

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on October 9, 2007.

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

The flag salute was led by Darren Morell.

Mayor Pontieri read the safety message

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of September 24, 2007, as presented with no changes.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved the minutes of September 27, 2007, as presented with no changes.

Deputy Treasurer Monte stated: The total amount of bills this evening to be paid is \$404,508.80. The top five bills are: Rosemar \$181,865.33 for Jennings & Jayne paving, Thomas Knapp \$112,851.38 tax redemption, H2M Engineering \$56,581.11 for sewer engineering, Metro Fuel \$5,017.41 for fuel charges, Town of Brookhaven \$4,920.00 for recycling cans for a total of \$361,235.23.

General Fund	\$108,298.35
Trust & Agency Fund	\$137,420.26
Capital Projects	\$153,351.94
Sewer Fund	\$4,559.10
BID Fund	\$27.71
Housing/Code Fund	
Community Development Fund	\$31.44
General Bills	\$820.00
Total	\$404,508.80

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board approved the bills as presented.

Mayor Pontieri stated: Just for everybody's knowledge, Rosemar did the paving on Jennings and Jayne at a cost of \$181,865.33 for just those two roads. I say that because we are always asked "when are you going to do my road next." We need to always be cognizant of the fact that it is an extremely expensive proposition. And as we put the monies together to be able to do them, we will be working our way around the Village in trying to get as many streets and roads done over a period of time as we can.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried the board approved request to appropriate \$62,800.00 from surplus acct 001-0001-0599 to general fund account 001-5110-0425 for asphalt work completed on Jennings and Jayne Avenues. This is basically the difference from what the CHIPS program covered and what it did not cover. CHIPS is a consolidated highway program. You get a set dollar amount for each year that you can use on any within the Village of Patchogue. And this year we got \$119,000.00 so we elected to use that for Jennings and Jayne and this is the difference we need to cover the cost.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the Board approved budget transfers to cover cost of new dock pilings from 001-7180-0100 Pool: Salaries \$23,000.00 and from 001-7180-0417 Pool: Uniforms \$1,400.00 to 001-7230-0419 Dock: Maint. & Repairs \$24,400.00.

Village Clerk Seal read: Notice is hereby given that a Public Hearing will be held on Tuesday, October 9, 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 consider a request by Fat Fish Marina, LLC for a special permit for multiple family dwellings in C-residence, special permit for multiple family dwellings in E Industrial, relief from the moratorium on condo/townhouse development and relief from the moratorium for development on the river. At said Public Hearing any person interested will be given the opportunity to be heard.

Village Clerk Seal read into the record a memo by John V. Rocco, Chairman Village Planning Board, written to the Mayor and the Board of Trustees regarding Fat Fish Marina. "The Planning board met with the applicants and took public comment at our August Planning Board meeting. A presentation was made by the applicant that prompted spirited feedback from the public that required this Planning Board to consider the following issues as valid concerns to address as this application moves forward. The project as presented is too dense. We would like to see no more than 9 or 10 units per acre be allowed on this property. These units should more reflect the neighborhood and architecturally look "at home" in Patchogue. The total height of the units should be no more than what we would allow for residential homes in the area. Reasonable buffering of the West Avenue homes must be insured to guarantee that lighting from parking lots or cars must not impact neighbors. Consideration should be given to conserving and renovating the home on the corner of West Avenue and Mulord St to help with this buffering. The lot on the northwestern part of the property should be considered a transitional piece suited for water related business use. If this is not feasible, any condos must be located closer to Mulford St. and as far away from their industrial neighbors to the North. The Marina itself must be reconfigured to be in compliance with the existing neighbor to the south to eliminate the need for two four foot docks back to back. In addition to the above major issues, this board has pointed out several other issues to the applicant such as the reduction in the size of the broadwalk width, the inclusion of more green space and the use of a floating dock for public use as well as the relocation of the rest rooms closer to the club house as well as many other improvements we feel will enhance the beauty of the project while promoting the general welfare of the neighborhood. Mr. Mayor, the entire board is pleased that the public is so interested in providing input on this very important project and we look forward to continuing to work with both the applicant and the public to craft the best possible usage for these parcels. We look forward to viewing these items on a revised site plan in the future. Please feel free to contact me if I can be of further assistance on this issue. Sincerely, John V. Rocco, Chairman."

Attorney David Sloane, Certilman & Balin, submitted affidavits of mailing. Mr. Sloane stated: I represent the applicant Fat Fish Marina, LLC. What he owns is a 2.1 acre parcel located on West Ave. and on either side of Mulford St. which goes down to the river. As indicated by the Clerk, we are seeking a four way relief: a special permit for multi family use in a C Residence zone pursuant to section 93-10(a3), a special permit for multi family use in E Industrial zone pursuant to 93-16a, relief from the moratorium on condo development, and relief from moratorium for development on the Patchogue River. The application before you is for 24 condominium units and 67 slips. We have adequate parking to accommodate these uses under your code. We have listened hard at the Planning board hearing to the residents and have attempted to address many of their concerns. The major concern it seems where many people spoke at the Planning board

hearing indicated they support condominiums but really oppose the elevation which we had at that time. The elevations before you today are totally contrary to the elevations that we used at the time at the Planning board and I apologize to the Village as well as the neighbors for that. However, we have attempted to re-address the issue and we feel what is before you today is substantially more desirable. The elevations before the Planning board at the time was for a four story structure with a height of an excess of 45 feet. This has been modified. The elevations before you today proposed is for three story structures with an elevation of 38 feet. A 38 foot elevation is allowed in the E zone, but it requires a 3 foot variance in the residential zone. Since the time of the Planning board meeting, we have had a traffic study done which has been submitted to the Village which indicates that there will be no change in the level of sub service in the event that this application is approved and the property developed. I haven't seen the Planning board's comments; however, if I could get a copy before I am done, I would like to address them if I could when I come back up after the community has had an opportunity to speak. As I have indicated, we have listened to the community and we have made changes. We have upgraded the elevations substantially. We have lowered the elevations substantially. And we have also reduced the number of slips. We are anxious to work with the Village and the community to attempt to have an application that everyone is happy with. I would just like to point out something that I came across this morning. I see a lot of signs out saying "Stop the madness. No more condos." I don't understand this position in view of the fact that what this Village has done in the past with Copper Beech, with the Capitol job on South Ocean Avenue, Bay Village, these are projects and developments that have substantially upgraded this Village and I commend this board for having the foresight to do this. I have lived in Patchogue my entire life. There was a long period of time where no one wanted to invest in this Village and as a consequence it ran down. Through the foresight of this board this Village is coming back and I commend you for that. We feel that this proposal before you today will likewise be an asset as far as the Village and upgrade of this particular parcel of property. In this connection we talk about density. In looking at the tax map for this area, if you take the area between Mulford St. on the north, Laurel St on the south, West Ave on the west, and Cedar Grove St, you got 9.7 acres of property with 54 one family homes. It's a density of 6 units per acre. All of which have cesspools. No one is hooked in as far as the sewer is concerned. We are proposing obviously to hook into the sewer. So it is not a question that everything around here is on one acre lots. We have a photograph here today showing the present conditions and show the former condition of the property which was Marran Oil. I would point out and respectfully submit, and please don't take this as a threat to the community or the board, but I think we have to be realistic and understand that this property is zoned Industrial. The westerly portion of the property is zoned E Industrial. Under your code any use is allowed except the specific ones that are not allowed in your code which leaves open a wide array of uses that could go there which are much more obnoxious than we are proposing to do. At this time I would like to call upon our engineer, Brian Morrell to go over the plan in more detail than I have after which I would like the architect Darren Buiso to come forward to go over the elevations.

Brian Morell, Sidney B. Bowne & Son, Mineola, New York, stated: We prepared the proposed site plan for this project located at the westerly end of Mulford St. The proposed site plan shows two buildings, two residential buildings that will be new. Building #1 and Building #2 for a total of 24 dwelling units. Nine units in #1 and fifteen in building #2. We are proposing 83 parking stalls to accommodate the parking for the site which will include parking for both the marina and the residential units. Access to all parking areas will be off of Mulford St. There will be no access off of West Ave. Everything will be through Mulford St. to access the parking. The parking will also be controlled be card operated by access gates and this also will have card operated access gates to limit the use of these parking lots to the residents and also to the marina boat slip owners. The parking area will also be screened from neighboring properties by

landscaping as indicated on the plan. There will be a 6 foot fence proposed on this property line and also along that property line. There will be a 4 foot fence along the front with plantings and a minor berm along there also. We are proposing to connect to water and sewer systems for this project. And also included in this plan is the construction of a public landscaped area at the western end of Mulford St. We are proposing to provide a paver area with seeding, flagpole overlooking the water, with public access down to a floating dock. So the public has access down to the riverfront. Those are the key points of the site plan that got handed over the Darren, the architect on the project.

Darren Buiso with Steven Fellman Architects stated: I am the lead designer on the project. I have worked on a few other designs in the Village, Bay Village. The task at hand was to develop a condo project which would be in the kind and the feelings of what we have in the Village which would be a Victorian style and try to maintain that. There are two separate parcels, Parcel 1 and Parcel 2. Parcel 1 is a nine unit building, three stories. It says 3 ½ but the top floor has a loft built into the roof so it still is going to appear as a three story structure. Parcel 2 is a fifteen unit building, same exact size, same design. In thinking with the project we have on West Ave., we wanted to take the building and place it off of West Ave (Clare Rose), setting it off so creating a buffer. Along there will be trees in excess of 15-18 feet, a buffer, a decorative privacy fence. The access gates to the parking area for the condos will be keyed, private access gates only to the condo owners. One other aspect we wanted to maintain was as you look down Mulford we wanted to create this opening and create an atmosphere that was inviting to the public to come down to a park setting. We are going to have the American flag down there, a paved parking area, benches, double access sidewalks that are going to be pitched to go from the elevated street area down to the broadwalk and have access down to the floating dock (rendering shown). The other rendering is describing the buffer that we are creating along West.....what I was describing the corner of Mulford and West. This elevation is taken as if you were standing at this corner of the sidewalk looking at this view. I was describing the buffer, the fencing, the trees, and things of nature, the height of the building and how far it is set back. It is kind of shaded and blocked by the vegetation we are proposing there, but that will also be maintained open along both those parts. We are going to maintain that view, the park setting, along that. Other structures that we are proposing on the property are the broadwalk going north and south along the waterfront. There is going to be a private men's and women's toilet and shower which is key accessed only for those people who have a boat at the marina. There is an existing structure on the southwest corner of the property now. This is going to be a private clubhouse for the marina and condo owners. Not open to the public. We would like to maintain the house that is there, raise it to the elevation six feet. And we would like to keep the architecture as it is now, just redo the trim, shingles, mask the windows, maintain the architecture windows, and maintain the character. This rendering is taken from a point standing possibly from the floating dock, looking back towards the condos. So you are seeing the shower, the toilet, the clubhouse and the 15 unit building. We are maintaining the architecture of the building that is there now. It is just being raised. The only actual feature we are adding to it is a canopy around the outside to cut down on the sun glare so environmentally it will be nice and cool energy cost saving green building and everything we are trying to strive for now. The footprint is expanding towards the rear, the backside. The front is being maintained. The last presentation had a farm building, it had a stone base to it and it was lacking elements that had a Victorian field to it. This elevation is looking at the backside of the condo, facing the water. We added some elements to the architecture....it was the same material we used on Bay Village. But on this we added some multiple colors to it and create some different tones. The base is actually going to be "Bay Blue" and the upper façade will be called "Light Mist." We are adding a lot of elements and detail to it that follows Victorian style with the rooflines, the dental molding, the trim around the windows, the balcony design. We

also would like to put a little nautical flair in there with some elliptical windows, things of that nature. We want to get into a special design detail with even the chimneys being Victorian style and adding a widow's walk up there. The lighting on site is called a dark style lighting which is something which has been pretty much mandated on parts of Long Island. So all the lighting has to shine down on the property. None of it can shine up. We will take the recommendations of the Village and use some kind of Victorian light on the site. I went around the Village and looked at many different residences and taken some of the details of the structures in the Village and try and implement them into the architecture.

Trustee Dean asked: The sidewalk you mentioned you said was going to slope down from the roadway elevation to the broadwalk. Would that be handicap accessible?

Answer. It would be less than 5%.

Question. Would there be any transit slips for people who would want to come in overnight?

Answer. This is public. Some one could come up to the floating dock. I don't think if they are going to have electric. That's town property so I don't know.

Trustee Crean asked: If someone wanted to eat at the Oar House, can they pull up there, stay a few hours, walk a couple of 100 yards to the restaurant and come back?

Mayor Pontieri stated: It is actually up to the property owner as to whether he will provide those slips within his mix.

Answer: Well then I can't answer that.

Deputy Mayor McGiff asked: What's the clubhouse going to consist of?

Answer. A kitchen, tables and chairs. Upstairs will be an office for administration of the marina.

Trustee Crean asked: The association will not allow the leasing of that property for any private... It is only for marina users or the residents?

Answer. It's only for what you see...

Trustee Crean asked: So none of the residents could have a big Christmas party there or create in south Patchogue what some people might consider a nuisance to the neighborhood?

Answer: I will not be there physically policing it, but I would say no. When you have a condo you have to file with the Attorney General of the State. And that's going to be very strict in what is allowed and what is not allowed. And you have to actually state in that all the restrictions for the condo association in that report.

Trustee Dean stated: The Village has storm water issues that we have to take care of using those street ends for sediment control and discharge. As a part of this street end that you are creating, will we be able to incorporate those sediment control measures, sediment collection and discharge to aid us in our complying with the Phase 2 requirements?

Answer: It is my understanding that it is going to be designed like a storm center type of system for that outfall at the end of the streets.

Trustee Dean stated: What I am looking for is we are going to be collecting storm water off on West Ave. and from portions of Mulford Street and using the end of Mulford Street for discharge the water from the upland areas. I am not just talking about the water you collect on your property. I understand you have to take care of that. But, would you be able to aid the Village in our requirements of handing the storm water.

Answer: I think that's the understanding that we have on this.

David Sloane stated: that's one of the reasons it is staying public, a portion on Mulford Street.

Trustee Crean stated: It is my recollection that the number of slips approved by the DEC was 62 and now it is?

David Sloane stated it is now 67 at this point.

_____ and those were the five that were removed in front of the public area where the floating dock is.

Trustee Crean stated: There was an applicant, Mr. Celauro, that sought relief from the moratorium, maybe about this time last year, for a marina to the south. What sort of consideration has been put into place for his property as well?

David Sloane stated: I believe this is one of the recommendations for granting; to try and work that out. At this point nothing has been worked out, but I believe, they are still looking into it.

_____ Repeat the question, please.

Trustee Crean stated: There was an applicant that sought relief from our moratorium about a year or so ago to create a marina to the southerly portion of Fat Fish's Marina and I was wondering what sort of consideration was taken into account?

Answer. The issue at hand is that _____ dock has already been approved by the DEC and the Fat Fish dock which has also been approved actually abut each other. I know that the Planning board had a major concern with that. The question is how is that being addressed?

David Sloane stated: It hasn't been addressed yet, but obviously....

Trustee Crean stated: You said the southwest lot is not gated. Is that the truth?

Answer: Yes.

Trustee Crean asked: What's the setback of these buildings from the bulkhead and what's the slip..

Answer: The units are between 1300 and 1400 square feet. They are not really that large. They are two bedroom. The upper unit on the third floor has the loft above, and that will increase that unit square footage by maybe 400 to 500 square feet, a bigger master bedroom suite. Bldg. 1 setbacks are from the rear property line which is 104 feet

is the closest on that one. And approximately 70 feet for Bldg 1. Bldg. 2 is approximately 90 feet.

Trustee Crean asked: The environmental condition of the property, what was the last report and has that been provided to our Planning board as of yet?

David Sloane stated: The DEC signed off on a no further action letter. Whether it has been provided to Planning, I don't know, but I can get you a copy.

Trustee Crean asked: That last report would have given details of the condition of the property?

David Sloane stated: That's my understanding. And the Planning board will be provided with that.

Trustee Devlin asked: Has any consideration been given to the suggestion that the house on the corner on West and Mulford Street, that many of us have a sentimental attachment to it being preserved? If there is a way to preserve that?

Answer.....

Trustee Dean stated: On Mulford Street you show a four foot concrete sidewalk. Is that sidewalk going to be continued on West Ave. in front of the property, and if so, would you consider continuing it all the way down to Laurel Street?

Answer: This is the sidewalk we have now. This will be new, running along the south side of Mulbury Street, from this corner all the way down to

Trustee Crean stated: In Building 1 there is nine dwelling unit and on that northwest parking lot there is only 11 parking stalls. Are you expecting residents to park across the street?

Answer: Yes, some will park here.

Trustee Crean stated: So those 11 parking spaces are going to serve those marina users and those residents?

Answer: They will have to be partly shared. There is going to be an overflow between this unit parking here and here and the marina parking here and here. But, these will definitely be dedicated to the condo unit because they are going to have a gate.

Deputy McGiff stated: So the 20 will be shared between Bldg. 1 and the marina users.

Trustee Crean asked: So there is no drop-off area for the marina users? You pull down Mulford Street, you have a days gear to drop off at that circle and come back and park?

Trustee Crean stated:environmental impact statement?

Village Attorney Snead stated: It certainly requires an environmental review. Whether or not there is an environmental impact statement prior to making a decision, I am not sure exactly where we sit.

David Sloane stated: I would point out that it is not a Type 1 action. The Bay Village application which was substantially larger than this went through without any ES. Other applications with more units; larger applications have gone through without any ES. I

think we can cover. We have done the traffic studies as indicated. I think every study we have done will satisfy your environmental requirements. The issues that have been raised tonight and also raised from the audience we will take into consideration and address. As far as that house, this is something we would have to consider also. It would mean we would lose a couple of units I would think.

Mayor Pontieri stated: Let me ask the question. If the house goes, the units go?

David Sloane stated: If the house stays, we could reduce the density, I think, by two units.

Trustee Crean stated: So Mr. Sloane, you are saying from your experience and from other projects in this Village, this project would not require an ES?

David Sloane stated: I don't think it should require one. It is not a Type 1 action. It is up to the board to require it, but certainly not mandatory. I would also like to point that pursuant to EP, if it was a Type I action, it doesn't automatically mean that it requires an ES. It's a presumption. But, this is not a Type 1 action. It is an unlisted action.

Mayor Pontieri stated: I appreciate the comments and the presentation, and I would like the public to be heard. Before we get started we have a letter that was put into submission that we will read into the record.

Village Clerk Seal read letter addressed to the Board received October 9, 2007: "After reviewing the plans for Fatfish Condo and Marina, I have many concerns about the project. To begin with, the condos on the north side of Mulford Street, are only ten feet from the industrial area. Or businesses have operated here for 60 years. We have truck traffic and heavy equipment delivering lumber, supplies and construction equipment to Fire Island. We also remove garbage and sewage from the Island. The proximity of this condo project to our operation will only cause friction between residents who move into the condos and our company. There are also boat repair shops and the Town of Brookhaven LCM which carries lumber and heavy equipment to Fire Island. All of these businesses are marine related and must operate on the water. All of this traffic travels on the right-of-way which is adjacent to the proposed north condo. This type of development of this property is an overuse of this area. The moratorium for development on the River was put into effect to prevent this kind of project from being built. Four and five story condos do not belong on the Patchogue River. A scaled down project with marine related activities would be more appropriate. The north property should not be used for residences since it is adjacent to an industrial area. This could be used for parking and marina activities to create a buffer between residences and businesses. With more condo projects on the river, water front property for marine related businesses will become unavailable. In closing, Patchogue River which has a long marine history will become residential and with the exception of boat slips, the maritime industry will no longer exist. Sincerely, Charles L. Sherman, President David Park Ferry Co., Inc."

John Sherman, 3 Holzer Court, Patchogue, stated: I have a problem with this because I was here for the spiel from the same gentlemen for what we now have down on South Ocean Avenue. There has been no consideration for the neighborhood around them that was promised. My neighbor opened her back door to let her dog out and saw a naked man standing in the window up there. We don't need these condos on the water. It is to me. There are a lot of people that don't even live in the Village who are going to make a lot of money off the Village. And they are going to be gone. We are going to end up with stuff on the river that the Village is going to end up having to take care of. These people are also going to be allowed to hook up to the sewer system. We were also told at the last meeting that those apartments were going to be allowed to hook up to the sewer

system and that people on the streets as it came through could hook up to it. Now I have been informed by a neighbor who owns a home on Gilbert and Furman that he has been told twice he cannot hook up to the system because it is over-capacitated.

Mayor Pontieri stated: I don't know who he spoke to. He did not speak to me because all that flow has been put into account and reserved. Anybody that wants to can hook in—in fact, when that line was put down Cedar Avenue, there was a connection that would go to every house on Cedar and Gilbert if the person wished to connect to it.

Stephanie Sherman, 310 Cedar Avenue, Patchogue, stated: That was my husband's letter that you read. He referred to trucks and things going through there. He didn't mention other things that go on there. We have seven vessels. Five of them steel and two of them are aluminum. When they weld they are pounding. I sit in the office day after day listening to it. When my daughter brings her baby in there, he can't sleep because of the noise. These condos would be right on top of that. I just can't imagine wanting to live right on top of that. We can't help it. That's the nature of our business. We have to fix our boats, otherwise they will sink. That alone troubles me. What are the Planning board recommendations?

Mayor Pontieri stated: They indicate the project is too dense, 9 to 10 units per acre.

Trustee Crean stated: I don't think they were recommendations, Mr. Mayor, they were concerns.

Mrs. Sherman stated: So that was their recommendation. There must have been a reason for that.

Trustee Devlin stated: It is pretty much a standard that they are using along the river. It has been used across the water at Riverview, 9 units per acre.

Mrs. Sherman asked: What is the height restriction?

Mayor Pontieri stated: It is 35'. They are proposing at 38'

Mrs. Sherman stated: Just think about the noise factor and we can't help it. There is also equipment there, welders running. You are not supposed to look at welders and things like that. There are all kinds of things that we have to do there that is not really good for a residential area.

Barry Burrell, 219 West Avenue, the house caddy corner, stated: people brought up like the gentlemen said before, maybe they should take into consideration behind the scenes that they might have thought of keeping that little white house and use it as an office to do business for condos. If they got rid of Bldg. 1, closest to the Furman's shipyard, and take all the parking closest to West Ave. and make that whole area there parking and got rid of Bldg. 1 totally. And left the front alone, dressed up the front, leave that white house, and leave the fragments of West Ave. alone. I understand that there is a lot of money they invested in this, but I think that's a lot of our argument, the appeal. Second, nobody really came up with what these things are selling for, \$400,000 or higher?

Answer: No, that number has not been given to me.

Barry Burrell stated: Some of the concerns people have been talking to me about is that if these houses don't sell because the market fell down and all of a sudden, they are going for \$400,000, they are not selling as fast as everybody wishes, then what happens? Do they go to you guys and say can we put low housing in or can we rent them? Now we

have vacant 24 people, and now they need to make money because they have invested all the money and time in there. That concerns us also. Who is going to be living there? Because we don't want it to turn out to be rentals just to get some money in their pockets.

Mrs. Gallo, 235 West Avenue, Patchogue, stated: I have lived here for 55 years. I am not against the condos. I think they are still too high for the neighborhood. I think they are fine for the Village, but in our neighborhood everything is small. And I don't like my house being across from a parking lot. I could have went to the city and lived across from a parking lot. And the lights when the cars come through. I worry a lot about that, although I did put a lot of greens around to block everything. I think there is going to be a lot of traffic. You know, it looks nice. And the park is fine. But there is no guarantee it is not going to happen like what's happening at the Sandspit. We go fishing there and the kids come with the skateboards, they broke half the benches, they were smoking there, nobody could chase them away.

Mayor Pontieri stated: One of the controls you will have that there will be security on the grounds themselves. That security will probably help maintain what you are concerned about. And everything is how we look at it, how we manage it and how we maintain it.

Village Clerk Seal read Mr. Rocco's letter, once again.

David Sloane stated: On behalf of my clients, I would just like to thank the Board and the community for their time. I think we have come a long way from when we had the Planning Board meeting. When I first walked in here, Mrs. Gallo started mumbling under her breath and wouldn't even speak until I asked how come you are not speaking. She didn't say anything that I think will hurt the application. I understand her concerns. I think most of the concerns of the Planning board have been addressed, most of the points that the Planning Board had brought up have been substantially addressed with this revised plan and revised elevations. I thank the board for your time and I hope we can get a favorable decision. We will agree to whatever reasonable restrictions as far as infrastructure as this Board may require.

Trustee Krieger asked: If Swezey wanted to come in and put that same facility there, would they be permitted?

Mayor Pontieri stated there would be DEC issues.

David Sloane stated: I think the zoning code for a terminal is not allowed on E-Industrial. But there are other more obnoxious uses than this. It could be a concrete batching plant.

Trustee Devlin stated: According to this, in E-Industrial building coverage could be as much as 75% of the parcel. And provided on this plan according to this the portion that is E-Industrial is 22% of the property. The building height could be 45' in E-Industrial. In C-Residence which is the other parcel it could be 35'. And I think that's part of the reason that we have a moratorium.

Trustee Crean stated: I think that conversation of what might have been or might have been allowed in the past, since we have taken seats on the board we have taken great strides in trying to craft a local waterfront revitalization plan which talks about zoning of the river. So what was, I am pretty confident wouldn't be allowed going forward.

Trustee Devlin stated: Which is probably why we have a moratorium and acted because otherwise those types of projects could have been proposed.

Trustee Crean stated: While I appreciate Mr. Sloane's comments about the environmental impact statement, I would like to get the opinion of this board and perhaps the Village Attorney as to whether or not that is something that we would be requiring.

Mayor Pontieri stated: My sense is that if the elements of that environmental impact statement are provided without going through that process, and I think that's what Mr. Sloane said, I would like to see that checklist first before we make that requirement.

Trustee Devlin stated: If they have already provided us with a traffic study and with the DEC no further action letter, what else would we be looking for in addition to those two things?

Trustee Crean stated: Just what the impact would be on the environment. Not necessarily the condition of the soil, but what impact it would have on the neighborhood and things along those lines.

Trustee Dean stated: I believe a no further action letter from the DEC would be based on what the current zoning of the property is. And if a no further action letter is sufficient for E-Industrial use, I just wonder if that letter would cover a residential use.

David Sloane stated: Yes, it does.

Trustee Dean stated: Mrs. Sherman brings up an outstanding point. We could end up with a significant neighbor conflict with that Bldg. #1 being in such close proximity with Sherman's work yard up there. Maybe you could take a look at that and see if a reconfiguration might not come in handy.

David Sloane stated: Obviously, there is an inherent conflict with that use and what we are proposing to do there and I think we are going to have to mitigate. This is a Planning board issue. We have to do something as far as the buffering from the standpoint of sound and sight in order to protect the future residents there should we be fortunate to have this approved. Something has to be done there obviously.

Trustee Crean asked: Mr. Mayor, the checklist that you were referring to as the environmental impact statement requirements, is that a checklist that is going to be provided to us by the Village Attorney or the applicant?

Mayor Pontieri stated: The Village Attorney will get it for us.

Village Attorney Snead stated: You asked about the environmental review on this. Typically what happens is the applicant provides it, it is reviewed by our Bldg. Dept. and the Planning board as well. That EAF that Mr. Sloane will be comprehensive in regard to, traffic issues, disruption of soils, disruption of traffic and will identify how long the project will be in the construction phase. That kind of thing.

Trustee Crean asked: So all of those things will be reviewed before it comes back to our board for an issuance of a special permit or relief?

Attorney Snead stated: Yes. I will speak with Mr. Sloane. I am sure his office will know exactly what we will be looking at, and if there is anything else that is necessary we will ask him to do it.

Trustee Krieger asked: If someone wanted to put single family homes on that property, how many could they put?

Attorney Snead stated: I am not sure. In the E-Industrial zone you would have to come back for a special permit to do it. If this property were to be treated as a C, D or B residence, it would have to meet those requirements. And quite frankly, I am not sure what they are right now. The issue here is that you have two acres of land, if you had single family homes you probably are not putting anything on less than ¼ acre I would imagine. The purpose of the moratorium was to look at potentially changing the zoning in this area anyway. It's kind of an open ended question.

Trustee Hilton stated: I don't think single family homes have worked out in that area. There are two on the end that to me have changed hands many times since they have been built.

Susan Scalla, 275 West Avenue, asked: What happened to the 50 ft residential setback here? This looks like 50 ft worth of parking.

Mayor Pontieri stated: That is all part of the approval process that they have to go through.

Ms. Scalla stated: From walking up and down West Ave., I know the runoff from Mulford, West Ave., running down Mulford to the river can be 2-3-4 inches in depth, like little rivers. And the engineer, you planned for those rivers?

Answer: We are going to be redesigning drainage at the end of Mulford as part of our project. We are actually reconstructing a little bit of roadway so we can have that park feature at the end of the road.

Mayor Pontieri stated: We are under mandate by the DEC to recreate and to upgrade the drainage on Mulford Street.

Trustee Dean stated: It's the Phase II stormwater measure. It's an EPA mandated compliance issue that we have to follow. And addressing stormwater and sediment control is all part of it. There's a number of different criteria that we have to meet. Yes, we would be looking to do something very similar to what we did at Laurel Street. Is there a problem with Laurel Street?

Ms. Scalla stated: The bulkhead is falling into the river.

Trustee Dean stated: The bulkhead is part of the second Phase. That is all going to be repaired and new are going to be put out there.

Ms. Scalla stated: I would like to see a chain link fence put up before all this takes place, on the south side of Mulford because there are derelict cars and a boat that is always open. Kids go in there. There is sex for pay and sex for not pay and drugs for pay and drugs for not pay in that sand lot on the south side. I called Code and they said it was private property and they could not do anything.

Mayor Pontieri stated: You have made your request and we will ask the property owners to better secure the property.

Trustee Crean stated: In consideration of all that's been heard this evening, I would like to make a motion to reserve decision on the special permits and throw it back over to the Planning board and let them do their work.

Deputy Mayor McGiff stated: I second that, have Planning review what transpired today and give us a recommendation.

Mayor Pontieri stated: Motion to reserve decision and move it back to the Planning board for final site plan review and revisions to include any environmental issues.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board reserved decision pending Planning Board recommendation.

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried, the board adjourned for a five minute recess at 8:55 p.m.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the meeting was reopened.

Mayor Pontieri stated: We have a petition from residents on Academy Street. It seems with the amount of truck and bus traffic that goes on Academy--they just fly from one end of the block to another--what they are looking for is a stop sign on Taylor just to mitigate that traffic and slow it down a bit.

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried the board set a public hearing date on October 22, 2007 to consider a request by the residents of Academy Street for two additional stop signs on Academy Street.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried the board approved appointment of Susan Henke-Brinkman to the Ethics Board.

Upon a motion made by Trustee Dean, seconded by Trustee Krieger, and unanimously carried the board approved purchase of a new municipal bus off the State contract at a cost not to exceed \$50,000.00

B.I.D. Report – None

Chamber of Commerce Report – None

Trustee Krieger presented the new Theatre program. It is very informative and one of the great things about it is the number of sponsors who contributed to this book. Two years ago it didn't even exist. It is filled with not only local sponsors who I have mentioned before but we have an actual national ad sponsor Budweiser on the back. The importance of an ad like this is immeasurable and we thank Clare Rose and the people over there for their participation. They are available at the Theatre.

Upon a motion made by Trustee Krieger, seconded by Trustee Dean, and unanimously carried, the board approved request for St. Joseph's College to host their annual walk/run on Sunday, April 20th at 9 a.m.

Trustee Crean stated: I have misplaced my papers this evening and so am going to forego my economic report this evening.

Trustee Hilton stated: At the pool we have removed the two old filters and all the pumping and chlorinating equipment from the pump house at the beach club and the new equipment is being made as we speak. This is a bid that was awarded last year. The Halycon Manor--we talked to contractors and our next push will be windows, insulation and the siding. As far as the siding is concerned, we had asbestos shingles removed from the Manor at quite a cost, but the nice side to that was that we exposed clapboard which was in very good shape and the original siding on the building we intend to stick with. In

order to make repairs on some of the clapboards that have deteriorated, we are going to pull off the clapboard off the addition, the two story building in the back, and use that to make the repairs on the main building. And then re-clapboard the building in the back. We also intend to use the windows—all the new windows that we have here that are going to be replaced by the modular sections coming to Village Hall—we intend to use these windows in the rear of the Manor. The windows that are facing Bay Ave., on the main house, we are going to refurbish.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request to host the annual Menorah Lighting Ceremony at NFB Plaza on Sunday, December 9th at 6 p.m.

Mayor Pontieri stated: Once we start the dredging on the river and the engineers can give us a schedule, we need to meet with them and the boat parade organizers so that there is not going to be a major conflict where the dredging is going.

Trustee Devlin stated: I have a question because we just got this letter from the Greater Patchogue Foundation that there is going to be Grucci Grand Illuminations Fireworks and they are requesting the use of Mascot Dock and Shorefront Park. In the past I don't recall the parade going anywhere near Shorefront park so it seems they have some new things in mind. I would like to have more information.

Trustee Hilton stated: I would like to read a letter received from the Greater Patchogue Foundation into the minutes "This year we are requesting the use of Mascot Dock and Shorefront Park as another viewing area. There will be Grucci Grand Illuminations Fireworks to announce Santa. Spectators will begin gathering by 4 p.m. The event, including cleanup, will be concluded by 8 p.m. The committee requests the following: 1) 25 barricades and 6 trash receptacles to be delivered to the Fire Island Seashore Ferry terminal on West Avenue on or before November 16th; 2) 5 barricades to be placed at the Sandspit Ferry Terminal for the Parade for Sunday, November 18th, 3) the barricades and trash receptacles to be picked up by Public Works by Wednesday, November 21st; h4) help of Public Safety for traffic control and security in the vicinity of all areas; 5) the department of Public Works to run the street sweeper over the parking area of Fire Island National Seashore Parking Lot on West Avenue Monday morning, November 19th to clear any debris left from spectators. Since there will be garbage receptacles at the FINS viewing area and committee members will be picking up litter Sunday evening, we do not expect any major clean up to be needed. The Christmas Boat Parade is a major event on the river. Each year there are more spectators who line both sides of the river. This event is a favorite with families Patchogue to start the holiday season. Thank you for your help and support for this and all our Foundations events. By working together, great things are happening in Patchogue. Sincerely, Gail Hoag, Executive Director.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Greater Patchogue Foundation Water Events Committee to host the 14th annual Christmas Boat Parade on the river on Sunday, Nov. 18th at 6 p.m. pending further explanation of the fireworks and any responsibilities that should be addressed by the Village of Patchogue.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Richard Cliff as a full time Housing Inspector at an annual salary of \$40,000.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved transfer of James Carlson as Housing Inspector back to full time dispatcher for the Fire District.

Deputy Mayor McGiff stated: Two Saturdays ago we were successful in identifying and shutting down two illegal boarding houses on Carmen Street. One of them had a setup with a bar and a volleyball court with lighting. It kind of abutted the schoolyard and really couldn't be seen from the street. They took the garage door off, made it a bar with a door, industrial refrigerators. We shut that down. They are owner occupied once again, carved up with people little in the attic. We found out about that because a neighbor called.

Trustee Devlin stated: We are looking forward to planting the first round of trees from the Tree Committee. By early Nov. we will be planting up in the area North Ocean Ave. where you just enter town where the tree lawn is wide enough between the period lighting. We will probably put in about six trees. We will be doing the planting beds on Oak Street that we had redone this summer. I talked to Paula of the Beautification Committee and they will probably plant some bulbs in among the shrubs so that parking lot will really look great come next spring. We are looking to put a crab apple in the area where the old railroad was taken down with some bulbs as well.

Dr. Wroher stated: I would like to have permission to park my mobile office at the Patchogue Railroad station parking lot and comply with any and all regulations in regard to doing commercial business at such location with town approval. I have acquired special onsite liability insurance through ITT Hartford.....additional insured through State Farm and I have the maximum chiropractic malpractice insurance required by any chiropractor now. Additionally, I have a legally prepared and approved by New York State a waiver of liability and indemnity agreement to add to my liability insurances for each patient to be signed prior to their examination and treatment. Additionally, I will have a licensed nurse assisting me during all activities of examination. Proper medical documentation will be maintained under HIP requirement standards. Any patient upon history and examination who are in need of any further diagnostic assessments such as x-rays, blood work or MRI's, they will be referred and not treated until additional medical assessments studies that may be required are completed. Any and all services will be administered in accordance the NYS law and regulations with regard to treating patients only within the scope of my license. With your approval I would like to do a survey in the parking lot, asking if they really wanted such a service.

Mayor Pontieri stated: Come back with the survey and make a presentation.

Trustee Dean stated: Some parents of students who attend Bay Elementary were concerned about the arrivals at Bay and rather disorganization of it and the hazards to children crossing the streets over there. I met with the principal and had some discussions. The school is taking some measures to remediate some of the hazards that were there, but we are looking to put a stop sign in front of the school heading southbound. The Town of Brookhaven owns the other side so we are going to petition Councilman Mazzei to put a stop sign on the other side heading north.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a public hearing for October 22, 2007, to consider putting a stop sign and creating a crosswalk on Bay Avenue in front of Bay Elementary School.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved purchase of reflector accessories for lighting on North Ocean Avenue @ \$115.00 each not to exceed \$10,000.00.

Mayor Pontieri stated: When the Caithness agreement was made in Bellport, Councilman Mazzei had gotten us \$500,000 community money from LIPA which is paying for most of the lighting and that is what is used to cover this cost.

Trustee Dean stated: Last Monday I met with Pat McClave of McClave Engineering and Peter Sarich, Building Inspector, at the Patchogue Theatre to take a look at the stage. Gateway is coming in to do an ice show. I will be awaiting Mr. McClave's engineering report and his recommendation as to whether any structural reinforcements to the stage will be needed.

Public to be Heard:

Ronald LaValle, North Ocean, stated: I would like some advice as to how we can advance some of the agenda items that we have brought up to you. One of them is the Lakewood & North Ocean stop sign. Since we asked to have that, we know there have been studies.

Mayor Pontieri stated: What I am looking to purchase prior to putting a stop sign is we are looking at one of those permanent radar signs---as soon as you hit the Village line, it will tell you what speed you are going. My hope with that is we can get away without putting a stop sign. I have a concern about the stop sign you are speaking about.

Ronald LaValle stated: putting one at the Village line is not going to do what we were hoping to achieve---namely, slow down traffic, very specifically between Cedar Grove and Thorne, in and out. So that those signs would have to be placed about 1/3 going up between Cedar Grove and Thorne going north and 1/3 down North Ocean Avenue going south.

Mayor Pontieri stated: My questions then is that you are coming off a stop sign---and I have sat there and watched it---is the speed that you get when people leave that light on Roe Blvd. going south--by the time they hit Lakewood Street they are going 50. Going north on Cedar Grove, if you are coming off a stop sign, if you are going better than 30-45 miles per hour before Lakewood Street...

Ronald LaValle stated: This is a residential area so we really have to deal with that issue. In that case, if that is what you are considering and are willing to make that expenditure, I would appreciate if our group would be consulted.

Mayor Pontieri stated: What we are considering is a permanent one and a mobile one.

Ronald LaValle stated: Some weeks ago we gave you a copy of the Patchogue ordinance resolution specifically designating the traffic routes of commercial in and out of Patchogue. More specifically, that ordinance stated that those routes were Waverly, Route 112 and Main Street, except for local deliveries which of course doesn't mean any deliveries on Main Street because if you were making a delivery on Main Street you would go down Waverly or Route 112. Of course the mail trucks really shouldn't be coming up North Ocean Ave. They would be going down Main Street to Waverly or down to Route 112. The question arises from that ordinance is how do we enforce that? So we look to the board for advice on this. We have some ideas ourselves and we would be happy to share them with you.

Mayor Pontieri stated: The other issue becomes, as you talk now and I think of the conversation we had last time, is that we would have to ask the Town to do the same thing farther up the road as you come off Sunrise Highway.

Ronald LaValle stated: We think it could be done without signs. In fact, we think that signs would not at all be affective and almost be impossible to enforce. We think the only way to do it is to engage the Chamber of Commerce and have through the Chamber and its members notify its members exactly what the ordinance is and how it affects their routes to the specific businesses.

Deputy Mayor McGiff stated: That is probably the best way to do it. That is what Associates does on Maple. They tell all their vendors what streets to take and some of them somewhat adhere to it.

Ronald LaValle stated I recognize the business interests of the Village is importance to all of us and we are not looking to make them out of sorts but we are also looking to protect the residents and the children who live in this residential corridor between Cedar Grove and Thorne.

Mayor Pontieri stated my thought is possibly Trustee Hilton as liaison to the Chamber maybe at one of those meetings you can go and talk to that issue directly with them and talk to them about the issues dealing on your block. That might be the way to approach it.

_____ 211 North Ocean Ave., asked: I am just wondering on the status of the Furman property and what is happening.

Trustee Crean stated as of right now they are still going through their environmental studies of Mr. Furman's property. Tri-Tech and their contract with engineering companies are reviewing the history of the property. At one point and time there was a gas station on the corner of Lake and North Ocean and through their research they were able to find out that those tanks were removed and they are still going through their environmental assessment of the property. As of right now, there is nothing that has been found that would scare them from the closing of their contract and they are slated to close on Nov. 19th. They have already had initial conversation with us about the types of uses that they might want to develop on that property. It would be a mixed use which would include retail space, perhaps even some residential and commercial space and still considering the use of a hotel on the property as well. They are sharpening their pencils and doing their homework and we are anxiously awaiting a submission of their application for Planning. This board, the Mayor, the Planning and Zoning boards are going to give them a great deal of priority in their application for a very important project in the Village. Nov. 19th is the slated closing date. We have been having hearings regarding the possibility of condemning Mr. Furman's property. The next one is scheduled for Oct. 25th and if for what ever reason Tri-tech chooses to decline their option on the contract, we will then at that time consider our options as a local government.

Henry Terry, 16 Bransford Street, stated: Awhile ago I was asking about the new Village in order to change tenant in a commercial building, you had to go before the ZBA. I think, Mr. Pontieri, you directed me to ask Judge McGuire on the interpretation of the law.

Mayor Pontieri stated: When you say the change of a tenant in a building, that goes to the Planning board if you are changing a tenant. It doesn't necessarily have to go before the ZBA unless you are changing the use or changing to a non-conforming use, then you would have to. Otherwise, you would have to go to the Planning board. It is a Planning board issue.

Henry Terry asked: In a commercial property if a guy has a paint store and another guy wants to come in and run a paint store, does he have to go before the Planning board?

Mayor Pontieri stated: No, because it is not a change of use. But, if that paint store wants to become a restaurant, then it is a change of use and has to go before the Planning board.

Henry Terry stated: You might want to see what the Building Department is saying. The Bldg. Dept. is not saying the same.....

Attorney Snead stated: Mr. Terry can look in the Village code. It is not the responsibility of me or the Village Clerk to look up in the Village code to answer your questions. It is available to you and it is on line....

Mayor Pontieri stated: That is a subject to litigation that you have already put against us and we will not comment to it.

Attorney Snead stated: Mr. Mayor, may I make a suggestion. This is a Public to be Heard session, if Mr. Terry has a statement he wishes to make, I suggest he should make it at some other time particularly in matters which are in litigation.

Henry Terry asked: Who owns the end of Mulford Street?

Mayor Pontieri stated: The Village.

Henry Terry asked: So how do you see.....

Attorney Snead stated: Whoever owns whatever portions of the bottom of the river are identified in deeds. It may be private individuals to the extent that Patchogue River is not in an area that's deeded area to a private individual, it's owned by the Village of Patchogue. On the basis and fact that this Village is incorporated, the eastern half of Patchogue River in 1993 and in 1920's took the western side of Patchogue River to subsequent annexation of land.

Henry Terry asked: So when I called why don't I get any documentation to the fact?

Attorney Snead stated: I don't know why. I have seen indications of that and I have seen it probably from title records at the County Clerk's office. I don't know whether those documents are obtainable through the Village here. There has been some question of them having been lost at some point. I can tell you what I do know about property law is that, if he has a deeded portion of land which shows your deed to the bed of the Patchogue River, he may have an arguable claim. If you do not have a deed showing bottom bed of the Patchogue River, you do not own the river, and that area of the river is owned by Patchogue.

Henry Terry stated: So you guys are in the process of dredging the Patchogue River and the Army Corps. of Engineers requires that the river be maintained 200 feet width for navigability. All your plans require the dredging machine be maintained at 100 feet.

Attorney Snead stated: I am not sure the Army Corps. of Engineers requires a 200 foot width. The Corps. of Engineers is doing what the Corps. of Engineers is authorized us to do and along with us, they are the Federal agency involved in maintaining navigable waterways of the US government. That is why they decide what the bulkhead limit may be....

Mayor Pontieri stated: And they made the determination on the width we could dredge. That is not our determination. I would have gone wider if I could; they said 100 feet.

Henry Terry stated: So when you guys give out permits, you guys are giving permits for 100 foot...

Mayor Pontieri stated: We are not giving out permits. DEC gives out permits. That was approved by the DEC and Army Corps. of Engineers and tells them how far they can go. We can't control that piece of it. It is not our control. Our control limits the land side, somewhat limits the number of slips, but does not limit the distance out to the river.

Henry Terry stated: Mr. Snead just said that everything that is not deeded, it actually belongs to the Village of Patchogue.

Attorney Snead stated: Mr. Terry we take an application from an applicant to put a project in place. If that project has a dock slip and they have an approval from the DEC, unless we believe it trenches into an area that we have a problem with we are allowed to go forward. Typically those docks do not extend farther than the bulkhead width established by the Corps. of Engineers back in the 1800's. And as long as they are not doing that and as long as the docks are the length that is consistent with what's on the river, we probably don't have a problem with it. I would suggest to you that the Village does have the authority to regulate within those areas. This Village, to my knowledge, has never regulated them.

Henry Terry asked: Do you know a lot of people build docks on their property....

Attorney Snead stated: Quite frankly, if you own a piece of property that is known as upland which abuts the river, you have the right work You have the right to work out commercial use and recreational use in a reasonable fashion. Reasonable fashion usually dictates the length of the reasonable area which is established by the Corps. of Engineers in their bulk.... Beyond that I don't know what to tell you. Anybody who has a business, who has a dock, can use it for commercial purposes unless.....

Mayor Pontieri stated: Mr. Terry, under your premise you are saying to us that we should get rid of all the marinas. Because you are saying all of these marinas are built on Village property and therefore they shouldn't be allowed. That is the way it sounded to me. I don't know where you are going with this conversation, but it is not making any sense to me. Do you have a question?

Mr. Terry stated: I didn't say that.

Attorney Snead stated: At this point I think the answering of your question ends especially with regard to legal matters which know are going to end up in litigation or are in litigation. If you have an issue, you need to bring before the board we happy to hear it.

Mr. Terry stated: If you look at the deeds of the properties on the river, you see the Army Corps. of Engineers channel on everyone's property. That is what I am referring to. That was actually expressed to me that that was a marker of allotted of a 200 foot channel in the river. It seems

Attorney Snead stated: Mr. Terry, I am not substantiating any specific claim. You make the broad accusation or suggestion that the Village doesn't own the bottom land. I can't tell in the specific area what you are talking about because in fact in a particular area..... you may have a deed that extends out into the river. I don't know that unless I see your deed and you ask me specifically, "does this piece of property extend into the river." I

can't identify that. You make very broad claims as if they are gospel and expect us to respond by doing a complete research project for you, and we are simply not going to do it.

Mr. Terry stated: Mr. Snead, you claimed that all properties that are not deeded belong to the Village of Patchogue.

Attorney Snead stated: Mr. Terry, I said in general if a deed for a piece of upland does not extend into the river, the balance of that river, everything that is not encompassed in a deed to somebody, it is owned by the Village of Patchogue. It is owned by the Village of Patchogue due to the fact that we annexed the property from the Town of Brookhaven twice. We took their bottomlands. They own all the bottomlands to the rivers that are not in deed titled to other people. That is the basis of my claim. If you have a specific piece of property that you wish to identify, I can probably tell you if a portion of the Patchogue River bottom is owned by an individual. Until you do that, I cannot answer your question intelligently.

Mr. Terry stated: I appreciate your attempts in trying. I want to say that after FOILING the Dept. of State, I finally have the answers to the questions that I have been asking Mrs. Seal about the issuing of the previous grants. And just so you all know, some people have expressed concern, what is the issue of constant questions that seem to be..... Basically, the Village has the responsibility to go out to the public ... and notify them of the plans of developing the Patchogue River, educating people of what their rights are, and express to them what their options... And after probably four or five years of Mr. Snead and Mrs. Seal...

Mayor Pontieri stated: If you want to make accusations, please sit down. I am not going to tolerate you going after people on this board. If you want to make a statement, make a statement. If you want to attack people, sit down. Mrs. Seal is a Village Clerk and demands the respect that position has. Mr. Snead is a Village Attorney and demands the respect that position has. If you can't respect the position, don't bother standing up here because I am not going to tolerate it. Is that understood? I am not going to sit here and allow you to speak that way about my personnel.

Mr. Terry stated: I withdraw that comment. After five years I finally figured how to ask the question in such a way that there is no room for error when I ask for the evidence which documents the Village's work in educating the public so that the people who are in the neighborhood have the same advantage to..... And out of the 30 elements involved in this particular grant, 17 of them were not done. There is no documentation whatsoever that the Village ever tried to reach out to the public, never tried to bring the public on board, never tried to resolve public interest

Mayor Pontieri asked: When did this grant first put in place?

Mr. Terry stated: I'd say in 1998.

Mayor Pontieri stated: This board was put in place in 2004.

Mr. Terry stated: I also wanted to let you know that it appears to me that this grant was ultimately terminated because of my complaint.....

Mayor Pontieri stated: I appreciate your comments. Your two minutes is up.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board moved into executive session at 10 p.m.

Board Meeting

October 9, 2007

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board reconvened from executive session at 10:05 p.m.

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