

A Special Public Hearing was held by the Board of Trustees held at the Municipal Building, 14 Baker Street, Patchogue, New York on October 25, 2007.

The meeting was called to order at 7:00 p.m. by Mayor Pontieri with Trustees Dean, Hilton, Krieger, McGiff, Village Attorney Snead and Village Clerk Seal present. Trustee Devlin was not present.

The flag salute was made by Pete Roe.

Mayor Pontieri read the safety message.

Mayor Pontieri stated: I have two requests. One from the attorney for Tri-tec and one from the attorney for Mr. Furman requesting for it to be adjourned. I am going to ask Mr. Roe to give an explanation because in both cases it is similar for the reasoning.

John J. Roe III, representing Joel M. Furman the president of the two corporations whose properties is under consideration for condemnation by the Village. Earlier this week I received a phone call by the attorney for the purchaser. He advised me that his consultants had asked that additional tests be conducted. He advised that those tests would require sidewalk opening permit from the Village of Patchogue. He was going to make application for that purpose and I believe that has been done. Under the circumstances he asked me if we could have a three week adjournment of the due diligence period to complete his studies. Our client agreed to that so we wrote a letter to him to advise him that that was permissible and as a result we asked us for a three week postponement of the closing. We have now agreed that the closing will take place either Dec. 4th or Dec. 5th. I got another phone call from him today asking my client which date he would prefer. I have not had a chance to ask him. The purpose of my appearance here tonight is to seek another adjournment for the purpose of allowing the purchaser to conduct these additional tests and to allow both sides to pursue a contract closing on or about Dec. 4th or 5th this year. On that basis, I would ask that the board consider adjourning these proceedings until a date at or after the closing date proposed. I have also been advised, for your information, that there is a mortgage commitment in place. They just need to finalize these last reports—one of the conditions for granting mortgage financing. The due diligence period will end now three weeks, Nov. 14th.

Mayor Pontieri stated two days ago the sidewalk opening permits were given so they have started that process. I am going to ask Ms. Seal to read both letters into the record, your letter and Mr. Ruden's letter.

Mr. Roe stated I was advised by Mr. Ruden that after the tests were completed, it will take about three weeks to have the study completed and the report issued.

Village Clerk Seal read: "Dear Mayor Pontieri and Members of the Board of Trustees: In connection with the above matter which is scheduled for another hearing on Thursday, October 25, 2007, the buyer has requested a three week extension of time until November 1, 2007 so that it can make additional test borings. These additional test borings are required in order to have the lender finalize its mortgage commitment. The closing date will also be pushed back until December 4 or 5, 2007. We, therefore, request an extension of the process until a date on or after the date proposed for the closing. Respectfully yours, John J. Roe, III" dated October 24, 2007.

Village Clerk Seal read: “Dear Mayor Pontieri and Members of the Board of Trustees: I am writing on behalf of my client, Downtown Patchogue Redevelopers, LLC. My client has requested an extension of its due diligence period until November 14, 2007 in order to conduct additional tests recommended by one of its consultants. In view of the extension we have requested that the title closing be scheduled for either December 4th or 5th, 2007. I am writing to request an adjournment of the hearing scheduled by the Village on Thursday, October 25, 2007 to consider the acquisition of title of the properties by eminent domain. It would appear that adjourning the hearing would be in the best interests of all concerned. Thank you for your consideration. Very truly yours, Morton R. Ruden” dated October 24, 2007.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board set the next hearing to November 15, 2007.

Mayor Pontieri asked is there any public comment. Right now it is just a process that we are going to follow and as cumbersome as seems. Just a general comment, the Town of Brookhaven started a process with the Plaza Theatre over a year ago and they haven’t had a hearing yet. So, I feel we are doing pretty good.

Upon a motion made by Trustee Dean, seconded by Trustee Krieger, and unanimously carried, the meeting was adjourned at 7:10 p.m.