

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on September 12, 2011.

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

The flag salute was made.

Mayor Pontieri stated: Please remain standing for a moment of silence in memory of 9/11. In reference to that, I would like to make a comment. As many of you know, yesterday we had a memorial service at the Fire Department, organized pretty much by the Fire Department. I would like to compliment Chief Perry for the work that he did. For those who were there, I think it very much symbolized who we are as a community. When you are involved in one of those and at the end when you look back on it, I think it very much told the story. With that being said, a couple of weeks back—my relationship with the Fire Department has become very close over the last couple of weeks. I have spent a tremendous amount of time, both at the Fire House and Chief Perry, because of the hurricane. The services provided by the emergency service personnel, our own Public Safety, the staff of the Dept. of Public Works, and the community itself, I would like to recognize them for the work done. Trustee Keyes spent hours upon hours there and it was much greatly appreciated, with Joe Dean and the Dept. of Public Works. It showed when a community comes together and works together—with the Ambulance Company we used their facility, the Fire Dept. and their personnel. It just worked so well. I made a comment to Veronica Perry yesterday about the community working together. She said it is a shame that things like this have to happen. But, when you look back and see what you went through, whether it be the Memorial service or the hurricane itself, you can say--except for a couple of things we need to work on--we pretty much got it right. Chief Schrier and his staff allowed us for that whole weekend to inundate the Ambulance Company and to use dispatch and the services of his building. It is where we had our emergency operation center. During the course of the four or five days, we had a number of phone calls from the Town of Brookhaven and Supervisor Lesko and the other villages. I think when you compare what we had done here compared to a number of the other villages who were totally unrepaired, I think it shows who we are. I would like to present to you, Chief Schrier, this certificate of appreciation.

Mayor Pontieri stated: The guys that Jim Berberich put out and the work that they did during the hurricane, as one of the Chief's said, they are at the end of the block trying to keep people safe, away from the problems that were happening down at the south end—blocking electric wires that were down on various streets—really making sure the community was safe. I would like to present the Code Enforcement this certificate of appreciation.

Mayor Pontieri stated: Joe Keyes, please see that the Department of Public Works receives this certificate of appreciation and tell them how much we appreciate what they did.

Mayor Pontieri stated: I saved the big guy for last; I think, Joe Perry, you must have put in 72 hours straight. Every time I showed up some place, you showed up some place. And, I really do appreciate it and I think the community really has to understand the efforts that the Fire Department as well as the Ambulance Company put in. The Fire Department being down there, whether it was on the brush truck going through the water and making sure people were safe, or being available at dispatch—I don't know how many calls you guys went on. But, I know that the stress was palpable when you talked to the guys and took a look at them. They had crews on standby the whole time, they had vehicles on the street, they were answering calls from downed wires to people sloshing down in the water at the end of Cedar and Rider. Chief Joe Perry, we really do appreciate your time and effort and make sure the guys know and understand and I would like to present you with this certificate of appreciation.

Village Clerk Seal stated: The days after the hurricane, all we got in my office was positive, amazing responses from the residents and thank you(s). And, that is due to everybody here tonight that pitched in. On behalf of my staff, I thank you for your hard work as well.

Mayor Pontieri stated: If you take a look at the roads now, 99% of it is pretty much cleaned up at this time. The L-dock did take a little beating. It is probably within the \$600,000-\$700,000 range

to repair and we are taking a look at it now with FEMA and suspect we should be able to get a portion reimbursed. There is a Little Creek, the stream between the park and the ball park which was washed in and we have a tremendous amount of work on that. I know we will get reimbursed for that because it did happen in the storm. Those two are the two major hits we got, but they are not the quality of life things. The sewer plant survived it. Most of our drainage, most of the things on the day to day basis will work. I think Little Creek needs to be taken care of before anything else. That being said, I thank the Emergency Services and I thank the community. And, I hope everybody understands that from where I sit here, it was a job well done.

Mayor Pontieri read safety message.

Trustee Crean stated: I have one particular comment after reading the minutes. I guess it was during the public to be heard portion, the first question that was raised by a resident, but didn't say who it was, but was speaking specifically about the potential of reimbursement if the Village is not around. And, after the meeting I got to thinking, just looking at the minutes kind of made me to wonder what if Artspace is no longer around. The Village has been around since 1893 and Artspace has only been around for 20-25 years. A deferred payment, as the Village Attorney has defined it and the Board has decided. There seems to be a lot of liens on that property and I am just wondering where we are in line if Artspace is no longer around. How do we get that money back?

Village Attorney Egan stated: We are in a fairly advanced position. There are multiple mortgages that are in front of us, including the State and the County. It is a mortgage on real property. So, if it transfers title or Artspace goes under, we would get immediate reimbursement. I cannot say that with 100% accuracy because there could be other circumstances that would not allow that to happen, but generally, that is correct. If there is a transfer in title, mortgages have to be satisfied.

Trustee Crean stated: If they sold the property for less than the mortgages, like many people going into foreclosure now do, there is the potential that we may not get the \$150,000.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board minutes of August 22, 2011 were approved with corrections.

Village Clerk Seal stated: The bills for period ending 9/12/2011 was \$710,665.78. The five largest bills paid were: RJ Industries \$129,176.25 for STP upgrade, H2M Engineering \$55,409.71 for sewer engineering, Eastern Resource \$21,426.83 for landfill charges, Metrofuel \$12,828.80 for gasoline, and Sprague \$11,040.75 for diesel.

Mayor Pontieri stated: Just for your information, RJ Industries at \$129,176.25 and H2M Engineering at \$55,409.71 are both reimbursable through the grants for the sewer plant.

General Fund	\$437,648.40
Trust & Agency	46,292.32
CAP Projects	150,338.07
Sewer Fund	50,827.44
BID Fund	9,109.94
Housing Fund	2,684.04
CDA Fund	13,765.57
General Bills	0.00
Totals	\$710,665.78

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

Village Clerk Seal stated: The cash balances as of July are there for you.

Village Clerk Seal stated: Notice is hereby given that a public hearing will be held Monday, September 12, 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 45-19 of Chapter 415 of the Village Code to clarify parking permit policy and add nonresident parking

permits, 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.

Village Attorney Egan stated: This is a modification to a long standing policy that the Village has had with regard to resident parking permits. There was a recent legal challenge to the Village's residency permit only and the issue was raised and evaluated that potentially to insure the continued validity of residency parking permits, that a component for non-resident parking permits should be added. We checked the case law, and believe that would be a sound modification by the Board of Trustees. The questions for tonight is 1) whether the Board wants to consider the adoption of the non-residency parking permits, 2) how many parking permits does the Board want to make available, and 3) how much does the Board want to charge for each of those parking permits.

Trustee Devlin asked: Is there some precedent or examples from other municipalities in terms of what one would charge for such a permit?

Village Attorney Egan stated: There potentially is. All the towns on the east end do. It is really up to the Board if you want to think about it in their schedule or your own regular schedule of fees as to what you would normally do with regard to railroad parking or otherwise. The Town of East Hampton charges a significant amount because they have in demand fees for their parking and have a very limited number. All of the town that have residency only parking do charge.

Village Clerk Seal stated: And, we reduce charges a substantial bit more, zero for a resident and \$125 for a non-resident per year.

Trustee Crean asked: Why is it linked to the license and not the registration. When we go to the Sandspit, they don't ask for your license. They ask for the registration. Why isn't the non-resident permit attached to the registration? And, why should we give more permits to a vehicle? If you are licensed and you want ten permits, how do I know all the vehicles—where are they coming from? Why aren't we attaching this permit to the registration?

Village Clerk Seal stated: We do that for the railroad and any permit that we issue here in Village Hall is with a registration.

Village Attorney Egan stated: Excellent point. So, we could modify that one section and say instead of one permit shall be issued per driver and issued for a specific vehicle, just say one permit shall be issued per registered vehicle.

Trustee Crean stated: I think that will clear some issues about how these permits are actually going to be used.

Trustee Hilton stated: I think we should also limit the amount of permits that we give to any one address. What is to prevent non-resident from registering ten vehicles to one address? The point would be to have parking permits for all employee cars.

Trustee Devlin stated: What is to prevent them from doing that now; each one has a registration? Employees don't live at one address, they live at different homes.

Trustee McGiff stated: If a place has fifteen employees, they can all go.

Trustee Devlin stated: They all live at different addresses.

Mayor Pontieri stated: So, you are saying that by doing that it secures our residency requirement. Because right now you feel it is in jeopardy based upon some current court rulings.

Village Attorney Egan stated: That is our intent. I would say it is compromised, but I can't say that it can be denied because we would ask the judge to consider it. I think this would certainly strengthen our argument.

Trustee Keyes stated: So, you are saying it doesn't matter how many we issue or how much we charge, as long as there is something on record that we have established this kind of policy.

Trustee Hilton asked: Can we get any more time to research what some of the fees of adjoining village's are?

Trustee McGiff stated: I would ask also if they give out a finite number.

Mayor Pontieri stated: And, are they restricted to specific areas?

Village Clerk Seal stated: I can have that information back to you at the next meeting.

Village Attorney Egan stated: It is where they have permit parking only. We don't have a restriction on residency. We are restricting the non-residents access or at least we are providing the opportunity for non-residents to get these permits. Perhaps if the Board is so inclined, they pass the resolution tonight, as we have had with the past, and adopt the number and fee as part of the resolution at the next meeting. On page 4, C2, "The fee for this permit and number of permits shall be set by resolution of the Board of Trustees."

Village Clerk Seal stated: If you go to the County Park, you pay for a green key card, and then it is only \$5 as opposed to \$12 to get into a County park at any time. You can set a set fee and then a fee for that as well.

Trustee McGiff asked: Other than certain commercial establishments, what do we anticipate the demand for this being?

Trustee Keyes stated: It is not going to be for parks, probably just restaurants.

Trustee Hilton stated: Mascot Dock, after 6 o'clock, is resident only, then are we going to have to allow non-resident who have permits?

Village Attorney Egan stated: Under the parking scheme as now, this section of the law only addresses those areas that are actually listed on the streets. This section of the law doesn't address Mascot Dock. I would bring that up as another resolution. At the next summer cycle, it is something the Board should consider.

Trustee McGiff stated: Continue restricting it.

The same party who has brought question to the resident only, would they bring question to preventing non-resident permits from getting on the dock after 6 o'clock.

Village Attorney Egan stated: I can't predict what they are going to do, but this legislation would certainly go a long way in curing a lot of the legal challenges.

Trustee Hilton stated: It is something we should take into consideration as far as the number that we would award. I am sure that that is somewhat what is driving these people—is the need for parking. And, certainly there is a lot of parking on Mascot Dock.

Mayor Pontieri stated: Why don't we make a motion to reserve decision on this. If we do the public portion when we come back, we will have more information in terms of costs and numbers. Then we won't be repeating the same questions. And, let the public portion happen at the next meeting when we have more information to discuss with the public.

Deputy Mayor Krieger asked: Do we expect a flood of people coming here to get non-resident permits to eat at Lombardi's?

Trustee Crean stated: I guess if we did it by license, perhaps we would have gotten. But, if it is by a registered vehicle, I think it would omit that. If a particular restaurateur wanted to come into Village Hall and asked for 50 permits per valid licensed driver, I think that might lend itself to create an issue. I think we should go by registered vehicle.

Deputy Mayor Krieger asked: Would this sticker be valid in the train station?

Trustee Hilton stated: That might be something to take into consideration when we are thinking about the fee. We should make the fee equal if not greater to the train station fee.

Trustee Keyes stated: The sticker that we are talking about tonight is applying just to the streets to residents that are by permit only.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the Board reserved decision to amend Section 415-19 of Chapter 415 to clarify parking permit policy and add non-resident parking permits.

Mayor Pontieri stated: One of the issues that the economy has brought to light to us as a municipality are the assessment and tax certiorari and overpayment of taxes. I am going to ask Ms. Sweeney, our Assessor, to go through what we have in front of us, give the public an explanation of where we are at.

Carol Sweeney, Village Tax Assessor: We have a situation right now where a lot of commercial properties are over assessed because of the down market. Every year, typically attorneys, file tax grievances against these properties. In some cases there is no validity and some cases they have there are some valid reason for reduction in assessment. As the market has fallen down, a lot of these properties have come and there are valid reasons to be reassessed. Some of these properties have every year had grievances filed against these properties. What happened when the market was doing very well, there really was no validity to these tax grievances so nothing was done-- they were probably really under assessed. Now, we have gotten into a situation where a property has, say for ten years, filed grievances and now we have a down market and have to address the situation. So, we have quite a few come down the pike this year and myself and another attorney who is a tax certiorari specialist have sat down with each representative of the property owners. Right now we have seven commercial properties with settlements that we have to pay back about \$200,000 in overpayment of taxes.

Mayor Pontieri said: The first is a request for approval for the settlement of tax certiorari proceedings brought by Broad Bay Plaza (Fairfield on the Bay) in the amount of \$75,000.

Village Assessor Sweeney stated: They had filed for more than 15 years. We negotiated it down 2006 forward. Now what happens, if we make the settlement for the properties, they will go into moratorium for two years which means they will continue to file and continue to file forever, but say six years down the road we have another issue where we have to reduce it again, then 3 years of the moratorium we go forward to 2012, 2013 and 2014 they will have no reimbursement. They would, say, get reimbursed from say 2015.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the Board approved request for approval for the settlement of tax certiorari proceedings brought by Broad Bay Plaza (Fairfield on the Bay) in the amount of \$75,000.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the Board approved request for approval for the settlement of tax certiorari proceedings brought by Home Properties of NY (Bayview Apartments) in the amount of \$55,000.

Upon a motion made by Deputy Mayor Krieger, seconded by Trustee Keyes, and unanimously carried, the board approved request for approval for the settlement of tax certiorari proceedings brought by Main Street LLC (38 Rider Avenue) in the amount of \$42,000.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request for approval for the settlement of tax certiorari proceedings brought by North Fork Bank n/k/a Capital One, N.A. in the amount of \$21,000.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request for approval for the settlement of tax certiorari proceedings brought by JCJ Furman Realty Corp (2-12 South Ocean Avenue) in the amount of \$7,500.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the board approved request for the approval for the settlement of tax certiorari proceedings brought by Main Street, LLC (75 Rider Avenue) in the amount of \$5,000.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the board approved request for approval for the settlement of tax certiorari proceedings brought by Carmine, Lucia & Angelo Galeotafiore (89 North Ocean Avenue) in the amount of \$5,000.

Trustee Keyes asked: Carol, can we expect many more of these?

Village Assessor Sweeney stated: Right now we do have RAM Associates which is Clare Rose. The particular property is the former warehouse that was on the corner by the train station, the former Suffolk Banana Co. building, not the whole facility. Just one property that they have filed and it is definitely coming up. I think it will slow down now. We did do away with a lot of years. If there is a problem, the board needs to tell me. I know I spoke with assessors of other villages and they are making offers where they say they will pay back x amount of dollars, but will pay you back over three years. In those cases, they are not settling as low as we have been settling. Where we might settle at \$40,000, they might settle at \$60,000 because now they want \$20,000 a year. I think we are better off if we can do it, get rid of it, go into a moratorium and then go forward. Another thing, some of those properties that we discussed were garden apartments. The issue with the garden apartments is not that the income has changed because rents are high. The expenses of these apartment buildings is astronomical because they are such high occupancy and they are getting beat. These property owners are constantly replacing and fixing these units so that it reduces the value of these properties. That is probably going to change. Down the road we will revisit all the apartment complexes again, maybe 15 or 20 of them, and reassess all the garden apartments. I can't reassess just one; I have to reassess all the garden apartments. That is down the road because, unfortunately, in these cases with most of those garden apartments and values were down because of the expenses of operating the facility. There is nothing we can do about it; it is a function of the market right now.

Mayor Pontieri stated: With reference to perhaps the public's concern about the finances on it, we have a fairly healthy reserve that we are able to work off of. So, it is not something that will be hitting the resident taxpayer in your next tax bill. We will be able to absorb it within the reserves that we put together over the last several years. It is not the way you want it to be; you don't want to use your reserves for that. But, one of the reasons you have reserves is so that you can take care of those unexpected expenses.

Dennis Smith – B.I.D. Report – stated: I would like to present an update on the Main Street Grant situation. I am happy to report that at 22 Main Street—the old Mosaica down to Gino's Pizza--construction has begun the end of last week. They are in the interior of the building; the Mosaica part has been cordoned off because that storefront is to come to the sidewalk at this point. They are in the building now; that is going to be the interior on that particular store and the total façade on the whole building. 192 West Main Street (across from Briarcliffe College—the tanning salon, grocery store, and actually the new dress shop, is opening and one location is still to be filled which is slated to be a barber shop. The upper floors (I believe, they are in the process of negotiations with a medical facility) is in the bidding process and they assured me I will have the application in the next two or three weeks. It is something the committee has approved the work to be done there and we just waiting for the final figures for the project to get started. The other project I am excited about is 100 West Main Street which is the old floral design building. They are going before the ARB tomorrow night and I am sure the plan is good and, hopefully, it will be approved. With that, we will call a Grants Approval Committee next week and discuss 100 West Main which will be a front façade and interior renovation which is having a vitamin store going in there and approved residential on top. The other thing that we will, hopefully, be approving--and I spoke to Steve today--is Karl's Ehmers on South Ocean Avenue. He is very near to submitting his final application and, hopefully, we can bring that up next week as well and get approval for both of those properties. He is looking to do the front of his building, something very similar to the Sports Hall of Fame. There are other applications out there and we are working on those as well and will report as we get closer with time. The other thing is the tiered parking feasibility study that the B.I.D. had commissioned a couple of months ago is coming to fruition. The preliminary finds should come back this week, we should review those, and in a couple of weeks and we will have a final study to present to this board and publicize it by the beginning of October.

Lorice Fiala, Chamber President – Chamber Report, stated: On September 14 the Chamber is having their networking at Patchogue Floral Design from 6 to 8 p.m. On Friday, September 16th is our October fest Fund Raiser at the K of C Hall on First Street at 7 p.m. There will be a live

auction, Chinese auction, hors d'evres, wine tasting and beer; the money raised will be used for our events like Halloween Happening, Breakfast with Santa, Father's Day, Mother's Day. One of the live auctions will be our famous Village Clerk Patti Seal who will cook dinner for four. I would like to mention that on Sept. 22nd the Rotary Club of Patchogue will be honoring Abie Siegel at the Bellport Country Club. The benefit will be for Camp Paq qua tuck. We are still working on September 25th's Patchogue's A Great Place to Live. We haven't gotten the cooperation we thought we would get from the real estate people, but have not given up hope. We extended it to be open houses for any house within the Patchogue-Medford School District. It will be advertised naturally prior and hope the other real estate agents will jump on board.

Trustee Keyes – DPW Report - stated: Hurricane Irene has obviously kept up pretty well and occupied us for a couple of weeks. We started prepping for it a few days before—making sure all our generators, chainsaws and trucks were inspected, our equipment was fueled and well maintained and ready to go. We cleaned drains and removed some trees that were damaged from the last storm in anticipation of what would happen in this one. The recycle center will be open every weekend in September and the fees will be waived for those who want to bring in the brush. Also, during that storm we were able to supply a school bus with a driver to handle evacuations to Sachem East for people who had to get out—I think we made four trips and safely relocated 80-100 people to a safe place. On Saturday morning prior to the storm is when we actually started to bring in some manpower in to make the final wrap-up of the pool. I want to acknowledge Joe Dean and Lou Garafola who probably spent about 40 consecutive hours on the property making sure things were prepped. I thank you for this proclamation for DPW. I had the opportunity to work closely and would like to thank Joe Perry from the Patchogue Fire Department, John Rocco from the Ambulance Company, and Chief Schrier, Patchogue Village Code Jim Berberich, Suffolk County Police Department, and the Town of Brookhaven. We all worked very well together and appreciate the guidance and cooperation. If there is anything we need to work on it is the communication between the utilities themselves which was a little vague. Sometimes we would report a tree down and when LIPA fixed the wires we were not informed. All things considered, all went well. Maria Hendrickson and Bill Hilton did a great job at the pool. If anything, I would like to thank the 99% of the residents who were wise enough to stay away from the mess on Sunday morning. We did have, and I tend to think it was a lot of outsider spectators who came down and wanted to see the mess on the dock. It really made it difficult for the Fire Dept. and for us and emergency services. I don't know what people expected to see who drove down the road and then saw a river racing towards them and I don't know where they thought they were going to go—40 cars of spectators and onlookers. It was exciting see the Bay behaving like a tidal ocean; it was a spectacular sight, but leave the people who belong down there, down there. Those of you who have been down there since the storm and have seen the Mascot Dock know that it needs to be totally restored and Little Creek as well. As the Mayor has said, we have been declared a disaster area so we expect to get at least partial reimbursement. There is a lot to do. Maria and Bill got the pool back up and running for the weekend which was an amazing thing, and they were able to salvage the last weekend of the year. This weekend we expect FEMA to come down and do an evaluation. From there we will can go ahead with the clean up. We have been piling the stuff in our yard because we needed to have an inspector to come and see if it was approved. We are going to get a chipper from the County, starting Sunday. I know it doesn't affect your way of life, but I just wanted to let you know how busy we have been due to Hurricane Irene. In other news, we are going to install the sidewalks on Carmen St. between Bay and Bailey and on Church St. now that the weather permits. We got a price and later are going to look for approval for Jaedco Construction Company to install sidewalks on East Main Street in front of 7/11.

Mayor Pontieri stated: I have also asked Mr. Egan to take a look at the hook-up agreement for the project on 112 to see if we could get reimbursed.

Trustee Keyes stated: We received the permit from the DEC to dredge Mascot Dock. We called a few contractors and might be looking for approval as well a little later. Cork Construction Co. will be dredging at Mascot Dock. We did have a booth this year at Alive After Five with our Wonder Woman Barbara Stark who distributed over a thousand informative pamphlets pertaining to storm water runoff measures and preventive measures that could be taken to help keep the water discharges clean.

Trustee Keyes – CDA Report, stated: We are in the process of preparing our budget. One of the projects that is being discussed is very preliminary, but we are discussing renovating the

bathrooms at Village Hall. I think they are probably long overdue. CDA is faced with some serious funding cuts. I think I mentioned it earlier as well at meetings. CDA will no longer be able to contribute to our code enforcement. CDA normally did contribute a certain amount every year, but that will no longer be possible. The Theatre Walkway will be the next spring project and there are some markings on the ground. We are looking to beautify that as we did with the Roe Walkway on the other side. We will be dedicating that to a certain Patchoguean and I will be leaving that to Deputy Mayor Krieger.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the board approved request to hire C&H Signal to install one Ademco Vista-20 Alarm Panel for 380 Bay Avenue in an amount not to exceed \$2,400.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Rosemar Contracting for roadwork on South Summit Avenue from Main Street to end at a cost not to exceed \$110,000.

Mayor Pontieri stated: This has come off the County contract, CHIPS.

Trustee Keyes stated: I would like to request approval to hire Jadeco Construction Corp. for sidewalk, curb and apron work on the north side of East Main Street at the intersection of Rider Avenue and East Main Street at a cost not to exceed \$32,000.

Trustee Crean asked: The sidewalk just a little bit farther east that is still within the Village just has brick pavers and I am wondering if this improvement here is a continuation of what exists. I was wondering what sort of engineering was done, how did they get to that number and what does it include?

Mayor Pontieri stated: The brick pavers are going to be a part of it. In fact, from all of the other brick paving jobs we have pallets of it. The job will be set up and then we will put the brick pavers in.

Trustee Devlin stated: Joe told me he will do the brick paving layer over the winter. First there will be like a three foot wide tree lawn and we will put the trees in after the curbs and sidewalk are done and the driveways and aprons. And then he will work on the bricks over the winter.

Trustee Crean stated: Joe, I appreciate your work on this and, hopefully, we will get this done quickly. And, Mr. Attorney, if you could, get me a copy of that agreement. I would love to get a chance to read it.

Mayor Pontieri stated: That will initially be funded out of key money and then be reimbursed back.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Jadeco Construction Corp. for sidewalk, curb and apron work on the north side of East Main Street at the intersection of Rider Avenue and East Main Street at a cost not to exceed \$2,000.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the board approved request for approval to authorize the Mayor to execute the agreement for snow and ice removal with the Town of Brookhaven for the 2011-1012 season.

Mayor Pontieri stated: This is the normal agreement that we have had, except the Town of Brookhaven has changed the rules going forward after this. If you look at your Brookhaven Town highway tax bill, this will be the last year that within that amount we would always get reimbursed for our snow cost. That will be reduced and that obligation will go to us. You will get a reduction on your Town taxes, and we are going to have to figure out how we will handle that.

Trustee Crean stated: I had the opportunity to get permission for the Chamber of Commerce to use the corner of North Ocean Ave. and Oak St. for a Bocce Ball Tournament in connection with the St. Liberata Festival.

Trustee Crean stated: At the Patchogue Theatre on Wednesday at 7 p.m. there will be a pre-screening of Light in the Darkness, a documentary about the aftermath and how the community continues to grieve and heal itself.

Trustee Crean stated: I want to thank the Village Attorney for the revisions of the access agreement for the Carnegie Library. I have still not heard back from Rob Kent or Tritec regarding how and when we might get access.

Village Attorney Egan stated: I did speak to them this afternoon and have an update. I spoke with counsel for Tritec and they were amenable to almost all of my corrections which was positive. One issue with regard to destructive testing and what would be the liability to the Village if there was any destructive testing to the building. We are grappling with that issue because obviously when the building is moving there is going to be some destruction which will happen with the movement anyway. That is an issue that was presented to me this afternoon and I have not processed it, but am happy to bring you into the loop but it only happened 3-4 hours ago.

Trustee Crean stated: I would love to get the engineer involved in the discussion. I really don't know what type of destruction.

Trustee McGiff asked: Are you talking about the actual survey of the property, not the moving?

Village Attorney Egan stated: One of the elements of the engineer's proposal that the board adopted had an element where they were going to check the foundations. That report seemed to indicate that some of the foundation was going to be removed to check some of the actual footings and those kinds of things. The question was how much of that was actually going to happen before the move.

Trustee Crean stated: I would be more than happy to invite them into the discussion if you thought it might help. You are right. During the move there is going to be rehabilitation of the building. If you would like me to try and organize that, I will be more than happy to.

Village Attorney Egan stated: That would be great. That is if I could forward you the e-mail from the counsel and get the engineer's opinion on it and then we could figure out where that agreement would go next.

Trustee Hilton stated: Maybe you could cc all of us on that.

Trustee Crean stated: I had the opportunity to meet with Chief Perry as well as Commissioner Dan Gillette about potential sites to relocate the library. There were a couple of different options that were proposed. It would be from their opinion. Obviously, it would need to be formalized. But, the corner of Jennings and Lake St. would be a less likely preference for them. The parking yield might be the same, but they are really concerned about the sight lines as the trucks approach Lake Street and to look east to make a safe turn. At some point in the near future, we are going to need to formalize a location so we could come up with the site.

Trustee Crean stated: I continue to work with, and Marian Russo has been a tremendous help, the industrial/commercial incentive plan that the County is putting forward. They are revising the property codes. How they are actually going to adopt them is in a form of a resolution, they are going to provide us with a boiler plate of what the resolution would look like. It would be our job to redefine any sort of boundaries that we might want to see and maybe include or remove any sort of uses that we would like to see within this incentive plan. Trustee Keyes has given me a copy of what some of his wishes may be. And I have gone through a rather exhaustive property code for the types of uses. A lot of it really doesn't pertain to us. It talks a lot about manufacturing, farming, mills, a lot of industrial types of uses that we really would not want to see necessarily in the Village. But, by October they want the Village board to have a resolution drafted and adopted that we could pass to the County. I will continue to work on this and maybe at the next meeting, if not the first meeting in October, look to present it in a format that we could look to possibly adopt.

Mayor Pontieri asked: Would you get a draft to the board?

Trustee Crean stated: Yes. We will get that from Carolyn Faye and I will, this week, look to come up with a listing of the properties that were on the old plan and some that we are going to look perhaps to include in the new plan.

Trustee Crean stated: Lastly, I would like the board to consider in the form of a resolution to rename Dock Street to Liz Kelly Way. This community has lost a young, wonderful woman in the community. We have a run coming up on the 25th and would like this board to consider changing the name of Dock Street to Liz Kelly Way. I will speak to Patti Kelly, her mother.

Mayor Pontieri stated: I think that it is a thought that is well presented and I think that this board can do it if we wish. What we should do with it first is get Patti's approval.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved request to rename Dock Street to Liz Kelly Way, pending discussion with Patti Kelly.

Trustee Crean stated: The Mayor actually invited me to speak at the Town Board many months ago about the old Plaza Theatre. I appreciate his passing the baton to me on that. As an entrance way from the east to our community, it is kind of a boundary line blurred—I think the demolition of the old Plaza Theatre is going to take a step in the right direction for the continued revitalization of East Main Street. Tomorrow at 2:30 the Plaza Theatre will be demolished.

Trustee Hilton stated: Once again, my compliments to Chief Perry for his profession, level-headed dealing with the storm. The Parks Dept, other than the dock, was the only hit we took as was the pump room for the pool that was under salt water for 12 hours. Despite the fact that we had anticipated a flooding in the renovation of the pool, we picked the pump up 1 ½ feet, the water rose 2 feet. Being we only had three days left in the season, I was all right with just letting it sit. But the Mayor, in his infinite optimism, strongly suggested to us that we get the pump running. With grease gun in hand, a hammer, and a temperature gauge, we were able to open the pool. It retrospect it was a great show of rebound and strength of the Village that despite the fact that the pool was shore side, we were able to open it for the Labor Day weekend and it was very well attended. I appreciate the Mayor's pushing us to do that. She is all tucked in for the season and we are going to replace the pump, \$3,000; but, it might be covered by FEMA. And also the chlorinator pump has to be replaced as well and we are going to raise the pulsar pump. Louie and I have been talking about a protective, vinyl wall to go around it.

Trustee Hilton stated: This last weekend was the 28th Annual Old Timers Game. Sam Perry who organizes all the senior softball leagues from the Town is the driving force behind these Old Timers Game. And Jerry Avellino from our own constable force also contributes, as well as Marie and LuAnn. The weather was fine and the Mayor reported on the Memorial Service that we had on Sunday. On the 25th is going to be the Liz Kelley 5K Run which is being organized by the Village of Patchogue and Dublin Deck. It starts at 11 a.m. from Dublin Deck and off the Village website there are applications available. It is a great run for a great cause.

Upon a motion made by Trustee Hilton, seconded by Trustee McGiff, and unanimously carried, the board approved request for the Riverfront Committee to hold the annual Christmas Holiday Boat Parade on Sunday, November 20th at 6 p.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request to hire volleyball staff at \$7.25 per hour as per attached presented.

Deputy Mayor Krieger stated: Two things that I would like to follow up. What Trustee Hilton said about Sam Perry. I met him yesterday and he is going to be inducted into the Softball Hall of Fame. And also, LIPA is going to have a meeting in the near future with the villages and the Town to discuss communication. It did not just happen with the Village, it was County wide there were communication problems with LIPA. Hopefully, we can clear that up.

Deputy Mayor Krieger stated: All the tickets given to Village Hall for the Vince Hall shall have been distributed. We are looking to seat about 1,200 people. There are tickets available through 96.1, Bravo and TD Bank.

Trustee Crean asked: Are they considering any compensation to the Theatre? Are they renting the Theatre?

Deputy Mayor Krieger stated: They are paying full boat and we get the bar. It really doesn't do the Village much good if they only come into the Village and leave. It is really what we expect it to mean to the restaurants and stores on Main Street. I know that JVC Broadcasting is urging people to come early, have dinner, enjoy Patchogue, and then go to the show.

Upon a motion made by Deputy Mayor Krieger, seconded by Trustee Keyes, and unanimously carried, the board approved request to name the soon to be renovated Patchogue Theatre for the Performing Arts Walkway in honor of Anne King Swezey. Anne who was the former Village Historian was very instrumental in the early days of the renovation of the Patchogue Theatre, researching and planning. I think it is very fitting and appropriate that someone of Anne's stature be honored that way. Inside the Theatre there is a gold plaque with information honoring Anne.

Deputy Mayor Krieger stated: I would like to compliment Chief Perry on the event yesterday. I went to a number of them around Brookhaven Town. It was great to be in my home town to see such a job. Mayor, your speech was short, poignant and very relevant to the situation.

Trustee Devlin stated: I would like to commend Al Costello who directed traffic in front of my home during the storm. Patchogue Street and Cedar Ave. were flooded, just south of my house, and there were barricades just to the north on Gilbert Street that they kept moving. People kept coming down and when they hit water they all wanted to make a U-turn, but there were more people coming down—some were walking and some on a surfboard. It was pretty wild, but Al, you were not taking any crap.

Trustee Devlin stated: Saturday morning was the first time that the Patchogue Arts Council had their first meeting at their new location; we sat on boxes around a little table. And they were very excited. At the same time in the lobby of Artspace, there was a reception for the Affordable Housing Association's National Poster contest. There is a poster contest that was about "What does a Home Mean." Children who live in affordable housing compete with their posters. The three local winners of different age groups were being honored and all the residents of Artspace were there, people from the CDA Board and Marian Russo. It was really lovely—the poems they wrote and the pictures they drew were all hanging up. The children wrote on the posters what home meant to them.

Trustee Devlin stated: After that was the Old Timers Game which was a lot of fun. Everybody has spoken about the very nice job at the firehouse for 9/11. If you go on the Artspace Facebook page they have the various hours when the building is open to view the artwork hanging up. The first show called *Launch* will be up from Sept. 12th to 25th. Just a reminder, you will start seeing the artwork from the Patchogue Arts Council Fourth Annual Walking Tour by the end of Sept. On Oct. 22nd the Artspace residents will be having a garage sale. It is artwork and they will be doing that in their parking lot in the back. We look forward to that. The same day on Oct. 22nd will be the first opening day of the Patchogue Arts Bi-annual Art Show at Briarcliffe College; the reception is on Oct. 29th. On Oct. 23rd is the Fourth Annual Autumn Arts Festival in conjunction with the Patchogue Theatre of Performing Arts. We are finally going to start the habitat restoration at 380 Bay on Sept. 24th which is Saturday. Anyone who has a shovel can come on down to help; I already have a Boy Scout group who is going to help. On the zoning front, the Zoning Board upheld the ARB's decision which had been appealed, Lombardi's had appealed the ARB's decision which said that they could not knock down the historic house on South Ocean Avenue, and the Zoning Board upheld the ARB's decision. Finally, I am in the process of receiving comments from the Zoning and Planning Boards on some of the things that I worked on with Rocco and Nicky relative to the moratorium so that I hope that within either the next meeting or the Village Board meeting subsequent to that, that I will have specifics for all Board members.

Upon a motion made by Trustee McGiff, seconded by Trustee Hilton, and unanimously carried, the board approved request to refund to the property owner of 163 Maple Avenue \$857.00 from refuse bill (house was converted from a two family to a single family home).

Trustee McGiff stated: Also Mr. Mayor, I don't know if you could shed some light on this. But, I was talking to Carol from the Building Department and she said Fat Fish may be resurrected.

Mayor Pontieri stated: It is my understanding that they have already gone to the Planning Board for a work session.

Trustee McGiff stated: I asked Attorney Egan and tried to figure out, do they have to come back to us because it is a total new site plan, apparently it was two buildings and now it is one. The elevation is like 60 feet or close to it. Originally they came to us. I would be interested if they would have to come back to us, if our original approval has lapsed. It is my understanding that it is a total new site plan, not an amended one. But, I could be mistaken.

Mayor Pontieri stated: Let's find out, I don't know. I think they did come to us for a Special Permit in probably 2008.

Trustee Devlin stated: What they want to do is take the little Club House on the north side and then they have one building on the property and go from 27 units down to 20 units.

Village Attorney Egan stated: I will ask the Village Clerk to give me a the file and I will look into it.

Trustee McGiff stated: I would like to head back to the deferred payment; I have a couple of more questions after reviewing the minutes. Either I am one thick headed Irishman or my twelve years of Catholic school was just a complete failure. I just am at a loss as to the explanation as to what this money was for. The deferred payment, the loan, the mortgage, the \$150,000 I think Brian told me originally it was Building fees.

Mayor Pontieri stated: It was the Building fees, the sewer fees, and all those fees combined; it came out to \$340,000 something dollars. That wasn't what they had budgeted for in the beginning. You can get a breakdown of that and I think we might have given out that breakdown awhile back.

Trustee McGiff stated: My second follow-up question to that is if the number is \$150,000 why would be asking \$270,000? I want some clarification as to that.

Mayor Pontieri stated: I will get some clarification on that for you.

Trustee McGiff stated: Mr. Kemp is here and I know he has spoken to Attorney Egan and myself. Mr. Kemp, have you spoken to your neighbors? I know we voted on this a couple of meetings ago and you are back. Did you speak to your neighbors about your application?

Mr. Kemp stated: Not really; but there is no problem there. This is in regard to an application to set a public hearing. I would like to point out for the record that the Village of Patchogue has entertained applications to set a public hearing by oral presentation and by written letter. And the hearing that we heard tonight I can only assume that was done by government officials. I desire a no parking zone to be created on the east side of Jennings Avenue, from the corner of Thorne Street northbound, approx. 100 feet. The reason for this is because the street is 43 ft. 1 inch from curb to curb. I have a camper and a trailer and a one-ton truck. I am plagued by neighbors who adamantly park opposite my driveway.

Trustee McGiff asked: Mr. Kemp, why don't I just make a motion to set a public hearing and if the Board's see fit to second it then you can come with your arguments?

Mr. Kemp stated: I want to make it known that I am being discriminated against.

Upon a motion made by Trustee McGiff, seconded by Trustee Keyes, and unanimously carried, the board set a public hearing to be held on Monday, September 26, 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 415-14 Article VII "Parking Prohibited" to prohibit parking on the east side of Jennings Avenue from the intersection of Thorne Street to a point 100 feet north.

Public to be heard:

Abie Siegel stated: I have brought this up to the B.I.D., parking. Because of the influx of the restaurants, the Theatre, and other things going on, Oak Street is becoming a problem. The Village should look at the property north on Oak Street—the Masonic Temple. It should be purchased by the Village. The Village should take over that whole field. You have two curb cuts on Oak Street, you have three curb cuts on Jayne Avenue and one on North Ocean Avenue. You cannot maximize the property for parking. If the Village planned it right, I am thinking you can get an additional 50 cars in that parking lot. It would be a great asset to Oak Street. I would like to thank the Village for the cooperation of controlling the parking when they have dance recitals which brings a lot of business to me and the restaurants. Second, the exit of the Oak Street parking lot is so bad that it should be looked at—the west side. The area behind my store, when you come into the parking lot, the curbing there is all destroyed and it is in terrible condition. And, also the area behind the store is the drainage which doesn't take water, filled up with garbage. During the storm it was filled up, but never came into the store.

John Bogack stated: Two subjects today. One of them is Cablevision televising these proceedings. I did follow up and think it is a good idea unless I hear from the board otherwise. In pursuing this idea of televising Village proceedings, I discovered the Mr. Krieger is in charge of those things for the Town of Brookhaven. I spoke to Mr. Krieger and he said if we could get the tape to him he would get it on television. The issue is now getting somebody with a camera and getting that tape to him. I will make that effort and it will be an effort to get that done. I will invest myself in this because I think it is a real civic contribution to occur, but I don't want to do it in opposition to the board. That is something I would like the board to think about between now and the next meeting. I am putting that out as a request.

Deputy Mayor Krieger stated: As I mentioned to you, whatever it is, the CD, has to come through the Village of Patchogue into the Town of Brookhaven's hands. It is not just any one who can do that. It has to be through the municipal agencies. So, if you by yourself videotaped something here, it would have to be approved by the Village board to be delivered to the Town of Brookhaven. It just can't be done by anyone, but has to do through the municipalities. I did meet with Joan Gilroy from Cablevision today on similar matters, and I did bring it up that you came in and discussed that.

Mayor Pontieri stated: Why don't we start the process. Stop in the office and I will tell you what my concerns are.

John Bogack stated: The other matter is the Off Key Tikki Bar and the Article 78 proceedings and I see something is scheduled for tomorrow.

Attorney Egan stated: That is a status conference on for tomorrow which will be adjourned pending a decision. Because the decision is pending before the Court, a summary judgment. Both Trustee McGiff and I have had conversations with Special Counsel who is handling the litigation and is hopeful that there will be a decision shortly. Also note just for the record, that our Article 78 was just recently marked, you will notice when the other one was submitted—Jan. 25 2011—and the Courts had that fully submitted motion last January and are still holding it on their calendar as submitted. So we are perplexed.

John Bogack stated: I hope that other Village residents are not placed in the same circumstance in the future because look at what has happened to me as an owner, all my rights have disappeared, everything has been squashed for almost three years—it is a very long time to have basically no rights to deal with issues such as noise—all without approval of the Zoning Board and Planning Board. I pray that the judge will make a decision.

Village Attorney Egan stated: I can speak for the Board and can say that every member of the Board of Trustees and the Mayor agrees with you. Not one of these requests for adjournment were every made by the Village. All the papers were submitted extremely fast and now it is up to the Court.

Debbie Smith, 52 Silver Street, Patchogue, stated: I am sure you have heard about this because some of my neighbors have been complaining about Lopers. I have pictures, cars parked everywhere on a narrow street. When cars are parked on both sides, only one car can make it

down. He has obviously outgrown that building, but he also uses his space for his equipment instead of parking. It appears to be all customer parking. Also, in front of Sign O Rama, Alfies and Lemon Tree when you try to make a left onto Route 112 you can't see down the block. There should be a sign from the pole to the corner. They are parked on the opposite side, too. We have 18 wheelers coming down the street, either delivering or picking up equipment.

Village Attorney Egan stated: I was going to recommend that the Superintendent of DPW look at the parking restrictions. The Village code does provide that "upon the approach to an intersection, within 15 feet of the inside boundary line of the sidewalk, or, if no sidewalk is in place, within 25 feet of the intersecting roadway." Perhaps Trustee Keyes would want to evaluate the signage. Under Village Code 415-14 "No person stop, stand or park a vehicle on Silver Street, both sides north and south, from Medford Avenue to a point 290 feet east therefrom."

Mayor Pontieri stated: Let us take a look what the code says and if necessary resign the whole area. Once we resign, we will have code there. If you still see concerns after that, contact the Village Clerk. (conversation continued).

William Hinderliter, 46 South Summit Avenue, Patchogue, stated: I have multiple problems with one small area, the corner of Main St. and South Summit—again, going back to parking. There are three or four businesses right there where a lot of people park on Main St., and some illegally park right up to the corner and you cannot see either way coming out onto Main Street. The other problem is National Roofing and Bldg. Supply has large trucks park there illegally during the morning time and I cannot see either way. My wife and I almost had accidents. The trucks park in the early morning—I leave for work at 4:30 a.m. and they are there waiting for National to open. The other problem, those trucks come down South Summit to do a u-turn, down Hill and back up Prospect—which is illegal because there is a weight limit. Parking problem is because the signage is a little confusing—there is no sign in front of Tina's and the lines have not been painted in awhile. The sign on the north side is confusing—by the Burger Shack one sign says no parking from here to corner and the other sign says no parking from either way. There are no signs at all on Tina's sign. The only sign is closer to the corner which says bus stop, which I don't think there is still there.

Mayor Pontieri stated: Let us get our signage in place and if there is still a problem, contact the Village Clerk. The good news is we are going to pave South Summit. Hill Street is in the next budget cycle.

Paul Lipson, Bianca Road, Patchogue, stated: I have a problem with the used car lot. I would like more no parking signs put up—I have a map where I would like them put—one of them went down with a snow plow. They are parking right in front of the no parking signs, but I would like more signs to have it more emphasized. As I recall, it wasn't zoned for a used car lot. He had to get a Special Use Permit. The thing was he was supposed to put two entrances on Bianca road so the cars could pull in and pull out, but the problem is most of the time he has cars parked in both entrances. Could the Village send him a letter that he is not in compliance with the Special Use Permit and it could be revoked and that he needs to leave those entrances open. If he could do that the major problem would go away which goes on 24/7 and because I am directly across I get it the most. It is constant; they turn around my driveway and end up on my lawn.

Trustee Devlin stated: I was on the Planning Board when this was approved and don't remember the special use, I am not saying you were wrong. But, I remember the site plan was specific.

Mayor Pontieri stated: Trustee Keyes will check it out.

Paul Lipson stated: A couple of years ago, I asked if we could get the road repaved and you said when you get some money you would look into it. You did fix the potholes, but in the spring it is getting ready to crack. It hasn't been paved in 50-60 years. The other problem is the drainage issue and was told the water was from Top Stitch. Back in the '60's he complained because the water came into the garage door. Finally the Village did put a drain in and did accept that they were responsible for that. When they put the used car lot, the stipulation was they had to put drainage and it did help. But, with a big rain that water just sits.

Mayor Pontieri stated: Trustee Keyes, would you see if the Vac-all truck could go down there and check? If that doesn't work, we will put another drain farther up the block to catch the water.

Paul Lipson stated: I am sure other roads have been repaved that are not as bad; it is just a little road and isn't going to cost that much. You guys are all doing a great job; I love to come into Patchogue and see what you are doing. But, you have to remember the little people too. The other thing is, I had my debris out the second day after the hurricane. I got two piles out there; They were on Highland the next street over on Thursday, but they never came. On Friday I called about 2 o'clock and said they didn't understand because it is our third time around. I said no one has been on Bianca road yet. Today about 2 p.m. I called again and was told the same thing, I will tell them. My house is the first on the left, number 2A. That is another problem—most of the debris is on my property because I am not going to put it in the middle of the road and block it further. We need a little bit of consideration.

Scott McQuilkin, 146 North Summit, stated: We were hoping to have a block party on Sept. 17th from the end of Summit to Hillside, it is eleven houses, from noon to 10 p.m. I got everybody's approval. Upon a motion made by Trustee Devlin, seconded by Deputy Mayor Krieger, and unanimously carried, request was approved, with the alcohol restricted lifted.

Rosando Tacuri, 491 Min St. Patchogue, Top Stitch: The other guy was talking about pumping the drain and it was done 2-3 years ago and it didn't help. We were calling and a guy came about a month ago, and said the same thing, he was going to clean it, but it was pumped.

Mayor Pontieri stated: The Vac-all has a high pressure hose that will break up the dirt on the bottom to help it drain, and also clean the walls. If we have to do something up the block, we will. Big trucks come up thru the water and all the water shifts into our garage.

Trustee Devlin stated: The talk of the block party made me recall something that was not on the agenda. But you may recall something that we had approved amplified music at Firemen's Field who was doing his party which was cancelled because of evacuation of the south end because of Hurricane Irene. He has rescheduled with the Fire Department for this Sunday until 9:30 p.m.

Mayor Pontieri stated: Tell him 9:00 p.m. Motion was made by Trustee Devlin, seconded by Trustee Krieger, and unanimously carried, with end time at 9 p.m..

Mr. Kemp, stated: I would like to comment about the Silver Street parking situation. There are signs posted all over that say no parking. This is also part of a FOIL request that I had submitted to this Village on July 26th this year and was denied. That FOIL request should be approved according to our Village Attorney and Mr. Robert Freedom of the NYS FOIL Dept. There are FOILS that I have made on July 7th and never even one correspondence at all. July 26th there were 6 to 7 FOIL requests submitted. July 27th you sent me a letter. There were two FOILS submitted on July 28th and have never heard one word to date. I have correspondence with Attorney Egan and hopefully expect that this matter be dealt with accordingly.

Village Clerk Seal stated: Mr. Kemp, I know the denial ones, but the 6-7 I didn't respond to I find that completely.

Mayor Pontieri stated: As I said, we are going to take a look to see what our code has for that block and then determine if we are going to make any changes.

Village Attorney Egan stated: I appreciate your bringing that to our attention. Our Village Clerk will check our records to find out what they are. If they haven't been denied, which is the final word from the Clerk absent from an appeal, they will be processed.

Mr. Kemp stated: That is not the crust of the matter. The problem is according to NYS Law within five business days I am supposed to receive some type of correspondence and I do not receive that at all and that is an issue that I am bringing to the attention to you, Mr. Mayor.

Mayor Pontieri stated: It is in the record and I will speak to Attorney Egan about it.

Mr. Kemp stated: The second issue I would like to bring up is that I think the Swezey building should have been demolished many years ago. The fire marshal has deemed it hazardous. There is graffiti on the inside of the windows on the upper floors facing North Ocean Avenue. The building is literally falling apart.

Mayor Pontieri stated: You and I agree on something 100%. If it wasn't the fact that there were a couple of lawsuits sitting against it, it would be down by now. You can ask Mr. Egan, we cannot touch that building until the Articles 78 are settled. Unfortunately, I don't control the courts. I do agree with you. The Village does not have money invested in it, but have money invested in the lawsuit that we have to defend. There are no monies laid out by the County or the Village. But, the only monies laid out at this time is in defense of the lawsuit and hopefully that will end sooner than later.

Mr. Kemp stated: I would also like to comment regarding your seven paragraph letter.

Mayor Pontieri stated: Please, if you want to talk about that we can, but it is not discussion at this meeting.

Upon a motion made by Trustee Crean, seconded by Trustee Krieger, and unanimously carried, the meeting was adjourned at 9:40 p.m.

Signed _____
Patricia M. Seal, Village Clerk

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