

Board Meeting

August 13, 2007

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on August 13, 2007.

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

The flag salute was led by Arthur Fuccillo.

Mayor Pontieri read the safety message.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried with Trustee Dean abstaining, the Board approved the meeting minutes of July 23, 2007 as presented with no changes or additions.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the public hearing minutes of July 31, 2007 with a change noted by Mayor Pontieri on page 10. Dick Schroeder, Shore Road, stated “notwithstanding all this rhetoric, I thought the absolute primary purpose of this was to eliminate a public hazard. All others are secondary to that. Is that the case?” Mayor Pontieri stated: Yes sir, there are two purposes: to eliminate blight and to eliminate a hazard, if such hazard exists.

Village Treasurer Krawczyk submitted bills for period of 7/24/07 through 8/13/07:

General Fund	\$245,199.09
Trust & Agency Fund	\$10,529.04
Capital Projects	\$121,175.86
Sewer Fund	\$14,177.31
BID Fund	\$1,126.60
Housing/Code Fund	\$1,257.25
Community Development Fund	\$6,168.80
General Bills	\$2,004.49
Total	\$401,638.44

Village Treasurer Krawczyk stated: The five largest bills are Bove Industries \$88,345.82 for North Ocean Avenue construction, Glen Falls National Bank \$27,727.29 a LOSAP payment, State Insurance Fund \$17,213.00 for workmen’s compensation, Boyle Services \$15,750.00 for removal of asbestosis from 380 Bay Avenue, Cashin \$15,468.88 for North Ocean Avenue engineering services.

Mayor Pontieri stated: One of the issues on the Bove and Cashin ones is (and I will make calls tomorrow) that the lighting hasn’t gone up yet. That is very aggravating at this point and time.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the Board accepted the bills as presented.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried the Board approved request to remove from the 2007-08 tax roll sewer use fee for 26 West Avenue, Account #3060, in the amount of \$553.00. The sewer connection was removed as per SCWA.

Village Clerk Seal read: Notice of public hearing is hereby given that a Public Hearing will be held on Monday, August 13, 2007 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to amend Chapter 93-17; Article IV of Village code regarding off-street parking requirements. At said Public Hearing any person interested will be given the opportunity to be heard.

Trustee Crean stated: This is an issue that I suggested we have a hearing on and the wording of notice is a little misleading. It was to whether consider the actual garage as a designated parking space for certain developments that are being proposed around the Village. In particular, certain condominiums and developments based upon our code, they are required to provide a certain number of parking spaces and they tend to include the garage with very limited storage space, i.e. no basements, very small attics or small closet space. And one of the thoughts was discounting or eliminating the garage as a parking space. I was hoping to have a letter of recommendation from the Planning Board. However, it has not been delivered. I tried to reach Chairman Rocco just before the meeting. At this point, I would like to entertain conversation from the Board and the public and maybe reserve decision to after until we get the letter from Chairman Rocco. As I mentioned there are quite a few developments that have been proposed to us most recently and I don't know how we resolve this or come up with a solution to either discounting the garages or enforcing some sort of storage requirement, i.e. living space vs. storage space or living space vs. parking space or perhaps give it a percentage, whether it be $\frac{1}{4}$ or $\frac{1}{2}$ towards an allocated space that is required.

Trustee Devlin stated: I had a conversation with Chairman Rocco and that letter will be forthcoming. I think the concern is where there is no basement and/or no attic. Maybe in a case such as Pulte Homes, there is a room. In some sense that is a bonus room and can be considered storage. So if that exists, then you would allow them to count the garage. Or if a basement existed, such as Riverwood and Pinewood Terrace, in that case there is adequate storage so I don't know how to define that. I certainly share your concern and the Planning Board does as well because lacking that, there will not be enough parking and yet our code allows them to count that space. So it becomes a very difficult issue to discuss with the applicants.

Trustee Dean asked: Do we know of other communities that have come up with a solution. Perhaps there is some legislation out there set by communities who have already done the hard work.

Trustee Crean stated: It could be simply a solution whereby, right now we are requiring them to provide $1\frac{1}{4}$ parking spaces per unit, we just say we need $2\frac{1}{4}$ parking spaces per unit. If they are, counting the driveway and garage as giving us more than what is required when in fact it is not. For every four unites they would need to provide one additional space, whether it be on street parking or interior parking within the development itself. I am anxious to see what Chairman Rocco comes up with.

Mayor Pontieri stated: One of the issues that we deal with here is much different than a lot of your townhouse developments. Many of those are built on large tracks of land where they can put a 75 stall parking space because it is primary infield. In being a tighter space that issue becomes exactly what you are talking about. It also, in some sense, will help us and it will make them as developers focus more on the value of the property they buy based upon the numbers that they could get and based upon the parking requirements that are needed. The primary issue of creating enough parking on every development, but the secondary issue to that is as important because it is the front end part of it. It says to the developer, you had better look closely what you are doing and not

make certain assumptions and make sure you have the property available to do what needs to get done. There is an override issue to it that follows through.

Trustee Hilton stated: I agree with that because it would prevent the garage space being converted to a living space. That should be one of our concerns.

Deputy Mayor McGiff stated: Every developer that comes here says my acquisition cost justifies say 52 units per acre. So this gives us a tool to say you can't do it. It will say to the developer to be a little more responsible when dealing with acquisition costs and this will be up front and be codified.

Attorney Snead stated: While we are talking about this particular section, there is a conflict. All dwellings have a certain number of parking spaces that are required. Single family dwellings is 1¼, but in a couple of portions of the code it says, "Any fractional space resulting shall be increased to a full space." There is a conflict with a code that is in for single family residences. I would like to get language to you to clean that up, to exempt single family residences.....

Mayor Pontieri asked: On the single family, would you not want it to be saying.....

Attorney Snead stated: What I am saying is the code presently says you got 1¼. But, elsewhere it says if you have fractional, you have to bring it up to two. Reading those two sections, it basically says you have to have two. But, it clearly is not what the code has intended as written. It is probably a subject for the Board to discuss. However it works out, with single family residences I would like to exempt them from the fractional space.....

Comments from the Public:

Virginia Farrell, 40 Hill Street, stated: With reference to what Mr. Snead was talking about exempting single family residences, you should make sure that they are owner occupied because a single family house that could have multiple.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board reserved decision on the above issue awaiting letter of recommendation from Chairman Rocco, Planning Board.

Village Clerk Seal read: Notice of public hearing is hereby given that a Public Hearing will be held on Monday, August 13, 2007 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to discuss the possible establishment of a volunteer tree board. At said Public Hearing any person interested will be given the opportunity to be heard.

Trustee Devlin stated: For those of you who have been following my quest for more trees in Patchogue, I have been working with a group of volunteers for a number of months and it is really coming together and becoming a cohesive group. We met the other night and did a lot toward the planning of the area of North Ocean Avenue where we will be planting in October and researched what species and varieties we would plant, how many and where we were going to place them. After I attended the DEC conference in Saratoga, it was explained that when applying for grant money that is offered on an annual basis from the State, more points are given to a municipality if there is a Tree City USA established by the National Arbor Day Society and there is a number of things to be done in order to qualify for Tree City USA which I would like us to qualify for possibly by the spring. You need to have a certain amount of per capita in the budget, some of it can be in-kind labor, some of it could be B.I.D. money, you need to have a tree board by

law, you need to have a tree management program and you need to conduct and maintain a tree inventory which is something we are currently in the process of conducting with volunteers rather than with consultants. I learned at the conference that most municipalities would hire a firm to do the inventory at a cost of several or tens of thousands of dollars. It will not cost the Village a dime because we will do it on our own. Apparently, New York City did theirs entirely with volunteers so we are following the same framework that they used. We are using all their materials. I put together a motion here to form the "Tree Conservation Council of the Village of Patchogue" and I am seeking Board approval to establish an all volunteer tree board composed of seven voting members to include one professional forester or arborist and one board member who shall be a representative of the Beautification Committee of the Chamber of Commerce and there shall be one board member who serves as chairperson. In addition to these seven, there shall be a Trustee liaison who will act in the capacity of Tree Commissioner, currently myself, and one liaison from the B.I.D. The Tree Commissioner shall appoint the board members whose terms shall be three years, but staggered. Initially I am proposing two one-year terms, two two-year terms, and three three-year terms and then those will rotate. There shall be no fewer than six meetings per year to take place as needed. Responsibilities of the board include, but are not limited to, conducting and maintaining a tree inventory, developing a comprehensive tree management plan, raising funds both privately and through grants for the purpose of implementing a community program and coordinating the annual Arbor Day observance, and to work with the schools and/or residents as a community outreach program and education. Once the board is formed I would like to have the Board review site plans for these large developments because very often they are using the same species over and over and now some of these species are now prone to disease and so they can make better recommendations.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the request as stated above.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board set a public hearing to be held on Tuesday, October 9, 2007 at 14 Baker Street, Patchogue, New York to consider a request by Fat Fish Marina LLC for a (1) Special Permit for multiple family dwellings in C residence; (2) Special Permit for multiple family dwellings in E Industrial; (3) Relief from the moratorium on condo/townhouse development; (4) Relief from the moratorium for development on the River.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved request by the Patchogue Medford School District to hold the annual Homecoming Parade on Main Street on Saturday, September 29th at 10 a.m.

Mayor Pontieri stated: On that same day at 1 p.m., Bay Avenue School will be celebrating its 100th anniversary.

Mayor Pontieri stated: A resident of Pearl Street came in today. The block is narrow, parking at the end, the speed of the traffic and number of cars coming back and forth from both directions has created a lot of concern. There are number of kids on the block right now.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the Board set a public hearing to be held on Monday, September 10, 2007 to be held at 14 Baker Street, Patchogue, New York, to consider making Pearl Street a one-way street going east to west.

B.I.D. Report – None

Chamber of Commerce Report – None

Trustee Krieger stated last Saturday night Sal Richards appeared at the Theatre, some bands were playing and Main Street was buzzing and the restaurants were doing a great business. Angelo from Mangia Mangia was just beaming about how the Theatre has brought him business from next door which brings up the fact that he is opening up his pizza restaurant on the other side of the Theatre. The Theatre is now anchoring two very good restaurants and I told him that I appreciated his move there. It is just another example of how valuable the Theatre is to the restaurants in Patchogue and retail. Again, I would like to thank the people in town for sponsoring the Theatre, Brick House Brewery, Blue Point Brewery, Tires Inc., Blum's who just put a \$2,500 sponsorship and I know I am going to forget somebody. The community is now starting to understand the value of the Theatre and are now putting money up sponsoring programs. We appreciate everybody's input on that. Thanks to the Theatre Board. Alive in the Lobby is doing great. Gateway is coming in with Cirque Dreams which everybody should go see. And then the Theatre starts its new season in September. Barbara Cane is now the new Chairperson of the Board and doing a great job. I would like to thank all the residents of the Village who come down and participate.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request by the Parris family to have live amplified music at Fireman's Park on Sunday, September 9, 2007 from 2 to 6 p.m.

Trustee Crean stated: I would like to once again to thank Madam Clerk Seal for her assistance with the Village map. We have received copies of those and they are available for anyone who would like to find their way around town.

Trustee Crean stated: I am seeking Board approval to hire a respected economist, Pearl Kamer. The Mayor, myself and Marian Russo, the Executive Director of CDA, got an opportunity to meet with her last week. What she is looking to do is to pull together all the various developments that are being proposed to our Village Board, both the commercial as well as residential, and to take a look at these, analyze them and see what their benefits would be and what the economic impact would be not only to our downtown but overall community. She would look to analyze the demographics and the housing trends in the Village going back over almost the last twenty years and take a look at census data. The analyses will cover the population trends by age, the age of housing stock, renter vs. owner-occupied. She will also take a look at how these new developments will impact the number of school-aged children that will be coming to our community. And what I found most important from this analysis will be to determine what the purchasing power of these new potential residents will be. This report can be used not only by the Mayor but myself to try and court particular retailers that we would like to see in our downtown. This report will provide what our tax revenue streams will be from these new developments and it will give us a good over-all snapshot of what the long term economic benefits will be from them. Many times retailers will overlook our Village in its current condition and say our demographics don't meet certain criteria and many retailers will just turn around and look in other directions. We hope this analysis of these new developments will allow us to attract the higher end retailers. This analysis she predicts will take about two months once we provide her with all the necessary data regarding what's on the books and what's currently being proposed and she will hopefully get this report back to us by mid to end of October. The estimated cost for this report is not to exceed \$20,000. She is a very highly respected economist from both the municipal and the private sector. Once again, I find her work will be a tremendous resource for us.

Mayor Pontieri stated many of us will question what is the long-term value and what does it bring back to the community. Dr. Kamer has recently been on News 12 a number of times about the mortgage crisis. She is the economist for the Long Island Association and therefore has access to a tremendous amount of data and will give us the information that we need to make an educated decision. She said government usually doesn't ask her to do this. She is normally asked by the private sector to convince government about what we should do. For her it was one of the few times she is being asked by the government. The government asking if we have all these things going on, what's it going to do? It is information that we can give to the community and I think that it is going to be an extremely important document once presented. We will ask her to come in and hold a public session at which time she will make that presentation. She will give us data of how some of the proposed and new development will affect our school district in terms of children, costs and benefits and whether there will be no additional tax revenue will be part of it. I will be meeting with Superintendent Mostow and Trustee Crean will speak to you about who to speak with in the district. That's a critical piece of it also. How much additional revenue will this generate for the school district as well as the number of kids. We need to be more informed about the consequences and understand over the length of time what it would do. The other piece is it will be a document we can use to sell ourselves.

Trustee Devlin stated: It will be valuable to the Planning and Zoning Board as well when they are presented with a lot of these proposals to have that information.

Trustee Crean stated: She will be working with Marian Russo to get information needed. Marian is a godsend. I couldn't imagine a better person for the position that the Mayor has been able to find. She has been a tremendous benefit, really works hard behind the scenes, doesn't get the accolades that she deserves and she has already put together amount of this information already. I will be working with her to try and get this information expeditiously so she will be able to get us this report in a couple of months.

Mayor Pontieri stated: Looking through this list of ten items, there may be other things you wish and think may be appropriate for us to look at. Trustee Crean is going to take the lead on it. Let him know and he will work with Dr. Kamer. I think it is an important step for us to understand what we are doing and who we are.

Trustee Crean stated: I guess it is our philosophy that we are trying to attract new residents to our community and from that, hopefully, we are going to be able to attract new businesses. It is hard to get a high-end retailer or business into our area now based upon our current demographics. I think our long term strategy, if you will, is to try and improve the demographic makeup of our community by encouraging home ownership. Then the question is what is the next step. Hopefully, the next step would be to get a high-end retailer. And what is the timing? How long will that take? How patient should we be? How anxious should we be to try and see the benefits of this? Once again, I think it is going to be a tremendous resource.

Upon a motion made by Trustee Crean, seconded by Trustee Krieger, and unanimously carried, the Board approved request to hire Dr. Pearl Kamer in an amount not to exceed \$20,000 to provide us with this analysis of information that everybody has in their fingertips.

Trustee Hilton stated: On Saturday after a rain delay we had the 2nd Annual Revival of the Aquashow at the Patchogue Village Municipal Pool. It was a tremendous success. Thank you to Diane Poulos. We have a full weekend of events at the Park starting this Saturday--the Friends of Shorefront Softball tournament which is a benefit to help us to put together to build a handicap accessible park at Shorefront Playground. It is

something that Maria Hendrickson, Superintendent of Parks & Recreation, has put together and worked hard on this year and we have had a lot of people who have donated a tremendous amount of time, energy and donations to really make this a great tournament. We also have a jazz concert in mid-afternoon and a Salsa band at the bandshell at 7 p.m.--a gentleman from UFB Radio Stony Brook from the Spanish show and it should be a fantastic concert.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously approved, the Board approved request for salary adjustments for the summer staff as per list presented.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board approved request to hire Elaine Stimpfle as a seasonal cashier at the Beach Club at \$7.15 per hour.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board approved request to close down Main Street from North Ocean west to West Avenue on Friday, August 23rd to exhibit boats from 5:30 to 9:30 p.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board approved request by Brick House Brewery to close a section of the municipal lot next to their building to hold a Welcome Party for Boat Race.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request to increase salary of Cassie Perrino, Housing Inspector, to \$16.00 per hour effective 8/6/2007. Ms. Perrino is a former NYC police officer, our first woman building inspector, a Village resident and she does a great job—gets into a lot of buildings.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request to increase salary of Joseph Brandi to \$16.00 per hour effective 8/6/2007. Mr. Brandi, living here probably his whole life, works 24/7—he drives around seeing things—overcrowded houses.

Deputy Mayor McGiff stated: Next week they will have the first closing for Bay Village. And also, we found a couple of more illegal boarding houses off of Waverly Avenue whose streets where the Task Force is going visit this Saturday. This was found out because of a neighbor phoning Village Hall. Once again, if you know of a house, call Village Hall.

Mayor Pontieri stated: We got a inter office memo on skateboards from Joe Brandi that is a tremendous problem uptown.

Deputy Mayor McGiff stated: We are going to look at creating an ordinance for that. But, it then becomes a matter of enforcement. We have gotten reports that people from some of the adjoining towns drop their kids off at Patchogue so they can skateboard on our Main Street. We do have a dedicated foot patrolman who staggers every other week, 4 to 12 or 8 to 4. He is dedicated to Main Street either walking, riding his bike, or parked on Main Street. We can talk to the new Commander at the Fifth Precinct about addressing that.

Mayor Pontieri stated: I spoke to Marty Ashare, President of the Temple, who said he and the rabbi went over to the Fifth Precinct. They had \$15,000 of damage done over the last 18 months—kids on skateboards, etc., plus the graffiti thing is starting up again.

Deputy Mayor McGiff stated: We did talk to the Fifth after the graffiti and we have been taking pictures. They can read the tag and know who it is. We have been working with the Fifth addressing these quality of life issues.

Trustee Devlin asked: About the memo Joe Brandi sent regarding the lighting situations.

Mayor Pontieri stated: We have taken care of that. What we are doing is currently all of the alleyways are wired into the property owners. So therefore if the property owner gets upset with something or the bill is too high, they turn them off. What we have done is re-wiring everything to our poles and then we will manage the lighting. Joe Brandi has been working with Dr. Esposito in back of _____ to put up some sort of gated area to block off area where people can hide in the courtyard.

Trustee Devlin started: I am continuing to work on the signage issue. I had a meeting with Joanne Brandi and Chip as the liaison to the B.I.D. and we bounced around some things. Some of the ambiguities that came up during the last public hearing that we had for the signage and I think we resolved those and I would be ready to go back and do another public hearing. We are not getting into any specific guidelines. I know there are members of the B.I.D. that would like to participate, but we just want to get the basics into legislation and then we will get together again with a few members of the ARB and the BID that want to participate and we will come up with guidelines that aren't legislated but we may refer to them in the legislation. If we can start to agree on some things and I have spoken to a couple of municipalities that have actually used grant money as matching funds to update signs. So what we were proposing, in some instances, rather than sun setting a certain style of sign, let's target those signs that need an update, and if we could provide seed money, just a portion, maybe we could get the building owner or business owner just to upgrade their sign and do it in a more comprehensive and cooperative fashion. That's where we are at now. By Sept. 24th I should be completely prepared to continue the public hearing.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board awarded fuel oil bid to Swezey Fuel Oil Co. with a bid of \$2.26 per gallon.

Trustee Dean stated I had an opportunity to inspect the Theatre roof inside and out with Mc Clave Engineering who we hired to do the engineering, design the specs, help us with the bid process and inspections of the reconstruction of the Theatre roof. I have good news and bad news. We took 10 samples on the roof and 7 failed; they all have asbestos in them. The good news is we will be getting a lot of bang for our buck because it's all treated as asbestos anyway. We are getting all the asbestos removed from the roof, removing the skylight, filling that in and putting a new roof up there. That is just on the top. The rest of the roof has recently been replaced and is in good shape. The big advantage is getting rid of the skylight which is the major penetration point in the roof. When we took the samples we could see the original roof down to the deck so we are getting rid of that and putting up a brand new roof. The skylight originally functioned as a ventilation system in case there was a fire in the house. The engineer is checking to see if we have to install any damper systems tied into the fire system. Other than that, we will have documents soon and will be able to go out to bid.

Public to be Heard:

Diane Poulos, 94 Highland Show, stated thank you for recognizing the Aquashow. I want to bring up that their sailing dinner is Thursday night, the sale to Davis is Friday and their sailing program has been fantastic, and maybe somewhere along the line in next summer's budget we can find some way to get more parts for the sailboat that is just

sitting there or more sailboats. Also, when you were talking about parking regarding the residential and the condos, I know that at the end of Highland Ave. there is discussion about maybe condos, maybe CVS, and a couple of weeks back Walgreen's who wants to go in to where Hay Sei is and they asked for an exception to the rule so they would have shorter parking spaces in that proposed Walgreens. I don't know if it has anything to do with that Walgreens. But, I want to go back to CVS. They want to put condos in there and we have already been saying to those people who are building these that we are very upset at the amount of condos and that the amount of parking on the site don't match. I want to know if there can be some kind of hold on that condo at the National Roofing Supply property. If there can be some kind of hold on wherever it's going next because of this residential parking problem. Because those of us who lived opposite that--Highland, Prospect, Lake, Summit and down in the other direction meaning South Prospect, Summit--we are all worried that a lot of those condo people, if I recall correctly, the condos are saying that they have one 1½ car parking on the site. I don't know anyone who drives half a car so we are afraid a lot of those people who are going to be possibly buying those condos and if they are two people that are working, they are going to be two people that are going to have a car and they will be parking up and down our streets. I want to know if that can be looked at before any kind of approval can happen to that.

Mayor Pontieri stated: That is exactly why Trustee Crean brought it up. If this is approved prior to that and they haven't come forth to either the Planning Board or us so that is why we are working on it now.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried the Board moved into Executive Session to discuss matters of personnel, Planning Board and Ethics issues at 8:30 p.m.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the Board returned from Executive Session.

Public to be Heard:

John Rahl stated: Regarding our request for a 12 foot privacy fence to be put up by Watersedge and 260 Waverly Avenue due to the garbage that is being dumped into our properties backyards. Ms. Lent stated that she is working with the Mayor's office but has heard nothing from them about a week and a half ago.

Mayor Pontieri stated I have spoken to her since.

John Rahl stated Ms. Lent said she has also met with both cooperative complex board presidents on August 2nd and earlier spoke with both management agencies but was unsuccessful. From our understanding despite the petition from Mulberry Street residents to stop the garbage from being dumped into our properties, our repeated request for a 12-foot privacy fence to be put up, they were still unyielding about taking responsibility about the garbage being dumped from their properties into our backyards nor are they willing to pay for the cost of putting up a 12-foot privacy fence to act as an deterrent and buffer from their adjacent parking lot and properties. In fact, Wateredge's board president stated her apartment doesn't even face Mulberry Street so why should she be responsible for paying for the fence. That non-caring lack of concern for the very problem at hand is a major concern to me. Her non-caring attitude is felt and manifested through the rest of the cooperative owners and is probably the very reason why garbage continues to be dumped into our backyards from them. Because no one cares. They refuse to take responsibility for any action to stop this crime. As board president she should be appalled that garbage is being dumped from their properties onto ours. Instead

her attitude is I don't see it, why should I do anything about it, why should I care. The very premise of being a cooperative apartment complex is that you share the cost of maintenance because everyone is responsible; therefore everyone is accountable. In this case especially, the board president should be concerned and take responsibility for the actions of what is happening. It appears that recently in the last 2-3 months, 260 Waverly Avenue has cleared some overhanging branches from their property. In the case of one of the trees on our property, they completely cut the tree in half, killing the growing part of the tree, and leaving us with a 15 ft. dead stump that we must now remove. This disturbs us now more so because in fact it was one of the trees that provided us with some degree of privacy. In no way did we give them permission to reach into our property to do so. It is just another example of how the cooperatives takes liberties not bestowed to them because they feel our properties are just an extension of their own. They feel that they can do it whatever they please at their leisure. In addition, it is bad enough that we have to deal with the already established issue of them dumping garbage into our backyards as well as leering into our backyards whenever they see fit, our neighbors and I should not have to contend with head-in parking from a complex with no privacy fence because they are supposedly grandfathered in. This law must be changed. If it is not changed, then in fact they should have to change their rule about head-in parking. They head-in park towards our properties so as not to disturb their first floor tenants when they are sleeping, but all hours of the night their headlights can shine on our houses, no problem, without a privacy fence. This is the minimum that should be done to any or other issues that we have brought up. The wooden fence from the Watersedge is dilapidated and in disrepair. It has large holes and gaps that is an invitation to vermin and needs to be replaced anyway. This would be an ideal time to put up a 12 foot privacy fence. In addition, you will find a picture of a P.C. Richard's truck delivery that is clearly seen through the entire height of the existing fence belonging to 260 Waverly Ave. as well as a man standing on a porch and staring into my backyard while I was working—just standing there staring. We have to deal with these intrusive sights that occur on a daily basis in our backyards because there is no privacy fence in place. It is unfair that complete strangers, delivery trucks, pedestrians, people parking their cars can see us in the privacy of our own backyard. Our backyards are supposed to be to us, the homeowners, our oasis, our private retreat from the rest of the world, from even our single resident neighbors that we know about and care about more or less much more than strangers. This see through chain link fence affects our quality of life. There needs to be a better barrier of 12-foot privacy fence to allow us to live in peace. According to Patchogue Village code we are entitled to it. We are entitled to public peace, protection of our properties and health and safety related to our quality of life. "The Office of Public Safety and Code Enforcement is tasked with diligently enforcing Village codes to assure the health and safety of Village residents and to address issues related to the quality of life. The Department is also charged with preserving the public peace and protecting properties through education and enforcement." This Saturday we recently discovered a medical kit dumped approximately 20 feet into our backyard. Whoever did this had to have given it a good heave to reach the backyard where it landed. We pondered why someone who dump a brand new medical kit of all places into our backyard. As both properties are aware that both my wife and I are in the medical field, this gives us the feeling that they are mocking us. The reason that they feel they can get away with this is because there have been no repercussions to their actions thus far. Reinforcing is, in fact, is that each time someone has met with them regarding an issue, nothing has been done to stop them. They have over 400 combined owners with probably at least 800 occupants—and I am just making a guess of two people per condo. On any given week many of these condo owners have visitors or guests which all can park on any given parking spot giving them access to any of our 13 neighbor's properties. If even one in every ten people throw one item of garbage over any one of our fences, that's 100 pieces being dumped on our properties in any given week. Multiply this by 52 weeks—you do the math. This severely affects our quality of life and all we ask is that

you treat this matter as if it were happening in your own backyards. I highly doubt that you would accept just going and discussing the issue and nothing being done as satisfactorily taking care of the problem. Since it appears that this multi-unit dwelling is becoming a way of improving Patchogue which I agree with in some ways, then something has to be done to provide a better barrier of protection for peace and improved quality of life for the existing homeowners that are accustomed to single resident dwellings. In summary, our quality of life is affected firstly, the unsightly garbage that is being dumped into our backyards; secondly, the garbage being dumped many times is toxic to the environment and ecosystem; thirdly, it is unsanitary and attracts vermin such as rats, raccoons and possums; fourthly, as I just mentioned, there is no buffer between delivery trucks, parked cars and cooperative pedestrians—only a chain link fence and dilapidated wooden fence, both which need to be replaced according to Section 55-43, paragraphs b and f, in your own coding. Paragraph k states. “adequate sanitary facilities and methods shall be used for collection storage, handling and disposing of garbage and refuse. I think that you would agree that dumping garbage into our backyards is no way adequate. The fact that garbage is still being dumped, they should have been fined according to Section 55-45(1), “no less than \$350 and no more than \$700 and/or imprisonment for no more than 15 days, or both.” Of which they have received none of the stated punishments. This is what we were told by, I believe, Mr. Brandi, but I am not going to say exactly who it was, the thought that the cooperatives would not pay any of the fines issued to them as a reason for not issuing a fine is unacceptable to us. If a history of fines had been established by our neighbors’ complaints in the past, then this situation would have a completely different feel at this junction and I am sure that your attitudes towards this matter would be different as well. If there was a history established from everyone’s complaints and then being fined each time someone complains...

Mayor Pontieri stated: The problem we have is to catch them doing it. Just finding their mail is not enough.

Deputy Mayor McGiff stated: That it would get thrown out of court.

John Rahl stated: Fine, but at least if you established that history, if it gets thrown out of court, it is still establishing a precedent. It is still establishing that there is a history of them dumping garbage on a continual basis.

Deputy Mayor McGiff stated: To just give the condo association a ticket, it is going to get dismissed.

John Rahl stated: If there is a condo association and they are representative of all of their people, they have to police their own. First of all, the “Please do not litter” privacy signs that they put up encourages them more to throw it over my fence. It says please do not litter, but not please do not throw over the neighbor’s fence, don’t litter on the neighbor’s yard, so if they have garbage they will throw it over. They threw a shopping cart over the fence, Christmas trees over the fence three houses down.... My neighbor said she had seen a spotlight shining from someone’s window into my backyard one night. I didn’t see that act and did not call Suffolk Police. I did call Suffolk Police when they were harassing me with the fire. We are bringing this to your attention and am going to have more and more of the neighbors come up.

Mayor Pontieri stated: I don’t know where the solution lies. It is very simple to say. If you give somebody a ticket for littering, whether it is the condo association or somebody walking, the first thing the judge wants to know is who saw him do it.

John Rahl stated: I would like to show you pictures to address the issue of the privacy fence. You can read the wording on the P.C. Richard’s truck, from above the fence and

below the fence as if there is no fence. That is not a privacy fence. And for us on the 260 Waverly side, you should have to force them to put up a privacy fence.

Village Attorney Snead stated: This sub-division has been here a long time. What I see here is strips put in it to provide privacy. At the time that was put up, that was probably what they had. That being the case, they would be grandfathered on that fence. The Village does not have the ability, absent some clear violation of the sub-division law, to go back and require them to change it. If this fence was lawful when it was put up as a privacy fence, there is nothing you can do to change it.

_____ stated years and years ago the fence was put up on my property and later they put the slats in to make it a privacy fence.

Village Attorney stated the problem we have they have a C.O. for the entire site.

_____ stated there is two separate divisions.Watersedge and and then there is the other subdivision. The other subdivision was there in 1972. Watersedge was not there. For maybe 15 or 20 years they had no fence. Then they put up a stockade fence.....

Village Attorney stated: It most likely was a requirement of a permit, which either they hadn't done in the first place or was then imposed upon them because they did a change. All that being said, if what they did then was lawful then there is no way we can make them change it now simply because we want a higher fence or a different one. I will talk to Carol Giglio this week and find out how this was resolved. But, the Mayor is correct. To come into a criminal court you have to actually see somebody commit the act or else it is a waste of everyone's time. You have actually more ability to go after them in civil court as a private landowner in the cutting down tree situation than Village. The Village is not in a position of litigating on behalf of private litigants in civil court against another private litigant. If it is a criminal matter, then absolutely, but we have to see it done.

John Rahl stated: I don't understand why you can't change a law that was set in place that they had met code then that no longer currently meets code if it affects the quality of life of the people around them.

Attorney Snead stated: Because when those codes are established and you are acting in response to the code as it was written and get a certificate of occupancy saying that you have met the law, you are what is known as grandfathered.

John Rahl stated: I can see that for a single resident occupancy, but when it comes to a multi resident dwelling, a business...

Mayor Pontieri stated: The law is equal to all. We create our code and that part of the law is equal to all whether it be a large corporation like they are or a single family residence. What is allowed for one is allowed for the other. That is the way the law reads. That is the frustration we have now. It is how do we attack it?

Deputy Mayor McGiff stated: The best course of action would be to sue in the Supreme Court for private nescience. That is probably the best course of action. That's going to entail hiring an attorney, but you will probably have more ammunition than we do.

John Rahl stated: One of the cooperative board presidents said we have no problem with them paying for a 12 foot privacy fence. My issue would be that I am willing to pay my portion of it if all 400 residents of theirs pay their portion. It is a shared fence between all of us.

Village Attorney Snead stated: The strongest suggestion I can make is to get an attorney with everybody on the street who has this problem and have him in a unified voice go to talk to them. Or maybe say to them, we can lay all this out in front of the Supreme Court and have a big fight and it's going to cost everybody a lot of money or we can agree to settle this matter and hopefully walk away maybe not as friends but no longer antagonizing each other.

John Rahl stated: The next time that somebody dumps their garbage with their envelopes inside that bag on my property, I need Mr. Brandi to then issue the summons.

Village Attorney Snead stated: He cannot do that unless he sees it happen. That is the law. As a criminal matter we can't do it. As a civil matter we can't prosecute him.

Mayor Pontieri stated: You can't give somebody a ticket for something you don't see them do; you can't require them to change what they already have been approved for umpteen years ago, the ability for us to give a violation to the entire complex for the actions of one single action.

John Rahl stated: When Ms. Lent met with the two board presidents to talk and discuss about the problems and about solving our issues, all they had were complaints about dealing with the Village. About the parking lots, you consider it public and the police dept. considers it private, so the police don't come for their complaints. But you don't do things to help them because you consider it public. This meeting was to deal with an issue that we had with them and they are using it as a forum, basically to bad mouth you and your office with how you are handling their complaints.

Mayor Pontieri stated: They came to us because part of that borders our DPW yard. They came with exactly the same complaint that you had. They wanted us to build the 12 foot fence. And I said to them you build the 12 foot fence; it is on your property. And we never built a 12 foot fence for them. Their complaint was very similar to yours because some of their homes were on the backend of that. It was the same thing; complaining your garbage comes over our fence.... That DPW yard has been there since the middle 30's.

John Rahl stated: On the other side of you that is being built, the builder is responsible enough because now the people are buying. To build a retaining wall and then a fence on top of it that gives it privacy.

Mayor Pontieri stated: We will continue to work with it with what we can do, but it is a real frustrating situation. And it is more frustrating for you because you live with it and ours because we can't do something about it. We made requests for them to put some garbage cans along there.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board accepted letter of resignation from Steve Fuoco from the Ethics Board as he is no longer living in the Village and wish him the best of luck.

Upon a motion made by Trustee Dean, seconded by Trustee Krieger, and unanimously carried, the meeting was adjourned at 9:10 p.m.