

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on May 23, 2011.

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

Village Clerk Seal stated: There are no minutes to be approved at this meeting.

The flag salute was made. Deputy Mayor McGiff read the safety message.

Village Clerk Seal stated: The bills for period ending 5/23/2011 totaled \$459,427.89. The five largest bills paid were: NYS Employee Health \$103,054.53 for monthly premium, H&A Landscape \$44,249.95 for Roe Walkway (grant), Eastern Resource \$22,148.04 for landfill charges, NY Precision \$15,100.00 for GPS devices (grant), and Metro \$13,872.80 for gasoline.

General Fund	\$331,949.59
Trust & Agency	3,428.08
CAP Projects	61,827.28
Sewer Fund	38,898.62
BID Fund	4,011.85
Housing Fund	3,008.17
CDA Fund	6,319.76
General Bills	9,984.54
Totals	\$459,427.89

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

Village Clerk Seal stated: I have a request to appropriate from surplus \$538,308.76 for the following capital projects: Artspace \$270,683.19, NYSDOT various road \$12,905.00 and River Dredging \$254,720.57. I do not have an explanation for the reason. Deputy Treasurer Monte's explanation for these transfers are that they are to cover capital projects which are over the amount we received in grants.

Trustee Hilton stated: stated, I am miffed why on our table, all of a sudden, we have in front of us a request from surplus appropriating a quarter of a million dollars for Artspace. The \$13,000 for the various roads, I would approve tonight. The dredging, once again, I would approve that. But, Artspace, I would want to have a lengthy explanation.

Deputy Mayor McGiff stated: Let us approve those two tonight. And you are 100% right; Artspace is a big amount and a big question mark. You have the right to question that.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board voted to transfer from surplus \$12,905.00 for the following capital project: NYSDOT various road.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board voted to transfer from surplus \$254,720.57 for the following capital project: river dredging.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, the board voted to holdover request to transfer from surplus the amount of \$270,683.19 to Artspace.

No public hearing.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the board approved request to increase salaries for all non-union and part-time employees by 3.75% as per attached list. That is what union employees get.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for the Village Clerk to receive and collect the 2011/2012 Village tax roll in the amount of \$9,598,828.86 without penalty until July 1, 2011.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request to remove the sewer ad valorem fee of \$4,615.92 from the 2011/2012 tax bill for the US Postal Service as they are exempt from ad valorem.

Deputy Mayor McGiff stated: This is something that is very important to the Village. I believe Assemblyman Murray and State Senator Zeldin worked on this.

Village Attorney Egan stated: Unlike water rents and any other rents collected by special municipal districts, sewer rents are not able to be tapped except for sewer infrastructure improvements. In this case, this is something that the NY Conference of Mayors and all local governments have been trying to get the State to cure this one loophole that doesn't allow the use of sewer rents for other infrastructures. We can have an increase in the sewer capacity and we want to keep that solvent so we don't want to use 100% of it. The request from the Assemblyman and the State Senator it was recommended that we have access of only up to 40% of it and use it for other infrastructure—roads, paving, sidewalks, or what the Village may otherwise need. And, this money would not be otherwise usable. The figure is maybe \$300,000-\$400,000.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the board approved request to amend Section 453 of the General Municipal Law regarding the use by the Village of up to 40% of the sewer rent fund for non-sewer infrastructure improvements.

Village Attorney Eagan stated: Just for the record, this is only a home rule message. This is going before the Special State legislation, sponsored before the State Senate and Assembly. And, we hope it will ultimately be passed.

B.I.D. Report – Dennis Smith stated: As I stated the last time I was here, there are six applications out for the NYS Main Street grant. We have received one back from Dr. Esposito for his building on West Main Street, Mosaica up to Gino's Pizza. I am anticipating having two more back by June 1st. With that in mind, I am hoping to convene the Grants Committee meeting the first week in June so we can start looking at these projects and, hopefully, getting these projects going. The other two that I expect to have back by June 1st would be Karl Eimers and 192 West Main Street. Last month I discussed the B.I.D. considering a possible improvement to the crosswalk on East Main Street the Library and the Theatre. At the last B.I.D. meeting the board did approve spending for a lighted crosswalk with the accompanying flashing, lighted signs. This would be similar to the lighted crosswalk at Brookhaven Hospital on Hospital Road. The cost is just under \$15,000 and installation would be done by the Village DPW. At that point and time, I think the Village might also consider additional improvements to that crosswalk, perhaps redoing it—changing the color. It has been in there 3-4 years and it gets worn. Hopefully, we can make it a whole lot safer than what it is now. Also, at the last B.I.D. board meeting the board approved monies to conduct a feasibility study for a tiered parking structure at the Church Street lot and the Sixth District Court House lot. It is being conducted by Level G Associates in conjunction with the Security Design Group. I know the Village has worked with Level G parking studies in the past and they have done a pretty job with it. The cost of this is between \$4,000 and \$6,000 and should be completed by mid-summer. This, of course, would be the first step that needs to be taken for the Village to seriously consider a parking structure within the Village. B.I.D. board member Joel Peck went out and made the initial contacts, had the gentlemen to come and make a presentation, and we are excited to get it started, just to look at what and how it would happen and to get a better handle on what the cost would be. This past Saturday, we had Main St., South Ocean Ave., Railroad Ave., parts of West Ave., and parts of Havens, along with the Oak St. parking field sprayed for weed control. This is the fourth year that we have done this and it has proven to be very successful—it has really solved that problem in those areas. I would like to thank the Village Code for their assistance in accompanying the trucks and consequently keeping the project safe. This week we will be hanging the baskets up and they will be there for the Memorial Day parade. The B.I.D. Annual Meeting is Tuesday, June 21, 2011, at 4 p.m. in this board room.

Chamber of Commerce Report – Gail Hoag stated: We have a new website under construction, PatchogueChamber.com. We will have all our members listed and will have links once we get

going again. June 5th is the “Blessing of the Fleet” at 1 p.m. The boats should be leaving from Harbor Crab and the boats will go up and down the river, just one boat on the river with the clergy doing the blessings. June 9th we are having our networking at Patchogue YMCA from 6-8 p.m.; everyone is welcome to come and can bring family members. I enjoyed the “First Flush Ceremony” at the sewer treatment plant; we do have a couple of good photos.

Trustee Krieger stated: Thanks to our Public Safety people for handling the Theatre this weekend. Along with the success of the restaurants in the Village of Patchogue, we bring a lot of people in the Village, but we also bring a lot of other friends—rodents. We have a couple of people bring it up. It has become an issue, especially in the Oak St. parking lot. Pete Sarich was down there and he made a lot of observations. I believe a letter will be going out to the restaurant owners in the area with some recommendations of what they should do. It is really important that everybody gets involved in this. I want to let you know that we are working on that.

Trustee Crean stated: Tires Inc. has moved over to 26 Potter Street and Mike is up and operating. His shop is quite impressive; he has taken some time to make some improvements on his machinery and the way the parking is laid out. Yesterday I spoke to Mike Kelly from the Clare Rose project. They have recently gotten their approvals. We saw a lot of work and it was stalled for a while, but they will be resuming their work again at the project. Once again, it is moving along.

Trustee Hilton stated: Yesterday we had a very successful fund raiser, the Liz Kelly 5K Run/Walk at the Harbor Crab, hosted by the Village of Patchogue and the Patchogue Lions Club. We successfully raised up to \$5,000 and had a very successful Chinese auction. Many businesses in the Village were very generous. Despite the cause of the event, we all had a lot of fun. The Recreation Brochure is completed; last Thursday we did all the labeling. Unfortunately, it is still sitting on the floor of the US Post Office. We are very disappointed with the Post Office. The new docks that we ordered have apparently been delayed because of all of the rain in the mid-west. As soon as we get them in we will install them, and the boat owners will be able to get their boats in—and we apologize for that. June 4th is the Relay for Life at the Pat-Med High School. I know a lot of you have seen the purple line down Main Street and the purple ribbons that Dennis and crew generously put on the lamp posts. June 4th will be the reason for it all. There is a great website on it that you go on and Patches.com, and it as well has a lot of great articles on it.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request to hire Patrick Logan as dock security.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for Bay Avenue Elementary to hold their annual end of the year picnics at Shorefront Park on Monday, June 20th from 10 a.m. to 2 p.m. and on Wednesday, June 22nd from 10 a.m. to 3 p.m.

Trustee Hilton stated: The United Veterans Council will sponsor the Memorial Day Parade, starting on Monday at 11 a.m., marching from Route 112 west up Main Street.

Trustee Devlin stated: Bill Hilton and I will be having a meeting here this Thursday with representatives of Planning and Zoning to begin to address some of the issues involved with the Moratorium of the downtown zoning projects. I am in the planning process for the Artspace Grand Opening which should be the last weekend in July. Most of the details are still to be announced, but it looks like it will be an Arts Fair on Terry St. and maybe around the corner on Taylor Lane. I am also getting ready to plant some tress, probably the first week in June, on Bay Avenue. This is probably the last planting that will be involved with the grant that we were awarded three years ago and the site is next to the Winona Hotel. We will be planting quite a lot of trees to restore that property. There is a lovely art show by the Ecuadorian Art Group projecting arts hanging in Rev. Dwight’s Congregational Church. He has been very proactive in having art shows in that vestibule in front of the church. He had a very successful opening Saturday night. He had quite a lot of people there; it was a nice show. I don’t know when the doors are open to the public.

Trustee Devlin stated: I have been informed by Village Attorney Egan that the request for a change of zone for 172 North Ocean Avenue has been withdrawn for compliance with Article 11 of Chapter 435.

Village Attorney Egan stated: The Village Clerk will notify the applicant.

Trustee Keyes stated: At DPW we trained a second street sweeper operator so we will be able to sweep the streets six days a week. We installed two new catch basins at the end of Mulford Street. The Sewer Treatment Grand Opening went well; it was right on target.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to accept a change order for work at 380 Bay Avenue for an amount not to exceed \$20,000. These are mechanical change orders. Again, it goes back to the way the original bid was prepared. This is electrical for now and there may be one other change order after this. The mechanical and general contractor is Carter-Melance.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Richard Crescenzo as a part-time 3A wastewater treatment plant operator at a cost not to exceed \$1,200 per month. It is a DEC requirement that a 3A operator is on at the plant. Larry Williams will be in training for eighteen months, after which he will be upgraded to a 3A. We will not need Richard Crescenzo after that.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to designate the Archway Project at the Roe Walkway as a Type II action relative to SEQRA.

Village Attorney Egan stated: This is the application for the County grant process. Last meeting we designated ourselves as lead agency. This is a Type II action.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to approve supporting the application of the Greater Patchogue Chamber of Commerce for the County of Suffolk Round 10 Downtown Revitalization Grant Program and resolve to grant an easement to the County of Suffolk in and to the subject property in the event that the Chamber of Commerce is awarded the grant.

Public to be Heard

John Bogack stated: The valet restriction law started and I am glad to see that they came to my street as well. I have seen a positive effect already. Code enforcement officers told me that they must actually see the violation before they can ticket.

Village Attorney Egan stated: That is absolutely correct.

Trustee Krieger asked: If there is a valet card inside a car, can it be ticketed?

Village Attorney Egan stated: There will be a presumption as to what side of the road it got on. How did it get there? The question is that it actually has to be observed, did it actually cross the street and went there. They could have parked on one side of the street, inserted the valet tag, and the valet themselves could have ran across the street or the people could have walked across the street with their keys. But, there needs to be the actual transport of the car across the street and they need to actually see it.

John Bogack stated: That is actually what came up on Noxon Street. Cars on Noxon Street had valet tickets, but the Code could not ticket.

Village Attorney Egan stated: That is correct. Not that I want to get into the nuances of individual operations, but in general, I don't want to target one commercial establishment. You could have valets cueing up on one side of the street and that would be absolutely legal and completely in compliance with the law and actually what the intended affect of the Board's legislation was. To have that happening on one side in a completely self-contained parking lot, not traversing back and forth across the Village streets and up and down the streets to a lot. It has to be all self-contained in one lot; that's permissible.

John Bogack stated: On the other side of Noxon Street, not in a lot controlled by the Club, 13 cars parked with valet tickets are not ticketable.

Village Attorney Egan stated: Correct. If they originated on that lot and the valet had control inside that self-contained parking lot, that is okay.

John Bogack stated: Off Key Tikki property ends at Noxon Street and then when you cross over Noxon Street the property is owned by Mr. Volkman at 10 Noxon Street where there is a large industrial building and a strip of parking spaces. There valet parking was occurring; I saw some of that happening myself. People had tickets on their cars, all 14; officers didn't see that and could not ticket. That is what I am trying to clarify. So they must actually see those guys cross Noxon St and park those cars in front of Mr. Volkman's property and then that is a violation.

Village Attorney Egan stated: That is correct. Because otherwise the defense would be from the property owner's standpoint, the act of valeting and transporting the car had occurred totally inside the property.

John Bogack stated: The other issue I wanted to raise. The two Article 78 proceedings—it is now May 23rd & Judge Assure is still functioning as a Judge and got these papers on January 25th.

Village Attorney Egan stated: It was October when we actually won.

Deputy Mayor McGiff stated: Judge Sweeney retired a couple of months ago and Judge Assure got his case load plus his existing case load so he is swamped. That is the problem.

Trustee Hilton asked: What is the fine for the valet parking violation?

Village Attorney Egan stated: As all violations under the Section 1-1 of the Village Code as amended by this Board is up to \$2,000 per violation. The ultimate amount of what that violation award is is up to the Village Justice Court.

Trustee Hilton stated: Can we suggest to the court that perhaps they pump up the volume so that they don't have to be actually caught doing it? That it is just to suggest to them that if they do do it they will be severely fined.

Village Attorney Egan stated: I could certainly suggest that to the Village Prosecutor; he is certainly aware of what the Board's sentiments are.

Trustee Hilton stated: We now have created a cat and mouse situation—the cars are there, but we didn't do it. I would suggest that the fines be so severe that the one time that they did indeed, or are seen doing it, that they will never do it again.

Village Attorney Egan stated: The Village Prosecutor Feuer makes a recommendation on behalf of the Village to the Village Justice as to what he would recommend the fine to be. The ultimate decision is up to the Village Justice McGuire.

Trustee Krieger stated: I was under the impression that be banned--valet parking on the streets. If a car has a valet ticket and it is parked, let's say, on Smith Street, is that not ticketable?

Village Attorney Egan stated: That would be good presumptive evidence. I would submit that to the Village Prosecutor for his consideration for prosecution under the law. But, that would be pretty clear evidence that the car was parked in a public spot, with evidence of a valet, you get into criminal evidentiary questions as to where the valet come from. Did it come from a wedding the night before and they forgot to remove their tag? But, if it becomes something that is pretty clear and Public Safety is aware of it, the intention of this Board is very clear that there is not supposed to be any valet parking on the streets. So, if that is a pattern or even an instance that starts to occur, I have confidence that the Public Safety Department will be very cognizant of that.

Deputy Mayor McGiff stated: There were three tickets issued to establishments this weekend for the valets, transporting cars—Saturday night, Sunday morning and Sunday evening.

Mr. Fauci stated: Last Friday night around 11 p.m. I was walking southbound on South Ocean toward the L-dock and saw a SUV come over the curb from the pool parking lot across the sidewalk and proceed northbound about 70 mph and was followed by 4 or 5 other cars. I am assuming that period of time coincides with the closing of Lombardi's restaurant and assume that was the source. Could you have somebody stand by at that time?

Deputy Mayor McGiff stated: The problem is our code does not have the authority to make a vehicle stop. If they see something like that, they would have to notify Suffolk PD. At one point they did do that, but the Federal court determined they do not have the authority to do it. We will notify the 5th Precinct.

Village Attorney Egan stated: If you see something like that you should notify the 5th Precinct.

Mr. Fauci stated: There has been some activity on South Ocean Avenue and I assume that the owners are complying with the direction to repair their property.

Deputy Mayor McGiff stated: Peter Sarich gave them a warning about property maintenance laws. They were told about the law, the tree and the siding. For the public's edification, we had a parking meeting and Mr. Fauci is part of that—concerning parking issues on the south end. We made certain recommendations. There was a PowerPoint presentation which I forwarded to the Mayor and Trustees and have gotten some comments. We will probably meet in another week or so. I will e-mail you.

Mr. Fauci stated: You mentioned planting trees on Bay Avenue.

Trustee Devlin stated: The property just north of the Winona that has a split rail fence around it and which was cleared by a developer about seven years ago. I got a grant from the State, but it has taken about two years to get the property under control, in terms of the weeds and mowing it. We have ordered the trees, hopefully, for the first week of June.

Mr. Fauci stated: It is my assumption is that property was cleared for the use as parking.

Trustee Devlin stated: No. That is part of the Town of Brookhaven's Open Space program. It was purchased as open space. The gentleman who cleared had some prior permits that were very old and, I think, expired and he was coming back to the Planning Board. I guess he just assumed that his plan was going to go through and he started taking the trees down and by the time we saw it and issued a stop work, it was pretty much done. It is going to have a little trail through there. The entrance will be from the Winona side, not the street. Maybe Scout troops and campers can go in; it is all going to be Long Island native trees and shrubs.

Mr. Fauci asked: As far as Artspace, how much of it is filled and how is that developing?

Trustee Devlin stated: I had heard that they had twelve more approvals and, I am guessing, they have 6 or 7 that are not filled. There is a lot they have to go through in terms of qualifying; it is a lot of steps. Maybe some people who did apply, did not qualify at one level or another. The people I have met are lovely and we have some of their artwork on display now at the old Jay's storefront. They all want their artwork because they are starting to decorate inside the building and fill up the gallery space they have there. People are very well educated and lovely.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the meeting was adjourned at 8:20 p.m.

Signature _____
Patricia M. Seal, Village Clerk

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