

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on July 12, 2010.

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Deputy Mayor McGiff, Trustees Crean, Devlin, Hilton, Keyes, Krieger, Village Attorney Egan, Village Treasurer Krawczyk, and Village Clerk Seal present.

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

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of June 28, 2010, as presented.

Village Treasurer Krawczyk stated: The bills for the period ending July 12, 2010 totaled \$269,913.98. The five highest bills were: Standard Life \$47,253.93 for LOSAP annuity payments, Future Holdings \$10,168.47 for tax redemption, Earthcare \$5,880.00 for sludge removal from sewer plant, 611 MNR for \$4,180.89 for tax redemption, and Rivkin & Radler \$4,110.00 for planning board attorney.

General Fund	223,539.77
Trust & Agency	19,267.89
CAP Projects	
Sewer Fund	17,633.86
BID Fund	1,883.10
Housing Fund	489.49
CDA Fund	6,523.37
General Bills	576.50
Totals	269,913.98

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

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request to transfers funds to clear up remaining red accounts for 5/31/2010, as per list presented.

Village Attorney Krawczyk stated: For your information the cash balances as of May 31, 2010 are there for your review.

Village Clerk Seal stated: Notice is hereby given that a public meeting will be held on Monday, July 12, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to consider a request by Capital Management LLC for a change of zone from D-5 Business and E-Industrial to D-2 Business for property identified by SCTM #204-10-6-13-17 located at the S/W corner of East Main Street and Bay Avenue. At said public hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: This is the property that is boarded by Potter Street and Bay Avenue on Main Street—many of us know it as Tires Inc. and there is the vacant building next door.

Applicant's attorney, Hauppauge, stated: The property is on the south side of East Main Street between Potter Ave and Bay Ave. The property is currently split zoned the first 100 feet as D-5 Business and the remainder is E Industrial. The property currently maintains a two and three story commercial building with an auto repair, Tires Inc., and two residences. The applicant is proposing a change of zone from D-5 and E-Industrial to D-2 Business for a bank with a drive-thru, a 7-11, and a restaurant drive-thru which is shown on the site plan. It is submitted that this change of zone application is granted that the D2 Business zoning is more appropriate zoning for the property. For example, in D5 it allows uses such as car washes, auto repair and gas station. E Industrial is the least restrictive zoning in the Village. D2 zoning will eliminate the split zoning. If the Board has any question, I have a traffic engineer present.

Trustee Krieger asked: Does Capital Management own all the properties that you are requesting a change of zone for?

Applicant's attorney stated: Capital Management owns the vacant commercial building. The auto garage and two residences are owned by Tires Inc., they are contract vendees of that property.

Mayor Pontieri asked: Was this reviewed by the Planning Board?

Village Clerk Seal read into the record: "The Planning Board met with this applicant at a recent work session and reviewed a preliminary site plan for this project. This site plan (located at the corner of East Main Street and Bay Avenue to Potter Avenue) calls for the razing of several old buildings which have no apparent historical significance. The new site will consist of three new stores which will include a restaurant with a drive through window, a convenience store and a bank. The majority of our board is satisfied with the documentation we have viewed this far and we have made many suggestions as to reconfiguration of the traffic flow as well as the building placements, exits and entrances and feel generally that the site can work well in spite of the heavy traffic which surrounds this area. We have no objection to this application moving forward at this time and of course look forward to working with the applicant and the public to finalize a site plan. Sincerely, John Rocco, Chairman of the Board"

Mayor Pontieri stated: You do realize that we now have to move this off for Suffolk County Planning for review as it is on a Suffolk County road and within 500 feet of another municipality; so that is another step that has to be followed in the process.

Deputy Mayor McGiff asked: Will the entrance on East Main Street be governed by a light or any other type of traffic control device?

Pat Monahan, Traffic Engineer from Westhampton Beach stated: The driveway on East Main will be converted to right turns only, channelized and controlled by curbing so that you could not make a left.

Trustee Hilton stated: I see you show Potter two way south of the entrance into the bank.

Mayor Pontieri stated: There had been that discussion about the possibility of turning that into two way coming that far, coming up Bay Avenue.

Applicant's Attorney stated: When the application was submitted that is how it was proposed. After speaking with the Planning Board traffic engineer, it was revised and it will not be two way. Potter will be completely one way south.

Trustee Crean stated: This is a vast improvement from your previous application for a storage facility which I wasn't really much in favor of. The only reservation that I have at this point in time is to (tape malfunction). I would feel a little more comfortable receiving a letter from the attorney of the property owner in support before we would change the zone of his property. Beyond that I am quite excited about the opportunity in changing that end of the town and making some pretty big improvements.

Applicant's Attorney stated: A part of the contract requires coming to the Village Board to get approval before that purchase. It is the basis of the contract, and certainly not an issue and they signed off on the zoning change and it will not happen unless this happens.

Village Attorney Egan stated: This has to go before Suffolk County Planning Commission because it is within 500 feet of another municipality. In that time you can get a letter of consent from Mr. Rolf. We will have 45 days from now. In the meantime, the one resolution the board should pass tonight is to appoint itself at lead agency for SEQRA purposes and reserve its decision on change of zone pending the comments from the Suffolk County Planning Commission which should be delivered within 45 days.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried the board designated the Village as lead agency and reserve decision on Capital Management LLC request for a change of zone from D-5 Business and E Industrial to D-2 Business for property located at the s/w corner on East Main Street and Bay Avenue based on recommendation of Suffolk County Planning Commission.

Public Comment:

Cecelia Gilligan stated: There are two families living on Potter Street which I think are two rentals which are behind the Telephone building. I have been trying to get that cleaned up for years. Potter is barely bigger than a regular driveway and is one way. The traffic is horrendous. What guarantee do you have for the people sitting back there renting?

Mayor Pontieri stated: The next step, once we hear back from the County and after our approval is it has to go back to the Planning Board. And that is a discussion that can be had with the Planning Board. Ours is just on the use of the property itself.

Village Attorney Seal stated: Notice is hereby given that a public hearing will be held on Monday, July 12, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York 11772 by the Village Board of the Incorporated Village of Patchogue to amend Sections 415-14(J) and 415-19(B) to Article VII of Chapter 415 of the Village code regarding parking restrictions on South Ocean Avenue, 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: The discussion we had at the last meeting will be taken into this one.

Trustee Krieger stated: Obviously, when we restrict parking on one street, it moves to another street. It seems that a Lombardi's customer is determined to get there. It doesn't solve the problem. They are proposing more valet parking on a sliver of property on Smith Street that attaches to the parking lot that is on Shorefront Park. They will be parking cars on that, parking cars on the Gilles property with no access from Smith Street. The Lombardi's are talking to people in the neighborhood about purchasing properties—they are in discussion right now. They are hoping to buy those properties and get permission to convert those to parking lots. They are also talking to other entities in the south of town that have parking available—to do a deal to park their employees in an already established parking lot not owned by the Village and shuttle employees back and forth—on a wedding night there are probably 30-40 employees who come and don't leave. They understand the situation and understand that if they don't help solve this problem their business will probably go down because people won't want to park half a mile away and walk down there. They are feeling the stress; while we make these changes, they are noticing and seeing that we are trying to help the neighborhood out. In the best interest of their business they are going to try and solve this problem as best they can. I am in contact with them on a regular basis and will give you a report. Hopefully, by the end of the week they will have made some more progress.

Trustee Crean stated: I would echo the same comments as Trustee Krieger. The decisions that we made a few weeks ago at that point and time I made it quite clear that we weren't looking at that point and time to really solve their parking issue. We were just trying to make the neighborhood a safer street to drive through. The improvements that we made I think did a great deal in opening up that bottleneck at the intersection of Maiden and South Ocean. But, as was mentioned earlier we just moved the cars from one area to another. So, I would love to hear what they are going to do to solve those problems and would love to hear from the neighborhood as to some of the ideas that they may have as well.

Trustee Hilton stated: I believe that with all these parking problems we are just moving around a sleeping giant. And that what we should do; and we have had discussions on this and that we allowed ourselves the opportunity to do so, is we should take a look at their capacity and make sure that they are held at that and possibly restrict them if they cannot provide for the parking themselves. It is not our problem.

Deputy Mayor McGiff stated: I agree with Trustee Hilton. My one concern with this business is that it is such a successful business. Whatever parking they have, whether they increase the lots they are always going to raise the bar and maximize that. I think we should try and get a handle on this before it spins more out of control because, obviously, it is affecting the whole neighborhood and there are safety issues, especially if you factor in the valet parking nitwits. I feel for the people that live down there—not only are the kids driving, but they are darting between cars to get cars and it is an accident waiting to happen.

Trustee Devlin stated: I do think that we should very carefully look at the occupancy and make sure that they are adhering to the occupancy that we have accepted

Trustee Keyes stated: I agree that enforcing capacity is pretty important. My point of view actually has changed in the two months of coming on the board after a lot of the facilities started and having seen what the residents are really going through—no one should have to sit on South Ocean Avenue to take their kid fishing on the dock. I think enforcing capacity might be the way to go at this point.

Public to be heard:

Residents stated: Thank you, Mr. Mayor, and the Board for hearing us at the last meeting and for reacting so quickly with those parking off the curb. The next Thursday they were there and put the parking signs up and that helped. Tonight at 7 o'clock on a Monday every spot in front of the condo was taken and they were starting to park across the street. Last week a fire truck had to straddle the yellow line to come down—leaving no room for any other car. We have visitor parking and it works. We have a proposal on the table which is permit parking in front of Bay Village, no parking on the other side from Smith down. You have 64 residents in a three block area. On Maiden Lane and Smith, you might have a dozen homes spread out. The chance of you trying to get in and out of that facility has to be six times the risk. It is a definitely a safety issue; you can't ride a bicycle on the street; kids are riding on the sidewalk where pedestrians are walking. I spoke to Lombardi's also and he is trying very hard to make this work. I think they are seeing that we are proactively taking back our neighborhood on the south side of town and it is going to force them to make a decision. The density on that side you have lesser homes and usually the streets are empty when you go that way. We tend to have more cars around because there is a little more in the way of homes in that little square footage of area. This is not directed against Lombardi's and we go there and enjoy it often. We love the south end of town and love living in that development. We just want the place to be safe and that we could have our family and friends come there and enjoy it as well. Right now we are really limited to have our kids come over and go to the pool because they have to drive and park far away. Right now it is an accident waiting to happen.

Gloria Koffman, 801 Louis stated: Where you put the no parking, you painted that on and last Sunday they parked right over it. If there were police presence giving out tickets the Village could make some money and maybe they would not park over it.

Mark\_\_\_\_\_, South Ocean Avenue, stated: Last week I supported the gentlemen's proposal regarding the no parking on the east side and permit parking only on the west side in that area. As has been stated, it is a stopgap measure at best. Unfortunately, not even that works unless we enforce the no parking law (photographs distributed). You will see photographs of Maiden and Smith on Sunday night and as you can clearly see, they were parking there anyway. I started contacting code on Friday, when I first started seeing the parking on Maiden and was told they were too busy to respond to that concern. On Sunday the story was a bit different. The story that I got was that they had waived the no parking issue in the no parking areas because of the activities down there that we sponsored this past weekend in the park. Even with the no parking and permit only parking, it really didn't matter.

Mayor Pontieri stated: You got two of these big events this summer and probably only one next summer that you will get the crush that we got this past weekend with the use of that park. To try and give tickets to every visitor that came in, it really wouldn't have made a difference. You would still have the cars piled up all over the place. What concerns me is part of the directive was to make sure that tickets were given to those spots where it was a health and safety issue to a corner, blocking a no parking zone. What bothers me is there should have been tickets given to those.

Resident stated: I saw a Dodge Ram truck do two wheels around the pool parking lot with kids walking around, pull out—basically give me the finger when I asked him what he was doing—and parked on Maiden Lane. I reported that to our constables and got, I don't think we can make it down there. I called dispatch and then personally told the man on duty who was standing on the corner of South Ocean and Maiden, directing traffic southward. Did anyone waive the parking?

Mayor Pontieri stated: What you need to realize is we didn't have a lot of free guys because most of them were on stationary posts. We made a determination based upon the volume of traffic that we were going to make sure that we dealt with those issues which were health and safety concerns first, parking in front of fire hydrants, parking in driveways, parking in no parking zones, where it created health and safety issue. If we had the opportunity for the rest, we would have looked at those other ones. But, with the volume of traffic and the manpower that we have, there absolutely was no way we could have done the kind of enforcement that you would like to have seen happen. There is a reality to it in terms of numbers.

Resident stated: Even if Lombardi wasn't there, we would have had three days of no access down there to the properties for fire or emergency vehicles. Why do we have a bandshell that is suitable for Central Park and it was empty at this time. This is probably located in an acre and a half parking area that could be used for parking. Those complaints about Lombardi's, you guys are going to try and kind of protect the neighborhood and residents from the issues that surround that—the traffic, the safety and parking. But, who do I complain about this to?

Mayor Pontieri stated: You just did. That is part of the decision whether we do it again next year or not. It becomes part of that decision; based upon this kind of information we will determine whether we or the community wants to do this again next year. You made your point very clearly that you would rather not have it again next year.

Resident stated: One other point to kind of address this. It is a sense of lack of control that I am getting at here. Two weeks ago when we discussed the cancellation of the 4<sup>th</sup> of July fireworks and it was stated that those were cancelled because of the concerns of traffic. And, I stated that I appreciated that and it was good thinking. It turns out it wasn't exactly cancelled but moved across the Bay and somebody announced to the entire County that you could go down the L-dock and watch. So, we had the same traffic flow that we normally would have if we actually had the fireworks except we had to squint to see the fireworks.

Mayor Pontieri stated: Gruccis made that announcement. When we told him he could not do it here, he went to Davis Park and we could not stop him. We did have extra code guys doing what we could do and Suffolk PD had some additional people on, but not the kind of manpower needed. That was the problem that we had and said to Phil Butler from Grucci's in the first place, that we knew we could not get the manpower.

Deputy Mayor McGiff stated: The County could not give us help either because they had a lot of events that weekend and they are the ones who came to us and said don't let this happen. We told Butler and he was ticked off.

Mayor Pontieri stated: Grucci went to Davis Park Fire Department and got their permission, went 1500 feet off the shore and got a Coast Guard permit. Those are the things that it would be great to be able to say we could control it and put your hands over the top and say no. But, we put out the amount of manpower we could put out, SCPD put out what they could put out. I don't know where you expect where we could get more people from. If I had the manpower I would have put it out there.

Mark stated: The fact of the matter is while the 4<sup>th</sup> of July thing was unavoidable, a byproduct of someone else's doing, it certainly speaks of events of having events in the Village or not, which makes the one you just had, as that was, look tame. What do we do about that? Are we just going to get pushed ahead and deal with the consequences again.

Trustee Crean stated: There were a lot of people that also enjoyed that event as well. There were thousands of people who enjoyed that event.

Village Clerk Seal stated: I live very close to it—had people parked up and down my street all weekend on Rider Avenue and think it a fabulous event—yes, it is inconvenient for the three days it is there, but personally I think it is great. We had more than enough manpower this weekend.

Mayor Pontieri stated: Your expectation was I would have somebody walking and giving tickets; that is what you wanted the manpower for. My sense about manpower is about health and safety, the first and primary job of this board. Is it a concern and do we have to address certain issues—absolutely. We could debate these until the cows come home. The issue becomes you have to determine your manpower and where you need it. It is not always the simple thing of go out and

give a ticket, it may be directing traffic, or it may be managing that traffic in a different place and in a different way. It is not the simplest one.

Mark stated: If we are going to acknowledge that we have a resource limitation in what we can do, and I understand that and acknowledge that, then we need to size our events to meet the resources and clearly we can't do that.

Mayor Pontieri stated: Absolutely. That is what the discussion is about tonight as you are putting it forward. We have done this for six years in a row and this is the first meeting you have ever come to and said there is a problem. Correct or incorrect?

Mark stated: What is correct is that it is the first year that we also had Lombardi there and we hit a tipping point and Lombardi is not going away.

Mayor Pontieri stated: I am not debating that. What I said to you is this is the discussion that we are having, these are the decisions we have to make, and this is what we have to look at for next year. We learn from what we do. For six years we never had an issue. Lombardi was in there last year at this time and they were not an issue last year, they are an issue this year—they added to the mix and created a larger problem and we have to deal with that. And we will deal with that. But, to say we made a decision to do this would imply that we made a decision to do this knowing this was going to happen and that it would be false on the face of it. We learn by what you've done. We have done it for six years and over those six years we did not have this issue. This year we had it and you could feel it coming, but we were too far into it. So, we did what we could do to make it safe. It is as simple as that. We will make decisions about next year—we will make them as a community, make them as a board and make them as a group.

Resident, 260 Bay Avenue, stated: When you planned to make the seaside into an event, I can see that it is obvious that no one consulted the people that live across the street. If you live across the street and have this insane noise for three days in a row, I question your sanity. You built a band shell that faces into town—who is the rocket scientist who figures that? You lit up North Ocean Avenue—now it looks like an antique Las Vegas with lights every 25 feet and you talk about the budget. And now you talk about Lombardi and whether you are going to rezone residential because the people want to leave and good they can buy that land and use it for a parking space. Why don't we sell the whole Village to Lombardi—are we going to turn Patchogue into a Disney Land or is this our home?

Mayor Pontieri stated: First of all, there is no intention of selling anything to anybody.

Deputy Mayor McGiff stated: It is not ours to sell. People have property rights and that is paramount to me. We still live in America. Do you have a question?

Resident, 260 Bay Avenue, stated: Don't you think it is improper to turn residential property into parking lots to facilitate Lombardi?

Deputy Mayor McGiff stated: In the 50's the fathers that were empowered back then made that decision for behind both sides of Main Street, north and south, and because they had that foresight this place was able to flourish because we had parking. To just blanket answer that question, I don't know; it depends upon the circumstance.

Mayor Pontieri stated: When you take a look at the commercial parking areas what he is talking about, all those parking lots were condemned properties. They took out residential on Terry, Academy and Oak streets and created what it created. Granted, they are adjacent to the commercial district. But, they looked at it and made certain planned decision based upon certain needs. Now you made the comment about the lights on North Ocean Avenue. We got almost million half to a million six of Federal money. Those lights came under Federal regulation as to number of lights and paid for it. It cost this Village \$90,000 for North Ocean Avenue.

Resident, 260 Bay Avenue stated: Somebody else's opinion that is contrary to yours needs to be listened to you to make you think twice. We are just the people

Mayor Pontieri stated: Absolutely. You are 100% correct that we need to take and adjust our thinking to the times as they are happening now. As they happened this past weekend, we need to adjust how we look and how we approach next year's event—if there is an event next year,

whether we have two events or one event or no event next year. One of the things that these events do—Patchogue has lived under a cloud or shadow for many, many years as a place you don't want to come to. What things like this do is they give us an opportunity to show people who we are as a community and what we have to offer. We are one of the few places on Long Island—we have 30 acres of parkland on the water—80% of Long Island doesn't realize that. George Lechtrecker in the 50's, and it always amazed me, preserved, before open space preservation, all that parkland that you see—much of that parkland, if you look at a map from 30's and 40's, a lot of it was residential. But, he made a decision to get rid of the residential and preserve it as parkland. He made a decision that changed the direction of the south end of town. People outside of Patchogue don't know that. But, you hear on local radio, Patchogue is the place to b--it has this music festival. I agree with you 100% and with Mr. Fauci in terms of the band shell they had and the amount of music that probably blew you out of your bedroom. That is something we have to deal with when we make a decision for next year. The problem was it had no back to it—it was facing southwest almost and the sound was coming out of the back as well. We need to take a look at all these things and take a look at all the comments made on a night like this. There is no joy of sitting here and being criticized for something that seemed like a good idea but didn't quite work the way expected and not being able to correct what it was. We did it for six years and for six years we had a meeting the Monday after the event. For six years we discussed on what and how we were going to do to make it safe. We learned some things this year—the comments of Mr. Fauci and your comments. We need to do some adjusting and that adjustment might be we don't do it which I think might be a shame because it is something that is unique to Patchogue right now. It is something that boards have to make decisions on. It is about the community and the people. I lived here my whole life—grew up in a house two blocks from here and my mother still owns and lives in that house—to believe that we don't believe that the community and the people aren't important to a guy like myself, with the pressures that are on a community like this to move it to a better place, I hope you don't think we take it lightly. I get a sense that sometimes people do think we take the issues lightly. None of them—doesn't matter whether it is the traffic, whether it is a pot hole on Cedar Avenue; it is all personal to everybody that sits here. I hope you don't leave here thinking we are blowing off your comments tonight. I knew coming here tonight that it wasn't going to be an easy one. You know coming in, you feel it, and issues at Lombardi that we know we have to deal with—number one, they are not going away so we have to figure out, how do we reel them in and how do we make it the way it should be. Mr. McGiff's comments were very clear; there are property rights and we have to make the decision if the piece of property that they are looking to purchase in the place that it is with, what's on it now and is something going to be better that is going to be put on it, is it a home that doesn't create value. Those are all those decisions that we wrestle with at this board—that kind of value and that kind of thing. And, no; we don't want to give away the Village. We put  $\frac{3}{4}$  million dollars into the pool for the residents of the Village. I was an assistant principal at a high school and said to the kids all the time that we live with the decisions that we make. And I said to people on everything that we have done here, my biggest fear in life that in 20 years from now--at 83 yrs old drinking a cup of coffee at Peter's luncheonette--and hearing somebody say "who was the SOB who decided to do that" and knowing it was me and had to put my head down and drink my cup of coffee.

Resident stated: You mentioned that it was 1.6 million Federal dollars that went toward the North Ocean Avenue project. The thing for you guys to remember is all that money comes from us—whether it is Federal or Village

Mayor Pontieri stated: Absolutely. But, we don't always make the decision, like the number of lights. I asked for a third less and asked them to do something differently. Federal regulations based upon illuminating in a certain way and a certain distance—that follows Federal specs; it didn't follow ours. We put money in. We started out just tearing the road up. Then we got some additional funding and were able to do the lighting—the first time I saw it I felt like I was at MacArthur Airport. I hope you don't think that my comments were an attack on you in any way, shape or form or I discounted your comments.

Resident, 107 Emily, stated: I am on the board at Bay Village and I really love the Village. I wanted to say that some of us from the Bay Village Condos this year for the first time they considered us we went to get tickets and were told we were not part of the Village. Our addresses were not on the list and they refused to give us the tickets as a Village resident. Fortunately, I did have my tax bill with me, but some other members really had a hard time getting in.

Mayor Pontieri stated: I apologize for that. That will never happen again. Errors happen and this one did and I will make sure it doesn't again. I will take responsibility for it because anything that people have we generate in some shape or form. It comes from us some place—whether the post office is giving it out wrong or some other documents—we will make sure it is listed properly.

Village Clerk Seal stated: The proposal for this public hearing is to prohibit parking on the east side of South Ocean Avenue from Leo to Smith Streets, and parking by permit only on the west side of South Ocean Avenue from Leo to Smith Street.

Trustee Crean stated: At this time I would be in favor of taking one step at a time. We have been through a lot over the past weekend, but maybe at this particular point and time just require permits to park in front of Bay Village—see how that works. Let the parking remain as it is on the east side of South Ocean Avenue and perhaps come back and revisit this again in a few weeks. By taking this one step at a time, we will see if it will alleviate the congestion and allow access for emergency vehicles and perhaps two weeks or one month from now we will come back and revisit this situation and have a different opportunity to readdress this. Like you said just a few minutes ago, we are learning as we are doing and learning as we go. It is a new business in town and we would like them to have continued success and remain economically viable along the shorefront. Let's allow the Lombardis to work on their end and we will work on our end.

Trustee Hilton stated: I think we will see some relief of the parking when we see the extension of their valet parking. I agree with Trustee Crean that if we were to do the no parking on South Ocean from Leo to Smith on the east side that the time to do that would be upon their completion of the extension of the marina parking lot for valet parking only. They will be able to get about 40 cars in there. At that point we will not be moving around the sleeping giant, even though they are parking in front of Mark's house now, they would be parking in front of another Mark's house. The parking is not going to go away. I feel that the point that we should do this would be upon completion of the valet parking lot.

Mayor Pontieri stated: But, we do the permit parking at this point for Bay Village to help them deal with that. I would suspect that most times at night if there is space in there for 12 cars, I can't believe there will be more than that—unless it is a big event—in those space.

Trustee Hilton stated: I think we should vote tonight and say when they finish that lot, then the east side goes down.

Mark stated: I have an issue right now. People park right at the edge of my driveway. It is not possible to turn north on South Ocean Ave. without going into oncoming traffic on the southbound lane. To make that turn, I don't see them until the nose of the car is out in the street. I cannot get out of my driveway without risking my life. I can't see north until the car is out to the middle of the road.

Janet Amato, resident of Bay Village, stated: You are doing an excellent job. I have been a resident for two years and I see there has been a lot of improvements in the neighborhood, the town with Tri-tec, and a lot of positive changes. Last night at 7 pm I witnessed a SCPD car trying to get down to the event and it could not get through. If you are going to say you can park on his side of the street and parking by permit only on my side of the street, it is still a major gridlock. That is what you would call Manhattan gridlock. On Friday night my neighbor took pictures that shows you that it is major gridlock. If you have parking on the other side of the street and parking by permit only on the other side, I don't think a fire truck could negotiate if we have a fire in back of our facility. A SCPD car had his sirens on and he was creeping. If there were a major problem and had to get to the water fast, he could not. There was a lot of police presence on Rider where the event was, but I didn't see any police presence where we are which is 65 units—no one directing traffic. People are disregarding the no parking that you painted, and people were ignoring it completely. Some residents actually put cones up and as their company comes they take them down. I really feel that this is a safety issue—they cannot make turns, fire trucks won't be able to respond, and no one was moving for the police car. I think if you put up signs, people will see it and respect it more than just paint on the street. I greatly appreciate that. I love living by the water and enjoy the boat races. I do feel bad about homes being torn down to make parking lots, but hope that they will be done respectfully putting high shrubbery around and respect us as residents.

Mayor Pontieri stated: One the reasons that we only painted it was because we were trying to avoid sign pollution.

Trustee Krieger stated: The more I listen to the concerns of the neighborhood, have we thought about totally eliminating parking on both sides of the street from Maiden to Gilbert?

Trustee Devlin stated: I think the issue is people from Bay Village want to have parking for their company.

Village Clerk Seal stated: I would like to point out, so the residents of Bay Village understands, that if it does go through for parking "by permit only" it is for any resident who has a resident sticker.

Trustee Devlin stated: I am in favor of doing exactly what we have proposed, no parking on the east side and permit parking on the west.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to amend Sections 415-14(J) and 415-19(B) of Article VII of Chapter 415 to prohibit parking on the east side of South Ocean Avenue from Leo to Smith Streets, and parking by permit only on the west side of South Ocean Avenue from Leo to Smith Street.

Village Clerk Seal stated: Notice is hereby given that a public meeting will be held on Monday, July 12, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to amend Section 415-14(J) of Article VII of Chapter 415 regarding parking restrictions on Electric Street, 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.

Miguel Afanador, 10 Electric Street, stated: We are still having a problem with parking on Electric Street. There is less than 15 feet going in, when you get to the end and make a left there is a wide part specially designated for tractor-trailers to get around the corner. We didn't have a problem to maybe last year when long time residents moved. People are not considerate any more and now people are parking where the trucks go around that corner—people are going onto the property and cars are getting hit, running into each other because of the parking problem. I just need one sign saying no parking from here to corner, in front of 8 and 12.

Upon a motion made by Trustee Krieger, seconded by Trustee Keyes, and unanimously carried, the board approved request to install a no parking from here to corner sign on Electric Street, in front of 8 and 12.

Village Clerk Seal stated: Notice is hereby given that a public meeting will be held on Monday, July 12, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to consider amending Section 415-6 of Article III of Chapter 415 regarding stop intersections on River Avenue by Crescent and Price, 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.

Mary Rose Abbey stated: The neighborhood is growing and people are walking and exercising. There are people that fly down the street. I have also noticed too that when Dublin Deck gets full, they go flying down the street to make their U-turns. I thought if even one three-way stop sign went up on Crescent, maybe just to break it up a little bit, it would make a difference.

Mayor Pontieri stated: Normally one of the things when you read traffic studies, they say stop signs do not slow down traffic. But, stop signs allow you to slow down traffic whether it be police enforcement or the mere fact it may cause hesitation sometimes.

Trustee Devlin stated: Living on another long, straight street in the Village, I know how fast people can drive. You just see when you get that stop sign how many people drive through it.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board approved request to install three-way stop sign at the corner of Crescent and River.

B.I.D. Report / Chamber of Commerce Report - None

Trustee Krieger – Theatre Report – stated: Gateway is in the Theatre with *Hair Spray* and doing gangbusters. On a Friday or Saturday night with Gateway there, you will not find a parking spot behind the Theatre. On my way to the Music Festival, I noticed a lot of people walking to the Theatre obviously coming from dinner. The restaurants are doing well and once again we are very happy to have Gateway Theatre and Paul Allan and his group who do a great job. I understand the show is fantastic. If you get a chance, support your local Theatre in Patchogue.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board set a public hearing to be held on August 23, 2010, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York 11772 by the Village Board of the Incorporated Village of Patchogue to consider a request for parking by permit only for residents of Roosevelt Avenue.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for annual block party with live music on Sunday, August 8<sup>th</sup> from 10:30 a.m. to 9 p.m. with a rain date requested for August 22<sup>nd</sup>.

Trustee Crean stated: We will be holding a public hearing this Thursday at 7:00 p.m. to hear the plans for the redevelopment plans of the Clare Rose property on West Avenue. I would like to invite anybody who would like to come down and get the opportunity to hear about the plans of redeveloping industrial use of properties in the business district.

Trustee Hilton stated: I apologize to the Bay Village residents. I was the one who supplied the list. I will revise the list.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously passed, the board accepted with regrets a letter of resignation from Victor Cruz, who has taken a full time position with the Town of Brookhaven, effective immediately.

Trustee Hilton stated: Victor Cruz has always been the man to call and he has always helped us for a long time and I was happy when I saw him on the scene. We will all miss him.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to retain the law firm of Buzzell, Blanda & Visconti as special counsel in Article 78 case of Studio I of New York vs. Planning Board, and Studio I of New York vs. Zoning Board of Appeals.

Deputy Mayor McGiff stated: 3 Lake Street is behind Reese's property and we talked last time about the building owners kind of walked away and relinquished control to kind of squatters. The proprietor of Reese's complained that the residents there were harassing his patrons and workers. Attorney Egan got a motion seeking closure from the Supreme Court which was granted and we are in the process of enforcing that right now. The residents called News 12 to tell them the Village of throwing them out and the Mayor had to clarify that. I presume the bank will take it back and it is already in foreclosure. The landlord stopped paying his mortgage and people moved out and others moved in who had a kingpin collecting rents. The identical building next to it has a responsible landlord which is nice. We wanted to be a little proactive and that was the only thing in our control, was to close it and we did.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board approved request to change the pay rate for the seasonal Parks staff to \$15.00 per hour for 7/9 -7/11/2010. We will get that money back from the organizers.

Mayor Pontieri stated: They pay back all the expenses, whether they are Highway, Parks, Public Safety and we get a dollar per ticket. There is no cost to the tax dollar, except perhaps towards you and your sanity.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire additional summer staff as per list attached and request to adjust salaries for three summer staff as per list attached.

Trustee Devlin stated: This past weekend we had the Annual Garden Club Tour. Six gardens were toured and they sold 150 tickets. The gardens were beautiful and it was a big success.

Trustee Keyes stated: This week we are opening bids for the Roe Walkway, from Terry Street parking lot to Main Street across from the Theatre. Hopefully, we will start construction shortly. That money will come from the County Main Street Grant.

Trustee Keyes – DPW Report – stated: The bid for the vac truck is to be awarded to Syosset Truck Sales in Westbury. This truck is used to clean out storm drains and blowing out sewer lines. That is a shared services grant that we got between us and Bellport. We will share the vehicle. The grant was for about \$325,000. Also out of that we are going to be sharing a new bucket truck for the lighting and things. That is another grant that we partnered with Bellport. Both of those vehicles are not daily used vehicles, but based upon the needed use and time of season. For both communities it really is a big dollar saving.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board awarded bid for vac truck to be which will be shared with Inc. Village of Bellport to Syosset Truck Sales in Westbury.

Trustee Keyes stated: The Winona bids were opened and is quite complicated and they are under review right now. The fuel tanks have been installed and are functioned at the DPW yard. The work on the Brightwood Street bulk head rebuilding started today.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to go out to bid for road improvement and resurfacing work on Cedar, Gilbert and Laurel, with alternate road improvements and resurfacing on Maiden Lane and Mulford Street.

Mayor Pontieri stated: Those who live down the south end, the sewer line that was run down to the Sandspit and the south end, and paid for by Brookhaven Town, Brightwood and Cedar is being picked up by the Town of Brookhaven. We are going to pick up the cost for the remaining of the paving on Cedar Avenue, Gilbert, Laurel--Mulford is an alternate depending on cost –all the way to Division Street. About ¼ of it will be paid for by the Town of Brookhaven. Also, the \$300,000 fuel tank project was through a grant gotten through Senator Foley's office. We were mandated by Suffolk County Health Services and were fortunate enough to get the funding through the State. We will save on fuel costs as we went from 4,000 to 8,000 gallon tanks. Those tanks are also used as shared services with Patchogue fire department, ambulance company, and now I think Blue Point Fire Dept. The Patchogue-Medford School District also uses the tanks, thereby saving the school district the cost of either putting in their own tanks and/or buying it commercially with taxes. A lot of the work that we have gotten done over the past year and a half have been done under grants that we were able to get. I do realize that we all pay for that through the Federal government, but if we were paying for it as a Village taxpayer we would be paying the full freight so this way it get spread out a little. We have been very fortunate with the various fundings that we have gotten through various levels of government.

Trustee Keyes stated: I am requesting approval to remove the refuse charge for commercial properties located at 52 & 54 Terry Street. I would like to read a letter in record from Carol Sweeney, Village Assessor dated July 9, 2010. "It is my understanding that property owner, Mr. Oreliana, wants to install a dumpster on his property at 52 & 54 Terry St, and no longer have Village refuse pickup. These properties are classified as commercial, and I see no problem with him installing a dumpster. We can refund any monies he has paid for Village refuse pickup, on a pro-rated basis, that is, we have to charge for the months that the Village has picked up the refuse. The Sanitation Department needs to be notified to not continue to pick up the refuse at these properties as of whatever date the dumpster is installed."

Public to be Heard:

Bruce Borjes, Maiden Lane, Patchogue, stated: Is the pool parking lot for Village residents, basically pool patrons? There is speeding on Maiden so could we get police enforcement? I went to an Oyster Festival event and what they did for their event parking is they have a lot of farm fields that they used—we have ball fields on Rider Avenue and could put lots of cars in there for \$10 each for the Village. That is what this community does—for \$20; about 400 cars parked in this field. If you have safety issues with parking—which obviously we do—and have a major

event, you still have a safety issue on the day you might have a problem. I don't think you can just not enforce the rules on the day you are having an event because you want to be nice because that makes no sense. I understand what it is driven by, but that is the day you are going to have a problem. The solution would be to find a place, to keep your rules, to enforce your rules, but find a place for the cars when the events come. We have the Bay Ave. Recreation Center which has massive land around it and they hire valet people to do this—they put up cones, which aisle to fill first, all have aprons and all collect the money. The bottom line is they do not have a parking issue in their town and yet have thousands of people. There are people that do this in other locations, with a similar land constraint and community size, that do not have these kinds of issues—it is a three day thing. We have ball fields, tennis courts, you can put them everywhere. You can hire people to do it, you can get volunteers, or the Chamber, it can be done as opposed to not enforcing your rules and regulations on the very day that you are going to have a problem.

Mayor Pontieri stated: During the course of the day and into the early evening, there is a kid under an umbrella controlling the pool parking lot. In the evening, we will be reserving spaces for Village residents and some open spaces also. We will contact SCPD regarding speeding on Maiden Lane.

Trustee Hilton stated: We have been contacted by the PYA for what they are doing for the kids down there. If we had gone ahead with fireworks we had offered PYA the opportunity to manage the parking field behind the Winona because we thought we could get 750 cars back there. We don't want to go on the field on the west side because it is soft. We had also gone out and spoke to companies.

Resident stated: Down by Mascot dock you guys can cut away the plumes to help the drainage. Mother nature basically got the sand back up and the tide does not go into that area and the water is stagnant.

Trustee Hilton stated: We were discussing today with Highway Superintendent Dean as far as digging a drainage canal to drain it out. That was created because there were four or five conduits that drained the pond. The migration of the sand filled it back in again. We need to drain it and then to backfill it and to lengthen the conduits that feed out into the bay.

Mary Ann Arabia, Gibbons Street, stated: DPW thirty years ago you got rid of the entrance on Gibbons Street. Why are we going through this again. You did this without even sending us a letter. We got stuck with a 125 foot cell tower that doesn't belong to the Village anymore. I have people that live on the street that are as annoyed as I am. The Village uses, but doesn't fix it like blacktopping. I have a right to say this along with my neighbors, that I wish you would have asked us what we thought. Now on Saturday at 8 a.m. I see trucks going down with big u-hauls—how do I know this same thing is not happening that happened years and years ago?

Mayor Pontieri stated: We have narrowed it now down to a day and a half, twice a month with one person on. It is a big cost saving to us not to have to put people on because when you go through the main gate, you need two people to manage. You need someone in the front to check the vehicle and someone in the back to direct the person where to put it. By coming in that way, you can use only one person to direct it. We have taken one of our full time employees and put him in place. And we did narrow it down, instead of it being every weekend on two full days. We went to one day on Saturday and ½ on Sunday. In the hope, that it would mitigate your issues of traffic on your block and also allow us about \$15,000 in costs, just in personnel costs. The hope is that we will also be able to save ourselves some costs in the amount of refuse that we end up transporting to the landfill. The problem that you have moving it by the tower, means that somebody could come in and have full access to the garages and the offices. Joe Dean did speak to you about it, at the point we were making decisions to do it. The fellows that are working there are full time employees. The fear was if we moved it down, the people that come in will have access to the garages, offices and vehicles.

Joanne Biggs, West Third Street, stated: You have a gate off of Waverly Avenue—my nephew plays on that street and there is a two year old across the street. There is no reason why traffic needs to go down Gibbons Street. You put a booth there. The drill team couldn't practice any more for the PFD. I don't understand it. Hire two people. You have a Village gate off of Waverly Ave. which has straight access down to the dumps—go through the gate, don't put it on a residential street. There was mostly pick up trucks with trailers. They have no regard for the

speed limit in the Village of Patchogue anywhere. I think you guys do a wonderful job, but I don't agree with this.

Trustee Krieger asked: Joe, when there were two guys back there, what is the role of the guy in the back.

Trustee Keyes stated: He directs them where to put the load in the back.

Sharon Cullen, 13 Gibbons St., stated: They do not pay attention to the speed limit at all. I have seen the big white Village truck go down that street. It is a very narrow street and not very long. It has become a hazard in a lot of different ways. It has affected Gibbons Street in a lot of negative ways. If there is another gate there, then why have them come down this 500 ft. street? It makes no sense.

Christine Theater, Gibbons St., stated: It is a big inconvenience. We also have a turnaround at the end of our block that when the cars go in, it is very difficult for them to make that turn into the lot so a lot of them use this private property—it looks like they have installed a new NO DUMPING sign on that private property. When two cars are going in and one is coming out, they both cannot go through that fence so one of them has to back up. When the street sweeper is coming in, the car cannot get back out. It is a definite problem there. I am concerned about the traffic being backed up on the road and we will not be able to get out of our driveways.

John Bogack, Noxon Street, stated: I have actually come about the issue on South Ocean and support everything what the residents have said. Now the issues that were on Noxon Place by the Tikki Bar, and theirs are similar. All the same kinds of issues played out on Noxon Street. My point is, people behind me are residents searching for solution. Like them, I feel like them that the neighborhood I live in has become overwhelmed. The success of the Village in terms of getting businesses has brought about, as you all recognize, another side which is how do we handle keeping our neighborhoods while promoting businesses. I wish I had the solution to give you. From my experience, I say to this board because the issues are not resolved that it is a process of evolution because when I came and asked this board for signs you put them up and it worked to a certain extent—they didn't solve everything. That gave me the ability as a resident to call for police and code enforcement, people were ticketed and eventually some of the problems were resolved. Mr. Hilton, I agree with the capacity issues. I don't think there is no doubt anymore but that is where the Village has to go. It has to be fair and equally handled. The owner of a business has a right to make a living and to be successful and prosperous but they must do so within the law. These codes are meant to prevent disaster—people dying from a fire or another emergency, you can't have 1,200 people in a space for 900 people or 300 people in a space for 100 if that is the case. Maybe the Village should start raising fees on some of these businesses to divert resources to signage, to overtime, for code enforcement, for legal fees because these fees are starting to ka-ching up. I know you just changed the formula for the commercial noise permit, but think it is pretty small. I think the Village has undervalued these permits and should increase the rates.

Deputy Mayor McGiff stated: We have raised our fees exponentially over the last four years pretty much in every facet. When we came in it was pretty dated.

Mayor Pontieri stated: What we normally do as far as permits is to take the average from neighboring Villages.

Attorney Egan stated: If we get too far out with fines or with the permit fees, we would generally get over-criticized because we would drive them out of Patchogue--because if we are five times the price of Brookhaven or Freeport.

Mr. Bogack asked: Was child protective services notified with reference to the building on Lake Street.

Attorney Egan stated: That was not a voluntary departure on behalf of them and the parents. The scary thing was when we went into that building we had intelligence that there were children in that house. Our worst fear was absolutely confirmed when Suffolk County Police Department and our Building Department served the Order to Show Cause to vacate the property by Order of the Supreme Court Justice. As I looked up, on the third floor landing appeared a mother, a child and a young kid. It really was absolutely despicable; you could not describe how horrible it really

was on site. Our very first call as soon as we got back was Child Protective Services. The Dept. of Social Services, Office of Veterans Administration and Veterans Affairs were also notified. Anyone who was in the property was also supplied with that information in writing both in Spanish and in English.

Mayor Pontieri stated: One of the most interesting things about it was when Mr. Egan put together his papers to present to the Court, the judge crossed out the last paragraph and said it was to be enacted “immediately.” The Village normally gives a number of days for people to find places

Attorney Egan stated: Now they are continuing with the incidence of squatters maintaining their residence in the property. Obviously, you can’t board up a property when there is a presumption that it may be occupied. The next step is to get a Writ of Assistance from the Suffolk County Sheriff’s Department which has to be signed by a Supreme Court Justice to actually get the physical evictions and the clearance of the building. Once that building is actually physically cleared and certified by the Sheriff’s Department as empty, then the Highway Department can board it and secure the building.

Mayor Pontieri stated: There was a boarding house on South Ocean which we had to proceed on using the same process. The law is very clear, as a Municipal official if you know of that situation, you must report them. There are people still living in it, but the clock is ticking.

Mayor Pontieri stated: My trip to Ecuador was very interesting and we were very well received.

Trustee Krieger stated: In the spirit of the evening where we seem to be going the extra mile to help our residents solve a problem, I would like to sit down with Trustee Keyes and Superintendent Dean and see what the situation is on Gibbons Street and see what we can do to hopefully solve whatever problems we have down there and maybe look at alternative ways to do it.

Vincent Amato, Tracy Lane, Patchogue, stated: I have a question about the four corners. We haven’t heard much any more about progress. Is there any thoughts about what to do with Swezey’s?

Mayor Pontieri stated: That is what we are going through right now—the funding issues are still the funding issues as they are. Hopefully, by mid-August we may be making a presentation about some other options we may or may not have with it. There are some plans, A, B and C.

Cecelia Gilligan, Rider Avenue, stated: There is a gang next to my house. Last night bikes were thrown into my yard and then they threw-up on my fence. Yesterday there were eight police calls. Eight drunken people were stealing my front bricks. You have to see this to believe this. The cops said they absolutely have to do something. This has to stop. Last night the cops came six times last night. (conversation ensued)

Mayor Pontieri stated: We will contacts at the Fifth Precinct and find out what they are doing.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 9:40 p.m.

Signed \_\_\_\_\_  
Patricia M. Seal, Village Clerk

/id

Board Meeting

July 12, 2010