

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on August 23, 2010.

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

The flag salute was made. Mayor Pontieri read the safety message.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the Board approved the minutes of July 26, 2010, as presented.

Village Treasurer Krawczyk stated: The bills for the period ending August 6-23, 2010 totaled \$824,676.73. The five highest bills were: RJ Industries \$330,163.76 for sewer plant expansion (which we will be getting back from the DEC), NYS Employees Health \$83,252.89 for monthly premium, Tim Tew \$40,000.00 for 2001 dump truck, Town of Brookhaven \$35,534.04 for landfill charges, Bridgehampton Bank \$50,000.00 for B.I.D. Main Street facade grant.

General Fund	383,453.52
Trust & Agency	10,116.84
CAP Projects	384,520.76
Sewer Fund	25,886.55
BID Fund	7,517.82
Housing Fund	1,322.18
CDA Fund	6,158.26
General Bills	5,700.80
Totals	824,676.73

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved payment of bills as presented.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for general fund to loan capital projects fund \$746,504.65 (for RJ Industries plus Shorefront Park expenses which we will be reimbursed for), housing code fund \$2,020.89 (which we will be reimbursed for) and community development fund \$25,354.22 (which we will be reimbursed for).

Village Treasurer Krawczyk stated: For your own information you have the cash balance as of June 30th and July 31st.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request to remove sewer usage fee from the following tax accounts as they are vacant land: Acct. #1738 21 N. Ocean Avenue \$774.00 and Acct #1740 35 N Ocean Avenue \$774.00.

Village Clerk Seal read: Notice is hereby given that a public hearing will be held on August 23, 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 Section 415-16A of Chapter 415 of the Village Code prohibiting overnight parking of trailers, 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.

Mayor Pontieri stated: One of the issues that has been coming up lately is the parking of utility trailers on streets--up on North Ocean Avenue we have one that was being parked there on a regular basis and on a lot of the side streets. The issue of utility trailers isn't during the regular course of the day, whether it is landscapers or construction people working; but, it is at night when they are left there detached and sometimes for days at a time. It is a hazard. Many times there are no other markings on them. We are doing this in an effort to make the streets a little bit safer.

Resident stated: I have a boat and a trailer and it is registered to New York State. It is a registered motor vehicle. That is something you should think about.

Village Attorney Egan stated: Even with cars that are registered, insured, license plated and tagged, we can prohibit certain parking restrictions on that and parking restriction on trailers as well.

Mayor Pontieri stated: We have restrictions on weight of commercial vehicles that can be parked in residential areas on the streets. We have problems with school buses being parking in certain areas. This fits that same category.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board approved request to enact a new section 415-16A of Chapter 415 of Village Code prohibition overnight parking of trailers.

Mayor Pontieri stated: Enclosed in your packets there is a Vehicle Use Policy and this is basically addressing the use of municipal vehicles, both those who are assigned vehicles for 24-hour use and also for the vehicles there are here in the yard. This policy is put in place for a number of reasons. The obvious one is to make sure that there are a set of standards that we follow and the second being by NYS law, in terms of our auditors, we must have a policy.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board accepted the Village of Patchogue Vehicle Use Policy as presented.

B.I.D. Report – Chamber of Commerce Report – None

Trustee Crean stated: There will be a ribbon cutting/grand opening on August 27th at 11 o'clock on West Main Street for the new YMCA. It is a state of the art facility. If you have the time to take a tour of the facility, I am sure you will be quite impressed. I met with Donna Boyle and it is good to speak to somebody with that enthusiasm when one of their dreams comes true. Secondly, there will be a Bridgehampton Bank ribbon cutting ceremony on September 14th at 10 a.m. on Main Street. They put a tremendous amount of improvements on the property which used to be the old Carl & Bob's on East Main Street, took advantage of a façade program that the Business Improvement District helped facilitate and put probably close to \$600,000 worth of improvements on the property. It is quite impressive.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for St. Joseph's College to hold their 3rd Annual Walk/Run on Saturday, May 11, 2011.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request for United Ecuadorian-American Community Club to hold a Fair on August 29th (rain date, Sept. 5th) at Salumed Building located at 19 Hammond Street.

Mayor Pontieri stated: Trustee Hilton and Maria Hendrickson, Superintendent of Recreation, did a great job with the Boat Race this past weekend. You both do a great job. I truly appreciate the work that you both do; you make my life a little easier.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for the Patchogue-Medford High School to hold their Homecoming Parade on Main Street on Saturday, October 30th, from 11 a.m. to noon.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request for the Brookhaven Youth Court to use the court room on various Wednesday's during the school year.

Trustee Devlin stated: I had a meeting about two weeks ago with Legislator Eddington's Assistant Rob Larco, Bill Hillman from the County, Dennis Smith, Superintendent Joe Dean, and Paula Murphy from the Chamber. We wanted to talk with the County to see how we could partner on some of the County owned properties within the Village. You may have noticed that the property next to the Court on the corner of West Avenue looks substantially cleaned up compared to how it looked earlier in the year. What we were really concerned about was the middle of the traffic circle. They planted some beautiful plants in there—they are all drought

resistant—but nobody really considered how to handle the weeds which are now three times higher than the plants that they put in. The County will not permit any volunteers to do the weeding. This is the plan that, hopefully, the Board approves. I have a sample Work Permit Agreement to show. We would need to enter into a Work Permit Agreement with the County. Then we would be able to allow our own employees or a licensed landscaper onto the circle. Dennis felt that the B.I.D. would be willing to pick up the cost of a landscaper to go in and do the initial weeding which might take several people at least a full day. Then Superintendent Dean felt from there, our employees could on a periodic basis go in and keep it mulched and weeded. I wanted to ask the Board to allow me to go forward and set up this work permit with the County.

Trustee Hilton asked: Why won't the County pay for that?

Trustee Devlin stated: Joe felt it would be fairly nominal. Dennis did not say anything about it.

Mayor Pontieri stated: Let's get it cleaned up now until the end of the season and maybe go back to them. We have County workers that come in and work off whatever pay that they get.

Trustee Keyes stated: They are from Social Service, trying to work themselves back into the workforce. Those employees don't cost anything.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request to enter into a Work Agreement with the County relative to the traffic circle on Waverly Avenue.

Trustee Devlin stated: The Patchogue Arts Council has recently installed artwork throughout most of windows. We have nice Walking Arts Tour orange banners on Main Street. The tour is now extended to Blue Point, Bayport and Sayville as well. They get a lot of sponsors; you will see the names on the banners of the different people and businesses in town that contributed to the Walking Arts Tour. That work will be up until early November.

Trustee Devlin stated: I was at the Urban Forestry Conference in Geneva, New York, last month. It was excellent and I attended a lot of seminars and also made a presentation on the Village of Patchogue's program and it was a big success. I would like to take some of the information that I learned and put it into a presentation for the community.

Trustee Devlin stated: While I was up there, I visited a Park in Canandaigua, New York, which was right along the lake and reminded me of Shorefront Park. It has a little bit more amenities in terms of benches and landscaping, but nothing that we could not emulate. It was a very nice looking park. But, what I did notice was at the entrances there was large signage where they did not allow anyone in the park from 11 p.m. to 6 a.m. Considering some of the incidents that we have had with vandalism and the discussion that we had on security and the fact that we have new bathrooms and new playground, I was wondering if this was something that the board would want to consider. Then we could question if somebody was in the park during whatever hours we define, they would be in violation of the law. We could make it from midnight to 5 a.m. We do have some events that run to 10 or 11 o'clock.

Trustee Hilton stated: Officially now Village law says the park is closed from dusk to dawn. There is some signage in some parts.

Village Attorney Egan stated: Those are generally Special Events that are run in the Village that are issued Special Permits by the Board of Trustees. Those would be exempt, like they would be exempt from the noise ordinances. Under the Village code it is from dusk to dawn.

Mayor Pontieri stated: Why don't we take a look about modifying the code with a strict time to it. Dusk to dawn is sort of perhaps whatever I would want it to be. You would make it for all the park and tennis courts.

Trustee Hilton stated: One of the reasonings for the dusk to dawn is that we really don't have to provide lighting. Nobody should be in there when it is dark. I think if we make it to 11 p.m. we would be responsible for the dark areas where we might not want to light. I think the signage is a good idea.

Village Attorney Egan stated: To change that it would have to be a public hearing.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board approved request to pay the dock security \$10.00 per hour during the Great South Bay Boat races, retro to August 20, 21 and 22.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for PMYCS to hold a Military Family Day at Shorefront Park Area in an area to be determined by Maria Hendrickson and Joe Dean on Sept. 11th from 10 a.m. to 4 p.m.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request for South Country School District Bellport High School to use Rider Avenue tennis courts on August 30, 31, Sept. 1, Sept. 3 from 8-11 a.m. and Sept. 2 from 3-6 p.m.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request for John J. Foley Nursing Center to use the Patchogue Beach Club on Sept. 10th from 8 a.m. to 4:30 p.m.

Trustee Keyes stated: CDA Executive Director Russo worked closely with Trustees Hilton and Devlin and Supervisor Hendrickson. We had the ribbon cutting for the playground at Shorefront Park. The Bay Avenue sidewalks, hopefully, will happen prior to school opening and came in at less than we had budgeted.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request for change order No. 1 for Brightwood bulk heading for an increase of \$2,432.58.

Trustee Keyes stated: I am requesting to adopt a resolution designating as lead agency and determination of project as "Type II Action" relative to the Theatre Walkway renovation that based upon the information contained in the Environmental Assessment Form and associated documents and materials referenced herein, the board of trustees as lead agency for the action contemplated herein and after due deliberation, review and analysis, and review of the criteria set forth in 6 N.Y.C.R.R. Part 617, hereby determines that the proposed action will not result in significant adverse impact to the environment and that a negative declaration and notice of determination of non-significance should be issued relative to the renovation of the Theatre Walkway. That would be the Theatre Walkway which is from Main Street going north into the Oak Street parking lot.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, with reference to the Theatre Walkway renovation, the board designated the Village as lead agency and determined to be a Type II action.

Trustee Keyes stated: I am requesting designation as lead agency and determination of project as "Type II Action" relative to the Roe Walkway renovation that based upon the information contained in the Environmental Assessment Form and associated documents and materials referenced herein, the board of trustees as lead agency for the action contemplated herein and after due deliberation, review and analysis, and review of the criteria set forth in 6 N.Y.C.R.R. Part 617, hereby determines that the proposed action will not result in significant adverse impact to the environment and that a negative declaration and notice of determination of non-significance should be issued relative to the renovation of the Roe Walkway. That would be from the Terry Street parking lot to Main Street.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, with reference to the Roe Walkway renovation, the board designated the Village as lead agency and a determined to be a Type II action.

Mayor Pontieri stated: Funding is coming from Main Street grant money received from the County on both of those projects in excess of \$100,000 for the restoration of those two walkways.

Public to be heard:

George Uhlar, Marvin Street, Patchogue, stated: I had written a letter to the Mayor last April which was forwarded to somebody to the board about the parking in front of South Ocean

Avenue School between the hours of 2:30 and 3:00. Once I had to back up because there was a big box truck coming down and we couldn't pass each other. The second time I almost hit a kid coming out between cars on the east side of South Ocean. The signage says "no parking." But, if you are sitting in the car with the engine running, you are stopped and standing. I propose that you change the signs to say "no parking and no standing between 2-3 p.m." I did speak to the school about this and they said they were going to look into it. There are cars parked on both sides of the street.

Mayor Pontieri asked: What if we put "no parking" on the west side in front of the church; from the corner down. At least we will have widened the road to a point. I will contact the school district this week. One of the things we did a few years back was made a cut-in.

John Bogack, Noxon Street, stated: I have been to the Recycling Center recently and would like to comment that it is a tighter operation and run better.

Trustee Keyes stated: We intend to one day to institute a better way to categorize recyclables. We have free mulch for anybody who would like to pick it up on the weekend.

John Bogack stated: My topic again is the Tikki Bar and some of the remaining issues that haven't disappeared, beginning with the adjournment of the ticket that the Off Key Tikki Bar which was issued in 2009 for operating without any Certificate of Occupancy.

Village Attorney Egan stated: The issue is that ticket was issued because it was operated without a CO. The CO was issued pursuant to a stipulation in an order issued by Justice Pasaressa which they did not renew. The Village position is that they did not renew their application for their CO, so their CO expired. So they operated their premises without a CO and got a ticket. The basis for their Supreme Court action in the spring was that we did not have the ability to not renew their CO. So, Justice McGuire in the Village Justice Court cannot rule on the Justice Court ticket until the issue in the Supreme Court which is a higher court gets determined by Justice Sweeney.

John Bogack stated: In the beginning of the first couple of days, people didn't know about it. But, it is a popular Club and the numbers are kind of high. This afternoon I got a copy of the last visit by the Village to the Club on July 2 and it reads 137 people at 10:30 p.m., when most people didn't even know it was open. As I said in letters to you there were at least 120 cars parked outside at the minimum, not counting foot traffic. This 137 does not include the people with the boats, etc. So that night those people were excluded from that number.

Village Attorney Egan stated: That is the "limbo" problem that the judge has put us in. We know what has happened in Planning & Zoning. The judge wanted to wait for their Order to Show Cause to read 116. We vigorously opposed it and hoped the judge would issue a decision on a more timely basis and letting this go through August, as far as we are concerned, is abusive but he has let this happen. The Supreme Court, despite our objections, thought to keep this open along these lines. This was exactly the danger we warned the Court about. The Planning & Zoning Board that had spoken on this issue and ordered this place to be closed and the court on its own reversed it. The 116 limit is absolutely the limit. It is not optimally enforceable. Obviously the Planning & Zoning board number was zero, so we would much prefer it to be that. That was our court position. But, 116 would be the number that we would enforce. The restaurant/bar occupancy is 116.

John Bogack stated: There would be a respect for the rule of law, especially on this issue. I am again asking the Village to do what it can do considering whatever the limits the Supreme Court has placed on it so there is some sense of accountability in the meantime. The Club has a lot of people there—I feel it; in addition to the noise issue factor, the pressure of their people there. I know that there are more people there than deserve to be there by law. I can deal with the situation, but I need to feel that the man across the street is doing it by law.

Attorney Egan asked: Have you seen a volume of difference from last summer to this year with the Tikki Bar operation?

John Bogack stated: He is running a high volume. I don't think it is anything less from last year. He has rerouted some of the traffic so that some of the traffic that was on Noxon Street is now on Baker Place.

Deputy Mayor McGiff stated: He has spent a lot of money on advertising since the Court ordered it opened. He is on all the radio stations, Newsday, spent a lot of money.

Dick Schroeder stated: I noticed the entrance to the Village pool parking lot was sealed off right next to the Crab Shack but there are notches that need to be made in the curb to let the water drain.

Bruce Borjes, 42 Maiden Lane, stated: I have just a couple of technical questions. When you determine the parking spaces that are needed for a restaurant and the Health Dept. says you can set say for instance 250 people in a restaurant, but the Fire Marshal says you can put 500 people in the restaurant, what do you base your decision of parking spaces on?

Mayor Pontieri stated: It is up to the sewer; you do it based upon the fire code.

Village Attorney stated: In applying the zoning parking calculations, you back into an occupancy based upon how many parking spots you have. For instance, for a restaurant that has 10 parking spaces, you would have 40 people in your restaurant under the old code; that has since been amended to lower that number. The Health Department goes on a calculation that is different. A calculation based upon stairs and viable space; and, the Fire Marshall goes on a completely different calculation, square footage. Somewhere within those calculations they will arrive at a number; obviously, depending upon what board that they are looking at—if they are looking at getting a variance from zoning, to get a variance of two spots for additional occupancy. Somewhere within that mix you will get to a number that would, hopefully, not exceed one or the other.

Bruce Borjes asked: If when the restaurant at the end of South Ocean Avenue had changed hands and you used the Fire Marshal's calculation for the number of parking spaces they needed, you would have needed dramatically more parking. Is that basically correct, would you say?

Village Attorney stated: As a matter of fact, they did not require a variance for the parking because they agreed to withdraw their application for a variance and went for the parking calculation that was based upon exactly the number of parking spots that they had for the total occupancy issued by the Village.

Bruce Borjes stated: It was based on 289 or something like that. But, I am sure on any Friday night there is 600 people in the place. And I think that the Village should make their own law and that the number that they base the parking spaces on should be on the Fire Marshal's calculation; in case that the restaurant that is fine dining in one moment is sold and becomes a dance club the next moment, but nothing really changes other than the occupancy. And if you already have given them the right to park so many cars based upon Health Dept. seats, you have opened yourself up.

Mayor Pontieri stated: The other issue that we ran into was the antiquated calculation of 4 people per car which has since been changed. That is the piece that was for the last thirty years used as a calculation. We have changed it to 2 ½. But, this is unfortunate what happened yesterday according to those calculations.

Bruce Borjes stated: I think the calculations should be based upon the Fire Marshals, period. The other issue is speeding by the valets on Maiden Lane.

Deputy Mayor McGiff stated: We will speak to Suffolk PD again.

Bruce Borjes asked: When will Cedar Avenue be paved?

Mayor Pontieri stated: It will happen after Labor Day; it will be Maiden, Cedar, Brightwood, Gilbert, Laurel and Mulford.

Bruce Borjes stated: I would like to say that the Village pool parking lot be for Village occupancy only for the whole year. The only way to stop the business that is booming, is to constrain them by limiting their parking.

Trustee Hilton stated: That is Village law.

Mayor Pontieri stated: All of Maiden Lane on both sides is restricted to residents only and how many cars are parked there ever? There is a tremendous amount of parking space available for residents.

Bruce Borjes stated: I would like to congratulate Bill Hilton on the fine job done on the sailing program and glad to see that takes place.

Mayor Pontieri stated: One piece of information about the over-occupancy at Lombardi's. They have gotten tickets. Just want to let you know that; you implied that we don't do anything, but we do.

Sue Greer, Smith Street, asked: Trustee Keyes, when you are doing the planning for the area at Shorefront Park. I would like to participate. The other thing that is not so good is they did not use clean fill; I collected this glass tonight (sample submitted). They should dig it out and screen it. The other thing is the boat race which I love was great.

Marge Miller, Cedar Grove St., stated: I shop and work in this Village and have a problem with the new parking signs on the Terry St. because of the new Artspace building. I don't know why they made it "no parking from 4 a.m. to 10 a.m." With the construction going on, the legal spots are being taken up by the construction workers. What is happening is that people are now parking down by other people's jobs? Perhaps if you had parking area that only employees could use or maybe a shuttle bus.

Mayor Pontieri stated: We need to speak to them about that. The other thing is, we had had a number of meetings with the Chamber and that is the time that they came up with. I know that people had been invited from both the Library and all the other businesses and we took the recommendation from the Chamber that it be to 10 o'clock. The whole issue started out, that people that were coming in to work were parking in that space. Therefore, the issue was that the storeowners were complaining that the customers would then have no place to park. What the attempt was to take those spaces and make them available to customers after 10 o'clock. My point is that if the recommendation is made to the Chamber that we change it, I don't have a problem to make it 9:30 a.m. What we are looking to do was that the spaces were saved for customers. One of the things we should do is have code down there at 7 o'clock and make sure where the construction workers park.

Deputy Mayor McGiff stated: We talked to the Chamber about making employee parking lots, and you would think that we asked them to walk to Siberia or walk on fire. We would never change anything, if not for the Chamber coming in and requesting it.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the meeting was adjourned.

Signed _____

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