

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on February 22, 2010.

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

The flag salute was made. Deputy Mayor McGiff read the safety message.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the Board approved the minutes of February 8, 2010.

Village Treasurer Krawczyk stated: The bills for the period ending February 22, 2010 totaled \$339,482.80. The five highest bills were: NYS Employee Health \$87,566.06 for monthly billing, H2M \$32,516.41 for engineering fees, LIPA \$22,193.18 for monthly billings, Egan & Golden \$8,519.39 for attorney services, and JR Holzmacher \$7,976.70 for engineering fees.

General Fund	\$257,115.09
Trust & Agency Fund	\$20,961.89
Capital Projects	\$22,114.77
Sewer Fund	\$28,056.86
BID Fund	\$1,954.39
Housing/Code Fund	\$1,398.42
Community Development Fund	\$6,008.66
General Bills	\$1,872.72
Total	\$339,482.80

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

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request for transfer of funds from Pool Salaries account of \$1,000.00 to Conference Expense account to cover Saratoga seminar.

Village Treasurer Krawczyk stated: For your information you have before you cash balances as of January 31, 2010.

Village Clerk Seal stated: Notice is hereby given that a public hearing will be held on Monday, February 22, 2010, 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 Chapter 162 of the Village Code regarding securing unsafe buildings and structures, 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: The original Chapter 162 of the code was originally adopted March 28, 1960. It has been used very infrequently because it was so cumbersome. This new amended Chapter sets out its base primarily upon the Town of Islip's code which has a very expeditious application to the Board of Trustees. The Village's code will be based upon the certification by the Building Inspector that a building is unsafe or otherwise not habitual, whether a vacant or unsecured premises. This is becoming more problematic given the economy with some of the issues with some housing being unsecured, boarded or otherwise vacant. The Town of Islip proceeds by what they call a Cleanup Resolution that goes before the Board.

Trustee Crean stated: There have been some boarded-up properties, one on Carmen Street, that has been like that for five years. Is there any sort of penalty that we could impose for the negligence of a property owner of not up-keeping their property with regard to what our Village Code might say? The overgrown bushes, the un-keeping of lawn, or just the structure itself-- what sort of penalties could we impose on a property owner that may be vacant or boarded-up for a couple of years?

Village Attorney Egan stated: Chapter 162 addresses the initial securing of the building and directs the Highway Dept. or whoever the Board of Trustees designates to secure it. The next question comes, what happens when this house is secured and the property starts to deteriorate? All those questions and liabilities and tickets are going to be under the Property Maintenance Code of the State of New York which is adopted in the Village Code. Our Building Dept. would go out and issue tickets on grass too long, houses in deteriorated conditions--screens, sidings. All those deteriorating conditions are summonable violations and a summons could be issued by our Building Department. And very often, as our Deputy Mayor can confirm, has been done.

Trustee Devlin asked: Now that we are having this rash of foreclosures, but the property is owned by a bank, are we able to successfully fine a bank?

Village Attorney Egan stated: Yes. In the tax lien sale that is coming up now there is a property owned by Wells Fargo Bank.

Mr. Bogack, Noxon Street, stated: I support the resolution. On River Avenue we have three boarded-up homes presently. It is important that these things are boarded-up because if they are not they might have people go into these buildings and they become encampments. This resolution should be passed and it is a good step. Unfortunately, we are having properties that are falling apart and the Village needs to do more.

Village Attorney Egan stated: Just to address Mr. Bogack's point, the house that is roughly across the street was one of the original applications that was made with regard to the securing and demolition of a garage that was in the back. This Board took an action, but it was a very long and cumbersome process that the property owners exploited. It took a very long time for the Board because of the procedures that were laid in the law to get to certain laws in order to secure houses that were dangerous.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the board approved request to amend Chapter 162 of Village Code regarding securing unsafe buildings and structures.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, February 22, 2010, 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 enact a new Article IV of Chapter 302 of the Village Code regarding littering, 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 is part of the piece of the Village Code that was pointed out by the Director of Public Safety Jim Berberich as something that was lacking and that there should be a very clear application of littering and it talks about where litter can go. And, can also once again is much along the lines that Trustee Crean addressed—what happens when certain property owners fail to remove litter despite a notice from the Building Department. In this case, it states what the Village Board can do. This will be part of our Agenda Clean-up Resolutions and they will be on certifications from the Building Department that there are certain litter conditions that exist at houses that are otherwise abandoned, occupied or unoccupied. This will offer the Board an expeditious fashion to authorize the Village to go and clean the property and charge the owner. Page 3 in the definition section defines litter.

Trustee Devlin stated: I also see, and I believe we have had this in our code, about garbage cans having lids. I frequently see garbage cans in the street overflowing with garbage and with no lids. I would like to see that enforced more.

Village Attorney Egan stated: This section addresses that as well. Under Authorized Private Receptacle it states "a litter storage and collection container which is durable, rust-resistant and capable of being tightly sealed." Maybe we can consider warnings first. I understand people cannot just buy a lid. Raccoons, sea gulls cause a big nuisance.

Deputy Mayor McGiff stated: Joe Brandi does give out a lot of warnings. It is tough to give tickets to those living here and paying taxes.

Village Attorney Egan stated: Also, one of the targets for this is not only private properties, but commercial properties where they might carelessly dispose of their garbage in bins and miss and it goes all over the parking lot. That is one of the issues addressed in this.

Mr. Bogack, Noxon Street, stated: A good resolution. There is a fourth house on River Avenue next to mine that has recently been vacated and now in foreclosure. Before they left I begged them to remove trash piles on the side of the garage. It seems like this law will attack that. They are gone now and bankrupt. Some leave their property behind in a wrecked condition and don't really care.

Village Attorney Egan stated: That is exactly what this does address. Unless it is placed in a container or an authorized receptacle---it becomes litter and that is a problem.

Trustee Hilton asked: Just as we have Parks mow overgrown grass and the cost is added to the tax bill, can't we go and have someone remove that garbage and bill?

Village Attorney Egan stated: That is exactly what this addresses.

Village Clerk Seal stated: Just before Christmas, there was a new owner who did a walk-through on Brooke Street and found a tremendous amount of garbage at the roadside. The seller said the Village will pick that up. He came here and we got the previous owner before they closed to get that. That is something that rentals do---they tell the tenants to put it out in the street and then take off. We have billed many times; billed back to the owners.

Don Marcsmith, 60 Carmen Street, Patchogue, stated: Ms. Devlin, you mentioned quite often you see garbage pails in the street uncovered. Well, they are not supposed to be there. However, I know on my street they put it out Sunday afternoon.

Trustee Devlin stated: We have left flyers and told them that they don't have to leave their cans in the street and got a lot of complaints from owners. They do not want the garbage men in their backyard and want to put their cans in the street. So, we kind of stopped it for awhile.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request to enact a new Article IV of Chapter 302 of Village Code regarding littering.

Deputy Mayor McGiff stated: Two commercial properties brought tax certiorari proceedings against the Village and on the advice of our tax attorney, Andy Mahoney, he wanted a settlement for those two properties. The first is Dove Plaza, 2 East Main Street, which were grieved for the past 10 or 11 years. That was a settlement for \$35,000, about \$3,000 a year.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, a tax certiorari settlement to JPS Dove Plaza, LLC in the amount of \$35,000.00 was approved

Deputy Mayor McGiff stated: The second property was 9-11 Railroad Avenue and the aggregated amount is \$29,149.63. That is on the advice of our attorney.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried a tax certiorari settlement to Great Macedonian, LLC in the amount of \$29,149.63 was approved.

B.I.D. Report - Dennis Smith stated: At the Feb. BID Board meeting, they unanimously approved the operation budget for fiscal year 2010-2011. The tax rate has for many years remained the same. The revenues projected decreased by \$5000-\$6000, but through new efficiencies that were developed over the last couple of years, that should not hamper any of the things that we do on a day to day bases---such as gaining efficiencies in watering personnel, foliation spraying on South Ocean as opposed to physical weeding. We bid out for the lowest prices for the hanging baskets and other commodities that we need. Major expenditures over the years such as the reinforcing of the brackets, buying holiday decorations, trash receptacles and things like that are behind us. With that being said, we are looking forward to another successful year starting this coming June. As far as the summer season, we will be putting bids out for the municipal parking lot gardening, tree trimming and the 2011 hanging basket program. We will probably do this mid to late March and award bids in April. The New York Main Street grant program has received a preliminary application from the Dove Building for a \$260,000

improvement project that he is looking to do at that building on east Main Street on the four corners of Main Street. The plans that he has in place will drastically improve the appearance of this property which of course is key given its location. In addition, an application was received from 41 East Main Street which is the proposed Bridgehampton International Bank/Coffee Shop for consideration for their proposed façade improvement on both the front and the rear entrance ways as well as interior work they are planning to do inside. Early next week I plan to have a meeting so that we can render decisions and approval on these two projects. Approval from the State Historic Preservation Office has been granted to these two projects. Once we go to committee, get the set up, depending on how much money we have available for each one, we should be good to go. Others applications out there include Gallo Tropical, the 82 East Main Street, and also a proposed sign for Remember Yesteryears.

Chamber of Commerce Report – Gail Hoag, 15 North Ocean Ave., Patchogue, stated: This week starts our beginning celebration for St. Patrick’s Day. Saturday is the Ronan Tylan concert at the Theatre. On Sunday on the 28th at 1 p.m. at the Brick House, we have the Passing of the Sash. Two past Grand Marshalls, Brian Egan & Gerry Crean were there. Kevin McGiff is our Grand Marshall for this Year’s Grand Marshall. There will be Irish soda bread, concert music, step dancers, bagpipe player—everyone is welcome.

Trustee Krieger stated: I had the great opportunity last week to meet with members of the Chamber of Commerce to go over a situation that is starting to build in the Village of Patchogue. In some ways it is a good problem to have, we don’t have enough parking spaces for all of the things going on in Patchogue. I would like to read a letter addressed to Mayor Pontieri into the record that was sent to me from Larri Fiala, a long time business owner of the Colony Shop and President of the Chamber. “Patchogue once again has a very serious parking problem that needs to be addressed as soon as possible—like yesterday will do. I personally have been aware of some of the business owners, their employees, as well as office workers leaving their cars parked on Main Street all day long. I have spoken to them, but it like--so what. Unfortunately, they are shortsighted and do not realize the value of our Main Street parking spots. This past week it has come to my attention of the parking problems behind the Library as well as the Church St. parking lot. And, next it will be behind the Tritec’s 31 West Main St. building. I am sure once this building is completed and its space rented, a parking problem will arise. Parking enforcement within our business area, both Main St. and Ocean Avenue, is inadequate. The designated 2 hr parking spots within our parking lot are not being enforced. We cannot afford to lose business because of the lack of parking. And, so I send you this SOS—help us save our shops. If I or the Greater Patchogue Chamber of Commerce can assist the Village in any way to help solve these problems, please contact us. Respectfully, Larri Fiala, President of Chamber of Commerce.”

Trustee Crean stated: I think the things that Larri addresses are very important, considering the development going on in the Village and what we expect to see in the future as far as parking problems go. In the 50’s and 60’s, Mayors and Boards were very farsighted in developing parking lots in the Village of Patchogue realizing in order to keep the retail businesses alive this is what was going to have to be done. There were big steps in tearing down and condemning a lot of properties, displacing homeowners and things like that. It was a very big thing going on in Patchogue. It was the right thing to do and the businesses in the Village succeeded for many years. Unfortunately, there was a period of time when a lot of the stores left the Village and our retail businesses were not as successful and we seemed to have way more parking than we needed. That has been going on for quite a while, but as the restaurants are starting to bring in people, the Theatre is bringing in people, businesses like Colony Shop and other successful businesses are bringing more shoppers in the Village. I think we have to look at this as a long-term problem, something that we need to look into the future like the 50’s. But, most importantly right now I think we have to solve some of the current problems that already exist and not look at it as a five year term plan. Luckily, what I will call my deputy parking commissioners—Mindy who we met with on Saturday and, of course, Lori Belmonte who I get phone calls on a regular basis advising me of parking problems in the Village. And, I appreciate that; if nobody complains, sometimes we just don’t see what is going on. Mindy, Superintendent of Highways Joe Dean and I met on Saturday; and, looking at the Terry St. parking lot as an indication of problems that we have throughout the Village as far as parking goes. One of the major problems that we have is that there are not any places to knock down buildings to make parking lots any more. That’s been done. There is very limited space within the Village to create more surface parking. We had at one time tier parking on Lake Street which, as far as the Village was concerned, was not a successful operation and probably Chamber members and store owners

agreed; probably people didn't use the top because of a safety issue and security issues and unfortunately it had to come down. What we need to do right now is come up with easy things to do. Some of the easy things we discussed. What we find in parking lots as well as Main Street is the 2 hr parking rules are being broken on a regular basis. You would need an officer there every day—that is all they would have to do is enforce the law and make sure people cooperate. Most of all, it is the job of the Chamber and the people of the Village to educate the storeowners that their employees should not be parking in the best spaces which should be for the customers. What I am finding, the old-timers' who have been here a long time do know the story. Junior employees don't park on Main St all day and do not park the closet. Unfortunately, everyone does not follow that rule. One of the things we discussed was something that was in affect a number of years ago—in the 70's and 80's—is the red stripeing of the parking lot. The parking spaces most convenient to the stores were red striped and signs were put up saying there is no parking in these red spaces until after 9:30 a.m. It seems to work pretty well. This is easily enforced. I spoke to Joe Dean and asked if this would cause a budget problem. Basically, it would just involve buying a can of paint. I will talk to the Mayor and hope that I can get the cooperation of the Board and everybody to get this through now. If we have to go through a public hearing, Attorney Egan will let us know. The spaces we have in mind are the areas closest to the backdoors of the stores and also the pocket area behind the Library. We will have then had to do new signs, strictly enforce and put the amount of fine on the sign. I don't believe there will be any resistance from Chamber members. Also, we must enforce the 2 hr parking more aggressively on Main St.

Deputy Mayor McGiff stated: The Parking officer is in the railroad parking lot a lot, transports the money from there and is very busy. There is a lot of parking in this Village to enforce. During the summer maybe we can have the kids mark the tires.

Trustee Krieger stated: There is an item with computerized software that reads license plates and you don't have to mark the tires. That could be something that can be investigated. The calling card saying "Thank you for shopping in Patchogue;" we could have a non civil servant \$8.00 an hour person marking the windshield every 2 hrs and we can have a civil servant come down and issue a ticket. One other thing we discussed is parking meters on Main Street. It is something that the Chamber has to pool their membership about. At one time there was a call to take away the meters and we did. They are unsightly and sometimes break. It is not our goal to make parking in the Village of Patchogue as a way to make money, but to make sure that the merchants make money. And not a revenue stream just to give people tickets. The last thing we want is to have somebody spend \$250 at Blum's and then find a ticket on their car. We don't want to give people tickets, but we will start to give people tickets. It is going to be up to us to communicate to people parking over 2 hrs (during business hours to 6 p.m.) that there is a \$25 fee. Maybe we should up the fine to \$50. My other though is to communicate on the signs that it is a \$25 fine. We know the problem and we know the culprits.

Trustee Devlin stated: On south side of Terry Street there is a parking lot that is not striped and make that all day parking for business owners.

Trustee Krieger stated: Having employees walk across the street late at night is not going to happen. I think once we get red stripes happening in all parking lots—Oak, Terry, Lake—it should help. I know, Lori, you have worked very hard making the parking lot very beautiful, but the islands are taking up a lot of space. Another issue is the area behind Stanley's, the little alleyway that is a mess. It is a right of way. There were a lot of things discussed and Mindy has a few good ideas and put together a letter for storeowners and let them know we are working on the problem. She is not going to be specific, but will let them know that the Village is going to start enforcing the 2 hr parking limit rules on Main Street. Maybe this will be a deterrent. I am working with Mark Nolan at the Advance also; once we get a fairly decent plan put together and with the cooperation of the Chamber of Commerce, we are going to get a story in the Advance about the parking situation in the Village and what we are doing to try to solve it. Basically, educate people in the Village about the parking situation. If it is something we can start solving now, before Artspace and four corners is done and all the other great things in the Village, plans will have been put in motion to solve the parking problems we are having around the stores.

Deputy Mayor McGiff stated: To get someone dedicated to the Business District just to write tickets is a heavy hit budgetarily for the Village. The tickets may pay their salary, but we don't know that. We will meet as a group and there will be a solution in the details and you are the people that want this. I guarantee when we start ticketing people the way you want us to, there

will be people here complaining about it. Be careful what you wish for. Like you said, it is most of the people that are storeowners. Getting meters is one aspect, seasonal workers on the street, red stripe “do not park before 10 a.m.” and monitor Main Street with the 2 hr parking to start is a start. The money made off the meters can go to help pay for another person to be on staff and that is all they specifically will do.

Trustee Krieger stated: I think the meters should be used during the evening.

Village Clerk Seal stated: Several times a week I take calls from business owners who complain to me because they parked in a two hour spot and don't understand why they got a ticket. They complain is “shouldn't we have a spot near our office?”

Trustee Krieger stated: I spoke to Mayor Pontieri and said I would put together a wish list for parking in the Village of Patchogue. One of the things is to review the Main Street parking and the 15 minute parking and spaces allotted for emergency vehicles and things like that and see if we could gain a few more spaces—maybe change some things that have been around for a long time, but are not helpful.

Trustee Krieger stated: At the Theatre last night we had Arlo Guthrie's show. He brought three generations of Guthries. It was a great show. It was another fun night at the Theater. Coming up is Ronan Tylan, The Magic of Lyn, the Atlantic Wind Symphony, a couple of Irish shows, Live in the Lobby Fathom, Andy Cooney's Irish Forever Irish, Patchogue Star Shine 2010 which is the talent show, the Long Island Philharmonic in March and April, the New York Funk Exchange, the Amazing Kreskin, and we just booked Connie Francis with a 21-piece orchestra. Thanks to all those who support the Theater. I appreciate it and all the volunteers of the staff do.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the board approved request for L. I. Grower's Market to host their Farmer's Market in the 7-11 parking lot on Main St. from July to November on Fridays.

Trustee Hilton stated: Parks and Special Events are presently working on the budget and are looking forward to a new season.

Trustee Keyes left the meeting for family emergency.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for Joseph Dean to attend NYS Department of Transportation BAITFISH training in Lake Placid on June 15-18, 2010 at a cost not to exceed \$1,000.

Upon a motion made by Trustee Hilton, seconded by Trustee Cream, and unanimously carried, the board approved request authorizing the Mayor to negotiate and execute a consent order with the Suffolk County Department of Health relative to the removal of the fuel tanks at DPW.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request to award the bid for the removal and replacement of the fuel tanks at DPW to American Environmental Assessment Corp. for \$266,500.00.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board authorized the Mayor to negotiate and execute a consent order with NYSDEC relative to the MS4 report filing and consenting to a fine of no more than \$1,000.00.

Village Attorney Egan stated: This is relative to the stormwater report that was necessary to file with the DEC. Prior to that, municipalities were not filing those reports. Now the EPA is leaning on the DEC.

Village Attorney Egan stated: With reference to the two consent orders, the Dept. of Health consent there is no fine. The NYS DEC consent order requires \$1,000 fine which was negotiated down from \$3,000.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board accepted with regrets the resignation of James Tagliamonte as sanitation worker. Since his returning from Iraq, he has been approved for 100% of the GI bill which will pay for him to attend full time college

Trustee Devlin stated: One of the projects that the CDA will be participating in is the façade enhancement of the Dove Building. The CDA had originally tried to participate in that enhancement and actually put monies into the façade program through the Community Development Block grant, but because of SHIPO regulations it could not be done. What the CDA decided to do with the money budgeted to that is a pilot program for signage. We are going to work with some of the sign companies and come up with signage that hangs on brackets and do matching funds for each façade. That will allow us to set up a visual demonstration for other storeowners to possibly model and maybe with subsequent funds we can extend that type of a program throughout the rest of the Village. We are looking forward to planning that. We also have plans to do the groundbreaking this spring for the Roe Walkway.

Trustee Devlin stated: Parks & Recreation did the organizing with the Patchogue Arts Council of a bus trip to the Museum of Modern Art and will get a private tour of the Tim Burton exhibition.

Trustee Devlin stated: After the last Village Board meeting, new Trustee Keyes spoke to me about information that he wanted to get out to the community relative to some of the things he has going on until he found out the printing and postage would be about \$2,500. So often we need to communicate things that are a little more casual—kind of get the word out to people who might be interested. So, I started a Patchogue Village Facebook page and as of today we have 1,900 people following. If you have anything that you would like on Patchogue Village Facebook page, just send it to me.

Public to be Heard: John Bogack stated: This idea of Facebook sounds good, but why not get an e-mail list; the Theatre is a good example. With reference to the recent snowstorms, I know the Village has procedures for shoveling sidewalks. I noticed that many people don't and that is a problem for people wanting to pass—that also includes businesses as well. I am wondering since this is a consistent problem, is there a solution to this?

Deputy Mayor McGiff stated: Speaking as an insurance defense attorney, if we notify them then we are on notice too. For a municipality to tell someone they haven't shoveled, if there is a lawsuit they are going to bring it to the Village anyway. In this particular snowstorm it hasn't been as brutal. There were some tickets issued.

Trustee Hilton stated: I do not think it makes no sense to send our guys out to shovel in front of a business.

Dennis Smith stated: The BID will go out and shovel in front of a business that is vacant. If after a couple of days it is still bad in front of an occupied store, we will do what we can with him. One area, two week's ago, I noticed the property at the end of Rider Ave., 7-11 parking lot.

Village Clerk Seal stated: We are in the process of getting a new program which will make that possible.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried the Board moved into Executive Session to discuss matters of litigation.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the Board returned from Executive Session.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 9:05 p.m.

Signed _____
Patricia M. Seal, Village Clerk

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