

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on April 11, 2011.

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 Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the Board approved the minutes of March 10, 2011, with correction.

Upon a motion made Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of March 28, 2011, as presented.

Village Treasurer Krawczyk stated: The bills for the period March 30 -April 11, 2011 totaled \$640,437.03. The five largest bills paid were: Wire to Water \$336,727.50 (that we will be reimbursed for by the EFC and DEC) for sewer plant upgrade, H2M \$49,657.85 (\$35,000 of that is reimbursable) for sewer plant engineering, Poscillico \$24,801.00 (that is covered by CHIPS) retainage Cedar Avenue, LIPA \$19,034.38 for monthly expenses, and FIC Plumbing \$12,825.00 for 380 Bay Avenue renovations.

General Fund	190,976.24
Trust & Agency	14,397.97
CAP Projects	392,574.08
Sewer Fund	32,592.97
BID Fund	1,213.43
Housing Fund	1,563.73
CDA Fund	6,119.51
General Bills	0.00
Totals	640,437.03

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved payment of the 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 to clean up account for end of period.

Village Clerk Seal stated: Notice is hereby given that a public hearing will be held on Monday, April 11, 2011, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to consider a request for a Special Use Permit for the relocation of Michael's Tires, Inc., an auto repair shop, to 26 Potter Avenue located in the "D2" zone. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: As many of you may have seen, the construction has started on the corner of Bay Avenue and East Main Street for the re-development of that corner to include a Bethpage Federal Savings, a 7-11 and a Checkers. Therefore, Michael's Tire is going to be moving. The location that they are looking to move to is on Potter, the side street just to the west, about ¾ the way down the block. It is a industrial piece of property, right now it is a transfer station, about 25 years ago was an auto truck repair, so basically is going back to the use it was about 25 years ago. Michael and his operation has been an asset to this community.

Deputy Mayor McGiff stated: We have a Planning Board recommendation.

Trustee Krieger stated: There are very few things that go on in this Village that have sponsorship requests. Mike has done a great job and I think the Village is a better place because his business is here.

Comments from the public: None.

Upon a motion made by Deputy Mayor McGiff, seconded Trustee Devlin, and unanimously carried, the board approved request to issue a Special Use Permit for the relocation of Michael's Tires Inc, an auto repair shop, to 26 Potter Avenue, located in the "D2" zone.

Village Attorney Egan stated: This will be subject to standard conditions that the Planning Department imposes on all the applicants. Based upon the uses around it, if you were going to put a time limit upon it, I would make it a long one. It is a standard format. It will talk about containing litter, about maintaining the required parking spots, it will talk about the specific use is for.

Village Clerk Seal stated: Notice is hereby given that a public hearing will be held on Monday, April 11, 2011, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to amend Chapter 435 "Zoning" of the Village Code by adding a new Section 435-30.1 to establish a moratorium on new apartment houses, garden apartments, townhouses, residential uses and buildings over three stories tall in the D-1, D-2 and D-3 Business Districts and any "Floating" Districts, 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 heard.

Deputy Mayor McGiff stated: Mr. Mayor, this is a proposal in conjunction with Attorney Egan. I would like to thank him for his work on this. The crust of it is, is that it is going to allow us some breathing room to evaluate and consider the impact of the Tritec project. As we know that was a 4 to 3 vote, somewhat contentious; it is pivotal. And I think it is going to be incumbent on us as a Board to see how that plays out not just in the next 180 days, but probably in the next couple of years. This is something that is being proposed to kind of slow down what is going on in our downtown, especially the residential/rental units and with some other uses too.

Attorney Egan stated: That is a good summary of what is happening. It is limited to the D1, D2, and D3 core Business District as well as any Floating Districts. There is a process for someone that does have a hardship that needs to be alleviated to apply to the Board for it. It is for a six month period to allow the Board the opportunity to hire a professional planner to consider whether they want to continue those uses and as to whether they are appropriate for the D1, D2 and D3 area.

Trustee Hilton stated: I have been communicating with Carol Giglio, Coordinator of the Zoning & Planning Board. Many years ago we got together to identify the codes that have to be updated and were in the process of doing so, and were somewhat set back by a series of events. I don't feel that six months is going to be long enough for us.

Attorney Egan stated: The Board has taken substantial steps towards its consideration of what to do under the moratorium. Again, you are limited as just to consider what changes you are going to make in the D1, D2, D3 and Floating Zones. If the Board is considering that and close to it, they can apply again to extend this moratorium if they wanted to.

Public Comment:

John J. Roe III, stated: I am coming here as a property owner, as a current member of the BID, Board of Directors and a current member of the Chamber of Commerce and a long time taxpayer in the Village of Patchogue. You are basically putting a stop to growth in the downtown area. If as Mr. Hilton suggests, that it would require several years to determine what will happen, I think you as leaders probably need to consider what the impact is for the people who are seeking to come to Patchogue to invest, people who are already here and need to make projects to make Patchogue a better, and to consider the impact on other residents in the Village. There are a number of restrictions already in place, and I suggest that it might be possible for the Board to vote against this moratorium and really to enforce the laws that are on the books. If I recall correctly, the Village Board controls many of the projects. But, first and foremost of these applicants, they need to go first before the Planning Board. It has been my experience in presenting projects to the Planning Board, to this Board as well as the Zoning Board of Appeals, that these boards don't take anything lightly. They start thorough investigation of projects before they are even considered. The work sessions in the Planning Board have been very broad in projects that have been presented and during the course of the six months probably before the Planning Board to get to the agenda items, there have been modifications to those projects. So

not only are there seven members of this Board at work, but also there are seven members of the Planning board, seven members of Zoning Board of Appeals, seven members of the ARB, and once we go beyond the Village of Patchogue we are looking at the County of Suffolk, the Health Department, also Suffolk County Planning Commission for additional comments, and we are looking for the impact of other governmental authorities. Projects brought to the Board and to the Village often times comes with the necessity to obtain financing. At present, I have a contract to sell property that my family owns on Main Street who wants to put a senior facility on Main Street. A project that was brought forth for attention and we were, shall I say blindsided, when the application needed site plan approval from the Planning Board. This particular project requires specialized financing in a similar way that hotels requires specialized financing. It requires urban development project approval from the Federal government; so now you get another layer of government that gives approval. The State of New York needs to approval this type of project. So you have five boards from the Village of Patchogue, one at the County level, one at the State level and one at the Federal level. So, I am questioning whether or not you can already use the ordinances that you have in place. I think as Mr. McGiff said, it is somewhat of a kneejerk reaction this moratorium that is being proposed because of the Tritec project brought to the Village. That project came here 4-5 years ago; I was involved in that project from start to finish. My client sold the property and we kind of had an advisory capacity type of role. That project seemed to have been favorably received by the Village because it was going to bring a hotel. But, the economy collapsed. Now we are in a position of trying to look for other projects. I have spoken before about the need for housing. As an attorney I represent clients buying houses. If they have to buy a house to have to get 20% cash for down payment and another 5% cash for closing costs. When you get to that point and time, a lender for a project. Lenders are reluctant to approve projects because they are required by their own Federal and other regulations to mind their depositor's monies and make good investments so that they don't collapse and have foreclosed houses. I knew one man who recently married who he wanted to rent in Patchogue, the place he would start his family and his home life, and eventually move out of that apartment into a residential house in the Village of Patchogue. I think that is the type of inspiration that this Board needs to bring to the table. To encourage people to come to Patchogue to live, work and play. Certainly every Master Plan that I was involved in with the Chamber of Commerce as their President, and reviewing BID, all of the plans that I have ever read or seen of the Master Plan for the Village of Patchogue have indicated that parking is an issue. Prior Village boards have seen that as a problem and the properties along Main Street and the four corners. They basically saved downtown Patchogue by their foresight. So we are again where parking is an issue. My church has a problem of having people going to the Theatre parking in our parking lot because they have dance recitals on Sundays. That I suppose a good thing because we want people on the streets, visiting the shops and restaurants. I think, to some extent, the regulations now in place control height, density, setbacks of rear, front and side yards, and control the use. So I don't know what 6, 12, 18 months, or 5 year moratorium is going to change whatever is in place. I suggest to you that having a moratorium is going to give a second thought of people coming to Patchogue. It is highly likely that I am going to lose this project because of this enactment which is sad for me, but maybe it is good for Patchogue. I don't know. But, I certainly believe the Village needs to take a hard look and not have a kneejerk reaction to a project that is a tough sell. I think any other project, and our project which is two acres—the largest piece of vacant land in the downtown area. I think the controls are already in place. You already have the opportunity to crease site plan approval, to approve the facades, to approve the density and height. We already have buildings in the town that are five stories high; why are you limiting to three stories? I don't know the answer to that. I certainly think that if you are going to consider something, I would recommend that the process be shorter than six months. I don't know if you are going to have more studies. I think there have been five, maybe ten, planning studies for studies. There have been a variety of institution, including the Chamber of Commerce. We have read them all; they are on file at the Village office, I believe. So spending money on another study doesn't seem to be wise use of taxpayer dollars. So, I think any projects here—the clause does have a relieve for extraordinary hardships, I think the word “extraordinary” should be eliminated from that. I think hardships whether they be small or large. You mention environmental impacts. Main Street has a sewer system; that it should it seems to me clear up the environmental issues. I think that the application process in itself requires six months to even get a letter before the board if you find you have hardships, you write to the board, the board schedules a public hearing that needs to be noticed. So suddenly even though you file a letter requesting relief, it even takes six months for that to pass. So I urge you not to pass this moratorium.

Trustee Crean stated: I take Mr. Roe's comments and appreciate his opinion and understand the situation that he is in. We have gone through a rather lengthy deliberation on the Tritec project and there are still a lot of issues that need to be resolved, primarily parking and ultimately what the traffic impact will be. It is one thing to read a traffic impact study that is provided to us from an engineer who is hired by an applicant. But, it is a whole another set of circumstances when the project is built out and cars are actually on the street. I am not saying I am looking to enforce this moratorium until that project is completely built out and tenanted both on a commercial and residential basis but I think this moratorium will allow us to catch our breath. And to continue to review the project that was just recently approved and give any future applicant another hurdle that will give us an opportunity to review and consult and decided whether that applicants has merit or benefit to our Village. I think it will give us an opportunity not only this board, but the building department and building inspector to do their job without any undue stress. There is a tremendous amount of review that goes on, not only at this level, but in that office. I think this moratorium will allow us to catch our breath and to allow us to do our job in a more efficient manner.

Deputy Mayor McGiff stated: The only other thing I would like to add to what Mr. Roe said is I think the only way that this stifles growth is if you define growth to be high density apartments or garden apartments, townhouses or residential uses. I don't think this stifles or stunts any other growth. I think it stunts that particular aspect if someone calls that growth. Going back to my arguments regarding Tritec, does Long Island need housing the answer is yes. Does Patchogue, no. I think we are 56% rentals and have shouldered that burden for far too long; I don't think any more is necessary at this time in our core business which is D1, D2 and D2. Like Trustee Crean said, this gives us an opportunity to get back on our feet and catch our breath and reevaluate what is going on in our downtown.

Trustee Krieger stated: Trustee Hilton, you mentioned that you looked at various codes that we have. Is there anything in particular that you were referring to?

Trustee Hilton stated: Mostly the parking and the ones that deal with safety. I have recommendations from Chairman Fuccillo from the Zoning Board, Chairman Rocco from the Planning Board, and recommendations from the past Zoning & Planning Advisor, Diane Moje who has since gone to the Town. They feel this can't be done in six months, but if extensions are available and we come up with something we really want to look at, we would ask for another question.

Trustee Devlin asked: What are specifically are we proposing to do in the next six months while this moratorium is in place?

Trustee Crean stated: One of the things that I would like to consider is that, particularly the D3 district, precludes an applicant or a business owner to provide any additional parking if they are looking to bring a business into that district, they do not need to provide additional parking. What I really would like to consider is that if there is a residential use that is going to be changing a current use, to really review what additional parking we might want to attach to that application. We gave a tremendous allowance to Tritec for their residential component, and I think we really want to take a look at that on a broader scope. So we would want to take a look at our parking codes in D3 in general. Trustees Krieger and Keyes have taken a look at Terry Street, the Mayor's suggestion of making that a one way and re-stripping that street to provide some additional parking. Those are things that we will look to do on an ongoing basis; that is something that is going to continue over the next couple of years to try to provide additional parking in the downtown district. There are a number of solutions. There is more than one way to skin a cat, as they say.

Trustee Krieger stated: I don't totally disagree with the moratorium. Do we charge the boards to complete this in six months instead of saying let's see if we can get it done in six months? I understand the need for something like this, but I would like to put some bench marks together. Charge them with, look we have this moratorium for 120 days and we expect work to get done and things to get accomplished in that time. But, I don't like it to keep it open ended; if we don't finish it in six months we will go another six months.

Trustee Crean stated: As I said, we are not going to wait for Tritec to complete their project, have it fully occupied and then start our consideration of this. That is something that I fully agree with, as that is ongoing that we really take a look at our code and see what the solution is.

Mayor Pontieri stated: If that be the case, I would also like to recommend that we add into this that we authorize, the committee as we put it together whether it be Bldg. and Lori Devlin as she is Zoning and Planning, can hire a consultant, someone who is a planner to work with them, for say an amount not to exceed \$15,000, for argument sake. That we allow them the latitude so that we get out of them exactly what you are talking about, those bench marks that we need to do to make this happen quickly and to cover the areas that this board feels are of concern. Because you do have people out there looking to invest. This should not be something to hold them up, but something to give us direction. This has been a very contentious point and Steve was very clear about it and he is right on the mark. As we look at it, that we have a bench mark of the next meeting or the meeting after that to have a consultant to get to work.

Trustee Crean stated: I would be inclined to ask our own Zoning Board and Planning Board what they thought might be a good idea for a residential unit, whether it is per square foot, by bedroom, what they feel an applicant should provide for parking. They might have some good suggestions. You might want to start there before you spend money.

Mayor Pontieri stated: I would like for us to have that ability out of this, if this gets approved tonight, that we won't have to come back to us to look for that next approval that we can begin to look for people out of that discussion.

Trustee Hilton stated: I agree. We were going to be looking at some of the other Village codes and their projects and how they dealt with them and some of the recommendations they can give. What we were talking about, Jack, is broader than what this moratorium is addressing. I am happy with the six month thing because it is the revamping of all of our zoning and planning. I am happy with the six month with the possibility of having a consultant and I agree with Gerry also that we could probably take care of it ourselves as well.

Mayor Pontieri stated: I would like to give you that opportunity that if you wanted to bring somebody in, that you do have that opportunity to do it and that we have authorized the ability to pay someone so that it does not have to come back to the board and have a three week hiatus. You have Tom Isles who retired from the County and people who have really good sense. Tom has done a number of the studies that Mr. Roe was talking about.

Mr. Roe stated: It appears to me that the prohibition against the acceptance of filing any applications during the month period. It seems to me that any if an application were to be accepted it would be in violation of the proposed moratorium. It also seems to me that any proper presentation of a project to any of the boards in the Village or to any authority that might have jurisdiction, that process is going to take a lot longer than six months. It seems to me that the hardship might be for that very delay. It seems to me that preventing the filing of an application and preventing a decision during the moratorium period seems to me a compromise. That would mean the Planning Board, this Board, Zoning Board of Appeals, the Architectural Reviewer to run in a parallel course, not only considering what impact the change in a zone might be, but would also allow projects that are brought to the Village to continue and not to be put off for six months so that persons coming would already know that there is an impact to be dealt with by the various boards that are already in place. So preventing the filing of an application doesn't seem to be appropriate. I think preventing approvals is certainly appropriate, but waiting six months or perhaps more, as Mr. Hilton said, would delay the process allowing applications to be filed particularly in section 3 should probably be modified to allow the filing of an application, but prevent the decision and the approvals from taking place. That way you would find people willing to deal with the boards because it has been my experience in dealing with this board and the other boards in the Village that negotiations take place from start to finish until all the boards approve and sign off on everything. The process takes probably 1 to 1 ½ years. So preventing the filing of an application which is just in the beginning of the thinking process would prevent the various boards from having an impact. They would have to wait at least six months, or if the statute is extended for who knows what period of time. It seems to me that preventing the of an application doesn't help the moratorium, but rather hurts the process from continuing forward.

Mayor Pontieri stated: I guess the concern that comes out of that is that as the process is followed then, you could get to this point with the Planning or Zoning Board dealing with a certain set of criteria, then at the end of this we change that criteria. That is my concern is that site plan and application that is presented could change if this committee comes out and says, well instead of 1.5 or 2.5 cars or whatever the number is, or for every 3 people it is one car. I would be concerned that whether it be the height of the building, the density involved, whether it be parking, whether it be setbacks from the road, whatever those issues might be, may be in conflict at the end of the review process of the site plan being put in place and the outcome of these discussions that may or may not happen.

Mr. Roe stated: I understand that, but my point also is that considering these type of applications, rather than in a vacuum with no input, would provide additional information for the consultants and various boards and deal with the reality of the situation. So if one wanted to come to Patchogue, address the issues raised by the various boards, invest money here and move forward. So I think the process can work in tandem rather than separate and over an extended length of time. I think that I am in favor of progress. I think this board is in favor of progress. Changes happens. So being cautious, I understand. I prefer not to see a STOP sign, maybe a YIELD sign.

Trustee Krieger asked: Back to the co-op. Would it be using this project as a test? This is what we are changing our codes for? I am just curious. As you said Paul, I am concerned about all the time and effort put into something like this and at the end it would have to go back to the beginning.

Mayor Pontieri stated: That is my sense, whether it is Mr. Roe speaking about it now or somebody else comes in a month from now.

Trustee Devlin stated: But, let's say the parking code changes substantially from the time the applicant enters the process through the various boards, then doesn't that create a burden on the applicant if they have to go back to square one because that is ultimately what we have decided at the end of the process.

Trustee Crean stated: Another question may be that comes to my mind now is that in the D3 district one of the nice things that is nice about Tritec is that it is a mixed use. That there is a retail and commercial component; it is in a D3 district and it is just solely residential only say we have say a Maple Ave. apartment complex in a business district, I think that is not the type of growth that we want as Steve mentions, pure residential. We want in the D3 district, maybe within the revision of our code is that every certain square footage of residential there is a certain percentage of commercial or retail that it is attached to it which might come out of the process. Which might totally revise what Mr. Roe's potential buyer might be looking to do. So putting up a YIELD sign might be counterproductive to what you wanted to do.

Mr. Roe stated: I might agree with that because I think if I were a potential client and facing a moratorium and wanted to address a down payment and start the architect and engineers to work...

Deputy Mayor McGiff stated: This is very limited. If you read it, it is very concise and limited to those residential uses. So is it going to stop progress, no. It is going to stop and breathing period on that type of use to see if any more of it is appropriate in D1, D2 and D3. I think it is not stopping progress, and maybe it will force a developer or someone else to add those components that maybe we would want to see as a community.

Mr. Roe stated: It has been my experience in working with the board, that is the process that is undertaken by the Planning and Zoning board.

Deputy Mayor McGiff stated: But, if you look at the DRD the way it is couched right now that is not really in place. That is one of the concerns that I had. Those board's input was usurped by ours. So, if it is in the DRD, that really doesn't apply. So that is one of the concerns that I have personally.

Mr. Roe asked: Does the DRD also include the property as far east as Maple Avenue. And is it specifically limited to Swezey's?

Deputy Mayor McGiff stated: I don't believe it does; there are some other parcels too besides Swezey's Tritec building.

Mr. Roe asked: The height issue, limited to three stories. What is the story on that?

Mayor Pontieri stated: Those are the things to be looked at now. Is to look at the height of the buildings. Do we want them at 35 feet or do they go to 60. I don't know. There has been a lot of discussion by this board over the last three months particularly, and over the last five years in general. This moratorium as it is proposed is one the board will make a decision on.

Trustee Crean stated: This will give us the opportunity to review our current code to see what sort of changes we want to do with that, not necessary to this law. I think that the jest of this moratorium is to give us the opportunity to go through that process without a pending application which at the end of it might be counterproductive.

Trustee Hilton stated: I am a lot more concerned with the mixed use than I am with the height. That is my personal opinion. I am very much in favor of increasing the ratio of retail with apartments. Personally, I have no problem with height.

Trustee Devlin stated: I think all of that requires us to reevaluate the parking as those different uses have different impacts.

Mr. Roe asked: Considering condominium and cooperative apartments uses in these districts.

Deputy Mayor McGiff stated: Residential use is one of the uses. The way it is couched now as residential it doesn't make a differentiation between owner occupied or rental.

Trustee Krieger stated: As to the Term #4 on page 3, where it says "This Local Law shall be in effect for a period of 180 days from its effective date. This Local Law shall be subject to review and renewal by resolution of the Board of Trustees for an additional period of time, effective immediately." What does that mean?

Village Attorney Egan stated: The courts generally don't like rolling moratoriums and they would be subject to challenge and generally they have been struck down by the courts whenever there has been an issue of the Board's postponing, as Mr. Roe said, leadership on these decisions on zoning. So they want a firm time period for us to be able to make a decision or not or make those changes they want or not. So a six month moratorium is fairly regular. I have seen moratorium go for a year. Moratoriums that go longer for a year are very problematic. A decision should be made one way or another on the zoning coded within that time period and a year is far too long for legislative study.

Trustee Krieger stated: Does this make that point clear that it is 180 days and an answer has to be made after 180 days?

Village Attorney Egan stated: Yes, unless as it says "renewal by resolution of the Board of Trustees for an additional period of time" at the expiration of the 180 days and if the planner is close to completing their study and needs another 30, 60 or 90 days it is completely reasonable.

Trustee Hilton stated: But, from that point then we can take applications which still gives us more time to change the law.

Village Attorney Egan stated: The goal is during this period of a moratorium is for the Board to be able to make its consideration, certainly in with consultation with the Chairman of Zoning Board and Chairman of Planning Board and any other outside consultants that may or may not be necessary. And during that time to draft new zoning amendments that would make changes that are contemplated when necessary, eliminating uses, changing uses, requiring ratios, changing parking, reducing density, increasing density, all those concerns that may be wanted to be done to then be enacted by the Board and that would be the ultimate zoning code going forward.

Trustee Hilton asked: Does an application on file exempt that application from the zoning and planning changes.

Village Attorney Egan stated: In this case, the proposed law specifically provides that any site plans already approved are exempt from this regulation. Also, for the record if the Board approves it tonight, under General Municipal Law 239M it has to be referred to the Suffolk County Planning Commission for their reports and recommendations. The Board is very familiar with recommendations to the Suffolk County Planning Commission as we have dealt with them many times. If it comes back and if there are no changes, the Board takes another formalized vote to adopt it; and if there are any changes they want to override they would have to have a super majority at that time. The 180 starts now upon approval by us and ultimately on the formal approval of the County's recommendation is would actually go into the books then. If you get the work done before the 180 days, you repeal this entire section from the code.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request to amend Chapter 435 "Zoning" of Village Code by addition a new Section 435-30.1 to establish a moratorium on new apartment houses, garden apartments, townhouses, residential uses and buildings over three stories tall in the Dd1", "D2" and "D3" Business districts and any "Floating" districts.

Mr. Roe stated: Mr. Mayor, I would be happy to volunteer my services; to give you an input from the applicant's side to be part of the consideration. And maybe other persons such as brokers and bankers.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to accept the 2010 Service Award program list of all active volunteer ambulance works of the Patchogue Ambulance Company.

Mayor Pontieri stated: About three or four years ago, the proposed project on the Sunrise Highway called the Vineyards of Blue Point at the old Patchogue movie theatre site where the drive in was. At that time and time we made an agreement with that developer of that property which is outside the Village for them to be able to hook up to our septic system and waste water treatment plant. For the Village of Patchogue it would mean about a two million dollar payment by them for the opportunity and right to hook up to the system. Obviously, a lot of things happening to the economy and it made it stop or slow down. Mr. Egan just renegotiated with Old Blue Point LLC not to decrease the amount of two million dollars, but just to renew the contract itself.

Village Attorney Egan stated: There was a timing on the payments that were going to be made dependent on certain zoning and site plan approvals from the Town of Brookhaven. This project was delayed based upon an Article 78 that was filed by an adjoining property owner and certain site plan approval were not forthcoming from the Town of Brookhaven. This resulted in no change from the amount that was going to be paid, except it accelerates the amount that was going to be due upon its execution to \$125,000 and then spreading out the payment over the next construction plan which was going to be construction of the infrastructure improvements and also requests certain technical changes by our sanitary engineers with regard to the construction of the project; the ultimate responsibility upon outside of their site development as this is going to be a significant contribution to the sewer treatment plant and the sewer district as well as the infrastructure that is going to be needed to service this property.

Mayor Pontieri stated: When we initially started the plan to rebuild our sewer plant, this two million dollars was actually in our budget as a payment. Hopefully, this will move along fairly quickly and those funds will come into place and we can reduce the funds that we needed to take out about 3.5 million dollars and bring it down to 1.5. This is a unique opportunity for us to fund the sewer district in a manner that doesn't impact those users that are in the sewer district and/or those residents in the Village of Patchogue.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the Board approved request to authorize the execution of an amended agreement between the Village and Ol Blue Point, LLC.

B.I.D. Report – None

Chamber of Commerce Report – Gail Hoag, 15 North Ocean Avenue, Patchogue, stated: I am here to talk about eating out and having good meals in Patchogue. Tomorrow is “Eating Healthy in Patchogue Day”. Mather Memorial Hospital has a program where you can go to several restaurants in town and you can get either for lunch or dinner a small portion, not necessarily diet but nutritional, for \$5.00 and it is only in Patchogue this time. On the 13th our Village Clerk Patti Seal is the Guest Chef at the Oar. On April 14th the Brookhaven Coalition of Chambers of Commerce is having its award ceremony and Lindsey Stir from Remember Yesteryears is the Patchogue Chamber Member of the Year. Each Chamber selects one person to be recognized as Member of the Year. On Friday, April 15th, at noon we have the Grand Opening of Rico’s Chicken at 20 East Main Street. They will be giving out samples for us. I have been talking to Elsa Rays and Gloria Clarabelle. On Wednesday, April 27th, is the Eloise _____ Beautification Fund Raiser at Pine Grove Inn and we are doing lunch and dinner. On May 11th we have Networking at Capital One Bank from 6 to 8 p.m. and they will provide us with food. The Oak Street lot, the west side, I hope we are not going to get any more snow. With the snow, two of the planters were moved from the sidewalk to two of the parking spaces and would appreciate there being put back.

Trustee Krieger stated: I wanted to congratulate Chris Cappabianco who put together this weekend’s Patchogue Folk Festival. It was a great crowd all day, a lot of fun and a lot of acts. In the evening was Peter Yarrow from Peter, Paul and Mary which was a great, sing along kind of night. Peter is one of the legends of folk music and hope to have him back again. Brett Michael’s is almost sold out for this weekend. Then we have Bobbi Anderson – A Tribute to Sinatra & Friends, and on Saturday night and on Sunday will be Bobbi Valli – A Tribute to the Jersey Boys. On May 5th we have Alive in the Lobby, and David Brenner on May 7th. Mickey B’s Golden Oldies will be on May 14th. The Patchogue-Medford All School Star Shine 2011 is happening again with some very talented, local kids on May 15th.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the neighbors of Highland Avenue to hold their 14th annual block party on Saturday, July 9th from 10 a.m. to 11 p.m., with a rain date of Saturday, July 16th.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to set a Public Hearing to consider a request to amend Chapter 415-15 to change the seasonal signs on Cedar Avenue from Laurel Street to the Great South Bay to parking by permit only signs as of April 25, 2011.

Trustee Crean stated: The B.I.D. meeting tomorrow at 4:30 p.m. they will be talking about trying to provide parking solutions. They have invited a consultant to that meeting to discuss the construction of a tiered lot. They will discuss some possible site locations, as well as some budget numbers as to what it might cost and where we might look to get certain spots.

Trustee Crean stated: On Monday, April 18th at 5:30 p.m. we will have our annual budget meeting. Village residents, merchants, owners please come out.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to award bid for garden area maintenance to Rolling Rock Landscaping in the amount of \$7,000.00 from April 15, 2011 to April 14, 2012. They will take care of the garden areas throughout the business district.

Upon a motion made by Trustee Crean, and seconded by Trustee Devlin, and unanimously carried, the board approved request for the Patchogue Garden Club to hang a banner on Main Street promoting their 11th annual garden tour on July 9th and to sell tickets in the community garden on July 9th from 9 a.m. to noon.

Trustee Hilton stated: On Saturday, April 23rd, we will have the Annual Egg Hunt which starts at noon for children of ages 4-6. At 12:30 is the start time for ages 7-9. There will be the very popular jelly bean count, goodie bags for the first 50 participants from each age group, raffles, and you have to bring your own baskets. The Easter Bunny will be there, I hear.

Trustee Hilton stated: This coming Saturday at 10 a.m. is the Brookhaven Clean Up at Shorefront Park. Last year we got 2,000 lbs of garbage from around the pond, park and playground. If there are any members of the Shorefront Civic Association, we would love to have you come down.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for the United Veterans Council to hold the annual Memorial Day Parade on Monday, May 30th at 11 a.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request to change dock security salary as per list presented.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request to hold a summer youth volleyball league at Bay Avenue School on Tuesday evenings in July and August, subject to our getting enough teams to cover the cost of the program.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire dock security as per list presented.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request to adopt an easement agreement between the Village and RAM Associates. This is the project at the former Clare Rose site. The site plan is already approved. They are just seeking a sewer easement through a Village parcel.

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, May 9, 2011, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to repeal all Sections contained within Article XXI of Chapter 415 with the exception of Sections 415-71, 415-72, 415-79, 415-96 and 415-151 and to add a new Section 415-73 for the purpose of ensuring valet and professional parking services do not operate on public streets. The Mayor and I had a meeting with Lombardi's last week to talk about some of the parking concerns down there, so we are going to form a committee with some of the residents down there to try and hammer out some kind of solution to the parking issues on the south end that will be amenable both, first and foremost to the residents, and then also to the business. We will keep you apprised of that. But, one issue that came up before that was the issue of valet parking down there. That is why we are going to try and do away with that. I think the valet parking down at Lombardi's is probably a recipe for disaster so we are going to try and curtail that first and then try and find a solution.

Trustee Devlin stated: The Patchogue Arts Council has invited the Sayville High School Advance Placement Studio Class to put their work in the Jay's windows and it will be there until the end of May. The Waterfront Revitalization Fund has been a very long process. We had sent it up to the State for comments, the comments came back, and the consulting firm incorporated the State's comments. At which time we the board voted to send it back to the State's legal department. The State has since sent back more comments, but our contract with APARF is complete, so we are left with a Local Board Waterfront Revitalization Plan and a lot of detailed comments. Marian Russo and I went back to our contact with the State, Jamie Ether, and he is going to be working with Marian and I to incorporate the comments. Once that is complete we should be able to adopt the long awaited Local Waterfront Revitalization comments.

Trustee Keyes stated: In our effort to keep chemicals out of our groundwater, DPW has made available organic fertilizer for a price to be paid at Village Hall. We do have free mulch.

Trustee Keyes stated: As far as the CDA report, I did pass the comments regarding the bandshell.

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 the sale of the Village bus, 2008 Ford Phoenix 14 passenger, 450 gas engine with wheelchair lift, 33,165 mileage.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request for the purchase of a bucket truck, in partnership with Bellport, to be purchased with Local Efficiency Grant money that we received.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request for Joe Dean to attend the Annual School for Highway Superintendents at Ithaca College, June 6-8 at a cost not to exceed \$500.00.

Upon a motion made by Trustee Keyes, seconded by Trustee Krieger, and unanimously carried, the board approved request to hire Universal Fireproof Door to install doors at the Theatre at a cost not to exceed \$26,500.00. The fire exit door are in very bad condition throughout the Theatre and are hazard right now and need to be replaced. We received several estimates on it and it is the one who gave us the most complete, detailed description what they were going to do. It is the only company to commit that they were fire doors. It is not a emergency, but the doors do need to be replaced. The other estimates that we received were non-committal about what kind of product they were going to deliver.

Mayor Pontieri stated: I would suspect that Joe Dean did get three estimates and it seems to be a health and safety issue. We have a budget that pays for Theatre repairs. We do capital improvements and they do the operational side of it.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved change orders for general construction at 380 Bay Avenue at a cost of not to exceed \$50,000.00 About \$11,000 to \$12,000 is a fire marshal mandate. And another \$11,000 to \$12,000 is actually an add on because we requested something that wasn't initially in the plans. Once Parks and Recreation and Joe Dean got to see the space and how they wanted it to work, and how it would be more comfortable for the office employees, and to make it ADA compliant.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to purchase GPS from NY Precision at a cost not to exceed \$15,100. This is grant money in partnership with Bellport.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Tiderunner Engineering to perform a Traffic Volume Study on Oak Street at a cost not to exceed \$2,400.00. This has to do with our various roads grant that we have applied for. There are two separate types of streets, a local street and a collective street. Somewhere in the State's infinite wisdom it was decided that Oak Street was not a collective street, so it is going to be necessary for us to have that reclassified so we need this traffic volume study to do that.

Mayor Pontieri stated: We have 1.5 million of Federal money which allows us to repave collective streets and this will allow us to pave Oak Street.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request authorizing the implementation and funding in the first instance 100% of the Federal-Aid and State "Marchiselli" program and eligible costs of a transportation Federal-aid project, and appropriating funds therefore.

Village Attorney Egan stated: This is a requirement for Federal money; we have to guarantee to fund that portion and we get it back from the Feds. We pay and they reimburse us for it.

Trustee Crean asked: The bus that we have, can that be part of the auction or are we going to get closed bids for it?

Trustee Keyes stated: That is a good point and I will check with Joe Dean. That is how it is set up now.

Public to be heard:

Gary Harmon, Gilbert Street, Patchogue, stated: I am sorry to hear the bus is leaving. But, there are probably better uses for the bus. Have you ever thought about the need that there is no parking. What about a shuttle service to drive arrive to various hotels and restaurants. I thought the bus would be a good thing to do that rather than get rid of it. Is there anything else that the Village could use to serve as a conveyance, rather than paying Lindy's \$10 to go from one restaurant to another.

Deputy Mayor McGiff stated: We have given it thought. I think there are liability issues and it is cost prohibitive in terms of the insurance, but that is something that can be revisited.

Mayor Pontieri stated: Before we get into the issue of the public law that we passed at the board meeting regarding feral cats, there is a tremendous amount of misconception about it that I would like to clarify first and then we will get into comments by the public. First of all just so you understand, the public session of any meeting is a privilege and not a right and I expect that we will handle it as such. This issue was discussed at length by this board about a month and a half ago. After that there was a public notice put in the paper and it was put on our website. There is a misconception that this thing was done at the dead of night so nobody knew about it. Well, we do what you heard tonight as other public hearings are being set, we follow exactly procedure. It is a matter of municipal law and must be done in a certain manner. I have got a number of pretty number of prettt nasty e-mails. People who don't know me, making accusations either against this board or myself, that I found that made me angry, didn't upset me. Just made me angry that people would make those statements without knowing any of the background, without knowing anything about this board, without understanding what the issue is. Sometimes people think they understand it. People love e-mails; you can say anything in an e-mail, say it blindly into the screen and send it off to somebody and say, ha I got you. Well you didn't get me; you made me angry and you made this board angry. That people would think that this is being done to basically killing cats. Well, if that is your perception, that is your perception. Unfortunately, people's needs to do something sometimes conflict with others needs. Our responsibility is to the public and public safety and health. Over the past several years, there had never been a feral cat issue down at the park. But, over the last several years it has started to expand itself. This park is used very heavily by the youth of this community, from the Little League fields, to the playgrounds, to the softball fields. We have youth programs all summer long where we have 5-8 year olds in our park. We are spending more than a million dollars on our Recreation Center that is in the park. About three weeks ago Trustee Keyes showed me pictures where somebody had gone into the park and dumped 20-25 lbs of raw fish in the park that was preceded by probably another 15 lbs a couple of weeks before that of clams and mussels. Bags of cat food just laid out in the park. This is a public place. Anybody in here can say to me that we need to feed the cats, but when you throw 10-25 lbs of raw fish, you are feeding possums, you are feeding rat, and raccoons who carry rabies. This wasn't about feral cats; this is about the health and safety of kids in this community. I clearly understand what you issue is. But, your need to feed the feral cats unfortunately conflicts sometimes with our need to protect the health and safety of the kids. I understand because we have had discussions with reasonable residents that have come and sat and talked with us about it. If the need is to move them and do it over slowly, that is one issue. But, to say that we don't have the right to protect the residents in this community; it is only 30 acres of parkland, it is not a big place. And the areas where this is at is in conflict at times with the kids of the community. And that is why the decision was made. So again, what we are going to do is allow people to speak with two minute comments. If you are getting up and saying exactly what the person before you said, I will probably going to ask you to sit down; we are not stupid people. We accept the issue that there is a problem, we accept the issue that we need to deal with it, I do not accept that we will be berated. This is a professional organization. For those of you who do not know, I was an Assistant Principal at Bellport High School and know how to do lunch duty, So I expect everybody to have decorum and to speak to this board in a professional, ethical and moral manner.

Trustee Krieger stated: I would like to suggest that the Village people be allowed to speak first and then the other people would be welcomed to speak.

Michael Buck, stated: Thank you for this opportunity for us to speak and discuss this situation. I am here basically to speak for taking care of this colony at Shorefront park. It was mentioned in an article a couple of weeks ago. The fact that there were things happening down there with these cats and it is our understanding that a lot of it was misconception of what actually was happening down there. The issue here is about 11 cats in this colony. They all have been spayed and neutered. They all have had their shots. Their feeding has been maintained by three women who I think should be commended for what they are doing because they have stepped up to the plate to try and keep this colony under control and not get out of hand. Another issue down there that is going on is that there is a lot of dumping of animals periodically ,all the time because I guess they figure there are cats down and they will dump some more down there. These women have taken it upon themselves to collect up these cats that have been dumped, get they spayed and

neutered, bring them to homes, and get them out of the area. So, I think they should be commended. These issues with these 11 cats, I went down there myself several times and taken pictures and movies. These cats are healthy, not diseased and really what was being said in this news article is I really don't understand their coming us with vicious cats that are pulling turtles out of ponds and that are attacking people. That is not right and it should not have been stated from the beginning. There are a lot of people here that have donated their time, their money without question, trying to do the right thing. The issue with the cats is the fact that most of these cats that are trapped, spayed or neutered, once they are picked up, a lot of them are not even feral cats. They are cats that people have disregarded or thrown out and don't want them. Really, people that have taken it upon themselves and taken the responsibility to try and get them spayed and neutered and brought to different homes and get them out of the area and keep them from populating even more. This is what is going on. I think a seminar in the future for these different organizations that get involved in this, you should have something like this. For the public to get knowledge of how to take care of the situation and how to maintain control. A lot of this is because of the fact that people really don't really know like you stated what the situation is and what is going on. But, it cannot get out of control; it has to be maintained. I thing as far as the signage brought down there, I think the signage should state there should be no dumping of animals. This has become a bad issue; and it only makes matters worse as far as the feral cat issue.

Village Attorney Egan stated: The NYS Agricultural and Markets Law prevents the abandoning of animals and that is one of the problematic issues with other aspects. It is driven by State law and we can post that.

Michael Buck stated: Another issue that seems to be down there as I heard you talked about the welfare children and we are all worried about that. But, I think the primary concern with that is the wild geese issue down there with the droppings all over the place. People walk on them when they walk through the park and take it into their houses.

Trustee Hilton stated: We are researching that too.

Michael Buck stated: I know this bucket of fish issue was taken way out of control. It is my understanding is an old man in a white truck dropped the bucket of fish and it did get way out of hand. The wildlife down there, the swans are fine, the ducks are fine, the geese are fine. The swans come back every year and come back every year and have more babies. Everything down there seems very quiet when going about daily visits. I know it has been stated that these cats are vicious and have gone after people. I myself have heard of wild geese going after people, I have heard of swans, and a rabbit going after Jimmy Carter at one point. But, I wasn't brought up to fear cats and don't know where this conception came from. I know you, Mr. Mayor, having heard these facts that maybe you can reconsider this ban on feeding and maybe something can be done on this so that we can control and maintain the situation. The public doesn't get upset and you don't get upset and we can get to a happy medium here on what is going on.

Sue Greer, 45 Smith Street, Patchogue, stated: Those cats are house cats, not feral cats. They are cats that a woman from West Islip owned and lived in the house with her and she still comes and feeds them. Lord knows, I had to have that house sanded and cleaned and bombed, and now they are down to 11-12 of what was her cats. Her name is Diane Turansky and she lives in West Sayville. I bought the house from her. When I bought the house from her at the time she has 29 cats and six kittens and the kittens were sick. I told her I was buying the house, but not buying the kittens or cats. So I offered to get them all spayed and neutered for her so she could take with her so they would stop reproducing. She said that was her problem. So myself and another community group got together, got them all shots, tested for FIV, spayed & neutered. It was outrageously expensive and a lot of help from these groups. I gave her the cats back; she hadn't moved and I was still in the process of buying the cat. I purchased the house January 25. Her Mom was ill so she was going between West Islip and Patchogue. At night she would come home, bring the house cats in, feed them and let them out and then go to West Islip. They are not feral cats; you can pick them up.

Trustee Crean asked: Mr. Egan, what is the penalty for abandonment.

Village Attorney Egan stated: The concern is under Section 325, the abandonment of animals. Any person having charge or custody of an animal who abandons such animal or leaves it to die

in the street, road or public place, or will allow such animal to lie in a public street and receive notice of it, shall be guilty of a misdemeanor punishable by imprisonment for not more than one year and a fine of not more than \$1000 or both.

Sue Greer stated: If she received notice though, she might be willing to come and take them because she has a house. I would be willing to help her. But, I offered because they are house cats. The problem is they have been like this for three years; when she comes they walk up to her. The ones that I was able to pick up, I am not because the more you leave them out, they don't become feral, they just become shy and distant and have to get into a home setting and they are fine. Her name is Diane Turansky, 31 or 45 Sylvan Avenue, West Islip. She is a nice person. I can't just bring the cats to her because that would be dumping, even though they are her cats. Plus they are not going to know it is her house; she needs to participate. But, they are her cats. I talk to her when I see her there and tell her to take the cats.

Village Attorney Egan stated: The other answer is perhaps the Town of Brookhaven is our Animal Control Officer as well. Perhaps we would ask that person to get them into an adoption mode and get them off the street. Because that woman is in serious jeopardy of this section if she actually the owner or possessor or exercises any kind of control over this. Obviously, you said they were once house cats and once were her; she is guilty of abandonment.

Sue Greer stated: My concern is this. The fact that they are abandoned cats, not feral cats; they are going to starve to death in front of the kids at the ballfield. We want to work amicable together to work out what is for the best interest for everybody.

Mayor Pontieri stated: I have three cats at home. I don't hate cats. They do get under my feet in the morning and in the middle of the night decide they want to visit. I let them out, but they always come back.

Dora LaVelle, 39 Pearl St., Patchogue, stated: These cats could probably eventually be adopted. I try every day when I am down there watch the situation as it is going on. One by one because they haven't been around people for such a long time, they scatter from you. I have been working with one for 2-3 months now and can actually pick her up and am trying to get her used to being around people so I can get her a home. We are working on trying to eliminate the numbers down there. We did start out with approx. 20 cats as Sue said. I met Sue when I was there and saw the cats in the tall grass in the back. We started the conversation about the cats. She had then told me that she had bought Diane's house and what she had done for the cats. Being a cat person I asked if they were spayed & neutered because this can't go on and she said they were. The next question was is there anything I can do to help you. Since then we had made a pact that we would not allow any more cats in the park. The reason bring this up because last year within six weeks somebody dumped off 12 kittens, unsprayed & unneutered. The Park's guys called me when they saw the kittens and within 15 minutes friends of my found the Kent Animal Shelter in River, but it cost us \$100. Another time I went there and found another 4 kittens left in a box by the garbage pail in the pouring rain. David Petco actually took them from us and got them adopted. A week after that four more were dumped off. Somebody dumped off a cat down there and Sue drove it to Conn. Because it tested positive. I tried to speak to someone but nobody got back to me about this problem. I said I think we really need surveillance down there.

Mayor Pontieri stated: Jack and I had talked about it, and one of the biggest concerns is that if there is a sense that we allow it, you will more of it. You will people then decide to park on Lakeland Ave. or Father Tortora Park over on Central, that people have the tendency say, okay the Village is accepting of this.

Dora LaValle stated: I can't tell you how many cats we have trapped and neutered in the last six months. We gave many groups here who are willing to work with to work with us at no charge to the Village. They have been very good to us. David Petco has taken all these kittens. We have people who have taken the cats from us, but we feel like we are fighting an endless battle with people dumping there animals in the Village everywhere.

Mayor Pontieri stated: I think you are seeing more and more, unfortunately. What you are saying people move out and where they are going they don't want to take it with them. The concern becomes is the dumping.

Dora LaValle stated: Like I said, if I wasn't there every day last spring, we would have had 12 more kittens unsprayed & unneutered and five more adult cats. That is not counting the two years prior. It is an ongoing battle. That is why I feel if we don't stop the dumping that is going on down there, it is going to be a nightmare.

Rita Caprino, Leo Street, Patchogue, stated: I just want to say, in general, that what you are talking about in spaying and neutering in controlling the animal population is probably one of the best things that could be done. I am caring for a small colony on my block because I had a neighbor who believed that putting food on her deck and that was it. They didn't neuter or spay. They were surprised when the females had not one but two litters every year. They did end up on my property because I did care of them, feed them & provided them with a shelter. If they crossed onto my property, they were spayed and neutered. I mentioned this because it has been my experience, and I think it is what these folks are talking about too, is that with time the animal population will decrease as long as they don't procreate. By feeding them what you are doing is keeping them happy & healthy so they won't be fighting with each other, you won't have sick injured animals, they won't be going after the wildlife that everybody is so concerned with. The minute they don't have their food they are going to revert to what is their nature which is to hunt. And if you are concerned about the wildlife, the best thing you can do is to provide them with the food that they need and keep them healthy until they live out their natural life cycle.

Elizabeth Biederman, 102 Rider Avenue, Patchogue, stated: I have been a resident of Patchogue for the past six years and go to Shorefront Park with my daughter quite often. I have yet to see action by one of these feral animals; the idea that one of these animals is attacking is ludicrous. You will see them from a distance; they won't come towards you. The one big problem that I have with Shorefront Park is goose poop. Be that as it may, I had two cats. Unfortunately, my tomcat got out, and went to the Town of Brookhaven to look for him (not knowing he was killed by something in my next door neighbor's yard). I asked one of the people who worked there if they would accept cats that were brought in –liked and injured cat or if you catch a wild cat. They said no, they are considered to be wild animals, and are left on the street. The problem is is these animals are house cats. If you are so worried about these animals being sick, if you don't let these very wonderful organizations feed them, they are going to get sick, stressed, and start affecting the animal population. And the problems that you think not feeding are going to solve are actually going to get worse. I wanted to express my concern about that. I go to the park all the time and have never had a problem with any animal. I just wanted this motion stopped. The fact that there are cops down there to make sure that people don't feed the cats I think is ludicrous. I think their time is better spent doing other things.

Barbara Kurek, East Islip, stated: I have been working with Ann Marie and have reduced the number of cats in the Village of Patchogue. I think everyone in this room would agree that we want to reduce the number of cats in the Village of Patchogue. The Trap, Neuter, Return program is probably the most effective and most humane program. I would like to tell you that some of the towns on Long Island have exemplary programs. I know you have met with the gentleman from the Town of Babylon Shelter. One example of what happened in the Town of Babylon. In the Town Park of the Town of Babylon several years ago they were overrun with cats. They tried to remove the cats, thinking that would be a solution, and found it was not an effective solution. They now work with the TNR Feral caretakers. They have a sign that says, please do not feed the cats. This is a colony managed by the Town of Babylon. They work hand in hand with the TNR caretakers to make sure that they are trapped, neutered, released and provided shelter. The City of Glen Cove Animal Lovers implemented the TNR program. The number of cats in the city and the number of kittens taken to the shelter has dropped by 88%, proving that TNR works. It is really a great program. I volunteer there and work in a neuter clinic. I do have the Mayor's name and number and the number of the founder of Animal Lovers. She also gave me a quote to read to you, "According to Dr. Susan Levy, foremost authority on feral cats, the cats in a managed colony do not spread disease and pose much less of a threat to the community at large because they have been vaccinated. There has been no cases, not even one, of a cat contracting rabies after just having one rabies vaccine. I am not sure, but I think there are raccoons in the Town of Brookhaven have had rabies. The Town of Islip and the Town of Oyster Bay have instituted a TNR program. I believe the Towns of Southampton and East Hampton have also, but you can find that on line. There is one thing I did want to bring up. It has to do with the Agricultural Law that you made reference to, Agricultural Law 353. I have some documentation which I am going to give you that was prepared by the NYS Bar Association on Animal Law in NYS. I also have another piece of documentation that was prepared by Brian Portus, Esq. and also President and

Founder of Cats. “NYS is unique in making it a criminal offence of depriving any animal, including feral cats, of necessary food or water.” That is under the Agricultural Markets and Law Section 353. That law/section effectively makes feeding animals anywhere legal in New York State. Actually, the definition of feral is defined in here as domestic cats.

Village Attorney Egan stated: I have read this. The next two sentences he says, “unless it impacts public health and safety.” And that is the concern of the board with regard to the fish and trash.

Elizabeth Biederman stated: I don’t know who is responsible for the fish. The truth is that TNR in taking care of the feral cat colony lowers the cost to the taxpayer. So many of us in this room have spent thousands of dollars to spay and neuter. I would be remiss that I believe in the Village is Island Rescue which is a low cost, spay & neuter clinic where you can get you cat spay or neutered, vaccinated with rabies and distemper for \$65. They have worked so closely with TNR people all over the island. Obviously, we know that cats reproduce at an astronomical rate. I think they have more than two litters a years. I have one comment to read, “An unsprayed free roaming female can several thousand kittens over her lifetime. The surviving kittens when then reproduce is an exponential kind of increase. One breeding pair left unneutered for seven years and all their kittens reproduce, you will have 400,000 kittens. It is a simple math problem. If you want to reduce the problem, you spay and neuter. Anne Marie Buck has trapped and fixed over 30 cats in the next 14 months. Over half of those she has placed in homes. Again, a lot of these cats walking around the streets are not feral, but abandoned. She has been paying for the spaying & neutering out of her own pocket. But, recently the Brookhaven Animal Center has extended her into her program and they will reduce the costs. If you want to reduce the number of strays and ferals, it would be in your best interest and the interest of the taxpayers to allow her to continue her work.

Barbara Lukow, 64 Turbridge Drive, Holbrook, NY, stated: I am a veterinary pharmacist and my husband is Dr. Kenneth Lukow iii Northport and the sole vet over on Fire Island. We also just started a rescue on Fire Island. I have been involved with this with my husband for 25 years. During this time, the backyard fear has now revolved into TNR composed of educated volunteers whose purpose is to control the feral cat population and limit its territory by proper feeding and health care. Standards and protocol has been established regarding the maintenance of the colonies. Long Island is considered to be the leader in humane treatment and control of feral colonies. I was called upon by your residents to evaluate this colony in question. It is my opinion that these 11 cats, and not the reported 40 cats, all who are spayed & neutered and vaccinated and in good health pose no threat to the natural environment, including the birds and the wildlife. They don’t attack geese or turtles—I would like to have a visual of that because it does not happen. They are behind those reeds because they are afraid for their own existence. These cats most bordering on domestication have been well fed for the past six or so years. They have no need to hunt birds and ducks as a source of food. Studies have shown that these colonies have shown a beneficial by keeping the raccoon population under control. The causative agent of the bubonic plague is back on the rise throughout the world and the vector is the rat for this disease. If these cats are hunting anything else, be thankful the rats are the victims. The Agriculture and Market Law Section 353 as was mentioned pertaining to the feeding of feral cats clearly states that it must be done in a sanitary and a non-health hazardous nuisance. This colony wants to be left alone. With the knowledge and educated volunteers these cats can be fed in an unobtrusive manner allowing the colony to exist until them simply die off. They also keep other cats from entering the colony. The Task Force of volunteers recognized by the Town would gladly allow these creatures to live in peace and stay confined to the limited area. The idea of that the eliminating of the food as a sourced as a way to dissipate the colony has been refuted numerous times. The colony exists because the environment is suitable, your waterfront property. These cats were put here hundreds of years ago. As a cohesive unit, this colony keeps other cats away. If you remove them, there will be new arrivals. Restricting or elimination of food only encourage the enlargement of their territory. Isn’t it better to keep them just where they are? Instead of condemning the efforts of these wonderful selfless people, these volunteers, you should be praising them. Without their generous contributions out of their pockets, these ten cats would be in the hundreds and then you would really have a problem. It is probably the best colony I have seen on the Island and I have seen a lot. Believe me, you don’t know what is out there. They have done an impeccable job of maintaining the animals as well as this area. I would really like to use this colony and the people who run it as a model for other areas. You are a very lucky to have Village people who want to get involved and chose to do the right things. Eradication or

withholding food is an uneducated approach. There are so many resources out there. Search the web, alleycat.org or neighborhoodcats.org prevention. I would also like to donate my services. To keep down the population I work with Joe Liperi also; I worked thirteen hours yesterday at Islip. We will donate our resources for health care, my husband is a veterinarian, I have access to mediations as a pharmacist to evaluate and to re-vaccinate. Not just this colony, but all colonies in Patchogue. Waterfront property will never get rid of them. I live in Ocean Beach also part of the year, we have no rats and no mice. We maintain the colony—hundreds of them. You can set up a program allowing these girls to feed them and no one else is allowed to dump fish and mussels--I have never seen a cat pull a mussel out of a shell. These fishermen they are the ones that need to stop, and these girls will chase them down and have because she was afraid it was going to be a nuisance. We hope you will reconsider.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 9:45 p.m.

Signed _____
Patricia M. Seal, Village Clerk

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