



**JANUARY 28, 2021 at 7:00 p.m.
BOARD OF TRUSTEES – REGULAR MEETING
Via GoToMeeting**

<https://global.gotomeeting.com/join/884964925>

You can also dial in using your phone.
United States: +1 (571) 317-3112

Access Code: 884-964-925

236 Third Street
Greenport NY
11944

Tel: (631)477-0248
Fax: (631)477-1877

MAYOR
GEORGE W. HUBBARD,
JR.
EXT. 215

TRUSTEES
JACK MARTILOTTA
DEPUTY MAYOR

PETER CLARKE

MARY BESS PHILLIPS

JULIA ROBINS

**VILLAGE
ADMINISTRATOR**
PAUL J. PALLAS, P.E.
EXT. 219

CLERK
SYLVIA PIRILLO, RMC
EXT. 206

TREASURER
ROBERT BRANDT
EXT. 217

PLEDGE OF ALLEGIANCE

MOMENT OF SILENCE

Lucy Evelyn Hallock
William George Kranker, Jr.
John Anthony Nowaski
Barbara E. Richter
John C. Seelig
Doreen Jan Walters
Marilyn Buelow Wilson

ANNOUNCEMENTS

Village Hall will be closed on February 15, 2021 in honor of Presidents' Day.

LIQUOR LICENSE APPLICATIONS

New application from The Gallery Bar, located at 314 Main Street

Alteration application from PWIB Claudio Management II LLC, d/b/a
Claudios Clam Bar, to add an outdoor area fronting the premise and add an
additional bar

Alteration application from PWIB Claudio Management LLC, d/b/a Claudio's
Restaurant to add an outdoor patio

PUBLIC TO ADDRESS THE BOARD

REGULAR AGENDA

CALL TO ORDER**RESOLUTIONS****RESOLUTION # 01-2021-1**

RESOLUTION adopting the January, 2021 agenda as printed.

RESOLUTION # 01-2021-2

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

VILLAGE ADMINISTRATOR**RESOLUTION # 01-2021-3**

RESOLUTION approving the attached proposal from J.R. Holzmacher P.E., LLC in the amount of \$ 20,013.00 for geologic investigation services related to the potential design of a new drainage system at the Village of Greenport Wastewater Treatment Plant, and authorizing Mayor Hubbard to sign the proposal from J.R. Holzmacher, P.E., LLC.

RESOLUTION # 01-2021-4

RESOLUTION accepting the proposal submitted by H2M, dated January 6, 2021 to prepare the Annual Water Supply Statement / Consumer Confidence Report, including the results of the New York State Department of Health's Source Water Assessment Program and the supplemental data package; and to submit the Annual Supply Statement and Supplemental Data Package to the Suffolk County Department of Health Services, New York State Health Department and New York State Department of Environmental Conservation, at a total cost of \$ 2,200; to be expensed from Account F.8310.413 (Special Services).

RESOLUTION # 01-2021-5

RESOLUTION approving an increase in the hourly wage rate for Ethan Holland, from \$ 22.06 per hour to \$ 23.25 per hour, effective February 3, 2021 owing to the completion of a job-related course of study, per Article VII (Salaries and Compensation), Section 9 (c) - Merit Clause – of the collective bargaining agreement currently in force between the Village of Greenport and CSEA Local 1000.

RESOLUTION # 01-2021-6

RESOLUTION authorizing the issuance of a Request for Proposals for the design and implementation of a Village-wide energy efficiency program contractually required by the New York Power Authority, and directing Clerk Pirillo to notice the Request for Proposals accordingly.

VILLAGE TREASURER**RESOLUTION # 01-2021-7**

RESOLUTION scheduling a public hearing for the 2021-2022 Village Tentative Budget at 6:00 p.m. on April 8, 2021 at the Old Schoolhouse, Front and First Streets, Greenport, New York 11944, or via GoToMeeting; and directing Clerk Pirillo to notice the budget hearing accordingly.

RESOLUTION # 01-2021-8

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment # 4764, to appropriate reserves to fund engineering service costs for the Wastewater Treatment Plant Drainage Improvement Project, and directing that Budget Amendment# 4764 be included as part of the formal meeting minutes of the January 28, 2021 Regular Meeting of the Board of Trustees.

RESOLUTION # 01-2021-9

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Transfer # 4765, to fund Fire Department Training services, and directing that Budget Transfer # 4765 be included as part of the formal meeting minutes of the January 28, 2021 Regular Meeting of the Board of Trustees.

RESOLUTION # 01-2021-10

RESOLUTION authorizing Treasurer Brandt to perform attached Budget Amendment # 4766, to fund the three-year service agreement for the Wastewater Treatment Plant UV System, and directing that Budget Amendment # 4766 be included as part of the formal meeting minutes of the January 28, 2021 Regular Meeting of the Board of Trustees.

RESOLUTION # 01-2021-11

RESOLUTION authorizing the Village of Greenport to add the outstanding water and sewer balances in arrears to the Village of Greenport 2021 tax bills for the respective properties, per calculations to be completed by, on or before April 30, 2021.

VILLAGE CLERK**RESOLUTION # 01-2021-12**

RESOLUTION awarding the 2021 contract for the performance of contractor services to Stanley F. Skrezec – the sole bidder – per the attached bid prices, per the bid opening on January 14, 2021; and authorizing Mayor Hubbard to sign the contract between the Village of Greenport and Stanley F. Skrezec.

RESOLUTION # 01-2021-13

RESOLUTION awarding the 2021 contract for the removal of snow as required on Village streets to Stanley F. Skrezec, III – the sole bidder - per the attached bid prices, per the bid opening on January 14, 2021; and authorizing Mayor Hubbard to sign the contract between the Village of Greenport and Stanley F. Skrezec, III.

RESOLUTION # 01-2021-14

RESOLUTION awarding the 2021 contract for tree and stump removal and stump grinding services on specified Village of Greenport streets to Johnson Tree Company – the sole bidder - for a total contract price of \$ 16,800.00 per the bid opening on January 14, 2021; and authorizing Mayor Hubbard to sign the contract between the Village of Greenport and Johnson Tree Company.

RESOLUTION # 01-2021-15

RESOLUTION approving the attached, accepting the Hazard Mitigation Plan as prepared and presented by Suffolk County, and approving the attached terms and authorizing Mayor Hubbard to execute the Plan on behalf of the Village of Greenport.

RESOLUTION # 01-2021-16

RESOLUTION rejecting the sole bid received for the rehabilitation of the Fifth Street Park restrooms, per the bid opening on January 21, 2021 and directing Clerk Pirillo to re-notice the Request for Bids accordingly.

TRUSTEES**RESOLUTION # 01-2021-17**

RESOLUTION scheduling a public hearing for 7:00 p.m. on February 25, 2021 at the Third Street Fire Station, Third and South Streets, Greenport, New York, 11944, or via GoToMeeting; regarding a proposed amendment to Chapter 88 (Noise) of the Village of Greenport Code, and directing Clerk Pirillo to notice the public hearing accordingly.

RESOLUTION # 01-2021-18

RESOLUTION approving the attached resolution adopting lead agency status and preliminarily typing the consideration of the application of Sterling 123 LLC for amendment to the stipulation of settlement entered in 2007 regarding the approval of the development of the 123 Sterling Avenue property, and other relief, to be an Unlisted Action.

VOUCHER SUMMARY

RESOLUTION # 01-2021-19

RESOLUTION approving all checks per the Voucher Summary Report dated January 25, 2021, in the total amount of \$ 578,307.72 consisting of:

- o All regular checks in the amount of \$ 504,823.09, and
- o All prepaid checks (including wire transfers) in the amount of \$ 73,484.63.

J.R. Holzmacher P.E., LLC

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

December 1, 2020

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

Re:

Proposal for Engineering Services
Sewage Treatment Plant Drainage
Improvements

Dear Mr. Pallas:

Thank you for considering J.R. Holzmacher P.E., LLC (JRH) Consulting Engineers to provide professional engineering services to assist you during planning and construction of drainage improvements at the Sewage Treatment Plant (STP). This work is part of ongoing efforts to reduce Infiltration and Inflow (I/I) to the sanitary sewer system as required by the consent order with the New York State Department of Environmental Conservation (NYSDEC).

Inflow of surface water during floods and rain water during storms has led to incidents of extreme high flows through the sanitary sewer system and directly on plant grounds which results in discharge of partially treated sewage out to the Long Island Sound. The treatment plant sits on top of the "Greenport Clay" which is a thick clay layer which does not allow ready percolation of rain water through to the underlying aquifer. Rainwater at the plant ends up accumulating and being pumped into the treatment tanks, resulting in undesirable dilution and increases in flow rate through the plant.

This project includes performance of a geologic soil boring to confirm the thickness and nature of the clay layer beneath the SWT plant and then design of a "soil wick" which will allow recharge of rainwater to the ground rather than pumping it through the STP. This work will be bid together with other work to construct retaining walls at the plant in hopes of gaining better pricing than if two separate bids are used.

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

SCOPE

Task 1 – Geologic Investigation

We will hire a driller so that the depth and nature of the clay can be determined prior to bidding the construction work. Design of the soil wick will be based on installation of cutting rings down to a granular strata at least ten feet in thickness. The goal of the drilling work is to find such a

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

strata. Having this information available at the time of the bid reduces the risk to the bidders, which should save money on the bid, and reduces the chance of the village having to consider claims for change orders if unforeseen site conditions are revealed during excavation. Work will include:

- Performance of a geologic boring to an approximate depth of 80 feet below grade. The boring will utilize a rotary circulation drill rig as the toughness of the clay is expected to prevent effective use of a Geoprobe to this depth. We have budgeted for two days of drilling.
- Observation of the boring and examination of the cuttings by an engineer or geologist on site.
- Preparation of a geologic boring log to be used in the drainage design and for your records.

Task 2 – Drainage Design

Under this task JRH will evaluate the field conditions and prepare the necessary design plans and specifications for use during bidding and construction. We anticipate performing the following work:

- We will perform a limited topographic survey to determine existing grades and direction of surface flow, and to identify those areas where rainwater now collects.
- JRH staff members will perform one site visit to meet with the plant operating staff to confirm existing drainage patterns and suitable locations for future construction of the soil wick and drainage structures without impacting operation of the plant. We strongly recommend that the geologic boring be located in the desired location of the full size soil wick.
- JRH will use the available site plans and aerial photos, together with the topographic data to prepare the site work construction drawings showing the location of the new drainage structures and soil wick to be constructed.
- We will perform hydraulic calculations for sizing of drainage system components and discuss the relative drainage capabilities in comparison to construction costs with you prior to finalizing the design. Design calculations will include construction cost projections.
- We will prepare a draft set of plans and specification sections for review and approval by you prior to preparation of the final plans for bidding. We do not anticipate the need for any regulatory submission. We anticipate a single contract for General Construction, Site and Drainage work for the drainage and retaining walls.
- We assume that no Village Building Permit will be required, and that any permit or regulatory fees will be paid directly by the Village and are not included within our fee.

- We will create final plans and contract documents for Village use to solicit public bids. Five paper sets and ten electronic copies on CDs or flash drives will be provided.

Task 3 – Assistance During Bidding

Services in support of Village efforts to obtain competitive bids can be provided as you may request. These will include some or all of the following:

- Preparation of “Notice to Bidders” to be placed in the required contract advertisement publications, if any. Any printing fees will be paid for by the Village.
- Notification to potential qualified bidders to pick up bid documents. We have had success in emailing sets of plans and specifications to engage the interest of potential bidders.
- Organization of, and attendance at, pre-bid meetings.
- Assistance to answer bidder’s technical questions, and evaluation of alternate means, methods, or equipment proposed prior to the bid opening.
- Communication with potential bidders, including preparation of official questions and answers prior to bid opening.
- Attend bid opening, review of bids for irregularities and unbalanced bids, evaluation of bidder’s proposals, verification of references, and preparation of bid tabulation sheet with recommendation for contract award.
- Preparation of contracts for conforming and execution by Counsel. Five bound copies of documents for each contract will be provided.

Task 4 – Construction Phase Services

Engineering services during construction can include construction observation and documentation of construction activities. To complete this task we anticipate having to perform some or all of the following:

- Periodic or resident construction observation services as requested. We will coordinate with Village staff for periodic construction observation, as requested, in order to reduce costs. A written report documenting construction progress and activities will be provided by JRH for each time we are on site.
- Coordination and running of periodic or special field meetings and preparation of minutes, as requested.
- Negotiations with Contractor to improve the rate and quality of work, when necessary.
- Technical field guidance to Contractor to properly perform difficult or complicated portions of the work.

- Preparation of punch lists for project completion.
- Assistance to Village during final inspection.
- Preparation of “as-built” record drawings from field sketches provided by the Contractor or documented during our own construction visits.

Task 5 – Construction Administration Services

Engineering services during construction will include administration of the construction contract. To complete this task we anticipate having to perform some or all of the following:

- Preparation of partial and final engineering approvals of Contractor payment requests.
- Review of shop drawings submitted by Contractors.
- Coordination with Village Staff to arrange final inspection and contract close out.
- Interpretation of plans and specifications in response to Contractor questions.
- Communication with Contractor, including Notification of Contract Award, Notification to Proceed, evaluation of contractor schedule and progress, documentation of change orders, and Notification of Contract Completion date.
- Negotiation of change orders, (if any).
- Assistance during regulatory inspections (if any).
- Preparation of regulatory certifications (if any).

Task 6 – Additional Services

While we do not expect that you will require the following, Additional Services can be provided as you may find convenient. Typical tasks in this category include the following:

- Preparation of applications and supporting materials for project funding.
- Assistance during meetings and negotiations with legislators or regulators to identify additional sources of funding.
- Preparation of additional letters, reports, figures or renderings, etc. for public communications.
- Attendance or presentations at public meetings, Board meetings, etc.
- Assistance with unforeseen environmental or regulatory issues should they arise, including additional applications, letters or Environmental Assessment Forms.
- Performance of field survey work or measurements, beyond that described in other Items.
- Assistance with negotiations with the NYSDEC or other regulators on construction

access, environmental or regulatory issues should they arise.

- Printing of additional contract document copies, figures or displays.

SCHEDULE:

Task 1 – Geologic Investigation

We anticipate that it will take up to three weeks following your notice to proceed to schedule the drilling work. We will have the geologic logs completed within one week of completion of the drilling work.

Task 2 – Drainage Design

We will schedule the field meeting and topographic survey work within two weeks of receipt of your notice to proceed. It is beneficial to have that initial work completed prior to locating the geologic boring to be performed the following week.

Preliminary draft plans will be ready for your review and comment within three weeks of completion of the drilling work under Task 1. Final draft design plans and contract specifications will be ready for your review and comment within three weeks of receipt of your comments on the preliminary plans. Your comments on these plans will be incorporated within one week of receipt.

Task 3 – Assistance During Bidding

The “Notice to Contractors” will be submitted one business day after your notice to proceed with Bid Phase work. Bid tabulation sheets, evaluation of bidder’s qualifications, and the recommendation of award letter will be completed within one week of receipt of any required reference materials from bidders.

Task 4 – Construction Phase Services

Construction phase services will be rendered in accordance with the pace of construction. 72-hour advance notice is requested prior to scheduling of meetings, to the extent possible.

Task 5 – Construction Administration Services

Construction phase services will be rendered in accordance with the pace of construction. 72-hour advance notice is requested prior to scheduling of meetings, to the extent possible. Shop drawings will be reviewed promptly and generally within 2 business days of receipt.

Task 6 – Additional Services

A mutually agreeable schedule will be negotiated at the time such services are requested.

COST PROPOSAL:

Task 1 – Geologic Investigation

Time and expenses will be invoiced in accordance with the enclosed rate schedule. A spreadsheet showing current staff names and billing rates is attached. An initial budget allocation of \$20,013 is suggested. This budget will not be exceeded without your prior written agreement.

Task 2 – Drainage Design

Time and Expense basis not to be exceeded without your written authorization. An initial budget allocation of \$11,965 is suggested.

Task 3 – Assistance During Bidding

Time and Expense basis not to be exceeded without your written authorization. An initial budget allocation of \$4,130 is suggested.

Task 4 – Construction Phase Services

Time and Expense basis not to be exceeded without your written authorization. An initial budget allocation of \$5,307 is suggested.

Task 5 – Construction Administration Services

Time and Expense basis not to be exceeded without your written authorization. An initial budget allocation of \$5,032 is suggested.

Task 6 – Additional Services

A mutually agreeable budget will be negotiated should any additional services be requested.

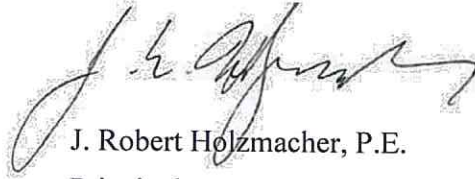
AGREEMENT

Our standard form of agreement is attached for your consideration, or we can execute your standard form of agreement. 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 or Purchase Order.

Paul J. Pallas, P.E.
STP Drainage Improvements
December 1, 2020
Page 7

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 water system. Please call me at extension 101 if you have any questions.

Very truly yours,
J.R. Holzmacher P.E., LLC



J. Robert Holzmacher, P.E.
Principal

Accepted by: _____

For: Inc. Village of Greenport

Date: _____

JRH:j

Encl.

p:\2016\grptv\16-03 stp retaining wall\billing & resolution\drainage\stp drainage improvements.doc

VILLAGE OF GREENPORT

Budget Adjustment Form

Year: 2021 Period: 1 Trans Type: B2 - Amend Status: Batch
Trans No: 4764 Trans Date: 01/11/2021 User Ref: ROBERT
Requested: P. PALLAS Approved: Created by: ROBERT 01/11/2021
Description: TO APPROPRIATE RESERVES TO FUND ENGINEERING SERVICE COSTS FOR
THE WASTEWATER TREATMENT PLANT DRAINAGE IMPROVEMENT PROJECT
Account # Order: No
Print Parent Account: No

Account No.	Account Description	Amount
G.5990	APPROPRIATED FUND BALANCE	46,446.00
G.8130.402	MAINT PUMP STATION..	46,446.00
Total Amount:		<u>92,892.00</u>

VILLAGE OF GREENPORT

Budget Adjustment Form

Year: 2021 Period: 1 Trans Type: B1 - Transfer Status: Batch
Trans No: 4765 Trans Date: 01/11/2021 User Ref: ROBERT
Requested: W. MANWARING Approved: Created by: ROBERT 01/11/2021
Description: PER VBR # 11-2020-4, FUNDING OF FIRE DEPARTMENT TRAINING SERVICES
Account # Order: No
Print Parent Account: No

Account No.	Account Description	Amount
A.3410.412	FIRE.REPAIR & MAINT - BUILD..	-10,500.00
A.3410.402	FIREFIGHTER TRAINING..	10,500.00
Total Amount:		<u>0.00</u>

VILLAGE OF GREENPORT

Budget Adjustment Form

Year: 2021 Period: 1 Trans Type: B2 - Amend Status: Batch
 Trans No: 4766 Trans Date: 01/12/2021 User Ref: ROBERT
 Requested: A. HUBBARD Approved: Created by: ROBERT 01/12/2021
 Description: TO APPROPRIATE RESERVES TO FUND THE 3 YEAR SERVICE AGREEMENT
 FOR THE WWTP UV SYSTEM Account # Order: No
 Print Parent Account: No

Account No.	Account Description	Amount
G.5990	APPROPRIATED FUND BALANCE	9,450.00
G.8130.201	EQUIPMENT / SECONDARY TREATMENT..	9,450.00
Total Amount:		18,900.00

	Per 1/2 day	Per Full Day	Nights Weekends Hourly Rate
Laborer ¹	\$ <u>225</u>	\$ <u>450</u>	\$ <u>50</u>
Backhoe with operator	\$ <u>550</u>	\$ <u>1100</u>	\$ <u>275</u>
Bulldozer with operator	\$ <u>550</u>	\$ <u>1100</u>	\$ <u>275</u>
Dump Truck with operator	\$ <u>350</u>	\$ <u>700</u>	\$ <u>150</u>
Materials and Disposals ²			\$ <u>25</u> % Above cost

1. Please indicate number of laborers available 2

2. Invoices from suppliers are required before payment will be authorized.

Company Name: Stanley F. Skreze
 Address: 50 Gull Pond Lane
Greenport, N.Y. 11944
 Phone No.: 631-477-1822

Authorized Signature: Please type or print name and title:

Name: Stanley F. Skreze

Signature: Stanley F. Skreze

Title: SOLE PROPRIETOR

Date: 1/4/2021

BID FORM

REMOVAL AND DISPOSAL OF SNOW AS REQUIRED
ON VILLAGE STREETS -2021

Village of Greenport
236 Third Street
Greenport, New York 11944

Name of Bidder: Stanley F. Skreze
 Address of Bidder: 50 Gull Pond Lane, Greenport, N.Y.
 Signature: Stanley F. Skreze
 Signed By: Stanley F. Skreze III
 Title: sole proprietor
 Date: 1/4/21

REMOVAL AND DISPOSAL OF SNOW AS REQUIRED
ON VILLAGE STREETS - 2021

	1/2 day	Full Day
Dump Truck and Driver	\$ 350.00	\$ 700.00
Snow Removal Equipment and Operator	\$ 600.00 Per unit	\$ 1,100.00 per unit

ADOPTION RESOLUTION
HAZARD MITIGATION PLAN

Village of Greenport

Board of Trustees

236 Third Street, Greenport, NY, 11944

RESOLUTION

WHEREAS, the Village of Greenport, with the assistance of Tetrattech, has gathered information and prepared the Suffolk County Hazard Mitigation Plan; and

WHEREAS, the Suffolk County Hazard Mitigation Plan has been prepared in accordance with the Disaster Mitigation Act of 2000; and

WHEREAS, the Village of Greenport is a local unit of government that has afforded the citizens an opportunity to comment and provide input in the Plan and the actions in the Plan; and

WHEREAS, the Village of Greenport has reviewed the Plan and affirms that the Plan will be updated no less than every five years;

NOW THEREFORE, BE IT RESOLVED by the Village Board of Trustees that the Village of Greenport adopts the Suffolk County Hazard Mitigation Plan as this jurisdiction's Natural Hazard Mitigation Plan, and resolves to execute the actions in the Plan.

ADOPTED this 28th day of January 2021 at the regular meeting of the Board of Trustees.

(Mayor)

(Clerk)

Sylvia Pirillo

From: Paul Pallas
Sent: Friday, January 15, 2021 2:17 PM
To: George Hubbard; Jack Martilotta; Julia Robins; Mary Bess Phillips; Peter Clarke
Cc: Sylvia Pirillo
Subject: Suffolk County Hazard Mitigation Plan

Mayor/Board,

A resolution will be on this month's agenda to adopt the Suffolk County Hazard Mitigation Plan (HMP). This is a follow-up to the letter that was sent by the County and forwarded to the Board last September. There is one section of the HMP that deals specifically with Greenport. The entire report is quite voluminous, but the link to the Greenport section is here:

<https://fres.suffolkcountyny.gov/RESPOND/pdfs/draftHMP/Section%209.43%20-%20Village%20of%20Greenport.pdf>

If you any questions, please let me know.

Paul

Paul J. Pallas
Village Administrator
236 Third St.
Greenport, NY 11944
(631) 477-0248 (o)
(516) 351-5022(c)

BOARD OF TRUSTEES

VILLAGE OF GREENPORT

RESOLUTION ADOPTING LEAD AGENCY STATUS AND PRELIMINARILY TYPING
THE CONSIDERATION OF AN APPLICATION FOR AMENDMENT TO A STIPULATION
OF SETTLEMENT, AND OTHER RELIEF TO BE AN UNLISTED ACTION

WHEREAS the entity Sterling 123 LLC is the owner of a 1.72 acre parcel of land which is located along the south side of Sterling Avenue in the Village of Greenport, identified on the Suffolk County Tax Map as parcels numbered 1001-003-05-016.4 & 016.5 (hereinafter referred to as “the Property”); and;

WHEREAS 123 Sterling LLC, the predecessor in interest to the current owner Sterling 123 LLC, the Village of Greenport, the Zoning Board of Appeals of the Village of Greenport, and the Village Planning Board of the Village of Greenport in 2007 entered a stipulation resolving litigation between those parties (the “Stipulation”) which included certain conditions and relief; and

WHEREAS Sterling 123 LLC has now made an application to the Board of Trustees of the Village of Greenport, the Greenport Village Planning Board and the Zoning Board of Appeals of the Village of Greenport to amend that Stipulation and for other relief from the Board of Trustees, the Zoning Board of Appeals and the Village Planning Board (the “Boards”); and

WHEREAS the Boards are considering the application to amend the Stipulation and for other relief and the Board of Trustees is an involved party in that consideration and the Board of Trustees is duly empowered to take certain actions regarding SEQRA; it is therefore

RESOLVED that the Board of Trustees of the Village of Greenport hereby adopts lead agency status for purpose of SEQRA regarding the application of Sterling 123 LLC for an amendment of the Stipulation of Settlement and other relief; and it is further

RESOLVED that the Board of Trustees hereby further determines that the consideration of the application of Sterling 123 LLC is an Unlisted Action for purposes of SEQRA.