INCORPORATED VILLAGE OF BAYVILLE

REGULAR MEETING
AUGUST 22, 2022

- Pledge of Allegiance
- Warrants and Claims – adjustment
- Prior Meeting Minutes
- Resignation
- Window Proposal
- Proposed Local Law 2022-D
- WIIA Resolutions
- Creek Dredging
- Personnel – Increase for CDL

PUBLIC HEARING
6:45PM
PROPOSED LOCAL LAW 2022-C

TO:	**MAYOR ROBERT DE NATALE AND THE BOARD OF TRUSTEES**			
FROM:	**VILLAGE CLERK TREASURER**			
DATE:	**JULY 25, 2022**			
SUBJECT:	**WARRANTS AND CLAIMS**			

BE IT RESOLVED that the following warrants and claims are hereby offered for approval by the Board of Trustees and BE IT FURTHER RESOLVED that the Village Clerk is hereby authorized to make said payment.

FUND	CLAIM NO.	WARRANT		AMOUNT
GENERAL				
PAYROLL	7/27/2022	2K	$	45,165.33
	171	2L	$	3,443.42
	172/176	2M	$	1,432.71
PAYROLL	8/3/2022	3A	$	46,408.53
	177	3B	$	3,538.17
PAYROLL	8/10/2022	3C	$	44,363.85
	178	3D	$	3,382.33
	8/17/2022	3E	$	48,073.79
	179	3F	$	3,665.14
	180/193	3G	$	86,242.16
	194/252	3H	$	404,604.24
TOTAL GENERAL			**$**	**690,319.67**
WATER				
PAYROLL	7/27/2022	2K	$	6,415.21
	41	2L	$	489.09
	42	2M	$	165.46
PAYROLL	8/3/2022	3A	$	7,570.15
	43	3B	$	577.16
PAYROLL	8/10/2022	3C	$	6,534.45
	44	3D	$	498.19
PAYROLL	8/17/2022	3E	$	6,511.30
	45	3F	$	496.42
	46/50	3G	$	12,156.09
	51/60	3H	$	36,543.57
TOTAL WATER			**$**	**77,957.09**
TRUST & AGENCY				
	55/59	2E	$	20,184.27
	60/63	3A	$	16,279.16
	64/68	3B	$	95,582.69
	69/73	3C	$	16,716.82
	74/77	3D	$	2,560.27
TOTAL T & A			**$**	**151,323.21**
REVENUE ENTERPRISE				
	11/13	3A	$	1,990.45
	14/16	3B	$	9,903.68
TOTAL REVENUE ENTERPRISE			**$**	**11,894.13**
CAPITAL				
	24/25	3A	$	162,430.00
TOTAL CAPITAL			**$**	**162,430.00**
COMMUNITY DEVELOPMENT				
TOTAL COMMTY DEVELOP				
GRAND TOTAL			**$**	**1,093,924.10**

0.00G+

2,183.79 +
11,903.63 +
188.72 +
193.73 +
2,128.50 +
5,117.50 +
~~76,183.16~~ +
5,927.68 +

008 25,643.55

~~101,826.69~~ +

eting of the Board of Trustees was held on July 11, 2022, at the Village Street, Bayville, New York 11709, at 6:30PM.

Trustee De Natale	Village Clerk-Treasurer
Trustee Nigro	Maria Alfano-Hardy
Trustee Santoro	Secretary to Board
Trustee Valsecchi	Nikki Paris
Trustee Walsh	Village Attorney
Mayor Minicozzi	Peter Weiler

ee DiBartolomeo

moved BE IT RESOLVED that the following warrants and claims have been audited by the Audit Commission and are hereby offered for approval by the Board of Trustees and BE IT FURTHER RESOLVED that the Village Clerk-Treasurer is hereby authorized to make said payments.

FUND	CLAIM NO.	WARRANT		AMOUNT
GENERAL				
PAYROLL	6/29/2022	1L	$	40,309.15
	96	1M	$	3,073.22
	97/103	1N	$	1,396.63
PAYROLL	7/6/2022	2A	$	43,097.75
	104	2B	$	3,285.81
	105/106	2C	$	299.41
	107/117	2D	$	65,686.70
TOTAL GENERAL			$	**157,148.67**
WATER				
PAYROLL	6/29/2022	1L	$	6,743.15
	20	1M	$	514.10
	21/22	1N	$	362.89
PAYROLL	7/6/2022	2A	$	6,845.90
	23	2B	$	521.93
	24/26	2C	$	1,008.94
	27/30	2D	$	5,045.71
TOTAL WATER			$	**21,042.62**
TRUST & AGENCY				
	29/36	1F	$	101,826.69
	36A/40	2A	$	16,652.80
TOTAL T & A			$	**118,479.49**
REVENUE ENTERPRISE				
	6	2A	$	522.38
	7/8	2B	$	624.00
TOTAL REVENUE ENTERPRISE			$	**1,146.38**
CAPITAL				
	23	2A	$	350.00
TOTAL CAPITAL			$	**350.00**
COMMUNITY DEVELOPMENT				
TOTAL COMMTY DEVELOP				
GRAND TOTAL			$	**298,167.16**

REGULAR MEETING
JULY 25, 2022

2022-135 Board approves warrants and claims

2022-136 Board accepts prior meeting minutes

2022-137 Board authorizes BVJC to apply for JCAP grant

2022-138 Board approves the proposal by Mayor Minicozzi to renovate the Mayor's office with All expenses covered personally by Mayor Minicozzi.

2022-139 Board accepts proposal from Mario Jaco Landscape Contractor Corp to remove six Trees at the Bayville Cemetery

2022-140 Board increases the rate of Prosecuting Attorney Brian Davis

2022-141 Proposed Local Law 2022-C is introduced

2022-142 Board adjourns Regular Meeting and convenes into Executive Session

2022-143 Board closes Executive Session and reopens Regular Meeting

2022-144 Board closes Regular Meeting

Window World of Long Island, Div. of AMD, Inc.

33 Hempstead Turnpike • Farmingdale, NY 11735

Phone: (516) 377-3500 • Fax: (516) 377-1739

www.WindowWorldofLI.com

LEAD-SAFE EPA CERTIFIED FIRM

NAT-28104-1

Customer: Steve Minicozzi / The Icorporated Village of Bayville

Install Address: 34 School Street

Bill Address: Bayville, N.Y. 11709

Phone (h):

Phone (w):

Phone (c): 516 807-9953

E-mail: steve@cozyrealty.com

WINDOW WORLD 4500 SERIES WINDOWS

All Windows Standard with Solarzone Glass

13	Double Hung All-Welded	$650	8,450
	Oversized DH 100-109/110+ UI $60 / $90		
	2 Lite Slider	$690	
	2 Lite Slider >101 UI	$800	
	3 Lite Slider	$1100	
	3 Lite Slider >101 UI	$1300	
	Picture Window	$795	
	Picture Window >101 UI	$950	
	Casement / Awning Left or Right	$795	
	Twin Casement	$1250	
	Oversized CM/TC 100-109/110+ UI $50 / $90		
	3 Lite Casement Open Fixed Open (1/3 1/3 1/3 / 1/4 1/2 1/4)	$1750	
	Additional Operator Left or Right	$200	
	Basement Hopper	$535	
	Basement Slider	$600	
	Specialty Window		

WINDOW OPTIONS

	Full Screens	$50	
	Top Sash Grids (DH)	$55	
11	Full Grids	$100	1,100
	☑ Colonial ❑ Other		
	Oriel / Cottage Style	$65	
	Clay/Tan Solid Vinyl	$65	
	Laminate Ext. Brown/Bronze/Black	$285	

Window Color _____ / _____
Inside Outside

WINDOW GLASS OPTIONS

Solarzone Glass Standard on all Products

13	Upgrade to Solarzone Elite	$30	390
	Tempered DH Sash (BSO TSO)	$75	
	Tempered Other	$10/Sq. ft.	
1	Obscure Glass (BSO) (Full)	$40/$80	40

EXTERIOR TRIM / CAPPING

	Color Capping Upcharge	$10	

Capping Color White Initial _____

Texture: Smooth PVC G8

	Capping Add Window(s)	$100	

ADDITIONAL OPTIONS

13	Spray Foam Insulate/Seal Around Jambs	$20	260
	Remove Storm Windows	$20	
9	Fill Weight Pockets	$40	360
9	Mull to Form Unit	$40	
	Trim Stops / Ext. Jamb	$70	
	Install Casing / Stool	$95	
	Replace Sill / Boxout ?	$100/$125	
	Bay/Bow/Garden Removal	$450	
	A/C Removal / Reinstall	$50/$100	
	Dryer Vent Hopper / Other	$125/$200	
	Additional Labor (See Attached)	$	
	Production Fee	$	
1	Lifetime Screen (Windows)	$100	0

WINDOW WORLD CARES

_____ St. Jude Children's Research Hospital $1 Per Window Please $ _____

❑ HOA Paperwork Needed *(Project will not be ordered without HOA approval)*

Default grid patterns are listed on rear and will be ordered as such unless otherwise specified. _____ Initial _____

Homes built Pre-1978 will be compliant with EPA regulations for proper removal and disposal. MY HOME WAS BUILT IN THE YEAR _____ Initial _____

You the buyer are responsible for the removal and installation of any existing security system, window treatments, and painting or staining.

NO EXTRA WORK IF NOT IN WRITING!

Credit Card Information:

Number: _____

Exp: _____ CID: _____

Use same credit card for final payment

❑ Yes ❑ No

BEGIN: _____ END: _____

Customer agrees to the terms of payment as follows:

Extra Labor $ _____

A. I. R. S. $ $225.00

Total Amount $ 10,825.00

Custom Order Deposit 50% $ _____ Ck# _____

Balance to be Paid to Installer upon Completion $ _____

Amount Financed $ _____

Financed Terms _____

YOU, THE BUYER, MAY CANCEL THIS TRANSACTION AT ANY TIME PRIOR TO MIDNIGHT OF THE THIRD BUSINESS DAY AFTER THE DATE OF THIS TRANSACTION. SEE THE ATTACHED NOTICE OF CANCELATION FORM FOR AN EXPLANATION OF THIS RIGHT.

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Westchester Lic. # WC-24789-H12 Yonkers Lic. #5753

X _____ Owner Date

Barry Armato 6-8-2022
Salesman Print/Signature Date

_____ Owner Date

Steve @ CozyRealty.com

ARTAN WINDOW WORKS

Tel: 347-888-8858
info@artanwindowworks.com
2800 Coyle St
Brooklyn, NY 11235
https://artanwindowworks.com
fb: /artanwindowworks
instagram: /artanwindowworks

CUSTOMER INVOICE

NAME	Steve Minicozzi	EMAIL	
ADRESS	34 School St	PHONE	5168079953
CITY	Bayville	STATE/PROVE	NY
ZIP	11709		

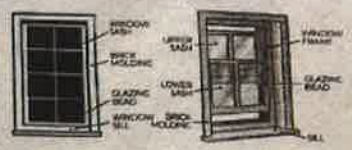
APPOINMENT DATES & TIME

DATE: 7/5/22 TIME:

TECHNICIANT: ART

ASSESSMENT NOTES

Project Request: Full window replacement with new exterior and interior trimming (moulding and sills) and new capping
Apply new caulking when finished



SPECIFIC IGU INFORMATION & ENVIRONMENT - SEE LEGEND

IGU NUMBER	LOCATION/JOB DESCRIPTION	QTY	FRAME	GLASS TYPE	GLASS COLOR	SPACER WIDTH	WIDTH	HEIGHT	PRICE EACH	PRICE
1	Office Double hung window replace #	2	V	A	Low e		21	59 1/2	2180	4360
2	# same	2	V	A	Low e		26 1/2	59 1/2	2245	4490
3	# same	1	V	A	Low e		33 1/2	54 1/2	2295	2295
4	# same	1	V	A	Low e		34 1/2	59 1/2	2295	2295
5	# same	1	V	A	Low e		34 1/2	59 1/2	2295	2295
6	Smaller DH No bars full w-w replace	1	V	A	Low e		14 1/2	30 1/2	1885	1885
7	Hallway DH full w-w replace #	2	V	A	Low e		31 1/2	50 1/2	2220	4440
8	Office meeting room DH full replace #	2	V	A	Low e		36	59 1/2	2350	4700
9	Bathroom DH full w-w replace No bars	1	V	A	Frost/2		14 1/2	31	1915	1915
10	Need to remeasure, allow full day to take proper sizes if job taken									
11										
12										

CUSTOMER ACTION & OTHER COMMENTS

5 Year limited Warranty on IGU
1 Year Warranty on painting
note: We carry limited color paint and stain. We only apply one coat on parts we worked on.

I understand that the Artan Window Work Authorized Procedures being applied to my windows and doors. The technician has explained the environmental influences of this service on the aesthetics, drying periods, and thermal performance of my insulating glass units. The technician has also explained the details and conditions of my warranty and the required minimum of (6) weeks healing period. I understand and accept these conditions, and am pleased to be contributing to an ecologically-responsible solution. The undersigned customer agrees that the deposit of 50% for this work is not refundable under any circumstances 3.5% credit card surcharge applies.

Date | Signature

GRAND TOTAL	28,675
DISCOUNT	
GRAND TOTAL WITH DISCOUNT	
DEPOSIT	
FINAL PAYMANT	
BALANCE	28675

Paul Klemm
Call toll Free: 1-800-645-4568 ext. 136
Fax: (631) 242-9110

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No Middleman

CUT YOUR ENERGY BILLS

Purchaser: Village of Bayville
Address: 34 School Street
City: Bayville N.Y. 11709
Email: Sminicozzi@Bayvilleny.gov

Date: 6/22/22
Phone: Contact person
Business Phone: Steve Minicozzi @ 516 807-9953

Quote Good to August 31, 2022
All Discounts applied - No financing
Measured, mfgr, Delivered, installed w/outside Capping and Chalking.
Debris Removal + Lead Safe certified
White model 4100 Double Hung replacement windows.
Double pane, low-e and Argon. Half screens.
(Wood Sash Removals)

2 Double Hungs in Bath (No Guides) includes frosted Glass. No Charge. @ 790 ea = $1,580

11 Double Hungs with Top + Bottom Colonial internal Guide @ 850 ea = $9,350

10 wk Delivery.
50% Deposit + 50% Completion.
Paul Cell # 516 319-2567

Total for 13 windows $10,930

Inc. Village of Bayville

Introduction Proposed Local Law 2022-D "*Bamboo*":

WHEREAS Village Clerk has circulated to the Board of Trustees Proposed Local Law 2022-D to add new Chapter 8 "*Bamboo*" to the Code of the Village of Bayville; and

WHEREAS, in accordance with the State Environmental Quality Review Act ("SEQRA") a Short Environmental Assessment Form regarding said proposed local law has been prepared,

NOW, THEREFORE BE IT RESOLVED, that the Board of Trustees hereby declares itself to be lead agency for SEQRA review of said proposed local law, and

FURTHER RESOLVED, the Village Clerk, is hereby, directed to publish and promulgate appropriate public notices for a public hearing to be held on September 26, 2022 at 6:45 PM at the Village Hall located at 34 School St., Bayville, NY to consider Proposed Local Law 2022-D.

Whereas the Board of Trustees is desirous of the Rehabilitation of Plant No. 1-3, and had authorized H2M architects + engineers to prepare engineering design report and submit and comply with Nassau County and New York State Department of Health requirements for said modifications.

Whereas the project to complete the stated modifications will include, engineering, permit review fees, well and plant rehabilitation, and laboratory sampling and analysis, estimated as not to exceed, $1,612,800.

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the Board:

RESOLVED, that the Board of Trustees of the Incorporated Village of Bayville authorizes the expenditure of $1,612,800 to fund the project: Rehabilitation of Plant No. 1-3.

VOTE	AYES:	NOES:	ABSTENTIONS:
Mayor Minicozzi			
Deputy Mayor De Natale			
Trustee Nigro			
Trustee Walsh			
Trustee DiBartolomeo			
Trustee Valsecchi			
Trustee Santoro			

Whereas the Board of Trustees has resolved to the submittal of grant applications for the following project: Rehabilitation of Plant No. 1-3.

Whereas the grant submission process requires the completion of the SEQRA-State Environmental Quality Review Act.

Whereas the Districts engineer has completed a review in analysis of the subject project and recommended that the project is a Type II action.

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the Board:

RESOLVED, that the Board of Trustees of the Incorporated Village of Bayville has determined that the project is a Type II and therefore require no further review in accordance with 617.5.

VOTE	AYES:	NOES:	ABSTENTIONS:
Mayor Minicozzi			
Deputy Mayor De Natale			
Trustee Nigro			
Trustee Walsh			
Trustee DiBartolomeo			
Trustee Valsecchi			
Trustee Santoro			

Whereas, the Clean Water Infrastructure Act of 2017 will invest at least $3 Billion in clean and drinking water infrastructure projects and water quality protection projects across the State of New York over multiple years, and

Whereas, $225 Million of these funds will be made available during the 2022-2023 state fiscal year for clean and drinking water projects that protect public health and/or improve water quality, and

Whereas, under this program the Environmental Facilities Corporation, (EFC), provides grants to assist municipalities in funding water quality infrastructure projects including critical water infrastructure projects that combat emerging contaminants (EC), such as PFOA, PFOS, and 1,4 Dioxane with system upgrades and innovative pilot technologies, along with those that address combined and/or sanitary sewer overflow impacts from sustained rain events, and

Whereas, drinking water awardees for projects addressing an emerging contaminant above the State determined Maximum Contaminant Level (MCL) would be awarded 60% of net eligible project costs, and

Whereas, drinking water awardees for projects not addressing emerging contaminants, including phases of the project, would be awarded the lesser of $5 million or 60% of net eligible project costs, and

Whereas, the grant application and documentation sufficient for a project to be considered for a WIIA grant must be submitted to the EFC no later than 5:00 p.m. on September 9, 2022, and

Whereas, the Board of Trustees of the Incorporated Village of Bayville believes itself to be qualified for a NYS WIIA Grant, and is willing to carry out all activities described in the grant application, and

Whereas, in this action the Incorporated Village of Bayville will upon an award and acceptance of the grant, agree to the terms of the grant;

Whereas, one of the requirements under the NYS WIIA grant administered by the NYS Environmental Facility corporation (EFC) is that the Trustees are required to appoint a Minority Business Officer (MBO) as the official contact person to administer the Minority and Women Owned Business Enterprise (MWBE) documentation and act as a liaison between the NYS EFC and the prime contractors.

NOW THEREFORE, after discussion and due deliberation, and in consideration of the above recitals, the Board Unanimously:

RESOLVED, that the Board of Trustees of the Incorporated Village of Bayville authorizes the submittal of grant applications for the following project: Rehabilitation

of Plant No. 1-3, to the NYS Water Infrastructure Improvement Act (WIIA) and assigns Maria Alfano-Hardy, Administrator & Clerk-Treasurer, to be the Authorized Representative of the Village, it was

FURTHER RESOLVED, that the Incorporated Village of Bayville requests the funds and assistance available from the NYS WIIA Grant and will comply with all rules and requirements of this program, it was

FURTHER RESOLVED, that the Board of Trustees appoint Maria Alfano-Hardy, Administrator & Clerk-Treasurer, as the Village's MBO Officer for any NYS WIIA Grant received, it was

FURTHER RESOLVED, that the Board of Trustees authorize H2M architects + engineers to submit the grant applications on behalf of the Village.

VOTE	AYES:	NOES:	ABSTENTIONS:
Mayor Minicozzi			
Deputy Mayor De Natale			
Trustee Nigro			
Trustee Walsh			
Trustee DiBartolomeo			
Trustee Valsecchi			
Trustee Santoro			

Memorandum

TO: **Incorporated Village of Bayville**

FROM: **H2M architects + engineers**

DATE: **August 12, 2022**

RE: **Incorporated Village of Bayville - NYS Water Infrastructure Improvement Act (WIIA) Grant Rehabilitation of Plant No. 1-3**
H2M Project No. BAYV2202
Recommendation for Type II Determination, State Environmental Quality Review Act (SEQRA)

This Type II recommendation has been prepared consistent with the requirements of Article 8 of the Environmental Conservation Law establishing the State Environmental Quality Review Act (SEQRA) and its regulations as set forth in 6NYCRR Part 617.

Proposed Scope of Work
To continue to provide the Incorporated Village of Bayville with high quality potable water and maintain the Village's ability to meet water demand, Plant No. 1-3, located on Godfrey Avenue, Town of Oyster Bay, requires rehabilitation. The Village is proposing to utilize the NYS Water Infrastructure Improvement Act (WIIA) awards a bond through the Incorporated Village of Bayville to fund the rehabilitation of Plant 1-3.

The Proposed Action includes the following: remove and replace caustic tank, remove existing diesel tank, new emergency generator, new electric sliding gate, building upgrades, raise the wellhead and sanitary seal, well rehabilitation, chemical system improvements, piping and valve replacements, drainage system improvements, and other various infrastructure upgrades.

SEQRA Determination
Based on the above scope of work associated with the Proposed Action, H2M architects + engineers recommends that it is appropriately classified as a Type II Action in accordance with 6 NYCRR Section 617.5(c): "(1) *maintenance or repair involving no substantial changes in an existing structure or facility; and* (2) *replacement, rehabilitation or reconstruction of a structure or facility, in kind, on the same site, including upgrading buildings to meet building, energy, or fire codes unless such action meets or exceeds any of the thresholds in section 617.4 of this Part*."

With the classification of the Proposed Action as Type II, SEQRA compliance has been completed and no further SEQRA review is warranted.

MAINTENANCE DREDGING
PROJECT NO. BAYV-DCM 21, August 3, 2022

Notes:

- *Quantities provided are estimates only and will vary. Actual equipment and material cost will vary based on work authorized in writing by the Village.*
- *The qualified bidder will be required to provide the appropriate references (5 minimum) and documentation of qualifications.*
- *The Village Board reserves the right to award work that serves in the best interest to the Village.* ***Unbalanced bids will be rejected****.*
- *The Village reserves the right to do some of the work with its own personnel, and this contract is only for the additional work it cannot or will not handle.*
- *The Village reserves the right to bid projects similar in nature to the scope herein, if doing so would be in the best interest of the Village or when monies allocated to a specific project are not part of the operating budget for this contract.*

SUMMARY BID SHEET (TO BE INCLUDED WITH BID RESPONSE DOCUMENTS)

MOBILIZATION/DEMOBILIZATION DREDGE EQUIPMENT (Lump sum) $ 201,250

PILING REMOVAL and REPLACEMENT (Per piling, Max 20). $ 2,887.50

SEDIMENT REMOVAL/DISPOSAL (Total) $ 575,000

Includes all dredging/disposal in Western Long Island Sound Disposal Site priced per CYD. (10,000 cubic yards x $57.50 per cubic yard)

COMPLIANCE REPORTING (Lump sum) $ 10,000

Includes reporting per permit regulations and surveying

Total: $ 789,137.50

*Bid assumes conditions on the attached sheet.

MAINTENANCE DREDGING
PROJECT NO. BAYV-DCM 21, August 3, 2022

FIRM NAME: Coastline Consulting & Development, LLC

FIRM ADDRESS: 57-B East Industrial Road, Branford, CT 06405

SIGNED BY: Mark Jackson TITLE: President

PRINT NAME: Mark Jackson DATE: 8/12/22

PHONE: 203-433-4486 FAX: 203-208-2241

E-MAIL: mark@coastlineconsulting-ct.com

FEDERAL I.D. NO. OR
SOCIAL SECURITY NO.: 06-1528354

THE INC. VILLAGE OF BAYVILLE RESERVES THE RIGHT TO AWARD THIS CONTRACT BASED ON EITHER THE TOTAL BID OR ANY COMBINATION OF ITEMS. THE VILLAGE RESERVES THE RIGHT TO REJECT ANY OR ALL BIDS.

WITHIN TEN (10) DAYS (SUNDAYS AND LEGAL HOLIDAYS EXCEPTED) AFTER ACCEPTANCE OF THIS BID BY THE VILLAGE, THE BIDDER SHALL EXECUTE THE CONTRACT. THE BIDDER SHALL FURNISH THE REQUIRED BONDS AND INSURANCES TO THE VILLAGE'S ATTORNEY WITHIN THE SAME TIME FRAME.

THE BIDDER REPRESENTS HEREWITH THAT HE IS AWARE OF THE WORKING CONDITIONS, HAS CAREFULLY REVIEWED THE PROPOSAL AND SPECIFICATIONS, HAS CHECKED AND CERTIFIES THE ACCURACY OF THE BID.

THE CONTRACTOR SHALL COORDINATE ALL WORK WITH THE VILLAGE TO MINIMIZE DISTURBANCES TO VILLAGE OPERATIONS.

Maintenance Dredging Project No. BAYV-DCM21

Assumptions & Conditions

- Dredging project must start on 10/1/22 to meet sequential dredging conditions in the permit which require the first phase to be completed by 11/1/22. Docks would need to be removed at an agreed upon time prior to dredging.

- Within the Bid Documents, Section 14 Summary of Work, Subsection 1.03 Terms of Payment, states that not more than 25% of the value of this contract shall be permitted to be subcontracted without prior approval. As our subcontractor, Patriot Marine, LLC would be performing more than 25% of the work, we would be seeking prior owner approval.

- Timber piles will be inspected both prior to removal and following removal. Contractor shall not be responsible for any damage/replacement costs for the piles due to pre-existing poor condition or deteriorated state.

- We exclude the current apprenticeship program as we are not aware of any approved New York State apprenticeship program for mechanical dredging with offshore disposal. No apprentices are proposed to be used on the project.

- Due to daily changes in the tidal cycle, the need to dredge at certain tides, and certain regulatory permit deadlines, we have assumed that dredging operations will be allowable 24 hours per day, 7 days per week.

- The bid documents requested a standby rate for unforeseen conditions or delays. The Hourly Standby Rate of all labor and equipment is $1,700 per hour. The Daily Standby Rate for all labor and equipment is $17,000 per day.

Dru Associates, Inc.
Ecological Science for a Changing World

Review of Bids
Maintenance Dredging
Village of Bayville Marina
August 2022

Prepared by Dr. Ron Abrams and James Bajek

The RFP of August 3, 2022 was answered by only one bid from Coastline Consulting and Development, LLC. This firm bid last time, and their current bid is lower than the prior bid. The reduction was due to a reduced workload (the Village will move the floating docks) and reductions in two categories: cost per yard of sediment removed and disposed and a lower cost for Monitoring and Reporting.

A condition presented by the bid was for dredging operations to be allowed 24/7, which represents a challenge for the Village. Time restrictions may threaten to increase the running cost of the project because of the potential for extreme weather variation on top of following the routine tides, weather and whatever else changes. So, it is best to keep the operation hours wide open, even if the Village may get some complaints.

The per yard dredging rate of $57.50/ cy is high compared to prior experience with such rates and maybe there is profit built in there as well as in the mob/demob costs of $120K. However, the per yard rate bid this time by this company is lower than their prior bid of $60.50. Nevertheless, the rate and profit overall should be explored.

The bid proposes a tight timeline for removing the docks so that they can begin their operations, including their initial survey. The staging of the docks is a critical path but staging hampers the survey. The whole job should take less than a month, but staging may interfere with this timeframe. Since efficiency is important to cost savings, it may be that the Village boaters will have to accept a shorter season.

There is a cost saving option of not dredging the entire C area, where the dock area was originally approved. This would reduce the total cost of sediment removal and disposal by approximately 20% and dredging in this area is no longer necessary since the new docks will be shifted to the east end of the marina. A 15-20 foot wide pathway along the west end of the existing dock would be dredged but the majority of Area C would not.

It must be determined exactly what criteria Coastline considers to be an unforeseen condition or delay. The winter weather pattern hasn't become established in October

40 Hitching Post Lane, Glen Cove, New York, USA 11542 516 676-7107
Beach Rd., Empire Flats, Apt S002, Muizenberg, 7945, South Africa +27 21 788 4246
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and early November so weather delays should be minimal, and we should not have to pay for any weather delays or anything to do with the bridge or Patriot's equipment breaking down.

Coastline is asking for us to let them sub out more than 25% of the work they should come clean to how much profit they will be getting from Patriots charges to Coastline and we should negotiate the profit margin to be within industry standards.

Recommendations:

1. Ask Coastline for an explanation of the total cost of Mob/demob since they did not reduce that category even though set up for the work will be done by the Village.
2. Stressing the limited Village budget, request a further reduction of the per yard removal/disposal cost.
3. Request an explanation of the profit/costs involved in subcontracting since their bid seems to violate the 25% limit in the RFP.
4. If none of the above satisfactorily reduce the budget, then consider deleting much of Area C from the work. The proposed change to Area C will not interfere with or reduce marina operations.

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VILLAGE OF BAYVILLE

NOTICE OF PUBLIC HEARING

ON PROPOSED LOCAL LAW

PLEASE TAKE NOTICE that, for the purpose of adopting a codification of the local laws, ordinances and certain resolutions of the Village of Bayville, said codification to be known as the "Code of the Village of Bayville," a public hearing will be held by the Board of Trustees at the Village Hall 34 School St. Village of Bayville, NY on **the 22nd day of August 2022, at 6:45 p.m**., to consider the enactment of the proposed local law described and summarized below:

PROPOSED LOCAL LAW NO. 2022-C

A LOCAL LAW TO PROVIDE FOR THE CODIFICATION OF THE LOCAL LAWS, ORDINANCES AND CERTAIN RESOLUTIONS OF THE VILLAGE OF BAYVILLE INTO A MUNICIPAL CODE TO BE DESIGNATED THE "CODE OF THE VILLAGE OF BAYVILLE"

This local law:

(1) States the legislative intent of the Board of Trustees in adopting the Code.

(2) Provides for the designation of the local laws, ordinances and certain resolutions of the Village of Bayville as the "Code of the Village of Bayville."

(3) Repeals local laws and ordinances of a general and permanent nature not included in the Code, except as provided.

(4) Saves from repeal certain local laws and ordinances and designates certain matters not affected by repeal.

(5) Retains the meaning and intent of previously adopted legislation.

(6) Provides for the filing of a copy of the Code in the Village Clerk's office.

(7) Provides for certain changes in or additions to the Code including the increasing of certain $250 maximum fine amounts to $500.

(8) Prescribes the manner amendments and new legislation are to be incorporated into the Code.

(9) Requires that Code books be kept up-to-date.

(10) Provides for the sale of Code books by the village and the supplementation thereof.

(11) Prohibits tampering with Code books, with offenses punishable by a fine of not more than $500 or by imprisonment for not more than 15 days, or both.

(12) As to land-use, amends:
a. Chapter 66, Subdivision of Land to exempt exchanges of land between contiguous property owners which do not create a new plot or any zoning violation.
b. Chapter 80, Zoning by: adding the definition of "building"; revising the definition of "family"; adding new definitions for "front yard area" and "paving (pave)"; establishing front yard area paving limits in all residential zoning districts; amending §80-61 regarding fences; and technical changes regarding enforcement.

(13) Establishes severability provisions with respect to the Code generally.

(14) Provides that the local law will be included in the Code as Chapter 1, Article I.

Copies of the local law described above and of the Code proposed for adoption thereby are on file in the office of the Village Clerk of the Village of Bayville, where the same are available for public inspection during regular office hours.

PLEASE TAKE FURTHER NOTICE that all interested persons will be given an opportunity to be heard on said proposed local law at the place and time aforesaid.

NOTICE IS HEREBY GIVEN, pursuant to the requirements of the Open Meetings Law of the State of New York, that the Board of Trustees of the Village of Bayville will convene in public meeting at the place and time aforesaid for the purpose of conducting a public hearing on the proposed local law described above, and as deemed advisable by said Board, taking action on the enactment of said local law.

DATED: August 4, 2022

BY ORDER OF THE BOARD OF TRUSTEES
VILLAGE OF BAYVILLE

MARIA ALFANO-HARDY
VILLAGE CLERK

PROPOSED CODE ADOPTION LOCAL LAW

for the

CODE OF THE VILLAGE OF BAYVILLE, NEW YORK

August 2022

GENERAL CODE
781 Elmgrove Road
Rochester, New York14624
800 836-8834
www.generalcode.com

ARTICLE I
Adoption of Code

§ 1-1. Code adopted; continuation of existing provisions.

In accordance with Subdivision 3 of § 20 of the Municipal Home Rule Law, the local laws, ordinances and certain resolutions of the Village of Bayville, as codified and consisting of Chapters 1 through 80 are hereby approved, adopted, and enacted as the Code of the Village of Bayville, hereinafter referred to as the "Code." The provisions of the Code, insofar as they are substantively the same as those of local laws, ordinances and resolutions in force immediately prior to the enactment of the Code by this local law, are intended as a continuation of such local laws, ordinances and resolutions and not as new enactments. This local law and the Code adopted hereby shall supersede and replace the 1981 Code of the Village of Bayville, as amended and supplemented.

§ 1-2. Code on file; additions and amendments.

A. A copy of the Code has been filed in the office of the Village Clerk and shall remain there for use and examination by the public until final action is taken on this local law. Following adoption of this local law such copy shall be certified to by the Clerk of the Village of Bayville by impressing thereon the Seal of the Village, as provided by law, and such certified copy shall remain on file in the office of the Village Clerk, to be made available to persons desiring to examine the same during all times while said Code is in effect.

B. Additions or amendments to the Code, when adopted in such form as to indicate the intent of the Board of Trustees to make them a part thereof, shall be deemed to be incorporated into such Code so that reference to the "Code of the Village of Bayville" shall be understood and intended to include such additions and amendments. Nothing contained in this local law shall affect the status of any local law, ordinance or resolution contained in the Code, and such local laws, ordinances or resolutions may be amended, deleted or changed from time to time as the Board of Trustees deems desirable.

§ 1-3. Notice; publication.

In the event that notice of enactment of this local law is required due to amendments adopted by way of this local law to zoning or land use provisions, or is otherwise required by law, the Clerk of the Village of Bayville shall cause notice of the enactment of this local law to be given in the manner required by law. The notice of the enactment of this local law, coupled with the availability of a copy of the Code for inspection by the public, shall be deemed, held and considered to be due and legal publication of all provisions of the Code for all purposes.

§ 1-4. Severability.

Each section of this local law and of the Code and every part of each section is an independent section or part of a section, and the holding of any section or a part thereof to be unconstitutional, void or ineffective for any cause shall not be deemed to affect the validity or constitutionality of any other sections or parts thereof.

§ 1-5. Repealer.

A. Repeal of inconsistent enactments. All local laws and ordinances of a general and permanent nature, or parts of such local laws or ordinances, inconsistent with the provisions contained in the Code adopted by this local law are hereby repealed; provided, however, that such repeal shall only be to the extent of such inconsistency, and any valid legislation of the Village of Bayville which is not in conflict with the provisions of the Code shall be deemed to remain in full force and effect.

B. Repeal of specific enactments. The Board of Trustees of the Village of Bayville has determined that the following local laws and/or ordinances are no longer in effect and hereby specifically repeals the following legislation:

(1) Chapter 12, Building Construction of the 1981 Code.

(2) Chapter 25, Ethics, Code of, of the 1981 Code, adopted 10-13-1975 by L.L. No. 16-1975.

(3) Chapter 60, Satellite Antennas, of the 1981 Code, adopted 4-23-1990 by L.L. No. 3-1990.

§ 1-6. Enactments saved from repeal; matters not affected.

The repeal of local laws and ordinances provided for in § 1-5 of this local law shall not affect the following classes of local laws, ordinances, rights and obligations, which are hereby expressly saved from repeal:

A. Any right or liability established, accrued or incurred under any legislative provision of the Village of Bayville prior to the effective date of this local law or any action or proceeding brought for the enforcement of such right or liability.

B. Any offense or act committed or done before the effective date of this local law in violation of any legislative provision of the Village of Bayville or any penalty, punishment or forfeiture which may result therefrom.

C. Any prosecution, indictment, action, suit or other proceeding pending or any judgment rendered prior to the effective date of this local law brought pursuant to any legislative provision of the Village of Bayville.

D. Any agreement entered into or any franchise, license, right, easement or privilege heretofore granted or conferred by the Village of Bayville.

E. Any local law or ordinance of the Village of Bayville providing for the laying out, opening, altering, widening, relocating, straightening, establishing grade, changing name, improvement, acceptance or vacation of any right-of-way, easement, street, road, highway, park or other public place within the Village of Bayville or any portion thereof.

F. Any local law or ordinance of the Village of Bayville appropriating money or transferring funds, promising or guaranteeing the payment of money or authorizing the issuance and delivery of any bond of the Village of Bayville or other instruments or evidence of the Village's indebtedness.

G. Local laws or ordinances authorizing the purchase, sale, lease or transfer of property, or any lawful contract, agreement or obligation.

H. The levy or imposition of special assessments or charges.

I. The annexation or dedication of property.

J. Any local law or ordinance relating to salaries and compensation.

K. Any local law or ordinance amending the Zoning Map.

L. Any local law or ordinance relating to or establishing a pension plan or pension fund for Village employees.

M. Any local law or ordinance or portion of a local law or ordinance establishing a specific fee amount for any license, permit or service obtained from the Village.

N. Any local law adopted subsequent to March 28, 2021.

§ 1-7. Changes in previously adopted legislation.

A. In compiling and preparing the local laws, ordinances and resolutions for publication as the Code of the Village of Bayville, certain grammatical changes and other minor nonsubstantive changes were made in one or more of said pieces of legislation. It is the intention of the Board of Trustees that all such changes be adopted as part of the Code as if the local laws, ordinances and resolutions had been previously formally amended to read as such.

B. In addition, the amendments and/or additions as set forth in Schedule A attached hereto and made a part hereof are made herewith, to become effective upon the effective date of this local law. (Chapter and section number references are to the local laws, ordinances and resolutions as they have been renumbered and appear in the Code.)

C. Througout the Code:

(1) All references to the “Dog Warden” are changed to “Dog Control Officer.”

§ 1-8. Titles and headings; editor's notes.

A. Chapter and article titles, headings and titles of sections and other divisions of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

B. Editor's notes indicating sources of sections, giving other information or referring to the statutes or to other parts of the Code are inserted in the Code and may be inserted in supplements to the Code for the convenience of persons using the Code and are not part of the legislation.

§ 1-9. Penalties for tampering with Code.

Any person who, without authorization from the Village Clerk, changes or amends, by additions or deletions, any part or portion of the "Code of the Incorporated Village of Bayville" or who alters or tampers with such Code in any manner whatsoever which will cause the legislation of the Incorporated Village of Bayville to be misrepresented thereby shall, upon conviction of such offense, be subject to a fine of not more than $500 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

§ 1-10. When effective.

This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.

Village of Bayville
Code Adoption Local Law

Schedule A
Specific Revisions at Time of Adoption of Code

Chapter 1, General Provisions.

Article II, General Penalty.

This article is adopted to read as follows:

§ 1-11. Penalties for offenses.

Except where the specific penalties are provided in a law of the county, state or federal government or in a local law, ordinance, rule or regulation of the Village for a particular offense, any person who shall commit an offense against any provision of the Code of the Village of Bayville or any provision of any Village local law, ordinance, rule or regulation, including the failure to comply with conditions of a decision of the Planning Board, Board of Appeals or Board of Trustees, by doing any act prohibited or declared to be an offense thereby, or by engaging in or exercising any business or occupation or doing anything for which a license or permit is required thereby without having a valid license or permit therefor as required, or by failing to do any act required by any such provision, or by failing to do any act when such provision declares such failure to be unlawful or to be an offense, shall, upon conviction thereof, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding $1,000 or by imprisonment for not exceeding 15 days, or by both such fine and imprisonment.

§ 1-12. Continuing violations.

The continuation of an offense for each successive day shall constitute a separate violation, and the person or persons allowing or permitting the continuation of the offense may be punished as provided above for each separate violation.

§ 1-13. Additional remedies.

The imposition of a penalty as provided above, or as specifically provided in any chapter of the Code or other local law, ordinance, rule or regulation of the Village, shall be in addition to any injunctive or remedial relief or any civil penalty which is authorized under the laws of the State of New York or the ordinances and local laws of the Village of Bayville, with the same force and effect as though provided for herein. Such penalty shall not be deemed to be in lieu of any provision for revocation or suspension of any license or permit.

§ 1-14. Supersession of state statute.

This article shall supersede the provisions of Subdivision 1 of Village Law § 20-2006.

Chapter 3, Aircraft.

A. In § 3-2, the definition of "aircraft" is amended as indicated: "… to include airplanes (including seaplanes), helicopters, drones, balloons…"

B. Section 3-6 is amended to change the maximum fine amount from $250 to $500.

Chapter 4, Appearance Tickets.

A. In § 4-1A, a new Subsection A(5) is added to read as follows:
Code Enforcement Officer.

B. In § 4-1B, a new Subsection B(4) is added to read as follows:
Code Enforcement Officer.

Chapter 5, Assemblies, Mass Public.

A. In § 5-7:

(1) Subsection A(1) is amended to delete the table of fees, and instead state that the fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

(2) Subsection A(2) is amended to delete the specific fee amount of $15, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

(3) Subsection C is amended to delete the specific fee amount of $10, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

(4) Subsection D is amended to delete the specific fee amount of $10, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

(5) Subsection E is amended to delete the specific fee amount of $5, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

B. Section 5-18A is amended to change the maximum fine amount from $250 to $500.

Chapter 7, Beaches.

A. Section 7-8 is amended as indicated: "…such modest attire to cover the private parts of a body ~~as the Board of Trustees may designate~~. Designated bathing areas…"

B. Section 7-24 is amended to read as follows:

Except for the penalties provided in § 7-13 hereof, any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding $500 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.

Chapter 7A, Animals.

Article I, Feeding of Waterfowl and Pigeons.

Section 7A-4 is amended to change the maximum fine amount from $250 to $500, and to change the maximum term of imprisonment from 10 days to 15 days.

Chapter 9, Boats and Docks.

Section 9-20 is amended to change the maximum fine amount from $250 to $500.

Chapter 13, Building Construction Administration.

A. Section 13-3A is amended as indicated: "…use, occupancy and maintenance thereof, and their related premises."

B. Section 13-4 is amended as indicated: "…to issue summonses or appearance tickets for illegal violations of this chapter. The Board of Trustees hereby authorizes the Village Superintendent of Water or his designated deputy to issue summonses or appearance tickets for violations…"

C. Section 13-7A is amended as indicated: "…of the occupancy of any building or structure or related improvement, or cause the same…"

D. Section 13-8 is amended as indicated: "…upon receipt of the ~~legal~~ fees therefor…"

E. Section 13-13 is amended as indicated: "…no person shall interfere with or prevent such entry; provided, however, that nothing in this section shall be construed as permitting an inspection under any circumstances under which a court order or warrant permitting such inspection is required, unless such court order or warrant shall have been obtained.

F. Section 13-14D 14D is amended as indicated: "…accompanied by a certificate of a qualified electrical inspection firm ~~the New York Board of Fire Underwriters~~ and a final survey…"

G. Section 13-19B is amended to change the maximum fine amount from $500 to $1,000, and to change the term of imprisonment from 30 days to 15 days.

H. Section 13-19C is amended to read as follows:

> *Any owner, lessee, contractor, corporation, association, agent or other person who uses or maintains or causes to be used or maintained any building or premises or any part thereof in the Village except in conformity with the provisions of this chapter and with the provisions of the New York State Uniform Code, or who uses or maintains or causes to be used or maintained any building or part thereof in the Village, which has been erected, enlarged or altered other than in conformity with the provisions of this chapter and the New York State Uniform Code, or who in any manner commits an offense or causes an offense to be committed against any provision of this chapter or any provision of the New York State Uniform Code shall be deemed a violation pursuant to the Penal Law of the State of New York and subject to a fine of not more than $1,000 for each offense or by imprisonment for not more than 15 days, or both such fine and imprisonment. Each day that an offense continues shall be deemed a separate violation.*

I. Former § 13-19D, which regarded the applicability of § 13-19 with regards to violations of the State Building Construction Code and the Multiple Residence Law, is repealed.

J. Section 13-20B is amended to change "Board of Trustees" to "Mayor."

Chapter 14, Buildings, Numbering of.

A. Section 14-7A is amended as indicated: "In Arabic numerals or alphabet letters."

B. Section 14-7B is amended as indicated: "A minimum height of ~~three (3)~~ four inches for residential properties…"

C. Section 14-11 is amended to change the maximum fine amount from $200 to $500.

Chapter 15, Buildings, Unsafe.

A. Section 15-2D is amended to read as follows:

In the event of neglect or refusal of the person served with a notice to comply with the same, a survey of said premises shall be made by an official of the Village and a practical builder, engineer or architect to be named by the Board of Trustees and a practical builder, engineer or architect appointed by the person notified as above, and the two surveyors named shall make the survey and report to the Village Board. In the event of refusal or neglect of the person so notified to appoint such surveyor, the report of the surveyor named by the Board of Trustees shall be acceptable. The sent notice shall contain a statement that, in the event the building or structure shall be reported unsafe or dangerous under such survey, application will be made at a special term of the Supreme Court in the judicial district in which the property is located for an order determining the building or structure to be a public nuisance and directing that it shall be repaired and secured or taken down and removed.

B. Section 15-3 is amended to change the maximum fine amount from $250 to $500.

Chapter 20, Coastal Erosion Hazard Areas.

A. Section 20-33 is amended to change the maximum fine from $250 to $500, and to change the maximum term of imprisonment from six months to 15 days.

B. In § 20-34B, a new Subsection B(4) is added to read as follows:

Whenever applicable, notify adjacent municipalities pursuant to General Municipal Law § 239-nn.

Chapter 21, Curfew.

Article I, Halloween.

A. Section 21-6C is amended to change "19" to "18."

B. Section 21-8 is amended to change the maximum fine amount from $250 to $500.

Chapter 23, Dogs.

A. Section 23-4 is amended to read as follows:

All dogs kept, harbored or maintained in the Incorporated Village of Bayville shall be licensed if running at large and/or over four months of age, and all owners must comply with all pertinent laws and provisions incident to obtaining such license and the wearing of a license tag by a dog. Dog licenses shall be obtained from the Town of Oyster Bay Town Clerk.

B. Section 23-10 is amended to change the maximum fine amount from $250 to $500.

Chapter 23A, Electrical Standards.

A. Section 23A-4 is amended to read as follows:

The Inspector and each of the duly appointed firms appointed by the Board of Trustees ("authorized electrical inspection firm") are hereby authorized to make inspections and reinspections of all electrical installations heretofore and hereafter described and to approve or disapprove the same. In no event, however, will the cost or expense of such inspections and reinspections be a charge against the Village of Bayville.

B. Section 23A-5 is amended to read as follows:

It shall be the duty of the Inspector to report, in writing, to the Village Building Inspector, whose duty it shall be to enforce all the provisions of this chapter and all violations of or deviations from or omissions of the electrical provisions of the National Electrical Code and of all local laws or ordinances or the Building Code as referred to in this chapter insofar as any of the same apply to electrical wiring. The Inspector shall make inspections and reinspections of electrical installations in and on properties in the Village of Bayville upon the written request of an authorized official of the Village of Bayville or as herein provided. The Inspector is authorized to make inspections and reinspections of electrical wiring in buildings, devices, appliances and equipment, in and on properties within the Village of Bayville, where he deems it necessary for the protection of life and property. In the event of an emergency it is the duty of the Inspector to make electrical inspections upon the oral request of an official or officers of the Village of Bayville. It shall be the duty of the Inspector to furnish written reports to the proper officials of the Village of Bayville and owners and/or lessees of property where defective electrical installations and equipment are found upon inspection. He shall authorize the issuing of a certificate of compliance when electrical installations and equipment are in conformity with this chapter. He shall direct that a copy of the certificate of compliance be sent to the Village of Bayville to the attention of the Building Inspector.

C. Section 23A-6 is amended to read as follows:

§ 23A-6. Unlawful acts.

A. *It shall be a violation of this chapter for any person, firm or corporation to install or cause to be installed or to alter electrical wiring for light, heat or power in or on properties in the Village of Bayville until an application for inspection has been filed with the authorized electrical inspection firm.*

B. *It shall be a violation of this chapter for a person, firm or corporation to connect or cause to be connected electrical wiring, in or on properties for light, heat or power, to any source of electrical energy supply prior to the issuance of a temporary certificate, or a certificate of compliance, by the authorized electrical inspection firm.*

D. Section 23A-7 is amended to read as follows:

Any person, firm or corporation who shall violate any of the provisions of this chapter or any rule or regulation made pursuant thereto shall, upon conviction, be guilty of a violation pursuant to the Penal Law and may be punished by a fine of not more than $500 or 15 days imprisonment, or both, and each day on which such violation continues shall constitute a separate offense.

E. Section 23A-9 is amended as indicated: "…nor shall the Village of Bayville ~~or the New York Board of Fire Underwriters~~ be deemed to have assumed…"

Chapter 24A, Environmental Quality Review.

A. In § 24A-2:

(1) The introductory paragraph thereof is amended to change the phrase "Section 617.12" to read as "Part 617."

(2) A new Subsection C is added to read as follows:

The Mayor, Board of Trustees, Board of Appeals and Planning Board from being exempt from the provisions of this chapter if they independently comply with the provisions of the Environmental Conservation Law and 6 NYCRR Part 617 and do not refer an action to the Environmental Conservation Commission.

B. Section 24A-3 is amended to change each instance of the phrase "Section 617.12" to "Part 617."

C. Section 24A-6A is amended to change 15 days to 20 days.

D. Section 24A-8 is amended to change every instance of the phrases "Section 617.12" and "Section 617.7(b)" to read as "Part 617."

E. Section 24A-9B is amended to change the phrase "Section 617.11" to read as "Part 617."

F. Section 24A-10A is amended to change the phrases "Section 617.7(d)," "Section 617-7(e) and (f)," and "Section 617.7(e) and (f)" to read as "Part 617."

G. Section 24A-10B is amended to change 10 days to 14 days.

H. Section 24A-18 is amended as indicated: "…the procedures ~~of Sections 617.4 and 617.8~~ of Part 617 of Title 6…"

Chapter 25, Ethics, Code of.

This chapter is adopted to read as follows:

§ 25-1. Purpose.

Pursuant to the provisions of § 806 of the General Municipal Law, the Board of Trustees of the Village of Bayville recognizes that there are rules of ethical conduct for public officers and employees which must be observed if a high degree of moral conduct is to be obtained and if public confidence is to be maintained in our unit of local government. It is the purpose of this chapter to promulgate these rules of ethical conduct for the officers and employees of the Village of Bayville. These rules shall serve as a guide for official conduct of the officers and employees of the Village of Bayville. The rules of ethical conduct of this chapter, as adopted, shall not conflict with but shall be in addition to any prohibition of Article 18 of the General Municipal Law or any other general or special law relating to ethical conduct and interest in contracts of municipal officers and employees.

§ 25-2. Definitions.

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

INTEREST - A direct or indirect pecuniary or material benefit accruing to a municipal officer or employee or his spouse, minor children and dependents; a firm, partnership or association of which such officer or employee is a member or employee; a corporation of which such officer or employee is an officer, director or employee; and a corporation any

stock of which is accrued or controlled directly or indirectly by such officer or employee, unless the context otherwise requires.

MUNICIPAL OFFICER OR EMPLOYEE - An officer or employee of the Village of Bayville, whether paid or unpaid, including members of any administrative board, commission or other agency thereof. No person shall be deemed to be a municipal officer or employee solely by reason of being a volunteer fireman or civil defense volunteer.

§ 25-3. Standards of conduct.

Every officer or employee of the Village of Bayville shall be subject to and abide by the following standards of conduct:

A. Gifts. He/she shall not directly or indirectly solicit any gift or receive any gift having a value of $75 or more, whether in the form of money, services, loan, travel, entertainment, hospitality, thing or promise or any other form, under circumstances in which it could reasonably be inferred that the gift was intended to influence him/her, or could reasonably be expected to influence him/her, in the performance of his/her official duties or was intended as a reward for any official action on his/her part.

B. Confidential information. He/she shall not disclose confidential information acquired by him in the course of his/her official duties or use such information to further his/her personal interest.

C. Representation before one's own agency. He/she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any municipal agency of which he/she is an officer, member or employee or of any municipal agency over which he/she has jurisdiction or to which he/she has the power to appoint any member, officer or employee.

D. Representation before any agency for a contingent fee. He/she shall not receive or enter into any agreement, express or implied, for compensation for services to be rendered in relation to any matter before any agency of his municipality, whereby his/her compensation is to be dependent or contingent upon any action by such agency with respect to such matter, provided that this subsection shall not prohibit the fixing at any time of fees based upon the reasonable value of the services rendered.

E. Disclosure of interest in legislation. To the extent that he/she knows thereof, a member of the Board of Trustees and any officer or employee of the Village of Bayville, whether paid or unpaid, who participates in the discussion or gives official opinion to the Board of Trustees on any legislation before the Board of Trustees shall publicly disclose on the official record the nature and extent of any direct or indirect financial or other private interest he/she has in such legislation.

F. Investments in conflict with official duties. He/she shall not invest or hold any investment directly or indirectly in any financial, business, commercial or other private transaction which creates a conflict with his/her official duties. However, the investment in or ownership of less than 5% of the stock of a corporation whose stock is listed on the New York or American Stock Exchange or successors thereto shall not be deemed to be an investment in conflict with official duties.

G. Private employment. He/she shall not engage in, solicit, negotiate for or promise to accept private employment or render services for private interests when such employment or service creates a conflict with or impairs the proper discharge of his/her official duties.

H. Future employment. He/she shall not, after the termination of service or employment with such municipality, appear before any board or agency of the Village of Bayville in relation to any case, proceeding or application in which he personally participated during the period of his service or employment or which was under his active consideration.

§ 25-4. Officer and employee claims.

Nothing herein shall be deemed to bar or prevent the timely filing by a present or former municipal officer or employee of any claim, account, demand or suit against the Village of Bayville or any agency thereof on behalf of him/herself or any member of his/her family arising out of any personal injury or property damage or for any lawful benefit authorized or permitted by law.

§ 25-5. Board of ethics.

A. There is hereby established a Board of Ethics consisting of three members to be appointed by the Board of Trustees and who shall serve without compensation and at the pleasure of the Board of Trustees. A majority of such members shall be persons other than officers or employees of the Village of Bayville, but the Board shall include the Mayor of the Village of Bayville.

B. The Board of Ethics shall have the powers and duties prescribed by Article 18 of the General Municipal Law and shall render advisory opinions to the officers and employees of the Village of Bayville with respect to Article 18 of the General Municipal Law and any Code of Ethics adopted pursuant to such article, under such rules and regulations as the Board may prescribe. In addition, the Board may make recommendations with respect to the drafting and adoption of amendments to this Code of Ethics upon request of the Board of Trustees.

§ 25-6. Distribution of code.

The Mayor of the Village of Bayville shall cause a copy of this Code of Ethics to be distributed to every officer and employee of the Village within 30 days after the effective date of this chapter. Each officer and employee elected or appointed thereafter shall be furnished a copy before entering upon the duties of his office or employment. Failure to distribute any such copy or failure of any officer or employee to receive such copy shall have no effect on the duty of compliance with such code, nor the enforcement of provisions thereof.

§ 25-7. Penalties for offenses.

In addition to any penalty contained in any other provision of law, any person who shall knowingly and intentionally violate any of the provisions of this code may be fined, suspended or removed from office or employment in the manner provided by law.

Chapter 27, Flood Damage Prevention.

A. Section 27-9 is amended to change “$250” to “$500.”

B. Section 27-12B is amended to delete the specific fee amount of $250, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Supervisors.

C. Section 27-16C(1) is amended as indicated: "…other service equipment shall be located at or above the base flood elevation plus freeboard of two feet (610 millimeters) or be designed to prevent…"

Chapter 30, Gaming and Amusement Devices; Game Rooms.

A new § 30-6 is added to read as follows:

> ***§ 30-6. Penalties for offenses.***
>
> *Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable by a fine not exceeding $500 or by imprisonment for a term not exceeding 15 days, or by both such fine and imprisonment.*

Chapter 31, Graffiti.

A. Section 31-6B is amended to change $250 to $500.

B. Section 31-8 is amended to change the mandatory minimum fine amount from $250 to $500.

Chapter 32, Indemnification and Defense; Drug and Alcohol Testing.

Article I, Protection of Employees.

A. In § 32-1, the definition of "officer" is amended as indicated: "Board of Zoning Appeals member, Committee of Architect Review member, Environmental Conservation Commission member, any duly appointed…"

B. Section 32-2A is amended to change "five days" to "10 days."

Article II, Additional Benefits.

Section 32-3 is amended as indicated: "…afforded by Public Officers Law § 18 ~~(as amended by Chapter 277 of the Laws of 1981, effective June 22, 1981)~~ in addition to the local laws…"

Chapter 34, Landscaping and Spraying.

A. Section 34-5 is amended as indicated: "Each applicant for a license shall pay a fee ~~of $25~~ in an amount as shall be set from time to time by resolution of the Board of Trustees as a nonrefundable filing fee with the application. ~~Fifty dollars~~ A fee in an amount as shall be set from time to time by resolution of the Board of Trustees shall be paid by the applicant to the Village Clerk or his or her designee upon issuance of the license."

B. Section 34-6 is amended as indicated: "All licenses issued pursuant to this chapter shall expire on ~~the last day of December~~ May 31 in the year in which they have been issued. Licenses may be renewed upon payment of an annual fee ~~of $50~~ in an amount as shall be set from time to time by resolution of the Board of Trustees before the first day of February of the next year. If the licensee fails to make proper timely application for renewal, he or she shall be required to reapply and pay an additional license fee as set forth in the preceding section in the amount ~~of $25~~ as shall be set from time to time by resolution of the Board of Trustees as a nonrefundable filing fee with the application and ~~$50~~ a fee in an amount as shall be set from time to time by resolution of the Board of Trustees paid upon the issuance of the license."

C. In § 34-8, a new subsection F is added to read as follows:

Any live tree having a circumference in excess of 20 inches measured at a point which is 48 inches above the ground shall not be removed, unless an arborist appointed by the Village approves such removal.

D. Section 34-9 is amended as indicated: "…shall be punishable by a ~~mandatory minimum fine of not less than $100~~ fine not to exceed $500 or a jail term of not more than 15 days, or both, for each and every separate offense…"

Chapter 36, Licensing.

A. Section 36-14 is amended to read as follows:

The Village Fee Schedule, as set from time to time by resolution of the Board of Trustees, is on file in the Village offices.

B. Section 36-19 is amended to change the maximum fine amount from $250 to $500.

Chapter 38, Littering.

Section 38-20 is amended to change the maximum fine amount from $250 to $500.

Chapter 42, Noise.

A. Section 42-3A is amended as indicated: "…pursuant to the provisions of ~~§ 15 of~~ the Vehicle and Traffic Law…"

B. Section 42-3B is amended as indicated: "…quiet, comfort or repose of ~~persons in any dwelling, hotel or other type of residence~~ a reasonable person of normal sensitivity."

C. Section 42-3N is amended as indicated: "…shall make any noise or operate or cause to be operated…"

D. Section 42-6 is amended to read as follows:

Any person committing an offense against any provision of this chapter shall, upon conviction, be guilty of a violation pursuant to the Penal Law of the State of New York, punishable as follows:

(a)

For conviction of a first offense: fine not exceeding $500 or imprisonment for a period not to exceed 15 days, or both.

(b)

For conviction of a second offense, both of which were committed within a one-year period: fine not less than $1,000 nor more than $1,500 or imprisonment for a period not to exceed 15 days, or both.

(c)

For a conviction of a third or subsequent offense, all of which were committed within a one-year period: fine not less than $1,500 nor more than $5,000 or imprisonment for a period not to exceed 15 days, or both.

(d)

The owner, general agent, licensee or tenant of a building, premises or part thereof where such offense has been committed shall, upon conviction, be guilty of a violation.

Chapter 43, Open Space Preservation.

A. Section 43-2B is amended to read as follows:

> *The stated goal in Section IV of the LWRP under "Proposed Land Acquisition and Park Improvement Projects."*

B. Section 43-8A is amended to change the maximum fine amount for a first offense from $1,500 to $500, and to change the maximum fine amount for a second or subsequent offense from $2,500 to $1,000.

Chapter 46, Peace and Good Order.

Article I, Prohibited Acts.

A. Section 46-4B is amended to change the phrase "Mayor of the Village" to "Building Inspector."

B. Section 46-4C is amended as indicated: "…the said condition may be abated by the ~~State Commissioner,~~ the Building Inspector…"

C. Section 46-7 is amended to change the maximum fine amount from $250 to $500.

Article II, Alcoholic Beverages.

Section 46-14 is amended to read as follows:

> *Each violation of this article shall constitute a separate offense and, upon conviction, shall be subject to a fine of not more than $500 or imprisonment for not more than 15 days, or both.*

Article III, Temporary Storage Containers and Dumpsters.

Section 46-17G is amended as indicated: "…shall be punishable by a fine not to exceed ~~$250~~ $500 and/or imprisonment for a term of not more than 15 days ~~in the Nassau County Correctional Center~~."

Chapter 48, Peddling and Soliciting.

A. In § 48-4:

(1) Subsection D is amended to read as follows:

> *Presentation of driver's license or other photographic identification to be copied by Village Clerk.*

(2) Former Subsections E and F of the 1981 Code, concerning applicants' business references and fingerprinting, respectively, are repealed.

B. Former § 48-5, Bonding requirements, is repealed.

C. In § 48-6:

(1) Subsection A is amended as indicated: "…except ~~between the hours of~~ from 8:00 a.m. ~~and 6:00 p.m.~~ to one hour after sunset…"

(2) Former Subsection E of the 1981 Code, regarding entrance upon the land of any Village resident without express invitation, is repealed, and former Subsections F, G, H, I and J of the 1981 Code are redesignated as Subsections E, F, G, H and I, respectively.

D. Former § 48-8 of the 1981 Code, Exemptions from bond requirements, is repealed.

E. In § 48-9:

(1) Former Subsection C of the 1981 Code, concerning persons selling fruits and farm products that they themselves have grown, is repealed.

(2) A new subsection F is added to read as follows:

Any person or individual that is merely proselytizing for either religious or political purposes, distributing religious or political handbills at no cost, or exercising the right to anonymous religious or political speech without soliciting any funds and without selling any goods or soliciting for contributions.

F. Section 48-10 is amended to change the minimum fine amount from $250 to $500.

Chapter 50, Picnic Areas.

Section 50-5 is amended to change the maximum fine amount from $250 to $500.

Chapter 52, Plumbing.

A. Former § 52-1 of the 1981 Code, Examining Board, is repealed; former § 52-2, License required, is redesignated as § 52-1.

B. Section 52-1 is amended to read as follows:

No person, firm or corporation shall engage in or conduct the business of plumbing within the Incorporated Village of Bayville unless licensed as set forth below.

C. A new § 52-2 is added to read as follows:

Any person who is a duly licensed master plumber in the Town of Oyster Bay or any other town in Nassau County or Suffolk County, New York, and who submits a certified copy of a certificate of competency issued by the Plumber's Examining Board of such municipality shall be entitled to receive a license upon payment of the required fees.

D. Former § 52-3 of the 1981 Code, Application for examination, former § 52-4 of the 1981 Code, Qualifications, and former § 52-5 of the 1981 Code, Examinations; exceptions, are repealed; former §§ 52-6, 52-7, and 52-8 of the 1981 Code are redesignated as §§ 52-3, 52-4, and 52-5, respectively.

E. Section 52-3A is amended as indicated: "…shall pay ~~the~~ a nonrefundable sum ~~of $100~~ as a filing fee with his application and a further ~~sum of $50~~ fee upon being issued a certificate or a master plumber's license, each of which fees to be in amounts as set from time to time by resolution of the Board of Trustees."

F. Section 52-3B is amended to read as follows:

Each applicant shall pay a nonrefundable sum as a filing fee with his application, said fee is to be in an amount as set from time to time by resolution of the Board of Trustees.

G. Section 52-3D is amended to delete the specific fee amount of $50, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

H. Section 52-6 is amended to change "workman's" to "workers'."

I. Former § 52-9 of the 1981 Code, Bond, is repealed; former § 52-10 of the 1981 Code is redesignated as § 52-6.

J. Section 52-11C is amended as indicated: "…new vertical or horizontal water supply, soil, waste or vent pipes…"

K. Section 52-12C is amended to delete the specific fee amounts of $50 and $10, and instead state that such fee shall be in amounts as set from time to time by resolution of the Board of Trustees.

L. Section 52-12D is amended to delete the specific fee amount of $5, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

M. Section 52-15 is amended to delete the specific fee amounts of $30, $25, and $30, and instead state that each such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

N. Section 52-16 is amended to change "$250" to "$500."

Chapter 54, Printed Material, Unsolicited.

A. A new § 54-4D is added to read as follows:

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the Village where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises or at the entry to the principal building on the premises, a sign bearing the words "no peddlers," "no solicitors" or words of similar import.

B. Section 54-6 is amended to read as follows:

Any person found guilty of violating any provision of this chapter shall, upon conviction, be punished by a fine not exceeding $500 or a term of imprisonment of not more than 15 days, or both. Each incident and each day for which a violation occurs or continues shall constitute a separate offense.

Chapter 54A, Procurement Policy.

A. Section 54A-2B is amended to change "§ 175-b of the State Finance Law" to "§ 162 of the State Finance Law."

B. In § 54A-3, the table is amended to add "/email" immediately following each instance of the word "fax."

C. Section 54-A6A is amended as indicated: "…Pursuant to Subdivision 2g of General Municipal Law § 104-b~~(2)(f)~~, the procurement policy may…"

D. Section 54A-6B(1) is amended as indicated: "…Deputy Village Attorney; Village Prosecutor; Acting Village Justice~~, Assessor~~ and/or any Special Counsel retained…"

Chapter 56, Refuse and Cesspool Waste.

A new § 56-11 is added to read as follows:

> *A person convicted of violating any provision of this chapter shall be guilty of a violation which is punishable as follows: by a maximum fine of not more than $500 or 15 days' imprisonment, or both.*

Chapter 57, Recycling.

Section 57-7 is amended to read as follows:

> *A person convicted of violating any provision of this chapter shall be guilty of a violation which is punishable as follows: by a maximum fine of not more than $500 or 15 days' imprisonment, or both.*

Chapter 61, Sewage Disposal Systems, Individual.

Section 61-2 is amended to change the maximum fine amount from $250 to $500.

Chapter 62, Signs.

A. Former § 62-11 of the 1981 Code, Penalties for offenses, is redesignated as § 62-12; former § 62-12 of the 1981 Code, Garage or yard sales, is redesignated as § 62-11.

B. Former Section 62-11C of the 1981 Code, concerning penalties for offenses of the provisions of § 62-11, is repealed.

C. Section 62-12 is amended to change “$250” to “$500.”

Chapter 63B, Stormwater Control.

Section 63B-14D is amended to read as follows:

> *Penalties. Any person who violates the provisions of this chapter shall be guilty of a violation punishable by a fine not exceeding $500 or imprisonment for a period not to exceed 15 days, or both, for conviction of a first offense; for conviction of a second offense, both of which were committed within a period of one year, punishable by a fine not more than $1,000 or imprisonment for a period not to exceed 15 days, or both; and upon conviction of a third or subsequent offense, all of which were committed within a period of three years, punishable by a fine not more than $2,000 or imprisonment for a period not to exceed 15 days, or both.*

Chapter 64, Streets and Sidewalks.

Article I, Excavations and Obstructions.

A. Section 64-3 is amended to delete the specific fee amount of $25, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

B. Section 64-6 is amended to change the maximum fine amount from $250 to $500.

Article II, Cleaning of Sidewalks.

Section 64-8.1 is amended to change the maximum fine amount from $250 to $500.

Chapter 66, Subdivision of Land.

A. Section 66-1A is amended as indicated: "~~By authority of the resolution adopted October 27, 1937, by the Board of Trustees of the Incorporated Village of Bayville, Nassau County, New York, pursuant to the provisions of Article 6-A~~ Pursuant to the provisions of Article 7 of the Village Law of the State of New York…"

B. A new Section 66-1.1 is added to read as follows:

§ 66-1.1. Approval requirements; exceptions.

A. Planning Board approval required. No person, firm, corporation, partnership or association, as owner, lessee or contract vendee, shall divide any parcel of land in the Village into two or more parcels, lots, plots or sites of land by sale, gift, exchange, offer or unconditional contract unless such division of land has been finally approved by the Village's Planning Board after a public hearing in accordance with Article II, of this chapter, as the same may from time to time exist, and in accordance with the law of the State of New York.

B. Exceptions. The foregoing provisions of § 66-1.1A shall not apply to, and there is no prohibition against, transfer of land between owners of contiguous property within the Village, provided that:

(1) Such transfer is a transfer by sale, gift, exchange, offer or contract by which the land so transferred becomes part of the identical ownership of land contiguous thereto;

(2) No new lot is created by such transfer; and

(3) Such transfer does not create any lot sizes, setbacks or uses which do not conform to the requirements of Chapter 80, Zoning, as it then exists, in all respects.

C. In § 66-2:

(1) The definition of the term "official map" is amended as indicated: "The map established by the Village Board under ~~§ 179e~~ § 7-724 of the Village Law…"

(2) The definition of the term "official subdivision date" is amended as indicated: "…submitted to the Planning Board, as provided in ~~§ 179-k~~ § 7-728 of the Village Law…"

(3) The definition of "village development plan or village plan" is amended as indicated: "…pursuant to ~~§ 179-gg~~ § 7-722 of the Village Law…"

D. Section 66-4B(6) is amended to delete the specific fee amount of $300, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

E. A new § 66-4B(9) is added to read as follows:

Notice and referral to other agencies and neighboring municipalities shall be in compliance with General Municipal Law §§ 239-l through 239-n and 239-nn.

F. Section 66-5C(1) is amended as indicated: "…pursuant to ~~§ 89~~ § 1116 of the Public Health Law

G. Section 66-5E is amended as indicated: "…in accordance with ~~§ 179-k~~ § 7-728 of the Village Law…"

H. Section 66-5F is amended as indicated: "After careful study, the Planning Board ~~may~~ shall, within ~~45~~ 62 days from the official submittal date of the subdivision plat, approve, modify or disapprove such plat in compliance with all requirements of Village Law § 7-728…"

I. Section 66-5H(3) is amended as indicated: "…by the County Planning Commission in the manner specified by ~~§ 239-k of~~ the General Municipal Law."

J. Section 66-6A is amended to read as follows:

Improvements and performance/payment bond. Prior to an action by the Planning Board approving a subdivision plat, the applicant shall be required to complete, in accordance with the Planning Board's decision and to the satisfaction of the appropriate Village departments, all the street, sanitary and other improvements specified in the action approving said plat, or, as an alternative, to file with the Village Board a bond in an amount estimated by the Planning Board to secure to the Village the satisfactory construction and installation of and payment for the uncompleted portion of the required improvements. A period of one year, or such other period as the Planning Board may determine appropriate, within which required improvements must be completed, shall be specified by the Planning Board and expressed in the bond. Such performance/payment bond shall comply with the requirements of § 7-730 of the Village Law, and shall be satisfactory to the Village Board as to form, sufficiency and manner of execution. The bond shall provide that an amount determined adequate by the Planning Board shall be retained for a period of one year after the date of completion of the required improvements to assure their satisfactory condition. All required improvements shall be made by the applicant at his expense without reimbursement by the Village or any district therein.

K. Section 66-7 is amended to change "90 days" to "62 days."

L. Section 66-19 is amended to change "$250" to "$500."

Chapter 69, Taxation.

Article II, Utility Tax.

A. Section 69-3 is amended to change "§ 6-640 of the Village Law" to "§ 5-530 of the Village Law," and to change "Article 3-B of the Public Service Law" to "Transportation Law § 170 et seq."

B. Section 69-4 is amended to read as follows:

Words and phrases used in this chapter, unless otherwise noted, shall have the same meanings as ascribed to them in § 186-a of the Tax Law.

C. Section 69-6 is amended as indicated: "…on or before each ~~March 25~~ April 15 hereafter, a return for the ~~twelve (12) calendar months terminating February 28~~ twelve-month period ending December 31 of the previous year, including any period …"

D. Section 69-12 is amended as indicated: "…and be paid by the utility, and ~~shall not~~ may be added as a separate item to bills rendered by the utility to customers~~ or others but shall constitute a part of the operating costs of such utility~~."

Chapter 72, Trees.

A. Section 72-5D is amended as indicated: "…an application and payment of fee ~~of $25, plus $10 per tree to be removed,~~ in an amount as set from time to time by resolution of the Board of Trustees and submission of other required…"

B. Section 72-6A is amended as indicated: "…such cost shall become a lien on the property and adding the total sum due to the Village Tax on said real property ~~and the resolution assessing such costs shall be recorded with the Village Clerk and the office of the County Clerk~~ or may be collected by court action."

C. Section 72-9 is amended to change the maximum fine amount from $250 to $500.

Chapter 74, Vehicles, Abandoned.

Section 74-4 is amended to change the maximum fine amount from $250 to $500.

Chapter 75, Vehicles and Traffic.

Section 75-28 is amended as indicated: "…not to exceed ~~the sum of $25 per day or fraction thereof~~ an amount as set from time to time by resolution of the Board of Trustees. Proof of payment by the village…"

Chapter 76, Vehicles, Recreational.

Section 76-3 is amended to change the maximum fine amount from $250 to $500.

Chapter 77, Water.

Section 77-23A is amended to read as follows:

> *Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine of not more than $500 or imprisonment for not more than 15 days, or both.*

Chapter 77A, Waterfront Consistency Review.

Section 77A-7A is amended to read as follows:

> *A person who violates any of the provisions of or who fails to comply with any conditions imposed by this chapter shall be guilty of a violation, punishable by a fine not exceeding $500 or by imprisonment for a term not exceeding 15 days, or both, for a conviction of a first offense and punishable by a fine not exceeding $1,000 or by imprisonment for not more than 15 days, or both, for a conviction of a second or subsequent offense. For the purpose of conferring jurisdiction upon courts and judicial officers, each week of continuing violation shall constitute a separate additional offense.*

Chapter 80, Zoning.

A. In § 80-3:

(1) A new definition for the term "building" is added to read as follows:

> *Any structure having a roof supported by columns or by walls and intended for the shelter, housing or use of persons or the enclosure of animals or chattels. The*

term "building" shall also include the words "principal building" and "accessory building." The word "building" shall be construed as though followed by the words "or part thereof."

(2) The definition of "family" is amended to read as follows:

FAMILY –

One or more persons living together in a single dwelling unit as a traditional family or the functional equivalent of a traditional family. It shall be a rebuttable presumption that four or more persons living together in a single dwelling unit, who are not related by blood, adoption, or marriage, do not constitute the functional equivalent of a traditional family. In determining the functional equivalent of a traditional family, the following criteria shall be present:

(1) The group shares the entire dwelling unit.

(2) The group lives and cooks together as a single housekeeping unit.

(3) The group shares expenses for food, rent, utilities or other household expenses.

(4) The group is permanent and stable, and not transient or temporary in nature.

(5) Any other factor reasonably related to whether the group is the functional equivalent of a family.

(3) A new definition for the term "front yard area" is added to read as follows:

An open, unoccupied space on the same lot with a building situated between the street wall and the street line of the lot extending to the sidelines (including corner side street line) of the lot.

(4) A new definition for the term "garage, public" is added to read as follows:

A building or part thereof, other than a private garage or commercial storage garage, used for the storage and/or repair of motor vehicles for a fixed fee or charge or where any such vehicles are kept for hire.

(5) A new definition for the term "paving (pave)" is added to read as follows:

To cover or lay (a road, walk driveway, etc.) with concrete, asphalt, stones, gravel, bricks, tiles, wood, or the like, to make it a firm level surface.

(6) The definition of "outdoor swimming pool" is amended to change "18 inches" to "24 inches."

(7) The definition of "transient rental" is amended as indicated: "…in exchange for such rental occupation for a period of ~~less than~~ <u>not exceeding</u> 14 days except:"

B. In § 80-15, a new Subsection D is added to read as follows:

Front yard area paving limit. Not more than 48% of the front yard area shall be paved. On corner plots, only one front yard area may be paved.

C. In § 80-21, a new Subsection C is added to read as follows:

Front yard area paving limit. Not more than 26% of the front yard area shall be paved. On corner plots, only one front yard area may be paved.

D. In § 80-27, a new Subsection C is added to read as follows:

Front yard area paving limit. Not more than 19% of the front yard area shall be paved. On corner plots, only one front yard area may be paved.

E. In § 80-33, a new Subsection C is added to read as follows:

Front yard area paving limit. Not more than 25% of the front yard area shall be paved. On corner plots, only one front yard area may be paved.

F. In § 80-39, a new Subsection C is added to read as follows:

Front yard area paving limit. Not more than 16% of the front yard area shall be paved. On corner plots, only one front yard area may be paved.

G. In § 80-60D:

(1) Former Subsection D(5) is redesignated as Subsection D(7).

(2) A new Subsection D(5) is added to read as follows:

Air-conditioning condensing units that project into required side and rear yards by no more than four feet, but not nearer than three feet from any property line.

(3) A new Subsection D(6) is added to read as follows:

Generators that project into required side and rear yards by no more than eight feet, but not nearer than eight feet from any property line.

(4) A new Subsection D(8) is added to read as follows:

Electrical heating, ventilating or air conditioning (HVAC) units (only if screened with dense evergreen plantings or solid fencing), and any other electrical mechanical system, or surface water heating system, shall be permitted to project no more than four feet into any side yard or six into any rear yard, but not nearer than three feet from any property line.

(5) A new Subsection D(9) is added to read as follows:

Internal combustion generators (only if screened with dense evergreen plantings or solid fencing) shall be permitted to project no more than eight feet into a side or rear yard, but not nearer than six feet from any property line.

H. In § 80-61:

(1) Subsection B is amended as indicated: "…pickets, board or PVC ~~a cultivated or natural growth of shrubs or trees~~."

(2) Subsection C is amended to read as follows:

Fence height shall be measured from the natural grade along the base to the top thereof, except that any fence post finial less than four inches long shall not be calculated in the maximum fence height measurement.

(3) Subsection I is amended as indicated: "…street, road or public right of way, except fences with integral fence posts that appear the same on both sides of the fence. No fence…"

I. In § 80-79:

(1) Subsection A is amended to delete the specific fee amount of $50, and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

(2) Subsection B is amended to delete the specific fee amount of "$50 plus $10 for each additional thousand or fraction thereof," and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

(3) Subsection C is amended to delete the specific fee amount of "$150 plus additional extras," and instead state that such fee shall be in an amount as set from time to time by resolution of the Board of Trustees.

J. In § 80-80, a new Subsection D is added to read as follows:

Any nonconforming, use as hereinbefore or hereinafter referred to, is an affirmative defense in any action or proceeding.

K. Section 80-82 is amended as indicated: "…building or structure that would ~~change~~ decrease the building's…"

L. Section 80-85 is amended as indicated: "…shall be obtained as provided in ~~the ordinance adopted April 13, 1964, providing for administering and enforcing the State Building Construction Code~~ Chapter 13, Building Construction Administration."

M. In § 80-86A:

(1) Subsection A(1) is amended as indicated: "…under the provisions of this chapter or decision of the Board of Appeals shall be considered a ~~misdemeanor~~ violation…"

(2) Subsection A(1)(a) is amended to change the maximum term of imprisonment from six months to 15 days.

(3) Subsection A(1)(b) is amended to change the maximum term of imprisonment from six months to 15 days.

(4) Subsection A(1)(c) is amended to change the maximum term of imprisonment from six months to 15 days.

(5) Subsection A(2) is amended as indicated: "~~Such violations being deemed misdemeanors and each~~ Each week's continued violation shall constitute a separate additional violation."

N. Section 80-86D is amended as indicated: "…provisions of this chapter or decision of the Board of Appeals may be enforced on behalf of the Village by the collection of civil fines for each violation thereof not to exceed ~~$250~~ $500. Each day…"

O. In § 80-88, a new Subsection C is added to read as follows:

Failure to comply with a condition or requirement of a Board of Appeals variance or special permit shall be a violation of this chapter.

P. Section 80-91A is amended as indicated: "The Board of Trustees may from time to time, on its own motion, amend, supplement or change the regulations and districts herein established. ~~On petition, after such public notice and hearing as is required by the Village Law, the Board of Trustees may amend, supplement or change the regulations and districts herein established whenever the owners of 50% or more of the frontage in any district or part thereof shall~~

~~present a petition duly signed and acknowledged to the Board of Trustees, requesting an amendment, supplement, change or repeal of the regulations prescribed for such district or part thereof. It shall be the duty of the Board of Trustees to vote upon such petition within 90 days after the filing of the same by the petitioners with the Village Clerk, and after holding such public hearings as may be required by law.~~"

Q. In § 80-101:

(1) Subsection A is amended to change "45 days" to "62 days."

(2) Subsection B is amended to change "45 days" to "62 days."

R. Section 80-108A is amended as indicated: "…exterior of new construction and of certain exterior alterations and to existing…"

S. Section 80-111A is amended as indicated: "…any new building or for the exterior alteration or reconstruction of an existing…"

T. Section 80-114 is amended to delete the specific fee amount of $250 and instead state that such feel shall be in an amount as set from time to time by resolution of the Board of Trustees.

U. Section 80-141B is amended to read as follows:

A violation of this article is hereby declared to be a violation punishable by the fines set forth in § 80-86.

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