

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on September 13, 2010.

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Deputy Mayor McGiff, Trustees Crean, Devlin, Keyes, Krieger, Village Attorney Egan and Village Clerk Seal present. Trustee Hilton and Village Treasurer Krawczyk were 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 August 23, 2010, with correction.

Villager Clerk Seal stated: The bills for the period ending September 13, 2010 totaled \$599,600.17. The five highest bills were: Stout Construction \$56,882.58 for bulkhead replacement, H2M \$55,360.75 for sewer engineering fees, Glen Falls National Bank \$33,197.58 for Ambulance LOSAP, Jadeco Construction \$11,909.62 for curb/sidewalk replacement at South Ocean and Maiden Lane, Controlled Energy Service \$9,715.00 for Theatre air conditioning.

General Fund	\$489,825.84
Trust & Agency	1,675.86
CAP Projects	44,569.66
Sewer Fund	43,206.84
BID Fund	5,297.34
Housing Fund	2,644.36
CDA Fund	12,380.27
General Bills	0.00
Totals	\$599,699.17

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 budget transfers as cleanup maintenance of the books as per list presented.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request for general fund to loan Housing Code Fund \$2,644.36 and Community Development Fund \$21,296.97.

No Public Hearings.

Deputy Mayor McGiff stated: We have two Patchogue Pride Awards. One of them being Jim Sarno at Dove Plaza who is right on Main Street. And one other is Rana Fafio from Hot Bagels who has done a lot of work on his store.

Mayor Pontieri stated: We will be working with the Town of Brookhaven for the Tuthill's Creek Watershed Management Plan. This will be on our side of Tuthill's Creek from Sunrise Highway all the way down—the westerly border, once you get south of Montauk Highway. In order for that area to stay pristine and beautiful, we will commit the equivalent of not more than \$6,700 of in-kind services through an inter-municipal agreement.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request to commit the equivalent of not more than \$6,700 in in-kind services for administrative work and enter into an inter-municipal agreement with the Town of Brookhaven for the Tuthill's Creek Watershed Management Plan.

B.I.D. Report – Dennis Smith stated: Two weeks ago the Patchogue Village B.I.D. was awarded a \$500,000 NY Main Street grant. The new targeted area runs from the west side of South Ocean Avenue from Church Street to the four corners and down West Main Street all the way to River Avenue. We were fortunate to get this grant for such a large area because it is usually done for a more compact area. We already have several motivated owners willing to make improvements.

There is also money included in this for a streetscape on West Main across from the new YMCA and Briarcliffe. Marian Russo from the Village CDA office and the B.I.D. board member Joel Peck deserve much thanks as they worked very hard and diligently. It is exciting and we have two years to put it together. With the 2008 grant which we are finishing up now, there were seven projects undertaken—three being new sign installations at the Library, Remember Yesteryears and the Chamber of Commerce on the O’Neil building. There were four façade projects and one building interior done as well. The façade improvements were made to the old Jay’s Fabric Store on South Ocean Avenue, the Budget Buy and Sell on the four corners, and the old Carl & Bob’s which is now the Bridgehampton National Bank/coffee shop. Money was also matched not only for the front façade of the coffee shop but also for the interior renovation. I am happy to say that all these projects are completed and operational. The coffee shop is planning on a grand opening on Sept. 25th. So far with the 2008 grant, \$174,745.00 has been paid out with another \$10,000 in the process of being approved. The last project that is still underway is the general sprucing up and sign work on East Main Street. With all this said and done, there will be approximately \$2,500 left in streetscape and improvement monies which I have asked permission to have devoted back to the original targeted area which would be the Oak Street parking lot. I know Trustee Devlin and Paula Murphy are working on planting trees on the parameter. This was supposed to have ended in August, but I got a sixty day extension, October 29th. To sum up the 2008 grant, when it is concluded, the \$200,000 in matching funds will grow to about a million dollars in improvements in the downtown area in total, garnering just about \$800,000 as a match to the NYS funds. I am hoping to have similar success with the one that we have just received.

Dennis Smith stated: We are coming off of a successful summer season with the various plantings and garden maintenance that we do during the summer. I have to thank the three gentlemen from DPW who for a flat rate get up at 6 a.m. to water. Anthony Spataro, Anthony Hendrickson and Joseph Spataro. Without their diligence we would have had a problem being it was one of the hottest summers on record. The hanging baskets this year was not a good product. We had to bid it out as required by law and took the lowest bid, but it was not what we bargained for. We are going out for a bid on this contract for the 2011 season on September 23rd. Next year we will get the product that we want and have been accustomed to during years gone by.

Trustee Crean asked: With the Main Street grant, what amount of money is available for interior renovations? I know the last grant had \$50,000.

Dennis Smith stated: It changes. There is going to be a seminar held to come up to speed on the caveats of this grant. It could be as much as a 75% match, without the \$10,000 or \$50,000 ceiling, depending upon what is going to be done. That has a housing component, particularly an affordable housing component, and that is probably where you would maximize the 75%-25% match. There is a ceiling on it. I am thinking it might be a little more than \$50,000 on this grant. But, again there are other changes. It is now five years, instead of seven years. There are going to be some administrative changes. I have a list of the building owners in that area and then go around and physically walk the area and talk to every storeowner and merchant, have conversations with them, tell them what is available, what we have, what we can do, what they can do, they listen to reimbursement programs. They really need the wherewithal to get the job done and there is funding for that too. We have a few lending institutions that will work with that. It is something than can be accomplished, but you really have to want to do it.

Chamber Report – Gail Hoag, Executive Director, stated: I would like thank Trustee Keyes who was the guest speaker at our August Chamber meeting. Everybody enjoyed him very much and said they got to know him well and I heard all good comments about your speech. Thank you for allowing us to use the Beach Club; again; we all love going there—a beautiful site, rain or shine. Bridgehampton National Bank ribbon cutting will be Sept. 14th at 10 a.m. Thursday at 6 p.m. the Chamber will be going over to the Casino on Fire Island for our September meeting. On Sept. 21st we will have the Annual meeting of the Chamber and election of officers. On Sept. 24th the Business Promotion Committee will have an Octoberfest as a fundraiser at the Knights of Columbus. It will be a live auction and we will have hors d’oeuvres and wine, beer and soda. The money raised is used for Breakfast with Santa, for the children Trick & Treating on Main Street, and for all the activities happening on Main Street during the year. Mindy will be the auctioneer and someone will be playing the accordion; we are going to have a good time. A prominent bachelor, Joe Dean, will be auctioned off for the evening. We have people already saying they are bidding on him. Patti Seal is being auctioned to cook a meal at someone’s home. Sept. 28th we are having a networking effort at Verizon Wireless at Gateway Plaza, one of our new

members. Our members are from all over. October 2nd we have our Second Annual St. Liberata Italian Festival and will have the statue again, where the money put on it will be going to Our Lady of Mt. Carmel Outreach Fund. We are going to have a bocce ball completion; service organizations can join. This is the one committee where I can say they really work together—they come, remember what had been, families going out and putting money on the statue. It is people from all different organizations that are members of the Chamber working together to pull this all together. On Oct. 14th we have our installation dinner; invitations should be going out shortly. On the 21st we will be doing our third networking at Briarcliffe.

Trustee Krieger stated: The new season starts on Oct. 1st with the very funny Paula Poundstone. On Oct. 2nd we will present Betty Buckley, doing *Broadway by Request*. There are a lot of good shows coming up this year. Go onto the Theatre website; there are tickets for sale. Gateway had a successful summer season and we look forward to another season at the Patchogue Theatre

Trustee Krieger stated: I would like to consider approval for no parking on the west side of South Ocean Avenue in front of St. Francis Church during arrival and dismissal of school.

Mayor Pontieri stated: I think what we need to do is speak to Pickford to keep it an eye on it and get back to us. Let's do it as a discussion item at the next meeting on September 27th.

Trustee Crean stated: My daughter goes to South Ocean Middle School and I drop her off regularly in the morning between 8 and 8:05 a.m. It is a very busy time of the day and most people don't park. It is a situation where people just drop kids off and keep going. So, placing no parking signs on the street there, I don't think it is really going to solve anything with regard to the congestion and the coming and going of cars and students.

Mayor Pontieri asked: Would it be worth for us to put a code guy parked there to slow the traffic down a little bit?

Trustee Crean stated: I think it would be helpful to have somebody on the corner of Amity and South Ocean where there is clearly a walkway painted. There is a stop sign there. There would not be people crossing in the middle of the road between parking spaces. I think just posting a sign there is not the solution.

Village Clerk Seal stated: At dismissal time they park and wait, sometimes for fifteen minutes.

Trustee Devlin: The gentleman that was here asked for the signs that say no parking also say no standing. I used to pick up my daughter up on Amity Street and it was scary watching her cross there because there are no controls over where cars were going and children were going. The crossing guard directs the children at the other end.

Village Clerk Seal stated: The area at Amity is so problematic; at least there is a light at Baker. Maybe we need to relocate the crossing guard.

Mayor Pontieri stated: One afternoon we will go out there at dismissal around 2:35 p.m. and take a look to see if there is something we can do to help support it. Even if it means getting hold of Suffolk County and see if we could get another crossing guard there. Maybe if we put the crosswalk in the middle of the block—right in front of the school—and have a crossing guard there. Now I would suspect kids see their parent, so they go between cars to get across the street. We will continue the discussion at the next meeting and decide then what we want to do.

Upon a motion made by Trustee Krieger, seconded by Trustee Devlin, and unanimously carried the board set a public hearing to be held on Monday, September 27, 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 amending Section 415-16 of Article VII of Chapter 415 regarding time limit parking.

Village Attorney Egan stated: The proposal is for the board to consider eliminating the public hearing requirements for time limit parking and loading zones, limited to those two areas. They have an almost immediate impact, but they don't have a lasting impact such as no parking and those other provisions that require local law, where you need to wait two weeks to get on the agenda, and set public hearing for two weeks later. In this case the proposal is to eliminate only with regard to time limit parking and loading zones to allow the Board of Trustees to consider

that by resolution and to allow that to be adopted by resolution as opposed to require it to be adopted by local law. This would allow the board to consider the requests by citizens and then act on that by resolution at the next meeting as opposed to requiring a public hearing and a local law. Hopefully, it will cut down on revenue costs which the Village Clerk can attest to has been pretty substantial.

Trustee Krieger stated: Trustee Keyes and I had the opportunity to meet with Gail Hoag and other members of the Chamber of Commerce at their offices to discuss specifically about some issues behind the Patchogue Library. What we came away with is that basically it will remain no parking from 4 a.m. to 10 a.m. directly behind the Library. This will encourage the people who work at the Library to park in spaces farther away to help customers in the stores to park closer. But, the little pocket between the Library and The Dollar Store, we are going to take all the spaces that are along the Library and create all Handicap there as requested. The middle section about 20 spaces will go down to 9:30 instead of 10:00 to accommodate the people who go to the Library and Rose Jewelers who opens a little earlier. On the east side along The Dollar Store we are going to make that from 10 a.m. to 6 p.m. as two hour parking. There are still a few 15 minute spaces that we are going to keep. That will allow for cars to turn around in there. I also want to stress that all the parking regulations behind there will be strictly enforced. We want to discourage the storeowners and the people who work in those stores from parking in those spaces. As we all agree, we have a number of other parking lots to do this in, but we are going to continue to work in the Terry Street parking lot until we figure out what works the best. I appreciate the help of the Chamber in understanding the situation and we have other things like enforcement to talk about, plus the fact we need to keep the people who are working on Artspace from parking in the municipal lot and who now are parking on Taylor Lane which is much better. Make all the parking back there 2 hour parking. We have to put up signs. Joe is going to look into 2 hr parking signs. There are people parking there and not turning their cars over. We are going to look into long term goals, understanding that the building behind Stanley's will be occupied by another 50-60 people, the parking is going to get a little tight back there. Plus when Artspace starts kicking in it is going to be busy. We still have Jay's which is open. We expect in the near future that area will be very congested with planning. We have to get an educational plan for the employees to park someplace else, perhaps behind the Congregational Church, probably the most unused parking in the Village. East and west of the Theatre there are two ways to get back there. We have already e-mailed and told people to do these things, but they just are not listening. They would rather not see the customers walk. One of our other problems is having the storeowners park on Main Street all day. We are working on it. The long term goal is trying to find more space to park. In the Village of Patchogue there are not too many more spaces to go except up. We are looking into other things such as tier parking and trying to find money to help fund that.

Trustee Crean stated: I am seeking board approval to adopt the Final Environmental Impact Statement for the proposed Clare Rose development on West Avenue and parts of Railroad Avenue. They put before us a comprehensive plan and a very thorough environmental impact statement. They had many public hearings and tried to address our many questions and concerns. At this point and time in order to move the project forward, we need to adopt a Final Impact Statement.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the board adopted the Final Environmental Impact Statement for the proposed Clare Rose multi-family residential development.

Trustee Crean stated: There is a resolution that was asked to be presented to the Board for consideration and adoption with regard to setting a guideline for affordable housing, fair rent standards. While I understand the purpose for the timing of it, I have a couple of concerns about the language. In particular, that in these—I guess the developer needs to determine what each resident's gross monthly income would be in order for them to qualify as opposed to using the national or regional average. I am wondering if there is a way that we might be able to substitute that because if you read this resolution, it is asking us to adopt a standard that is based upon 30% of the tenant's gross monthly income. And each tenant's income might be different from one to the next. If I were making \$50,000 a year and Mr. Egan is earning \$200,000 a year and we are using that same standard, in my mind it does not clearly define what an affordable unit is. It is normally based upon the number of tenants, the size of the family and the gross income. I don't know if we could substitute that in any way.

Mayor Pontieri stated: I think the last line reads, “that this guideline shall not apply to programs that is subsidized by Federal and/or State funding.”

Village Attorney Egan stated: I think Trustee Crean’s points are very well taken and are all very good concerns. This was language that came from the County of Suffolk that was related to the affordability component that was in the DRD development, the Tri-tec four corners project. The County’s main issue is that their standards or definitions would overlay over ours away to qualify for affordability. While I am not keen on how this language was drafted its saying monthly rent must not exceed 30% of the tenant’s gross monthly income. The good point is what if you had a tenant who had an income of a million dollars, then his rent would be \$30,000; and that would be considered affordable which doesn’t make a ton of sense. In the process of closing, the County asked if the Village ever adopted a fair market rent standard. Not something the Village usually does because it is not in the business of subsidizing those kinds of housing. I think this was meant by the County to be a ceiling on what the affordability component would be. What that standard is is relatively subjective and I think Trustee Crean’s concerns are well placed.

Trustee Crean stated: So, the County has got monies and they are trying to protect their own interest, but I don’t think their language really does that. I don’t know if it is really that much of a concern of theirs or not. It is certainly not going to affect the Village in any way, but we are adopting a standard that doesn’t make any sense.

Trustee Devlin stated: Let’s say someone gets into an apartment and then their income goes up substantially, say over a ten year period, does that mean that they can stay in an affordable unit?

Mayor Pontieri stated: No. It does say that this shall not apply to programs that is subsidized by either State and/or Federal funding. I don’t know what the purpose of this is.

Village Attorney Egan stated: This was presented to us by the County for adoption. I am not keen on the language as presented. I do think it is part of the closing with Tri-tec for tomorrow.

Trustee Devlin stated: Possibly then there are other components in terms of the income standards that will come into play later, but this is needed now to ensure that the landlord adheres to a certain standard.

Village Attorney Egan stated: The County is going to have their standards that will overlay over ours. We cannot overrule theirs. They have the money and they have in place what their affordability definitions are. They just wanted to make sure that the Village has its own definition as well. I also understand that the County’s definition mirrors this; it came from them.

Trustee Crean stated: I don’t want to holdup a closing. Tri-tec has a large investment at stake and need to move forward with their development plan. And in order for them to complete this closing, I would reluctantly be willing to put forth this resolution in the form of a motion, but I really don’t think it serves. I guess we could always amend it after we adopt it. This is something that we might want to consider adopting; to create a real standard for our own sake. There might be other applicant’s that might come before us and say that they are coming forth with a plan that is going to set aside a certain percentage for affordable workforce housing. It is a standard that we may want to adopt in the future, but for tonight I think we should just go forward with this but will look at for further interpretation in the future.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the board approved request to adopt a guideline for affordable housing/fair market rent standards.

Trustee Crean stated: We had a wonderful grand opening at the YMCA a couple of weeks ago. The YMCA is a huge investment and a tremendous amenity to our community and beyond. It is really an economic generator for our community. It creates a great number of jobs, attracts new guests to our Village, and I would like to thank everybody that was involved in making this come true. It is a tremendous facility. Mayor, I would like to thank you for your statements and words said by you at that grand opening.

Mayor Pontieri stated: A community is judged by the assets it has, and that is a tremendous asset.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request for the Justice Court to apply for a grant through the Justice Court Assistance Program for the maximum amount available.

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 Monday, September 27, 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 Section 238-28 of Article VI of Chapter 238 requiring carbon monoxide detectors in dwellings.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board approved request to promote Officer Lee Depoian to Sergeant. We lost four sergeants through resignations and terminations. Lee just joined us and has twenty years of NYPD experience. He is invaluable, shows up and volunteers and is going to be patrol supervisor on Friday and Saturday evenings.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to promote Officer Robert Black to Sergeant. Bob has been with us for about a year and a half and also has twenty years of NYPD experience. He has been performing as training officer presently and he will be the patrol supervisor on Monday and Saturday evenings.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board approved request to promote Sgt. Nicholas Zambelli to Lieutenant. Nick has been a sergeant since 2003 and has really stepped up. He processes all the summons, impounds & training. He really is Jim Berberich's right hand man.

Deputy Mayor McGiff stated: 3 Lake Street has been a thorn in the side of the Village; it is right next to Reese's. It seems the building owners have kind of walked away from it; it is in foreclosure. Since then, in addition to the property maintenance problems, there has been a lot of criminal activity that has been documented by Suffolk Count PD. There is no hot water and there are all kinds of sanitary and health problems and there are people living there. Attorney Egan has brought an action before the Supreme Court which has been kind of been languishing because of the judge that was assigned to it. He is going to try and bring it to the Appellate Division and try and close this building down. In the meantime, we have to address the problem; so based on the recommendation of Sr. Building Inspector Peter Sarich, we would like to set a public hearing pursuant to Section 435-61 of the Village Code to revoke the existing Certificate of Occupancy. The one thing this would do is if another so-called "slumlord" wants to pick this up at the foreclosure it would be a little more difficult to keep the use and the standards that are in there right now. And also at the same time that we set this hearing, we want to also pass something pursuant to Section 165.25 to prohibit trespassing at the building. Now it is almost like *Lord of the Flies*; one guy sits and collects rent from other people. There have been at least 50 radio runs in the past few months, serious crimes too. It is a real bad situation. To try and attack this on another front, we are looking to set a public hearing to address these two issues.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board set a public hearing to be held on Monday, September 27, 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 the revocation of the Certificate of Occupancy for 3 Lake Street, Patchogue and to amend Section 165.25 to prohibit trespassing.

Mayor Pontieri stated. The most frustrating part is Attorney Egan having to go to court three or four times on this, explained to the Judge, showed him pictures, gave him listings of Suffolk PD call runs and the Judge still saying it is our job to empty the place. We just don't have the manpower and the authority to do that. I don't know where this is going to go. But, it amazes me when the courts in this case and other cases that the judges don't give us the authority to do what they, if it were happening in their own backyard, that they would do immediately. This one here is a dangerous situation; it is a public safety matter.

Trustee Devlin stated: A Peace Makers for Peace quilt was made in response to the Lucero's murder and there are two other quilts also made. At 7 p.m. tomorrow night will be an unveiling at the American Legion in conjunction with an improvisational group who act out people's stories and there will be interpretation done in Spanish.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the board approved request to hire staff for co-ed volleyball and youth basketball at \$7.25 per hour as per attached presented.

Trustee Keyes – CDA report – stated: There was a meeting with some security companies with reference to installing security at the bandshell and we should have a report by the end of the week. There will be a bid opening on Sept. 23rd for the bathroom renovation at 380 Bay. All the contracts are signed and we expect construction to start shortly. As part of that the CDA will help with renovating the bathrooms. The work is in progress on the sidewalks on Bay Ave. between Carmen St. and the railroad tracks.

Trustee Keyes – DPW report – stated: We currently have four of those fabco filter system for stormwater drains installed at the Roe Blvd. bridge and currently we are having two more installed at the parks. Free mulch is available at the DPW Recycling yard. We posted for a custodial position, interviewing several people, and now have decided to put the job out to bid and then compare the cost of which way would be cheaper.

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 custodial services for Village buildings.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the PMHS Class of 2013 to use the DPW yard as a float preparation site for homecoming the week of October 24th from 4:30 to 9:00 p.m. and again on Saturday, October 30th from 7 to 9:30 a.m.

Trustee Krieger stated: Last Saturday I took a tour of the DPW Recycling Yard with Trustee Keyes and Superintendent Joe Dean. They wanted to show what terrific things are going on down there. Not only the cost cutting initiatives for the Village, but also environmental kinds of things going on, like much more recycling and separation of recycling like the creation of mulch.

Trustee Keyes stated: Joe Dean has done a great job down there. One of the things is separating cardboard from the other recycling.

Public to be heard:

John Bogack, Noxon Street, stated: As a follow up from the last session, have you heard from the Judge at all? The last time I raised concern about occupancy and two tickets were issued to the Off-Tikki Bar for Friday & Saturday nights for the weekend before. Additionally, this past Thursday I called code enforcement because there was amplified sound coming from the Off-Key Tikki Bar after 9 o'clock when the band was gone. I understand from the code enforcement, who was a very good code enforcer, that he was given summons for that event as well. There are three tickets that I am aware of. Now I have to raise the issue; does the Judge have to decide these matters or does the Village Court.

Attorney Egan stated: We have not heard. I am sure a defense is going to be raised by the defense attorney, but don't know what that will be.

John Bogack stated: I have been involved with this since 2009 so my familiarity with the issues could be part of the court records. We have a consistent history here from 2008 of occupancy violations, at least Mr. Sarich's affidavit to the court in 2008 very well documents the number of instances that we were there and it was well over its 116 person capacity. In 2009 you wrote the letter expressing the same concern, Mr. Egan. Eventually that led to the loss of their temporary CO. This year the Village has been there four times. On all those occasions the Off-Key Tikki Bar was over 160 which is the limit set by the Judge. So, I have to say if you go to court and you take the benefits of the court which were you are allowed to stay in operation, you also take the burdens of that as well which is compliance with the law. I will say this again and again. You have to have the rule of law in Patchogue Village one day or another. But, in the meantime, 2008, 2009, 2010—what is the aim of all of this? Is it only a matter of fines or will there be jail sentence as well?

Deputy Mayor McGiff stated: As an attorney, I need to say that talking about pending litigation is not advisable to talk about in an open forum. What is the end, I do not know.

John Bogack stated: If that is the case, so be it. I am just going to express my feeling. 2008, 2009 and 2010; it is too much. Paying a fine, if that is all that the statute provides for, it is a way of assisting. He is paying it off and get rid of the Village and in the meantime making money hand over fist. If there was a prison term involved in this, say 15 or 30 days in jail, I for one am saying this is a case of contempt and that penalty, if does exist, should be sought. If it doesn't exist, maybe you should look at the statute.

Deputy Mayor McGiff stated: I think, Mr. Bogack, if you look as a villager at this administration, Mr. Egan can attest to all the work he has done, we pretty much exhausted every legal remedy that we had. We had equally enforced the law on the establishments on the river and most people comply, but there are going to be people who do what they do. We also have to govern in other areas. As I have said to you before, 99% of the resources of the Building and Housing Department. It is immense for a small Village to be engaged in this litigation with this client.

John Bogack stated: I am trapped in that house and have had to live in circumstances that literally should have been resolved awhile ago--the traffic, the music. If they actually enforced the 116 people, it might be a reasonably quiet neighborhood, even with the bar function. That is my sense of frustration. Mr. Breumer has the right to function and he is exerting his rights under the law. I don't have a million dollars and don't have a band, but I do have my voice.

Village Attorney Egan stated: Certainly this board hears you. I think the Zoning Board and the Planning Board heard you. You heard the decisions from both the Zoning and Planning Board. He had his right, as he could, to file an Article 78, which he did, to appeal those. I certainly think your voice is being heard by this board and the Zoning and Planning Board.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 8:40 p.m.

Signed _____
Patricia M. Seal, Village Clerk

/id