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

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Third Street Firehouse  
Greenport, New York

October 27, 2014  
6:00 P.M.

B E F O R E:

- DAVID NYCE - MAYOR
- GEORGE HUBBARD, JR. - TRUSTEE
- DAVID MURRAY - TRUSTEE
- MARY BESS PHILLIPS - TRUSTEE
- JULIA ROBINS - TRUSTEE
  
- JOSEPH PROKOP - VILLAGE ATTORNEY
- SYLVIA LAZZARI PIRILLO - VILLAGE CLERK
- PAUL PALLAS - VILLAGE ADMINISTRATOR

1 (Whereupon, the meeting was called to order  
2 at 6:00 p.m.)

3 MAYOR NYCE: Good evening. I will call  
4 this meeting to order. Please rise and join me  
5 for the Pledge of Allegiance.

6 (Whereupon, all stood for the Pledge of  
7 Allegiance.)

8 MAYOR NYCE: Please remain standing for a  
9 moment of silence for Lydya Buzio, Jack Levin,  
10 Bethzy Lopez, Florence "Dolly" LaRiviere, Angel  
11 Soto, Jr., Helen S. Wazlo.

12 (Whereupon, a moment of silence was  
13 observed.)

14 MAYOR NYCE: Thanks. You may be seated. I  
15 normally don't comment on that, but Jack Levin  
16 lived to be 105.

17 TRUSTEE PHILLIPS: Yes.

18 MAYOR NYCE: He had turned 105. And,  
19 unfortunately, the young lady listed right next  
20 to him was only seven years old, and had shown up  
21 to the shelter during, I believe it was, Irene.  
22 She had respiratory issues. It's a shame to see  
23 both ends of it on that one.

24 MS. PHILLIPS: Also, Florence "Dolly"  
25 LaRiviere also happened to be Florence "Dolly"

1 Mitchell.

2 MAYOR NYCE: Oh, okay.

3 TRUSTEE PHILLIPS: So she's the last of the  
4 Mitchell Family.

5 MAYOR NYCE: Oh, I didn't realize.

6 TRUSTEE PHILLIPS: That's Mitchell Park is  
7 named after.

8 MAYOR NYCE: Oh, okay.

9 TRUSTEE PHILLIPS: So I just wanted to --

10 MAYOR NYCE: Yeah.

11 TRUSTEE PHILLIPS: As I went to school with  
12 both her children, Patty and Remi, and I just  
13 wanted to express our condolences.

14 MAYOR NYCE: Absolutely. The last mosquito  
15 of the year is floating around my head.

16 (Laughter)

17 Under announcements, the first announcement  
18 I'd like to make is this past week, there was --  
19 we had some stormy weather here, but off of Point  
20 Judith, there was a tugboat that went down, and a  
21 fishing vessel from Greenport, the Merit,  
22 responded to the call and saved four crew members  
23 of that tugboat. So I'd like to commend the  
24 Captain and crew of the Merit for their heroic  
25 deed and wish them well.

1           The Carousel Committee is seeking  
2 volunteers to assist with the ongoing restoration  
3 of the Carousel, as well as with fundraising and  
4 various other projects. The next Carousel  
5 Committee meeting will be held on November 5th at  
6 10 a.m. at the Old Schoolhouse. Anybody --

7           TRUSTEE PHILLIPS: Mayor, if I could just  
8 interject on that a little bit. The Carousel  
9 Committee is a group that has in the last year  
10 taken on a lot of the care, and asked the Village  
11 to help with maintenance, which has been done  
12 gracefully by this Board and by Mr. Pallas. My  
13 understanding is that there was a review of the  
14 doors to see if we could make them lock much  
15 easier. The -- I'm not sure how to say it, I  
16 always mess it up, but the washer that years ago  
17 broke down and shut the Carousel down for months  
18 at a time, that maintenance program has been put  
19 into place. So this committee is very active and  
20 is looking for people who are really interested  
21 in getting their hands into doing something, so I  
22 just wanted to mention that.

23           MAYOR NYCE: Okay. Anyone that's  
24 interested could approach any Board member, you  
25 could stop by Village Hall, or any other

1 committee member as well and make your desire to  
2 join that committee known to us.

3 On November 10th and 11th at 12 p.m. --  
4 from 12 p.m. to 9 p.m., Skipper's will be hosting  
5 a Veterans Day Dinner for the benefit of the  
6 Greenport American Legion Hall. Individual  
7 tickets are \$20 each, and may be purchased from  
8 any Legion member, or by calling Peter Reiter at  
9 477-9729. This is for their ongoing fundraiser  
10 for the Burton Potter Post, which is coming along  
11 quite nicely, as I understand. They're getting  
12 ready to finish the floor. There won't be  
13 skating this winter, but they're hopeful for next  
14 winter. Their ongoing project needs funding.

15 Village Offices will be closed on  
16 November 11th in observance of Veterans Day.  
17 Brush pickup for that week has been changed to  
18 November 12th.

19 Under Public Interest, the Rental Permit  
20 Law will begin rolling out November 1st by  
21 quadrant. The Building Department has divided up  
22 the Village and its zoning map into six zones?

23 MR. PALLAS: I think six, yes.

24 MAYOR NYCE: We're starting with the  
25 smallest one first. The process is that people

1 that have rental properties that are known to us  
2 will be getting letters from the Village. You  
3 will then fill out the application. And the  
4 process from start to finish for each individual  
5 property should take anywhere from 30 to 60 days.  
6 We're doing quadrant by quadrant, so it's not  
7 inundated. We hope the whole thing to be fully  
8 implemented within eight months --

9 MR. PALLAS: Yes.

10 MAYOR NYCE: -- from November. If you have  
11 any questions, please don't hesitate to call  
12 Village Hall, either the Clerk's Office or the  
13 Building Department. We are anxious to help you  
14 through the process.

15 The next brush pickup is not scheduled for  
16 October 28th -- oh, it is. That's this week.  
17 Wow. I should read ahead on the agenda, sorry.  
18 The next brush pickup is tomorrow. If you don't  
19 have it out yet, anybody who's at the meeting now  
20 may want to run home, put the brush out and come  
21 back, we'll be here for a little while.

22 (Laughter)

23 We ask that you use the brown bags, the  
24 biodegradable bags. It's not a requirement,  
25 obviously, at this time, but we're asking that

1 people try it. It is helpful to us in that it  
2 keeps the leaves out of the storm drains. And  
3 we're looking to see if it's an overall  
4 beneficial use of the bags in the long-term.

5 Hurricane season is upon us. Please make  
6 the necessary preparations and develop a plan for  
7 you and your family. Detailed information for  
8 preparation is available on our website,  
9 [villageofgreenport.org](http://villageofgreenport.org). Southold Town has a  
10 website that also has information, and Suffolk  
11 County has a website as well. We encourage you  
12 to go to those sites and review them and be  
13 prepared. Hopefully, we get through hurricane  
14 season without it.

15 One more reminder. Village Board is still  
16 actively pursuing comments regarding the use of  
17 Mitchell Park and Mass Public Assembly Permits.  
18 Written comments can be e-mailed to the Village  
19 of Clerk at [spirillo@greenportvillage.org](mailto:spirillo@greenportvillage.org), or  
20 directly to Village Hall by mail at 236 Third  
21 Street. Also, comments can be heard during the  
22 public to address the Board portion of any  
23 Village meeting, which we are fast approaching  
24 here.

25 Liquor License Applications: There are two

1 renewal applications from Jim Kuhlmann of the  
2 Whiskey Wind.

3 That covers our announcements. There  
4 are -- for those interested, there are two  
5 additional resolutions not printed on the agenda.  
6 One is covering an hourly wage increase for an  
7 Assistant Coordinator at the After School Drop-in  
8 Program. The other one is awarding the bid for  
9 the purchase of a pumper truck for the Village of  
10 Greenport Fire Department, both of which were  
11 discussed at the work session. It took a little  
12 bit longer to get those prepared. They are  
13 prepared. Everyone's satisfied, and so those  
14 will be added onto the agenda at the -- we may do  
15 those at the beginning, but I'll ask the Board  
16 when we get there.

17 With that, we come to the Public Portion.  
18 I'll ask if there's anyone who wishes to address  
19 the Board?

20 MS. CAREY: Good evening. My name is Renee  
21 Carey. I live at 311 Fourth Street in Greenport.  
22 And in view of the fact that I understand you  
23 wouldn't have enough time to make out a  
24 proclamation for these wonderful seamen, I think  
25 I would just like to say something and timely,

1 with just a few days in between. Anyway, what  
2 they did was absolutely miraculous. Those four  
3 men are so lucky, and it was because their boat  
4 had drifted way off course, that when they got  
5 the mayday, they were close, that they could pick  
6 up these guys before the Coast Guard was there.

7 And we've been friends of Gary Detrick and  
8 we know the Sid Smith Family. I don't know the  
9 Nicholson Family. But I'm just here in behalf of  
10 a very grateful, proud Village, that three men  
11 would save four men in that unbelievable storm,  
12 and I think we all can be proud of that.

13 MAYOR NYCE: Absolutely.

14 MS. CAREY: And I also want to say, a few  
15 weeks ago, the Suffolk Times put a picture of our  
16 beautiful kids park out on the front page and  
17 said this is where all the trouble started with  
18 these four people. I don't think that's fair.  
19 The Suffolk Times likes to bash Greenport, and I  
20 don't think -- I don't know if anybody can do  
21 anything about it. It's freedom of the press,  
22 they do what they want. But they could have put  
23 a picture up of the four guys there, or they  
24 could have put a picture of where the whole thing  
25 ended, in Southold, but they pick our beautiful

1 park out here to say this is where it all  
2 started.

3 Okay. Thank you.

4 MAYOR NYCE: Thanks, Renee.

5 MR. ROBINSON: Thank you for your comments.

6 TRUSTEE HUBBARD: Thank you.

7 MAYOR NYCE: Does anyone else wish to  
8 address the Board?

9 MR. KEHL: Robert Kehl, 242 Fifth Avenue.

10 I just want to thank you because at the  
11 work session, you brought up about the R-2  
12 zoning, and we were kind of thinking we were  
13 being ignored for a while. And I apologize if I  
14 said something that there --

15 MAYOR NYCE: We moved just that quickly,  
16 Bob.

17 (Laughter)

18 MR. KEHL: Okay. All right. So I had a  
19 few ideas, and I kind of wrote them down, kind of  
20 wrote a letter out for you all here, and I want  
21 it to be entered into the record after, because  
22 last week was brought about Airbnbs and VRBOs.  
23 And you can usually spot the Airbnbs and VRBO  
24 houses in the Village, not because of the cars  
25 parked everywhere, but because the properties and

1 the houses are well maintained, if not  
2 immaculate. The people that rent these  
3 apartments and houses bring a lot of money to our  
4 area. They eat in our restaurants, shop in our  
5 stores, and visit our night spots, farm stands  
6 and venues. Most of these tenants are well  
7 behaved. But no matter how you screen them, you  
8 always get a couple of bad apples. This goes for  
9 any type of rental. The only good thing there is  
10 about these is it's only a short term. They  
11 themselves will get a bad review on the rental  
12 websites and others will be reluctant to rent to  
13 them again.

14 If managed well, these homes can be a great  
15 asset to our Village, and most -- because most of  
16 the hotels, motels and B & Bs have been booked  
17 solid. These apartments need to be inspected and  
18 registered with a yearly permit and a certificate  
19 showing how many occupants they can have in the  
20 house. If these homes are not in commercial  
21 zone, they should be owner occupied. This way  
22 the owners can help release their own property.

23 These accessory apartments should not  
24 exceed 800 square feet in the R-2 District.  
25 These homes aren't loaded with school -- loading

1       our school with children at \$18,000 per child per  
2       year. These houses usually pay more in taxes  
3       because of the improvements the owners have made  
4       to the properties, in turn, giving work to local  
5       lumber yards and contractors.

6               Then I get into the R-2 zoning. Accessory  
7       apartments in R-2: First, we need to place a  
8       moratorium on any two-family houses in the R-2  
9       District until we get this all figured out. What  
10       we would like to see is change the R-2 back to  
11       R-1, as there are currently 75 to 80% R-2  
12       properties in the Village. All preexisting  
13       two-family homes would remain. All applications  
14       for future two-family homes would have to go  
15       through both the Zoning Board and the Planning  
16       Boards first. This wouldn't be a guaranteed  
17       approval. The neighbors can object and it can be  
18       denied. Accessory apartments could not exceed  
19       800 square feet. All two-family homes would have  
20       -- have to be owner occupied. All accessory  
21       apartments would be considered preexisting  
22       nonconforming, and would lose their status if  
23       unoccupied for one year. Cottage housing under  
24       the proposed LWRP for substandard lots would  
25       never be allowed.

1 Existing two-family homes under the  
2 existing R-2 zoning are filling our schools with  
3 excessive amount of kids. Many of the homes they  
4 live in are very low school -- have very low  
5 school taxes and local taxes, thus dumping a  
6 large disproportionate part of the school taxes  
7 on other taxpayers of this Village.

8 We hear property values in the Village are  
9 going up, but they're not out of line with most  
10 of the surrounding areas. The Airbnbs keep our  
11 property values up, where most two-family and  
12 Section 8 housing in the R-2 drop our property  
13 values. When an abandoned house is purchased for  
14 200 to \$235,000, turned into a two-family home  
15 for 50 to 75,000 more, and rented, the property  
16 values in the neighborhood drop, or are forever  
17 locked in a position that doesn't increase the  
18 value. Realtors and buyers only look at the last  
19 purchase price in the neighborhood and the  
20 amounts -- amount of cars parked in the driveway  
21 and road, as well as the trash lying around.

22 Most of the people in the R-2 family homes,  
23 the Section 8 homes, don't join the Fire  
24 Department or Rescue Squads, or contribute in any  
25 way to the enhancement or improvement in the

1 Village of Greenport, but they take all they can  
2 get from it. I believe, where possible, there  
3 should be requirements for that also.

4 Damage to most apartments in the Village  
5 are up to the landlords to pay for, as the North  
6 Fork Housing Alliance supplies its tenants with  
7 attorneys free of charge to get the security  
8 back, even if the damage is extensive. With that  
9 said, who in their right mind would want to rent  
10 to people if they have no recourse. The  
11 apartments get more and more rundown until the  
12 owners just abandon them.

13 I believe that if many of what I have read,  
14 if not all, is done, we can help the Village of  
15 Greenport. We also need strict enforcement of  
16 rental laws, as well as strict enforcement in the  
17 amount of people in each apartment. Thank you.

18 MAYOR NYCE: Thanks. You were going to  
19 present that to the Clerk as well?

20 MR. KEHL: What's that?

21 MAYOR NYCE: The letter, you were going to  
22 present the letter to the Clerk as well for the  
23 record?

24 MR. KEHL: Yes.

25 MAYOR NYCE: Sylvia, can you make sure that

1 that gets forwarded to the Code Committee, as the  
2 Code Committee picks up this issue?

3 MR. ROBINSON: Mr. Kehl, just one question  
4 for the record. You do operate an Airbnb. I've  
5 seen your ad.

6 MR. KEHL: Yes.

7 MR. ROBINSON: Yes, you do, okay.

8 MR. KEHL: It's a commercial property, too.

9 MR. ROBINSON: Yeah, okay.

10 MAYOR NYCE: For those that may not be  
11 aware at all, I'm assuming that's not the case,  
12 at the work session, we discussed both -- there  
13 had been some issues, particularly on Fifth  
14 Avenue. So the idea came up to look at the  
15 overall zoning of the Village.

16 A bunch of years back, 12 to 14 years back,  
17 they changed the zoning. There was R-1 and R-2  
18 zoning. Basically, the entire Village became R-2  
19 zoning, or most of the Village. There's one  
20 little pocket that's still R-1 zoning. And the  
21 Board has decided -- there's an agenda item to  
22 pass that on to the Code Committee to review and  
23 to come up with recommendations back to this  
24 Board to potentially change the zoning.

25 At the same time, we started discussing the

1 Airbnb situation, which had come up several times  
2 over the summer. And both the Village Attorney,  
3 Village Administrator and myself were reviewing  
4 different comments that came in, comments, and  
5 some positive, some negative comments. We were  
6 reviewing both of them and sort of watching what  
7 New York State is going to do regulation-wise.

8           You maybe also know that the State Attorney  
9 General came out with a comment last -- week  
10 before last. And New York State at this point is  
11 approaching Airbnb as -- that they are not legal,  
12 in air quotes, hotel rooms. Obviously, in this  
13 Village, we're going to look, because it's our  
14 community. We're going to follow closely what  
15 the State is doing, but we need to look to it on  
16 our own as well, to what the pluses and the  
17 minuses are all the way through.

18           So both of those items are going to be  
19 going to the Code Committee. Those committee  
20 meetings are open to the public. There's not  
21 going to be a comment period, but any comments  
22 that you have can be made to the Code Committee  
23 through the Clerk's Office prior to those Code  
24 Committee meetings, and you can certainly come  
25 and sit and listen to those committee meetings.

1           There, now I'm done. Does anyone else wish  
2 to address the Board?

3           MS. GORDON: My name is Dinni Gordon, I  
4 live at 152 Sixth Street. And I'm here to  
5 compliment the Village in general, but also some  
6 specific individuals, because I'm a friend of the  
7 Lopez-Bran Family, Bethzy Lopez, whom you  
8 mentioned.

9           MAYOR NYCE: Yes.

10          MS. GORDON: The seven-year-old who died  
11 last week, and I'm sure most of you have read  
12 about her. She had not just respiratory  
13 problems, but cardiological problems and  
14 hematological problems, and she had dwarfism,  
15 which was the basic condition. She lived to be  
16 seven years old, which is really quite  
17 extraordinary, given that she was the size of an  
18 18-month-old when she died. She was a very  
19 bright, curious, wonderful little girl.

20          In that period, I've known the family well  
21 since she was about three, and in that period,  
22 the amount of assistance given to her by a huge  
23 range of Greenport people is really  
24 extraordinary. I mean, of course, the last part  
25 of it was last week when the funeral home, and

1 the Saint Agnes volunteers, and people like that  
2 were tremendously helpful. There was a huge  
3 outpouring of support for this family. I think  
4 there were about 125 or 150 people at the wake.  
5 It was really extraordinary. But even more  
6 important was what people did during the life,  
7 the years of her very, very constrained and  
8 difficult life. The Fire Department, for  
9 instance, during heavy storms, when she had --  
10 she was on, always on -- what's the word? Not a  
11 respirator. Anyway, she had a tracheostomy. She  
12 had to be supported by oxygen tanks and lots of  
13 electricity. And the Fire Department was  
14 incredible when there were threats to her  
15 electric system.

16 Also, the Community Health Center was --  
17 has been extraordinarily helpful. The Saint  
18 Agnes volunteers, and the congregation in general  
19 of Saint Agnes has been very supportive, and the  
20 neighbors. And the neighbors, most of them were  
21 on Fifth Avenue. So I want to say -- we've been  
22 talking about Fifth Avenue. There are many  
23 wonderful people on Fifth Avenue who have been  
24 tremendously helpful to Bethzy and to this  
25 family.

1           So I just want as many people to know about  
2 the support that the Village has given to this  
3 family and to Bethzy in particular. Thank you.

4           MAYOR NYCE: Terrific. Thank you. Does  
5 anyone else wish to address the Board?

6           MR. SALADINO: John Saladino, Sixth Street.  
7 Is there going to be an Executive Session  
8 tonight?

9           MAYOR NYCE: Yes.

10          MR. SALADINO: Could you share with us why?

11          MAYOR NYCE: A personnel issue. We're  
12 discussing a personnel issue, a potential raise  
13 for someone in the Electric Department.

14          MR. SALADINO: And there's going to be two  
15 additional that I heard.

16          Is there also something you could share  
17 with us about the proposed agreement that you  
18 were going to make with the North Ferry Company  
19 about the West Pier?

20          MAYOR NYCE: No. It's still in -- we're  
21 still trying to get both sides to agree to the  
22 terms.

23          MR. SALADINO: So it's still in  
24 negotiation?

25          MAYOR NYCE: Yeah.

1           MR. SALADINO: The other thing that I have  
2           is I attended the Planning Board meeting, and  
3           there was a perception at that meeting, and it  
4           was supported by all the members, that perhaps  
5           code enforcement wasn't -- they were disappointed  
6           that applications would reach them that are  
7           basically illegal.

8           I had a discussion with the Attorney. We  
9           talked about a fictitious applicant that applied  
10          -- that came to the Village, opened a business  
11          without getting a use evaluation from the  
12          Planning Board, and his opinion was it was  
13          illegal. Happens all the time. To a man, to a  
14          person on the Planning Board, they were  
15          disappointed at that, as I'm sure a lot of  
16          residents are. I could only come up with two  
17          scenarios, that I thought that either it's done  
18          with -- either the person charged with enforcing  
19          the code has an agenda that's different from the  
20          code and applies their own rules to enforcing the  
21          code, or they're being directed by the Mayor and  
22          Village Board by somehow acting that way. It's  
23          hard to believe that any Department Head, any  
24          person that works in the Village doesn't get  
25          their cue from the Village Board or the Mayor.

1 I'm just -- and it happens with ZBA also. It  
2 happens with all the statutory Boards.

3 I'm wondering if there's something you  
4 could tell us about that, if there's something  
5 you could share with us that why that exists,  
6 why that happens; why there's the perception in  
7 town about selective enforcement, why there's the  
8 perception. Not even the perception, the  
9 obvious. I'm not talking in the abstract here, I  
10 mean, it's obvious about how this is allowed to  
11 go on. How does a business open without -- you  
12 guys pass the rule, you just passed the law,  
13 passed the resolution that you have to have a use  
14 evaluation before you open a business. I don't  
15 necessarily agree with that, you know, but it is  
16 the rule.

17 So I'm kind of wondering if there's  
18 something you could tell us now. Is it, in fact,  
19 the Code Enforcement Officer that has their own  
20 agenda, or is it a fact, the Village Board's  
21 position that this is how we would handle it?

22 MAYOR NYCE: Neither.

23 MR. SALADINO: Could you expand on that,  
24 because it's happening. Perhaps a Trustee.

25 MAYOR NYCE: No, I will expand on it. It

1 is not -- there are issues with code enforcement  
2 throughout, there have been for a long period of  
3 time, and the culture in the Village for years  
4 was it's better to ask forgiveness than  
5 permission.

6 MR. SALADINO: I've heard that.

7 MAYOR NYCE: Yes. I know you've heard it  
8 because you've said it. So for --

9 MR. SALADINO: Whoa, whoa, whoa. No, no,  
10 no.

11 MAYOR NYCE: No. John, if you're going to  
12 ask me to expand on it --

13 MR. SALADINO: Wait, wait. Are you  
14 suggesting that I violated the code?

15 MAYOR NYCE: No, John.

16 MR. SALADINO: Oh, as long as we get that  
17 straight.

18 MAYOR NYCE: So if you want me to expand on  
19 this, you're not going to interrupt, right?

20 MR. SALADINO: I do, I do, I do. We have  
21 to clarify that.

22 MAYOR NYCE: You're not going to interrupt,  
23 right? So you're done, you're not going to  
24 interrupt, right?

25 MR. SALADINO: If you show me the same

1 courtesy.

2 MAYOR NYCE: I did.

3 MR. SALADINO: Okay, okay.

4 MAYOR NYCE: You asked me to expand and  
5 then you interrupted, right? We could do this  
6 all evening if you want, John, or we could act  
7 like adults and I can answer your question.

8 MR. SALADINO: I'm the guy standing  
9 hearing, Mayor Nyce, I'm waiting for the answer.

10 MAYOR NYCE: And you're interrupting me,  
11 John.

12 MR. SALADINO: I did.

13 MAYOR NYCE: So, the culture for years was  
14 it's better to ask forgiveness than permission.  
15 That takes a good deal of time, effort, and  
16 energy to change. The perception persists  
17 because the only thing that ever gets talked  
18 about are the mistakes or the oversights, not the  
19 successes. So that perception exists, and it  
20 continues to exist, and it will always exist. It  
21 doesn't matter what village you go to, the people  
22 -- there will be people that will say there's  
23 selective code enforcement.

24 In this case, I don't know what specific  
25 case you're talking about in front of the

1 Planning Board, but I will not sit here and tell  
2 you that code enforcement in this Village is  
3 absolutely 100% perfect, okay, nor will I tell  
4 you it's 90% perfect. Nobody on this Board is  
5 happy with code enforcement in general, which is  
6 why we went out and hired a Code Enforcement  
7 Officer, so that the Building Department could  
8 focus on Building Department issues and our Code  
9 Enforcement Officer could focus on code  
10 enforcement issues. There's a short answer to  
11 your question.

12 So there's a third scenario that's not the  
13 Board's directing this to happen or we have a  
14 Code --

15 MR. SALADINO: I don't accept that. I  
16 don't accept that.

17 MAYOR NYCE: I didn't figure you would  
18 accept it.

19 MR. SALADINO: I don't accept that.

20 MAYOR NYCE: But this Board is not  
21 directing anybody to overlook the code, nor do we  
22 have a Code Enforcement or a Building Department  
23 that is creating their own code and going out and  
24 enforcing it.

25 MR. SALADINO: But you just admitted,

1 Mr. Mayor.

2 MAYOR NYCE: I admitted that it's not --

3 MR. SALADINO: You admitted that the logic  
4 in this Village, the perception, the practice in  
5 this Village is to --

6 MAYOR NYCE: I said what the perception  
7 was, John.

8 MR. SALADINO: The practice is -- the  
9 practice was to overlook the code and then ask  
10 questions later.

11 MAYOR NYCE: I didn't say practice, I said  
12 the culture was.

13 MR. SALADINO: But how do you explain it  
14 happens all the time? How do you --

15 MAYOR NYCE: I can't explain why things  
16 were prior to my being here, John.

17 MR. SALADINO: But you're the Chief  
18 Executive Officer, Mr. Mayor. You're the man in  
19 charge. The buck stops with you. If it's going  
20 on, you can't sit there and say, "Well, it  
21 happens other places," or, you know, "I really  
22 can't give you the long answer, because you're  
23 going to interrupt me anyway." The buck stops  
24 with you.

25 MAYOR NYCE: I didn't say it didn't.

1           MR. SALADINO: If it's going on and you sit  
2 there and say, "Well, you know, it's a hard  
3 thing, it's a tough thing," and I was -- I was  
4 here when you hired the Code Enforcement Officer,  
5 and in that resolution, or at the work session  
6 when you hired the Code Enforcement Officer, it  
7 was specific to snow removal and --

8           MAYOR NYCE: It was not specific.

9           MR. SALADINO: Well, yeah, it was.

10          MAYOR NYCE: No, it was not specific to --

11          MR. SALADINO: If his job title changed  
12 since then, or his duties and responsibility  
13 changed since then --

14          MAYOR NYCE: He was hired to enforce the  
15 code.

16          MR. SALADINO: I thought I was talking now.

17          MAYOR NYCE: What we said was --

18          MR. SALADINO: I thought I was talking now.

19          MAYOR NYCE: What we said was that he would  
20 likely focus on certain issues, snow removal,  
21 brush pickup, but he would enforce the code in  
22 its entirety.

23          MR. SALADINO: Well, I would like to ask  
24 the rest of the Board, is that your perception?  
25 You guys live in this Village. I mean, you're

1 sitting there, you're looking at me, you're  
2 listening to the Mayor's explanation. I mean,  
3 two of you are running for re-election probably.  
4 Don't you think we deserve an answer to this?  
5 Don't you think it's more involved than the  
6 answer I'm getting here now? I could name five  
7 instances. You say it's not 90%.

8 TRUSTEE ROBINS: Would you name the place?  
9 Could you name the place?

10 MR. SALADINO: I'm talking to them.

11 MR. ROBINSON: Okay.

12 MAYOR NYCE: No, you're talking to the  
13 Board, sir.

14 MR. ROBINSON: I'm asking for an example.

15 MAYOR NYCE: You're not talking to  
16 specific, you're talking to the Board, you're  
17 addressing the Board.

18 MR. SALADINO: I apologize.

19 MAYOR NYCE: And if you're not going to  
20 polite --

21 MR. SALADINO: I apologize.

22 MAYOR NYCE: -- John, you're going to be  
23 done anyhow, okay? You're going -- you're  
24 addressing the Board. This is not a debate.  
25 You're addressing the Board, you're making your

1 point.

2 MR. SALADINO: I'm making a comment.

3 MAYOR NYCE: So make your comment.

4 MR. SALADINO: I did.

5 MAYOR NYCE: Make it to the whole Board,  
6 not the two Trustees.

7 MR. SALADINO: Why not? They're not  
8 allowed to answer?

9 MAYOR NYCE: You're making your comment to  
10 address the Board, John.

11 MR. SALADINO: Trustee Hubbard, is it  
12 appropriate that I ask you a question?

13 TRUSTEE HUBBARD: John, we talked about  
14 this at the work session.

15 MR. SALADINO: We did.

16 TRUSTEE HUBBARD: We did discuss it. The  
17 Village Board does not direct Code Enforcement to  
18 say, "Don't do this, don't do that." It's  
19 supposed to be an independent party. They're  
20 supposed to take care of the code and enforce it.  
21 Am I happy with all the stuff that's been done?  
22 No. Are we trying to change it? Yes. I mean,  
23 there's stuff that goes on, I wonder sometimes  
24 myself how is something allowed, or whatever. We  
25 try to change it, we try to do as much as we can

1 without -- the new person being hired, it wasn't  
2 just -- he centers -- basically, it was said snow  
3 removal and brush pile, but, in general, it's all  
4 of it. He's been very active with a lot of  
5 properties that have been run down, a lot of  
6 complaints. I know he's put paperwork in, the  
7 properties have been cleaned up. The stuff he's  
8 been doing, he's been very proactive, walking  
9 around, and I think he's made a difference. A  
10 lot of neighbors down the road here are very  
11 happy with what he's gotten done already, and we  
12 plan on expanding with that. And the more he  
13 does that, hopefully, these issues and these  
14 situations don't happen anymore. That is the  
15 intention, to have him have a bigger role and  
16 take stuff off the Building Department so they  
17 can concentrate on just their part of it, but  
18 we're getting there.

19 MAYOR NYCE: And a use permit would have  
20 nothing to do with a Code Enforcement Officer,  
21 that would be the Building Department.

22 MR. SALADINO: It's a violation of the  
23 code.

24 MAYOR NYCE: The Building Department will  
25 deal with Building Department issues, and the

1 Code --

2 MR. SALADINO: I wasn't specific to Code  
3 Enforcement Officer, I was talking about  
4 violations to the Village Code.

5 MAYOR NYCE: Okay. And then we got off on  
6 the Code Enforcement Officer.

7 MR. SALADINO: For some reason. It's not a  
8 perception. It's not a perception, regardless of  
9 what you say here and now. There's not one  
10 person in this room that can't name five  
11 businesses that are in violation, or were in  
12 violation, or come to the Village, or the  
13 Planning Board, or the ZBA, or the HPC after the  
14 fact.

15 You sit and you say, "We're trying to take  
16 care of this." I just don't understand. I don't  
17 understand how it's such an enormous problem. I  
18 just don't understand it, whether it's a sign  
19 violation, whether it's a use application,  
20 whether it's, whatever. I think every one of you  
21 know what I'm saying here. I think everybody in  
22 this room knows what I'm saying. To sit there  
23 and say, "Eh, it's not that big a deal" --

24 MAYOR NYCE: No one said it wasn't a big  
25 deal.

1           MR. SALADINO: To sit there and let it go  
2 on, to sit there and allow it to continue, to sit  
3 there and allow it to happen --

4           MAYOR NYCE: No ones's sitting and allowing  
5 it to continue.

6           MR. SALADINO: Thank you for your time.

7           MAYOR NYCE: We are continually working on  
8 it. Thank you.

9           Anyone else wish to address the Board?

10          MR. SWISKEY: A couple of questions first.  
11 Mr. Pallas, we sent a report to the Power  
12 Authority with a root cause of the blackout. I  
13 can't seem to get it out of the Village. What  
14 was the root cause?

15          MR. PALLAS: What we found was the --  
16 there's relay transformers that feed into a  
17 relay, the new switchgear that was wired  
18 backwards, essentially, and that told the circuit  
19 breaker that there was a problem with the  
20 transformer when, in fact, there wasn't. Once it  
21 got to a certain load point, when we closed the  
22 tie-breaker, that transformer tripped offline.  
23 That was what was precipitated the whole event.

24          MR. SWISKEY: So what you're saying, until  
25 that point, two transformers, the old one and the

1 new one, had never been parallel -- in parallel  
2 operation on the system?

3 MR. PALLAS: No, that's not what I said.  
4 They were parallel once prior to that and didn't  
5 trip. When we tried to parallel them the second  
6 time, it did.

7 MR. SWISKEY: Well, that -- I won't comment  
8 on that. That doesn't sound quite right. But if  
9 it's wrong, it's wrong, it's bang. When you put  
10 it in, it's like a boom.

11 But, anyway, there's another thing I wanted  
12 to ask about. I had my granddaughter down at the  
13 Carousel on Saturday, we went on the beach, and  
14 everything else, and I'm reading the sign. And  
15 there's a lot of doors and broken equipment at  
16 the Carousel. How come it hasn't been fixed?  
17 This has been going on for a couple years now. I  
18 mean, volunteers are not going to fix those  
19 doors. How come we haven't hired some  
20 professionals to get the doors operational?

21 MAYOR NYCE: We do hire professionals to  
22 get the doors operational. They use -- they  
23 don't use all the doors all the time. Some of  
24 them are less than in great working order, but  
25 they're not necessary. We use the ones that we

1 use.

2 MR. SWISKEY: Yeah. That's not the  
3 impression that I got. And I also -- so I took a  
4 walk around it. Some things are getting in  
5 pretty hard shape on that two-million-dollar  
6 structure of ours. It's almost like it's been  
7 ignored. Why?

8 MAYOR NYCE: It hasn't been ignored.

9 MR. SWISKEY: Well, I would advise anybody  
10 to go down and take a look. Look at the concrete  
11 and the slate leading up to it. The grout's  
12 coming out, the stones are coming loose, the  
13 rounding boards aren't fitting right on the  
14 Carousel. The Carousel, the woodwork is in dire  
15 need of a coat of stain, at least before it gets  
16 -- being, you know, salt, well, you know what  
17 that salt air does, it ripples the wood, and some  
18 of that wood is almost to the point where it's  
19 going to have to be replaced. Now, like I say,  
20 that was a two-million-dollar investment,  
21 minimum, from what I remember, and it seems like  
22 it's been -- how long has it been ignored?

23 MAYOR NYCE: It hasn't been ignored at all.  
24 The Carousel Committee is in the process of  
25 redoing the rounding boards. There's an agenda

1 item to authorize them to go out for the RFP on  
2 this agenda. It's taken them a while to --

3 MR. SWISKEY: I'm not talking about  
4 the faces --

5 MAYOR NYCE: It's taken them a while to get  
6 that RFP together.

7 MR. SWISKEY: No, I'm not talking about the  
8 faces on the rounding board.

9 MAYOR NYCE: The general maintenance on the  
10 Carousel had been done on a weekly and monthly  
11 basis for the last eight years. The Carousel is  
12 maintained constantly.

13 MR. SWISKEY: I'm not talking about the  
14 faces on the rounding boards, I'm talking about  
15 the rounding boards themselves are not fitted  
16 right. Go down there and look. That was a shock  
17 to me. And it's like when you get signs of that,  
18 you also get the impression that there may be  
19 other things happening underneath there that we  
20 don't really know about. So I think we're going  
21 to have to take a closer look than just  
22 volunteers can do on that machine.

23 MAYOR NYCE: It's not just volunteers, sir.

24 MR. SWISKEY: Well --

25 MAYOR NYCE: There are paid professionals

1 that maintain the Carousel on a regular basis

2 MR. SWISKEY: How many doors don't work?

3 MAYOR NYCE: I don't know.

4 MR. SWISKEY: Somebody should know.

5 Mr. Pallas, how many doors don't work?

6 MR. PALLAS: I don't know the exact number,  
7 Bill, to be honest with you. I know there are a  
8 few of them that aren't functioning well right  
9 now.

10 MR. SWISKEY: The morale is getting pretty  
11 bad down there, I can tell you that.

12 MAYOR NYCE: Morale is not bad, sir.

13 MR. SWISKEY: They're being ignored.

14 MAYOR NYCE: Morale is not bad down there.

15 MR. SWISKEY: All right. So you say so and  
16 I say different. But that's --

17 MAYOR NYCE: You usually do.

18 MR. SWISKEY: -- beside the point. Now  
19 let's get to a point on like the end of Fifth  
20 Street, on the swale that we want to put in.  
21 Well, the whole thing is ridiculous. The park is  
22 small enough as it is, we don't need to put a  
23 sump there. Are we still proceeding with that  
24 idea?

25 MAYOR NYCE: We are working with the

1 engineer, and the funding group, and the DEC to  
2 try and alter that project slightly.

3 MR. SWISKEY: How about we just abandon it  
4 because we don't need it? Just cut our losses,  
5 don't destroy our park.

6 MAYOR NYCE: There's no losses to cut, sir.  
7 There's a grant that's been awarded for that  
8 project and we're proceeding with the project.

9 MR. SWISKEY: And how much is our share of  
10 that grant?

11 MR. PALLAS: The majority of the money is  
12 the grant. Most of our contribution is in kind.

13 MAYOR NYCE: Right.

14 MR. SWISKEY: But why mess up a perfectly  
15 good park? Why dig a hole? Why put a mosquito  
16 pit in? The people on Fourth, Fifth and Sixth  
17 Street are not happy about it. And why do it?

18 MAYOR NYCE: We've had some discussions  
19 with them, and we are in the process of trying to  
20 get the project amended to address it.

21 MR. SWISKEY: Just abandon the project,  
22 that's all. It's not -- you're not legally  
23 required to do it, just drop it.

24 MAYOR NYCE: That would be your opinion, sir.

25 MR. SWISKEY: No, that would be what this

1 Board said. The only waterway we have that's  
2 affected is Sterling Creek. We don't have to do  
3 anything on the bay. That's coming from this  
4 Board for the last few meetings on -- am I wrong  
5 John, or --

6 MAYOR NYCE: You're incorrect, sir?

7 MR. SWISKEY: Huh?

8 MAYOR NYCE: You are incorrect, sir.

9 MR. SWISKEY: Well, everybody is incorrect  
10 when they disagree with you.

11 MAYOR NYCE: No, that's not true.

12 MR. SWISKEY: Does it ever occur to you you  
13 might be incorrect?

14 MAYOR NYCE: I've been incorrect plenty of  
15 times.

16 MR. SWISKEY: I've never heard you admit it.

17 MAYOR NYCE: Sure you have.

18 MR. SWISKEY: And I'd like to mention that  
19 about the -- Mr. Pallas, work was mentioned,  
20 electrical work at the Railroad Dock at the work  
21 session, that it was in progress or something, if  
22 I remember. Did I hear right?

23 MR. PALLAS: Yes.

24 MR. SWISKEY: How much work is in progress?

25 MR. PALLAS: It's just redoing the metering

1 and the feed down to the dock station, that's all  
2 it is.

3 MR. SWISKEY: How much of it's been done?

4 MR. PALLAS: I don't -- the contractor was  
5 supposed to start this week, I believe.

6 MR. SWISKEY: But which, because there's --  
7 I think there's five meters down there. Why do  
8 we have to redo the metering?

9 MAYOR NYCE: Because there are a bunch of  
10 wires that are not there properly. There are  
11 some meters that are proper, there are some  
12 meters that are not, and not all of them were --

13 MR. SWISKEY: How were they not proper?

14 MAYOR NYCE: And not all of them were put  
15 in by the Village of Greenport. We are going in  
16 and putting in all meters from Village of  
17 Greenport Electric and we are doing the wiring,  
18 so every spot down there will have a meter.

19 MR. SWISKEY: What happened to Mr. Sid's  
20 spot? What happened to his --

21 MAYOR NYCE: There are no assigned spots,  
22 those are transient spots.

23 MR. SWISKEY: Those are transient spots.  
24 Well, Mr. Sid had a cord there and now it's gone.  
25 That's the only thing, because I took a walk down

1       there when I heard that and that's the only I  
2       could find that was different. I mean, I know  
3       you don't like Sid, but Sid is a bit of a hero.  
4       I think this Board should give him a nice  
5       resolution. I mean, that's -- you know, it takes  
6       guts on the open sea to do what they did.

7               MAYOR NYCE: Uh-huh.

8               MR. SWISKEY: And as far as code  
9       enforcement, you're saying it's not selective.  
10      Well, you're getting complaints about selective  
11      enforcement, right? You're the bosses. Have  
12      these people that have been accused of being  
13      selectively enforcement, have they been called  
14      into the -- basically --

15              MAYOR NYCE: Yes, they have.

16              MR. SWISKEY: Because that's what would  
17      happen if I was there. If you had an employee  
18      that -- he gets a talking to or he gets -- he  
19      gets a can tied to his tail. That's the way that  
20      works, and none of this, like, oh, this was this  
21      and this. No, you call him in and, "Why aren't  
22      you enforcing it?" And it's, "Do it." I mean,  
23      the gobbledygook that was -- I heard here tonight  
24      was like -- you know, I almost broke down  
25      laughing, to tell you the truth. It was -- oh,

1 and if you want to know a violation, on the end  
2 of Brown Street, there's four boats tied there  
3 and no road end permits issued. Road end permit  
4 would bring in \$1500, that's \$6,000 a year. And  
5 is your Code Enforcement Officer going to do  
6 anything about that?

7 MAYOR NYCE: Yeah

8 MR. SWISKEY: When?

9 MAYOR NYCE: It was just brought to the  
10 Village Administrator's attention; we are  
11 addressing it now.

12 MR. SWISKEY: It was brought to the Village  
13 Administrator's attention long before that,  
14 but -- and I'm saying it here tonight. But the  
15 point is that it's -- how many tickets has your  
16 new Code Enforcement Officer written?

17 MAYOR NYCE: I do not know off the top of  
18 my head.

19 MR. SWISKEY: Do you know, Mr. Pallas?  
20 You're his boss.

21 MR. PALLAS: I don't know the number, no.

22 MR. SWISKEY: Nobody knows the number, and  
23 the code's not being enforced. And is this --

24 MAYOR NYCE: Well, you keep saying the  
25 code's not being enforced, sir. That's not the

1 case.

2 MR. SWISKEY: Walk around the street,  
3 Mr. Mayor.

4 MAYOR NYCE: I do.

5 MR. ROBERTS: Good evening. Doug Roberts,  
6 133 Sixth Street. On the code enforcement thing,  
7 it wasn't what I wanted to talk about, but on  
8 this question, is there a way for me to go look  
9 up what's happened, you know, we looked at this  
10 place, we enforced this code, and this is what  
11 happened; is that publicly --

12 MAYOR NYCE: The Building Department  
13 presents a report with each monthly work  
14 session --

15 MR. ROBERTS: Okay.

16 MAYOR NYCE: -- on open code enforcement  
17 issues. So those are FOILable after the work  
18 session has been -- actually, before the work  
19 session.

20 CLERK PIRILLO: They're on the website.

21 MAYOR NYCE: And they're on the website.

22 MR. ROBERTS: Oh, it's on the --

23 MAYOR NYCE: Yeah.

24 MR. ROBERTS: Okay, great. Just maybe if  
25 there was a Code Enforcer's report at these

1 meetings, that might help allay some of these  
2 concerns.

3 MAYOR NYCE: There is at the work session.

4 MR. ROBERTS: Oh, okay, great.

5 MAYOR NYCE: We generally go through that.  
6 When Mr. Pallas is giving his report, he goes  
7 through the utilities and other -- other  
8 functions, and the Building Department is one of  
9 those reports.

10 MR. ROBERTS: Great. Okay, thanks.

11 MAYOR NYCE: Absolutely.

12 MR. ROBERTS: So on Airbnbs, I wanted to --  
13 I'm glad you're taking this on. I don't want to  
14 take anybody's ability away, the ability for  
15 anybody to earn income off of -- they bought a  
16 place that has an apartment. I don't want to  
17 take anybody's ability to earn away, but I also  
18 don't want to take away the taxpayers' ability to  
19 earn. So I think we should regulate this and  
20 turn it into revenue. I think it's fairly easy  
21 to do for someone with the resources to do it.  
22 Notify neighbors. Put -- you know, I think the  
23 Town is doing two weeks. One week may be a  
24 decent minimum for a village like Greenport.

25 But I agree with Mr. Kehl's comments, that,

1       you know, it's not -- these are not people who  
2       are coming and ruining the fiber of our  
3       community, they bring money, they come spend  
4       money on our local businesses. I think some of  
5       us just don't want, you know, different people  
6       every few days on our blocks. I think that's a  
7       reasonable thing.

8                So, if I knew that a neighbor of mine was  
9       doing an Airbnb, I could look out for it. If I  
10      see things look like they're not, if there are  
11      things happening at the Airbnb that shouldn't be,  
12      whether it's people partying, or not treating the  
13      property well, or being abusive, or whatever, to  
14      other folks, then I think I should have the  
15      ability to let Village Hall know, and you can go  
16      assess a big, fat fine on them. I think that we  
17      should just regulate it, turn it into revenue.

18               It's not the worst thing ever for people to  
19      come from outside our Village and spend some  
20      money. And it's great if you've got a place  
21      where you can have an apartment and make some  
22      money on that, I don't begrudge anybody that.

23               The real thing I'm concerned about around  
24      the Mitchell Park piece, I want to share the  
25      comments of Renee earlier. I was so disappointed

1 to see the cover of Suffolk Times with this  
2 goofy -- they superimposed this yellow crime  
3 scene tape on it, on our park right here. You  
4 know, we meet here right behind where they're  
5 claiming is the hot bed of -- by putting that --  
6 and if you ask them, they'll say they didn't mean  
7 to do this, but that's the hot bed of gang  
8 activity in the entire North Fork. And so I  
9 don't want to give them a reason to use that  
10 photo, because if you look at the photo, I mean,  
11 if you compare that -- I mean, there's a reason  
12 they don't use Mitchell Park on the cover of the  
13 Suffolk Times for that stuff, right? You all are  
14 putting together a policy, and I appreciate that  
15 you looked into the issue. Can we charge a bunch  
16 of money like the vineyards do to have private  
17 events at the park? And I get that it seems like  
18 we can't do that. To be safe, we have to put a  
19 policy in place that doesn't let outsiders have  
20 events there, that's fine.

21 So my big concern about Mitchell Park, or  
22 my hope for Mitchell Park is that we can use it  
23 to raise revenue to improve the rest of the parks  
24 in this Village. It bothers me that I can walk  
25 four blocks from there to here, and, I mean, we

1 all know it. It's a great park. Kids are  
2 playing there all the time. If you walk around  
3 during the day, it's a fine place to bring your  
4 family. It's just it doesn't have a bathroom,  
5 there's no fence, so a kid, a toddler can run off  
6 and run into the road. We all know this stuff.

7           You guys did a great job at the basketball  
8 court. Thank you for your leadership on it. I  
9 would love to see you put something together  
10 where -- so if the Village is going to host an  
11 event at Mitchell Park, we come up with some sort  
12 of an annual goal. We're going to make a  
13 good-faith effort to get to, I don't know, 10,000  
14 bucks, \$20,000 from any events that we host  
15 throughout the course of the year where we're  
16 raising funds for the rest of our parks in this  
17 Village. And maybe this requires us setting up a  
18 Parks Conservancy. I don't think that's such a  
19 bad idea. I don't know enough about it, I would  
20 want to research it. I would be willing to be  
21 part of that effort. But it just seems to me  
22 that we shouldn't have a park four blocks away  
23 that gets a ton of attention and money when we  
24 have this park here that's used by the folks who  
25 live here.

1           So I'd love to see -- I don't know exactly  
2           how you can do it, or if legally you can do this  
3           in your policy, but I'd love to see us find a way  
4           to say we're going to have events that are  
5           Village-sponsored at Mitchell Park, and each year  
6           5,000, 10,000, whatever the number is, is going  
7           to go toward improving the other parks in our  
8           Village.

9           We don't have plumbing down at Fifth,  
10          Sixth Street Beach either, as far as I know. I  
11          think that they've been working on it or  
12          something. I know I see port-o-potties down  
13          there. So we can do a better job with our other  
14          parks. This is a great place to live, a great  
15          place to go to a park with your kids. And we  
16          should make it so that Suffolk Times can't use  
17          our parks to claim that there's a gang problem  
18          here. So thanks.

19          MAYOR NYCE: Thank you.

20          TRUSTEE MURRAY: Thank you, sir.

21          MR. WINKLER: John Winkler, 175 Fifth  
22          Street. I have to dispute Mr. Roberts.  
23          Thousands of dollars being spent down on a park  
24          four blocks from here, that's not true. The  
25          residents of that neighborhood have invested in

1 that park with the help of the Village, but most  
2 of that work down there is being done by the  
3 residents, and money donated by the residents to  
4 improve that park. So I wonder --

5 MAYOR NYCE: I think he was talking about  
6 Mitchell Park, John. I don't think he was  
7 talking about --

8 MR. WINKLER: On Fifth Street.

9 MAYOR NYCE: No, he was talking about  
10 Mitchell Park, not Fifth Street.

11 MR. WINKLER: Oh. When he said four blocks  
12 away, I thought he was down there. But,  
13 anyway -- and it does have plumbing, okay? It's  
14 just not open all the time.

15 But being Billy brought up the swale at  
16 Fifth Street, anybody who watches this meeting, I  
17 want to bring to their attention what's  
18 happening, okay? And it was really funny. This  
19 weekend, I had a guest, and she's a professor at  
20 CCNY and she's a landscaping architect. She  
21 walked down to that park and within seconds knew  
22 that the road that's on Johnson Place does not  
23 flow into the park, it flows into the residents.  
24 It goes -- it flows to the north side park. And  
25 it didn't take an engineer, it didn't -- I mean,

1 I looked at it and I can see that there would be  
2 no water in that park.

3 Please, I'm going to -- I'm not going to be  
4 here after this meeting, and I need the Board to  
5 understand that this park is very important to  
6 the residents. And I know you're trying to  
7 divert the funds made to Sixth Street, which  
8 really needs it. And I agree with the Fifth  
9 Street drainage. Anything that inhibits  
10 pollutants from going into the bay I'm all for.  
11 But to destroy this park and take 10 feet out of  
12 it by 150 feet just doesn't make any sense.

13 And I just hope that the Board members have  
14 some common sense here. If you go down to Sixth  
15 Street on a rainy day, it is flooded all the way  
16 up to Clark and past. Johnson Place is not  
17 flooded at all, okay? And I know you spent money  
18 to have landscape architects draw plans, submit  
19 the drawing, and spent -- I guess D & B did the  
20 engineering, but this is ridiculous. To destroy  
21 this park, and the people that use it would be  
22 very disappointed in this Board if they let this  
23 go, okay? So I just want to make that point.

24 Just to follow up John's, I was at that  
25 Planning Board meeting also, and what I found was

1 that every member of that Planning Board were  
2 upset about the fact that they have no  
3 enforcement powers, which is -- probably would  
4 help the code enforcement if the Planning Board  
5 could stop some of this stuff, okay, close the  
6 shop up, or whatever. I know they did close a  
7 shop up. I don't know how they did that, the  
8 surf shop, for a while until that got worked out,  
9 but they just don't seem to have any enforcement  
10 powers. And I know they were going to go back to  
11 you guys and discuss it with you. But that would  
12 be a big help if the Planning Board had some  
13 enforcement. I don't know if the ZBA has  
14 enforcement power. But that seemed to be the  
15 biggest issue that they had after John's  
16 discussion with them, and you can read his  
17 discussion in the minutes of the Planning Board  
18 meeting. But they should -- they should have  
19 some power, they really should.

20 And one other question I have, I heard --  
21 Paul, you mentioned something about a relay was  
22 wired backwards that caused the problem, the root  
23 cause?

24 MR. PALLAS: The simple explanation is that  
25 it was really the polarity on the transformers

1 that feed the relay, that was wired backwards.

2 MR. WINKLER: Okay. Is this the -- is this  
3 the new one?

4 MR. PALLAS: It was the new relay, yes.

5 MR. WINKLER: Now this has been a crow in  
6 my side for a long time. We spent \$55,000 to  
7 have somebody come in here and test that, the  
8 relays, the transformer, all that stuff. We had  
9 that company that I had it described to me as an  
10 underwriter, and you said to me, "Oh, no, this is  
11 done normally," this is -- you know, this -- and  
12 I said, you know, "Why wasn't it figured in the  
13 bid before?" So if this guy came in and spent --  
14 we spent \$55,000 to have him check this out and  
15 then it's wrong? Who has to pay to have all this  
16 stuff fixed? And what could happen to that  
17 transformer, okay? It could have injured the  
18 transformer, it could have burnt it out. So tell  
19 me, tell me this isn't the company that we hired,  
20 we spent \$55,000 to inspect this, please.

21 MR. PALLAS: John, I don't have the answer  
22 for that question, I don't know.

23 MR. WINKLER: Well, it sounds like you  
24 did when I first brought it up, and I am just --  
25 why isn't anybody with this power plant held

1       accountable when there's problems? Nobody,  
2       nobody gets canned, nobody gets fired, no  
3       engineering firm gets -- you know, they get a --  
4       they actually get a new job. They get Phase II  
5       after they screw up Phase I. I do not understand  
6       who's looking out for the Village taxpayers,  
7       because, man, this is -- this is ridiculous. Why  
8       aren't they held accountable, this company that  
9       did this testing?

10               MR. PALLAS: John, again, as I explained to  
11       you prior, I wasn't here when that testing was  
12       done. I don't even --

13               MR. WINKLER: Oh, no, no, Paul you were  
14       here, because they did it -- they did it -- they  
15       did it right before you came, okay?

16               MR. PALLAS: Yes.

17               MR. WINKLER: And you know -- you knew  
18       about it, because I brought it up to you.

19               MR. PALLAS: Yes.

20               MR. WINKLER: I'm sorry, I'm not supposed  
21       to have this, all right? It's supposed to be a  
22       comment. Anyway, somebody should be held  
23       accountable. This is -- a lot of businesses lost  
24       product. It hurt a lot of hotels, it hurt a lot  
25       of people, that outage. And we were promised to

1 get a report in a month and we still haven't got  
2 a report. And I don't think that's fair, I  
3 really don't. I remember the meeting after it  
4 happened where all the merchants came here and  
5 were complaining about it, and some -- the  
6 investigation was going to be done and we were  
7 going to get back to the people. It never  
8 happened. It's two months, almost two-and-a-half  
9 months now since that problem happened.

10 MAYOR NYCE: And that report is done.

11 MR. WINKLER: So somebody's got to look  
12 out. I mean, I don't understand it.

13 MAYOR NYCE: And that report is done.

14 MR. WINKLER: If I can do it, I'm not even  
15 -- you know, I'm not a part of the Village Board  
16 or anything and I can see this is crazy, what's  
17 going on over there. Someone's got to wake up.  
18 There's spent -- this engineering company and  
19 these companies that are working there are really  
20 sending it into us. They're costing us a lost of  
21 money. Where's this money coming from? Thank  
22 you.

23 MAYOR NYCE: Thank you.

24 MS. MC ENTEE: Joanne McEntee, 242 Fifth  
25 Avenue. I just have a few things to just touch

1 upon.

2 We see here when we come to these meetings  
3 that the children are playing out here on the  
4 property, and it's nice to see. It's great to  
5 see the kids out laughing and playing. But why  
6 aren't they playing at the Third Street Park?  
7 Isn't there a liability factor that we have to  
8 really worry about? If someone gets injured,  
9 these children get injured, breaks a leg, sprains  
10 an ankle, you know, who is liable for that? It's  
11 really a concern.

12 MAYOR NYCE: It would be the same on any  
13 Village property. That's just as much Village  
14 property on this lawn here as it is in the park  
15 over there.

16 MS. MC ENTEE: Okay. So we would pay for  
17 that if they -- and so it's okay for them to play  
18 over here and not over here, you're fine with  
19 that?

20 MAYOR NYCE: Yeah. It's an open lawn owned  
21 by the Village.

22 MS. MC ENTEE: Okay, that's fine. I'd like  
23 to also say, in reference to the resolution that  
24 we have, 10-2014-16, I'm glad to see that you are  
25 working and trying to rectify 126 South Street.

1 That was my grandmother's home. I have seen it  
2 really go downhill over the years since the new  
3 owner has been there. I have seen it change a  
4 great deal. I don't like the look of it,  
5 obviously. And it does need to be addressed, and  
6 I'm happy about that.

7 I'd also say, in reference to where you --  
8 you always say that it's better to forgive, but  
9 when I started here in talking to all the Boards,  
10 it happened to be that it was always forgiven.  
11 So, you know, when you keep forgiving, and  
12 forgiving, and forgiving, everybody just expects.  
13 If you don't do anything about it, it's going to  
14 continue, and then it keeps going on, it gets  
15 larger and larger. So when we have a house  
16 that's built, and not only just our restaurants,  
17 or our stores, or businesses who start without  
18 having the required permits or required business  
19 certificates, or whatever they need, it's the  
20 builders as well, and we've talked about this  
21 several times. I've dealt with this for the past  
22 two years, I would say, and it just continues.

23 I'm seeing now a property that is in the  
24 Historic District. It doesn't have a building  
25 permit on it. Windows have been changed. The

1 lead paint has been scraped off of it. And where  
2 does that lead us? No building permit at all.  
3 It doesn't make any sense to me. It still  
4 continues, so where does it stop?

5 You're also -- you say that -- not you,  
6 excuse me, the Village allows the contractors to  
7 purchase a home at a certain price, or whatever,  
8 and felt it was good, it was their fit. Well,  
9 let's look at other contractors. We have great  
10 contractors just within our Village alone. Why  
11 don't we just divvy it out to some of them? Why  
12 can't -- why are we just working with one person?  
13 There is no reason

14 MAYOR NYCE: You've lost me. I don't  
15 understand what you're referring to?

16 MS. MC ENTEE: If you -- I think if you had  
17 followed me through the last two years, you would  
18 really understand that where on Sixth -- Fifth  
19 Avenue, we've had problems at Kaplan, and  
20 Madison, Center. These are all the streets  
21 that --

22 MAYOR NYCE: That's with the property owner  
23 who happens to be a contractor.

24 MS. MC ENTEE: Huh?

25 MAYOR NYCE: You're talking -- you're

1 talking about --

2 MS. MC ENTEE: But one particular  
3 contractor. I'm just not seeing -- let's take  
4 this --

5 MAYOR NYCE: He's the property owner.

6 MS. MC ENTEE: That's correct. But they  
7 are suggested from someone else. A lot of these  
8 properties are suggested from someone else in the  
9 Building Department.

10 MAYOR NYCE: No.

11 MS. MC ENTEE: They're not?

12 MAYOR NYCE: No.

13 MS. MC ENTEE: Okay. So there's no -- none  
14 of this information comes from the Building  
15 Department at all?

16 MAYOR NYCE: What information, that the  
17 house is for sale?

18 MS. MC ENTEE: If the house is for sale,  
19 like the Housing Alliance piece of property  
20 currently.

21 MAYOR NYCE: You're way off on a tangent,  
22 Joanne.

23 MS. MC ENTEE: Was that --

24 MAYOR NYCE: I'm not following you at all.

25 MS. MC ENTEE: When that goes up --

1           MAYOR NYCE: You're insinuating that  
2 there's a contractor that's getting inside  
3 information from --

4           MS. MC ENTEE: When that goes up for  
5 sale -- I'm just asking a question. When that  
6 goes up for sale --

7           MAYOR NYCE: Let me clarify.

8           MS. MC ENTEE: -- are we not aware of it?  
9 How do we become aware of it? Because I didn't  
10 see it in the paper. I didn't see it.

11          MAYOR NYCE: If a piece of property goes up  
12 for sale, how do we become aware of it?

13          MS. MC ENTEE: North Fork Housing  
14 Alliance --

15          MAYOR NYCE: If it's a private sale, you  
16 may not be aware of it.

17          MS. MC ENTEE: So the North Fork Housing  
18 Alliance has nothing to do with the Village of  
19 Greenport --

20          MAYOR NYCE: No.

21          MR. ROBINSON: No.

22          MS. MC ENTEE: -- whatsoever?

23          TRUSTEE ROBINS: They're a private entity.

24          MAYOR NYCE: They're a private entity.

25          TRUSTEE PHILLIPS: That's a separate

1           entity.

2           MR. ROBINSON: Nothing to do with the  
3 Village.

4           MAYOR NYCE: They're a private -- and  
5 they're a private property owner. They own  
6 several properties throughout the Village. They  
7 are a private --

8           MS. MC ENTEE: Okay.

9           MAYOR NYCE: They are a completely separate  
10 organization.

11          MS. MC ENTEE: Well, thank you for  
12 explaining that to me.

13          MAYOR NYCE: But I want to go back to your  
14 insinuation that the Village Building Department  
15 is giving somehow inside information to a  
16 contractor on properties that are available, is  
17 completely false and incorrect.

18          MS. MC ENTEE: Well, in reference to not  
19 having a building permit.

20          MAYOR NYCE: And, please -- not what?

21          MS. MC ENTEE: In reference to not having a  
22 building permit.

23          MAYOR NYCE: No, now you -- now we're going  
24 to another subject. Let's stick to one subject  
25 at a time. You're throwing a lot of insinuation

1 out there, and then you just jump to a new one  
2 when I address it, okay?

3 Building Department is not giving any  
4 insider information to any contractors, okay, to  
5 start, okay? If a contractor, any contractor,  
6 wants to buy a piece of property, they're  
7 entitled to do so, as long as they follow the  
8 proper legal means. Now, we're moving on to  
9 getting a permit. You need a permit to start  
10 work.

11 MS. MC ENTEE: Right.

12 MAYOR NYCE: There you go.

13 MS. MC ENTEE: Okay. And that doesn't  
14 happen.

15 MAYOR NYCE: It does.

16 MS. MC ENTEE: It didn't happen to the  
17 house next door to me.

18 MAYOR NYCE: It does. We've been through  
19 this a hundred times now.

20 MS. MC ENTEE: Right. And we all  
21 understand it.

22 MAYOR NYCE: The permit was issued.

23 MS. MC ENTEE: I re -- I mean, I emphasize  
24 what people have talked about tonight. I've been  
25 through it for many years, for the last two

1 years, and it still continues. And I'd like to  
2 see you really be more aggressive in taking care  
3 of it, because when a contractor comes here, they  
4 need to have these building permits. And we're  
5 not actually going to the ZBA until the 19th of  
6 November. So now he's getting -- making all  
7 these changes and, you know, or anyone, not just  
8 him. I'm just saying anyone could do all these  
9 changes prior to our site visit. Now does that  
10 make any sense to you?

11 MAYOR NYCE: No. If they're building  
12 without a permit, they get shut down. It's a  
13 violation to build without a permit.

14 MS. MC ENTEE: They don't get shut down,  
15 they don't get fined.

16 MAYOR NYCE: They do get shut down and they  
17 do get fined.

18 MS. MC ENTEE: Well, I'd like to see the  
19 fines, because I have not seen the fines. I know  
20 that there's been a change on the agenda where we  
21 -- it's just numbered now how many permits are  
22 issued, how many COs are issued. There's a few  
23 violations in there that we do see, but these  
24 violations that I know of aren't in there.  
25 Violations that I -- that I have requested were

1 not in there, and nor were the fines. I'd like  
2 to see that that is put in our agenda.

3 MAYOR NYCE: If you have reported a  
4 violation, and it was, in fact, a violation, it  
5 would be there. If you feel that it's improperly  
6 not there, then I would encourage you to, as you  
7 have in the past, bring it to the attention of  
8 the Village Administrator, so he can look into it  
9 as well. If, in fact, there's a violation that  
10 has not been taken care of, it will then be taken  
11 care of. But it is also possible that something  
12 that you see as a violation is, in fact, not.  
13 That's the other possibility, okay? So that's  
14 what our report each month lists, what violations  
15 have been issued, which ones are pending.

16 MS. MC ENTEE: Thank you.

17 MAYOR NYCE: Thank you. Anyone else that  
18 wishes to address the Board?

19 (No response.)

20 MAYOR NYCE: If not, we'll move on to the  
21 regular portion of the agenda. And there are two  
22 additional agenda items.

23 So I will offer a RESOLUTION adopting the  
24 October 2014 agenda as printed, with the addendum  
25 of the two resolutions, one, increasing the

1 hourly wage of Michelle Sarabia, and the other  
2 one, awarding the bid for the purchase of a  
3 pumper truck. So moved.

4 TRUSTEE HUBBARD: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 TRUSTEE ROBINS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No response.)

13 MAYOR NYCE: The motion carries. If the  
14 Board doesn't mind, we'll take out of order,  
15 we'll take these first two resolutions.

16 I will offer a RESOLUTION approving an  
17 increase in the hourly wage rate for Michelle  
18 Sarabia, Assistant Coordinator for the  
19 After-School Program in the Village of Greenport  
20 Recreation Department, from \$8.00 per hour to  
21 \$9.00 per hour, effective retroactively to  
22 September 8th, 2014. So moved.

23 TRUSTEE MURRAY: Second.

24 MAYOR NYCE: All those in favor?

25 TRUSTEE HUBBARD: Aye.

1 TRUSTEE MURRAY: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MR. ROBINSON: Aye.

4 MAYOR NYCE: Aye.

5 Any opposed or abstentions?

6 (No response.)

7 MAYOR NYCE: The motion carries.

8 We'll offer a RESOLUTION awarding the bid  
9 for the purchase of a pumper truck for the  
10 Village of Greenport Fire Department to Firematic  
11 Supply Company, per the bid opening on October  
12 9th, 2014, at 3:15 p.m., in the total amount of  
13 \$547,300, and authorizing the Village of  
14 Greenport Fire Department and the Village of  
15 Greenport to enter into the corresponding  
16 contract for the purchase of a Pierce Pumper  
17 Truck with Firematic Supply Company. So moved.

18 TRUSTEE ROBINS: Second.

19 TRUSTEE PHILLIPS: I just have a question.  
20 At the work session, there was some discussion  
21 about the number of visits that they were going  
22 to be able to make. Were any of those visits  
23 written into the contract, or are they going to  
24 be paying for the visits on their own?

25 TRUSTEE HUBBARD: Right. There's one in

1 the contract that is included in it.

2 TRUSTEE PHILLIPS: Right.

3 TRUSTEE HUBBARD: Any other visits they'll  
4 be doing on their own when they go to do that.

5 TRUSTEE PHILLIPS: Okay.

6 TRUSTEE HUBBARD: Any other questions have  
7 been answered. The Village Attorney worked on  
8 that with a representative, along with the  
9 Village Clerk and myself.

10 We do have the Captain of the Company,  
11 Beaty Hays is here, if anybody has any questions  
12 for him. But I believe everything's been -- the  
13 color, the airbags, all the other questions, the  
14 bond paperwork, the insurance and everything else  
15 has been worked through. That's why it's a late  
16 addition, because we were working on that on  
17 Friday afternoon and this morning.

18 TRUSTEE PHILLIPS: Right. No, I just -- as  
19 I said --

20 TRUSTEE HUBBARD: Okay.

21 TRUSTEE PHILLIPS: -- the visits were  
22 something that seemed to be of question at work  
23 session, and I was just wondering if the Fire  
24 Department was going to take more than one visit  
25 to watch the construction of this truck, so that

1 they know it inside and out.

2 CAPTAIN HAYS: Included in the price of the  
3 bid is one visit, and that is going to be our  
4 only visit. Firematic offers, I believe, daily  
5 photo updates of the --

6 TRUSTEE PHILLIPS: Okay.

7 CAPTAIN HAYS: -- construction of the  
8 truck. So we're -- the committee is pleased with  
9 that. And we think -- you know, Firematic also  
10 appears to have the reputation of building a  
11 great truck, and it's -- so.

12 TRUSTEE PHILLIPS: No. I just -- as I  
13 said, that the idea -- actually, I'm glad to hear  
14 that they give you the actual update, because  
15 that is a piece of equipment that we're spending  
16 a fair amount of money on, and you need to know  
17 the insides and outsides of it to keep it  
18 running, so thank you.

19 TRUSTEE HUBBARD: There also is a  
20 pre-construction meeting that they have, which is  
21 done inhouse here with their representative  
22 coming to meet with the Truck Committee. A lot  
23 of the questions on particular stuff in cabinets,  
24 all the other stuff, the color, the paint scheme  
25 of the truck, is all done at the pre-construction

1 meeting.

2 TRUSTEE PHILLIPS: Okay.

3 TRUSTEE HUBBARD: And that's done here with  
4 the representatives coming to see us. Instead of  
5 eight guys going there, it's easier for one or  
6 two representatives from the company to come here  
7 and meet with us.

8 TRUSTEE PHILLIPS: Okay. It's just -- that  
9 answers my question.

10 TRUSTEE HUBBARD: Yup.

11 TRUSTEE PHILLIPS: Okay.

12 MAYOR NYCE: If there's no further  
13 discussion, I'll call the vote.

14 All those in favor?

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 TRUSTEE ROBINS: Aye.

19 MAYOR NYCE: Aye.

20 Any opposed or abstentions?

21 (No response.)

22 MAYOR NYCE: Motion carries.

23 I'll ask Trustee Murray to read Resolution 2.

24 TRUSTEE MURRAY: RESOLUTION #10-2014-2,  
25 RESOLUTION accepting the monthly reports of the

1 Greenport Fire Department, Village Administrator,  
2 Village Treasurer, Village Clerk, Village  
3 Attorney, Mayor and Board of Trustees. So moved.

4 TRUSTEE HUBBARD: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 TRUSTEE ROBINS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No response.)

13 MAYOR NYCE: That motion carries.

14 TRUSTEE HUBBARD: Do we want to vote on  
15 these, or just one -- as a whole or four separate  
16 ones?

17 MAYOR NYCE: I have no objection to taking  
18 them as a whole.

19 TRUSTEE HUBBARD: Do a whole? All right.  
20 I'll read the whole thing. We'll do one vote on  
21 it, then.

22 MAYOR NYCE: Thank you.

23 TRUSTEE HUBBARD: I just wanted to clarify  
24 it. All right.

25 RESOLUTION #10-2014-3, RESOLUTION ratifying

1 the following resolutions previously approved by  
2 the Board of Trustees at the Trustees' work  
3 session meeting held on October 20th, 2014:

4           RESOLUTION authorizing Treasurer Brandt to  
5 create general ledger revenue and expense  
6 accounts in the Recreation Fund for the Tall  
7 Ships 2015 event.

8           RESOLUTION authorizing Treasurer Brandt to  
9 perform attached Budget Amendment #1182 to fund  
10 the Tall Ships 2015 port fee, and directing that  
11 Budget Amendment #1182 be included as part of the  
12 formal meeting minutes of the October 27th, 2014  
13 regular meeting of the Board of Trustees.

14           RESOLUTION authorizing Treasurer Brandt to  
15 create a temporary interfund loan from the  
16 General Fund to the Recreation Fund in the amount  
17 of \$50,000.00 for the purpose of funding the  
18 payment of the Tall Ships 2015 port fee in the  
19 amount of \$50,000.00.

20           RESOLUTION approving the Public Assembly  
21 Permit application as submitted by Joe Cortale on  
22 behalf of the Floyd Memorial Library, to close  
23 Route 25 from the Carousel to the Greenport  
24 Schools, and for the gratis use of the Carousel  
25 for 60 children, on October 25th, 2014 from 12:00

1 noon through 12:45 p.m. for the annual Halloween  
2 Ride/Parade. So moved.

3 TRUSTEE ROBINS: Second.

4 MAYOR NYCE: I'd like to thank Joe for  
5 running that program.

6 TRUSTEE HUBBARD: Yes

7 MAYOR NYCE: A bunch of kids. It's a great  
8 event every year.

9 All those in favor?

10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 TRUSTEE ROBINS: Aye.

14 MAYOR NYCE: Aye.

15 Any opposed or abstentions?

16 (No response.)

17 MAYOR NYCE: That motion carries.

18 TRUSTEE ROBINS: RESOLUTION #10-2014-4,  
19 RESOLUTION authorizing an increase in the hourly  
20 wage rate for Stephen Rutkowski, from \$17.86 to  
21 \$18.94 per hour, effective October 29th, 2014  
22 owing to the assumption of additional duties, per  
23 Article VII, Section 9(a) - Merit Clause - of the  
24 current collective bargaining agreement. So  
25 moved.

1 TRUSTEE PHILLIPS: Second.

2 MAYOR NYCE: All those in favor?

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 TRUSTEE ROBINS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No response.)

10 MAYOR NYCE: That motion carries.

11 TRUSTEE PHILLIPS: RESOLUTION #10-2014-5,  
12 RESOLUTION approving the 2014/2015 Length of  
13 Service Award Program Fee Agreement dated  
14 September 17, 2014 between Penflex, Inc. and the  
15 Village of Greenport. So moved.

16 TRUSTEE MURRAY: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 TRUSTEE ROBINS: Aye.

22 MAYOR NYCE: Aye.

23 Any opposed or abstentions?

24 (No response.)

25 MAYOR NYCE: The motion carries.

1 TRUSTEE MURRAY: RESOLUTION #10-2014-6,  
2 RESOLUTION adopting the attached SEQRA resolution  
3 regarding the proposed local law of 2014 creating  
4 Chapter 114 of the Village of Greenport Code and  
5 amending Chapter 150 of the Village of Greenport  
6 Code, adopting lead agency status, determining  
7 the adoption of the local law to be an unlisted  
8 action, determining that the adoption of the  
9 local law will not have a significant impact on  
10 one or more aspects of the environment, and  
11 adopting a negative declaration for purposes of  
12 SEQRA, as stated in the attached resolution. So  
13 moved.

14 TRUSTEE HUBBARD: Second.

15 MAYOR NYCE: All those in favor?

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 TRUSTEE ROBINS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No response.)

23 MAYOR NYCE: The motion carries.

24 TRUSTEE HUBBARD: RESOLUTION #10-2014-7,  
25 RESOLUTION adopting the proposed Local Law of

1 2014 as attached, creating Chapter 114 (Storm  
2 Water Management and Erosion and Sedimentation  
3 Control) of the Village of Greenport Code, and  
4 amending Chapter 150 (Land Development  
5 Regulations, Site Plan Approval and Subdivision  
6 Regulations) of the Village Code. So moved.

7 TRUSTEE ROBINS: Second.

8 MAYOR NYCE: By way of discussion, we  
9 discussed this. We've had public hearings. We  
10 discussed also at the work session that the  
11 majority of this law does not affect most of the  
12 homeowners in the Village of Greenport. We are  
13 also required by New York State to adopt this law  
14 as part of the MS4 Program. So I preface the  
15 vote with that.

16 All those in favor?

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 TRUSTEE ROBINS: Aye.

21 MAYOR NYCE: Aye.

22 Any opposed or abstentions?

23 (No response.)

24 MAYOR NYCE: The motion carries.

25 TRUSTEE ROBINS: RESOLUTION #10-2014-8,

1 RESOLUTION adopting the attached SEQRA resolution  
2 regarding the proposed local law of 2014 creating  
3 Chapter 114A (Storm Water Management; Prohibition  
4 of Illicit Discharges, Activities and Connections  
5 to Separate Storm Sewer Systems) of the Village  
6 of Greenport Code, adopting lead agency status,  
7 determining the adoption of the local law to be  
8 an unlisted action, determining that the adoption  
9 of the local law will not have a significant  
10 impact on one or more aspects of the environment,  
11 and adopting a negative declaration for purposes  
12 of SEQRA, as stated in the attached resolution.  
13 So moved.

14 TRUSTEE PHILLIPS: Second.

15 MAYOR NYCE: All those in favor?

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 TRUSTEE ROBINS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No response.)

23 MAYOR NYCE: The motion carries.

24 TRUSTEE PHILLIPS: RESOLUTION #10-2014-9,  
25 RESOLUTION adopting the proposed Local Law of

1 2014 as attached creating Chapter 114A (Storm  
2 Water Management; Prohibition of Illicit  
3 Discharges, Activities and Connections to  
4 Separate Storm Sewer Systems) of the Village of  
5 Greenport Code. So moved.

6 TRUSTEE MURRAY: Second.  
7 (Whereupon, the Fire Department Siren  
8 Sounded.)

9 MAYOR NYCE: The fire whistle chimed in.  
10 Any further discussion on that motion?

11 (No response.)

12 MAYOR NYCE: My comments from Resolution  
13 2014-7 would be the same with Resolution 9. This  
14 is a Local Law that we are required to adopt as  
15 part of the MS4 Program. And you got for the  
16 record that Trustee Murray seconded?

17 MS. BRAATEN: Yes.

18 MAYOR NYCE: Okay. All those in favor?

19 TRUSTEE HUBBARD: Aye.

20 TRUSTEE MURRAY: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 TRUSTEE ROBINS: Aye.

23 MAYOR NYCE: Aye.

24 Any opposed or abstentions?

25 (No response.)

1           MAYOR NYCE: The motion carries.

2           TRUSTEE MURRAY: RESOLUTION #10-2014-10,  
3 RESOLUTION directing Village Clerk Pirillo to  
4 schedule, and notice accordingly, a public  
5 hearing for November 17, 2014 at 6:00 p.m. at the  
6 Third Street Fire Station, Third and South  
7 Streets, Greenport, New York, 11944; regarding  
8 the Wetlands Permit Application as submitted by  
9 Nathaniel and Emily Ewing to: Renovate and add  
10 on to the existing family residence, including  
11 the addition of a swimming pool and patio, at 230  
12 Fourth Street, Greenport, New York, 11944, and  
13 directing the Conservation Advisory Council to  
14 review the application, and provide a  
15 corresponding report to the Board of Trustees by  
16 November 10th, 2014. So moved.

17           TRUSTEE HUBBARD: Second.

18           MAYOR NYCE: All those in favor?

19           TRUSTEE HUBBARD: Aye.

20           TRUSTEE MURRAY: Aye.

21           TRUSTEE PHILLIPS: Aye.

22           TRUSTEE ROBINS: Aye.

23           MAYOR NYCE: Aye.

24           Any opposed or abstentions?

25           (No response.)

1           MAYOR NYCE: That motion carries.

2           TRUSTEE HUBBARD: RESOLUTION #10-2014-11,  
3 RESOLUTION appointing Gail Horton to the Carousel  
4 Committee. So moved.

5           TRUSTEE ROBINS: Second.

6           MAYOR NYCE: You got a real long one to  
7 start, then you got a short one.

8           TRUSTEE HUBBARD: I know. Yeah, I know.  
9 They made up for it.

10          MAYOR NYCE: I'd like to thank Gail for  
11 stepping up and volunteering for this.

12          All those favor?

13          TRUSTEE HUBBARD: Aye.

14          TRUSTEE MURRAY: Aye.

15          TRUSTEE PHILLIPS: Aye.

16          TRUSTEE ROBINS: Aye.

17          MAYOR NYCE: Aye.

18          Any opposed or abstentions?

19          (No response.)

20          MAYOR NYCE: That motion carries.

21          TRUSTEE ROBINS: RESOLUTION #10-2014-12,  
22 RESOLUTION rejecting all bids as received at the  
23 bid opening on September 25th, 2014 for the Tall  
24 Ships Marketing Services, and directing Clerk  
25 Pirillo to re-notice the Request for Proposals

1 accordingly. So moved.

2 TRUSTEE PHILLIPS: Second.

3 MAYOR NYCE: I'd like to ask the Clerk to  
4 make sure that there's a fairly quick turnaround  
5 time on this. As we discussed at the work  
6 session, we have a little bit of time, but we'd  
7 like to have this person on board, and we'd like  
8 to have the bids available for the Steering  
9 Committee to review prior to next month's  
10 meeting, so this Board could potentially take  
11 action at next month's meeting.

12 CLERK PIRILLO: (Nodded yes.)

13 MAYOR NYCE: All those in favor?

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 TRUSTEE ROBINS: Aye.

18 MAYOR NYCE: Aye.

19 Any opposed or abstentions?

20 (No response.)

21 MAYOR NYCE: The motion carries.

22 TRUSTEE PHILLIPS: RESOLUTION #10-2014-13,  
23 RESOLUTION scheduling a public hearing for  
24 November 24th, 2014 at 6:00 p.m. at the Third  
25 Street Firehouse, Third and South Streets,

1 Greenport, New York, 11944, regarding a proposed  
2 local law amending Chapter 65 (Fire Prevention  
3 and Building Construction) of the Village of  
4 Greenport Code, and directing Clerk Pirillo to  
5 notice the public hearing accordingly. So moved.

6 TRUSTEE MURRAY: Second.

7 TRUSTEE PHILLIPS: Is this dealing with the  
8 fire suppression?

9 MAYOR NYCE: Yes.

10 TRUSTEE PHILLIPS: Okay.

11 MAYOR NYCE: All those in favor?

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 TRUSTEE ROBINS: Aye.

16 MAYOR NYCE: Aye.

17 Any opposed or abstentions?

18 (No response.)

19 MAYOR NYCE: That motion carries.

20 TRUSTEE MURRAY: RESOLUTION #10-2014-14,  
21 RESOLUTION scheduling a public hearing for  
22 November 24, 2014 at 6 p.m. at the Third Street  
23 Fire Station, Third and South Streets, Greenport,  
24 New York, 11944, regarding a proposed local law  
25 amending Chapter 48 (Boats and Boating) of the

1 Village of Greenport Code, and directing Clerk  
2 Pirillo to notice the public hearing accordingly.  
3 So moved.

4 TRUSTEE HUBBARD: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 TRUSTEE ROBINS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No response.)

13 MAYOR NYCE: That motion carries.

14 TRUSTEE HUBBARD: RESOLUTION #10-2014-15,  
15 RESOLUTION authorizing the attendance of Clerk  
16 Pirillo and Treasurer Brandt at the New York  
17 State Tax Freeze Workshop sponsored by LIVCTA, in  
18 Ronkonkoma, New York on November 12, 2014. The  
19 \$25.00 workshop fee for Treasurer Brandt is to be  
20 expensed from account A.1325.400 (Treasurer  
21 Contractual Expense), and all applicable travel  
22 expenses are to be divided equally between  
23 accounts A.1325.400 (Treasurer Contractual  
24 Expense) and A.1410.400 (Clerk Contractual  
25 Expense). So moved.

1 TRUSTEE ROBINS: Second.

2 MAYOR NYCE: All those in favor?

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 TRUSTEE ROBINS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No response.)

10 MAYOR NYCE: That motion carries.

11 TRUSTEE ROBINS: RESOLUTION #10-2014-16,  
12 RESOLUTION authorizing the commencement of a  
13 Supreme Court action to obtain a court order  
14 removing an unsafe and hazardous condition  
15 existing at 126 South Street, Greenport, New  
16 York. So moved.

17 TRUSTEE PHILLIPS: Second.

18 MAYOR NYCE: All those in favor?

19 TRUSTEE HUBBARD: Aye.

20 TRUSTEE MURRAY: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 TRUSTEE ROBINS: Aye.

23 MAYOR NYCE: Aye.

24 Any opposed or abstentions?

25 (No response.)

1           MAYOR NYCE: The motion carries.

2           TRUSTEE PHILLIPS: RESOLUTION #10-2014-17,  
3 RESOLUTION accepting with regret the resignations  
4 of John Winkler and Maritza Winkler from the  
5 Greenport Improvement Committee. So moved.

6           TRUSTEE MURRAY: Second.

7           MAYOR NYCE: All those in favor?

8           TRUSTEE HUBBARD: Aye.

9           TRUSTEE MURRAY: Aye.

10          TRUSTEE PHILLIPS: Aye.

11          TRUSTEE ROBINS: Aye.

12          MAYOR NYCE: Aye.

13          Any opposed or abstentions?

14          (No response.)

15          MAYOR NYCE: That motion carries.

16          I'd like to thank them for their work on  
17 the committee and wish them good luck.

18          TRUSTEE MURRAY: RESOLUTION #10-2014-18,  
19 RESOLUTION directing the Code Committee to review  
20 the short-term rental of residential properties  
21 and spaces through electronic media, as  
22 recommended by the Village of Greenport Board of  
23 Trustees, with the review to begin with the  
24 gathering of informational documents, in November  
25 of 2014. So moved.

1 TRUSTEE HUBBARD: Second.

2 MAYOR NYCE: As we said earlier, this is --  
3 this is going to be, I imagine, a fairly complex  
4 issue to wade through. There are a lot of moving  
5 parts to this, and it's something that's new for  
6 a lot of municipalities, some, obviously, much  
7 bigger than ours. New York City is struggling  
8 with this. There are places on the South Fork  
9 that are struggling with this as well. And I  
10 look forward to the discussions at the Code  
11 Committee level, and do welcome any input from  
12 residents, either by letter, email, or at -- you  
13 know, come to the Code Committee and write down  
14 your thoughts and leave them with us.

15 So all those in favor?

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 TRUSTEE ROBINS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No response.)

23 MAYOR NYCE: That motion carries.

24 TRUSTEE HUBBARD: RESOLUTION #10-2014-19,  
25 RESOLUTION directing the Code Committee to review

1 the R-2 Zoning in the Village Code, as  
2 recommended by the Village of Greenport Board of  
3 Trustees, with the review to begin with the  
4 gathering of informational documents, in November  
5 of 2014. So moved.

6 TRUSTEE ROBINS: Second.

7 MAYOR NYCE: Same comments apply to this  
8 one. This is going to be -- this will be an  
9 interesting process.

10 All those in favor?

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 TRUSTEE ROBINS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE ROBINS: RESOLUTION #10-2014-20,  
20 RESOLUTION authorizing the Village of Greenport  
21 Carousel Committee to formalize a Request for  
22 Proposals for the creation of artwork, and  
23 subsequent painting, of 14 rounding boards for  
24 the Carousel; and directing Clerk Pirillo to  
25 notice the Request for Proposals accordingly. So

1 moved.

2 TRUSTEE PHILLIPS: Second.

3 MAYOR NYCE: All those in favor?

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 TRUSTEE ROBINS: Aye.

8 MAYOR NYCE: Aye.

9 Any opposed or abstentions?

10 (No response.)

11 MAYOR NYCE: That motion carries.

12 TRUSTEE PHILLIPS: RESOLUTION #10-2014-21,

13 RESOLUTION approving all checks per the Voucher

14 Summary Report dated October 23rd, 2014, in the

15 total amount of \$1,108,456.42 consisting of:

16 o All regular checks in the amount of

17 \$417,824.48, and

18 o All prepaid checks (including wire

19 transfers) in the amount of \$690,631.94. So

20 moved.

21 TRUSTEE MURRAY: Second.

22 MAYOR NYCE: All those in favor?

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

1 TRUSTEE ROBINS: Aye.

2 MAYOR NYCE: Aye.

3 Any opposed or abstentions?

4 (No response.)

5 MAYOR NYCE: That motion carries.

6 That concludes the business before this  
7 Board at 7:20. I will offer a motion to adjourn  
8 to Executive Session to discuss a personnel  
9 issue.

10 TRUSTEE HUBBARD: Second.

11 MAYOR NYCE: All those in favor?

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 TRUSTEE ROBINS: Aye.

16 MAYOR NYCE: Aye.

17 Any opposed or abstentions?

18 (No response.)

19 MAYOR NYCE: That motion carries.

20 (Whereupon, the meeting was adjourned at  
21 7:20 p.m.)

22

23

24

25



# VILLAGE OF GREENPORT

## Budget Adjustment Form

Year: 2015 Period: 10 Trans Type: 82 - Amend Status: Balch  
Trans No: 1182 Trans Date: 10/10/2014 User rer: ROBERT  
Requested: R. BRANDT Approved: Created by: ROBERT 10/10/2014  
Description: TO FUND TALL SHIPS 2015 PORT FEE Account fl. Order: No  
Print Parent Account: No

Account No.	Account Description	Amount
R.2089.425	OTHER CULTURE AND RECREATION.TALL SHIPS	25,000.00
R.7989.425	TALL SHIPS	25,000.00
	Total Amount:	50,000.00

BOARD OF TRUSTEES  
VILLAGE OF GREENPORT  
SEQRA RESOLUTION REGARDING THE  
ADOPTION OF A LOCAL LAW OF 2014  
CREATING CHAPTER 114 STORMWATER REGULATIONS  
AND AMENDING CHAPTER 150  
OF THE  
GREENPORT VILLAGE CODE

WHEREAS the Board of Trustees of the Village of Greenport is considering for adoption a proposed Local Law of 2014 creating Chapter 114, Stormwater Management and Erosion and Sedimentation Control and to Amend Chapter 150 of the Greenport Village Code; and

WHEREAS the Board of Trustees has properly noticed a conducted a public hearing on the proposed Local Law of 2014 on July 28, 2014 and September 22, 2014;

WHEREAS the Board of Trustees has reviewed the proposed Local Law of 2014 and the completed short form EAF and accompanying materials with respect to the required SEQRA review with respect to the adoption of the proposed Local Law; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the consideration and adoption of the proposed Local Law; and it is further

RESOLVED that the Board of Trustees hereby determines that the adoption of the proposed Local Law of 2014 creating a new Chapter 114, Stormwater Management and Erosion and Sedimentation Control and to amend Chapter 150 to as to adopt Stormwater Management and Erosion Control Standars and Procedures for Land Development in Accordance with the Requirements of SPDES General Permit for Stormwater Discharges from Municipal Separate Sewer and Storm Systems Phase II Regulations of the Greenport Village Code is an Unlisted Action for purposes of SEQRA; and it is further

RESOLVED that the Board of Trustees of the Village of Greenport hereby dete lmines that the adoption of the proposed Local Law of 2014 creating a new Chapter 114 and Amending Chapter

\_\_\_\_\_  
Article \_\_\_\_\_ of the Greenport Village Code ;

Will not create a material conflict with an adopted land use plan or zoning regulations;

and

Will not result in a change in the use or intensity of the use of land; and

Will not impair the character or quality of the existing community; and

Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and

Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and

Will not cause an increase in the use of energy or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and

Will not impact existing public or private water supplies; and

Will not impact existing public or private wastewater treatment facilities; and

Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

Will not result in an adverse change to natural resources such as wetlands, waterbodies, groundwater, air quality, flora and fauna; and

Will not result in an increase in the potential for erosion, flooding or drainage problems; and

Will not create a hazard to environmental resources or human health; and that it is therefore

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

Upon motion of Trustee \_\_\_\_\_ seconded by Trustee \_\_\_\_\_,

. Local Law No. of the Year 2014

A Local Law Creating a New Chapter 114 of the Greenport Village Code Stormwater Management and Erosion and Sedimentation Control and to Amend Chapter 150, Land Development Regulations, Site Plan Approval and Subdivision Regulations of the Village of Greenport so as to Adopt Stormwater Management and Erosion Control Standards and Procedures for Land Development in Accordance with the Requirement of SPDES General Permit for Stormwater Discharges from Municipal Separate Sewer and Storm Systems Phase II Regulations.

BE IT ENACTED by the Board of Trustees of the 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.
- 2.1 General Provisions
- 2.2 Creation of Chapter 114
- 2.3 Creation of Section 150-2(C)
- 2.4 Creation of Section 150-50
- 3.1 Severability and Validity
- 3.2 Severability and Validity

Section 1.0 Title, Enactment, Effective Date,  
Purpose, and Definitions.

1.1. Title

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This Local Law shall be entitled, "Local Law of 2014 Creating Chapter 114 of the Village Code of the Village of Greenport, to Adopt Stormwater Management and Control Standards and Procedures for Land Development in Accordance with the Requirement of SPDES General Permit for Stormwater Discharges from Municipal Separate Storm and Sewer Systems Phase II Regulations."

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 2014, a Local Law of the Incorporated 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.

A. Purpose

The purpose of this Local Law is to adopt proper standards for the management and control of stormwater in the Village of Greenport.

B. Intent

The intent of this Local law is Create a Chapter 114 of the Greenport Village Code to adopt Stormwater Management and Control Standards and Procedures for Land Development in accordance with the requirement of SPDES General Permit for Stormwater Discharges from the New York State Department of Environmental Conservation Municipal Separate Storm and Sewer Systems Phase II Regulations.

2.0 General Provisions



2.1 There shall be created a Chapter 114 of the Greenport Village Code which shall read as follows:

"CHAPTER 114 STORMWATER MANAGEMENT AND EROSION AND  
SEDIMENTATION CONTROL

Article I  
General Provisions

- § 114-1. Findings of Fact.
- § 114-2. Purpose.
- § 114-3. Statutory Authority.
- § 114-4. Definitions.
- § 114-5. Applicability.
- § 114-6. Exemptions.

Article II  
Stormwater Pollution Prevention Plans

- § 114-7. Stormwater Pollution Prevention Plan Requirements.
- § 114-8. Contents of Stormwater Pollution Prevention Plans.
- § 114-9. Other Environmental Permits.
- § 114-10. Contractor Certification.
- § 114-11. SWPPP Availability.

Article III  
Performance and Design Criteria for Stormwater Management and  
Erosion and Sediment Control

- § 114-12. Technical Standards.
- § 114-13. Equivalence to Technical Standards.
- § 114-14. Water Quality Standards.

Article IV  
Maintenance, Inspection and Repair of Stormwater Facilities

- § 114-15. Maintenance and Inspection during Construction
- § 114-16. Maintenance Easement(s)
- § 114-17. Maintenance after Construction
- § 114-18. Maintenance Agreements

Article V  
Administration and Enforcement

- §114-19. Construction Inspection
- §114-20. Performance Guarantee
- §114-21. Enforcement and Penalties
- §114-22. Fees for Services
- §114-23. Severability and Effective Date

Article I.  
General Provisions

§114-1. Findings of Fact

It is hereby determined that:

- A. Land development activities and associated increases in site impervious cover often alter the hydrologic response of local watersheds and increase stormwater runoff rates and volumes, flooding, stream channel erosion, or sediment transport and deposition;
- B. This stormwater runoff contributes to increased quantities of water-borne pollutants, including siltation of aquatic habitat for fish and other desirable species;
- C. Clearing and grading during construction tends to increase soil erosion and add to the loss of native vegetation necessary for terrestrial and aquatic habitat;
- D. Improper design and construction of stormwater management practices can increase the velocity of stormwater runoff thereby increasing stream bank erosion and sedimentation;
- E. Impervious surfaces allow less water to percolate into the soil, thereby decreasing groundwater recharge and stream baseflow;
- F. Substantial economic losses can result from these adverse impacts on the waters of the municipality;
- G. Stormwater runoff, soil erosion and nonpoint source pollution can be controlled and

minimized through the regulation of stormwater runoff from land development activities;

H. The regulation of stormwater runoff discharges from land development activities in order to control and minimize increases in stormwater runoff rates and volumes, soil erosion, stream channel erosion, and nonpoint source pollution associated with stormwater runoff is in the public interest and will minimize threats to public health and safety.

I. Regulation of land development activities by means of performance standards governing stormwater management and site design will produce development compatible with the natural functions of a particular site or an entire watershed and thereby mitigate the adverse effects of erosion and sedimentation from development.

§114-2. Purpose

The purpose of this chapter is to establish minimum stormwater management requirements and controls to protect and safeguard the general health, safety, and welfare of the public residing within this jurisdiction and to address the findings of fact in §114-1 hereof. This chapter seeks to meet those purposes by achieving the following objectives:

A. Meet the requirements of minimum measures 4 and 5 of the SPDES General Permit for Stormwater Discharges from Municipal Separate Stormwater Sewer Systems (MS4s), Permit no. \_\_\_\_\_ ~~OR~~ as amended or revised;

B. Require land development activities to conform to the substantive requirements of the NYS Department of Environmental Conservation State Pollutant Discharge Elimination System (SPDES) General Permit for Construction Activities \_\_\_\_\_ or as amended or revised;

C. Minimize increases in stormwater runoff from land development activities in order to reduce flooding, siltation, increases in stream temperature, and streambank erosion and maintain the integrity of stream channels;

---

D. Minimize increases in pollution caused by stormwater runoff from land development activities which would otherwise degrade local water quality;

E. Minimize the total annual volume of stormwater runoff which flows from any specific site during and following development to the maximum extent practicable; and Reduce stormwater runoff rates and volumes, soil erosion and nonpoint source pollution, wherever possible, through stormwater management practices and to ensure that these management practices are properly maintained and eliminate threats to public safety.

§ 114-3. Statutory Authority

In accordance with Article 10 of the Municipal Home Rule Law of the State of New York, the Board of Trustees of the Village of Greenport has the authority to enact local laws and amend local laws for the purpose of promoting the health, safety or general welfare of the residents of the Village of Greenport and for the protection and enhancement of its physical environment. The Board of Trustees of the Village of Greenport may include in any such local law provisions for the appointment of any municipal officer, employees, or independent contractor to effectuate, administer and enforce such local law.

§114-4. Definitions

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

**AGRICULTURAL ACTIVITY** - the activity of an active farm including grazing and watering livestock, cultivating crops, harvesting crops, using land for growing agricultural products, and cutting timber for sale, but shall not include the operation of a dude ranch or similar operation, or the construction of new structures associated with agricultural activities.

**APPLICANT** - a property owner or agent of a property owner who has filed an application

---

for a land development activity.

**BUILDING** - any structure, either temporary or permanent, having walls and a roof, designed for the shelter of any person, animal, or property, and occupying more than 100 square feet of area.

**CHANNEL** - a natural or artificial watercourse with a definite bed and banks that conducts continuously or periodically flowing water.

**CLEARING** - any activity that removes the vegetative surface cover.

**DEDICATION** - the deliberate appropriation of property by its owner for general public use.

**DEPARTMENT** - the New York State Department of Environmental Conservation

**DESIGN MANUAL** - the New York State Stormwater Management Design Manual, most recent version including applicable updates, which serves as the official guide for stormwater management principles, methods and practices.

**DEVELOPER** - a person who undertakes land development activities.

**EROSION CONTROL MANUAL** - the most recent version of the "New York Standards and Specifications for Erosion and Sediment Control" Manual, commonly known as the "Blue Book".

**GRADING** - excavation or fill of material, including the resulting conditions thereof.

**IMPERVIOUS COVER** - those surfaces, improvements and structures that cannot effectively infiltrate rainfall, snow melt and water (e.g., building rooftops, pavement, sidewalks, driveways, etc).

**INDUSTRIAL STORMWATER PERMIT** - a State Pollutant Discharge Elimination System permit issued to a commercial industry or group of industries which regulates the pollutant levels associated with industrial stormwater discharges or specifies on-site pollution control strategies.

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INFILTRATION - the process of percolating stormwater into the subsoil.

JURISDICTIONAL WETLAND - an area that is inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of vegetation typically adapted for life in saturated soil conditions, commonly known as hydrophytic vegetation.

LAND DEVELOPMENT ACTIVITY - construction activity including clearing, grading, excavating, soil disturbance or placement of fill that results in land disturbance of equal to or greater than one acre, or activities disturbing less than one acre of total land area that is part of a larger common plan of development or sale, even though multiple separate and distinct land development activities may take place at different times on different schedules.

LANDOWNER - the legal or beneficial owner of land, including those holding the right to purchase or lease the land, or any other person holding proprietary rights in the land.

MAINTENANCE AGREEMENT - a legally recorded document that acts as a property deed restriction, and which provides for long-term maintenance of stormwater management practices.

NONPOINT SOURCE POLLUTION - pollution from any source other than from any discernible, confined, and discrete conveyances, and shall include, but not be limited to, pollutants from agricultural, silvicultural, mining, construction, subsurface disposal and urban runoff sources.

PHASING - clearing a parcel of land in distinct pieces or parts, with the stabilization of each piece completed before the clearing of the next.

POLLUTANT OF CONCERN - sediment or a water quality measurement that addresses sediment (such as total suspended solids, turbidity or siltation) and any other pollutant that has been identified as a cause of impairment of any water body that will receive a discharge from the land development activity.

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PROJECT - land development activity

RECHARGE - the replenishment of underground water reserves.

SEDIMENT CONTROL - measures that prevent eroded sediment from leaving the site.

SENSITIVE AREAS - cold water fisheries, shellfish beds, swimming beaches, groundwater recharge areas, water supply reservoirs, habitats for threatened, endangered or special concern species.

SPDES GENERAL PERMIT FOR CONSTRUCTION ACTIVITIES GP-02-01 - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to developers of construction activities to regulate disturbance of one or more acres of land.

SPDES GENERAL PERMIT FOR STORMWATER DISCHARGES FROM MUNICIPAL SEPARATE STORMWATER SEWER SYSTEMS GP-\_\_\_\_\_ - A permit under the New York State Pollutant Discharge Elimination System (SPDES) issued to municipalities to regulate discharges from municipal separate storm sewers for compliance with EPA established water quality standards and/or to specify stormwater control standards

STABILIZATION - the use of practices that prevent exposed soil from eroding.

STOP WORK ORDER - an order issued which requires that all construction activity on a site be stopped.

STORMWATER - rainwater, surface runoff, snowmelt and drainage

STORMWATER HOTSPOT - a land use or activity that generates higher concentrations of hydrocarbons, trace metals or toxicants than are found in typical stormwater runoff, based on monitoring studies.

STORMWATER MANAGEMENT - the use of structural or non-structural practices that are designed to reduce stormwater runoff and mitigate its adverse impacts on property, natural resources

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and the environment.

**STORMWATER MANAGEMENT FACILITY** - one or a series of stormwater management practices installed, stabilized and operating for the purpose of controlling stormwater runoff.

**STORMWATER MANAGEMENT OFFICER (SMO)** - an employee or officer designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices

**STORMWATER MANAGEMENT PRACTICES (SMPS)** - measures, either structural or nonstructural, that are determined to be the most effective, practical means of preventing flood damage and preventing or reducing point source or nonpoint source pollution inputs to stormwater runoff and water bodies.

**STORMWATER POLLUTION PREVENTION PLAN (SWPPP)** - a plan for controlling stormwater runoff and pollutants from a site during and after construction activities.

**STORMWATER RUNOFF** - flow on the surface of the ground, resulting from precipitation

**SURFACE WATERS OF THE STATE OF NEW YORK** - lakes, bays, sounds, ponds, impounding reservoirs, springs, wells, rivers, streams, creeks, estuaries, marshes, inlets, canals, the Atlantic ocean within the territorial seas of the state of New York and all other bodies of surface water, natural or artificial, inland or coastal, fresh or salt, public or private (except those private waters that do not combine or effect a junction with natural surface or underground waters), which are wholly or partially within or bordering the state or within its jurisdiction. Storm sewers and waste treatment systems, including treatment ponds or lagoons which also meet the criteria of this definition are not waters of the state. This exclusion applies only to manmade bodies of water which neither were originally created in waters of the state (such as a disposal area in wetlands) nor resulted from

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impoundment of waters of the State.

WATERCOURSE - a permanent or intermittent stream or other body of water, either natural or man-made, which gathers or carries surface water.

WATERWAY - a channel that directs surface runoff to a watercourse or to the public storm drain.

§114-5. Applicability

A. This chapter shall be applicable to all land development activities as defined in this chapter, §114-4.

B. The Village shall designate a Stormwater Management Officer (SMO) who shall accept and review all stormwater pollution prevention plans and forward such plans to the applicable municipal board. The SMO may (1) review the plans, (2) upon approval by the Board of Trustees of the Village of Greenport engage the services of a registered professional engineer to review the plans, specifications and related documents at a cost not to exceed a fee schedule established by said governing board, or (3) accept the certification of a licensed professional that the plans conform to the requirements of this law.

C. All land development activities subject to review and approval by the Planning Board of the Village of Greenport under subdivision and/or site plan regulations shall be reviewed subject to the standards contained in this chapter.

D. All land development activities not subject to review as stated in §114-5, paragraph C shall be required to submit a Stormwater Pollution Prevention Plan (SWPPP) to the SMO who shall approve the SWPPP if it complies with the requirements of this law.

§114-6. Exemptions

The following activities may be exempt from review under this law.

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- A. Agricultural activity as defined in this chapter.
  - B. Routine maintenance activities that disturb less than five acres and are performed to maintain the original line and grade, hydraulic capacity or original purpose of a facility.
  - C. Repairs to any stormwater management practice or facility deemed necessary by the SMO.
  - D. Any part of a subdivision if a plat for the subdivision has been approved by the Village on or before the effective date of this law.
  - E. Land development activities for which a building permit has been approved on or before the effective date of this law.
  - F. Installation of fence, sign, telephone, and electric poles and other kinds of posts or poles.
  - G. Emergency activity immediately necessary to protect life, property or natural resources.
  - H. Activities of an individual engaging in home gardening by growing flowers, vegetable and other plants primarily for use by that person and his or her family.
  - I. Landscaping and horticultural activities in connection with an existing structure.

Article II  
Stormwater Pollution Prevention Plans

§114-7. Stormwater Pollution Prevention Plan Requirement

No application for approval of a land development activity shall be reviewed until the appropriate board has received a Stormwater Pollution Prevention Plan (SWPPP) prepared in accordance with the specifications in this chapter.

§114-8. Contents of Stormwater Pollution Prevention Plans

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A. All SWPPPs shall provide the following background information and erosion and sediment controls:

(1) Background information about the scope of the project, including location, type and size of project.

(2) Site map/construction drawing(s) for the project shall be at a scale no smaller than 1"=100' and include a general location map. At a minimum, the site map should show the total site area; all improvements; areas of disturbance; areas that will not be disturbed; existing vegetation; on-site and adjacent off-site surface water(s); wetlands and drainage patterns that could be affected by the construction activity; existing and final slopes; locations of off-equipment storage areas; and location(s) of the stormwater discharges(s);

(3) Description of the soil(s) present at the site;

(4) Construction phasing plan describing the intended sequence of construction activities, including clearing and grubbing, excavation and grading, utility and infrastructure installation and any other activity at the site that results in soil disturbance. Consistent with the New York Standards and Specifications for Erosion and Sediment Control (Erosion Control Manual), not more than five (5) acres shall be disturbed at any one time unless pursuant to an approved SWPPP.

(5) Description of the pollution prevention measures that will be used to control litter, construction chemicals and construction debris from becoming a pollutant source in stormwater runoff;

(6) Description of construction and waste materials expected to be stored on-site with updates as appropriate, and a description of controls to reduce pollutants from these materials including storage practices to minimize exposure of the materials to stormwater, and spill-prevention

(7) Temporary and permanent structural and vegetative measures to be used for soil stabilization, runoff control and sediment control for each stage of the project from initial land clearing and grubbing to project close-out;

(8) A site map/construction drawing(s) specifying the location(s), size(s) and length(s) of each erosion and sediment control practice;

(9) Dimensions, material specifications and installation details for all erosion and sediment control practices, including the siting and sizing of any temporary sediment basins;

(10) Temporary practices that will be converted to permanent control measures;

(11) Implementation schedule for staging temporary erosion and sediment control practices, including the timing of initial placement and duration that each practice should remain in place;

(12) Maintenance schedule to ensure continuous and effective operation of the erosion and sediment control practice;

(13) Name(s) of the receiving water(s);

(14) Delineation of SWPPP implementation responsibilities for each part of the site;

(15) Description of structural practices designed to divert flows from exposed soils, store flows, or otherwise limit runoff and the discharge of pollutants from exposed areas of the site to the degree attainable; and

(16) Any existing data that describes the stormwater runoff at the site.

B. Land development activities as defined in §114-4 of this chapter and meeting Condition "A", "B" or "C" below shall also include water quantity and water quality controls (post-construction stormwater runoff controls) as set forth in §114-8, paragraph C below as applicable:

1. Condition A - Stormwater runoff from land development activities discharging a

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pollutant of concern to either an impaired water identified on the Department's 303(d) list of impaired waters or a Total Maximum Daily Load (TMDL) designated watershed for which pollutants in stormwater have been identified as a source of the impairment.

2. Condition B - Stormwater runoff from land development activities disturbing five (5) or more acres.

3. Condition C - Stormwater runoff from land development activity disturbing between one (1) and five (5) acres of land during the course of the project, exclusive of the construction of single family residences and construction activities at agricultural properties.

C. SWPPP Requirements for Conditions above A, B and C:

- (1) All information in §114-8, paragraph A of this chapter.
- (2) Description of each post-construction stormwater management practice;
- (3) Site map/construction drawing(s) showing the specific location(s) and size(s) of each post-construction stormwater management practice;
- (4) Hydrologic and hydraulic analysis for all structural components of the stormwater management system for the applicable design storms;
- (5) Comparison of post-development stormwater runoff conditions with pre-development conditions;
- (6) Dimensions, material specifications and installation details for each post-construction stormwater management practice;
- (7) Maintenance schedule to ensure continuous and effective operation of each post-construction stormwater management practice.
- (8) Maintenance easements to ensure access to all stormwater management practices at

the site for the purpose of inspection and repair. Easements shall be recorded on the plan and shall remain in effect with transfer of title to the property.

(9) Inspection and maintenance agreement binding on all subsequent landowners served by the on-site stormwater management measures in accordance with Article IV of this chapter.

(10) For Condition A, the SWPPP shall be prepared by a landscape architect, certified professional or professional engineer and must be signed by the professional preparing the plan, who shall certify that the design of all stormwater management practices meet the requirements in this chapter.

#### §114-9. Other Environmental Permits

The applicant shall assure that all other applicable environmental permits have been or will be acquired for the land development activity prior to approval of the final stormwater design plan.

#### §114-10. Contractor Certification

A. Each contractor and subcontractor identified in the SWPPP who will be involved in soil disturbance and/or stormwater management practice installation shall sign and date a copy of the following certification statement before undertaking any land development activity: "I certify under penalty of law that I understand and agree to comply with the terms and conditions of the Stormwater Pollution Prevention Plan. I also understand that it is unlawful for any person to cause or contribute to a violation of water quality standards."

B. The certification must include the name and title of the person providing the signature, address and telephone number of the contracting firm; the address (or other identifying description) of the site; and the date the certification is made.

C. The certification statement(s) shall become part of the SWPPP for the land development activity.

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§114-11. SWPPP Availability

A copy of the SWPPP shall be retained at the site of the land development activity during construction from the date of initiation of construction activities to the date of final stabilization.

Article III

Performance and Design Criteria for Stormwater Management and Erosion and Sediment Control

All land development activities shall be subject to the following performance and design criteria:

§114-12. Technical Standards

For the purpose of this chapter, the following documents shall serve as the official guides and specifications for stormwater management. Stormwater management practices that are designed and constructed in accordance with these technical documents shall be presumed to meet the standards imposed by this law:

A. The New York State Stormwater Management Design Manual (New York State Department of Environmental Conservation, most current version or its successor, hereafter referred to as the Design Manual)

B. New York Standards and Specifications for Erosion and Sediment Control, (Empire State Chapter of the Soil and Water Conservation Society, 2004, most current version or its successor, hereafter referred to as the Erosion Control Manual).

§114-13. Equivalence to Technical Standards

Where stormwater management practices are not in accordance with technical standards, the applicant or developer must demonstrate equivalence to the technical standards set forth in §114-12

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and the SWPPP shall be prepared by a licensed professional.

§114-14. Water Quality Standards

Any land development activity shall not cause an increase in turbidity that will result in substantial visible contrast to natural conditions in surface waters of the State of New York.

Article IV

Maintenance, Inspection and Repair of Stormwater Facilities

§114-15. Maintenance and Inspection during Construction

A. The applicant or developer of the land development activity or their representative shall at all times properly operate and maintain all facilities and systems of treatment and control (and related appmtenances) which are installed or used by the applicant or developer to achieve compliance with the conditions of this chapter. Sediment shall be removed from sediment traps or sediment ponds whenever their design capacity has been reduced by fifty (50) percent.

C. For land development activities as defined in §114-4 and meeting Condition A, B or C in §114-8, paragraph B, the applicant shall have a qualified professional conduct site inspections and document the effectiveness of all erosion and sediment control practices every 7 days and within 24 hours of any storm event producing 0.5 inches of precipitation or more. Inspection repolts shall be maintained in a site log book.

§114-16. Maintenance Easement(s)

Prior to the issuance of any approval that has a stormwater management facility as one of the requirements, the applicant or developer must execute a maintenance easement agreement that shall be binding on all subsequent landowners served by the stormwater management .facility. The easement shall provide for access to the facility at reasonable times for periodic inspection by the Village of Greenp0lt to ensure that the facility is maintained in proper working condition to meet

design standards and any other provisions established by this chapter. The easement shall be recorded by the grantor in the office of the County Clerk after approval by the counsel for the Village of Greenport.

#### §114-17. Maintenance after Construction

The owner or operator of permanent stormwater management practices installed in accordance with this chapter shall ensure they are operated and maintained to achieve the goals of this law. Proper operation and maintenance also includes as a minimum, the following:

A. A preventive/connective maintenance program for all critical facilities and systems of treatment and control (or related appmtenances) which are installed or used by the owner or operator to achieve the goals of this law.

B. Written procedures for operation and maintenance and training new maintenance personnel. Discharges from the SMPs shall not exceed design criteria or cause or contribute to water quality standard violations in accordance with §114-14.

#### §114-18. Maintenance Agreements

The Village of Greenport shall approve a formal maintenance agreement for stormwater management facilities binding on all subsequent landowners and recorded in the office of the County Clerk as a deed restriction on the property prior to final plan approval. The maintenance agreement shall be consistent with the terms and conditions this chapter. The Village of Greenpmt, in lieu of a maintenance agreement, at its sole discretion may accept dedication of any existing or future stormwater management facility, provided such facility meets all the requirements of this chapter and includes adequate and perpetual access and sufficient area, by easement or otherwise, for inspection and regular maintenance.

## Article V

### Administration and Enforcement

#### §114-19. Construction Inspection

##### A. Erosion and Sediment Control Inspection.

(1) The Village of Greenport Stormwater Management Officer (SMO) may require such inspections as necessary to determine compliance with this law and may either approve that portion of the work completed or notify the applicant wherein the work fails to comply with the requirements of this law and the stormwater pollution prevention plan (SWPPP) as approved. To obtain inspections, the applicant shall notify the Village of Greenport enforcement official at least 48 hours before any of the following as required by the SMO:

- (a) Start of construction
- (b) Installation of sediment and erosion control measures
- (c) Completion of site clearing
- (d) Completion of rough grading
- (e) Completion of final grading
- (f) Close of the construction season
- (g) Completion of final landscaping
- (h) Successful establishment of landscaping in public areas.

(2) If any violations are found, the applicant and developer shall be notified in writing of the nature of the violation and the required corrective actions. No further work shall be conducted except for site stabilization until any violations are corrected and all work previously completed has received approval by the SMO.

##### B. Stormwater Management Practice Inspections. The Village of Greenport SMO is

responsible for conducting inspections of stormwater management practices (SMPs). All applicants are required to submit "as built" plans for any SMPs located on-site after final construction is completed. The plan must show the final design specifications for all stormwater management facilities and must be certified by a professional engineer.

C. Inspection of Stormwater Facilities after Project Completion. Inspection programs shall be established on any reasonable basis, including but not limited to: routine inspections; random inspections; inspections based upon complaints or other notice of possible violations; inspection of drainage basins or areas identified as higher than typical sources of sediment or other contaminants or pollutants; inspections of businesses or industries of a type associated with higher than usual discharges of contaminants or pollutants or with discharges of a type which are more likely than the typical discharge to cause violations of state or federal water or sediment quality standards or the SPDES stormwater permit; and joint inspections with other agencies inspecting under environmental or safety laws. Inspections may include, but are not limited to: reviewing maintenance and repair records; sampling discharges, surface water, groundwater, and material or water in drainage control facilities; and evaluating the condition of drainage control facilities and other SMPs.

D. Submission of Reports. The Village of Greenport SMO may require monitoring and reporting from entities subject to this law as are necessary to determine compliance with this law.

E. Right-of-Entry for Inspection. When any new stormwater management facility is installed on private property or when any new connection is made between private property and the public stormwater system, the landowner shall grant to the Village of Greenport the right to enter the property at reasonable times and in a reasonable manner for the purpose of inspection as specified in §114-19, paragraph C.

§114-20. Performance Guarantee

A. Construction Completion Guarantee. In order to ensure the full and faithful completion of all land development activities related to compliance with all conditions set forth by the Village of Greenport in its approval of the SWPPP, the Village of Greenport may require the applicant or developer to provide, prior to construction, a performance bond, cash escrow, or inescapable letter of credit from an appropriate financial or surety institution which guarantees satisfactory completion of the project and names the Village of Greenport as the beneficiary. The security shall be in an amount to be determined by the Village of Greenport based on submission of final design plans, with reference to actual construction and landscaping costs. The performance guarantee shall remain in force until the surety is released from liability by the Village of Greenport, provided that such period shall not be less than one year from the date of final acceptance or such other certification that the facility(ies) have been constructed in accordance with the approved plans and specifications and that a one year inspection has been conducted and the facilities have been found to be acceptable to the Village of Greenport. Per annum interest on cash escrow deposits shall be reinvested in the account until the surety is released from liability.

B. Maintenance Guarantee. Where stormwater management and erosion and sediment control facilities are to be operated and maintained by the developer or by a corporation that owns or manages a commercial or industrial facility, the developer, prior to construction, may be required to provide the Village of Greenport with an inescapable letter of credit from an approved financial institution or surety to ensure proper operation and maintenance of all stormwater management and erosion control facilities both during and after construction, and until the facilities are removed from operation. If the developer or landowner fails to properly operate and maintain stormwater management and erosion and sediment control facilities, the Village of Greenport may draw upon the

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account to cover the costs of proper operation and maintenance, including engineering and inspection costs.

C. Recordkeeping. The Village of Greenport may require entities subject to this chapter to maintain records demonstrating compliance with this chapter.

§114-21. Enforcement and Penalties

A. Notice of Violation. When the Village of Greenport determines that a land development activity is not being carried out in accordance with the requirements of this chapter, it may issue a written notice of violation to the landowner. The notice of violation shall contain:

- (1) the name and address of the landowner, developer or applicant;
- (2) the address when available or a description of the building, structure or land upon which the violation is occurring;
- (3) a statement specifying the nature of the violation;
- (4) a description of the remedial measures necessary to bring the land development activity into compliance with this chapter and a time schedule for the completion of such remedial action;
- (5) a statement of the penalty or penalties that shall or may be assessed against the person to whom the notice of violation is directed;
- (6) a statement that the determination of violation may be appealed to the municipality by filing a written notice of appeal within fifteen (15) days of service of notice of violation.

B. Stop Work Orders. The Village of Greenport may issue a stop work order for violations of this law.

C. Persons receiving a stop work order shall be required to halt all land development

activities, except those activities that address the violations leading to the stop work Order. The stop work order shall be in effect until the Village of Greenport confirms that the land development activity is in compliance and the violation has been satisfactorily addressed. Failure to address a stop work order in a timely manner may result in civil, criminal, or monetary penalties in accordance with the enforcement measures authorized in this chapter.

D. Violations. Any land development activity that is commenced or is conducted contrary to this chapter, may be restrained by injunction or otherwise abated in a manner provided by law.

E. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon courts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

E. Certificate of Occupancy. If any building or land development activity is installed or

conducted in violation of this chapter the SMO may prevent the occupancy of said building or land.

F. Restoration of lands. Any violator may be required to restore land to its undisturbed condition. In the event that restoration is not undertaken within a reasonable time after notice, the Village of Greenport may take necessary corrective action, the cost of which shall become a lien upon the property until paid.

§143-22. Fees for Services

The Village of Greenport may require any person undertaking land development activities regulated by this law to pay reasonable costs at prevailing rates for review of SWPPPs, inspections, or SMP maintenance performed by the Village of Greenport or performed by a third party for the Village of Greenport.

§114-23. Severability and Effective Date

A. Severability. The provisions of this chapter are hereby declared to be severable and if any section, clause, sentence, paragraph or phase of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clause, sentences, paragraphs or phases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter and application of this law shall stand, notwithstanding the invalidity of any part.

B. Effective Date. This chapter shall take effect immediately upon filing in the office of the secretary of State in accordance with § 27 of the Municipal Home Rule Law."

2.1 Amendment to Chapter 150 of the Greenport Village Code by the Creation of a new Section 150-2(C)

There shall be a new Section 150-2(C) of the Greenport Village Code which shall read as follows:

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"150-2(C) The definitions in Chapter 114, Stormwater Management and Erosion and Sediment Control, shall apply to this chapter."

2.3 Amendment to Chapter 150 of the Greenport Village Code by the Creation of a new Section 150-50 of the Greenport Village Code.

There shall be created a new Section 150-50 of the Greenport Village Code which shall read as follows:

"150-50 Stormwater Management and Erosion and Sediment Control

(A). To the extent applicable, all land development pursuant to this Chapter shall conform as well to the provisions of and be consistent with the requirements of Chapter 114 "Stormwater Management and Erosion and Sediment Control of this Code."

(B). Stormwater Pollution Prevention Plans. An approved stormwater pollution prevention plan (SWPPP) consistent with the requirements of Chapter 114, Stormwater Management and Erosion and Sediment Control of this Code shall be required for preliminary and final subdivision plat approval. The SWPPP shall meet the performance and design criteria and standards of Chapter 114, Stormwater Management and Erosion and Sediment Control. The approved subdivision plat shall be consistent with the provisions of Chapter 114, Stormwater Management and Erosion and Sediment Control."

3.0 Severability

3.1 In the event that one or more provisions of this local law should be deemed invalid or unenforceable the remaining provisions of the local law or the code which it is amending shall remain in full force and effect.

BOARD OF TRUSTEES

VILLAGE OF GREENPORT

SEQRA RESOLUTION REGARDING THE  
ADOPTION OF A LOCAL LAW OF 2014  
CREATING CHAPTER 114 A STORMWATER MANAGEMENT;  
PROHIBITION OF ILLICIT DISCHARGES,  
ACTIVITIES AND CONNECTIONS  
OF THE  
GREENPORT VILLAGE CODE

WHEREAS the Board of Trustees of the Village of Greenport is considering for adoption a proposed Local Law of 2014 creating Chapter 114A, Chapter 114A "Stormwater Management; Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems Stormwater Management and Erosion and Sedimentation Control and to Amend Chapter 150 of the Greenport Village Code; and

WHEREAS the Board of Trustees has properly noticed a conducted a public hearing on the proposed Local Law of 2014 on July 28, 2014 and September 22, 2014;

WHEREAS the Board of Trustees has reviewed the proposed Local Law of 2014 and the completed short form EAF and accompanying materials with respect to the required SEQRA review with respect to the adoption of the proposed Local Law; it is therefore

RESOLVED that the Board of Trustees adopts Lead Agency status for purposes of SEQRA with respect to the consideration and adoption of the proposed Local Law; and it is further

RESOLVED that the Board of Trustees hereby determines that the adoption of the proposed Local Law of 2014 creating a new Chapter 114A Chapter 114A "Stormwater Management; Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems ,of the Greenport Village Code is an Unlisted Action for purposes of SEQRA; and 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 2014 creating a new Chapter 114A of the Greenport Village Code;

Will not create a material conflict with an adopted land use plan or zoning regulations; and

Will not result in a change in the use or intensity of the use of land; and

Will not impair the character or quality of the existing community; and

Will not have an impact on the environmental characteristics that caused the establishment of a Critical Environmental Area; and

Will not result in an adverse change in the existing level of traffic or affect existing infrastructure for mass transit, biking, or walkways; and

Will not cause an increase in the use of energy or fails to incorporate reasonably available energy a conservation or renewable energy alternatives; and

Will not impact existing public or private water supplies; and

Will not impact existing public or private wastewater treatment facilities; and

Will not impair the character or quality of important historic, archaeological, architectural or aesthetic resources; and

Will no result in an adverse change to natural resources such as wetlands, waterbodies, groundwater, air quality, flora and fauna; and

Will not result in an increase in the potential for erosion, flooding or drainage problems; and

Will not create a hazard to environmental resources or human health; and that it is therefore

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

Upon motion of Trustee \_\_\_\_\_seconded by Trustee \_\_\_\_\_,

Local Law No. of the Year 2014

A Local Law creating a new chapter, Chapter 114A "Stormwater Management; Prohibition of Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems" of the Code of the Village of Greenport, New York so as to adopt stormwater management and erosion control standards and procedures for new development in accordance with the requirement of SPDES general permit for Stormwater Discharges from Municipal Separate Storm and Sewer Systems.

BE IT ENACTED by the Board of Trustees of the 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.
- 2.1 General Provisions
- 2.2 Creation of Chapter 114A
- 3.1 Severability and Validity
- 3.2 Severability and Validity

Section 1.0 Title, Enactment, Effective Date,  
Purpose, and Definitions.

1.1. Title

This Local Law shall be entitled, "Local Law of 2014 Creating Chapter 114A of the Village Code of the Village of Greenport, to Adopt Regulations Prohibiting Illicit Discharges, Activities and Connections to Separate Storm Sewer Systems" so as to adopt storm water ... management and erosion control standards and procedures for new development in accordance

with the requirement of SPDES general permit for Storm Water Discharges from Municipal Separate Storm and Sewer Systems.

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 2014, a Local Law of the Incorporated 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.

A. Purpose and Intent

The purpose and intent of this Local Law is Create a Chapter 114A of the Greenport Village Code adopting regulations prohibiting illicit discharges, activities and connections to separate storm sewer systems.

2.1 General Provisions

2.2 There shall be created a Chapter 114A of the Greenport Village Code which shall read as follows:

"Chapter 114A

STORMWATER MANAGEMENT; PROHIBITION OF ILLICIT  
DISCHARGES, ACTIVITIES AND CONNECTIONS TO SEPARATE STORM SEWER  
SYSTEM

§ 114A-1. Intent.

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- § 114A-2. Definitions.
  - § 114A-3. Applicability.
  - § 114A-4. Responsibility for Administration.
  - § 114A-5. Discharge Prohibitions.
  - § 114A-6. Prohibition Against Failing Individual Sewage Treatment Systems
  - § 114A-7. Prohibition Against Activities Contaminating Stormwater
  - § 114A-8. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.
  - § 114A-9. Suspension of Access to MS4.
  - § 114A-10. Industrial or Construction Activity Discharges.
  - § 114A-11. Access and Monitoring of Discharges.
  - § 114A-12. Notification of Spills.
  - § 114A-13. Enforcement.
  - § 114A-14. Appeal of Notice of Violation.
  - § 114A-15. Corrective Measures after Appeal.
  - § 114A-16. Injunctive Relief.
  - § 114A-17. Alternative Remedies.
  - § 114A-18. Violations Deemed a Public Nuisance.
  - § 114A-19. Remedies Not Exclusive.
  - § 114A-20. Severability.
  - § 114A-21. Effective Date
  - § 114A-1. Intent.

The purpose of this chapter is to provide for the health, safety; and general welfare of the citizens of the Village of Greenpmt through the regulation of non-storm water discharges to the municipal separate storm sewer system (MS4) to the maximum extent practicable as required by federal and state

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law. This chapter establishes methods for controlling the introduction of pollutants into the MS4 in order to comply with requirements of the SPDES General Permit for Municipal Separate Storm Sewer Systems. The objectives of this chapter are:

- A. To meet the requirements of the SPDES General Permit for Stormwater Discharges from MS4s, Permit no. GP-0-08-00? or as amended or revised;
- B. To regulate the contribution of pollutants to the MS4 since such systems are not designed to accept, process or discharge non-stormwater wastes;
- C. To prohibit Illicit Connections, Activities and Discharges to the MS4;
- D. To establish legal authority to carry out all inspection, surveillance and monitoring procedures necessary to ensure compliance with this chapter; and
- E. To promote public awareness of the hazards involved in the improper discharge of trash, yard waste, lawn chemicals, pet waste, wastewater, grease, oil, petroleum products, cleaning products, paint products, hazardous waste, sediment and other pollutants into the MS4.

§ 14A-2. Definitions.

Whenever used in this chapter, unless a different meaning is stated in a definition applicable to only a portion of this chapter, the following terms will have meanings set forth below:

**BEST MANAGEMENT PRACTICES (BMPS)** - Schedules of activities, prohibitions of practices, general good house keeping practices, pollution prevention and educational practices, maintenance procedures, and other management practices to prevent or reduce the discharge of pollutants directly or indirectly to stormwater, receiving waters, or stormwater conveyance systems: BMPs also include treatment practices, operating procedures, and practices to control site runoff, spillage or leaks, sludge or water disposal, or drainage from raw materials storage.

**CLEAN WATER ACT** - The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.), and any subsequent amendments thereto.

**CONSTRUCTION ACTIVITY** - Activities requiring authorization under the SPDES permit for

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stormwater discharges from construction activity, GP-02-01, as amended or revised. These activities include construction projects resulting in land disturbance of one or more acres. Such activities include but are not limited to clearing and grubbing, grading, excavating, and demolition.

DEPARTMENT - The New York State Department of Environmental Conservation.

HAZARDOUS MATERIALS - Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

ILLICIT CONNECTIONS - Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the MS4, including but not limited to:

1. Any conveyances which allow any non-stormwater discharge including treated or untreated sewage, process wastewater, and wash water to enter the MS4 and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by an authorized enforcement agency; or
2. Any drain or conveyance connected from a commercial or industrial land use to the MS4 which has not been documented in plans, maps, or equivalent records and approved by an authorized enforcement agency.

ILLICIT DISCHARGE - Any direct or indirect non-stormwater discharge to the MS4, except as exempted in Section 6 of this chapter.

INDUSTRIAL ACTIVITY - Activities requiring the SPDES permit for discharges from industrial activities except construction, GP-98-03, as amended or revised.

MUNICIPAL SEPARATE STORM SEWER SYSTEM (MS4) - Municipal Separate Storm Sewer System. A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, curbs, gutters, ditches, man-made channels, or storm drains):

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1. Owned or operated by the Village of Greenp01t;
  2. Designed or used for collecting or conveying stormwater;
  3. Which is not a combined sewer; and
  4. Which is not part of a Publicly Owned Treatment Works (POTW) as defined **at**

40CFR 122.2

MUNICIPALITY - The Village of Greenp01t.

NON-STORMWATER DISCHARGE - Any discharge to the MS4 that is not composed entirely of stormwater.

PERSON - Any individual, association, organization, partnership, firm, corporation or other entity recognized by law and acting either as the owner or as the owner's agent.

POLLUTANT - Dredged spoil, filter backwash, solid waste, incinerator residue, treated or untreated sewage, garbage, sewage sludge, munitions, chemical wastes, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand and industrial, municipal, agricultural waste and ballast discharged into water; which may cause or might reasonably be expected to cause pollution of the waters of the state in contravention of the standards.

PREMISES - Any building, lot, parcel of land, or portion of land whether improved or unimproved including adjacent sidewalks and parking strips.

SPECIAL CONDITIONS - Conditions including:

1. Discharge Compliance with Water Quality Standards. The condition that applies where a municipality has been notified that the discharge of stormwater authorized under their MS4 permit may have caused or has the reasonable potential to cause or contribute to the violation of an applicable water quality standard. Under this condition the municipality must take all necessary actions to ensure future discharges do not cause or contribute to a violation of water quality standards.

2. 303(d) Listed Waters. The condition in the municipality's MS4 permit that applies where the MS4 discharges to a 303(d) listed water. Under this condition the stormwater management program

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must ensure no increase of the listed pollutant of concern *to* the 303(d) listed water.

3. Total Maximum Daily Load (TMDL) Strategy. The condition in the municipality's MS4 permit where a TMDL including requirements for control of stormwater discharges has been approved by EPA for a waterbody or watershed into which the MS4 discharges. If the discharge from the MS4 did not meet the TMDL stormwater allocations prior to September 10, 2003, the municipality was required to modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

4. The condition in the municipality's MS4 permit that applies if a TMDL is approved in the future by EPA for any waterbody or watershed into which an MS4 discharges. Under this condition the municipality must review the applicable TMDL to see if it includes requirements for control of stormwater discharges. If an MS4 is not meeting the TMDL stormwater allocations, the municipality must, within six (6) months of the TMDL's approval, modify its stormwater management program to ensure that reduction of the pollutant of concern specified in the TMDL is achieved.

STATE POLLUTANT DISCHARGE ELIMINATION SYSTEM (SPDES) STORMWATER DISCHARGE PERMIT - A permit issued by the Department that authorizes the discharge of pollutants to waters of the state.

STORMWATER - Rainwater, surface runoff, snowmelt and drainage.

STORMWATER MANAGEMENT OFFICER (SMO) - An employee, the municipal engineer or other public official(s) designated by the Village of Greenport to enforce this chapter. The SMO may also be designated by the municipality to accept and review stormwater pollution prevention plans, forward the plans to the applicable municipal board and inspect stormwater management practices.

303(D) LIST - A list of all surface waters in the state for which beneficial uses of the water (drinking, recreation, aquatic habitat, and industrial use) are impaired by pollutants, prepared periodically by the Department as required by Section 303(d) of the Clean Water Act. 303(d) listed waters are estuaries, lakes and streams that fall short of state surface water quality standards and are not expected to

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improve within the next two years.

TMDL - Total Maximum Daily Load.

TOTAL MAXIMUM DAILY LOAD - The maximum amount of a pollutant to be allowed to be released into a waterbody so as not to impair uses of the water, allocated among the sources of that pollutant.

WASTEWATER - Water that is not stormwater, is contaminated with pollutants and is or will be discarded .

§ 114A-3. Applicability.

This chapter shall apply to all water entering the MS4 generated on any developed and undeveloped lands unless explicitly exempted by an authorized enforcement agency.

§ 114A-4. Responsibility for Administration.

The Stormwater Management Office (s) (SMO(s)) shall administer, implement, and enforce the provisions of this chapter. Such powers granted or duties imposed upon the authorized enforcement official may be delegated in writing by the SMO as may be authorized by the municipality.

§ 114A-5. Discharge Prohibitions.

A. Prohibition of Illegal Discharges. No person shall discharge or cause to be discharged into the MS4 any materials other than stormwater except as provided in §114A-6. paragraph A, subparagraphs (1)-(4). The commencement, conduct or continuance of any illegal discharge to the MS4 is prohibited except as described as follows:

(1) The following discharges are exempt from discharge prohibitions established by this chapter, unless the Department or the municipality has determined them to be substantial contributors of pollutants: water line flushing or other potable water sources, landscape irrigation or lawn watering, existing diverted stream flows, rising ground water, uncontaminated ground water infiltration to storm drains, uncontaminated pumped ground water, foundation or footing drains, crawl space or basement sump pumps, air conditioning condensate, irrigation water, springs, water from individual residential car

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washing, natural riparian habitat or wetland flows, dechlorinated swimming pool discharges, residential street wash water, water from fire fighting activities, and any other water source not containing pollutants. Such exempt discharges shall be made in accordance with an appropriate plan for reducing pollutants.

(2) Discharges approved in writing by the SMO to protect life or property from imminent harm or damage, provided that, such approval shall not be construed to constitute compliance with other applicable laws and requirements, and further provided that such discharges may be permitted for a specified time period and under such conditions as the SMO may deem appropriate to protect such life and property while reasonably maintaining the purpose and intent of this chapter.

(3) Dye testing in compliance with applicable state and chapters is an allowable discharge, but requires a verbal notification to the SMO prior to the time of the test.

(4) The prohibition shall not apply to any discharge permitted under a SPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the Department, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the MS4.

B. Prohibition of Illicit Connections.

(1) The construction, use, maintenance or continued existence of illicit connections to the MS4 is prohibited.

(2) This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

(3) A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the municipality's MS4, or allows such a connection to continue.

§ 114A-6. Prohibition Against Failing Individual Sewage Treatment Systems

No persons shall operate a failing individual sewage treatment system in areas tributary to the municipality's MS4. A failing individual sewage treatment system is one which has one or more of the following conditions:

- A. The backup of sewage into a structure.
- B. Discharges of treated or untreated sewage onto the ground surface.
- C. A connection or connections to a separate stormwater sewer system.
- D. Liquid level in the septic tank above the outlet invert.
- E. Structural failure of any component of the individual sewage treatment system that could

lead to any of the other failure conditions as noted in this section.

- F. Contamination of off-site groundwater.

§ 114A-7. Prohibition against Activities Contaminating Stormwater

A. Activities that are subject to the requirements of this section are those types of activities that:

- (1) Cause or contribute to a violation of the municipality's MS4 SPDES permit.
- (2) Cause or contribute to the municipality being subject to the Special Conditions as defined

in §114A-2 of this chapter.

B. Such activities include failing individual sewage treatment systems as defined in §114A-6, improper management of pet waste or any other activity that causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

C. Upon notification to a person that he or she is engaged in activities that cause or contribute to violations of the municipality's MS4 SPDES permit authorization, that person shall take all reasonable actions to correct such activities such that he or she no longer causes or contributes to violations of the municipality's MS4 SPDES permit authorization.

§ 114A-8. Requirement to Prevent, Control, and Reduce Stormwater Pollutants by the use of Best Management Practices.

A. Best Management Practices. Where the SMO has identified illicit discharges as defined in §114A-2 or activities contaminating stormwater as defined in §114A-7 the municipality may require implementation of Best Management Practices (BMPs) to control those illicit discharges and activities.

(1) The owner or operator of a commercial or industrial establishment shall provide, at their own expense, reasonable protection from accidental discharge of prohibited materials or other wastes into the MS4 through the use of structural and non-structural BMPs.

(2) Any person responsible for a property or premise, which is, or may be, the source of an illicit discharge as defined in §114A-2 or an activity contaminating stormwater as defined in §114A-7, may be required to implement, at said person's expense, additional structural and non-structural BMPs to reduce or eliminate the source of pollutant(s) to the MS4.

(3) Compliance with all terms and conditions of a valid SPDES permit authorizing the discharge of stormwater associated with industrial activity, to the extent practicable, shall be deemed compliance with the provisions of this section.

B. Individual Sewage Treatment Systems -Response to Special Conditions Requiring No Increase of Pollutants or Requiring a Reduction of Pollutants. Where individual sewage treatment systems are contributing to the municipality's being subject to the Special Conditions as defined in §114A-2 of this chapter, the owner or operator of such individual sewage treatment systems shall be required to:

(1) Maintain and operate individual sewage treatment systems as follows:

(a) Inspect the septic tank annually to determine scum and sludge accumulation. Septic tanks must be pumped out whenever the bottom of the scum layer is within three inches of the bottom of the Outlet baffle or sanitary tee or the top of the sludge is within ten inches of the bottom of the outlet baffle or sanitary tee.

(b) Avoid the use of septic tank additives.

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(c) Avoid the disposal of excessive quantities of detergents, kitchen wastes, laundry wastes, and household chemicals; and

(d) Avoid the disposal of cigarette butts, disposable diapers, sanitary napkins, trash and other such items.

(2) Repair or replace individual sewage treatment systems as follows:

(a) In accordance with IONYCRR Appendix 75A to the maximum extent practicable.

(b) A design professional licensed to practice in New York State shall prepare design plans for any type of absorption field that involves:

[1] Relocating or extending an absorption area to a location not previously approved for such.

[2] Installation of a new subsurface treatment system at the same location.

[3] Use of alternate system or innovative system design or technology.

(b) A written certificate of compliance shall be submitted by the design professional to the municipality at the completion of construction of the repair or replacement system.

#### § 114A-9. Emergency Situations.

A. Suspension of Access to MS4. The SMO may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, to the health or welfare of persons, or to the MS4. The SMO shall notify the person of such suspension within a reasonable time thereafter in writing of the reasons for the suspension. If the violator fails to comply with a suspension order issued in an emergency, the SMO may take such steps as deemed necessary to prevent or minimize damage to the MS4 or to minimize danger to persons.

B. Suspension due to the detection of illicit discharge. Any person discharging to the municipality's MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The SMO will notify a violator in writing of the proposed termination of its MS4 access and the reasons therefore. The violator may petition the SMO for a

reconsideration and hearing. Access may be granted by the SMO if he/she finds that the illicit discharge has ceased and the discharger has taken steps to prevent its recurrence. Access may be denied if the SMO determines in writing that the illicit discharge has not ceased or is likely to recur. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this Section, without the prior approval of the SMO.

§ 14A-10. Industrial or Construction Activity Discharges.

Any person subject to an industrial or construction activity SPDES stormwater discharge permit shall comply with all provisions of such permit. Proof of compliance with said permit may be required in a form acceptable to the municipality prior to the allowing of discharges to the MS4.

§ 14A-11. Access and Monitoring of Discharges.

A. Applicability. This section applies to all facilities that the SMO must inspect to enforce any provision of this Chapter, or whenever the authorized enforcement agency has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this Chapter.

B. Access to Facilities.

(1) The SMO shall be permitted to enter and inspect facilities subject to regulation under this chapter as often as may be necessary to determine compliance with this Chapter. If a discharger has security measures in force which require proper identification and clearance before entry into its premises, the discharger shall make the necessary arrangements to allow access to the SMO.

(2) Facility operators shall allow the SMO ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records as may be required to implement this chapter.

(3) The municipality shall have the right to set up on any facility subject to this chapter such devices as are necessary in the opinion of the SMO to conduct monitoring and/or sampling of the facility's stormwater discharge.

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(4) The municipality has the right to require the facilities subject to this chapter to install monitoring equipment as is reasonably necessary to determine compliance with this chapter. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

(5) Unreasonable delays in allowing the municipality access to a facility subject to this chapter is a violation of this chapter. A person who is the operator of a facility subject to this chapter commits an offense if the person denies the municipality reasonable access to the facility for the purpose of conducting any activity authorized or required by this chapter.

(6) If the SMO has been refused access to any part of the premises from which stormwater is discharged, and he/she is able to demonstrate probable cause to believe that there may be a violation of this chapter, or that there is a need to inspect and/or sample as part of a routine inspection and sampling program designed to verify compliance with this chapter or any order issued hereunder, then the SMO may seek issuance of a search warrant from any court of competent jurisdiction.

§ 114A-12. Notification of Spills.

A. Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting or may result in illegal discharges or pollutants discharging into the MS4, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release.

B. In the event of such a release of hazardous materials said person shall immediately notify emergency response agencies of the occurrence via emergency dispatch services.

C. In the event of a release of non-hazardous materials, said person shall notify the municipality in person or by telephone or facsimile no later than the next business day. Notifications in person or by telephone shall be confirmed by written notice addressed and mailed to the municipality

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within three business days of the telephone notice.

D. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three years.

§ 114A-13. Enforcement and Penalties.

A. Notice of Violation. When the municipality's SMO finds that a person has violated a prohibition or failed to meet a requirement of this chapter, he/she may order compliance by written notice of violation to the responsible person. Such notice may require without limitation:

- (1) The elimination of illicit connections or discharges;
- (2) That violating discharges, practices, or operations shall cease and desist;
- (3) The abatement or remediation of stormwater pollution or contamination hazards and the restoration of any affected property;
- (4) The performance of monitoring, analyses, and reporting;
- (5) Payment of a fine; and
- (6) The implementation of source control or treatment BMPs.

B. If abatement of a violation and/or restoration of affected property is required, the notice of violation shall set forth a deadline within which such remediation or restoration must be completed. Said notice shall further advise that, should the violator fail to remediate or restore within the established deadline, the work will be done by a designated governmental agency or a contractor and the expense thereof shall be charged to the violator.

C. Penalties. In addition to or as an alternative to any penalty provided herein or by law, any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding three hundred fifty dollars (\$350) or imprisonment for a period not to exceed six months, or

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both for conviction of a first offense; for conviction of a second offense both of which were committed within a period of five years, punishable by a fine not less than three hundred fifty dollars nor more than seven hundred dollars (\$700) or imprisonment for a period not to exceed six months, or both; and upon conviction for a third or subsequent offense all of which were committed within a period of five years, punishable by a fine not less than seven hundred dollars nor more than one thousand dollars (\$1,000) or imprisonment for a period not to exceed six months, or both. However, for the purposes of conferring jurisdiction upon comts and judicial officers generally, violations of this chapter shall be deemed misdemeanors and for such purpose only all provisions of law relating to misdemeanors shall apply to such violations. Each week's continued violation shall constitute a separate additional violation.

§ 114A-14. Appeal of Notice of Violation.

Any person receiving a Notice of Violation may appeal the determination of the SMO to the Village Board of Trustees within 15 days of its issuance, which shall hear the appeal within 30 days after the filing of the appeal, and within five days of making its decision, file its decision in the office of the municipal clerk and mail a copy of its decision by certified mail to the discharger.

§ 114A-15. Corrective Measures after Appeal.

A. If the violation has not been corrected pursuant to the requirements set forth in the Notice of Violation, or, in the event of an appeal, within 5 business days of the decision of the municipal authority upholding the decision of the SMO, then the SMO shall request the owner's permission for access to the subject private property to take any and all measures reasonably necessary to abate the violation and/or restore the property.

C. If refused access to the subject private property, the SMO may seek a warrant in a comt of competent jurisdiction to be authorized to enter upon the property to determine whether a violation has occurred. Upon determination that a violation has occurred, the SMO may seek a court order to take any and all measures reasonably necessary to abate the violation and/or restore the property. The cost of implementing and maintaining such measures shall be the sole responsibility of the discharger.

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§ 114A-16. Injunctive Relief.

It shall be unlawful for any person *to* violate any provision or fail *to* comply with any of the requirements of this chapter. If a person has violated or continues *to* violate the provisions of this chapter, the SMO may petition for a preliminary or permanent injunction restraining the person from activities which would create further violations or compelling the person to perform abatement or remediation of the violation .

§ 114A-17. Alternative Remedies.

A. Where a person has violated a provision of this Chapter, he/she may be eligible for alternative remedies in lieu of a civil penalty, upon recommendation of the Municipal Attorney and concurrence of the Municipal Code Enforcement Officer, where:

- (1) The violation was unintentional.
- (2) The violator has no history of previous violations of this Chapter.
- (3) Environmental damage was minimal.
- (4) Violator acted quickly to remedy violation.
- (5) Violator cooperated in investigation and resolution.

B. Alternative remedies may consist of one or more of the following:

- (1) Attendance at compliance workshops
- (2) Storm drain stenciling or storm drain marking
- (3) River, stream or creek cleanup activities

§ 114A- 18. Violations Deemed a Public Nuisance.

In addition to the enforcement processes and penalties provided, any condition caused or permitted to exist in violation of any of the provisions of this chapter is a threat to public health, safety, and welfare, and is declared and deemed a nuisance, and may be summarily abated or restored at the violator's expense, and/or a civil action to abate, enjoin, or otherwise compel the cessation of such nuisance may be taken.

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§ 114A-19. Remedies Not Exclusive.

The remedies listed in this chapter are not exclusive of any other remedies available under any applicable federal, state or local law and it is within the discretion of the authorized enforcement agency to seek cumulative remedies.

§ 114A-20. Severability.

The provisions of this chapter are hereby declared to be severable and if any section, clause, sentence, paragraph or phase of this chapter or the application thereof to any person, establishment, or circumstances shall be held invalid or unconstitutional, such decision shall not affect the validity of the remaining sections, clause, sentences, paragraphs or phases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter and application of this chapter shall stand, notwithstanding the invalidity of any part.

§ 114A-21. Effective Date

This chapter shall take effect immediately upon filing in the office of the Secretary of State in accordance with §27 of the Municipal Home Rule Law."

3.1 Severability.

3.2 In the event that any section or portion of this local law should be determined to be void or unenforceable the remaining sections and the local law shall continue to remain in full force and effect.