

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on May 9, 2011.

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

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

Upon a motion made Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the Board approved Board Meeting minutes of April 23, 2011, as presented.

Village Treasurer Krawczyk stated: The bills for 4/25/2011 through 5/9/2010 totaled \$867,473.25. The five largest bills paid were: Carter Melance \$376,732.00 for 380 Bay Avenue, RJ Industries \$191,131.94 for Sewer Treatment Plant which we will get reimbursed for, Fidele Construction \$52,177.33 for Bay Avenue, Eastern Resource \$24,985.09 for Landfill charges, and Sprague \$17,430.98 for diesel fuel.

General Fund	\$206,867.52
Trust & Agency	4,442.47
CAP Projects	624,467.04
Sewer Fund	22,325.39
BID Fund	1,685.23
Housing Fund	1,523.84
CDA Fund	6,161.76
General Bills	0.00
Totals	\$867,473.25

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

Village Treasurer Krawczyk stated: For your information, the cash balances as of April 30, 2011 are before you.

Mayor Pontieri stated: The new sewer treatment plant will be tested this week; it will be up and running. We will have a ribbon cutting ceremony at noon on Tuesday of next week. I think the amazing part of this is that it came in pretty much on time and had one change order. And that was only driven because of the weather and the time limit for engineering and there were no other change orders and it came in a little under budget—a plant that they said could never be done and we did it.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will 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 of the Village Code with the exception of Sections 415-71, 415-72, 415-79, 415-96 and 415-151 and to add a new Section 415-73 to Article XXI of Chapter 415 for the purpose of ensuring valet and professional parking services do not operate on public streets, 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: There have been a number of concerns about the valets in certain parts of the Village, racing up and down the blocks and around the neighborhoods and creating a dangerous situation.

Deputy Mayor McGiff stated: We spoke about this and it is really not limited to the end of South Ocean Avenue. There are people on the other side of the river that have attempted it. There was actually even last year a place on Main Street that wanted to enact valet parking. I want to commend Attorney Egan for drafting this legislation. I was doing research about this and found something from another municipality. I think they really hit the nail on the head when they said the primary purpose of public streets is the free and unobstructed right of travel. And, I think that a lot of these valets, along with the public safety element, is that they obstruct travel on public

streets. That being said, I think we have had complaints last summer about these valets driving very fast up and down the street; we notified Suffolk County PD to set up speed traps. I think it is an accident waiting to happen. Once again, not just at the end of South Ocean, but I think anywhere. Conversely, the issue about clogging the public streets. For that reason, I think we should enact this.

Village Attorney Egan stated: The only issue is that this amends our motor vehicle section to just to prohibit the pick-up, drop-off, transport or parking motor vehicles. It doesn't prohibit valet parking in general; it just restricts it to the operations of the valet parking to the actual parking lot, either owned or leased by the actual entity. As long as it is self contained on someone's property, it is okay; but, if they are dropping off and using public streets to go somewhere else, then it is prohibited.

Trustee Hilton stated: As it reads right now, it is not workable for Lombardi's because they drop off in a public street—at that point that is where the valet takes the car unless they drive up onto their property. But, they also lease a parking lot from the Village which is across South Ocean. Now, are the valet drivers allowed to cross a public street in order to get to their leased parking lot?

Village Attorney Egan stated: It technically says "transport" which is to prohibit that kind of a action. It would obviously be better off to have people walking on the street to pick up their car, but the main intention of the legislation was to keep it self contained so that the normal and free course of traffic on the streets would not be encumbered by one person's commercial operation.

Trustee Hilton stated: To prevent us from further anguish, should we visit with Lombardi because there has been some discussion and I believe the Mayor had come up with a pretty good plan for Lombardi's to free up two or three spots in that leased parking lot for the people to drive onto for people to drop off their cars so that the valets would not have to leave the parking lot to park their cars. As much as I feel that there should be more control at that Lombardi's, I feel this is going to completely strap them from using their valet parking.

Trustee Crean stated: They had two separate valet services, one on the east side and one on the west side. They could valet cars and park and stack them in that lot, but they can't transport those cars onto South Ocean Avenue.

Trustee Hilton stated: Typically what happens and I am only concerned about this because it is a leased property from the Village. They have a typical key board at the entrance to the restaurant, the people would come out, the valet would grab the key, run across the street to get the car and bring it over to them or bring it out to the road to them.

Trustee Devlin stated: So, now you are asking the patrons to cross the street because you are not going to allow them to bring the car out of the lot and pull up to the entrance at the restaurant.

Village Attorney Egan stated: Either way, under the NYS vehicle traffic law, you cannot be entering and exiting cars in a roadway anyway. If you are in a parking spot, you cannot open your door and get in or out and obstructing traffic anyway because that is a motor vehicle violation. So, if they are doing that, that is illegal under NYS law. Just to be clear, we are not having people entering their cars in the middle of the roadway. That is even worse, illegal and dangerous.

Trustee Hilton stated: That is how it works down there. If we haven't enforced that till now, we are not going to enforce it in the future. I know this only because my job is to make sure that people who come to the pool have enough parking and also have enough access to the dock. Frequently a limo or cars will be stacked up all the way through the intersection of Maiden and South Ocean, waiting for the valet parkers who are in the street to take their cars from them, give them their tags, and drive off looking for a place for them to park. But, the flip side of that is with this legislation, we are completely shutting them down—and it is great for us to do this and I applaud it-- Lombardi's valet parking and at some point we are going to have to address it.

Deputy Mayor McGiff stated: This makes it easier to enforce. This has been an evolution.

Village Attorney Egan stated: I think the intent of the legislation is: 1) Get control over the roadway and keep it safe, 2) This is not commercial business specific. This is a legislation for general application to the Village. That being said, there are other businesses in the Village doing valet parking.

Trustee Hilton stated: All the other places are self contained.

Trustee Krieger stated: West Lake uses the car wash and they would have to take that car in the street and that would now be a violation.

Trustee Devlin asked: Would we want to consider possibly instead of saying the operation of vehicles in the roadway, the parking of vehicles outside of designated lots. For example, if a valet parks on a public street, then that would be illegal.

Trustee Krieger stated: I think the problem comes not only with parking on the street, but the driving of that car—the valet gets a better tip if they get the car there quicker.

Trustee Devlin stated: It seems like we have circumstances where the distance is very short whether it be West Lake to the car wash or Lombardi's from one side of the street to the other. I think these will become an issue.

Trustee Hilton stated: I was completely in favor of this legislation to prevent a valet guy picking up a car and taking off and looking for a place on the street at either Brightwood Street and PYAA who has complained that they have taken over all their parking. That is where this should be addressed. I think this will completely fail if we are not allowing them to go from one side of the street to the other to their own parking lot that was designed for valet parking. Unless we have the valet stationed in that parking; and then what is the sense of that—people would have to walk maybe only 25 ft to their car.

Trustee Crean stated: That lot was not originally designed for valet service; it was transformed into a valet lot. I think we have to draw a clear line. If you allow them to just go across the street, they will go across the other way to Maiden Lane.

Trustee Hilton stated: The Parks Dept. has asked me that they are not going to build a park in the Municipal Lot by the pool and I say not because then they would have to leave Maiden and come up around the corner.

Deputy Mayor McGiff stated: It always comes back to what we say. When they first came here they said they had sufficient parking. Mr. Fauci is away, but we are setting up a committee with some residents down there to address some of the parking concerns to come up with a solution because we know Lombardi's is not going anywhere and the neighborhood is not going anywhere. There has to be a solution in the detail. I think this resolution is a distinct proposal and different from the meeting that we are going to have. I think this is a safety issue.

Mayor Pontieri stated: I think what brings this up is when you have PYAA on Brightwood Street and these guys are doing 40 mph flying up and down the street on a busy a night, the danger is tremendous. Also, you have a swimming pool and Little League teams there.

Trustee Hilton stated: We should also make it clear that it also means not crossing the roadway.

Village Attorney Egan stated: That is why we have the word transport, "No valet or commercial parking service shall pick up, drop off or transport or park motor vehicles on any public street." That eliminates any kind of on-street parking arguments, eliminates any kind of transportation arguments over the roads. Shall not pick up or drop off, as it is dangerous and arguably it is a violation of the traffic to have people entering or exiting their cars in the middle of the roadway and it also impedes traffic. Valet is a good thing. It is encouraged when it is entirely self-contained because the risk is entirely borne by the property owner.

Deputy Mayor McGiff stated: This will preclude people like Main Street Café last year blocking traffic on Main Street with valet.

Public to be heard:

Mr. Bogack, Noxon Street, Patchogue, stated: The question that I have is the Off Key Tikki Bar which has had valet parking over several years. The owners have changed their operation, but over the history of the Tikki Bar, they have a lot which I believe is what the Planning Board approved for them which is where their parking is supposed to be. But, they have had a lease arrangement with Mr. Volkman for the last several years. So, they cross Noxon St. to utilize the 40 spaces in the Volkman lot, including ten spaces in front of 10 Noxon St. which is owned by Mr. Volkman. Their property, therefore, is bisected by Noxon St. I think that it is good that they are transporting across Noxon St. because when they are in full scale operation, Noxon St is completely obliterated and taken over by the Tikki Bar. Their valet service is the Village police force as far as any one is concerned. People are stopped and questioned as to where they are parking. They take total control over a public road which is Noxon Street which is also a pathway to Mr. Volkman's marina operation where people should not be harassed when going to the marina. I am raising that as another issue. Secondly, I think it would be good to close off that extra parking. I am in favor the legislation, I think it will serve a useful function, it calms the area down, it is a public street and doesn't belong to anyone else. It is a good law and I support it.

Janet Amato, Bay Village Condo, stated: When you say transport of vehicles, do you mean putting people in mini buses and transporting them from site A to B?

Village Attorney Egan stated: No; the intention meant driving, meaning a valet would get in the car and drive down the street.

Janet Amato stated: I am concerned about South Ocean, 508 South Ocean Ave. has appealed the decision and she is making a new site plan for that site. Thank you for not allowing the valet parking. I live at Bay Village Condos and it was horrendous down there. As you know from the last meeting, there were two children almost hit—one by the ball field and one by Lombardi's that was almost hit by a car. We don't want that to happen.

Gary Harmon, 33 Gilbert St., Patchogue, stated: I have lived in the area for 30 years and sympathize with what is going on; it is kind of hectic and chaotic, I agree. At the same time that building kind of stood almost abandoned and we wanted for someone to come in and spruce up the place to coincide with Patchogue's initial renaissance. We have that now and I think the Village should be trying to work with Lombardi a little bit more instead of trying to chase away its customers. I really don't know what you have in mind in terms of where people are going to go; Patchogue is a destination point now. They are traveling from Commack or wherever they are coming from; what do you want them to do, turn around? Is that your plan?

Trustee Hilton stated: What has happened is that they are expanded from their original application of how many seats that they were going to have their capacity of their restaurant. When they made their application in the beginning to the Board, they had adequate parking. They leased the parking lot across the street and they had their own on-site parking. They expanded their operation.

Gary Harmon asked: As a Village, what are we going to do to help them?

Mayor Pontieri stated: One of the things that is going to happen over the next week or so, there is going to be a meeting set up to actually discuss those things with the Lombardi's and come up with a plan.

Gary Harnon stated: I think that the Board should postpone any final decision tonight, meet with the Village people—I would be happy to participate with that as well. And maybe you should coordinate your plans with the Lombardi people as well.

Deputy Mayor McGiff stated: We have had numerous meetings with them; this is not out of left field.

Mayor Pontieri stated: The problem that we have is that we are getting close to the summer season and the children will be down there. My biggest concern and the concern of this Board is—and we have talked to them about controlling the valets--if the valets were under control and not speeding up and down the block and indiscriminate in how they do it—as was said, the

quicker they get the car, the bigger the tip they get. As was said, something is going to happen; it is serious. This is a law that will be put in place now. Everything is a work in progress. I think we need to control it now because we could always move away from this, modify it, and make changes. But, if we don't begin to draw the line and set the standard now...

Deputy Mayor McGiff stated: I hate to be contrary, but I could probably bet that Lombardi's will not be hurting because there will be no valet parking. The problem with Lombardi's—and we said it about living within their means—when they are cooking they have three uses going at the same time—catering facility, bar and restaurant. And when those three are going on full pistons, as you know it is crowded down there. The problem is that it is a community, a neighborhood. There has always been a bar down there, a restaurant. When they came in they said they have sufficient parking. They are like an amoeba; the more parking you give them the more they are going to need. We have a lot of complaints from people who live down there. It is not just Bay Village, not just me, it is Brightwood, Cedar, Smith, Rider. Our job is to try and do something to let these two functions exist. At the end of the day both sides will probably not be too happy and that is probably the right compromise. We have had meetings with Lombardi's; this isn't big, bad government.

Gary Harnon stated: Last time I was here, I suggested the idea of a transit bus from the railroad. I think that is something you might want to pursue and am curious if you have looked into that. If they travel from a distance and find out there is no parking and find out there is parking at the train station and someone would bring them down, they might want to do that. This could be part of a bigger plan. I think it should do a loop around the whole Village.

Trustee Krieger stated: If they want to valet in that lot, they can valet in that lot. It is better than having to park all the way down to Smith Street. It is not like we are destroying their valet by doing this; it is just making it safer for everybody.

Mayor Pontieri stated: The other part is, they have 40 spaces on their own property that they don't have the opportunity to use because they valet on their own property.

Rick Johnson, asked: When they started making their place bigger for occupancy, didn't they have to have an okay for parking?

Mayor Pontieri stated: When they initially came in and talked about it, when you did the numbers they worked at that time. But, there was not the expectation that they were going to take that area where they put the big bar and create what was created. We looked at it as a restaurant with catering with an area that there was seating and you could look out onto the Bay. When you go to dinner, there is normally two to four people. When you go to a bar, there is only one person in the bar. A place that has happy hour from 4-7 with ½ price appetizers and live music, people leave work and head for Lombardi's; if 30 people go down there, there will be 30 cars. If they were going to dinner there would be 12-15 cars. That is the dynamics that Steve's talked about, the change. If there is a wedding, there is normally 2-4 people in a car, not one person. The dynamics of that itself has spun this in a circle.

Trustee Krieger stated: It is also, again, car turnover. If you go for dinner you stay for two hours and go home. If you go for happy hour, people stay till 11-12 o'clock.

Mayor Pontieri stated: That is the dynamics that changed it. It wasn't the original plan as we looked at it.

Rick Johnson asked: But, the occupancy total, do you know what it is?

Deputy Mayor McGiff stated: 380, it is in the threes.

Mayor Pontieri stated: If you divide two or four into that number, you end up with enough spaces. But, you don't have enough one car spaces and that is the problem that you end up with.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Krieger, and unanimously carried, the board approved request to repeal certain sections contained in Chapter 415 and add a new section 415-73 for the purpose of ensuring that valet and professional parking services do not operate on public streets.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will 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 amend Section 415-55(B) of Chapter 415 of the Village Code to change the permitted traffic flow on Potter Avenue, a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: Potter Avenue is the street between Mike's Tires, Inc. and Auto Sound 112 which goes south now. What is being proposed is that it be two-way up to the driveway entrance where the bank and 7/11 and Checkers is going to be. It will still be one way south from Main to the driveway.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to amend Section 415-55(B) to change the permitted traffic flow on Potter Avenue.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for the "Bike to the Beach" charity bike ride to utilize Main Street for their event on Friday, June 10th from approx. 8:15 a.m. to 12:45 p.m. Street closures are not required. It starts in Manhattan and goes to Montauk.

B.I.D. Report – None

Chamber of Commerce Report – Gail Hoag stated: We have networking this Wednesday at Capitol One Bank from 6 to 8 and everyone is invited. This Saturday from noon to 4 p.m., Paul the Taylor is reopening. Rocco, the son, is very happy that they are going to be reopening. The new tailor worked at Nordstrom's and is experienced. We have networking in June will be at the Patchogue YMCA from 6 to 8 p.m. on June 8th.

Trustee Krieger stated: I would like to thank Jim Berberich for coming to my rescue two week's ago when there was a dance recital. Unfortunately, the Theatre did not advise myself or the Clerk's Office of this event. I did put a call into Jim, and at 7 a.m. there were two guys already stationed and had it all locked down. This weekend at the Theatre the comedian David Brenner performed with close to 800 people who were there. He had dinner at the Main Street Café along with a lot of other people.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request by Avenue Sound to close Potter Street on Sunday, June 11th, and Saturday June 10, pending amendment of request after discussion with Tires, Inc.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Brick House Brewery to use the municipal parking lot adjacent to their building to hold a "Make a Wish Foundation" fund raiser on Sunday, June 26th from noon to 9 p.m.

Trustee Crean stated: I was lucky enough to attend a meeting with the County officers for the Commissioner of Economic Development this morning. They had a very good discussion which perhaps will have a continuation of that discussion at our next meeting. They are offering out a program through that office for certain incentives to try and attract particular businesses. We know that we have with the expansion of our plant a lot of new restaurants that have come to Main Street, but what this program provides is an incentive for businesses that we have had difficulty in trying to attract and for particular property owners that are going to put improvements into their property. Whether they want to own and operate or lease, they would be entitled to certain tax abatements for a certain length of time. And, it would be up to our Board to define a specific boundary of an area that we would like to provide this incentive and then particular types of businesses that we would like to attract. So, what I would like to do is perhaps speak to Gail and the B.I.D. and perhaps anybody else on this Board to see if anybody could throw out some ideas of the types of businesses that we would like to attract, not only to our Main St but perhaps also to our riverfront. And, we would come up with a laundry list of uses that we would like and uses that we would not be in favor of. And, then put this list together and provide it to the County. So, then if there is any applicant or property owner that wants to take advantage

of this tax abatement and it might give them a little bit of incentive to make improvements on their property. It is sort of like a pilot program, but they sort of tailored it to particular types and uses. Caroline Fahey from the County was very helpful. There were a few other villages that were involved, but I think we are the only one really taken advantage of it—us and Greenport. So, it is something that I will look to reach out to Gail and also Tom and Dennis Smith to come up with a list of properties, not only the boundaries of the area that we want to identify but also the types of businesses.

Trustee Hilton stated: We are just finishing up the final proofs for the summer brochure for Parks & Recreation which should be coming out in about ten days to your household.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for Grace Gospel Church to use Rider Avenue complex for their softball camp from August 22-26 from 8:30 a.m. until noon.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for Holy Angels Regional School to use Rider Avenue Park & Shorefront Park on Friday, May 20th from 11 a.m. to 1:15 p.m., rain date requested for May 24th.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board to hire Jerry Altschuler as dock security.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire seasonal park laborers @ 10.75 per hour as per list presented.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hold the 1st annual “Liz Kelly Run for the Sun 5K Run/Walk” on Sunday, September 25th at 6 p.m. This is a benefit run that was put together in honor of Patty Kelly’s daughter who passed away this past summer. This is a young lady who was very close to us all who came up through the Pool and Parks Department. This is a benefit that is being put together in conjunction with the Lion’s Club and the Parks Department.

Deputy Mayor McGiff stated: I am requesting Board approval to hire Shawn Corapi as a Public Safety Officer. He will replace Fred Winter who resigned on Dec. 14, 2010. We were able to get through the winter months with current officers, but given the demands of the summer, the need for a replacement has arisen.

Deputy Mayor McGiff stated: We found another overcrowded house next to you, Mr. Mayor. The person had the basement carved up and a bunch of people living there. Thanks to the Building Department for finding that out.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the board appointed Kathy Seff as an alternate on the Architectural Review Board.

Trustee Keyes stated: As the Mayor mentioned, the sewer treatment plant will get its first test on Tuesday. While sewerage is not necessarily exciting, the plant itself is something that all should see. I encourage all to come and take a look at it.

Trustee Keyes stated: There are traffic counters on Oak St. between Oak St. and Route 112. I mentioned a few weeks ago that we are looking to have that road reclassified so that we can get it repaved with grant money. So, if anybody has to travel across town, travel that road instead of Main Street to beef up that number.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request to execute the annual Traffic Maintenance Contract with Johnson Electrical Construction Corp. in the amount of \$800.00 per month.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to award the bid for the purchase of a bucket truck to Altec Industries in

the amount of \$101,300.00. This is being paid for with grant money received in partnership with Bellport.

Upon a motion made by Trustee Hilton, seconded by Trustee Hilton, and unanimously carried, the board approved request to appoint the Village Board as Lead Agency for the purpose of SEQRA review so we can apply for a grant for the archway at the end of Roe Walkway.

Public to be Heard:

John Bogack asked: Does the Village have a suggestion box for employees? I raise it as an idea because I know Supervisor Lesko announced it has just been introduced in the Town of Brookhaven and is already producing results. As a longtime civil servant myself, I would suspect that you have civil servants who might have ideas that would help save money.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the meeting was adjourned at 8:30 p.m.

Signed _____
Patricia M. Seal, Village Clerk

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