

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on September 28, 2009.

The meeting was called to order at 7:30 p.m. by Deputy Mayor McGiff with Trustees Crean Dean, Devlin, Krieger, Village Attorney Egan and Village Clerk Seal present. Mayor Pontieri and Village Treasurer Krawczyk were not present.

The flag salute made.

Deputy Mayor McGiff read the safety message.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the Board approved the minutes of September 14, 2009 as presented.

Village Clerk Seal stated: The bills for the period ending September 25, 2009 totaled \$398,602.94, with the five largest bills being: NYS Employees Health \$76,398.23 for monthly premium, Pilger Skidmore \$58,550.27 for insurance renewals, Town of Brookhaven \$39,489.75 for monthly landfill charges, JR Holzamacher \$8,765.50 for engineering services, Sidney Bowne \$8,160.00 for engineering services.

General Fund	\$341,858.20
Trust & Agency Fund	\$15,465.01
Capital Projects	\$9,023.25
Sewer Fund	\$21,074.77
BID Fund	\$3,635.41
Housing/Code Fund	\$1,398.42
Community Development Fund	\$6,147.88
General Bills	
Total	\$398,602.94

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the Board approved payment of the bills as presented.

Village Clerk Seal read: Notice is hereby given that a Public Hearing will be held on Monday, September 28, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to consider a request for an out of district sewer connection for the proposed Clare Rose Project on West Avenue. At said Public Hearing any person interested will be given the opportunity to be heard.

Deputy Mayor McGiff stated: After discussing this matter with the Board, as the Mayor is not here but visiting his son in Fort Bragg, North Carolina, we decided to table this public hearing and adjourn it until the first meeting in November. The reason being, this is the first out of district sewer connection that is being proposed that is contingent on the expansion of the sewer facility. For that reason we feel as a Board that it would be premature to entertain this request at this juncture.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the board adjourned public hearing regarding approval to grant an out of district sewer connection for the proposed Clare Rose project on West Avenue to November 9, 2009.

Village Clerk Seal read: Notice is hereby given that a Public Hearing will be held on Monday, September 28, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to amend Section 412-6 of the Village code regarding storage of abandoned vehicles, a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: This came from a request by the Bldg. Dept., to clarify Section 412-6 of the Village code which on the transition from the old code to the new code where certain words were transposed by our editors that said "more than one" which caused confusion as to if they could have more than one. The original intent of the legislation was that there would be no

storage of any abandoned junk or inoperative motor vehicles. We also added the definition of what an abandoned vehicle is to make it easier for code enforcement purposes.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the Board approved request to amend Section 412-6 of Village Code regarding the storage of abandoned vehicles.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board adjourned public hearing regarding approval to grant an out of district sewer connection for 215 East Main Street, Patchogue, NY, to be adjourned to November 9, 2009.

Dennis Smith, B.I.D. Report, stated: The B.I.D. had a very successful summer season. On the NY Main Street grant fund, things have been rather quiet. We are in the middle of improving the old Jay's property on South Ocean Avenue. We are within two weeks of the Budget Buy and Sell Bldg. on the four corners application. Next year there will be a new vendor for the hanging basket program, Russ' Tree Service from Middle Island. Dave Vigliotta, the Chairman, and myself are in the process of making a smooth transition from Tall Tree who has successfully administered this program for many years and turning it over to Russ'. In addition, we are starting to make plans to put the Waverly Park back into condition for the holiday season. The property is now owned by the YMCA and we have been given the go ahead to put the park back together. The YMCA has been nice enough to donate the block for the retaining wall and that was done in an effort to keep things in a uniform fashion. It is a big plus for us. We are going to meet with Paula Murphy and some landscaping people to come up with the best plan to put that back together as soon as we possibly can. Hopefully, we will start work in 2-3 weeks. This is the spur that is next to the new traffic circle. We will need to elevate whatever we do above the circle so that it will be visible. It is YMCA property and that is why we had to dismantle. That having been said, they will let us try and create the park that we once had there using the motif that they have garnered with the rest of the YMCA Building. Lastly, we have been talking about a B.I.D. website for probably three years. Next week there will be a website about the B.I.D. and if after seeing it we would appreciate any criticisms and suggestions.

Trustee Hilton stated: During the majority of the large events that we have in the Village especially down at Shorefront Park, we have gotten to the point where they are a breakeven type situation. The event that is not is the Great South Bay Boat Race. In many meetings that I had with them--to present them will bills for cleanup, constables and impact on the area--they have—and they went to Ocean City, Md. and a race in Cambridge, Md.—they keep bringing up that their race is bringing business to the downtown area so they feel they should be more supported. Typically, in Ocean City, Maryland, there was a \$50,000 purse that was put up by the Chamber. I realize that our Chamber is every bit as big as that on--that is, the strength. I would just like to send you home with a thought, realizing the benefit that this race brings into the Village and somehow trying to contribute to them offsetting the cost of having the race--being that they are being genuine in continuing and making it larger. On Friday night downtown, I thought that there was a significant crowd who had come there just for that reason and were probably entertained by some of your businesses and restaurants. Maybe that is something that we could toss around.

Dennis Smith stated: The comments were certainly well taken. To throw the figure of \$50,000, that would perhaps not be well taken.

Trustee Hilton stated: Ocean City is ten times bigger than Patchogue. What I mean to say is when you ask them where they get their money from, typically its is flipped from the people that benefit from the race. I know we don't have nearly the size or demographics to do that type of a number. But, I think it might be a mindset you would want to entertain in order to bring these people downtown.

Dennis Smith stated: Last year we put \$2,000 towards the advertising and promotion of the Boat Race which was, of course, very successful and it lends a lot to the Village. This year we did not do that only because we had other venues, including the Arts Council and some other things that we were trying to support and trying to make our dollar go as far as we could, given on what we had to offer. With what you just said, perhaps we could come up with some kind of a partnership with restaurants who benefit from this and maybe come out with some kind of consortium that will work to explicitly get funds to support this event, that would not necessarily be our budget but from the people basically from the event happening. It is a good point and something certainly looking into and I will make it a priority looking forward.

Marion Russo, Secretary for The Greater Patchogue Foundation, stated: The Greater Patchogue Foundation is preparing an application to the L. I. Community Hagedon Foundation for a grant to help Patchogue with the census count. It is geared towards a hard to count area and Patchogue is a hard to count area. The Steering Committee is Alan Robinson, Betty Velez, Jean Kaleda, Jill Ramos, Nadia Iniguez, and myself. The grant application should be completed by tomorrow. I have already spoken with Village Clerk Seal, because the Village itself is a partner with the census bureau as is the Library. We also have a commitment from the school as well as not for profit entities within the area. We will be making a big effort to get the count out. We already have plans to reach out to local churches, to have a kickoff event in Nov. as soon as we receive this grant—and we are very hopeful that we will. We will be reporting to the Board on a regular basis. Our goal is to get our community counted so that we get our fair share of the funding that is out there. The census figures draws everything that happens, e.g. how much funding we get from the Federal and State government, how much funding for the Fire Department and Ambulance Corps, our school district and our library. The importance of getting the count out cannot be understated. I am happy to be part of the group that is working on this grant and looking forward to working with everyone as this project goes forward.

Deputy Mayor McGiff stated: The next Board meeting will be Tuesday, October 13th because of Columbus Day being a holiday.

Trustee Krieger stated: At the Theatre this past Sunday we had our first Sunday in the Lobby program featuring different music, classical and chamber. That will be going on for the rest of the season, one Sunday per month at 3 p.m. On Oct. 10th is Lesley Gore & Ronnie Spector, Oct. 11th is Pat Cooper's 90th Birthday Celebration, Oct. 17th is Two Men in Skirts, Oct. 24th is The Led Zeppelin Experience performed by Hammer of the Gods, and Oct. 31st is Halloween with Blue Oyster Cult. Go to the website and support your local theatre. And, thanks again to all the volunteers.

Trustee Krieger stated I have a request for approval for United Storage on Waverly Avenue to rent storage parking spaces on their property.

Patricia Flaherty, United Storage, stated: We would like to put 12 parking spaces along our fence line which is behind our building, behind our gate to be used for storing boats and cars. We have a lot of phone calls for storing of boats and cars. They have to be registered and have insurance on them. We have the facility behind our building which is surrounded by trees. It doesn't look like an eye soar—you can't see it from Waverly Avenue because our building is blocking it.

Trustee Hilton asked: Will there be people working on these boats or cars?

Patricia Flaherty stated: They are not allowed to work on their vehicles on the property. They can only park it there. They are not allowed to do any kind of mechanical work on their cars. They would have to enter through the gate and it is all under surveillance and they have access from 6 a.m. to 10 p.m.

Trustee Krieger asked: Knowing the property very well, it has long list of businesses back there—some good and some have not been so good. I don't know how long you have been managing the property, but recently it has been pretty good. In the past with previous owners, there was some Rider trucks back there and we had a really big problem with people sleeping in the trucks and I found many bottles of cheap vodka in my yard. We had a real problem with a guy who was sleeping in the back there and one of the issues was that Code could not go on the property to roust these people out. I don't know if there is a way to make sure that this doesn't happen—they need to be locked, especially boats, because people can climb in a boat and sleep there and it is unnerving to live behind something like that.

Patricia Flaherty stated: We have been really strict lately because we found a man that was sleeping in the storage area and we had him evicted. I do come at random times at night time to check the property to make sure no one is sleeping there or trashing the property. It is under surveillance and we will check it. Nothing will be parked outside the fence.

Village Attorney Egan stated: The Village code that has just been passed tonight requires all cars that are parked are to have license plates so that they are not deemed abandoned.

Patricia Flaherty stated: They have to be registered and insured so that they will have license plates on them. All of them have to be registered in order to park on the property. The biggest thing besides boats would be mostly be small trucks. After 10 p.m. they have to get out of the gate.

Trustee Hilton stated: I am a little concerned that we would be allowing you to store cars and boats in parking stalls that might have been required for use when the storage was originally approved. And, if they weren't then they probably would have had more storage units on the property. I am thinking that one way or the other; we should probably investigate this before we vote on it, that we are not taking up spots that were dedicated for parking. Many years ago we approved that with parking, so we might be taking up approved parking that would no longer be available and I think we should look to see if it might create on the street parking.

Trustee Krieger stated: There really isn't a on the street parking problem there. It is very transient, people come in and out. There has not been 20 people there at one time. There is more of a parking problem with the oil burner company next door.

Village Attorney Egan stated: I think if Trustee Hilton, in the form of a motion, has the Board reserve decision and issue a decision at the next meeting. It is reasonable to see if there was a previous Planning decision when they made the transition from the Waldbauer property to the storage facility. The Planning Board may very well on their site plan required a number of parking spots, so perhaps the Board would want to keep this open to let the Bldg. Dept. check the Building file and at the next meeting have the Board put it on their decision file.

Trustee Krieger asked: When somebody brings a vehicle in to be stored, is there a time limit and they can store it forever?

Patricia Flaherty stated: When I worked at the West Hempstead facility, we had parking in there and usually they don't store them there that long only because it is outside; the ones in the inside units were stored for a long period of time. If they are not going to take care of their car they have to put a tarp over it; it is not required unless we deem it unsightly. We look at it and determine if it is necessary. They can't be big RV's, only because they won't fit. We can't put more than twelve.

Trustee Krieger stated: I don't have a problem with it only because the cars are not there, but once the cars start stacking up—I want to keep an eye on it for myself and so will other people in the neighborhood.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, the Board voted to keep decision open so that Board can contact the Bldg. Dept. and look up approval for the site and render decision at October 13, 2009 meeting.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the Board approved request to hang a banner on East Main Street from October 5th – October 19th promoting Hispanic Heritage Month and the celebration on October 16th at the Patchogue Theatre.

Trustee Crean stated: There is a hearing at 6 p.m. on Sept. 29th at Brookhaven Town Hall regarding the Plaza Theatre. There will be a condemnation hearing that I will be attending and voicing our support of the Town's endeavor to take ownership of that property in hopes of getting it redeveloped. It is an important piece of property that needs to be developed.

Trustee Hilton stated: Thanks to Sam Perry, the Old Timer's 26th Year Tournament was held and was very successful. Bob McGuinness who has played for 26 years and recently come back to the area was the guest of honor. The Village pool is closed and covered. We had a very successful year and there are a few things we do need to talk about and address. I have asked Mike from Island Softball to come tonight to address some of the items that were listed from Kathy Miller's letter of the last meeting. Mike has completely turned out the Village softball league. He has taken it from a \$35,000 deficit to a \$40,000 profit. Has built it back into 14 teams and I am very proud of the time that Mike and I have spent together. He is a man of his word and he has always been there for us. That is why it is so important that I have asked him to come and address some of the things that were listed in the letter.

Michael Alesia stated I run Island Softball League. Thank you for allowing me to address a few issues that Bill and I have talked about. I would like to explain what we are trying to accomplish in running the Patchogue League. I was a partner league for ten years. I remember when it was huge and it was filled every night. I actually played on a Tuesday and Wednesday night for ten years. I enjoyed the league very much and when I saw the decline of the league when I used to play on the Tuesday nights vs. the cops, it fell apart. Our team switched to Friday nights and that also declined. Unfortunately, we got to a point where there was no more Village league. I was very lucky and fortunate to be approached by Bill and Marie to talk about different things and asked if I was interested to take over the Village League. I was very happy to do that. I want to explain some of the Village goals. Number one on our agenda is Village residents first. I am very happy to say that. Right now at this point, there is 85% capacity of Village and 15% outsiders. I just want to bring that to everyone's attention. I am striving everyday to improve little things here and there. I know we had some concerns about 12 o'clock. The lady at the last meeting complained that we were out there until 1 a.m.; there is no way. My scorekeepers get paid by the hour. I went back and looked at the history of their times and not one person put 1 a.m. Trust me, these people count every dollar they work for. There were some issue brought to my attention by some of my scorekeepers; my umpire and chief Paul Waldron is here. I heard that near the end of the summer around 10:30, some of the kids were showing up and hanging out—doing 90 mph coming into the parking lot, come out with their skateboards, hanging out at the theatre. As we were leaving at 11 o'clock and packing everything up, a couple of my scorekeepers brought to my attention that a lot of the kids were going towards the field. It was brought to Bill's attention that one of the problems was the light box had a piece of wood, like a roof on it, that could actually lift easily and then switch on the lights. I brought that to Bill's attention that it was one of the problems. That was corrected right away. We haven't had any problems about 12 o'clock or 1 o'clock times anymore. But, I also brought to Bill's attention that they were at it again because the seal part has been yanked on and you can see it is already broken and they are trying to get back in. At 10:50 is the last inning and 11 o'clock we are done. Once in a while there may be an extra innings and we close a little past 11. It only happens once in awhile, not every single night. There are also some times when my scorekeepers were giving some time to pack up and get in their cars and are gone. Now because of her letter, we are not giving the guys any time—at 11 o'clock we shut the lights off. I have heard nothing since about those concerns. As I told Bill, what I am trying to do is bring back a successful league to the Village, bring community forum together in completion and have a safe environment for these kids that are hanging out and doing the wrong thing. Let's be honest with ourselves. Unfortunately, living on the island is very expensive. I work two jobs, am also a teacher and run a softball league. Unfortunately, this is their only way out, softball. Some of these guys live off this; one guy plays on my leagues four nights a week; this is their life. I have actually started a co-ed league as well, every Sunday 11:30 to 2:30. One day I hope to get a women's league. We have many requests to play in the field all the time from outsiders and we expressed our concerns at Island is to have Village residents first, then Medford, and so on. I hope to continue and if you have any questions I will try and answer them.

Deputy Mayor McGiff stated: One of the things we were asked to address last week were people drinking in the parking lots at 3 or 4 a.m. Was that your experience?

Michael Alesia stated: There is no way 3 or 4 in the morning. You could send code enforcement and they will find people packing their stuff to leave. 99% of these people work and are leaving.

Trustee Devlin stated: As you said they start showing up at 10:30, next year we should send code down there around then.

Trustee Hilton stated: Mike has also yielded to some of the larger events we have had on some of the blackout dates with no deduction to the fee. Also, I have spoken to Mike about making him the Village of Patchogue Softball coordinator, but hadn't gotten a chance to approve it with the Mayor, therefore, wasn't able to make that announcement tonight. We would like to bring him on Board. I was somewhat insulted by reference in the letter that we had sold out Shorefront Park for profit. That is not the case; we are pretty much running the Village softball league commercially and it is a lot cheaper than us running it ourselves. If you asked Annie Monte as far as paying the umpires, she would say "thank God we are not doing that anymore." He pays the umpires and we don't; that was a major expense. Twelve teams was the breakeven for our own league and we went down to three teams. Softball teams are like old ladies—they argue and bicker. There were a lot of problems and have been straightened out by Mike.

Michael Alesia stated: Mondays thru Fridays we are there from 6 to 11 and Saturday from 5 to 11, and Sunday are there all day. Lately, we haven't seen huge crowds, but have to say I have been seeing a lot of younger looking crowds and their asking how do I go about playing. My rules clearly state there will be no drinking in the park and if they are caught they get a six game suspension—and that has happened this season. And if they are caught again, they are terminated from the league. Don't get me wrong, you will see them in the parking lot, maybe having a beer at the end of the game. Drinking leads to fights and problems—that's why it is not allowed and I have never had to call police. The problems that I had in this league I have terminated them because their money is not that important to me for their problems and headaches. For the last three years I have been there with no issues.

Trustee Hilton stated: Mike, we had been talking about eliminating the Sunday night games. I feel this would quiet down the neighborhood and is something we should talk about this winter.

Trustee Hilton stated: We have put together a cross analysis of what it costs us to have boat safety, highway, sanitation and B.I.D. available to work some of the special events that we had. This is a continuing process that we are going through in order to make these special events that the residents spend to bring them to our beautiful Village. I would like to present the list to set the fees for clean up and security for special events as presented. This pertains to not only Shorefront, but also Main Street. The union contracts have become so expensive. If you bring somebody in for one hour, we have to pay for four hours. These are the things when we meet with the special events people to show them that we are serious as far as collection of his money.

Trustee Crean asked: Are we limited to these numbers? If our costs go up next year, are we capped at these figures?

Deputy Mayor McGiff stated: This is a template. We have had certain people come in and say "we don't need the Village to be there and will do their own cleanup." The Village cleans up that night.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board set fees for clean up and security at special events.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried the board approved request to promote Officer James Mylett to Sergeant at an increase in salary of \$1.00 per hour. Jim is a retired NYC police officer who recently received a commendation for saving the life of a man who had a heart attack and drove into the Bay at Shorefront Park.

Deputy Mayor McGiff stated: This past weekend the Fire Department came down Jayne Avenue with the fire trucks to honor Peter Bodkin who recently came home from Iraq. This is something you would probably only see in Patchogue. We paid tribute to a hero who chose to go.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board accepted the resignation with regrets of Kevin E. Toolan from the CDA Board. Kevin and his wife are moving out of the Village.

Trustee Devlin stated: From Oct. 3rd to Oct 24th Patchogue Arts Council is sponsoring a contemporary art show at Briarcliffe College call "Patchogue Arts by O'Neil." The reception is this Saturday from 2 to 5 p.m. The whole Village is invited to the Arts Biennial. If you cannot make the reception this Saturday which will have a one day display of sculptures, please stop by Briarcliffe College anytime in the next three weeks from noon to 7 every day with volunteers sitting there. If you would like to see what various artists are doing, there will be sculptures by a very famous artist Richard Smith who has 30 pieces at the Tate Gallery in London, out of the pop movement, lived in Soho for many years and is currently residing on Bay Avenue. He will be showing two of his recent paintings which after they are viewed in Patchogue will be going to London.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board approved request for the Blue Point Fire District to enter into an agreement with the Village to utilize the gas and diesel fuel pumps. We are getting new 8,000 gal tanks and will be able to accommodate them very easily.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the Board accepted the resignation of Larry Williams from his position as Assistant Highway Supervisor. He will continue his position held at the Wastewater Treatment Facility.

Public to be Heard:

Bernie Siepman, 72 Wiggins Avenue, Patchogue, stated: I have a series of questions. This one was presented to the Board about a year ago. When is the Community Hall going to be finished?

Trustee Dean stated: We are finalizing the plans for the interior of the building. Once those are done we are going to submit them to LIPA for review to see if there are any energy saving measures in terms of energy efficiency in terms of heating, air condition, lighting or any upgrade we can make in that regard which would get us LEEDS points and all of those good things. It is my hope that the facility will be up and running in the spring time. I know I said that last year. But, money being what it was at the time made that impossible. We anticipate being able to afford it this year and will see when the bids come back.

Bernie Siepman stated: It's a shame because we had a perfectly viable hall on South Ocean Avenue. Now, in regard to Waverly Avenue. I know it is a little late and know it is a County Road, but doesn't the County give you preliminary plans before the job is bid. I worked for the State of New York for 38 years as a resident engineer and an engineer in charge. The State of New York always had preliminary sets of plans to every municipal agency. I don't want to say it is a disaster, but it is certainly not well thought through.

Village Attorney Egan stated: I had a conversation with the Chief Traffic Engineer about the Village's plan to take over the Route 112 light which is a State light fixture. In that conversation came up the issue of that traffic circle. They are continuing to access that; they are not done. They recognize their concerns about it; they recognize what they call "learned behavior." What they call people who continuing to go south, instead of going into that new circle, where before we were all used to continuing going south and avoiding that turnaround, and where people are used to stopping or not. They are continuing to evaluate it.

Bernie Siepman stated: The traffic circle as it is built is a little bit too small and it is piled high with landscaping items. Lake Street continuation going into there—they built it a curb and thank God they delineated it, but the curb is awful. Some day it will kill somebody. Two left hand turns at Roe Blvd.—why? Today we have one lane going north bound. Whereas last or year's ago we had one lane that merged out to two lanes. We didn't have a left hand turn.

Trustee Devlin stated: What they did was they took away the ability to pull over and make a right onto Roe. When they came here they told us that their traffic study indicated there was much less traffic going north bound at any given time and that is why they did it.

Bernie Siepman stated: But, now at almost any hour of the day you can see traffic backed up to the traffic light south of the Precinct. It is a disaster. There should be a guardrail at the traffic circle. Those people who are over there are in dire straits when they walk on the sidewalks. The best thing that can be said about the job is the asphalt done was a nice job.

Richard Kemp, Jennings Avenue, Patchogue, stated: I ask for extra time, maybe 10-15 minutes. I would like to comment regarding Alive After Five and the law that was passed on June 22nd regarding noise. The minutes of June 22nd on page 2 it says "Village Attorney Egan stated, the residential standard from 7 a.m. to 7 p.m. is 65 decibels and from 7 p.m. to 7 a.m. it drops to 50. For businesses, from 7 a.m. to 7 p.m. it is 70 and from 7 p.m. to 7 a.m. it drops to 35. The benefit of having a commercial noise permit is they get the benefit of the higher decibel reading from 7 to 9 p.m., 11 p.m. during the weekend." So, what is it 7 to 7 or 7 to 9? It's not clear.

Village Attorney stated: I thought what I said was pretty accurate and I will repeat it. The commercial noise permit allows the businesses during the weekends to have the extended daytime higher decibel meter readings until 11 o'clock. During the week it is until 9. That is exactly what I said.

Richard Kemp stated: The next point is your comment regarding 281-5 regarding that law, the commercial noise. Section 281-5, there is a list of exceptions, "noise from a municipally sponsored celebration or events of noise from lawful fireworks, parades and the like." Does this include Alive After Five?

Village Attorney Egan stated: Yes.

Richard Kemp stated: I feel that should not be. Further, as far as Alive After Five goes, I believe that Alive After Five is a event that is available by special application only, but yet somebody—I don't know if it is B.I.D. or the Chamber—but, somebody had banners printed up, Alive After Five, and display signs as if it is a right. This is a dangerous thing.

Deputy Mayor McGiff stated: They come for approval before the season. Besides, it is not a recurring event; there is not an assumption that they are going to have it every year. We have tweaked it every year where we have made recommendations where there were problems. If you recall, there used to be nine and this year there was four. I know where you live and I hear your concerns. I live on Jayne, farther north than you, and I hear music coming from South Ocean and Main Street without the benefit of Alive After Five, so I know what you are saying and it is a concern. And it is something that we meet with the organizers many times to address that and to try and find a balance between the residents and the businesses.

Richard Kemp stated: Let's move to Alive After Five. I have read the minutes of July 27, 2009 where the Mayor spoke after the financial portion and had a strong statement to make and asked for opinions of the Board members. Some of the comments made—Trustee Krieger who was away on vacation had to say “If they want to get in, they get in. 8:30 – 9:00 period, 9 p.m. period when the alcohol starts taking control of some people—just totally intoxicated, but they are certainly not a good thing to see. Alive After Five should stay.”

Deputy Mayor McGiff stated: Mr. Kemp, you are going to have to conserve some of your minutes. We know what we said at that meeting. So why don't you get to the point.

(Conversation ensued).

Trustee Krieger stated: Get to the point—you don't like it because it makes too much noise and disrupts your lifestyle at home. You can say whatever you want and have been up here many times and I appreciate that. But instead of beating around the bush, get right to the point and say “look I can't take it anymore, it's noise and I have to deal with this.” That is your main point it seems to me because it disrupts yours and a lot of peoples' lifestyle. But, to cloak this in little innuendos and nitpicking things that are going on—and granted, there are problems with Alive After Five and they have been addressed and they will continue to be address. But the point is the fact that Alive After Five is an inconvenience to your lifestyle on Jennings Avenue is why you are here tonight. Admit it, we all know it, why beat around the bush. Be reasonable and tell us the truth, you don't like it because you think it is too much noise and it keeps you up at night and that doesn't mean you are wrong. Get to the point and stop monkeying around with all this other baloney.

Trustee Hilton stated: I think that you would be glad to know that we as a Board cannot shut down something like Alive After Five without having a lot of facts in front of us. I don't think there is any one of us who wouldn't want that to go away after some of the things that have happened in conjunction with some of the other things that have happened in the Village. But, we cannot just say Alive After Five is gone because you have to realize the benefit that it has to other parts of the Village, to the storeowners, the people in the Village, and the people who actually enjoy being there. Just like everything else, we just can't vote on something and make it go away—it's called democracy. We have to look at all the different things that Alive After Five brings to the table. It was started out by a lot of very good people who have good intentions for the Village and I think we should look at it as such.

Trustee Devlin stated: During that time when we were having these discussions a number of businesses did show up, not just bar owners but retail owners. And they were very favorable about the type of customers that they got this year and were asking us to please keep the event on, maybe do what we had to do and modify some things. But, they did not want the event cancelled. Many of those were not only business owners, but residents.

Trustee Krieger stated: There are thousands of people who live within that area, but consistently you are the only one who comes here and complains about it. We don't get other people. There are some things that have to go on that benefit many people in the Village to the problems of some.

Board Meeting

September 28, 2009

Richard Kemp asked: What time in the evening of Friday was the gentleman stabbed? I called code enforcement at 7:30 p.m. about excessive noise and was told that all of Patchogue Village's people would not be available until after Alive After Five was over.

Village Clerk Seal stated: On that particular night we had at least two or three officers who were assigned but were out sick and we were short staffed. We did not have extra patrol that night.

Trustee Krieger asked: If you are concerned about loud music, why aren't you here when there are concerns about loud music in other parts of the Village? It seems you are only concerned when it affects you.

Richard Kemp stated: I do attend an event in Riverhead, the Polish Festival, that has been going on for 35 years. That is the difference between the Polish and other events, when you just see people who have had drink after drink and are allowed to walk down Main Street.

Trustee Krieger stated: I don't think anyone up here would disagree with you that is not a problem at Alive After Five—unanimously, this Board has issues with people walking down Main Street drinking alcohol.

Deputy Mayor McGiff stated: We had meetings after Alive After Five to revamp it. We just don't let it go, and try to retool it, address the concern.

Richard Kemp asked: What happened to the ABC, Alcohol Beverage Control?

Deputy Mayor McGiff stated: You would have to go to the Fifth Precinct; they have the enforcement capabilities for that.

Signed _____
Patricia M. Seal, Village Clerk

/id