

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on March 28, 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.

Trustee Crean stated: The one question I have regarding the minutes, the conditions that were drafted and attached to the site plan approval of Tri-tec, are they part of the minutes and can we formalize that.

Village Attorney Egan stated: All motions are a part of the record. So that any motions that get passed by the Board are part of it. Those conditions certainly which the Board was voting on are absolutely an exhibit to the minutes. They are part of the record for that meeting.

Trustee Crean stated: I would want it to be actually attached. Someday ten or twenty years from now somebody might be looking at these minutes and I would want those conditions that we agreed upon to be a part of those minutes.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to add those conditions from the Tritec hearing to the minutes.

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 by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved the minutes of March 14, 2011 as presented.

Village Treasurer Krawczyk stated: The bills for the period ending March 28, 2011 totaled \$518,892.24. The five largest bills paid were: RJ Industries \$157,671.39 for sewer plant upgrade (which we will get reimbursed from the DEC), NYS Employee Health \$96,557.09 for monthly payment, Town of Brookhaven \$24,891.35 for landfill fees, Sprague \$15,548.00 for diesel fuel, and Metro Fuel \$10,573.50 for gasoline.

General Fund	316,352.48
Trust & Agency	9,683.69
CAP Projects	157,636.39
Sewer Fund	22,918.10
BID Fund	4,370.50
Housing Fund	1,652.82
CDA Fund	6,278.26
General Bills	0.00
Totals	518,892.24

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, 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, March 28, 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 205 "Fire Prevention and Building Construction" of the Village Code to prohibit the obstruction of access points and to ban the placement of highly flammable materials on doors, windows, and other fenestrations, 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.

Village Attorney Egan stated: This is a request by our Chief Building Inspector and Fire Marshal. In some of their housing inspections what they are finding is that inappropriate window coverings are being used to cover some of these windows which potentially could be dangerous situations in the time of fire, and certainly not only for the occupants but for the fire fighters. The proposal here is from the Chief Building Inspector and Fire Marshal to prohibit the obstruction of such access points, emergency entrances and exits, windows and door without anything that is not properly rated by the fire code.

Trustee Devlin asked: Is it typically for everyone to have everything that is fire rated.

Village Attorney Egan stated: Curtains have a certain capacity and you can see through it. This is more geared towards blankets, heavy things that would cause potential firefighting confusion inside for where the exits are. Even a resident with a smoky condition may not know how to get out and then potentially having their means of access blocked by something that is on fire.

Trustee Devlin asked: Do we have definitions in our legislation that breaks down what those things are and what are illegal.

Village Attorney Egan stated: Yes. Highly flammable materials, including but not limited to towels, blankets, straw, dry vines or leaves, artificial flowers or shrubbery, and foam plastic materials, shall not be used for the purpose of covering, obscuring, protecting, or decorating any door, window or other fenestration, unless flame retardant.

Mayor Pontieri asked for questions from the public. None given.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request to amend Chapter 205 "Fire Prevention and Building Construction" to prohibit the obstruction of access points and to ban the placement of highly flammable materials on doors, windows and other fenestrations.

Village Clerk Seal stated: Notice is hereby given that a public hearing will be held on Monday, March 28, 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 Section 143-3 of Chapter 143 of the Village Code to prohibit the feeding and housing of feral animals on public property, a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: This issue has come to light more and more down by the ball fields and the park itself. It is a controversial one. There was a meeting at the Town of Brookhaven with a tremendous amount of discussion about it. I look at it as purely a health and safety one. Trustee Hilton has done a lot of research on it too. There are some issues that go back and forth. The concern that I have, I am one of the person's who pushed to have this put in place. My concern is where they are being fed within our park system. We haven't got a large park so there are kids all over the place. It really becomes a health a safety issue. If somebody wants to feed them in their yard, or there is 40 acres at the end of Grove Avenue back in the woods where it is not a defined place where kids go to play and they are in the park itself. The area that they are primarily being fed, there is a young family on the other side of that fence who has a newborn. When people come up and park across from the softball field and walk their way back where the Little League fields, there is an area where the cats are both sides. I know the amount of disease that is carried. We all feel sorry for the cats and the situation that they are in. But, that being said, all you need is one kid getting scratched. A couple of years back we had a resident who had gotten scratched by a cat and had other illnesses, but it was what precipitated his death, Mr. Schaeffer. You look at it one way that we take care of the animals, but you look at the other way that we do have to protect the residents. Most specifically the kids that go back and forth from the Little League fields, to the soft balls fields to the playground during the summer is used a tremendous amount. As it gets later at night, I have a tremendous health and safety concerns. I will take comment from the board and then the public.

Trustee Krieger stated: With reference to the health and safety issue is that people bring Tupperware, huts and bowls and litter problem too. I have been back there with my son and we turned back; there were too many cats. There was junk all over the place; it seems people were leaving their stuff there feeding the cats. There had to be 30 cats. I look at it in one way, if it

were 30-40 wild dogs in that same situation, would we be thinking about feeding dogs in that situation. I don't know how to solve the problem, but I think not allowing people to bring in food and shelter. The Highway Dept. has cleaned that place out constantly. I think Trustee Hilton has brought up some issues about that not feeding them doesn't solve the problem and it probably doesn't solve the problem. But, I just think they shouldn't do it on Village property.

Trustee Crean stated: We spend a lot of taxpayer's dollars to try and keep the parks groomed for residents and visitors to enjoy. I don't think it is an appropriate place to allow the feeding of wild and feral animals that could potentially spread any number of diseases. As was said earlier, I would hate for anyone to get injured or even just scared off from enjoying the parks. So, I think it would be one less thing for our Parks Dept. to worry about.

Trustee Hilton stated: I have an article from the Cornell Cooperative Extension, an agency I hold in very high regard, "Feral cats serve as a reservoir for human and wildlife diseases, including cat scratch fever, distemper, hystoplasmosis, leptospyrosis, mumps, plague, rabies, ringworm, salomonelerosis, toxoplasmosis, toularomema and various endo and ecto parasites." And also feral cats occasionally kill and injure house cats. These are some of the problems that I think we have to seriously consider before we allow this to continue on our parkland that is in close proximity to our residences.

Mayor Pontieri stated: One of the other things, and Bill you had talked about it earlier, is that this could be step one in a multi step program over time. We should talk about the second half of the program also if we get this piece through. One of the things we have to look out as we go down the road.

Trustee Hilton stated: Some of the more successful programs that other municipalities and communities across the country have combined a; the only way that you are going to be able to successfully administer an ordinance that prohibits feeding feral cats is to also address what they call a trap and neuter program. Who administers this program is one of the most difficult objective that us as Village officials have to address. If we have individuals take charge of the trap and neuter, then we ourselves would have to administer the program which creates tremendous costs to taxpayers. If we as officials find an organization such as the Humane Society or a local veterinary program to administer this trap and neuter, then it is a lot more successful. That is a program that we should definitely look at. But you are right, for us to prohibit the feeding with the thought of bringing on a program in the future to trap and neuter would be the most successful program that we could do.

Trustee Crean stated: Perhaps the individuals that love to feed these cats so much might like to spearhead an organization that might implement the population control and take care of these animals in a humane way.

Trustee Hilton stated: In the past, the individuals, as much as they like to feed the cats, are not capable of caring out the actual humane part of what should be done. Typically, they feed the cats and then one problem that found is the people feed the cats at the Park also use the porta-labs. It illustrates the compounding problem with the people that are feeding the cats. The point is we should find an organization who would trap and neuter them and not the individuals that are feeding them.

Deputy Mayor McGiff stated: Anything that I would say would pale in comparison to what Bill has just said, so I will just rely on his expertise. But, I think there has to be a balance of use of public property. If people want to do this, they can do it on their own property.

Trustee Devlin stated: I am also concerned with the spreading of disease. I do have had cats and have only one right now, but have had as many as twelve. I rescued stray cats. I also learned that feeding cats outdoors, not only do you attract cats, but raccoons and possums. When you have all this fish and stuff—these animals which also spread disease (you got rabies in the raccoon population on Long Island; I don't think it has come this far east as far as I am aware). Cats can spread rabies. I think it is a dangerous situation for our parks, as much as I love cats.

Trustee Keyes stated: Listening to cats carrying all those diseases Trustee Hilton had mentioned, I do have opinions and recommendations from the American Medical Association from the Wildlife Disease Association and all recommending prohibition in feeding the cats. On top of all

that, what it means to the maintenance of the park. We have been pretty patient with this an issue that we have been discussing for at least 15 months. When I walked there and saw a bucket of about 100 raw fish. The cats take a little piece of fish and go back to the hotels set up for them, the remains of the fish are left around for the kids to traipse through and cat feces. I don't think anyone has the right to deliberately litter on park property; it is a disgrace to look at. We are working hard to try and maintain the parks and keep them attractive using taxpayer revenue. I don't know why we would allow people to come a deliberately leave garbage and debris, big plastic cups and buckets of fish for the cats to feed on. Like somebody mentioned, if you want to put them in your backyard, fine. But, not on public property.

Mayor Pontieri stated: We have a letter from the Audubon New York and one of the other issues is the destruction of other wildlife within the parks itself.

Village Clerk Seal read: Dear Ms. Seal, Audubon New York, the state program of the National Audubon Society representing 27 Local Chapters and nearly 50,000-members, would like to offer the following comments regarding the proposed amendments to SECTION 143-3 OF CHAPTER 143 OF THE VILLAGE CODE TO PROHIBIT THE FEEDING AND HOUSING OF FERAL ANIMALS ON PUBLIC PROPERTY. The mission of Audubon New York is to conserve and restore natural ecosystems, focusing on birds, other wildlife, and their habitats for the benefit of humanity and the earth's biological diversity. To guide our conservation efforts in achieving this mission, Audubon New York has identified 136 Important Bird Areas (IBAs) throughout the state that provide critical habitat for birds based on a set of standardized site criteria. One of these IBAs, Great South Bay, occurs partially within Patchogue. Audubon New York has serious concerns about the threats feral cats pose to birds and wildlife and also the misconceptions that the practice of TNR (Trap-Neuter-Return) is effective in reducing feral cat colonies. The establishment and maintenance of unlawful feral cat colonies is a growing problem for public land owners and municipalities, and these problems extend beyond wildlife concerns. The supplemental feeding of invasive feral cat colonies on public lands does not reduce the impacts cats have on native birds and wildlife. Research has demonstrated that even well-fed cats kill and, in fact, are in better physical condition and therefore are better able to kill native wildlife. It is conservatively estimated that nationwide feral and free-roaming cats kill at least a billion birds and small mammals every year, competing with native predators such as the Great Horned Owl and Red-tailed Hawk for important prey species. Supplemental feeding by humans increases the density of cats in feeding areas which has devastating results for native wildlife where feral cat colonies occur throughout the Town. The proposed law will directly address a number of problems associated with feeding feral cats on public lands by: Discouraging the abandonment of unwanted pets; Reducing the risk of public health concerns including toxoplasmosis, roundworms, and rabies; Reducing the inhumane suffering and premature death of feral cats from sickness, disease, abuse, and impacts from motor vehicles; Decreasing trash and habitat destruction associated with established colonies; and, Decreasing problems associated with nuisance animals such as rats, gulls, and raccoons that are attracted to the dumped food at cat feeding stations. Recent published and peer-reviewed scientific studies indicate that the practice of TYN is not an effective management tool for reducing or eliminating feral cat colonies. The primary reason for this is that the practice of TNR only addresses the reproductive capacity of a percentage of adults within the colony without addressing the immigration of new individuals attracted to feeding stations or the birth of new individuals from unaltered adults in the colony. Research indicates that to begin to achieve manageable population sizes through TNR programs, a neutering rate of 75% of the population is needed. Research and anecdotal reports from TNR practitioners indicate that this high rate of sterilization is rarely achieved. In fact, results of the Town's trapping efforts at the Cedar Beach colony in 2008 demonstrate this. Prior to trapping efforts, anecdotal reports from TNR practitioners indicated that there were only a handful of sterilized and highly territorial cats at this colony. Trapping reports submitted to the Town's feral and free-roaming cay committee indicated that there were, in fact, 31 adult cats and two kittens trapped and removed from this location with only 12 of them having een previously spayed and/or neutered. A walk through nature sanctuaries where feral cats have been removed, shows vast improvements to the native vegetation and wildlife habitats that were adversely impacted by the caring of feral cat colonies. I strongly urge you to pass the proposed amendments to SECTION 143-3 OF CHAPTER 143 OF THE VILLAGE CODE TO PROHIBIT THE FEEDING AND HOUSING OF FERAL ANIMALS ON PUBLIC PROPERTY to reduce negative impacts to the environment from supplemental feeding of domestic animals and native wildlife. It should also be noted that laws and regulations exist to protect birds and other wildlife from feral and free-roaming cats under the Migratory Bird Treaty Act and the Endangered

Species Act. Thank you for your consideration, Sincerely, Jillian Liner, Director of Bird Conservation.

Public comments:

Steven T. Papa, wildlife biologist with the U.S. Fish and Wildlife Services Ecological Services Division in Brookhaven, New York. The proposed amendment to the Village code, which seeks to prohibit the feeding and housing of feral animals on public property, is necessary to promote public health and benefit ecological systems. The artificially high densities of certain species of feral animals, which are maintained by individuals or groups under the auspices of humane population control, have the potential to lead to, or have already caused, degradation of biological, physical, and aesthetic attributes of Village public properties. One such animal, the feral cat, has been documented to have profound effects on wildlife populations, from small birds on Long Island to the sea otters in Southern California. While there are numerous anthropogenic sources of bird mortality in the U.S., predation by cats accounts for the second largest source of direct bird mortality, accounting for the loss of >500 million birds per year, or a 1.4 million birds/day. The feeding and housing of feral animals can take its toll on the environment in many ways. In the case of feral cats, the U.S. Fish and Wildlife Service on Long Island has identified or documented the following impacts. 1) habitat destruction, as people who maintain feral cats often clear existing natural habitats to make room for shelters and feeding stations, 2) solid waste pollution, which is evident in the form of empty aluminum food cans, paper plates, plastic utensils, wood, and plastic containers, 3) surface water impacts/contamination as feral cats are maintained in coastal/wetland environments which are close to rivers, lakes, and streams. If infected, feral cats can shed 100,000s of oocysts of the zoonotic parasite, *Toxoplasmosis gondii*, into our streams, lakes and rivers, 4) direct mortality of wildlife such as ground nesting birds and their young, small mammals, and amphibians. Some studies have suggested feral cats have sub-lethal effects on wildlife like birds; that is adults are harassed to the point of abandoning an area, thereby losing the opportunity to breed. Or, adult birds spend an inordinate amount of time in a disturbed state so as to produce fewer young or new recruits in to the overall population. Overall, I believe the Village is taking appropriate steps with the proposed change in the local code that will benefit the environment and people who use the public lands with the Village. By prohibiting the feeding and housing of feral animals on public property, the Village will be addressing many of the impacts to birds and other wildlife that I identified above. The Village of Patchogue is a unique place, and a critical part of the south shore estuary reserve, and I am thankful for the opportunity to speak before you tonight in support of this code amendment.

Gregory Keough, 9 Lee Avenue, Patchogue, stated: I am an 18 year resident of the Village, a father of 4 boys, an animal lover as well as the President of the Patchogue Youth Athletic Association. I have been asked to speak tonight not to offer a solution to the feral cat problem, but to offer a perspective on what the current situation is. The Patchogue Youth Athletic Association is an organization that has been providing baseball and softball to the youth of the Village and its surrounding areas for 61 years. It is through a unique and special partnership with the Village of Patchogue that we have been able to provide an affordable, safe and fun experience to thousands of children and their families over the years. You would be hard pressed to find another family or organization that benefits from or uses the Village park system more than my own and PTAA. Rider Avenue Park is the primary location of PYAA activities. We have the enormous pleasure of using the fields at that park 5 or 6 days a week. It is here that we see the results of the growing feral cat population. We see a marked increase in the number of cats roaming free through the park along with the consequences of this. We have always had to deal with the minefield of droppings from the bird population but now we find a more insidious problem. The fields, dugouts, bleachers and any other non grassed areas have become litter boxes for these cats. These areas, at times, become noxious with the unmistakable aroma of cat urine. Parents have expressed concerns over this and any other health issues related to the cat population. Some parents fear exposing their children to these unsanitary conditions as well as with direct contact with the cats. The children move all throughout the park, from the fields to the water's edge. Exposure to disease is a concern to all. We do not know the health status of any of these animals and fear disease becomes only more likely with the ever growing population. These animals do not, for the most part, appear to be house cats. They are wild cats that are very effective hunters that feed on the wildlife that live in and around the park. I personally do not think that encouraging these cats to stay at the park is in the best interest of the community, the children or the natural balance of wild life in the parks. I thank you again for affording me the opportunity to speak and express my opinion and concerns.

Jeff Fulmer, 277 West Avenue, Patchogue, stated: I have been a Village resident for 25 years. I concur with really all the comments made regarding this particular problem. I urge the Board to take action on it. As somebody who loves the park and our open spaces in the Village of Patchogue and somebody who cares quite a bit about marine environment and the south shore estuary reserve in particular. This particular park is a good example of an opportunity to restore some habitat and the cat problem down there, I know it has been controversial and people feel very strongly about protection of their animals. I actually have a cat at home that I rescued myself, my wife and I feed it and take it. Even observing a well fed cat that is well taken care of, they are actually are very intense predators and hungers. It is their instinct. So if you have an over population or an over concentration of these animals, they can really create a problem and an ecological imbalance. I think most important of all, and I think we all love the animals, that feeding these animals in this type of manner is not really helping the animals, the cats. Anybody who has seen some of the cats that are down there, they look like their struggling and they not enjoying their lives and we are perpetuating that by allowing this to happen. I do feel it is important if there is a way down the road, to involve people in the community who are willing and able to put together some type of a program to at least address this issue of capturing and neutering, although I have to agree with the previous speaker Mr. Pappas, that in itself is not going to solve the problem. It is really a public education issue in terms of people understanding our natural environment and how we can really put it out of balance by thinking we are doing the right thing. There are other issues. I think we have seen what happens when there are too many Canadian geese and the impacts that are created there when there is an overpopulation of any wild animal. I encourage the Board to take action on this and think it would be in our interest by your doing that and as a Village resident I am willing to do anything that I can do to move this forward.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to amend Section 143-3 of Chapter 143 of Village Code to prohibit the feeding and housing of feral animals on public property.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the board approved request to accept as presented the tax grievance relief as per Tax Assessor Carol Sweeney for residential and retail properties as of February 15, 2011.

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

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

Trustee Krieger stated: Last there was a big show at the Theatre, Duke Ellington. It was really a good show. Saturday night was My Mother was Italian, My Father was Jewish, and I am still in Therapy.

Trustee Crean stated: I just want to congratulate Trustee Hilton, Parks Commissioner Maria Hendrickson in helping the Chamber for planning the St. Patrick's Day parade which was very well attended, a good amount of bands. I am very excited about the re-development of East Main St. and Bay Avenue. The demolition took place of where Arrow Security was last; it has been vacant for a long time.

Mayor Pontieri stated: Bethpage Federal is going on the corner, the 7-11 from Rider Avenue, and a Checkers is going there also.

Trustee Hilton stated: This last weekend we had a very successful 16th Annual St. Patrick's Day parade. My appreciation to the whole Parks Dept. and crew and the Parks Dept. who put the whole thing together, starting with Maria Hendrickson and Lou Ann Latagano, Lauren Monte, Valerie Sussman and the volunteers; they were great. A special thanks to Don Watsman. The voice of the people, Patti Seal. *The Most Irish* went to the Swan Lake Civic Association, the *Mayor's Cup* went to the Peconic Warpipes, and *Best Overall* went to the Bay Avenue First Regiment.

Beth Korpac and Denise Adarno of Relay for Life of Patchogue-Medford, stated: We are two people of the Relay for Life Committee and work with the American Cancer Society. We do a fund raiser at the Patchogue-Medford High School and the main part ends on June 4th which is the Relay. Starting in January anyone who has decided to be a part of Relay for Life comes to our Kickoff. They create their own team and as a team they go out and raise funds under your team's name. Every month we meet and talk about different fund raisers and different events going on to help raise funds for the Relay. And then we have a celebration on June 4th at Patchogue-Medford High School. It is not a school event, but a community event. It starts at 6 pm with a five course dinner donated by local restaurants for all the survivors of cancer. Last year we had about 60-80. Survivors. They start the event by starting walk around the track. It is called a Relay because somebody from the team has to stay on the track all night long. The event is twelve hours. We have on sight fund raisers going on that night. We have a Chinese auction. We had a dunk tank. Throughout the night we do all different kinds of activities to continue to raise money that night. When the sun sets, we light up bags that are put around the track. The bags are purchase for \$10 a piece in honor of somebody who is fighting the fight or in memory. The Fifth Precinct play the bagpipes for us. It is about 40 minutes of honoring of those who have fought the fight. Cancer doesn't sleep, so neither do we. All the teams stay up until 6 a.m. The pitch tents, bring food, activities going, people sell jewelry, people walk around, we do let's make a deal. Last year the Patchogue-Medford Community raised \$66,428.00. Over the last four years, the Patchogue-Medford Community raised \$295,000. This year so far, I checked the website which is www.relayforlife.org/patchoguemedfordny and right now we have 156 signed up participants and 37 teams. Last year we had 78 teams participating that night. Because it is in Medford, we want to get the Village involved. Although it is held at the high school it is not a school event, but a community event. We would like to get the Village make this happen and have sent a letter listing some ideas. We would like every Village building and monument decorated in purple, the color of Relay. We would like the Mayor to issue a proclamation declaring it "Paint the Town Purple Day" and make a speech giving a description of what Relay is all about as part of a ceremony, i.e. releasing some purple balloons into the air. We would like the sign advertising local events to list the events of the day. We would like permission to put purple ribbons on lampposts. We would like to be able to put collection cans in Village offices. We would like to suspend a banner across Main Street, similar to what is done for Alive After Five. We would like to have the lines on Main Street painted purple. We would like to extend the "purple" along the corridor from Main Street and up Route 112. If you could guide us on whom to contact about that, it would be greatly appreciated.

Mayor Pontieri stated: I don't see a problem with any of these, but might suggest that we set up a meeting with the Chamber. I think getting it out and requesting participation from the Chamber. Maybe we can list it on our website as an activity.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board accepted the resignation of Robert Hirsch, building inspector.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board accepted request to hire Joseph Montalbana as building inspector.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Krieger, and unanimously carried, the board set a public hearing to 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 moratorium on apartment and residential uses in D-1, D-2 and D-3.

Village Attorney Egan stated: The concept is that there are some permitted uses in the D2 area, for instance, that has apartment houses, townhouses, garden apartments as defined in the Village code are permitted in some of the areas that we have grown to now be accustomed to as our traditional core business areas, D1, D2 and D3. With the passage of the Downtown Redevelopment District and the Downtown Patchogue Redevelopers Project otherwise known as Tritec project, those uses may or may not up to the Board be appropriate anymore in the rest of the business areas. So the concept is while the New Village Plan is coming around and the Village is going to have to grapple with the consequences of that, be it parking and density and residential, perhaps now is the opportunity to take the next six months and have the Board evaluate whether in D1, D2 and D3 any residential uses at all are any more appropriate under the

code. This gives the Village Board of Trustees the ability under the moratorium to engage a professional planner if necessary and to evaluate the impact on the area and whether residential uses are appropriate or not.

Deputy Mayor McGiff stated: We need to begin discussion and maybe talk about a public hearing next time, to do some research about our restricting valet parking on all public road within the Village. I think the south end of Patchogue is a pink elephant in the room and I think we all know there are potential problems and safety issues down there. Maybe we as a Board can think about this, and maybe at the next meeting have a discussion and set a public hearing.

Trustee Devlin stated: The Patchogue Arts Council welcomed the members of Artspace to a Vernal Equinox mixer-bash at the Brickhouse last week and it was highly successful and nice to meet all the people living at Artspace. Along with that, if you go along South Ocean Avenue the most southerly windows in Jay's is from Artspace. The Patchogue Arts Council now has a show hanging in the lobby of the Theatre; the gentleman's name is Ted Stanpholos. The reception is April 5th at 6:30 to 8 p.m. The Patchogue Arts Council is having a Members Only Show at St. Joseph's College. That will be hung March 24-May 22. There is an artists' reception on April 16th from 5-7 p.m. This Friday, there is a ribbon cutting around 5 p.m. in the new Sea Square Gallery at Artspace.

Trustee Keyes stated: I think Executive Director Marian Russo may have mailed you all a proposed that the Patchogue-Medford High School students have proposed and are hoping to accomplish before summer, painting a mural on the inside of the bandshell. The entire CDA Board welcomes the comments of this Board as it is going to have to meet your approval before they do anything. They would like to do this before the school season ends.

Trustee Hilton stated: First of all I am not commenting on this at all from an artist's background. In my mind it is very dark and one of the problems that I have is the vandalism that occurs—the rollerskaters hang out in the bandshell at night—and I fear that because of the darkness, we will not be able to see who is in there. I feel it is a little dark. And in our concert series, it might darken the dome. The only fixture that we have been able to leave in the interior of the bandshell is just a single light on top. I am afraid the players in the bands just might be absorbed in it. It really is nice and I like the saturation of the color, but I don't know that it really applies to the interior of a bandshell.

Trustee Hilton stated: We have found a farmer in Brookhaven who is willing to take all our leaves at a cost savings of \$100 per load for us. I imagine he is making compost. So far we have saved up to \$3,100. We do have free mulch at the recycling center, please come and take as much as you like.

Upon a motion made by Trustee Keyes, seconded by Trustee Krieger, and unanimously carried, the board approved request to set the Village Auction for Saturday, May 7th viewing at 9 a.m., auction starts at 10 a.m.

Mayor Pontieri stated: The auction that we have is cars that have been towed off the streets and equipment that we have. And I think the MTA or other municipalities bring equipment down. Some of the equipment is in pretty good shape.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to select Paul Singer Designs as the consultant and award the bid in the amount of \$37,850.00 for development of the wayside signs as part of the NYS Coastal Resources Sign Program.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for Trustee Keyes to attend the NYCOM "New Officials Workshop" on Thursday, April 28 at the Huntington Hilton at a cost not to exceed \$100.00.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request to authorize the Mayor to enter into a transfer agreement with the County to own and maintain the road described in County Resolution 1037-2010 which is County Road 19, West Avenue.

Mayor Pontieri stated: Eventually we will be taking over West Avenue eventually Division going west and River Avenue which are currently County Roads with the stipulation that those roads are improved to the condition that we will get 20 years out of them. The other part of it is the Clare Rose Development will be redeveloping and narrowing West Ave. to a single lane and also putting a median with trees and plantings and really upgrading the road itself. Actually tearing the road up; it will be repaved from Main Street all the way down to the tracks. They have a plan of bringing the median all the way to the court house.

Upon a motion made by Trustee Hilton, seconded by Trustee Hilton, and unanimously carried, the board approved change order for Carter Melance regarding 380 Bay Avenue of \$10,920.00.

Public to be heard:

Donald Wachsmith stated: I was pretty excited about the mural of the bandshell and also felt it was a little dark. The original thought was to help eliminate graffiti. There really isn't much graffiti. There is on the outside of the dome at the stage level, scratching like a rubbery coating on the outside. They do it cause they can; it is not typical graffiti like spray paint. So I think they need to do the inside and wrap it around where the rubber coating is on the outside. But, I assume you would have the strip off the rubber coating.

Trustee Hilton stated: That is a protective coating to protect it from the elements of the water.

Trustee Devlin stated: I think it is nice and I like the design. If it is too dark, we could talk to the teachers involved and when they start painting they could use lighter paint.

Trustee Crean stated: I think the picture is out of place. But the pirate ships and clock tower is a little much.

Trustee Krieger stated: I kind of agree with the musical theme.

Donald Bogack stated: I live next to the Tikki Bar, and as far as I know they do not have a Commercial Noise Permit. The question then becomes, come this weekend and there is no Noise License, is there still going to be the problem that tickets are not enforceable until Judge Ashline rules even though we do issue new tickets of having a band without a license.

Village Attorney Egan stated: It is a good question and want to thank you for the thoughtful e-mail you sent me and it gave me some time to think about it as well. I think that the issue with the Village is that with the absence of a commercial noise permit, is that it is an annual permit. So any permit, even by court order, whether it was continued or not by the Article 78 as last years was, or at least arguably by them it was. We issued tickets nonetheless and they argued that it was continued by the continued stay by Judge Sweeney. In this case, there is no question that the commercial noise permit for 2010 has expired, so they would have to apply for a new commercial permit for 2011. Their site use and any violations there under which is subject to the Article 78 are separate and apart and independent noise violations if they do not have the commercial noise permit. And that is the position of the Village. New tickets would go immediately to the Village Court for the Noise Permit only and will not be delayed.

Donald Bogack stated: Just before arriving here I notice Tikki Bar has erected a sign on Baker Place, making it essentially a one way street again, directly traffic thru its parking lot down Noxon Street. That will also affect the valet parking. So if you are going to have a hearing about valet parking, the other elephant is the Tikki Bar, the other being Lombardi's. I look forward to that public hearing if it comes up.

Neil Kassner, 193 North Ocean Avenue, stated: I have a few comments to make about the recent redesign of the railroad parking, especially the parking lot. I have lived in Patchogue over the past 35 years and have seen several changes over that time. This is probably the worst concept I have ever seen. A quarter of the lot has now been set aside as prime parking, which has the result of taking the remaining lot and squeezing the Monday-Friday farther to the outlining areas of the lot. My wife takes the train at 6:51 a.m. and used to be able to park in the east section of the lot, closer to the station house. Now she finds that section is full when she gets there at 6:30. That means the previous rush hour train leaves at 6:01; from then now there is no way to park closer. If I were to park in that lot, I would take a 7:40 train and be required to park all the way near

South Ocean Avenue. I have taken a head count of the last few days. There are 65-66 designated prime parking spaces. Today there are 24 cars parked there. So that is almost 2/3 of these closer in spots that are not used. I don't know who is supposed to be parking there—the one a day tripper who wants to pay \$3.00. Even now as a resident, I would have to pay a surcharge of \$3.00. It just doesn't make any sense. In addition to that the signage at the end of the parking lot and also the flyers that went on the windshield made no mention of there being prime parking. It just mentions that there is metered parking this way and permit parking that way and yet no mention at all of there being any prime parking restrictions. As I mentioned before, I think this is a bad decision and Village residents especially I think are being discriminated against. In the previous parking scheme the two sections of the lot closest to the station house building, east and west, were designated resident parking. Admittedly, there probably are not that many of us that commute to city that are residents. But, for those of us who are we find that we have to go farther and farther away. I don't know if these can be restriped or redesignated, I am sure there was a certain amount of money to do this, but I think it was a bad idea.

Mayor Pontieri stated: What is interesting about any decisions you can make there are only three, right decision, wrong decision or no decision. If there is a wrong decision, if that is what we did, we can always change it and kind of take a look at it. If you have some time in the afternoon or

early evening and take a look at it with someone on the board to take a look at it and make it right. We were looking for a way to make it easier, but sometimes it doesn't work right, so you fix it.

Village Clerk Seal stated: I worked very closely with the parking consultant that designed the lot. The prime spots were metered as you said for day trippers. When the consultant came in, he took many counts as far as how many people are regular daily commuters vs. how many people use the meters, and made the recommendation that there are certain spots that the Village could make money on based upon the fact that they were closest to the station. And the primary sticker parking, permit parking, whether it be resident or non-resident was all concentrated in the east area, with an ancillary lot to the west. And, in his calculations he felt that there was more than enough parking in the east albeit if you have to park closer to South Ocean. I mean no disrespect here, because honestly we all like to park closest where we want to go, but it is not a tremendous lot. All the way to South Ocean Avenue is not really that far. He felt that the resident side would be the whole entire east lot which was not the case before and there was also two meters. I agree with you. I think there may be more than prime space parking, but it is if you park and use the meter you pay an additional dollar for twelve hours to park close to the platform on the west side. The confusion which I will take full responsibility since I did the flyer, the confusion about permit holders parking in the east lot and the center in the west lot. And I took care of anybody who got a ticket that day through the Court. The west lot first section of the center is for meter. And then the farthest away, which as the Mayor said maybe is a mistake, maybe we should have flip-flopped it. Nothing is set in stone.

Mayor Pontieri stated: It was a decision made with all the best interests. But, as I said we will take a look at it.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 9:10 p.m.

Signed _____
Patricia M. Seal, Village Clerk

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