

Inc. Village of Patchogue Board Meeting January 9, 2012

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on January 9, 2012.

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

The flag salute was made and the safety message was read.

Mayor Pontieri stated: Just a comment. As we all know, we are in election season now. I realize that during this time there are many more questions that are asked and answers to be given. All I ask candidates with positions and the public in general is to remember that these are meetings to do the business of the Village, not the politics of the time. Questions will come up and they all will be addressed. But, make sure that we understand the purpose of these meetings.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor Krieger, and unanimously carried with Trustee Crean abstaining, the Village Board minutes of November 28, 2011 were approved with changes.

Upon a motion made by Trustee Crean, seconded by Trustee McGiff, and unanimously carried, the board minutes of December 12, 2011 were approved with changes.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried with Trustee Keyes abstaining, the Special Board Meeting minutes of December 22, 2011 were approved with changes.

Village Treasurer Krawczyk stated: The total bills for the period Dec. 13, 2011 through January 9, 2012, was \$1,566,798.07. The five largest bills paid were: GRB Development Corp. \$312,506.00 for partial return of road performance bond (Clare Rose project is 75% and this payment constitutes 50% of their bond), Patchogue Ambulance Co. \$282,600.00 for 2nd half of ambulance services, Cronin, Cronin & Harris \$114,560.00 for certiorari settlements (four or five properties are involved in that total), NYS Employee Health \$97,653.22 for premium and Herman Katz \$75,000.00 certiorari settlement for Fairfield on the Bay.

General Fund	\$969,692.04
Trust & Agency	379,425.42
CAP Projects	27,793.72
Sewer Fund	118,742.84
BID Fund	5,499.85
Housing Fund	2,842.90
CDA Fund	17,805.96
General Bills	44,995.34
Total	1,566,798.07

Upon a motion made by Deputy Mayor Krieger, seconded by Trustee Crean, and unanimously carried, the Board approved payment of the bills as presented.

Trustee Hilton stated: I believe we should investigate charging for ambulance calls. A lot of insurance companies cover it.

Mayor Pontieri stated: That has been in discussion. I have had discussions with John Rocco of from the Ambulance Company and have talked about it various times. The problem that you have with it is if you charge one person, you must charge everybody. The concern always has become is that if you get into that, what happens to the person who doesn't have insurance and you go to the home—where does our obligation begin and end. That is the debate you get into when talking about charging for ambulance services.

Trustee Hilton stated: I think it is probably a common problem and there might be some interesting solutions.

Mayor Pontieri stated: Let's meet with Rocco and discuss it. I think you are right because I think there is a tremendous amount as an offset to these costs.

Village Treasurer Krawczyk stated: We share the ambulance costs with the Town of Brookhaven. We split for the unincorporated areas roughly about 50/50. The calls are generally concentrated in the Village of Patchogue.

Village Treasurer Krawczyk stated: I have one budget adjustment. It is to seek approval to appropriate from Key Money Fund \$67,150.00 to cover repairs made to Brightwood Street due to placing of sewer lines.

Mayor Pontieri stated: We shared that cost with the Town of Brookhaven. The Town of Brookhaven paid about \$150,000 of that cost and we just picked up those other pieces that we felt had to get done, those drainage issues that were not part of the agreement with the Town of Brookhaven. When we talk about key money, the cost for the repaving does not come out of resident tax dollars, but comes out of the sewer fund.

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Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the Board approved budget transfer from the Key Money Funds of \$67,150.00 to cover repairs made to Brightwood Street due to the placing of sewer lines.

Village Treasurer Krawczyk stated: We need approval for the General Fund to loan the Capital Projects Fund \$49,965.41 and Community Development \$32,254.22. The CDA fee we will get reimbursed for.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor Krieger, and unanimously carried, the Board approved budget loan from the General Fund to the Capital Projects Fund \$49,965.41 and Community Development \$32,254.22. The CDA amount will be reimbursed.

Village Treasurer Krawczyk stated: You have the cash balances as of 11/30/2011 for your review.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the Board approved request to pay Bove Industries, Inc. for work performed on Brightwood Street in the amount of \$4,970.14 (to be paid with sewer key money) to repair various drainage pipe & castings.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the Board approved request to pay Bove Industries, Inc. for work performed on Brightwood Street in the amount of \$6,430.51 (to be paid with sewer key money) for asphalt associated with the drainage trench restoration during the installation of the 12" pipe. This work was required as the asphalt overlay for the road could not be mixed in place.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the Board approved request to pay Bove Industries, Inc. for work performed on Brightwood Street in the amount of \$8,236.65 (to be paid with sewer key money) to remove & replace unsuitable material encountered during drainage operations. The operation consisted of the removal and disposal of the unsuitable material which was replaced with ¾" drainage stone.

Mayor Pontieri stated: I am going to have the Village Clerk to designate polling places for the March 20, 2012 Election. There have been some changes from other previous years because there are locations which are not available to us.

Village Clerk Seal stated: South Ocean Avenue is no longer able to accommodate us because of the new voting booths and machines. We had to change up some of the districts.

Upon a motion made by Mayor Pontieri, seconded by Trustee Crean, and unanimously carried, the Board approved request to designate polling locations for the March 20, 2012 election as follows:

Districts 15 & 21 Village Hall, 14 Baker Street
Districts 16 & 103 River Avenue School, 46 River Avenue
Districts 17, 18 & 23 Fire Headquarters, 15 Jennings Avenue
Districts 19 & 20 Van Guard Firehouse, 11 Park Street

Mayor Pontieri stated: We will be sending out a mailing to all registered households indicating there has been a change. That notice will go out probably ten days before the election. We will work with the *Advance* and *Patchogue Patch* to make sure it is advertised so people will know where to go.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the Board passed Resolution to authorize Treasurer Krawczyk and Deputy Treasurer Monte to make wire transfers for accounts associated with the Patchogue Fire Department Service Award Program.

Village Clerk Seal stated: The Bank of America was updating their records and needed to have designees of who would be authorized to do any type of wire transfer if it needed to be for the LOSAP program.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the Board passed a Resolution approving the settlement of Tax Certiorari proceedings brought by Burton Holding Company, LLC in the amount of \$14,000 for property located at 116 West Ave.

B.I.D. Report – None

Chamber of Commerce Report – Bill Closson stated: There are four nights on 7/6, 7/20, 8/10 and 8/17 with a rain date of 8/24 proposed for *Alive After Five* for 2012. The hours for setup and hours and rules are identical to 2011.

Deputy Mayor Krieger asked: Are we going to have a meeting with Suffolk County PD?

Village Clerk Seal stated: These dates were cleared with SCPD.

Upon a motion made by Deputy Mayor Krieger, seconded by Trustee Devlin, and unanimously carried, the Board approved request by Greater Patchogue Chamber of Commerce to hold the annual *Alive After Five* on Fridays, July 6, July 20th, August 10 and August 17, 2012, with a rain date request for Friday, August 24th.

Trustee Keyes stated: As reported in the *Advance* and *Patchogue Patch*, we reopened the east end of Mascot Dock. We finally got the approval and the release from FEMA and are doing something down there to make it accessible to people. The DPW crew cleaned it up and put up temporary fencing to keep people out of the damaged part and made safe. Also, we have electric at 380 Bay Ave and by this weekend expect heat and running water. With the mild weather holding, we continue to make progress. We are optimistic that the opening will be before summer.

Trustee Keyes stated: As far as the CDA report, we are preparing bid packages to go out for the restoration of the Theatre walkway.

Upon a motion made by Trustee Keyes, seconded by Trustee Devlin, and unanimously carried, the Board approved request to hire Tiderunner Engineering & Design, P.C. to provide engineering services for the evaluation and possible redesign of the municipal parking lots adjacent to Village Hall at a cost not to exceed \$1,000. Several meetings back, there was a question about the handicap spots.

Trustee Keyes stated: I would like to make a motion to hire H2M to prepare a map and plan to extend the sewer line to Sunset, Mapes & Price St. at a cost not to exceed \$23,800.00 (to be paid with sewer key money). As everyone knows the residents living down at that end probably suffer more than anyone in the Village when we have heavy rains and snow. So, we are hoping to run a sewer line down there and then in addition to that we will hopefully be able to improve drainage down there.

Mayor Pontieri stated: Fairfield on the Bay is running their sewer lines and will be hooking up to the sewer and that will bring it down to Crescent St. That is why we can now take a look at it and see whether we can then continue it down into that area. As Trustee Keyes says, it is probably the worst of all situations in the Village down there; at high tide you are up to a foot and a half of water, probably. It is worth us just to see what the cost is going to be, whether there is a way to absorb it, and whether there is a way to make it work.

Trustee asked: Within this map and plan—when you said the tide comes in, are we going to treat the tidewater?

Mayor Pontieri stated: No. This is so the people who are pumping their cesspools, who have 14 rings in their front yard. What it will also allow us to do at that point and time is to do an evaluation of the roads and see what it would cost to do a road raising and create some more drainage. There is a piece of property in the middle of that block that was owned by the County and turned over to us that we can use and then direct the drainage to that; so in so doing maybe get rid some of the water and create a better situation for the people down there. But, the first thing we have to do is see what the cost would be for the sewers.

Upon a motion made by Trustee Keyes, seconded by Trustee Crean, and unanimously carried, the Board approved request to hire H2M to prepare a map and plan to extend the sewer line to Sunset, Mapes & Price St. at a cost not to exceed \$23,800.00 (to be paid with sewer key money).

Trustee Crean stated: I spoke with the engineer from L.K. McLean on Friday. He is getting access to the Library on Wednesday at which time he feels he will be able to complete all of the detailed measuring that he has been doing. Hopefully, he will be able to prepare a report for us by the very next Board meeting. He put a lot of time into estimating some costs for a variety of different repairs. That if we do take ownership of the Library that we might want to consider, as well as some of the architectural work. Hopefully, he will get all this done and have it prepared by the next Board meeting on January 25th. I will ask him if he will be prepared or willing to make a formal presentation or whether he will just submit the findings in the form of a written draft.

Mayor Pontieri stated: We have been waiting for almost two months.

Trustee Crean stated: With holidays in the mix, a little difficulty in getting access to the property because he doesn't have a key. Every time he needs to get in there he needs to make arrangements for that. It has been very laborious to try and measure things; we are trying to recreate the drawings of this building. So, we look to have that by the end of January and once again hopefully we will be in a better position to make an informed decision.

Trustee Crean stated: I want to thank the Village Clerk in noticing Mr. Celauro on Route 112 in trying to get reimbursed for the improvements in East Main Street. Has there been any reply to that? I got a cc dated Dec. 21st. It has good back up to the actual costs in what we spent on the repair.

Village Clerk Seal stated: I have not had a response.

Trustee Crean stated: We had the Arts Biennial at Briarcliffe which finished up at the end of November, but there are still a couple of signs on Sunrise Highway.

Trustee Devlin stated: I neglected to ask the sign company who put them up; I think they were to take them down (Sunrise and North Ocean and Sunrise and Route 112).

Trustee Keyes stated: I will see that they are taken down.

Trustee Hilton stated: That is outside the Village, so we should check who should do it.

Trustee Hilton asked: Gerry, has there been any more discussion as far as the location of where the Library will be moved to?

Trustee Crean stated: We have a few different sites that have been mapped out by L.K. McLean. From the last meeting where he made his presentation, I believe the Mayor made the suggestion that we wait to get that report back before we made a decision on the location. But, have you spoken to Legislator Calarco about the Court House?

Mayor Pontieri stated: Legislator Calarco has made a request from the courts. He has to go through the Judge of the Sixth District Court to move it to West Ave. onto their property. He has a letter of request going to the Judge and the Commissioner of the Dept. of Public Works Gil Anderson to review the possibility of moving it over there. I will give you a copy of the letter.

Trustee Crean stated: That will be great. I think we will find a good use for it, get a good handle on what the costs will be and whether we want to retain ownership of it or not. That will be a decision that the Board will have to make.

Mayor Pontieri stated: We have also walked some other groups through there recently, arts groups that might have the funding to be able to cover the cost once it is in place.

Trustee Hilton stated: March 25th is the St. Patrick's Day Parade with the 4K race that will attract more runners. The Kiwanis Club is not able to sponsor the race this year, so the Parks Dept. has volunteered to do it. Years ago we did the race and it has gotten much bigger and the Cultural Heritage Committee will take care of the money. All that we will be responsible for is the volunteers and the race course itself. Important to the parade is the publication to the newspaper and the deadline for the ads is March 1st. The advertising is cheap and definitely adds to the community to be able to extend the contributions. Feb. 26th is the passing of the sash. This year the Grand Marshall is Peter Feehan who is a fantastic contributor to the community and we all know him well. That will be held at the Brickhouse at 1 p.m. and on Feb. 25th Ronan Tynan is at the Theatre, an Irish weekend. It is all coming together.

Trustee Hilton stated: There is no one here tonight to answer questions from the Trustees. The event has been very successful and they have more than covered the costs through ticket sales of which we get a portion. I think it only fair to the Trustees and the public for them to be here before we approve the whole event.

Upon a motion made by Trustee Hilton, seconded by Crean, and unanimously carried, the Board approved request to hold the dates of the annual *Great South Bay Music Festival* at Shorefront Park from Friday, July 13 through Sunday, July 15, 2012.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board approved request to hold the 2012 World Tai Chi in the Park at Shorefront Park on Saturday, April 28th from 9 a.m. until noon. A raindate is also requested for Saturday, May 5th.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board approved request to hold Tai Chi in the Park in Shorefront Park on Saturday's in June, August and September from 9 a.m. to 11 a.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board approved request for the Blue Point Brewery to hold a charity event after the Sayville Running Club 10k on Saturday, January 28th. The proceeds will benefit the Sayville Food Pantry.

Deputy Mayor Krieger – Theatre Report, stated: Last Thursday and Friday the Theatre there were two *Live in the Lobby* events that were packed out. I want to give credit to Chris Capobianco who has turned that into an event that people from all over come to, not just from Patchogue but out of town. Once again, at the Patchogue Theatre we have something for the entire family to do. In the next couple of weeks, we have the *Patchogue Pizzazz Talent Search*—a search for local people, produced by Sue Burner who is a Patchogue resident; on Friday, Jan 20th is *Vince Neil & Ted Poley*; on Feb. 11th is *Beauty and the Beast*; on Feb. 12th is *Kenneth Meyer* a classical guitarist virtuoso; on Feb. 18th is *Mickey's B Golden Oldies Winter Spectacular*; on Feb 24th is Patchogue Theatre produced *Patchogue Jam 5* which is folk, country & rock show-- a production of Chris Capobianco; on Feb. 25th is *Ronan Tynan & Hibernian Festival Singers*; on March 11 is *Music on Main St., Featuring Artspace: The Musical*; on March 25 is Patchogue's *Star Shine 2012*, a local talent show of Pat-Med kids, on April 14th is *The Glenn Miller Orchestra*; on April 15 is *Pat Cooper, Tony B and Uncle Floyd*; on April 21 is *Honky Tonk Angels*, country music; on April 22 is *Pinocchio*; on May 12 is country western singer *Melissa Manchester*.

Deputy Mayor Krieger stated: I would also like to thank Superintendent Joe Dean. On Thursday night a resident on Marshall reported a light was out and on Friday night the light was fixed. I just wanted to acknowledge the work done.

Deputy Mayor Krieger stated: Patchogue Theatre was voted by members of the *Long Island Press* as the Best Long Island Theatre. One of the reasons for that is that it has a great line of shows for everybody.

Deputy Mayor Krieger stated: A few weeks ago one of the residents of Rose Ave. came by to talk about the problems of people who are going to the archery range who are parking there even though there is more than enough parking in that parking lot. He has asked that we try and do something about that. It seems people going to the archery range even have come with deer that they have bagged and are still tied to their cars. I would like to set a public hearing.

Upon a motion made by Deputy Mayor Krieger, seconded by Trustee Hilton, and unanimously carried, the Board set a Public Hearing to be held on Monday, January 23, 2012 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to consider PARKING BY PERMIT ONLY on Rose Avenue.

Trustee Devlin stated: The Patchogue Arts Council had a very successful General Meeting which was for the first time at their new location at Artspace. Mr. Closson from Roast is the new Fund Raiser Chairperson which post was vacated. On Jan. 26th the Patchogue Arts Council is going to do a Wine & Cheese Fundraiser called Home Sweet Home. It will be their first exhibit, The Past, Present & Future of the Patchogue Arts Council. You can go onto the website and get additional information. On Jan 26, 27, 28 and 29 at the Plaza Cinema & Media Arts Center there is going to be a screening of *Late Bloomers*, the most film to star our Honorary Trustee Isabella Rossellini. Ms. Rossellini will be at all four showings to introduce the movie. This is the first place that the movie is being screened.

Trustee Devlin stated: On Jan. 14th there are children's art lessons in the lobby that the Artspace residents are doing which starts at noon and cost \$5. They will be painting pots. The children ages are from 5 to 10. Also, in the windows of the old Jay's stores, the artwork of Sagundo Oregano is being displayed. He has done some of the painting of the murals around town.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor Krieger, and unanimously carried, the Board approved appointment of Kathy Seff as a full member of the ARB.

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried, the Board approved appointment of Katyrn Cinto as an alternate member of the ARB.

Upon a motion made by Trustee McGiff, seconded by Trustee Crean, and unanimously carried, the Board approved request for Senior Court Clerk Debra Newham and Court Clerk, Nancy Auer to attend the annual NYS Conference for Court Clerks in New York City on February 19-22 at a cost not to exceed \$700.00 per person

Upon a motion made by Trustee McGiff, seconded by Trustee Hilton, and unanimously carried, the Board approved request to increase the salary of recently promoted Public Safety Officers Scott Love and Isaias Camacho by \$1.00 effective January 1, 2012.

Upon a motion made by Trustee McGiff, seconded by Trustee Hilton, and unanimously carried, the Board approved request to waive the building department fee of \$250 for work to be performed at St. Francis de Sales Church for an Eagle Scout project by William McNamara.

Trustee McGiff stated: For the Board's edification, Jim Berberich ran a bunch of numbers for Code. We talk about the costs of these events. The units strength is still sixteen members and they issued the total parking summons of 4950 this year as opposed to 3500 last year. With the F.A.T's increased by 100 and foot patrol went from 261 to 312. And the details went from 938 hours to 1800 hours. It is a lot that these guys do and as Billie always says the cost should be shifted to the applicant of the event. It is something we really have to look at.

Trustee Hilton asked: So, we are probably over budget there, right?

Trustee McGiff stated: We talked about it, but I really don't know the answer to that. I will ask Jim to see where we are at.

Mayor Pontieri asked: Billie, for the Christmas Parade this year, were the commercial entries charged?

Trustee Hilton stated: There were nine not-for-profit entrances and I believe we collected approximately \$2800.00. So that way we have the Music Festival covered; the 5K's is a huge problem that takes an enormous amount of manpower to close down intersections and protect 500 runners. This is something we have been talking about, adding a fee. As difficult as it is to charge somebody who is having a benefit for a great cause and not-for-profit, it still costs Code Enforcement between \$1,500 and \$2000. And especially most of them are on Sundays. I feel at this point it is something we should have to permit the 5K's. I don't know what the Fifth does; their cost is probably triple of what ours is. There is very little resident participation so we are paying for out of towners to come and race in our Village with the hope they will buy a house, buy a meal or see a show. But, still the residents are stuck with paying for these events.

Mayor Pontieri stated: Just recently I saw in the paper where New York City is going to charge for the NYC Marathon for all their overtime charges. At the Toy Trout they just had 750-800 and even if they only charged \$2 additional, it would pretty much cover our costs. There is a certain amount that we have on every Sunday and you

don't have to worry about those, it is the other five guys you have to put on that we have to worry about. That was what the issue was with the Boat Races, a tremendous cost with no payback on it. The B.I.D. did cover the Friday night.

Village Trustee McGiff stated: The only other thing I have is in light of the audit that we talked about, there was a lot of disturbing things in that. One of the things that really jumped at Trustee Crean and myself was the fuel. We did some investigation. There is a letter I would like to pass out to the Board and am going to read into the record. This past summer we sent a letter advising the Village residents about your activities. Those activities include the loan to Artspace, laundering the sale of your private car to the Village through a relative, accepting entertainment tickets and meals from developers, and creating a position for a relative. I am just going to jump to this part which I think is very illuminating. Without Board knowledge or approval, you somehow obtained a key to the Village gas pump and a PIN which was I think was 4762, which you stated on the record that in December, which keeps track of the gas you have taken. A report generated and provided by the Village indicates that from August 16, 2007 through October 20, 2011 you had accessed the Village gas pump at least 339 times, taking more than 4,717 gallons of gasoline, conservatively worth more than \$17,000. The records we obtained are staggering. On at least one occasion you accessed the pump twice on the same day. And numerous times you pumped a significant amount of gas on consecutive days. In other instances you accessed the pump two, three and even four times in one week. As we know, the Village of Patchogue is 2.2 square miles and I believe the distance from your house to Village Hall is probably a mile and a half. In addition, there are numerous occasions where you charged for gas on your Village credit card at commercial gas stations, including a number of stations located within the Village while the Village pump records indicate that you had just recently taken gas from the Village garage. These records strongly suggest that you were filling up more than just your own vehicle. At the very least, it is obvious that the taxpayers are paying for gas that you are using to fuel your privately owned car for your personal use in a clear and blatant violation of the law. Your taking of gas for your personal vehicle was done without the knowledge, consent or approval of the Village Board and is illegal, see Village Law Section 4-412 and 5-524. The New York State Comptroller's Office has specifically determined that it is unlawful for a man to use gas from a municipal gas pump when operating a private car in its Comptroller's decision of 1977 which I cited. There are several other things contained in the records that we received that cause us grave alarm. They indicate that there are drastic variations in the miles to the gallon you were getting. In some instances the records indicate that you were getting only .08 miles to the gallon. At least four keys to the pump have gone missing. Access to the pump and a PIN number has been given to numerous Village employees without Board knowledge or approval and there are no safeguards in place to ensure that these employees are using the fuel they are taking for official business. As of this date and in spite of the recent public publicity related to numerous violations of the law, you continue to take gas from the Village garage. Your conduct illustrates that you maintain an unrelenting sense of entitlement and an unshakable belief that you are above the law. We are calling on you to reimburse the Village of Patchogue for all the gas you have taken and we are urging you to resign the office that you hold immediately.

Mayor Pontieri stated: Your comments are made and are on the record.

Trustee Crean stated: At this time I would like to make a motion, Mr. Mayor, for the NYS Comptroller to investigate and research the fuel records going back to the dates that are stated within this letter from August 16, 2007.

Upon a motion made by Trustee Crean, seconded by Trustee McGiff, and opposed by Trustee Hilton, Trustee Devlin, Trustee Keyes and Deputy Mayor Krieger, the request to have NYS Comptroller to investigate and research the fuel records going back to the dates that are stated within this letter from August 16, 2007, was denied.

Public to be Heard:

Richard Kemp, Jennings Ave., Patchogue, stated: Mr. Mayor, I would like to speak to you regarding a letter that was sent to every member on this Board from your Village Clerk in September, addressing FOIL items. That letter is fraudulent and it is a lie. There is no truth to it whatsoever. I have sent a letter to Attorney Egan regarding a FOIL appeal in December with no answer, no reply. In the hearing of Dec. 26th when I approached the podium, Attorney Egan made opening remarks and I responded to his opening remarks. They are completely edited out of the DVD and they do not appear on the minutes. I sent this information to Attorney Egan with no response. I think all of this is a shame, but that is where it is at.

Village Attorney Egan stated: Mr. Kemp, we discussed the obligation of the Village Board with regard to minutes. They have no obligation to be verbatim. When there is a malfunction on the tape or otherwise, it happens that there are omissions. The Public Officers law only requires the motion, the second, and the voting. It does not require any of the verbatim that is put in. So, when there is a malfunction or that type of thing, that happens. With regard to your FOIL request, the Village Clerk forwarded to me your FOIL appeal. I am treating your letter as a formal FOIL appeal and we are going to respond to it. But, as I understand it, the majority of those FOIL requests were responded to. They may not have been responded to in the way you like it, but they were responded to.

Richard Kemp stated: That hearing was a Public Hearing advertised in the newspaper. And that is what I am specifically speaking to; it is your comments when that hearing was opened.

Village Attorney Egan stated: I don't know exactly what section you are talking about you are saying was illegal.

Richard Kemp stated: So you are saying that anything spoken at a public hearing can be edited or deleted out.

Village Attorney Egan stated: Absolutely not. What I am saying is when there is a malfunction on the tape and certain portions are inaudible or non-transcribable that happens.

Richard Kemp stated: This is every word and syllable that you said to me and my response to you have been completely edited out.

Village Attorney Egan stated: I enjoy reading my comments as well. But, it happens that there has been a malfunction on the tape machine which did not allow it to be transcribed into the formal minutes. It was not edited or deleted. It happens when there is a malfunction in the tape machine and I believe the Village Clerk stated that to you. The only complaint I would be more concerned with was if under the Public Officers Law that the second of the motion, and the formal recording of the vote as needed was missing. Since those sections were there, the minutes can be deemed complete. There are sections where it becomes inaudible; often times people speak at that microphone and while sound audible in the room are not audible on the tape. This is one of the downfalls when they have production of verbatim minutes.

Richard Kemp stated: I feel when Veronica Perry was here as a transcriptionist there was never any problem.

Mayor Pontieri stated: She was excellent. You are 100% correct.

Richard Kemp stated: Tonight for the first time I have heard a Board of Trustees who have taken the time to go through the minutes and pick up some very serious areas, mathematical numbers, dollars of hundreds of thousands in error.

Mayor Pontieri stated: That is why the minutes are given to the Board of Trustees to read. Trustee Hilton and Trustee Crean are very diligent as are many others.

Mary Kassner, 193 North Ocean Ave, asked: I am just wondering where we stand on the Susan Montana spot and where it is going. We have another instance where a property much farther up north on North Ocean Ave. where a realtor was showing a house over the weekend. The real estate agent stated that spot zoning variances have been applied for down the block and they are encouraging all the people looking at the house to apply for zoning. Ms. Montana stated that her property was right over the line. This is LaValle property which is much farther up North Ocean Avenue, a house which would very much likely lend itself to someone coming in for professional use. We as North Oceaners are very concerned.

Mayor Pontieri stated: Right now the Village Attorney has done his research on it and is putting together his opinion on it to give to us for us to make our decision.

Deputy Mayor Krieger stated: I would suggest that you tell the person that is interested in buying the house to hold off.

Village Attorney Egan stated: Just for clarification, as I understand it. This could be subject to further review by the Commissioner of Building and the Building Dept. As I understand it, the LaValle didn't make an application years ago.

Mary Kassner stated: They were denied the application.

Donald Wachsmith, Carman St., Patchogue, stated: The last couple of months on Saturday morning we got papers delivered in the driveway. And this Wednesday they also delivered papers. I thought this was fixed, but time has passed and it has started again. Also, I noted the bus shelter at the LIRR station has a lot of graffiti. You recall, I did have a project of trying to clean up the garbage around. After I stopped, Peter Sarich was going to tell his guys to be a little more active. This weekend, River Ave between the school and the railroad, it was a dump. Another house had ten bags out—they are gone now. At least we should get the mattresses off the street. At the last Board meeting Mr. Kemp talked about garbage pails and such—who collects and who puts out, etc. It is regular routine, my garbage pail is left at the street after they pick up from my driveway. Now they drag the garbage pail to the street and leave it there. I don't think it is a big deal at my house, but up and down the street it is there all day. A lot of people put the pails out which they should not be doing and they get left out too.

Mayor Pontieri stated: We will get in touch with the County about the LIRR booth.

Village Clerk Seal stated: It is hard to enforce the garbage because we don't have Building inspectors working on the weekends, just Code Enforcement.

Trustee Crean stated: I would like to commend you, Don. This week when the temperature was down, I saw you walking up and down cleaning the streets.

John Bogack, Noxon St., Patchogue, stated: I want to renew the request that I made the very first meeting of 2011 that the public portion should have a limited time period for every speaker. Most bodies have that such a rule; the purpose of that rule is pretty simple. It equalizes the opportunity for people to speak. On a night like this, there is

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a small number of speakers and everyone has that opportunity to speak. But, there are other nights where there might be 20 or 30 people. Some people take more than five minutes and squeeze out the other individuals. Everyone should know that they have five or ten minutes, or whatever the Board decides. Whatever you want to choose, but the rule equalizes the opportunity. On a night when there are many people here, that does give everybody an equal opportunity to speak. That is my suggestion to the Board.

Lori Pendergast, Cedar Grove St., Patchogue, stated: Recently I have decided to take more of an interest in my community. I do an awful lot of clean up on my street and one of my questions (between Jayne & Maple). There are only two of us in that short span that faces the street—we had a chronic problem with dogs. I requested and received signs and it has helped. But, the side yards of a lot of peoples' property are full of garbage. Is it their responsibility or the Village responsibility? I would like to have you all speak to that.

Village Attorney Egan stated: The Village has an easement with the sidewalks; and if there is no sidewalks it would go to the street line.

Mayor Pontieri stated: That being said, if the mess you are talking about is something that is not inconformity with the neighborhood we can have Code Enforcement knock on the door. I don't know if we could necessarily give them a violation, but I will talk to Peter Sarich about it.

Lori Pendergast stated: In light of the election that is coming up, I have been doing a lot of reading on your website. One thing I saw was the Ethics Committee. That is something now with all the controversy something I might get involved with but cannot find anywhere where I could get involved with that committee.

Mayor Pontieri stated: At this point and time there is a position that is open. It is a Village Board appointment. They get activated when requested by whether it is a resident on an ethics issue or a Board member on an ethics issue, whether it be a Village official or someone in the Village government. Send in your resume to the Village Clerk listing your credentials.

Village Attorney Egan stated: All the Boards are the same way.

Lori Pendergast asked: Has that committee been sort of mobilized because of all the controversy going on. Who activates that committee?

Mayor Pontieri stated: Not at this point and time. It is activated by a complaint sent to the Village Clerk.

Richard Kemp stated: At the last meeting I asked about the house on the corner of North Ocean and Thorne St. I believe, Mr. McGiff, that the decision was closed.

Mayor Pontieri stated: That question was just answered to Ms. Kassner, the Village Attorney is writing an opinion for the Board to review for a decision to be made.

Village Attorney Egan stated: The public portion was closed and a decision was reserved.

Mr. Kemp stated: I came with further information that might help you make a decision.

Mayor Pontieri stated: We cannot take any further public comment on it.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the meeting was adjourned at 8:50 p.m.

Signed _____

Patricia M. Seal, Village Clerk

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