



Third Street  
Greenport NY  
11944

Tel: (631)477-0248  
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**MAYOR**  
**DAVID NYCE**  
Ext. 215

**TRUSTEES**  
GEORGE HUBBARD JR.  
DEPUTY MAYOR

DAVID MURRAY

MARY BESS PHILLIPS

JULIA ROBINS

**CLERK**  
SYLVIA LAZZARI PIRILLO  
Ext. 206

**TREASURER**  
CHARLENE KAGEL, CPA  
Ext. 217

**VILLAGE ADMINISTRATOR**  
DAVID ABATELLI  
Ext. 209

**DIRECTOR OF UTILITIES**  
JOHN W. NAYLOR, JR., P.E.  
Ext. 202

April 22, 2013 at 6:00 PM  
Board of Trustees – Regular Meeting  
Firehouse

**PLEDGE OF ALLEGIANCE**

**MOMENT OF SILENCE**

- Richard T. Johnson
- Beatrice E. Claudio
- Juan (John) Arroyo
- Emanuel "Manny" Kontokosta

**ANNOUNCEMENTS**

- Perry Day Care Center is seeking funding, and is in desperate need. We ask that anyone with the means to assist please contact the Perry Day Care Center directly.
- The Annual Village Arbor Day ceremony will be held this year on May 23<sup>rd</sup> at 10 a.m. at the Fifth Street Beach.
- The brush pick-up start date was April 16<sup>th</sup>.
- Please check the Village and BID websites for upcoming Memorial Day activities and events.
- The Tree Committee, in the ongoing planting of trees, has some trees that have not yet been designated. If you wish to have one planted in front of your home, please contact Village Hall at: 477-0248.

**PUBLIC INTEREST**

- It is important to create a Fire Safety program for your family. Please be sure to check the batteries in your smoke and CO detectors.
- Please be sure that your house is properly numbered outside, so that emergency personnel can easily locate your home, if needed.

**LIQUOR LICENSE APPLICATIONS**

- Chen's Fusion Corporation, d/b/a Front Street Sushi, at 45 Front Street.

**PUBLIC HEARINGS**

- Chapter 132 – Parking on Sterling Street

**PRESENTATION**

**PUBLIC TO ADDRESS THE BOARD**

**BOARD DISCUSSION**

**REGULAR AGENDA**

**CALL TO ORDER****RESOLUTIONS****RESOLUTION # 04-2013-1**

RESOLUTION adopting the April 2013 agenda as printed.

**RESOLUTION # 04-2013-2**

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

**RESOLUTION # 04-2013-3**

RESOLUTION ratifying the following, as approved at the April 15, 2013 work session meeting of the Board of Trustees:

RESOLUTION authorizing Mayor Nyce to sign the Worksite Memorandum of Understanding between the Village of Greenport and the Suffolk County Department of Labor, Licensing and Consumer Affairs.

**RESOLUTION # 04-2013-4**

RESOLUTION approving the payment schedule as proposed by the Greenport Fire Department to reimburse Member Jerome Martocchia for the successful completion of Paramedic training classes, at \$ 1,120.00 per year for five years, to be expensed from line item number A.3410.455 (EMS Training).

**RESOLUTION # 04-2013-5**

RESOLUTION authorizing Treasurer Kagel to perform the attached budget adjustments.

**RESOLUTION # 04-2013-6**

RESOLUTION to close the budget hearing that was opened on April 8, 2013.

**RESOLUTION # 04-2013-7**

RESOLUTION to approve the 2013/2014 tentative budget as proposed.

**RESOLUTION # 04-2013-8**

RESOLUTION authorizing the attendance of Clerk Pirillo and Deputy Clerk Oddon at the SCVOA Zoning and Planning Training seminar from 5:30 p.m. – 9:30 p.m. on May 15, 2013 in Riverhead, New York, at a cost of \$55.00 per person, plus any applicable travel costs, to be expensed from line item number A.1410.400, (Clerk Contractual Expense) and further authorizing the attendance of six to eight Zoning and Planning Board members and up to three staff members, to be expensed from the appropriate corresponding line item numbers.

**RESOLUTION # 04-2013-9**

RESOLUTION awarding the vendor contract for the video recording and audio taping of the monthly Village Board of Trustees' meetings, as well as other meetings as required, to Webster Productions, Inc. per the proposal as submitted, and as opened on March 1, 2013.

**RESOLUTION # 04-2013-10**

RESOLUTION to schedule a public hearing for May 28, 2013 at 6:00 p.m. at the Third Street Firehouse, and directing Clerk Pirillo to notice accordingly, for the Wetlands Permit Application as submitted by Nancy Louise Pope of 8 Sandy Beach Road (a/k/a 106 Beach Street) for a new foundation and the raising of the building, as well as the rebuild of damaged parts of the structure and the reconstruction of the front and rear decks, and the construction of a new addition of approximately 60 square feet in size.

**RESOLUTION # 04-2013-11**

RESOLUTION directing the Conservation Advisory Council to meet regarding the Wetlands Permit Application as submitted by Nancy Louise Pope, and to submit the corresponding report to The Board of Trustees by May 20, 2013.

**RESOLUTION # 04-2013-12**

RESOLUTION authorizing the Village of Greenport Tree Committee to solicit bids for the removal of trees and tree stumps, including the removal of one stump at the Fifth Street Beach, which is to be expensed from the Parks line item.

**RESOLUTION # 04-2013-13**

RESOLUTION authorizing the attendance of Village Clerk Pirillo and Village Administrator Abatelli at the Suffolk County Academy of Law "Law in the Workplace" Conference on June 7, 2013 in Hauppauge, New York. The \$150.00 fee for Clerk Pirillo is to be expensed from line item number 1410.400 (Clerk Contractual) and the \$175.00 fee for Village Administrator Abatelli is to be expensed from line item number R.7020.407 (Miscellaneous Expense).

**RESOLUTION # 04-2013-14**

Motion to approve and authorize Mayor Nyce to execute Change Order No. 6C, at a cost of \$4,881.00, for the installation of a fire-rated door at the Power Plant entrance to the transformer area.

**RESOLUTION # 04-2013-15**

RESOLUTION to accept with regret the resignation of Devin Justman from the Village of Greenport Utilities Department, effective April 12, 2013.

**RESOLUTION # 04-2013-16**

RESOLUTION to authorize Director of Utilities Naylor to begin the process of hiring an Engineering Aide, including posting of the open position, and canvassing of the corresponding Civil Service list.

**RESOLUTION # 04-2013-17**

RESOLUTION hiring current part-time Parks employee Michael Flora as a full-time Laborer in the Road Department at a pay rate of \$ 14.00 per hour for forty hours per week, effective April 24, 2013. This hiring includes the requisite six-month probationary period, as well as all applicable benefits.

**RESOLUTION # 04-2013-18**

RESOLUTION authorizing the renewal of the outside contractor agreement between Kathleen ("Kate") Mc Dowell and the Village of Greenport, to be effective April 1, 2013; for the management of McCann Campground, with the same terms and conditions as the existing agreement [for the 2012 season] between Kathleen McDowell and the Village of Greenport.

**RESOLUTION # 04-2013-19**

RESOLUTION amending Resolution # 2-2013-16 from the February 2013 regular meeting of the Board of Trustees, to allow for an expenditure of \$ 4,335.00 for the removal of trees at Greenhill Cemetery.

**RESOLUTION # 04-2013-20**

RESOLUTION authorizing Village Clerk Pirillo to sign and execute the annual Village Marine Pump-out Station agreement between the Village of Greenport and the Town of Southold.

**RESOLUTION # 04-2013-21**

RESOLUTION adopting the attached SEQRA resolution regarding the proposed Local law of 2013 creating Chapter 118 of the Village of Greenport Code - Sub-Division and Merger of Land, adopting lead agency status, determining the adoption of the local law to be an unlisted action, determining that the adoption of the local law will not have a significant impact on one or more aspects of the environment and adopting a negative declaration for purposes of SEQRA, as stated in the attached resolution.

**RESOLUTION # 04-2013-22**

RESOLUTION adopting the proposed Local Law of 2013 as attached creating Chapter 118 of the Village of Greenport Code - Sub-Division and Merger of Land.

**RESOLUTION # 04-2013-23**

RESOLUTION adopting the attached SEQRA resolution regarding the proposed Local law of 2013 amending Chapter 115 of the Village of Greenport Code - Streets and Sidewalks, adopting lead agency status, determining the adoption of the local law to be an unlisted action, determining that the adoption of the local law will not have a significant impact on one or more aspects of the environment and adopting a negative declaration for purposes of SEQRA, as stated in the attached resolution.

**RESOLUTION # 04-2013-24**

RESOLUTION adopting the proposed Local Law of 2013 as attached amending Chapter 115 of the Village of Greenport Code - Streets and Sidewalks.

**RESOLUTION # 04-2013-25**

RESOLUTION to schedule a Public Hearing for June 24, 2013 at 6:00 p.m. at the Third Street Firehouse regarding a proposed local law creating Chapter 103, of the Village of Greenport Code - Rental Regulations for Residential Properties.

**RESOLUTION # 04-2013-26**

RESOLUTION ending the moratorium on sub-divisions, to be effective upon the filing of local law # \_\_\_\_\_ of 2013 regarding Sub-Division and Merger of Land with the New York State Department of State.

**RESOLUTION # 04-2013-27**

RESOLUTION approving the attached bond resolution in the amount of \$ 330,663.00, and amending Resolution # 01-2013-6 from the January 28, 2013 regular meeting of the Board of Trustees.

**RESOLUTION # 04-2013-28**

RESOLUTION that the Village of Greenport authorizes and appropriates a minimum of 10% local match as required by the Green Innovation Grant Program (GIGP) for the GIGP project Wastewater retention program. Under the GIGP program, this local match must be at least 10% of the total actual project costs. The source of the local match, and any amount in excess of the match, shall be general fund and in-kind services. The maximum local share shall not exceed \$ 42,862.00 based upon a total estimated maximum project cost of \$ 330,663.00. The Mayor of the Village of Greenport may increase this local match through the use of in-kind services without further approval from the Village of Greenport.

**RESOLUTION # 04-2013-29**

RESOLUTION that the Board of Trustees of the village of Greenport hereby adopts Lead Agency status, and determines that the proposed NYS EFC GIGP Wastewater Retention Project will not have a significant adverse effect on the environment for the reasons set forth in the attached Notice of Determination of Non-Significance, and will not have a significant negative impact on the environment in that the action; will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area; will not result in the creation of a material conflict with a community's current plans or goals, will not result in the creation of a hazard to human health, will not result in a substantial change in land use, will not encourage or attract an additional large number of people to a place for more than a few days; will not result in the creation of a material demand for other actions, will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant, or two or more related actions each of which is not significant but when reviewed together are significant.

**RESOLUTION # 04-2013-30**

RESOLUTION that the Board of Trustees of the Village of Greenport as Lead Agency hereby adopts a Negative Declaration for purposes of SEQRA with respect to the NYSEFC GIGP wastewater retention grant and project.

**RESOLUTION # 04-2013-31**

RESOLUTION approving a payment in the amount of \$ 55,000.00 to the Suffolk County Supreme Court related to the Amer condemnation action.

**RESOLUTION # 04-2013-32**

RESOLUTION to set aside monies from Fund Balance to overhaul the Carousel unit, from Capital Improvements and Repairs.

**RESOLUTION # 04-2013-33**

RESOLUTION appointing Devin McMahon to the Village of Greenport Planning Board, effective immediately, to fill the balance of the term of Julia Robins, which expires on April 2, 2015.

**RESOLUTION # 04-2013-34**

RESOLUTION accepting the request for a leave of absence as submitted by Nathan Phillips, to be effective April 24, 2013.

**RESOLUTION # 04-2013-35**

RESOLUTION approving all checks per the Voucher Summary Report dated April 18, 2013], in the total amount of \$795,337.81 Consisting Of:

- All regular checks in the amount of \$305,156.35, and
- All prepaid checks (including wire transfers) in the amount of \$490,181.46.

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2013    Period: 4                          Trans Type: B1 - Transfer                          Status: Batch  
 Trans No: 760    Trans Date: 04/18/2013                          User Ref: ROBERT  
 Requested: S. PIRILLO                          Approved:                          Created by: ROBERT    04/18/2013  
 Description: TO COVER ADDITIONAL COSTS FOR LABOR COUNCIL

Account # Order: No  
 Print Parent Account: No

Account No.	Account Description	Amount
A.1420.401	LABOR COUNSEL..	3,500.00
A.1410.400	CLERK.CONTR EXP..	-3,500.00
<b>Total Amount:</b>		<u><u>0.00</u></u>



## VILLAGE OF GREENPORT

### Budget Adjustment Form

Year: 2013	Period: 4	Trans Type: B1 - Transfer	Status: Batch
Trans No: 759	Trans Date: 04/15/2013	User Ref: ROBERT	
Requested: W. MANWARING	Approved:	Created by: ROBERT	04/15/2013
Description:			Account # Order: No
			Print Parent Account: No

Account No.	Account Description	Amount
A.3410.458	FIRE.MEDICAL EXAMS..	-9,000.00
A.3410.412	FIRE.REPAIR & MAINT - BUILD..	9,000.00
<b>Total Amount:</b>		<b>0.00</b>

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year:	2013	Period: 4	Trans Type: B2 - Amend	Status: Batch
Trans No:	758	Trans Date: 04/11/2013	User Ref: ROBERT	
Requested: C. KAGEL	Approved:	Created by: ROBERT		04/11/2013
Description: TO FUND RETIREMENT OF STIRLING BULKHEAD BAN DUE TO LACK OF BIDS FOR RENEWAL. AMOUNT TO BE REPLENISHED IN 2013-14 BUDGET				Account # Order: No
				Print Parent Account: No

Account No.	Account Description	Amount
A.9730.660	BAN PRINCIPAL..	25,000.00
A.3905	TRANS-RESERVES	-25,000.00
<b>Total Amount:</b>		<b>0.00</b>

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year:	2013	Period:	4	Trans Type:	B1 - Transfer	Status:	Batch
Trans No:	757	Trans Date:	04/11/2013	User Ref:	ROBERT		
Requested:	S. PIRILLO	Approved:		Created by:	ROBERT		04/11/2013
Description:	TO FUND ELECTION PERSONNEL SERVICES					Account # Order:	No
						Print Parent Account:	No

Account No.	Account Description	Amount
A.1450.400	ELECTION.CONTR SERV..	1,700.00
A.1410.200	CLERK.EQUIPMENT	-1,700.00
<b>Total Amount:</b>		<u>0.00</u>

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2013                                    Period: 4                    Trans Type: B1 - Transfer                    Status: Batch  
 Trans No: 756                                  Trans Date: 04/09/2013                    User Ref: ROBERT  
 Requested:                                    Approved:                    Created by: ROBERT                                  04/09/2013  
 Description: TO FUND ECO-ENERGY PARK PROPOSAL EXPENSE FOR SEWER FUND                    Account # Order: No  
 Print Parent Account: No

Account No.	Account Description	Amount
G.8130.404	SLUDGE REMOVAL..	-1,833.33
G.8110.411	MISCELLANEOUS EXPENSE..	1,833.33
	<b>Total Amount:</b>	<b>0.00</b>

# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2013 Period: 4 Trans Type: B1 - Transfer Status: Batch  
 Trans No: 755 Trans Date: 04/09/2013 User Ref: ROBERT  
 Requested: D. ABATELLI Approved: Created by: ROBERT 04/09/2013  
 Description: TO COVER RECREATION CENTER PAYROLL Account # Order: No  
 Print Parent Account: No

Account No.	Account Description	Amount
R.7180.100	MCCANN CAMPGROUND.LABOR..	-2,000.00
R.7311.400	ICE RINK.EXPENSE..	-3,000.00
R.7231.100	DOCKS.PERSONNEL..	-3,000.00
R.7312.100	CAROUSEL.LABOR..	-8,000.00
R.7120.100	RECREATION CENTER..	16,000.00
<b>Total Amount:</b>		<b>0.00</b>

BOARD OF TRUSTEES  
VILLAGE OF GREENPORT

RESOLUTION REGARDING SEQRA FOR A LOCAL LAW NO of 2013  
AMENDING CHAPTER 115 STREETS AND SIDEWALKS

WHEREAS a Local Law of 2013 amending Chapter 115 Streets and Sidewalks has been proposed for adoption by the Board of Trustees of the Village of Greenport, and;

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport and the Board of Trustees of the Village of Greenport with regard to SEQRA, and completed a short form EAF for purposes of SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the adoption of the proposed Local Law of 2013, and it is further

RESOLVED that the Board of Trustees hereby determines that this adoption of the proposed Local Law of 2013 is an Unlisted Action for purposes of SEQRA; it is further;

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the adoption of the proposed Local Law of 2013;

Will not have a significant negative impact on the environment in the action, and;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant, and that it is therefore;

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Draft August 16, 2012

LOCAL LAW NO.      OF THE YEAR 2013  
A LOCAL LAW AMENDING CHAPTER 115 STREETS AND SIDEWALKS  
OF THE  
GREENPORT VILLAGE CODE

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE  
INCORPORATED VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,  
Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Amendment of Chapter 115

3.0 Severability

1.1 Title.

This Local Law shall be entitled “Local Law of 2012 Amending Chapter 115,  
Streets and Sidewalks, of the Greenport Village Code.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State  
of New York, the Incorporated Village of Greenport, County of Suffolk and State of  
New York, hereby enacts by this Local Law of 2012, a Local Law of the Village of  
Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to ensure safe and reliable infrastructure and passage in the Village of Greenport and to protect the Village streets and sidewalks in the Village.

2.0 General Provisions.

2.1 Chapter 115 of the Greenport Village Code, Streets and Sidewalks, is hereby amended as follows:

A. Amendment to Section 115-2(A)

Section 115-2(A) is hereby amended to read as follows:

“No person shall encumber the streets or public grounds of the village with any material or thing whatsoever except where there is an exemption of this provision or where a prior approval has been granted by the Village.

B. Amendment of Section 115-13A.

Section 115-13A is hereby amended to read as follows:

“A. Any contractor, individual, corporation, privately owned utility, municipally owned utility, state agency, county agency or municipal agency is required to obtain a road opening permit from the Village of Greenport to make any road opening or sidewalk opening or work in the Village of Greenport.”

C. Amendment of Section 115-13B

Section 115-13B is hereby amended to read as follows:



“B. A road opening permit shall be obtained from the Director of Utilities, Village Clerk, or the authorized representative of the Director of Utilities not less than forty-eight hours prior to commencement of work on the road or sidewalk.”

D. Amendment of Section 115-13D.

Section 115-13D is hereby amended to read as follows:

“D. Liability insurance. Any road opener applying for a road opening permit shall be required to present proof of workers compensation insurance and general liability insurance in the amount of not less than one million dollars (\$1,000,000) which general liability policy shall name the Village of Greenport as additional insured and which shall provide coverage for any injury or damage to any person, property, and or vehicle that may result from the road opening.”

E. Amendment of Section 115-13E.

Section 115-13E is hereby amended to read as follows:

“E. Bond. At the time of the issuance of a road opening permit, the applicant shall post a bond or certified check payable to the Village of Greenport with the Village Clerk in the amount of one thousand dollars (\$1,000) for a sidewalk opening and five thousand dollars (\$5,000) for a street opening to insure the restoration of any site to its original or better condition,. Where the road opening is measured to be greater than twenty-five feet, the restoration bond rate shall be two hundred dollars (\$200) per linear foot. “

F. Amendment of Section 115-13G

Section 115-13G is hereby amended to read as follows:

“G. Restoration. All roads, curbs, sidewalks, grass mowing strips, grass

areas and parks shall be restored to the specifications of the Director of Utilities. In the event that the work is not satisfactory to the Director of Utilities, the road opener shall forfeit the posted bond or certified check.”

G. Amendment to Section 115-13H.

Section 115-13H is hereby amended to read as follows:

“G. Completion of work. All Road openings and restoration work shall proceed in a timely fashion. Road surfaces shall be restored within forty-eight hours of completion of work, all concrete curbs and sidewalks shall be restored within ninety-six hours of the completion of work. Grass areas shall be restored within one (1) week of completion of work. The Director of Utilities will be the individual to determine timely fashion, however, the Director of Utilities may extend the above time limits for a reasonable period due to season of year, weather or other conditions. “

H. Amendment to Section 115-13I

Section 115-13I is hereby amended to read as follows:

“I. Maintenance and protection of traffic. Any road opener who commences work on village roads or sidewalks will be responsible for the maintenance and protection of all vehicles and pedestrians with all flagmen, signage, safety devices and warning devices supplied by the road opener. The Director of Utilities will be the individual to determine adequate maintenance and protection of traffic.

I. Amendment to Section 115-13J

Section 115-13J is hereby amended to read as follows:

“J. Curb cuts and driveway openings. Any curb cut or driveway opening proposed in the Village of Greenport onto a street owned by the Village of Greenport will

be considered a road opening and will be granted only upon the approval of the Greenport Village Planning Board and the Greenport Village Board of Trustees.”

J. Amendment to Section 115-13K

Section 115-13K is hereby amended to read as follows:

“K. Concrete sidewalks. Any alterations to existing sidewalks will be considered a road opening. All alterations to existing sidewalks shall be done to the specifications of the Director of Utilities.”

K. Amendment to Section 115-15

Section 115-15 is hereby amended to read as follows:

“115-15 Penalties for Offenses.

A. Any person committing an offense against any provision of this Article shall upon conviction be guilty of a violation pursuant to the Penal Law of the State of New York punishable by a fine not exceeding two hundred and fifty dollars (\$250) for the first offense in a twelve month period, one thousand dollars (\$1,000) for the second offense in a twelve month period, and two thousand five hundred dollars (\$2,500) for the third offense in a twelve month period.

B. Any person committing an offense against any provision of this Article shall be responsible to the Village of Greenport for all costs incurred by the Village in the restoration, correction, remedy or cure of the work done or not done plus an administrative fee of twenty-five percent (25%) in addition to the actual costs incurred by the Village to cover engineering, administrative and legal fees.

C. The remedy of a fine or penalty is not exclusive and the Village of Greenport may commence a civil proceeding seeking a judgment for the costs and

Draft August 16, 2012

expenses of the Village or for injunctive or mandamus relief to stop work or mandate the correction or completion of work and the road opener in that even shall be liable to the Village “

### 3.0 Severability

In the event that any section or provision of this local law shall be deemed to be invalid, the remaining portions of the local law shall remain in full force and effect.

BOARD OF TRUSTEES  
VILLAGE OF GREENPORT

RESOLUTION REGARDING SEQRA FOR A LOCAL LAW NO of 2013  
CREATING CHAPTER 118 SUBDIVISION AND MERGER OF LAND

WHEREAS a Local Law of 2013 creating Chapter 118 Subdivision and merger of land has been proposed for adoption by the Board of Trustees of the Village of Greenport, and;

WHEREAS the Board of Trustees of the Village of Greenport has duly considered the obligations of the Village of Greenport and the Board of Trustees of the Village of Greenport with regard to SEQRA, and completed a short form EAF for purposes of SEQRA, it is therefore;

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with regard to the adoption of the proposed Local Law of 2013, and it is further

RESOLVED that the Board of Trustees hereby determines that this adoption of the proposed Local Law of 2013 is an Unlisted Action for purposes of SEQRA; it is further;

RESOLVED that the Board of Trustees of the Village of Greenport hereby determines that the adoption of the proposed Local Law of 2013;

Will not have a significant negative impact on the environment in the action, and;

Will not result in a substantial adverse change in existing air quality, ground or surface water quality or quantity, traffic or noise levels, substantial increase in solid waste production, a substantial increase in potential for erosion, flooding, leaching or drainage problems, and;

Will not result in the removal or destruction of large quantities of vegetation or fauna, substantial interference with the movement of any resident or migratory fish or wildlife species, impacts on habitats, or other significant adverse impact on natural resources, impairment of a critical environmental area and;

Will not result in the creation of a material conflict with a community's current plans or goals, and;

Will not result in the creation of a hazard to human health, and;

Will not result in a substantial change in land use, and;

Will not encourage or attract an additional large number of people to a place for more than a few days, and;

Will not result in the creation of a material demand for other actions, and;

Will not result in changes in two or more elements of the environment, each of which is not significant but when reviewed together are significant two or more related actions each of which is not significant but when reviewed together are significant, and that it is therefore;

RESOLVED that a Negative Declaration is hereby adopted for purposes of SEQRA.

Draft November 16, 2012

LOCAL LAW NO.            OF THE YEAR 2013  
A LOCAL LAW CREATING CHAPTER 118 OF THE  
GREENPORT VILLAGE CODE  
SUBDIVISION AND MERGER OF LAND

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE  
INCORPORATED VILLAGE OF GREENPORT AS FOLLOWS:

Section 1.0 Enactment, Effective Date,  
Purpose and Definitions.

1.1 Title of Local Law

1.2 Enactment.

1.3 Effective Date.

1.4 Purpose and Intent of Local Law.

2.0 General Provisions

2.1 Creation of Chapter 118 Subdivision of Land

3.0 Severability

1.1 Title.

This Local Law shall be entitled “Local Law of 2012 Creating Chapter 118 of the  
Greenport Village Code Subdivision of Land.

1.2. Enactment.

Pursuant to Section 10 of the Home Rule Law and the Village Law of the State  
of New York, the Incorporated Village of Greenport, County of Suffolk and State of  
New York, hereby enacts by this Local Law of 2012, a Local Law of the Village of  
Greenport.

1.3. Effective Date.

This Local Law shall take effect on the filing of the approved Local Law with the Secretary of State of New York, which shall be within twenty (20) days after its approval by the Board of Trustees of the Incorporated Village of Greenport.

1.4 Purpose and Intent of Local Law.

The purpose and intent of this Local Law is to create regulations regarding the subdivision of land for the Village of Greenport, to provide for the proper and orderly subdivision of property where appropriate, review of subdivision applications and the orderly development of the Village of Greenport.

2.0 General Provisions.

2.1 Chapter 118 of the Greenport Village Code, Water, is hereby created to read as follows:

CHAPTER 118 SUBDIVISION AND MERGER OF LAND

118-1.0 Purpose and Intent; The purpose of these regulations is for the Board of Trustees to require every owner of real property in the Village who subdivides real property to seek and obtain the approval of the Planning Board for that subdivision and to file the map and record of the subdivision in the office of the County Clerk of Suffolk County. The regulations are intended to provide for the orderly growth and development of the Village and to assure the preservation of the environmental aesthetics and assets of the Village and the comfort, convenience, safety and health and welfare of the residents and property owners of the Village and their families and guests.

118-2.0 Authority; The Board of Trustees adopts these regulations pursuant to Article 7 of the New York State Village Law. The Planning Board of the Village of Greenport shall act with respect to the subdivision of real property and any other matter involving

subdivision as set forth in Article 7 of the New York State Village Law. Subdivision of real property for purposes of these regulations shall include lot line changes.

118-3.0 Sketch Plan; A person intending to subdivide real property shall file with the Village Clerk ten copies of a sketch plan at least 24 days prior to the next monthly public meeting of the Planning Board. A sketch plan is required in order to save time and expense in reaching a general agreement as to the form, layout and objectives of these regulations with respect to subdivisions. The sketch plan shall be based on tax map information or land survey and other available data, at a scale of not less than 200 feet to the inch, to enable the entire tract to be shown on one sheet. The sketch plan shall show (a) the location of the sections to be subdivided and the distance to the nearest street intersection. (b) All existing structures and other significant physical features, including contours at not more than ten (10) foot intervals in the subdivision. (c) The name of the landowner and applicant, and of any contiguous property held by the landowner seeking subdivision and the names of all adjoining property owners. (d) The tax map sheet, block and lot numbers, if available, or a signed survey. (e) All utilities available and all streets that are either proposed, mapped or built. (f) The proposed lots, including typical lot width and depth, street layout, recreation areas, methods of drainage, sewerage and water, electric and communications supply within the subdivided area. (g) All existing restrictions on the use of land, including easements, covenants or zoning district lines and zoning districts.

118-4.0 Consideration of Sketch Plan; The sketch plan shall be considered by the Planning Board at a public meeting which shall be within sixty (60) days of the receipt of a complete sketch plan by the Village Clerk. The Village Clerk shall publish a public notice of the meeting at least ten (10) days prior to the date of the meeting, and the applicant shall send a copy of the public notice to the owners of the properties that are adjacent to the tract that is to be



subdivided by certified mail, return receipt requested. The applicant shall also post a poster board public notice of the application on the property as also provided in Section 8.0 of this Chapter. The Planning Board shall consider the sketch plan at the public meeting and shall provide the applicant with comments regarding the sketch plan which shall be incorporated in the preliminary plat for the subdivision.

118-5.0 Preliminary Plat; The applicant shall submit ten (10) copies of the preliminary plat to the Village Clerk. The plat shall be clearly marked "Preliminary Plat" and shall reflect all applicable requirements in accordance with these regulations and the Village Zoning Code. The submission of a preliminary plat shall consist of (a) Completed application for preliminary plat approval (b) Ten copies of the preliminary plat. (c ) Preliminary drainage designs and street profiles. (d) Completed Environmental Assessment form. The preliminary plat application and materials must be submitted not less than fifteen days prior to the date of the next public Planning Board meeting.

118-6.0 Preliminary Plat Information; The preliminary plat shall be prepared by an engineer or a licensed land surveyor as follows; (a) The sheet size must be either 18 inches by 20 inches or 36 inches by 20 inches, drawing stamped and or certified by a licensed architect, engineer or surveyor, with scaled dimensions and careful lettering, using uppercase letters at a minimum height of 1/8 inch, and the scale of the drawing shall be not more than 100 feet to the inch and shall be a common engineering scale and contain a title block with the name of the proposed subdivision, name of the applicant, name and address of the surveyor, total acres, number of proposed lots, zoning districts, and indicated the term preliminary plat. (b) The plat must show the date of the original preparation and of each subsequent revision, and certification that the topography shown resulted from an actual survey. (c) Key maps at scales of 600 and

1,000 feet to the inch indicating proposed and surrounding streets, and any municipal boundary, park, public property within 500 feet of the premises. (d) Approximate boundaries and owners of adjacent properties. (e) Zoning district boundary lines if any. (f) topographic contours at two foot intervals and mean elevation of property. (g) Existing site conditions including streets, right of ways, all drainage structures, utility structures, wetlands, land subject to flooding, designated flood zones, dunes, mean high water, test hole data, proposed site conditions and streets, drainage plans, and lot layouts including lot lines and dimensions to the nearest foot, approximate area of each lot in square feet, easements and restricted areas, identification of lots and parcels to be offered for dedication.

118-7.0 Considerations for Approval or Disapproval; In the review of an application for subdivision approval the Planning Board shall consider the impact of the subdivision on public health, safety and welfare, the impact on the neighbors, community and adjacent properties, traffic, views, and other environmental considerations, the preservation of the aesthetic assets of the Village, and the impact on utilities, and emergency and other services that are provided by the Village. The Planning Board may disapprove an application based on a determination that the subdivision will likely result in a significant negative impact on public health, safety or wellbeing, or one of the other criteria, or the Planning Board may impose reasonable conditions to limit that impact, if possible.

118-8.0 Hearing on the Preliminary Plot Plan; The Planning Board at a public meeting shall set the public hearing date on the preliminary plat. The Village Clerk shall cause to be published a public notice of the public hearing not less than ten (10) days prior to the hearing. The applicant shall mail a copy of the public notice to each adjoining property owner as indicated on the last available tax roll by certified mail return receipt requested not less than ten

days prior to the date of the public hearing and shall provide proof of that mailing at the commencement of the public hearing. The applicant shall also not less than ten days prior the public hearing post a poster board public notice of the application which shall be posted in a conspicuous place on the subject property. The Planning Board shall approve, disapprove or approve with modifications the preliminary plat within sixty-two (62) days after the close of the public hearing, unless the time period is extended by mutual consent by the applicant and the Planning Board or unless such time period is extended by applicable law. An approval of a preliminary plat shall automatically expire unless a proper application for the approval of a final plat has been submitted to the Planning Board within six months of the approval of the preliminary plat. The Planning Board may extend the six month period for one additional six month period on the written request of the applicant provided the request was filed with the Village Clerk prior to the expiration of the six month period.

118-9.0 Final Plat; A final plat and supporting material for a subdivision shall be submitted to the Planning Board and shall consist of an application for final plat approval, the final plat signed and approved by the Suffolk County Department of Health, at least five paper prints, the final drainage and walkway plan, offers of dedication of all properties, walkways, right of ways, easements, drainage easements or structures, to be conveyed to the Village. In the event that a walkway is to be constructed and dedicated the applicant shall post a performance bond in an amount to be determined by the Village. If the subdivision requires referral to the Suffolk County Planning Commission there the notice of the referral and approval shall be provided.

118-10.0 Approval of Final Plat; If the Planning Board deems the final plat to be in substantial agreement with the approved preliminary plat, the Planning Board shall conditionally

approve with or without modifications or deny such final plat within sixty-two (62) days after the receipt of the final plat. This time may be extended by agreement of the applicant and the Planning Board. If the Planning Board deems the final plat to not be in substantial agreement with the approved preliminary plat the Planning Board shall conduct a public hearing on the final plat within sixty-two (62) days of the receipt of the final plat, and shall thereafter either approve with modification or disapprove the final plat within sixty-two (62) days of the public hearing. If the final plat is conditionally approved the applicant shall carry out the following steps prior to obtaining the signature of the Planning Board Chairperson or Mayor constituting final approval of the final plat; (a) Make all required corrections or modifications to the satisfaction of the Planning Board. (b) Deliver to the Planning Board a deed suitable for recording, together with a certificate of title and release of mortgage, for the required parkland dedication or pay the fee in lieu thereof. (c) Submit two opaque cloth copies for signature and one tracing cloth mylar copy. (d) Submit a performance bond if required. The Planning Board approval of the final plat shall not be deemed to be an acceptance by the Village of any walkway or other land to be offered for decision to public use. The signature of the Planning Board Chairperson or Mayor shall expire sixty-two (62) days after the date of the signature unless the final plat shall have been filed in the office of the Suffolk County Clerk or the date for such filing has been extended by the Planning Board. Expiration shall require payment of a new subdivision fee and a new public hearing.

118-10.0 Contribution Pursuant to Village Law Section 7-725; Village Law Section 7-725 provides for the dedication of parkland or payment of a fee in lieu thereof. The Planning Board shall have the authority to impose the requirements of that section, and that requirement shall be applied by the Planning Board as the Planning Board in its sole discretion deems appropriate and in the best interests of the Village.

118-12.0 Lot Line Change; A lot line change, that is the change of the location of a boundary between two existing lots, the final result of which will not cause the creation of a new lot, An application for a lot line change shall not require a sketch plan, and may be made initially as the submission of a preliminary plat. On a letter application to the Planning Board the Planning Board may consider the preliminary plat a final plat to expedite the approval process.

118-13.0 Planning Board Professional and other Fees. The applicant shall be responsible for all professional engineering, consulting and other fees that are incurred by the Planning Board as a result of the applicant's application. The Planning Board may require a deposit to be paid by the applicant at the time of the filing of the application to create a fund from which the fees for which the applicant is responsible will be paid by the Planning Board,

118-14.0 Applications and Fees; The Planning Board shall from time to time determine the applications and fees to be used in the subdivision process.

118-15.0 Merger or Combinations of Lots. Owners of lots or an owner of lots in the Village of Greenport shall be prohibited from combining or merging two or more of those lots.

118-16.0 Severability; In the event that one or more sections of this Chapter should be determined to be void or unenforceable the remaining sections of this Chapter shall remain in full force and effect.

RESOLUTION OF THE VILLAGE OF GREENPORT, NEW  
YORK, ADOPTED APRIL 22, 2013, AMENDING THE BOND  
RESOLUTION ADOPTED ON JANUARY 28, 2013

Recitals

WHEREAS, the Board of Trustees of the Village of Greenport, in the County of Suffolk, New York, has heretofore duly authorized the issuance of serial bonds to finance the construction of water quality improvements in the Village, including planning in connection therewith, consisting of the Fifth Street Park Project and the Manor Place Park Project, which will incorporate bioretention areas and porous pavement to treat roadway runoff, at the estimated maximum cost of \$319,779, which amount was appropriated for such purpose pursuant to the bond resolution adopted by said Board of Trustees on January 28, 2013; and

WHEREAS, the estimated maximum cost of said project, including preliminary costs and costs incidental thereto and the financing thereof, has now been determined to be \$330,663, and it is necessary and in the public interest to increase the appropriation for the project and to restate the amount of the Village's local share of the cost and the principal amount of bonds to be authorized;

Now, therefore, be it

RESOLVED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF GREENPORT, IN THE COUNTY OF SUFFOLK, NEW YORK (by the favorable vote of not less than two-thirds of all members of said Board of Trustees) AS FOLLOWS:

Section (A) The bond resolution of the Village of Greenport duly adopted by the Board of Trustees on January 28, 2013, entitled:

“Bond Resolution of the Village of Greenport, New York, adopted January 28, 2013, authorizing the construction of water quality improvements in the Village, stating the estimated maximum cost thereof is \$319,779, appropriating said amount for such purpose, and authorizing the issuance of \$319,779 serial bonds of said Village to finance said appropriation,”

is hereby amended to read as follows:

BOND RESOLUTION OF THE VILLAGE OF GREENPORT, NEW YORK, ADOPTED JANUARY 28, 2013 AND AMENDED APRIL 22, 2013, AUTHORIZING THE CONSTRUCTION OF WATER QUALITY IMPROVEMENTS IN THE VILLAGE; STATING THE ESTIMATED MAXIMUM COST THEREOF IS \$330,663; APPROPRIATING SAID AMOUNT FOR SUCH PURPOSE, INCLUDING THE VILLAGE'S LOCAL SHARE TO BE MET FROM IN-KIND SERVICES; AND AUTHORIZING THE ISSUANCE OF \$287,801 SERIAL BONDS OF SAID VILLAGE TO FINANCE THE BALANCE OF SAID APPROPRIATION

THE BOARD OF TRUSTEES OF THE VILLAGE OF GREENPORT, IN THE COUNTY OF SUFFOLK, NEW YORK, HEREBY RESOLVES (by the favorable vote of not less than two-thirds of all the members of said Board of Trustees) AS FOLLOWS:

Section 1. The Village of Greenport, in the County of Suffolk, New York (herein called the "Village"), is hereby authorized to construct water quality improvements in the Village, including planning in connection therewith, consisting of the Fifth Street Park Project and the Manor Place Park Project, which will incorporate bioretention areas and porous pavement to treat roadway runoff. The estimated maximum cost thereof, including preliminary costs and costs incidental thereto and the financing thereof, is \$330,663 and said amount is hereby appropriated for such purpose. The plan of financing includes the Village's use of in-kind services to meet the \$42,862 local share of the cost, the issuance of \$287,801 serial bonds of the Village to finance the balance of the appropriation, and the levy and collection of taxes on all



the taxable real property in the Village to pay the principal of said bonds and the interest thereon as the same shall become due and payable.

Section 2. Serial bonds of the Village in the principal amount of \$287,801 are hereby authorized to be issued pursuant to the provisions of the Local Finance Law, constituting Chapter 33-a of the Consolidated Laws of the State of New York (herein called the "Law"), to finance a part of the appropriation.

Section 3. The following additional matters are hereby determined and declared:

(a) The period of probable usefulness applicable to the object or purpose for which said bonds are authorized to be issued, within the limitations of Section 11.00 a. 3 of the Law, is thirty (30) years.

(b) The proceeds of the bonds herein authorized, and any bond anticipation notes issued in anticipation of said bonds, may be applied to reimburse the Village for expenditures made after the effective date of this resolution for the purpose for which said bonds are authorized. The foregoing statement of intent with respect to reimbursement is made in conformity with Treasury Regulation Section 1.150-2 of the United States Treasury Department.

(c) The proposed maturity of the bonds authorized by this resolution will exceed five (5) years.

Section 4. Each of the bonds authorized by this resolution and any bond anticipation notes issued in anticipation of the sale of said bonds shall contain the recital of validity as prescribed by Section 52.00 of the Law and said bonds, and any notes issued in anticipation of said bonds, shall be general obligations of the Village, payable as to both principal and interest by general tax upon all the taxable real property within the Village. The

faith and credit of the Village are hereby irrevocably pledged to the punctual payment of the principal of and interest on said bonds, and any notes issued in anticipation of the sale of said bonds, and provision shall be made annually in the budget of the Village by appropriation for (a) the amortization and redemption of the bonds and any notes in anticipation thereof to mature in such year and (b) the payment of interest to be due and payable in such year.

Section 5. Subject to the provisions of this resolution and of the Law and pursuant to the provisions of Section 21.00 relative to the authorization of the issuance of bonds with substantially level or declining annual debt service, Section 30.00 relative to the authorization of the issuance of bond anticipation notes and Section 50.00 and Sections 56.00 to 60.00 and 168.00 of the Law, the powers and duties of the Board of Trustees relative to authorizing bond anticipation notes and prescribing the terms, form and contents and as to the sale and issuance of the bonds herein authorized, and of any bond anticipation notes issued in anticipation of said bonds, and the renewals of said bond anticipation notes, and as to the execution of agreements for credit enhancements, are hereby delegated to the Village Treasurer, the chief fiscal officer of the Village.

Section 6. The validity of the bonds authorized by this resolution, and of any notes issued in anticipation of the sale of said bonds, may be contested only if:

- (a) such obligations are authorized for an object or purpose for which the Village is not authorized to expend money, or
- (b) the provisions of law which should be complied with at the date of the publication of such resolution are not substantially complied with,

and an action, suit or proceeding contesting such validity is commenced within twenty days after the date of such publication, or

- (c) such obligations are authorized in violation of the provisions of the constitution.

Section 7. This bond resolution is subject to a permissive referendum and the Village Clerk is hereby authorized and directed, within ten (10) days after the adoption hereof, to cause to be published, in full, in "*The Suffolk Times*," a newspaper having a general circulation within said Village and hereby designated the official newspaper of the Village for such publication, and posted in at least six (6) public places and in each polling place in the Village, a Notice in substantially the following form: