

Board Meeting

July 31, 2007

The Board of Trustees met for a Public Hearing held in the Municipal Building, 14 Baker Street, Patchogue, New York on July 31, 2007.

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

The flag salute was led by Trustee Crean.

Mayor Pontieri read the safety message.

Mayor Pontieri stated: as you know we are here to hold a public hearing regarding the potential need to initiate the process of eminent domain on the properties located at 1-15 and 17 West Main Street, Patchogue, New York.

Village Clerk Seal read: Please take notice that a Public Hearing of the Village Board of Trustees will be held at Patchogue Village Hall, 14 Baker Street, Patchogue, New York at 7:00 o'clock in the evening of the 31st day of July, 2007, pursuant to Article 2 of the Eminent Domain Procedure Law for the Village to consider the acquisition of certain fee interests of real property located at 1-15 and 17 West Main Street in Patchogue, New York, also known as District 204, Section 9, Block 5, Lots 25.2, 25.3 at 26 on the land and tax map of Suffolk County, ratifying a vesting map and making determinations and findings in connection with said fee interest acquisitions required for the removal of substandard (blighted) and dangerous conditions and related public purposes, at which hearing the Village Board will afford a reasonable opportunity to all persons interested to be heard concerning the public use, benefits and purpose to be served by the acquisition of said fee interests for the project, the general effects of the project on the environment and residents of the Village and such other factors as may be relevant thereto. Please take further notice that those property owners who may subsequently wish to challenge condemnation of their property via judicial review may do so only on the basis of issues, facts, and objections raised at the aforementioned public hearing.

Mayor Pontieri stated: as is indicated in that notice, we are here for the purpose of considering of eminent domain proceedings on those properties so cited. As many of you know, the properties that are being reviewed are the former Swezey's Department Store which has been vacant seven years this October. One of the things that made this Board begin this consideration is that as the condition of the building deteriorated, the values of the properties around it were affected by it. The deterioration of that building and the blighted condition that it is in has created a situation that is not only dangerous because of the construction of the building and the type of building that it is as is noted by the Fire Marshal, but when you begin to take a look of the values of properties based upon what you can get per square foot if you rented, it affects all of those things. The blight of that property not only affects the values of the businesses, but also affects the values of every homeowner that sits out here. We just recently completed a close to two million dollar renovation of North Ocean Avenue--took a street that could be considered blighted in its condition, from the pot holes to the curbs to the sidewalks and did a two million dollar renovation. Now that new road leads to a blighted piece of property with a value that might be less than the value of the road that leads to it.

This process and proceeding has two purposes to it. Purpose number one but as equal to the second one is to consider the blighted condition of that building and its affect on the total community. And number two and as equally as important, the danger that it poses if in fact there is a fire in the building and based upon the Fire Marshal's review and report

on it the conditions that may arise from a fire and its development and affect on surrounding properties. This is for myself personally one of the most difficult things that I have had to do since I sat here. This is not the seat that I wish to sit in. It is not a position I wish to take. But, it is one that myself and this Board were elected to consider. If we didn't consider and if we didn't look at it, you would have every right to look at us and say "please leave." Because what we do here affects everybody in this Village. I say that because I don't want anybody to believe that we do this lightly. That anybody on this Board feels that this is something that we want to do, but we feel that it is something that we may have to do. Conditions have led us to this. The condition of the building, most importantly, is what puts us in the situation that we are in this evening. I am going to ask Mr. Andrew Mahoney of Jaspan & Schlesinger the Village's Attorney who will be handling the eminent domain proceedings to speak.

Andrew Mahoney, Village Attorney, 300 Garden City Plaza, Garden City, New York, stated: as the Mayor pointed out, what we have here tonight is a hearing pursuant to Article 2 of the Eminent Domain Procedure Law. The purpose of this hearing is to determine facts and circumstances relevant to whether there is a purpose in acquiring what I will call "subject premises" which is 1-15 West Main and 17 West Main Street in the downtown of the Village of Patchogue. I have a brief presentation to make and will put some exhibits into the record. I have a couple of letters to read into the record that have come to the Board's attention subsequent to the scheduling of this hearing. I think those letters are going to be relevant to the conduct of the hearing tonight as it may be adjourned into the future. As clearly there is a problem with the blighted property in downtown Patchogue, we were prepared to call tonight a planner and the Fire Marshal who investigated the blight of this property and to potentially look into a hazard if one exists. And taken individually or all together, if there was a blighted situation or a hazardous situation, the Village could consider based on that record whether they wanted to issue findings and determinations as to whether it would be appropriate for the Village to acquire the property via eminent domain. The next step would be to publish the finding and determination. Eventually at the closure of a certain thirty day period, the Village would have an opportunity to go into the Supreme Court here in Suffolk and obtain a vesting order and with the filing of the vesting map in the County Clerks Office, title to the two properties would vest in the Village and they would be able to dispose of it as they wish. But, I think it is a fairly well accepted concept that if private industry could do something, it's perhaps better to let private industry resolve the problem. Private industry can take care of the situation so that the Village does not have to take the property and that the Village does not have to spend the taxpayers' money to acquire this property. That is something that we will take into consideration and that's something that we are going to discuss tonight. But, initially I just want to read a few exhibits into the record for tonight's hearing.

Exhibit A1 is going to be the Public Notice that Mrs. Seal just read into the record.

Exhibit A2 is an Affidavit of Mailing of that same Public Notice of Hearing on the record owners as per the tax roll with the receipts. It was mailed Certified Mail/Return Receipt Requested. I have signed receipts from Joel Furman dated July 6th on behalf of Fur Real, Inc. and J. M. Furman Realty Corp. indicating actual receipt of that actual notice of tonight's hearing.

Exhibit A3 is the Affidavit of Publication of that same notice in the local paper *The Long Island Advance* for two successive weeks commencing July 12, 2007.

Exhibit A4 is an Affidavit of Publication of that same public notice in *Newsday* for five consecutive days commencing on July 9, 2007 ending July 13, 2007.

Exhibits B1 and B2 are the vesting map and metes and bounds description for the property located at 1-15 West Main Street, Patchogue owned by J. M. Furman Realty Corp. as reputed owner.

Exhibit C1 and C2 is the vesting map and metes and bounds description for the property known as 17 West Main Street, Patchogue, owned by Fur Real, Inc.

The next two exhibits, which is where we are going to have to make some decisions tonight, are two letters.

Exhibit D1 is addressed to Mayor Pontieri and the Board of Trustees. It is from John J. Roe III from Roe Wallace and the reference refers to the two properties we talking about tonight and the letter provides in sum and substance, "We are writing this letter on behalf of the owner of the above properties to request an adjournment of the hearing scheduled for Tuesday, July 31, 2007 at 7:00 p.m., which was scheduled by the Village to consider the acquisition of certain fee interest of the real property referred to above. At present, the real property is under Contract of Sale. The contract calls for a period of due diligence which will expire in early September. During that time, the purchaser will undertake studies it deems necessary. Under the terms of the contract, the closing is to take place before December 1, 2007. The parties are counting on the cooperation of the Village Board of Trustees and other boards in the redevelopment of these properties. These are pivotal parcels as Patchogue progresses into the 21st century. Accordingly, we seek an adjournment of the proceedings scheduled in July 31, 2007 so that progress can continue. We look forward to further meetings with the Village and with the purchaser as matters progress. Respectfully yours, John J. Roe III." Cc to Joel M. Furman Esq.

Exhibit D2. The second letter which was received is from Morton R. Ruden, Attorney at Law in Westport, Connecticut. The letter is addressed to Mayor Pontieri and members of the Board and also refers to the two properties we are discussing tonight, 1-15 and 17 West Main Street, Patchogue. Letter provides: "I am writing on behalf of my client, Downtown Patchogue Redevelopers, LLC which has entered into a contract with the present owners to purchase the above referenced properties. My client's due diligence period ends in early September of 2007, during which time my client will be conducting its studies and investigations of the properties. I am writing to request an adjournment of the hearing scheduled by the Village on July 31, 2007 at 7:00 P.M. to consider the acquisition of title of the properties by eminent domain. My clients will be happy to meet with the Board of Trustees at a mutually convenient time to discuss their plans for redevelopment of the properties in a manner that they believe will be a source of pride to them and the Village. It would appear that holding the hearing at this time would be counter productive to the interests of all concerned. Thank you for your consideration. Very truly yours, Morton R. Ruden"

Mr. Mahoney stated: so we have an application for adjournment where the present owner of the two properties and the purchaser have entered into a contract where the purchaser appears to have a due diligence investigation period which runs until the first week in September and that is an application that is before the Board right now as we speak.

Exhibit D3. But before I discuss that, I want to read one more piece of correspondence into the record. It is from Trustee Krieger. "Dear residents, With regrets, I am unable to attend this Public Hearing so I've prepared a brief statement to be read into the record. Nothing really happens until something happens on the Four Corners. Today, Number One West Main Street is the most important address in the entire Village of Patchogue. What was once the heart of our social and economic life has been allowed to decay and stand as a reminder of a suffering Village in a state of decline. It should serve instead as a fond memory of our "glory days" and above all, a symbol of a bright future filled with

promise. Redevelopment of the property needs to proceed without delay so our downtown business district can finally move forward. Therefore, I am in full agreement with Mayor Pontieri and my fellow Trustees and I support condemnation of #1 West Main Street and #15 West Main Street. Thank you, Jack Krieger”

Mr. Mahoney stated: I had been prepared to call two witnesses this evening,; one is Mr. Jovishoff an urban planner, to introduce his blight study of the downtown Village area which has already been adopted by the Board where among other things the two parcels we are discussing are identified as blighted for many obvious reasons, not just the condition of the property but the period with which its been vacant, possible issues with obsolescence given linking utilities between buildings and various reasons why the property is blighted under any classical definition. In addition, we were going to call the Fire Marshal to discuss his code violation report which I think was prepared in 2006 of the subject properties and we were going to probe into whether there was some sort of hazardous condition of the subject that had to be remediated immediately. However, under the circumstances of the application made to the Board, I am not prepared to call those witnesses tonight. I recommend to the Board that we adjourn and keep the record open to an appropriate date. We have been, advised of a date in the first week of September which is the first date by which we would know whether there is an initial problem with the purchaser’s due diligence investigation of the property. There is nothing in the EDPL which prevents the Board from keeping this hearing open. It seems appropriate to me that the owner of the property and the purchaser, private industry move ahead with the redevelopment of the property on their own. I think the Board can keep a tight leash on the situation, not even getting into whatever approvals are going to be necessary for whatever proposed use is going to be put to the property which is another thing. But, as far as keeping everyone’s feet to the fire and of making sure that this blighted situation gets resolved as soon as possible, I think the quickest route to that resolution is to keep a close eye on these parties and allow them to resolve it themselves. If they move as fast as indicated in their letters and from the contract, then that’s the quickest route, I think, to the resolution of this problem for the Village.

Mayor Pontieri stated: In all likelihood we are going to do the adjournment, but what I would like to do is give the people who came here tonight the opportunity to speak. We’ll discuss here with the Board first the adjournment piece and the date that it will be set to and then anybody that wishes to speak on the record and make comments will be put on the record this evening. I think that two of the issues that Mr. Mahoney made that were very important to be said is where the private sector could handle the problem you let the private sector handle it. Our hope is that the agreements that are beginning to be put in place follow themselves through and that we find in early September that the contract is being ready to be consummated and that we move along towards curing the problem that we have. The second comment that he made that was as important as the other one is the Fire Marshal the better part of a year ago found a number of deficiencies in the building that created a danger, one to where the fire department has made a decision that if there is a fire they do not go inside. They will stay on the outside and pour as much water on it as they can to remediate the problem. The fact that we waited a year is one that concerns me. So the quicker that we move the process, the better off we are because it is a safety issue.

Mr. Mahoney stated: I just want to remind the Board and the members of the public that the record will remain open until the adjourned date and everyone will have the opportunity to be heard at any adjourned date. There is no waiver of anyone’s rights if they don’t speak tonight.

Mayor Pontieri stated: we will also take from now until that date any comments in writing that anyone may wish to do if you do not wish to speak tonight, but feel a little bit better at a typewriter.

Discussion by the Board on the adjournment:

Trustee Crean stated: Mr. Mayor, due to the recent developments, these letters being dated as late as Friday, July 7th, I am encouraged by the fact that they have entered into a contract for sale. And as both yourself and Mr. Mahoney have stated, there is a time and place for everything. And if the private sector is able to address these issues and remove this blight and revitalize this part of our downtown with our guidance, I would be happy for that to happen. Nothing would please me more. As you stated earlier, this is the court of last resort. We do not want to be here. This is not a situation that we like to be in and if there is a way for a private sector to address and remediate our concerns, I would be all for allowing them the time to do that. It would be my liking to try and adjourn this date as early as September 6th if we could.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board adjourned this public hearing to September 6, 2006 at 7 p.m. at 14 Baker Street, Patchogue, New York.

Public to be Heard:

Charles Baker, 303 West Roe Blvd., Patchogue, a fifteen year resident of Village of Patchogue, current Secretary and Treasurer for the Greater Patchogue Chamber of Commerce stated: I am here tonight to state an official position from the Chamber of Commerce as elected from the Board of Directors to state that we are not for nor against the condemnation process to these parcels but for action. We speak from the heart unanimously. This cannot wait any longer. We really wish to see this resolved within the next day, month or year, not next year or the year after. Officially, that is our stance.

Ronald LaValle, 205 North Ocean Avenue, Patchogue, stated: first off I think it's very inadvisable for the Board to wait on any remediation of code violations on this property. If something happens and that thing goes up in flames while we are waiting for this contract to be concluded, I think the Board is putting itself and the Village in a very tenuous position. Secondly, I have some questions to address to Mr. Mahoney. When you say that the Village should keep this process on a short leash, what specifically do you mean?

Mr. Mahoney stated: the Village has been advised that this due diligence is going to expire the first week in September so by adjourning it to the first week in September we are contemplating that is the first date where between these parties we should obtain some knowledge as to whether this purchaser has found anything that's going to cause a problem for the deal. So as opposed to adjourning to the on or about closing date which I think is in November, we will meet at the end of the first period where I think we will really be able to see something.

Ronald LaValle asked: and can't proceedings for condemnation proceed in a parallel manner as opposed to what you are recommending on a serial basis? I ask that question because I don't know if you are a betting man or not but I am willing to bet that this deal is going to go down the drain in September or October or November and then we are going to be right back in the same position. For the record, this is my opinion. I think there is a track record here of stalling and baiting and switching and that sort of thing.

Mayor Pontieri stated: that is exactly what our concern is; very much so our concern. And I think that that is why we started the process the way we started it. It is that we can sit back and wait so long. And you are right, 100% correct. We waited a year because we thought some things were going to happen and they didn't happen.

Ronald LaValle asked: can these processes run in parallel?

Mr. Mahoney stated: they could.

Ronald LaValle stated: then I think they should. The other thing that I have to say is what do we know about this purchaser and why shouldn't the Village Board meet with this purchaser immediately and why shouldn't we know what the purchasers intentions are for the property. What is he going to do, put a carousel in there? I don't know if I support that.

Mayor Pontieri stated: that will happen during this process also where we will obviously meet with the purchaser just to do exactly what you are talking about. But, the issue becomes is our concern that the building is blighted right now and we need to take care of that issue first. We can't develop to the developer until he comes to us with the plan that he has. These are two private entities, hopefully making a deal to settle this. And no matter how you look at it, the condemnation proceedings are going to take 180 days after all is said and done. So the few days that we are putting aside to move this, to hopefully put them in a position to make a deal, I think will be beneficial to us. What I am saying between now and September there will be discussions obviously going on with us and Mr. Roe and Mr. Ruden and the downtown. One of the things I am not going to do is I am not a real patient person. I try to be, but most times it doesn't work. We need to move this forward and you are 100 % correct. And also we need to move it forward in a manner to make it work. If I can get a private developer to spend the three, four or five million dollars or whatever the cost of the property is, that's what I want to do. I don't want to put us in a position, if I don't have to, of have to spend three, four or five million dollars or whatever that number is that some judge is going to slap on this thing. That is another concern. There is the dollar concern.

Ronald LaValle stated: when I suggest that condemnation run parallel with the process and if that is in fact possible, I really believe that the Board should strongly consider that as an option because that will definitely make people show their good faith in this process. The last thing you and anybody else wants to happen is for us to get to September, there is either going to be a contract showing the due diligence is not going to do something for the buyer and then there will be another, or what will happen is the buyer will indicate and the seller will say that we need till March, 2008. So I think you really should strongly consider the condemnation move in a parallel process to keep peoples' feet to the fire. You are a patient man. We've waited here in Patchogue Village for a year and a half for this to happen. And I strongly believe in personal property rights, but I also believe individuals shouldn't hold up progress in this once great village which once again can be the hub of this section of Suffolk County. I really think you really need to discuss this option of moving on a parallel basis. And secondly, I would like to hear the Board's opinion about immediate remediation. If that thing goes up, my house could catch fire—think about the Chicago fire. We have all wood frame structures going up and down North Ocean Avenue. Enough is enough and I think there are ways that we can deal with this.

Mayor Pontieri stated: I do really appreciate your comments.

Mr. Mahoney stated: I appreciate your comments and they are well taken. I haven't been a party to all of the discussions on this property over the years, but we have executed contracts,

Deputy Mayor McGiff stated: prior to this, Mr. LaValle, everything was nebulous. We now have an executed contract. To do due diligence is a possible out, but being an attorney myself, if you have an executed contract it is a binding instrument. The seller has always been a problem with this. There is something that is called specific performance—that buyer if he has no problem with it, he can force that. So you have a legal instrument that can be sued upon. So there is a great difference between every prior negotiation and this now. We have a signed contract.

Ronald LaValle stated: by the way, I am also an attorney, but there is an out and quite honestly it is an easy out.

Deputy Mayor McGiff stated: it is not an easy out. I would like to differ on that.

Trustee Crean stated: just because we are adjourning this date to September 6th, that doesn't mean there is a disconnect or things are going in different directions. We are still on a parallel here. It gives the community an opportunity to be heard for a specific point and time. This isn't an easy decision for us. I understand your patience. I understand what the Mayor has been through, what we have been through, what Mr. Furman has been through. So by adjourning it to September 6th, that doesn't mean that the conversation is closed, that there is nothing else to be said or done. Things will happen within that time period and we are not only patient, but we are very hopeful.

Mr. Mahoney stated: as far as an answer to your question as to whether they could proceed on a parallel basis, the Village could do what it is doing now which is conduct a public hearing and have additional public hearings and build a record. The Village can do that, but once the Village closes the hearing then the clock starts running on adopting their findings and determinations. Once they adopt their findings and determinations, then the clock starts running on any aggrieved part going to the appellate division and getting a stay in the appellate division and that delay would be up to a year, maybe even more.

Ronald LaValle stated: so the court wouldn't issue a stay unless they felt the petitioner was going to win the case. That's the only basis that the State can issue.

Mr. Mahoney stated: if there is a proceeding in the appellate division pursuant to the eminent domain procedure law which is the only venue in which such a party could go, the Supreme Court has no subject matter jurisdiction and can't proceed until the appellate division resolves that special proceeding. And at that threat of their contract being condemned and the possibility of being tied up in litigation is a problem to the developer and the developer is moving ahead the way that we think they will, then you can't move parallel under those particular circumstances. We have got a developer now who has been trying to get into contract to purchase this property for some time and they are concerned that the condemnation proceeding will prejudice their interests and prevent them from being able to redevelop this property. If they do move forward, they can own this property before the end of the year. If we go ahead with this proceeding and wind up in the appellate division, closing would be at least a year and a half away. And we are not here talking about what's it going to be. The public purpose behind this taking would be blight remediation. We would acquire the property and maybe if appropriate demolish to make the improvements. I don't know. Re-development is not what is here now. The Village has certain powers. Anyone who wants to develop this property has to come to the Village for whatever they need, whether it's change of zone, special use permits,

variances, whether it is to the ZBA, Village Board or whatever. Re-development of the property is a different process, but we certainly could prejudice the purchaser's rights by proceeding with the condemnation at a point.

Mr. Mahoney asked: Mr. Snead, do you have anything on the issue with the potential hazard on the property as to any investigations we may conduct?

Village Attorney Snead stated: we have an opinion from our Fire Marshal that was issued to the Board recently discussing the potential fire hazard on the property. I am given to understand that there is a concern from Mr. Furman that that may not be the most complete assessment of fire worthiness of the structure. It is an issue that's being handled and with this potentially new purchaser I guess it is possible that during the 45 days due diligence that a separate new third party assessment could be attained by having an inspection. Possibly the Board might want to look at or the owner of the property might want to offer. I have had discussions preliminarily with the attorneys for both the purchaser and the seller, although no decision has been made on that issue....

Mayor Pontieri stated: the question really becomes will we be allowed to have, whether it be the Chief Fire Marshal from the Town of Brookhaven, do a secondary review of the building to find out whether those conditions that we have found are consistent with the concerns that we have. That's a question to Mr. Roe and Mr. Furman.

Village Attorney Snead stated: the process of condemnation requires a number of hearings and a period of time. Were this Board convinced totally that this building was totally a fire hazard, they could initiate a proceeding in the Supreme Court which obviously would take a period of time and the court would likely require a separate investigation to make sure the building needed to be taken down if it were a fire hazard. It would take an excess of 45 days to get to that point.... One of things that was discussed was that during the period of time that there was an adjournment....., there is now an opportunity for this Board to sit down with the buyer and the seller and discuss what will happen because everything had occurred---because I think July 20th they sat down and signed their contract—and possibly provide to get a third party investigator into the building to determine whether or not in fact it was a true fire hazard. That is part and parcel of the adjournment request as I understand, although I think it should be a discussion had between this Board and representatives of various parties. That is one of the reasons why an adjournment request of this nature is probably the best for everybody because it may get us to a decision point faster, to maybe get us to a decision point that said it is a hazard and find a way to deal with it in the short term.

Ronald Lavallo stated: if that kind of inspection is agreed to, it should happen tomorrow. That's number one. I truly mean what I said about placing this Board in a really precarious position if, God forbid, that building goes up. The risk of liability to the Village and to us taxpayers would be significant. Secondly, in terms of the Supreme Court action, it seems to me that you could get an expedited proceeding on the basis of the risk of property and life. Either the Board means what they said about all these fire violations or they don't mean it. It scares the crap out of me and I think people should act on it. I am really personally not willing to wait for September before remediation begins on those issues. One way or the other, either the seller or the buyer. If the buyer is really serious about a purchase then they really might not mind participating in such remediation.

Janis McEvoy, 35 Cedar Grove Street, Patchogue, stated: I came tonight because I am very much against the eminent domain. I know that our Supreme Court voted 5 to 4 in the Kelo vs. New London case. I thought it was a desperate mistake. I believe that any municipal taking of a private property for another private enterprise is probably the most

ridiculous and sad thing that could happen in this count. That's my first thing. I'm glad you adjourned it. I have two questions for the Board. First, what are the taxes being paid by the property owner to the Village of Patchogue as of this date per year? Maybe the public would like to know what the owner is paying in taxes because we are talking about taxpayers here and about how important we all are and how important it is for our taxpayers.

John J. Roe III, Attorney for Mr. Furman, stated: taxes are currently \$55,000 a year. That is after the taxes were reduced. Prior to that time they were more than \$108,000 a year.

Janis McEvoy asked: is it possible to ask the property owner to post a 24-hour guard at the property to avoid all the problems that we are presuming are going to happen with the kind of fire hazards that we've been told about. If that is possible, I think that might be a small solution because obviously there are many people here who are worried about fire hazards.

Mayor Pontieri stated: that is a decision that he would have to make. Obviously, the request has been made formerly by you here and I will speak to Mr. Roe and Mr. Furman about after this meeting.

Sandra Mastrianni, 185 North Ocean Avenue, and Patchogue, stated: it is interesting that the tax question came up because my first question is are there any sanctions, penalties, fines? Why are we giving him a tax break on the property? It gives him an incentive not to sell it. I am a little concerned that in the eleventh hour he finds a buyer—we have heard Hilton, W Hotel. We don't know if he's putting in a Wal-Mart. It could be anything on that corner. The quality of what was spoken about prior was much more to the liking to the Village and the benefit of the residents than something that we do not know about.

Mayor Pontieri stated: the other piece to remember is that whoever buys it still has to go through the public process of the Planning Board and before this Village Board if there are zone changes. So it's not one these things where somebody could come in and put in a Cheap Johns.

Sandra Mastrianni stated: that could be three or four years down the road again.

Mayor Pontieri stated: at that point and time we will be in the planning process then. At least we are planning to do something with the property. At this point, the plans have been limited to the ones that Mr. Crean or this Board has brought to Mr. Furman on a pretty regular basis and they haven't been fulfilled. Yes, it is a concern, but the other side of it is, after all is said and done, planning happens in this room right here.

Sandra Mastrianni asked: since you want to delay this to September 6th, can we have some meeting prior to that so that to know exactly what the prospective buyer plans to do with the property. I think that would help make the residents feel a little more comfortable.

Mayor Pontieri stated: as Mr. Snead has indicated, we are looking to put a meeting together with the developers and the sellers to take a look at what we are going to do with the building considering Mr. LaValle's concerns and the concerns of the community in terms of the safety of the area. At that point and time, those discussions will be had. There always have been some discussions as to the types of things and I think the community is looking towards the idea of the hotel. Whether that can happen or not, we have to see what the developers do, what they bring to us. We have to have control over

that. I don't know how else to explain it except they will have to go through the planning process. Whoever purchases that property is going to purchase it for a tremendous amount of money. So given that, they are going to have to make a tremendous investment to make their money back from that. It is not going to be a nickel and dime store.

Josephine Miller stated: I had the same concerns that the last speaker had. It seems to me that two things can happen. The prospective buyer can come before the Board and say I would like to do this, this and this and the Board would say we don't want that and the whole deal falls through and we are right back where we started from. Or, he can purchase the property and we don't like what he is doing, and we can then spend years struggling and he could also let the property sit there vacant. He might remediate some of the fire hazards, but the property would still sit there vacant which doesn't look so good. In terms of whether to adjourn or not, this is something to consider. Not that I love the government taking private property, but here I don't know what else we can do. I just want to make the point that we really are in a very risky situation and either scenario puts us back to where we started.

Bernie Siepman, 72 Wiggins Avenue, Patchogue, stated: I want to reiterate what the lady said before. I am totally against the policies of eminent domain especially by a Village Board or any board. And I think if the Village is so concerned with that building, they ought to condemn the building, demolish, take it away, backfill it, then you can put a lien against the property holder.

Arthur Fuccillo, 67 N. Pinelake Drive, Patchogue, stated: I feel honored to speak on behalf of Mr. Furman. I am 80 years old and knew his dad, a very honorable man, and so is Joel. I also am against eminent domain. I want to give you a little background of when I was sitting as President of the Chamber and the things that we accomplished, President of the B.I.D. I bought a bordered up building in 1978 that sat vacant on Main Street for seven years. I also bought in CVS at the end of Route 112 in Patchogue. I also was a part of buying a part of Patchogue Theatre, four stores and the property on South Ocean Ave. Al Chiuchiolo and I negotiated that deal on the top of Rose Jewelers. We were a part of the Breslin piece that stayed vacant and there was many discussions right here in this room and with the efforts of Al Chiuchiolo and myself and listening to Breslin and the help of Steve Keegan we accomplished and look what we have there today. I also say I've been an advocate of having a hotel on that continue and I am going to continue that. I sat with Joel many hours, we set up a limo, we went to Conn., we entertained and wine and dined these guys—I still think a hotel in Patchogue would add an asset to our community. The reason why I am standing here is because I know you are very frustrated and so is Joel frustrated. Everything we hear, and I am only speaking on behalf of Arthur Fuccillo, I'm community minded. I want the best for Patchogue. This Board wants the best for Patchogue and we have to see to it that that is what goes on this corner. I don't know, even I'm confused. But, I say to this Board, let's have open minds, let's go forward and I know we can accomplish what we would like to accomplish.

Dick Schroeder, Shore Road, Patchogue, 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 not the case?

Mayor Pontieri stated: Yes sir. There are two purposes: to eliminate blight and to eliminate a hazard, if such a hazard exists.

Dick Schroeder stated: then I think you have to do whatever you have to do to make that happen as soon as possible. Whatever course is the path of least resistance, regardless of hurting peoples' feelings. I heard mention about the Supreme Court decision, but I don't

think you are trying to get this down to decrease your tax base, which it will no doubt do, but you are trying to get rid of a public nuisance and public hazard. And I think that is what you have to do. Make that your primary goal.

Andrew Mahoney stated I just want to remind everyone on a couple of factors. Anyone who attends the adjourned hearing would have a reasonable opportunity to be heard concerning the public use, benefits and purpose to be served by the acquisition of the fee interests to the property, the general effects of the project on the environment and residents of the Village and such other factors may be relevant. I also want to note whoever may subsequently wish to challenge the condemnation via judicial review may do so only on the basis of issues, facts and objections raised at the public hearing whether it be tonight's or on the adjourned date.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 8:00 p.m.