, or anytime on a Saturday or Sunday, is proposed to be \$1200.00. Additional hours will be based on the hourly rate for staff member required, not to exceed those on the included rate schedule.

### **FEE AND PAYMENT**

For Tasks I., III., and IV., LKMA will invoice the Village as directed (general monthly invoice or site plan specific invoice which can be paid by the applicant). For Task II., the specific cost proposal to be provided upon Village request will contain a lump sum cost for engineering services is inclusive of all labor, materials, and insurance requirements for professional services, travel expenses, reproductive costs, overhead and profit. For Task II., LKMA will be compensated by the Village for a percentage of each task's level of completion.

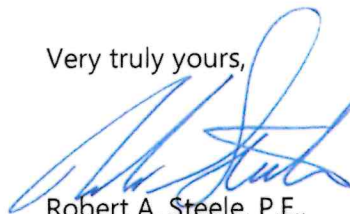
**The above price is based on the following assumptions as detailed above and below:**



1. It is proposed that any additional authorized work be authorized separately by the Department. No additional work will be performed without prior authorization.
2. Cost assumptions as indicated throughout details provided in Task Descriptions.
3. Rates billed for 2024 will be in accordance with rate schedule attached. Should this contract be extended by mutual agreement, rates for years 2025 and beyond will be determined by transmission of an updated rate schedule by LKMA to the Village.
4. LKMA is pleased to serve the Village as outlined in this proposal. However, we do not wish to preclude ourselves from engaging in private land development services within the Village. We recommend the Village consider hiring a secondary consultant (in addition to LKMA) who can effectively safeguard the Village's interests should LKMA face a conflict of interest in future projects. This Proposal assumes that LKMA will have the opportunity to participate in private land development activities within the Village, subject to disclosure by LKMA to the Village. These activities include, but are not limited to, civil engineering services, surveying services, architectural design services, and building design services. We can recommend a secondary consultant at the Village's request.

We want to thank you for the continued opportunity to serve the Village of Greenport. L.K. McLean Associates looks forward to working with your talented officials and volunteers in service to your community. Should you have any questions or concerns, feel free to contact me at any time via phone 631-286-8668 or email [rsteale@lkma.com](mailto:rsteale@lkma.com).

Very truly yours,



Robert A. Steele, P.E.,  
*L.K. McLean Associates, P.C.*

Cc: Christine Belson, LKMA Comptroller



L.K. MCLEAN ASSOCIATES, P.C.  
437 SOUTH COUNTRY ROAD  
BROOKHAVEN, NY 11719

### VILLAGE OF GREENPORT RATE SCHEDULE

Professional services will be billed at the hourly rates in effect at the time the services are performed. Staff hourly rates are subject to revision on or near January 1<sup>st</sup> of each calendar year. L.K. McLean Associates, P.C. is pleased to extend the following rates to the Village of Greenport:

<b>2024 VILLAGE OF GREENPORT RATE SCHEDULE</b>	
<b>BILLING CATEGORY / JOB TITLE</b>	<b>HOURLY BILLING RATE</b>
Principal / Senior Project Manager	\$225.00
Senior Traffic Engineer – Design/Studies	\$205.00
Senior Engineer / Architect – Design	\$195.00
Senior Traffic/ Site Plan Engineer - Review	\$185.00
Staff Engineer – Review / Design	\$160.00
AutoCAD Designer	\$110.00
GIS Services	\$170.00
Surveyor Office	\$185.00
Survey Crew (2 people)	\$275.00
Environmental Scientist	\$195.00

## **VILLAGE OF GREENPORT PROPOSED 2024 SCOPE OF WORK**

PRESENTED BY SUSAN STOHR, SJS ASSOCIATES

This proposal provides for the continuation of policy, federal and state legislative and logistical support for the Mayor, Village Administrator and Village staff of the Village of Greenport to advance the successful completion of the ongoing federally-funded Microgrid, Ferry Terminal Village projects, secure the Mitchell Bulkhead Replacement Project funding and continue efforts to identify, develop and implement strategies to secure state and federal appropriations and grants funding to support additional Village project development and Village operational and policy objectives.

### **Greenport Municipal Utility Microgrid Project**

- Continue support for the Village Administrator and Village staff in discussions with the Program Manager, Microgrids and other staff of the Governor's Office of Storm Recovery (GOSR) ("Resilient Homes and Communities") and other Village consultants regarding the Microgrid Project completion, including the completion of necessary federal forms and other requirements to comply with federal requirements and advance the remainder of the federal grant funding for the Project.
- Participate in necessary conference calls with GOSR staff, Village staff and Village consultants regarding Project status, actions and documents necessary for project completion.
- Support, if necessary, to secure additional federal funding and/or support timeline extension for Housing Trust Fund Corporation (HTFC) funding guidelines.
- Communicate, if necessary, with Congressional members and staff to support Project federal grant funding efforts and/or secure additional grants funding for the Project.

### **Twin Forks Passenger Ferry Terminal Reconstruction Project**

- Continue support for the Village Administrator, Village staff and Village consultants in ongoing discussions with the New York State Department of Transportation (NYS DOT) and the US Department of Transportation Federal Highway Administration (FHWA) regarding Project development, schedule, the completion of state and federal forms and other requirements necessary to comply with federal requirements and advance the federal grant funding for the Project.
- As necessary, participate in meetings and conference calls with NYSDOT, FHWA, the Village Administrator, Village staff and Village consultants regarding Project status, developments.
- Support, if necessary, to secure additional federal funding and/or support timeline extension for federal DOT and NYS DOT funding guidelines.
- Continue efforts with NYS Congressional offices (Congressman LaLota, Sens. Schumer and Gillibrand) to confirm, commit NYS Department of Transportation (NYS DOT) repurposed funds for the North Ferry Terminal Facility Project.
- Communicate, if necessary, with Congressional members and staff to support Project federal grant funding efforts and/or secure additional grants funding for the Project.

### **Mitchell Park Bulkhead Replacement Project:**

- Continue discussions with relevant Congressional Members and staff in DC and regional offices (including Sens. Schumer, Gillibrand and Congressman LaLota) to support the inclusion of the \$3 million for the Mitchell Park Bulkhead Replacement Project in the FY2024 Transportation, Housing and Urban Development and Related Agencies Appropriations bill passed by Congress and signed by the President.

### **Legislative:**

- Work with the relevant Congressional Members and staff in the DC and regional offices (including Sens. Schumer, Gillibrand and Congressman LaLota) and Members and staff in the NYS Legislative offices (including Sen. Palumbo and Assembly Member Giglio) to identify existing and emerging federal and state funds, including, but not limited to, the "Infrastructure Investment and Jobs Act" (IIJA), and "Inflation Reduction Act" (IRA) funds and state funds made available through the implementation of the "Climate Leadership and Community Protection Act" (CLCPA) to support the Village projects, programs, and objectives, including, but not limited to the Mitchell Park Bulkhead Replacement Project and the proposed Sewer Main Extension for the Sandy Beach and Safe Harbor Facilities.
- Continue efforts with NYS Congressional offices (Congressman LaLota, Sens. Schumer and Gillibrand if necessary) to secure NYS Department of Transportation (NYS DOT) repurposed funds for the redesign of the North Ferry Terminal Facility.
- Continue efforts with Congressional Members, Committee staff, NYS Congressional offices (Congressman LaLota, Sens. Schumer and Gillibrand if necessary) to secure funds for the Mitchell Park Bulkhead Replacement Project if the funds are not secured through the FY2024 appropriations process.

- Work to identify additional (non-appropriations) federal and external funding sources (i.e. grants funding opportunities) that may be applicable funding sources for the Village.

**SCHEDULE OF FEES**

I propose a continuation of the existing contract through December 31, 2024 that provides for not more than 180 hours of consulting services at a fee of \$150 per hour for the term of the twelve-month contract.

In addition to the professional fee, I would be reimbursed for agreed upon, reasonable and necessary out-of-pocket expenses incurred in connection with my work with the Village.



## RESOLUTION 2024-61

ADOPTED

DOC ID: 19873

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**THIS IS TO CERTIFY THAT THE FOLLOWING RESOLUTION NO. 2024-61 WAS ADOPTED AT THE REGULAR MEETING OF THE SOUTHOLD TOWN BOARD ON JANUARY 2, 2024:**

WHEREAS, by Resolution 2022/429 the Town Board authorized the Town Clerk to advertise for bids for Police Department surplus boat identified as 1998 World Cat 27-foot fiberglass hull, model # 266SF/WA, VIN # EPY66312F898 with engines and equipment; and

WHEREAS, by Resolution 2023 /830 the Town Board again authorized the Town Clerk to advertise for bids for said Police Department surplus boat with engines and equipment; and

WHEREAS, following each of said resolutions, the Town Clerk caused a 'Legal Notice to Bidders' to be advertised for two consecutive weeks in the Suffolk Times requesting bids for the said surplus boat; and

WHEREAS, despite the efforts of the Town to obtain bids for the surplus boat, no bids were received by the Town Clerk following each of the advertised 'Notice to Bidders'; and

WHEREAS, upon further consideration of the disposal of said surplus boat, and the identification of an existing need of the Village of Greenport for the said surplus boat; now therefor be it

RESOLVED that the Town Board of the Town of Southold hereby authorizes and directs the Supervisor to transfer ownership of said surplus boat to the Village of Greenport and to execute all documents, including the NYS Certificate of Title, to consummate this transaction.

**Denis Noncarrow  
Southold Town Clerk**

**RESULT: ADOPTED [UNANIMOUS]**

**MOVER:** Brian O. Mealy, Councilman

**SECONDER:** Jill Doherty, Councilwoman

**AYES:** Doroski, Mealy, Smith, Krupski Jr, Doherty, Evans

# JRH Consulting Engineers, D.P.C.

3555 Veterans Memorial Highway, Suite A, Ronkonkoma, New York 11779-7636  
Tel: (631) 234-2220 Fax: (631) 234-2221 e-mail: [info@holzmacher.com](mailto:info@holzmacher.com)

January 22, 2024

Paul Pallas, P.E., Village Administrator  
Inc. Village of Greenport  
236 Third Street  
Greenport, New York 11944

Re: Sanitary Sewer System  
Proposal for Engineering Services  
Evaluation of Sewage Treatment Plant and  
Sanitary Sewer Collection System

Dear Mr. Pallas:

Thank you for considering JRH Consulting Engineers, D.P.C. (JRH) to provide professional engineering services to assist the Village during evaluation of the existing sewage treatment plant and sewage collection system for capital improvement and maintenance needs with preparation of an Engineering Report and construction cost projections.

We understand the need for future utility operating and maintenance costs to be both practical and affordable. Our staff members have worked with the Village utility systems for decades and have extensive design experience with sewer and wastewater treatment facilities and can provide excellent support to accomplish these improvements.

This proposal is intended to clarify the scope, schedule, and associated cost of the engineering tasks that you should be considering in order to proceed with this project.

## QUALIFICATIONS

JRH was formed with the intent of providing high quality environmental, water supply and civil consulting engineering services to municipal, Federal, industrial, and private clients, at fair prices. The firm is fully computerized with strong capabilities in Computer Aided Design and Drafting (CADD), 3D computer modeling, structural analysis, and Geographic Information Systems (GIS). Technology is not used for its own sake, but is applied to increase the accuracy of the delivered work product, and the efficiency with which it is produced. JRH has strong technical and design capabilities, but is efficiently staffed, which allows us to keep our overhead competitive.

We work with numerous municipal and private clients on a wide variety of assignments spanning Environmental, Water Supply, Civil, Mechanical and Electrical Engineering projects. Our office staff is design and construction oriented which enables us to prepare bid documents that can be built cost effectively and within your budgets. Representative clients include the Village of Hempstead, Village of Greenport, Village of Freeport, Village of Farmingdale, Village of Northport, Village of Port Jefferson, Village of Bellport, Village of Lindenhurst, Village of Patchogue, the Brookhaven National Laboratory, as well as numerous law firms and architectural firms.

*The Third Generation of Excellence  
In Water Supply, Water Resources, Civil and Environmental Engineering*

We are familiar with the wastewater collection system and sewage treatment plant (STP) and their operating history. Many of the components are approaching 100 years of age and have been kept in service through good operating and maintenance practices. Shorter lived components such as pumps and mechanical moving components are past their normally expected service life spans.

We understand the goals of this project to consist of an assessment of the condition of existing plant and collection system components and development of priorities for maintenance and replacement. The initial task will be to assess the major components of the STP and collection system in conjunction with Village DPW staff and to project achievable remaining service life spans and cost projections over the next ten years.

The project deliverable will be an engineering report with task priorities and construction cost projections. While “maintenance” activities are not typically eligible for project funding from the New York State Environmental Facilities Corporation (NYSEFC), it may be possible to apply for funding for one or more “replacement” projects. The Engineering report will be used in support of funding applications to be submitted to the New York State Department of Health (NYSDOH) Revolving Fund (SRF) to secure funding for the design and construction of each identified project. The report will also include information on treatment component sizing for submission to the Suffolk County Department of Health Services (SCDHS) and the New York State Department of Health (NYSDOH).

The recommended scope of services, schedule of services and cost proposal are as follows:

## **SCOPE**

### **Task 1 – Evaluation and Engineering Report**

Inspection and evaluation of the existing treatment and pumping facilities will provide information necessary to project service life spans and replacement costs. Together, this information will be used to create construction cost projections. We recommend that the following activities be undertaken:

- Review of Record Drawings – We will coordinate with the Department of Public Works (DPW) and the Building Department to obtain copies of record drawings for the STP and pump stations which may exist.
- Site Visit – We will make one site visit with the STP operating staff to observe and photograph the existing facilities in order to verify the accuracy of the record drawings and to discuss the remaining service life of the mechanical and electrical components.
- Prioritized Component List – the condition of major components will be discussed with the plant staff and remaining service lives projected. Typical components may include the Biological Nutrient Removal (BNR) basins, their air rotors, screw pumps, force mains, lift station pumps, wet wells and piping, electrical components, controls, etc.
- Cost Projections – We will develop preliminary construction cost projections based on the component list and communications with equipment manufacturers.

- Engineering Report – This will include preparation of an Engineering Design Report, detailing the goals and need for the project, scope of project improvements, existing condition, alternatives, cost projections and recommendations. The report will include the prioritized components list together with sizing of treatment and pumping components. The report will be submitted electronically to the Village for review and approval and five paper copies will be printed for final submissions to SCDHS and for use with funding applications.

## **Task 2 – Additional Services**

Additional services not directly related to the assessment and engineering report are available to assist the Village as requested. Typical tasks in this category would include the following:

- Assistance during negotiations for funding and preparation of funding applications and assistance during meetings or public presentations in pursuit of funding sources.
- Printing of additional report copies, figures or exhibits.
- Attendance at additional meetings or public presentations.
- Performance of property surveys, test pits or sampling for lead, asbestos, etc., or performance of metallurgical assays.
- Support to the Village or other consultants retained to prepare and administer funding applications.
- Preparation of construction plans and specifications and assistance during construction.

## **SCHEDULE:**

### **Task 1 – Evaluation and Engineering Report**

We will contact Village staff to obtain copies of record drawings within one week of receipt of your notice to proceed. The field meeting will be scheduled within two weeks of receipt of all available record drawings.

The draft prioritized component list will be provided for your approval within five weeks of completion of the field meeting. Once the prioritized component list is approved, JRH will complete the draft engineering report within three weeks. The final report will be ready within one week of receipt of any comments on the draft report from the Village.

### **Task 2 – Additional Services**

A mutually agreeable schedule for additional services will be negotiated at the time any such services are requested. 72-hour advance notice is requested prior to scheduling of meetings, to the extent possible.



**COST PROPOSAL:**

**Task 1 – Evaluation and Engineering Report**

Lump Sum of \$27,400. A spreadsheet showing current staff names and billing rates was used to arrive at this price and is attached for your reference.

**Task 2 – Additional Services**

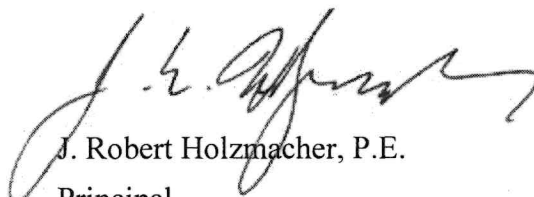
The cost for any additional services will be negotiated at the time any such services are requested. A copy of our current rate sheet is enclosed.

**AGREEMENT**

Our standard form of agreement is attached for your consideration. Details of our insurance coverage are described therein. This offer remains valid for ninety days unless extended in writing. You can authorize the work by signing below or providing an equivalent Board Resolution.

Thank you for the opportunity to propose on this work. We look forward to working with you to achieve timely and cost-effective improvements to the utility system. Please call me at extension 101 if you have any questions.

Very truly yours,  
**JRH Consulting Engineers, D.P.C.**



J. Robert Holzmacher, P.E.  
Principal

Accepted by: \_\_\_\_\_

For: Inc. Village of Greenport

Date: \_\_\_\_\_

JRH:j

Encl.

**JRH CONSULTING ENGINEERS DPC - COST PROPOSAL/BACKUP SHEET**  
**Sanitary Sewer System**  
**Capital Improvements and Replacements**  
**Inc. Village of Greenport, NY**  
**Task 1 - Evaluation & Engineering Report**

**2024 Employee Rates**

<b>LABOR</b>					
<b>Name</b>	<b>Position</b>	<b>Rate</b>	<b>Unit</b>	<b>Quantity</b>	<b>Amount</b>
J. Robert Holzmacher, P.E.	Principal	\$ 250.00	/hour	40	\$ 10,000.00
Thomas J. Murawski, R.A.	Principal	\$ 225.00	/hour	0	\$ -
Anthony J. Zalak	Principal	\$ 170.00	/hour	4	\$ 680.00
Steven Uccellini	Principal	\$ 160.00	/hour	0	\$ -
Paul D. Carroll	Senior Designer	\$ 150.00	/hour	0	\$ -
Kevin Fedorko	Staff Architect	\$ 150.00	/hour	1	\$ 150.00
Andrew L. Brennan I.E.	Project Engineer	\$ 150.00	/hour	0	\$ -
Andrew Hine, I.E.	Project Engineer	\$ 150.00	/hour	0	\$ -
Sarah K. Caliendo	Project Engineer	\$ 140.00	/hour	0	\$ -
Daniel Mastrococco	Project Engineer	\$ 140.00	/hour	80	\$ 11,200.00
Mia Tagliagambe	Project Engineer	\$ 140.00	/hour	0	\$ -
Brandon Ramsaran	Staff Engineer	\$ 140.00	/hour	0	\$ -
Joseph Esposito	Staff Engineer	\$ 140.00	/hour	0	\$ -
Amanda Chiappone	Project Scientist	\$ 110.00	/hour	0	\$ -
Diana G. Carriere	Engineering Technician	\$ 110.00	/hour	40	\$ 4,400.00
Kyle Zalak	Information Technology Specialist	\$ 100.00	/hour	0	\$ -
Patricia L. Zalak	Technical Assistant	\$ 99.00	/hour	8	\$ 792.00
Tina Eletto	Technical Assistant	\$ 85.00	/hour	0	\$ -
Michael McEachern, P.G.	Associate Sr. Hydrogeologist	\$ 200.00	/hour	0	\$ -
Thomas Nehring, P.E.	Associate Electrical Engineer	\$ 175.00	/hour	0	\$ -
Dylan Clemente, P.E.	Associate Structural Engineer	\$ 175.00	/hour	0	\$ -
Ronald Huttie, CIH (Ret.)	Associate Chemist / Industrial Hygenist	\$ 175.00	/hour	0	\$ -
	<b>Total Direct Labor</b>			<b>173</b>	<b>\$ 27,222.00</b>
<b>Subcontractors</b>					
	<b>Survey</b>	\$0.00		1.1	\$ -
	<b>Utility Mark-Out</b>	\$0.00		1.1	\$ -
	<b>Driller</b>	\$0.00		1.1	\$ -
	<b>Laboratory</b>	\$0.00		1.1	\$ -
	<b>Inspection</b> MWBE	\$0.00		1.1	\$ -
	<b>Laboratory</b>	\$0.00		1.1	\$ -
					\$ -
	<b>Total Subcontractor</b>				<b>\$ -</b>
<b>SUPPLIES &amp; EQUIPMENT</b>					
	printing 8.5" x 11" - Black & White	\$ 0.11	/sheet	200	\$ 22.00
	printing 11" x 17" - Black & White	\$ 0.22	/sheet	10	\$ 2.20
	printing "D size" - Black & White	\$ 2.00	/sheet	5	\$ 10.00
	printing 8.5" x 11" - Color	\$ 1.00	/sheet	0	\$ -
	printing 11" x 17" - Color	\$ 2.00	/sheet	0	\$ -
	printing "D size" - Color	\$ 8.00	/sheet	0	\$ -
	printing 8.5" x 11" - Card Stock	\$ 0.20	/sheet	10	\$ 2.00
	printing Accu Bind & Cover	\$ 1.00	/sheet	5	\$ 5.00
	Vehicle Mileage	\$ 0.585	/mile	240	\$ 140.40
	<b>Total Supplies &amp; Equip.</b>				<b>\$ 181.60</b>
	<b>Total Direct Costs</b>				<b>\$ 27,403.60</b>
			<b>Say:</b>		<b>\$ 27,400.00</b>

# JRH Consulting Engineers, D.P.C.

## Hourly Rates in Effect for 2024

<u>Personnel Classification:</u>	<u>Hourly Rate:</u>
Principals	200.00 – 375.00*
Architect	200.00 – 350.00*
Associates	150.00 – 315.00*
Project Managers	132.00 – 262.50*
Senior Engineers	140.00 – 315.00*
Engineers	105.00 – 193.50*
Senior Geologists / Hydrogeologists	110.00 – 315.00*
Geologists / Hydrogeologists	90.00 – 185.00
Sr. Environmental Scientists	120.00 – 180.00
Environmental Scientists	90.00 – 175.00
GIS/IT Specialist	90.00 – 175.00
Designer – Engineering Tech	95.00 – 125.00
Field Technicians	75.00 – 110.00
Support Staff	60.00 – 105.00

All hourly rates are based on straight time for a forty hour, five day work week and are charged for actual hours worked. Time spent in travel to project sites will be considered work related. For work requiring out-of-town travel and overnight stay, the minimum charge for work on the project will be eight hours per day. \*Maximum rates reflect a 50% premium for deposition and testimony.

### **Travel, Subsistence, and Other Direct Expenses**

Travel and subsistence expenses (excluding local mileage), long distance phone calls, printing, and other out-of-pocket expenses are to be paid for by the client at a cost plus ten percent markup. Travel and subsistence expense includes living and travel expenses of employees in visiting sites and attending conferences and performing services directly related to a project. Automobile expenses are calculated at a rate of \$0.67 per mile.

All subcontractor/vendor expenses, equipment rentals, outside reproduction expenses, and materials directly reimbursable to a project will be paid for by the client at a cost plus twenty percent basis.

# JRH Consulting Engineers, D.P.C.

## Standard Terms and Conditions of Service

JRH Consulting Engineers, D.P.C. (“Engineer”) and the Client hereby agree that the following will become binding upon the parties upon execution of the Proposal/Contract and will apply to all subsequent work order changes and/or amendments:

### Services

The Services rendered to Client shall be as set forth in the attached written Proposal. No additional work will be performed without prior authorization from the Client. By authorizing such additional work, Client agrees to pay all reasonable and necessary additional fees and costs to perform such work. The attached schedule of “Hourly Rates in Effect for (current year)” is hereby made part of this agreement.

### Confidentiality

The Engineer proposes to perform these services on a confidential basis on behalf of the Client. Our personnel and subcontractors involved in the Project shall be instructed about the confidential nature of these tasks, such that neither the nature of our work nor our findings will be disclosed to others without the Client’s permission, or unless legally required to do so. All work progress findings, reports, etc. will be delivered only to the Client or those persons designated by the Client.

### CLIENT'S RESPONSIBILITIES - The Client shall:

- Designate in writing a person authorized to act as the Client's representative. The Client or his representative shall receive and examine documents submitted by the Engineer, interpret and define the Client's policies and render decisions and authorization in writing promptly to prevent unreasonable delay in the progress of Engineer's services.
- Furnish records data pertinent to the work proposed at the site including but not limited to surveys, maps, as-built drawings, reports, test borings, test pits, probings, subsurface exploration, soil bearing values, percolation tests, ground corrosion and resistivity test, as may be required for safe conduct of new work at the site.
- Guarantee full and free access for Engineer to enter upon all property required for the performance of Engineers services under this Agreement.
- Hold all required special meetings, serve and publish all required public and private notices, receive and act upon all protests and fulfill all requirements necessary in the development of the contracts and pay all costs incident thereto, including special application or regulatory fees for review of Project documents.

## JRH Consulting Engineers, D.P.C.

- Provide the Engineer with standard bid documents required and advertise for Proposals from Bidders, open the Proposals at the appointed time and place and pay costs incidental thereto.

### Insurance

Engineer shall maintain insurance coverage throughout the duration of this contract of the following types and limits of coverage:

- Professional Liability / Errors and Omissions in the amount of \$2,000,000 per claim. Client agrees to limit the Engineer's liability to the greater of the Engineer's fee or \$50,000, except for liability arising solely from negligent acts by the Engineer.
- Workmen's Compensation and Employer's Liability in amounts as required by law.
- General Liability Insurance in the amount of \$1,000,000 per occurrence / \$3,000,000 aggregate.
- Automobile Liability Insurance in the amount of \$1,000,000 per occurrence.
- Umbrella Liability Insurance in the amount of \$5,000,000 per occurrence / \$5,000,000 aggregate.

Client agrees to require, prior to the commencement of the construction work, that the Contractor and all Sub-Contractors shall submit evidence that he (they) have obtained for the period of the Construction Contract and guarantee period:

- Comprehensive general liability insurance coverage (including completed operations coverage). This coverage shall provide for bodily injury and property damage arising directly or indirectly out of, or in connection with, the performance of the work under the Construction Contract, and have a limit of not less than \$1,000,000 for all damages arising out of bodily injury, sickness or death of one person and an aggregate of \$2,000,000 for damages arising out of bodily injury, sickness and death of two or more persons in any one occurrence.
- The property damage portion will provide for a limit of not less than \$500,000 for all damages arising out of injury to or destruction of property of others arising directly or indirectly out of or in connection with the performance of the work under the Construction Contract and in any one occurrence including explosion, collapse, and underground exposures. Included in such coverage will be contractual coverage sufficiently broad to insure the provision of paragraph "Indemnity" below. The comprehensive general liability insurance will include as additional named insureds: the Client, the Engineer, and each of its officers, agents and employees.
- INDEMNITY: The Client will require that any Contractor or Sub-Contractor performing work in connection with Drawings and Specifications produced under this Agreement to hold harmless, indemnify and defend, the Client and Engineer, its consultants, and each of its officers, agents and employees from any and all liability claims, losses or damage arising out of or alleged to arise from the Contractor's (or Sub-Contractor's) negligence in the performance of the work described in the Construction Contract Documents, but not including liability that may be due to the sole negligence of the Client, Engineer, its consultants or officers, agents and employees.

## **JRH Consulting Engineers, D.P.C.**

### Billing and Payments

A retainer as specified in this proposal is required with the submission of the signed proposal. Only after receipt of such retainer will work commence. Said retainer will be credited against the total amount due on the final project invoice. Payment of invoices will be due within 30 days from the date of the invoice, unless other arrangements are made in writing. Payment on invoices for professional services or expenses incurred from outside contractors will be due upon receipt. Payment is not conditioned upon the Client's securing of mortgage monies, financing, or affirmative insurance coverage. Interest will accrue at the rate of 1 ½ % per month for overdue payments. Client acknowledges that payment of Engineer's invoices is not dependent on Client's securing of mortgages, financing or sale of assets. Any sales tax, value added tax, or similar tax levied on services or materials provided by the Engineer will be paid by Client in addition to all fees due to the Engineer.

### Ownership of Documents

All Drawings, Specifications and other work product of the Engineer for the project are instruments of service for this project only and shall remain the property of the Engineer whether the project is completed or not. The Engineer grants Client the right to use these instruments of service for record keeping and maintenance purposes related to the scope of this project. Reuse of any of the instruments of service of the Engineer by the Client on extensions of this Project or any other Project without the written permission of the Engineer shall be at the Client's risk and the Client agrees to defend, indemnify and hold harmless the Engineer from all claims, damages and expenses, including attorney's fees arising out of such unauthorized reuse by the Client or others acting through the Client. Any reuse or adaptation of Engineer's instruments of service shall entitle Engineer to further compensation in amounts to be agreed upon by the Client and the Engineer.

### Delegation of Duties

Neither the Client nor the Engineer shall delegate his duties under this Agreement without the written consent of the other.

### Termination

This Agreement may be terminated by either party by seven days written notice in the event of substantial failure to perform in accordance with the terms of this Agreement by the other party through no fault of the terminating party. If this Agreement is terminated, Engineer shall be paid for services performed to the termination notice date including Reimbursable Expenses due plus Termination Expenses. Termination Expenses are defined as Reimbursable Expenses directly attributable to termination plus 15% of the total compensation earned to the time of termination to account for Engineer's rescheduling adjustments, reassignment of personnel and related costs incurred due to termination.

## **JRH Consulting Engineers, D.P.C.**

### Governing Law

Unless otherwise specified within this Proposal Statement, this Proposal Statement shall be governed by the law of the principal place of business of Engineer. Any dispute arising under this Agreement shall be resolved in the Courts of the State of New York.

### Arbitration

Should litigation or arbitration occur between the parties relating to the provisions of this Statement, all litigation or arbitration expenses, collection expenses, witness fees, court costs and attorneys' fees incurred by the prevailing party shall be paid by the non-prevailing party to the prevailing party. Arbitration shall be non-binding on either party.

### Unavoidable Delay

Neither party shall hold the other responsible for damages or delay in performance caused by acts of God, strikes, lockouts, accidents, or other events beyond the control of the other or the other's employees and agents.

### Severability

In the event any provisions of this Statement shall be held to be invalid and unenforceable, the remaining provisions shall be valid and binding upon the parties. One or more waivers by either party of any provision, term, condition or covenant shall not be construed by the other party as a waiver of a subsequent breach of the same by the other party.

### Interpretation of Subsurface Conditions

Client recognizes that subsurface conditions may vary from those observed at locations where borings, surveys, or explorations are made, and that site conditions may change with time. Data, interpretations and recommendations by the Engineer will be based solely on information available to the Engineer. The Engineer is responsible for those data, interpretations and recommendations, but will not be responsible for other parties' interpretations or use of the information developed. Services performed by the Engineer under this Agreement are expected by the Client to be conducted in a manner consistent with the level of care and skill ordinarily exercised by members of the engineering profession practicing contemporaneously under similar conditions in the locality of the project. Under no circumstances is any warranty, expressed or implied, made in the connection with the providing of engineering services.

## **JRH Consulting Engineers, D.P.C.**

### Construction Cost Opinions

Any opinion of the construction cost prepared by the Engineer represents its judgment as a design professional and is supplied for the general guidance of the Client. Since Engineer has no control over the cost of labor and material, or over competitive bidding or market conditions, Engineer does not guarantee the accuracy of such opinions as compared to contractor bids or actual cost to the client.

### Construction Site Safety

Engineer has not been retained or compensated to provide design and construction review services relating to the Contractor's safety precautions or to means, methods, techniques, sequences or procedures required for the Contractor to perform his work, but not relating to the final or completed structure, omitted services include but are not limited to shoring, scaffolding, underpinning, temporary retainment of excavations and any erection methods and temporary bracing.

### Hourly Rates of Compensation

Where hourly rates of compensation are proposed as the method of payment, they shall be those listed in the proposal for each individual or category. Hourly rates for testimony and deposition shall be calculated as 150% of the rate in effect for other services, but not outside the ranges indicated on the tabulation of hourly rates by job classification, to account for vacations, sick leave, holidays, insurance, taxes, pensions, other benefits, overhead and profit allowances for the number of hours that employees are directly employed on the project, including travel.

### Sales Tax

Proposals include costs for Professional Services and listed expenses but do not include sales tax. Should the State of New York or other entity deem at some point in the future that sales tax is due, then the Owner will be responsible to pay such tax in addition to the fees listed in the proposal. The Owner will provide adequate documentation and certificates to support exemption from any such taxes which are not applicable to the Owner or its project.



**Principals**Steven A. Fangmann, P.E., BCEE  
*President & Chairman*William D. Merklin, P.E.  
*Executive Vice President*Robert L. Raab, P.E., BCEE, CCM  
*Senior Vice President*Joseph H. Marturano  
*Senior Vice President*

January 22, 2024

Paul J. Pallas, P.E.  
Village Administrator  
Village of Greenport  
236 Third Street  
Greenport, NY 11944Re: Mitchell Park Bulkhead Replacement Project  
Proposal for Permitting and Cost Estimating Services  
D&B No. 3813

Dear Mr. Pallas:

At the request of the Village of Greenport (Village), D&B Engineers and Architects (D&B) has prepared this proposal for permitting and cost estimating services for the ***Mitchell Park Bulkhead Replacement Project (Project)***.

As you are aware, D&B was originally retained by the Village in 2016 to provide Professional Engineering Services for the project related to the development of a Feasibility Study, Environmental Review and Permitting, and Final Design and Construction Documents. At this time, the Village has requested D&B to provide a proposal for updating the previously completed cost estimate and renewing the previously obtained permitting approvals.

**Permitting Services**

D&B's permitting experts will coordinate with the required regulatory agencies to renew the previously obtained permitting approvals. D&B's proposal does not include submitting new permit applications if required by the regulatory agencies. As part of D&B's scope of work, the following permits will be renewed:

- NYSDEC Tidal Wetlands – Expires 12/1/2024
- NYSDEC Water Quality Certification – Expires 12/1/2024
- NYSDEC Excavation & Fill in Navigable Waters – Expires 12/1/2024
- USACE NWP 3 – Expired 3/18/2022
- NYSDOS Coastal Consistency

**Cost Estimating Services**

Since the onset of COVID, pricing has increased significantly. Our pricing approach to account for volatility includes increasing outreach to vendors in order to understand and further adjust material and equipment cost forecasting. Additionally, as longer lead times started to impact construction durations,

Paul J. Pallas, P.E.  
Village Administrator  
Village of Greenport  
January 22, 2024

cost estimates have needed to be adjusted to account for extended project durations above the pre-COVID norms. We continue to monitor price and lead time trends and adjust escalation predictions accordingly in a continuing effort to stay on top of, or ahead of, the current market. As part of this task, D&B will update the previously completed construction cost estimates to current industry pricing.

**Proposed Fees**

D&B’s proposed not-to-exceed fee for the additional work is as follows:

Permitting Services:.....	\$3,500
Cost Estimating Services:.....	<u>\$6,250</u>
<b>Total Not-To-Exceed Fee: .....</b>	<b>\$9,750</b>

- D&B’s proposed fee does not include any permitting fees that may be required from the regulatory agencies as part of the renewal process.
- D&B’s proposed fee does not include services related to reviews required for the New York State Environmental Quality review (SEQR) process. It is assumed that the previously completed SEQR process remains valid.

We thank you for your consideration of this request and look forward to working together to see the development of this project through fruition. If you have any questions, please contact me at (516) 364-9890.

Very truly yours,

Thomas Schaefer, P.E.  
Senior Associate

TSt/kb  
cc: R. Raab  
3813\TS012224PP-Ltr

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2024 Period: 1 Trans Type: B2 - Amend Status: Batch  
Trans No: 5309 Trans Date: 01/05/2024 User Ref: ADAM  
Requested: MIKE F. Approved: Created by: ADAM 01/05/2024  
Description: TO APPROPRIATE GENERAL RESERVES TO FUND THE REPAIR OF DRAINS AT ADAMS STREET PARKING LOT Account # Order: No  
Print Parent Account: No

Account No.	Account Description	Amount
A.5110.406	SIDEWALKS/CURBS..	3,000.00
A.5990	APPROPRIATED FUND BALANCE	3,000.00
<b>Total Amount:</b>		<u>6,000.00</u>

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2024 Period: 1 Trans Type: B2 - Amend Status: Batch  
 Trans No: 5392 Trans Date: 01/17/2024 User Ref: ADAM  
 Requested: Approved: Created by: ADAM 01/17/2024  
 Description: TO APPROPRIATE LIGHT FUND RESERVES TO FUND THE REMOVAL OF A  
 TREE OVER POWER LINES Account # Order: No  
 Print Parent Account: No

Account No.	Account Description	Amount
E.5990	APPROPRIATED FUND BALANCE	5,000.00
E.0761.221	TREE TRIMMING..	5,000.00
<b>Total Amount:</b>		<u>10,000.00</u>

# Chapter 44

## Assemblies, Mass Public

### GENERAL REFERENCES

Noise — See Ch. 115.  
Recreation Areas and Beaches— See Ch. 101.  
Streets and sidewalks — See Ch. 115.  
Entertainment permits — §§150-52, 150-51.

### § 44-1 Intent.

The Board of Trustees of the Village of Greenport, being concerned for the health, safety and welfare of the residents of the Village of Greenport and the public that otherwise are within the jurisdiction of the Village of Greenport, and being cognizant of the difficulties in the concentration and gatherings of persons in public places has enacted this chapter.

### § 44-1A Definitions.

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

### ADDITIONAL EQUIPMENT OR STRUCTURES

Any temporary structure (including, tents, dance floors or stages), furnishings (including tables and chairs), sound reproduction devices (including speakers), entertainment devices (but excluding sound reproduction devices) such as bouncy houses, inflatable slides, jet skis, movie or film screens or other similar items, food trucks or carts or any other equipment (but excluding sound reproduction devices), including generators, grills, powered refrigeration units or catering trucks that is intended to be brought in specifically in connection with the hosting of any mass assembly event, but excluding, for the avoidance of doubt, any beach umbrella, any beach pop-up tent that is intended for sun protection, any beach canopy that is intended for sun protection, beach chairs, portable coolers that do not require any type of power or small tables being utilized to hold small items for personal use but not for seating or dining related purposes.

### CATERED EVENT

Has the meaning set forth in Chapter 150.

### CHARITABLE ORGANIZATION

An organization as defined in New York Executive Law § 171-a, including but not limited to, not-for-profit corporations. Such charitable organizations shall be recognized as exempt from federal taxation under Internal Revenue Code § 501(c)(3), shall be duly registered with the Charities Bureau of the Attorney General of the State of New York and shall provide services or funds that benefit the Village of Greenport.

### [CONCESSION AGREEMENT

Has the meaning set forth in Chapter 101.]

### DEMONSTRATION

Any assembly or gathering of one or more persons held for the purpose of exercising free speech activity protected either by the First Amendment to the United States Constitution or Article I, Section 8 of the New York State Constitution, which shall include conduct the sole or principal object of which is the expression, dissemination or communication of opinion, views or ideas and for which no fee or donation is charged or required as a condition of participation in, or attendance at, such assembly or gathering. Examples of a demonstration may include, without limitation, press conferences, speeches and protests.

**ENTERTAINMENT PERMIT**

A permit issued to any business in accordance with §150-51 in connection with such business providing entertainment (as defined in Chapter 150) or hosting catered affairs (as defined in Chapter 150).

**MASS ASSEMBLY EVENT**

Any organized parade, procession, walk, run, march, race, ride, motorcade, concert, theatrical event, cultural event, exhibit, fair, fundraising event, boat show, car show, sporting event, catered event or any other similar social occasion or event or activity that involves the planned one-time assembly of persons for a common purpose, with or without a requirement for the payment of any fee or donation or any sponsorship, of more than (A) to the extent utilizing in whole or in part any (i) public space, (ii) public waterway, (iii) public-right-of-way or (iv) private property located in any residential area, the lesser of (x) such number of persons as shall be prescribed for any applicable public park pursuant to Chapter 101 and (y) 50 persons or (B) in all other cases, 100 persons. Examples of mass assembly events may include, without limitation, a circus, carnival, fair, festival, block party, marathon or other running event, bicycle race or tour, sporting tournament, spectator sporting event (such as football, baseball and basketball games), art show, craft fair, barbeque, reception party, wedding, family reunion, graduation party, birthday party, dance or movie screening event.

**MITCHELL PARK**

Means the public park and marina located south of Front Street between Bootleg Alley and Third Street which is commonly referred to as “Mitchell Park” or “Mitchell Park Marina”.

**[PERMITTED CATERER**

Means any business that is located within the Village of Greenport that is listed on a list of catering companies that have been approved by resolution of the Village of Greenport Board of Trustees for providing catering services in any public park.]

**PERSONS**

An individual, association, firm, syndicate, company, trust, partnership, corporation, department, bureau or agency or any other entity recognized by law.

**PUBLIC HOLIDAY**

Has the meaning specified in Chapter 88.

**PUBLIC PARK**

Has the meaning specified in Chapter 101 and shall include for the avoidance of doubt Mitchell Park.

**PUBLIC RIGHT-OF-WAY**

Has the meaning specified in Chapter 88.

**PUBLIC SPACE**

Has the meaning specified in Chapter 88 and shall include for the avoidance of doubt any public park.

**PUBLIC WATERWAY**

Has the meaning specified in Chapter 88.

**[RESIDENT**

With respect to any location, a natural person who makes such location their primary place of domicile as evidenced by such person using such location as (a) their address for purposes of official personal identification (i.e. a driver's license) and (b) the primary location for purposes of income tax filings or otherwise demonstrating through other customary means that such location is the principal domicile such person.]

**SOUND REPRODUCTION DEVICE**

Has the meaning specified in Chapter 88.

**MASS ASSEMBLY PERMIT**

A permit issued by the Board of Trustees by the Village of Greenport as required under the terms of this Chapter.

**SPONTANEOUS DEMONSTRATION**

Any demonstration occasioned by news or affairs coming into public knowledge and initiating a peaceful public response.

**§ 44-2 Special permit required for mass public assembly; Exceptions to Mass Assembly Permit Requirement; Limitations on use of Mitchell Park].**

- A. (1) Subject to § 44-2(B) below, a mass assembly permit is required for all mass assembly events within the Village of Greenport, including, in any public waterway, public space or on or using any public right-of-way.
- (2) Subject to § 44-2(B) below, no person or group of persons shall maintain, conduct, promote, engage in, operate or knowingly participate in any mass assembly event within the boundaries of the Village of Greenport, including, in, on or using any public waterway, public space or public right-of-way. except pursuant to, and in accordance with, a mass assembly permit issued by the Board of Trustees of the Village of Greenport as hereinafter provided.

Any mass assembly event that is held pursuant to a mass assembly permit shall be held in accordance with the information provided in the application for such mass assembly permit and shall be subject in all respects to any other applicable provisions of Village Code, including, those set forth in Chapter 88 (Noise) and Chapter 101 (Recreation Areas and Beaches) and any other terms, conditions or limitations contained in the applicable mass assembly permit. The organizers of any mass assembly event that shall receive a mass assembly permit shall be responsible for satisfying the requirements set forth in § 44-8 below prior to the occurrence of the applicable mass assembly event or such mass assembly permit shall be considered void.

B. A mass assembly permit shall not be required for any of the following:

- (1) Any activity undertaken by any person that expressly permitted under any conditional use approval, site plan approval or entertainment permit validly issued and in effect in accordance with the provisions of Chapter 150, except to the extent of any catered event involving more than 100

persons which event shall also require the issuance of a mass assembly permit to the extent constituting a mass assembly event.<sup>1</sup>

- (2) Any (a) spontaneous demonstration occurring between the hours of 9:00 a.m. and 10 p.m.; *provided* that such demonstration relates to events that have occurred in the immediately preceding 48 hours or (b) any other demonstration occurring between the hours of 9:00 a.m. and 10 p.m.; *provided* that the Village Clerk and the Southold Town Police Department are notified of the plan to hold such demonstration by no later than close of business of the day immediately preceding the day on which such demonstration is to be held; and *provided further* that, in either case, such demonstration does not involve the use of vehicles, animals, fireworks or equipment (other than any sound reproduction device which is otherwise expressly permitted to be used in connection therewith in accordance with Chapter 88); or
- (3) Lawful picketing; or
- (4) Funeral processions by a licensed mortuary; or
- (5) Events sponsored by the Village of Greenport, including, without limitation, an annual Halloween Parade, an annual Christmas Parade and Tree Lighting, an annual Menorah lighting, a summer concert series in Mitchell Park, an Easter Egg hunt, and other similar events; or
- (6) Regular sporting events or tournaments held at facilities intended for such purposes; or
- (7) Student assemblies at any school chartered by New York State.

C. No mass assembly permit shall be issued for the holding of any mass assembly event at Mitchell Park except for the following types of events:

- (1) Any mass assembly event that is open to the public and held for the purpose of benefiting a charitable organization;
- (2) Any mass assembly event that is open to the public for cultural, arts, educational or sporting or fitness purposes, including races, marathons, yoga, tai chi or other fitness classes, theater events, musical performances and other similar events; *provided* that no such event shall require any sponsorship, the payment of any fee or the making of any donation in order to participate therein [except to the extent that Board of Trustees shall have determined that such mass assembly event (a) is in the public interest, (b) shall occur for a period of no longer than three (3) hours and (c) will not otherwise have a material impact on the ability of the public to use and access Mitchell Park during the occurrence of such mass assembly event];
- (3) Any mass assembly event for a private event (i.e. one that is not generally open to the public such as a birthday party, wedding, retirement party, engagement party or reunion) that is held at either (x) the carousel or in the area immediately adjacent thereto or (y) in the area above the marina office and in the grass area adjacent to the Mitchell Park Marina Office and the Camera Obscura; *provided* that (a) such event is being held or hosted by a resident of the Village of Greenport, (b) no such event shall be permitted to occur on any (x) public holiday, (y) Saturday or Sunday that falls immediately before or after a public holiday or (z) day on which any other mass assembly event is occurring in Mitchell Park and (c) no more than five (5) such events shall be permitted between the period beginning on the Friday immediately preceding the last Monday in May

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<sup>1</sup> NTD: Chapter 150-51 (Entertainment Permits) and other provisions of Chapter 150 to be amended to make clear that a mass assembly is also required in connection with any catered event involving 100 or more invitees.



(otherwise being known as the Friday immediately before Memorial Day) and continuing through the first Monday in September, known as Labor Day of any calendar year.

[In no event shall any person be permitted to offer for sale any food, beverages, goods, merchandise or services in Mitchell Park, except (x) catering services provided by Permitted Caterer in connection with a mass assembly event of the type described in clause (2) or (3) above to the extent expressly contemplated by the terms of the applicable mass assembly event or (y) pursuant to a concession agreement entered into pursuant to Chapter 101.]

**§ 44-3 Application procedure; review; contents of mass assembly permit.**

**A. Application procedure.<sup>2</sup>**

- (1) Any person seeking to organize or host any mass assembly event shall file an application with the Village Clerk at least 60 days prior to the date or dates upon which such mass assembly event is to take place or such later date as the Village Board of Trustees may agree to but in any event a date that is no later than seven (7) days prior to any regularly scheduled meeting of the Board of Trustees that precedes the date on which such mass assembly event is to take place.
- (2) The application shall include the following:
  - (a) A description of the proposed mass assembly event, including a description of the purpose of such event, all related activities to be carried out in connection therewith and the fee, donation or sponsorship required to be made in connection with participation (if any) in such event and the proposed property or location where such event is contemplated to be located.
  - (b) The expected maximum number of persons intended to use the relevant property, or location in connection with such event, including the total number of participants, guests, organizers, performers (if applicable), employees (if applicable), merchants (if applicable) and instructors (if applicable). In the event that any proposed mass assembly event is proposed to take place in Mitchell Park pursuant to Section 44-2(C)(3), the applicant shall also include a general description of the persons intended to be invited to attend such event (i.e relatives, friends, etc.) and indicate approximately what percentage of such attendees reside in the Village of Greenport and/or the Town of Southold.
  - (c) The proposed date or dates thereof.
  - (d) The proposed duration of the event.
  - (e) The means of accommodating attendees as to:
    - (i) Food and beverages, if food and beverage service is part of the event, including the name and address and telephone number of any person or persons who will be engaged in the preparation and/or sale of food and a copy of any applicable County Department of Health Services permit number.

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<sup>2</sup> NTD: VILLAGE CLERK TO REVIEW/UPDATE APPLICATION FORM ONCE FINAL FORM OF LAW HAS BEEN AGREED.

- (ii) Shelter (if applicable).
  - (iii) Facilities for toilet and other personal sanitary needs for men and women.
  - (iv) Emergency first aid.
  - (v) Parking of cars, showing the means of ingress, egress and parking areas for gatherings of 100 or more persons.
  - (vi) Provision for public safety, guards or special police assisting in the control of traffic and the supervision of those persons attending the event, for outdoor events.
  - (f) The name, address and telephone number(s) of the person(s) organizing the event and who can be contacted prior to and during the event by the Village or any Southold Town police officer.
  - (g) The names of any groups, organizations, charitable organizations, businesses or individuals who shall benefit from the proceeds of such event (if any).
  - (h) Whether it is contemplated that any additional equipment or structures and/or sound reproduction devices will be used in connection with such mass assembly event and, if so, a description of such additional equipment or structures, sound reproduction devices and the proposed placement and use thereof.
  - (i) Provisions for the disposition of any garbage, trash, rubbish or other refuse that arises in connection with such mass assembly event.
  - (j) A description of any signage or lighting to be utilized in connection with such mass assembly event.
  - (k) A description of any food, beverages, goods or other services to be sold or auctioned at, or otherwise be made available to attendees, in connection with such mass assembly event.
  - (l) If a transportation shuttle is proposed, the location of parking for shuttle passengers and any pick-up/drop-off locations within the Village.
  - (m) Any additional information required by the Board of Trustees.
- B. In making a determination as to whether to grant an application for a mass assembly permit, the Board of Trustees of the Village of Greenport shall review the application and consider the following:
- (1) The size and capacity of the proposed area where the mass assembly event is scheduled to take place to accommodate the proposed mass assembly event without unduly impinging on the public's right to access or use of any associated public space, public waterway or public right-of-way.
  - (2) The impact of the proposed mass assembly event on the safe and orderly movement of traffic in the area directly surrounding the proposed mass assembly event and in the Village more generally
  - (3) The need for the Southold Town Police Department or any emergency services to be present in connection with the proposed mass assembly event.

- (4) The potential impact of the proposed mass assembly event on fire and police protection and ambulance service to the areas contiguous to the proposed mass assembly event and to the Village in general.
- (5) The potential impact of the proposed mass assembly event on the movement of firefighting equipment or ambulance service in the Village of Greenport.
- (6) The potential impact of the proposed mass assembly event on adjacent property owners and the surrounding neighborhood.
- (7) Possible conflicts with other events and seasonal demands which may overtax or cause an undue burden on the Village of Greenport and/or Town of Southold. As a general rule, mass assembly events in public parks should be avoided on public holidays and Saturdays or Sundays immediately following or preceding any such public holiday except to the extent open to the general public and specifically related to such public holiday.
- (8) Whether the applicant is the subject of any outstanding violations in respect of the provisions of this Chapter or any other provisions of the Code.
- (9) The frequency of the proposed mass assembly event and whether it constitutes a use of the applicable property compatible with its character and that of the surrounding area.
- (10) Whether the proposed mass assembly event has a high probability of disorderly conduct likely to endanger public safety or to result in significant public damage.
- (11) The availability of parking for the event.
- (12) Any other matters that relate to the health, safety and welfare of the general public.

A mass assembly permit is a privilege and not a right and may be denied (a) if the applicant fails to comply with any applicable provision of this Chapter or (b) for any other reason not prohibited by law.

C. The Board of Trustees may issue a mass assembly permit upon such terms and conditions as the Board of Trustees deems necessary and proper to ensure the public health, safety and welfare. In particular, but without limitation, the Board of Trustees may place limitations on (1) the use or placement of any additional equipment or structures in connection with a particular mass assembly event, (2) the hours during which such mass assembly event may occur, (3) the total number of participants or guests permitted to attend such mass assembly event and (4) the use and placement of sound reproduction devices in connection with such mass assembly event.

D. A mass assembly permit shall include the following information:<sup>3</sup>

- (1) The location of the applicable mass assembly event and date, starting and endings times therefore.
- (2) Whether such mass assembly event is permitted to utilize any additional equipment and structures or sound reproduction devices and, if so, any limitations applicable thereto. In the event that a mass assembly permit does not include a specific authorization for any of the foregoing, the use

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<sup>3</sup> NTD: VILLAGE CLERK TO DEVELOP APPROPRIATE FORM OF PERMIT FOR ISSUANCE BASED ON TERMS OF THIS CHAPTER

thereof shall not be permitted if otherwise prohibited pursuant to the terms of Chapter 88 or 101 or any other provision set forth in this Code.

- (3) The maximum number of participants permitted in connection with such mass assembly event or, if such mass assembly event consists of a parade, motorcade or other similar moving event, the maximum number of vehicles and/or length of such parade, motorcade or event.
  - (4) Any requirements for the presence of Southold Town police or any emergency services in connection with such mass assembly event.
  - (5) Any conditions around the use of signage in respect of such mass assembly event.
  - (6) The name and contact details of the organizers of the applicable mass assembly event.
- E. No mass assembly permit is transferable and shall expire at the close of the mass assembly event for which it is issued.
- F. An applicant who is denied a mass assembly permit by the Board of Trustees may apply to the Board of Trustees for reconsideration of the application by filing an appeal with the Village Clerk within 10 days of the date of the denial. A complete copy of the original application for the applicable mass assembly event shall accompany the request for reconsideration. The Board of Trustees may, following a public hearing, affirm, amend or reverse the determination of its prior decision subject to any conditions deemed appropriate under the circumstances.

**§ 44-4 Concurrent remedies.**

Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the Board of Trustees or other law enforcement authority to avoid or prevent any violation or attempted violation of this chapter, such as but not limited to an injunction or restraining order. The Village of Greenport may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

**§ 44-5 Supplementary provisions.**

This chapter is in addition to any other law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

**§ 44-6 Penalties for offenses.**

Any person or persons, who shall violate or aid in, take part in or assist in the violation of this chapter shall be subject to: (a) a minimum fine of not less than \$500 and not more than \$1,000 for the first offense and (b) a minimum fine of \$1,000 or a maximum fine of \$5,000 for each additional offense occurring within twelve (12) months of the first offense. Any penalties payable under this § 44-6 shall be in addition to any other penalties that such person or persons may be liable for pursuant to any other provision of this Code, including, without limitation, pursuant to Chapter 88 or Chapter 101.

**§ 44-7 Revocation of Permit.**

Any mass assembly permit may be ~~summarily~~ revoked by the Board of Trustees at any time, when, by reason of disaster, public calamity, riot or other emergency, it is determined that the safety of the public or property requires such revocation. Notice of such action revoking a permit shall be delivered in writing to the permittee by certified mail or by such other notice as the Board of Trustee may designate from time to time.

§ 44-8 Other Applicable Requirements.

- A. Each applicant for a mass assembly permit shall be required to pay to the Village Clerk an application fee of \$150 or such greater amount as the Board of Trustees may prescribe from time to time by resolution; *provided* that an applicant may include a request for approval of up to *six* (6) different mass assembly events in connection with any application for a mass assembly permit (without any greater cost in respect of the fee for such application)]; *provided further* that in connection with any mass assembly permit for any mass assembly event of either (i) the type described in §44-2(C)(2) which involves the payment of any fee or the making of any donation in order to participate therein or (ii) §44-2(C)(3), the applicant thereof shall further be required to pay a use fee in an amount of not less than (x) to the extent such event is to be held at the carousel, the amount determined to be equal to the Village's cost of opening and operating the carousel at such time (including the cost of staffing) *plus* not less than \$500 per hour (or such greater amount as the Board of Trustees may prescribe from time to time by resolution on account of staffing) for each hour of duration of such event, (y) in the case of any event of the type described in §44-2((C)(3) that is held at any location other than the carousel, \$5,000 or such greater amount as the Village Board of Trustees may prescribe from time to time by resolution and (z) in the case of any event of the type described in §44-2(C)(2) which involves the payment of any fee or the making of any donation in order to participate therein, ~~a fee equal to 10% of the proceeds received by the organizer thereof from the payment of any such fees or donations~~.
- B. Each applicant for any mass assembly event to be held at any public space, public right-of-way or public waterway shall be required to provide a certificate of general liability insurance naming the Village of Greenport as an additional insured with limits of \$1,000,000 per occurrence or such other limit as may be required by the Village Board of Trustees in connection with approving the applicable mass assembly permit for events where expected attendance is anticipated to exceed 100 persons.
- C. Each applicant that is hosting a mass assembly event to be held at any public space, public right-of-way or public waterway shall be required to make (1) a minimum clean up deposit with the Village of Greenport of \$500 which shall be returned upon a demonstration that no damage has occurred as a result of such mass assembly event and that all garbage, trash, rubbish, signage and other refuse has been satisfactorily disposed of in accordance with the provisions of this Section and any other applicable provisions of the Code, including Chapter 101 and (2) at the discretion of the Board of Trustees, a deposit in an amount to be determined based upon the estimated direct costs attributable to any additional police or emergency costs associated with the relevant mass assembly event. Any such deposit shall be used to cover any applicable costs associated with clean up or the provisions of additional police or emergency services and any monies remaining will be returned to the applicant.
- D. For all mass assembly events which anticipate attendance in excess of 100 persons, the organizers must retain the services of a security professional possessing either a private investigator's license or a watch, guard or patrol agency license from the State of New York. Said security professional shall submit to the Village Clerk and the Southold Town Police Department a detailed security plan, in a form acceptable to the Southold Town Police Department outlining potential security threats affecting the applicable mass assembly event and plans to mitigate the same. The Southold Town Police Department shall approve the security plans in order for any applicable mass assembly permit to be issued.
- E. The Board of Trustees for the Village of Greenport may waive in whole or in part any of the requirements set forth above in clauses A, B, C or D.

- F. No additional equipment or structures may be placed on the location of the proposed mass assembly event to be held at any public space, public right-of-way or public waterway prior to the date on which such event is permitted to occur and all such structures shall be removed at the close of such mass assembly event unless the mass assembly permit shall expressly provide for different time periods.
- G. No signage associated with the mass assembly event shall be permitted to be put up in any public space or public right-of-way more than five (5) days prior to the occurrence of such event and all such signage put up in connection with any mass assembly event shall be removed and disposed of offsite by no later than two (2) days after the end of such mass assembly event.

# Chapter 101

## Recreation Areas and Beaches

### GENERAL REFERENCES

Alcoholic beverages — See Ch. 35.  
Mass public assemblies — See Ch. 44.  
Boats and boating — See Ch. 48.  
Noise — See Ch. 88.

### § 101-1 Purpose.

The Village of Greenport, for the preservation and maintenance of suitable recreation facilities for its citizens and their guests, hereby enacts this chapter so as to ensure the peaceful, orderly and most beneficial use of any and all recreational facilities supported, in whole or in part, maintained or owned by the Village of Greenport.

### § 101-2 Definitions.

### ADDITIONAL EQUIPMENT OR STRUCTURES

Has the meaning specified in Chapter 44.

### BEACH

Any land lying within the jurisdictional boundaries of the Village of Greenport between the mean high water line of a body of water and the base of any bluff or dune or where no bluff or dune is present, between such body of water and the naturally occurring beach grass or upland vegetation if no naturally occurring beach grass is present.

### ~~CONCESSION~~

~~The right of a person or persons to privately utilize any public space or public waterway for the purpose of: (A) selling food and/or beverages, (B) selling goods or merchandise, (C) renting or storing goods, merchandise or equipment, including, paddleboards, tennis rackets, kayaks, bicycles, beach chairs, beach umbrellas and other similar recreational items, or (D) providing instructional services such as yoga or other fitness classes, paddleboarding lessons or other similar types of lessons, involving outdoor activities, in each case, to, or for the benefit of, members of the public.~~

### ~~CONCESSION AGREEMENT~~

~~An agreement entered into between the Village and any person or persons granting such person or persons the right to operate a specified concession at any public space or in any public waterway which is consistent, in the opinion of the Village Board of Trustees, with the use of such public space or public waterway.~~

### MASS ASSEMBLY EVENT

Has the meaning specified in Chapter 44.

### MASS ASSEMBLY PERMIT

Has the meaning specified in Chapter 44.

**MITCHELL PARK**

Has the meaning specified in Chapter 44.

**PERSON**

Has the meaning specified in Chapter 44.

**PUBLIC PARK**

Any park, playground, athletic field, boat-launching ramp, skate park or beach that is owned by, leased by, maintained by, or otherwise under the control of, the Village of Greenport, regardless of whether zoned as “Park District” or otherwise, including without limitation, the park and beach area located at the south ends of Fifth and Sixth Streets, the playground located at Third Street adjacent to the Village of Greenport Firehouse, the basketball court located at Third Street north of Center Street, the skatepark located at Moore’s Woods and Mitchell Park.

**PUBLIC RIGHT-OF-WAY**

Has the meaning specified in Chapter 88.

**UNREASONABLE NOISE**

Has the meaning specified in Chapter 88.

§ 101-2 **Hours.**

- A. All public parks shall open at sunrise and close at one hour after sunset or such later hour as may be specified in any applicable mass assembly permit, with the following exceptions to closing time:
  - (1) The area set aside for the village campsite;
  - (2) Mitchell Park which shall close at 12:00 a.m.; and
  - (3) the public park located at Moore’s Woods (including the skate park) which shall close at 10:00 p.m.
- B. No person or persons shall remain in or enter a public park before opening time and/or after the closing time thereof without the prior written permission of the Board of Trustees.

§ 101-3 **Littering.**

No person shall bring in or dump, deposit or leave any bottle, broken glass, ashes, paper boxes, cans, dirt, rubbish, waste, garbage, refuse, brush, gravel, fill or other similar materials in any public park or any adjacent public right-of-way except in proper trash receptacles provided by the Village of Greenport expressly therefor. Where receptacles are not so provided, all such items shall be carried away from the public park by the person responsible for its presence and properly disposed of elsewhere.

§ 101-4 **Alcoholic beverage restrictions.**

Except to the extent specifically permitted pursuant to any duly issued mass assembly permit, no person or persons shall consume alcoholic beverages from any container in any public park.



**§ 101-5 Animals.**

- A. Dogs or domestic animals shall not be allowed on or within (1) any designated bathing beach during such time that a lifeguard is on duty or (2) any public park that is posted with signage indicating that dogs or domestic animals are prohibited.
- B. To the extent not prohibited pursuant to clause (A) above, dogs or domestic animals shall only be allowed on or within any public park (including any beach) in compliance with the conditions set forth in Chapter 39 and shall at all times be on a leash and restrained no more than four (4) feet from the owner or custodian of such dog or domestic animal.

**§ 101-6 Liability for injuries and stolen property.**

Anyone using any public park or any related facilities shall do so with the understanding that the Village assumes no responsibility for any injury or damage which such person may sustain while an occupant of the applicable public park or while using any related facilities; and the Village shall not be responsible in any manner for any article that may be stolen from any public park, any structure located on any public park or from any motor vehicle or motorboat parked on a right-of-way adjacent to any public park.

~~§ 101-7 Selling; vending; concession agreements.~~

**101-7 Selling; vending; distribution of certain goods.**

The selling, vending or offering for sale of any wares or merchandise or any tickets for admission to entertainment or other functions or chances or letters or lotteries or the distribution of leaflets, booklets or any advertising material whatsoever is strictly prohibited, except in such case and instances as the Village Board of the Village of Greenport has issued a permit therefor.

- ~~A. No person shall sell, vend, rent or offer for sale or rent any wares, merchandise, goods, services or tickets for admission, entertainment or other events at any public park or any adjacent public waterway except as expressly provided for in any validly issued: (1) mass assembly permit, (2) [concession agreement, (3)] license issued by the Town of Southold pursuant to Chapter 197 of the Code of the Town of Southold or (4) other permit granted by resolution by the Board of Trustees.~~
- ~~B. [The Board of Trustees of the Village of Greenport may grant concessions for the use of a portion of any public park or public waterway area to one or more persons from time to time pursuant to such terms and conditions as the Board may determine are in the best interest s of the Village; provided that (1) the granting of any such concession shall be subject to the terms of Chapter 29 and any other applicable laws or regulations relating to the Village' s granting of any concession and entering into of any related concession agreement, (2) the decision to put out to bid any concession or otherwise grant a concession shall be the subject of a public hearing, (3) the initial duration of any concession shall be no longer than [two (2)] years, (4) the process for bidding on any concession shall be subject to such other terms and conditions as the Board of Trustees shall set forth in any request for proposal for a concession. In conducting any bid for any concession, the Board of Trustees shall include provisions governing rights of appeal and protest in connection with any denial or determination of noncompliance by an application for a concession as are required by law or otherwise deemed advisable by the Board of Trustees. Any concession agreement entered into by the Village in connection with the granting of any concession shall expressly provide for the right of the Village Board of Trustees to terminate such concession agreement upon a finding that the person(s) holding the related concession are in breach of their obligations thereunder in addition to any other remedies that may be specified therein.]~~

§ 101-8 **Other Prohibitions.** Except to the extent expressly provided for to the contrary in any mass assembly permit or any other permit issued by the Board of Trustees from time to time, the following activities are prohibited in any public park and on any public waterway or public right-of-way immediately adjacent thereto:

- A. Except for areas designated for parking, parking aisles and driveways providing access to such parking areas, driving or use of a motor vehicle in any public park; placement of any motorboat in any public park (except to the extent that there is a marina expressly provided therefor).
- B. Any mass assembly event without a permit as required pursuant to Chapter 44 (other than any event that is not required to obtain a mass assembly permit pursuant to Chapter 44, including any demonstration).
- C. Conduct or activities, including any fighting or other violent, tumultuous or threatening behavior, that: (1) significantly interferes with ordinary park use by the public, (2) jeopardizes the safety of the public or (3) is indecent or disorderly.
- D. (1) Digging or removing sand, gravel, rocks or other similar materials located in any public park or adjacent public waterway or (2) cutting, carving, removing or otherwise damaging any tree or plant in any public park.
- E. Erecting, constructing or placing any additional equipment or structure, fence, barricade or sign without having obtained the express permission of the Board of Trustees of the Village of Greenport.
- F. Unreasonable noise.
- G. The playing or operation of any sound reproduction device (as defined in Chapter 88) except to the extent permitted under the terms of Chapter 88.
- H. The kindling, building, maintaining or use of any fire in any place or portable receptacle, except in places or receptacles provided by the Village of Greenport or as expressly permitted pursuant to any mass assembly permit.
- I. Any marking, defacing, injuring or damage to any building, structure, property or equipment located therein.
- J. Undressing or dressing either by changing from ordinary street clothes into bathing or beach attire or otherwise except in any building or structure provided therefore.
- K. Camping or sleeping or the erection of any additional building or structure, temporary or otherwise for such a purpose.
- L. Possession or discharge of fireworks.
- M. The playing of any games involving thrown or otherwise propelled objects, such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation, including any field or court or other similar area established therefor.

- N. Distribution of any leaflets or handbills containing harassing, threatening or intimidating text or images.
- O. Harassing, threatening or intimidation of another person of reasonable sensitivities.

§ 101-9 **Use of Picnic Areas.** No person shall, in any public park:

- A. Picnic in a location in such public park other than a place designated for such purpose.
- B. Violate the regulation that use of any Village provided for grills or fireplaces, together with tables and benches provided therefor, follows generally the rule of first come, first served, except if it is an organized mass assembly event that exhibits a mass assembly permit.
- C. Use any portion of a picnic area or any of the equipment, furnishings, buildings or structures located at any public park for the purpose of holding a picnic to the exclusion of other persons or for an unreasonable time if the facilities are crowded.
- D. Leave a picnic area before a fire is completely extinguished and before all trash in the nature of boxes, papers, cans, bottles or other refuse is placed in prior disposal receptacles where provided or carried away from the applicable picnic area.

§ 101-10 **[Mitchell Park.**

- A. No person shall organize any private event or activity involving the congregation of a [ten (10)/twenty-five (25)] or more persons (other than any use of the carousel, the camera obscura or skating park in the ordinary course of its business<sup>4</sup>) that is intended to take place in any portion of Mitchell Park without first obtaining a mass assembly permit in accordance with Chapter 44 (unless such event or activity is a type that is not required to have a mass assembly permit pursuant to §44-2(B) and is an otherwise permitted activity conducted during the hours that Mitchell Park is open).
- B. No additional equipment or structure or sound reproduction device shall be placed, used or operated by any person in Mitchell Park except to the extent expressly permitted pursuant to any Mass Assembly Permit or other resolution enacted by the Village Board of Trustees from time to time.
- C. Except as specifically permitted in section 101-10(A), the use of Mitchell Park by any person is subject to all of the other provisions set forth in this Chapter 101 with respect to the use of any public park.]

§ 101-11 **Beaches.**

- A. No person shall swim, bathe or wade in any waters or waterways in or adjacent to any beach except in such waters and at such places as are provided therefor and in compliance with such regulations as are herein set forth or may otherwise be adopted from time to time.
- B. Any designated bathing or swimming area shall be kept free from any form of motorboat, water equipment or other floating objects that may cause inconvenience, injury or discomfort to bathers, except of such equipment is intended for the protection of life.

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<sup>4</sup> NTD: Board will need to repeal and/or amend the resolution passed on May 28, 2015 relating to the use of Mitchell Park to reflect proposed provisions of Chapter 44 and 101 in respect of Mitchell Park once agreed.

- C. No person shall bring into or operate any boat, raft or watercraft, whether motor-powered or not, upon any water places designated for bathing.
- D. No person shall (1) fish within 20 feet of any designated bathing or swimming area or (2) use any surfboard, paddleboard or windsurfing equipment (except for the launch thereof) within 150 feet of any designated bathing or swimming area.

**§ 101-12 Penalties for offenses.**

- A. Any person or persons who shall violate or aid in, take part in or assist in the violation of this chapter shall be subject to: (a) a minimum fine of not less than \$500 and not more than \$1,000 for the first offense and (b) a minimum fine of \$1,000 or a maximum fine of \$5,000 for each additional offense occurring within twelve (12) months of the first offense. Any penalties payable under this § 101-15 shall be in addition to any other penalties that such person or persons may be liable for pursuant to any other provision of this Code, including, without limitation, pursuant to Chapter 88.
- B. A code enforcement officer or police officer of Southold Town Police Department shall have the authority to enforce and/or eject from any public park any person violating the provisions of this Chapter or any other provisions of the Code.

**§ 101-12 Concurrent remedies.** Nothing contained herein shall be deemed or construed so as to prevent the enforcement of any other remedy at law, concurrent or otherwise, available to the Board of Trustees or other law enforcement authority to avoid or prevent any violation or attempted violation of this chapter, such as but not limited to an injunction or restraining order. The Village of Greenport may maintain any action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of this chapter.

**§ 101-13 Supplementary provisions.** This chapter is in addition to any other law, ordinance or regulation affecting the subject matter herein and is not in limitation thereof.

Bill VOG 02-24.

A local law to amend the Code of the Village of Greenport, to amend the maximum speed limit in non-school zones throughout the Village to 25 miles per hour.

Section 1. Legislative Intent and Findings.

The Village of Greenport currently imposes a speed limit of 25 miles per hour on Main Street and Front Street, and 30 miles per hour on all other streets (except in school zones where the speed limit is 20 miles per hour). The Village recognizes that there is significant pedestrian and bicycle traffic, including residents and tourists, throughout the Village, not just on Main and Front Streets but on the residential streets in the Village, and finds that due to these conditions and traffic engineering considerations streets would be made safer if the speed limit on all streets, other than in school zones, is 25 miles per hour. Establishing a Village-wide 25 miles per hour speed limit will reduce the potential for traffic accidents and pedestrian or bicyclist injuries and will improve the character of the Village.

Section 2. Chapter 132 of the Code of the Village of Greenport is hereby amended, to read as follows:

“§132-45. Schedule VII: Speed Limits.

In accordance with the provisions of §132-10, the maximum speed limit at which vehicles may proceed on or along any streets or highways within the Village is hereby established at 25 miles per hour, except as indicated below.

<b>Name of Street</b>	<b>Speed limit (mph)</b>	<b>Location</b>
Moore's Lane (school zone)	20	1,450 feet from Route 25 to Water Tower Property (this would include the stone-paved road which is the entrance to the polo grounds on the north end.)

Section 3. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

Bill VOG 03-24.

A local law to amend the Code of the Village of Greenport in relation to the imposition of fees by Board of Trustees resolution.

Section 1. Intent. The Village Code provides for various fees to be adopted by resolution and others are provided by fee amounts established by local law. The Board intends to create a uniform method of establishing fees in all instances. Each of the Code provisions that currently provides for a fee amount is hereby amended to authorize the Board of Trustees to establish fees from time to time.

Section 2. The following sections of the Code of the Village of Greenport are amended, to read as follows:

“§61-7. Fee. Every application for determination under this Chapter shall be accompanied by a fee in an amount as determined from time to time by resolution of the Board of Trustees. In addition, an applicant shall be responsible for fees for consultants, in accordance with Part 617 of Title 6 of the New York Codes, Rules and Regulations. Where the village must prepare a final environmental impact statement, the fee charged shall be the actual cost incurred by the Village.

§63-6(A). Fee. The fee for a filming permit (for a period of three days or less) shall be a nonrefundable fee in an amount as determined from time to time by resolution of the Board of Trustees, payable in cash or check at the time of submission of the film permit application.

§65-7. Building Department Fee Schedule. The fee to file an application for a building, construction, demolition or sign permit, certificate application or any other Building Department application shall be in an amount as determined from time to time by resolution of the Board of Trustees. No application shall be deemed filed and no permit shall be issued until required fees have been paid and all other pertinent requirements have been met.

§68-11(B). Fees. All applications for a floodplain development permit shall be accompanied by a fee in an amount as determined from time to time by resolution of the Board of Trustees. In addition, the applicant shall be responsible for reimbursing the Village of Greenport for any additional costs necessary for review, inspection and approval of this project. The local administrator may require a deposit of no more than \$500 to cover these additional costs.

§76-10. The fee for a certificate of appropriateness and for the preparation and publication of any required notice shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§103-11. The biennial permit fee for a rental permit or a renewal rental permit, including the fee for an owner of a rental property 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, shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§105-40(A). The application fee for a new sewer connection shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§105-40(D). Inspection fees for new services and for disconnection of sewer services shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§105-40(E). Upfront connections fees outside of the Village limits shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§112-6. The application fee for a dumpster permit shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§115-13(C). A road opening permit fee shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§118-14. The fee for Planning Board applications for subdivisions, mergers or as otherwise required by this Chapter shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§136-4(I). Only devices deemed acceptable by the New York State Department of Health are acceptable. Plans and installations must conform to New York State Health Department of Health guidelines. Failed installation inspections that are required by this Chapter will necessitate a charge to be billed to the customer's water account based on the size of the service line in an amount as determined from time to time by resolution of the Board of Trustees.

§142-7. Wetland Permit Application Fees. The fee for a wetland permit application, any other applications required by this Chapter, and any required hearing notice shall be in an amount as determined from time to time by resolution of the Board of Trustees. The applicant is separately responsible for payment to the Village of all consulting and professional fees incurred by the Village in reviewing the application.

§150-15(I). Businesses which are not located on Front Street, Main Street or Third Street. south of Front Street may have one or more directional sign(s) on either Front Street, Main Street or Third Street, south of Front Street. Applications for such off-street business directional sign(s) must be approved by the Planning Board. Such off-street business directional sign(s) shall be limited to 8 inches x 24 inches in size. The sign(s) shall only be installed by the Greenport Public Works Department for a fee in an amount as determined from time to time by resolution of the Board of Trustees. The sign(s) shall be licensed for a period of two years, and such license(s) shall be renewed upon expiration. When the business is discontinued the sign(s) will be taken down."



Section 3. The following sections shall be added to the Code of the Village of Greenport, to read as follows:

“§150-27(L). The fee for applications to the Board of Appeals shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-29(H). The fee for a conditional use permit application shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-30(E). The fee for a site plan application shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-30.1(F). The fee for a curb cut application shall be in an amount as determined from time to time by resolution of the Board of Trustees.

§150-50(C). The fee for a SWPPP application shall be in an amount as determined from time to time by resolution of the Board of Trustees.”

Section 4. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court’s order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.

Bill VOG 04-24.

A local law amending Chapter 132 of the Code of the Village of Greenport, to establish a paid parking program and paid parking facilities and zones in the Village.

Section 1. Chapter 132 of the Code of the Village of Greenport is hereby amended by adding Article X, to read as follows:

**“Article X. Paid Parking Program.**

**§132-60. Establishment of Paid Parking Program.**

The Village Board of Trustees hereby establishes a paid parking plan in areas as authorized by this Article and as determined by the Board of Trustees by resolution from time to time. The Village Clerk, upon the approval by resolution of the Board of Trustees, may procure software programs, if needed, and other equipment and services that are determined necessary to implement the paid parking plan.

**§132-61. Establishment of Paid Parking Zones.**

Paid parking zones are hereby designated as being those parts of streets or public parking fields upon which paid parking is now designated or may hereafter be designated from time to time by resolution of the Board of Trustees.

**§132-62. Applicability.**

- A. Hours and days of operation. The provisions of this Article shall apply to all Village paid parking zones during such hours as shall be posted for their application.
- B. Authority to establish and vary hours and days. The Board of Trustees may establish and vary, by resolution adopted from time to time, the hours and days during which this Article shall be effective. Hours of operation shall be displayed within the paid parking zones.

**§132-63. Paid Parking Zone Charges.**

Parking fees shall be determined from time to time by resolution adopted of the Board of Trustees. Such fees shall be documented within any smartphone application or other equipment employed by the Village pursuant to this Article.

**§132-64. Paid Parking Zone Equipment and Pay Facilities.**

Except in a period of emergency determined by an officer of the Fire or Police Department, or in compliance with the directions of a police officer or traffic control sign or signal, when any vehicle shall be parked in any parking space within a paid parking zone pursuant to this Article, the operator of such vehicle shall, upon entering the parking space, immediately register with the paid parking smartphone application and make payment for parking in accordance with the applicable fees. Alternatively, the operator of such vehicle may register by calling a toll-free number by personal or public telephone and arranging for payment by phone. The owner and/or operator of a vehicle shall be responsible for the cost of any surcharges imposed by any credit card company in connection with the payment for parking, as indicated specifically on the smartphone application or on the telephone application.

**§132-65. Payment Procedure.**

Failure to make proper payment in accordance with the instructions on the smartphone application or the phone alternative for the amount of time that the vehicle will be parked in the parking stall shall constitute a violation of this Article.

**§132-66. Failure to Pay.**

If a vehicle shall remain parked in any a parking space beyond the parking time limit set for such vehicle's parking space, and if the paid parking information system shall indicate such illegal parking, such vehicle shall be considered as parking overtime and beyond the period of legal parking time, and such parking shall be a violation of this Article.

**§132-67. Exemptions.**

In the paid parking areas designated by the Board of Trustees, all spaces designated for handicapped parking and spaces designated for limited (thirty-minute or less) parking shall be exempt from the provisions of this Article.

**§132-68. Assignment of Fees Collected/Records.**

The payments required hereunder are hereby levied and assessed as fees to be deposited within the general fund for the Village. It shall be the duty of the Village Treasurer to keep a record of the collection of fees from parking and to deposit said fees in the appropriate municipal account.

**§132-69. Violations.**

It shall be unlawful and a violation of the provisions of this Article for any person to cause, allow, permit or suffer any vehicle registered in the name of or operated by such person to be parked without payment within a paid parking space or beyond the period of legal parking time established for any paid parking zone as herein described. Any violation of any provision of this Article shall be subject to a penalty of \$50 per offense.

Section 3. Severability. If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 4. Effective date. This local law shall take effect immediately upon filing with the Secretary of State.