

Board Meeting

February 11, 2008

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on February 11, 2008.

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Trustees Crean, Dean, Devlin, Hilton, McGiff, Village Attorney Snead and Village Clerk Seal present. Trustee Krieger and Treasurer Krawczyk were not present.

The flag salute was led by Ron LaValle.

Mayor Pontieri read the safety message

Upon a motion made by Deputy Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the board meeting minutes of January 28, 2008 as presented.

Village Clerk Seal stated: Top five largest bills paid were Blue Water Environmental \$388,360.00 for dredging, Francis Palumbo Builder \$90,962.00 for Village Hall renovations, Town of Brookhaven \$79,930.20 for landfill charges for two months, H2M \$34,182.91 for sewer projects, and Sidney Bowne \$12,600.00 for dredging engineering. The total bills for the period were \$877,787.66.

General Fund	\$233,952.87
Trust & Agency Fund	\$27,651.04
Capital Projects	\$583,760.97
Sewer Fund	\$21,844.59
BID Fund	\$868.82
Housing/Code Fund	\$2,039.55
Community Development Fund	\$5,595.07
General Bills	\$2,074.75
Total	\$877,787.66

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

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board adjourned the public hearing set for Feb. 11, 2008 to consider amending Chapter 93 of Village Code with regard to permitted signs including type, numbers of, sizes of and fees, and set a new public hearing date of March 20, 2008.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to extend the terms of the Concession Agreement for Nancy's Crab shack for the 2008 season at a rate of \$4,000.00.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board set a public hearing of Feb. 25, 2008, to consider a request for a change of zone from "A" Residence to "B" Residence for property located at 205 North Ocean Avenue, owned by Ronald LaValle, Esq.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved a change order authorizing payment of \$15,767.00 to Francis Palumbo for work done at Village Hall.

B.I.D. Report – None

Chamber of Commerce Report – None

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a public hearing date of March 20, 2008 at 7 p.m. to consider amending the Village code regarding “mixed use floating zone” for downtown district bounded by North Ocean, West Avenue, Lake Street and Main Street.

Trustee Crean stated: Tri-tec’s proposal is going to be needed to be looked at with certain variances in mind. This will help us to find the parameters of the project, give us some control and define what our downtown will look like for the future generations.

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried, the board approved request for the Long Island Growers Market to provide a Farmers Market on Friday’s from July through November in the 7-11 parking lot on Main Street and Rider Avenue.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire Wiley Engineering to provide traffic engineering services for the installation of the overhead pedestrian sign on Main Street at a cost not to exceed \$10,500.00.

Trustee Crean stated: The monies are going to be coming ultimately from a grant that we have been awarded from Suffolk County. In order to design, manufacture and install this period piece—it is going to match our lighting in the downtown district, it will arch over Main Street and be a more visible sign to driver’s to yield to pedestrians. This money will be coming from the County, but in order to get the ball rolling we need to get some engineering done. Their estimate is \$8,000, but not to exceed \$10,500.00. The engineer will provide us some options to the signage. He’s talked about the size of it, the color of it and possibly being lit by solar panel if we wanted. There are quite a lot of options that we will have.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board established the Village as lead agency and a SEQUA designation on the downtown “floating zone” as unlisted and to do a coordinated review and authorize Attorney to forward a full application packet to the Suffolk County so they can do their review.

Trustee Hilton stated: The Saturday polar bear swim at the Beach Club was very successful. It was sponsored by the Lyons Club and the Village. The pool is being worked on and is on schedule. We are still waiting for Board of Health approvals on the scum gutters and some of the other equipment.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request to use Rider Avenue fields by PYAA for the 2008 season as per schedule presented.

Trustee Hilton stated: That the request for approval to use Rider Avenue fields and Shorefront Park field by Island Softball leagues for the 2008 season be removed from the agenda as it is still being negotiated.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to use Rider Avenue fields by ABA Sports for the 2008 season as per schedule presented.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to use Rider Avenue fields by Patchogue Medford School District for the 2008 season as per schedule presented.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Frank Franco as a part-time ordinance inspector at a rate of \$14.00 per hour.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Ryan Murphy as a part-time ordinance inspector at a rate of \$14.00 per hour.

Trustee Devlin stated: I attended a full day seminar in Albany with the Dept. of State on what to do once you are finished with your LWRP, how to implement the plans and suggestions. I found it extremely helpful. I came away with a lot of good ideas and some perspective on where to go in the process that we are at now. We just finished the inventory and analysis and AKRF is working on the recommendation so it gave me a clearer picture of what I can expect from them as a consulting firm and how to implement those suggestions once the plans are in place.

Trustee Devlin stated: We had a second meeting with the newly formed Patchogue Arts Council who are in the process of getting our 501C3. It is a very exciting group. Right now our first plan is to sponsor an art show which will be held on Terry Street in September.

Trustee Devlin stated: I will be meeting with the Tree Committee and will be working on the spring program called "Memorial Trees for Main Street." We have a lot of people who expressed interest in sponsoring a tree.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to go out to bid for sludge removal contract.

Trustee Dean stated: I contacted the company that manufactures the roadway signs and he is going to price it out in a couple of different ways. Hopefully, by the next meeting we will be able to have it on the agenda.

Trustee Dean stated: I would like to hold approval of the Patchogue Riverfront Committee to hold the 5th annual *Sea Fair* on June 6, 7 and 8. It's held on Federal property and we don't have a clear indication from Fire Island National Seashore if they are going to approve it or have any reservations about it or not.

Trustee Dean stated: The Village has received a NYS Division of Coastal Resources grant to conduct a nutrient and round point source pollution study done of the southwest quadrant of the Patchogue River. We have been discussing with the U. S. Geological survey the possibility of those folks conducting the study. They are the agency when it comes to these things. It would make the data that we collect and recommendations and the data of what's going on down there irrefutable. They are the standard by which all others are judged. The contract with the NYS DOS requires us that we do a request for proposals. The USGS doesn't respond to RFPs. So we have to pass a resolution that basically states that in hiring the USGS and foregoing the RFP process it is in the Village's best interest and that it doesn't violate our procurement procedure or run afoul of NYS General Municipal Law. It is a rather lengthy resolution that does that. I will just read the last part of it: "Now therefore the board of trustees hereby resolve and declare that in any situation where the United States Geological Service has indicated an interest in providing engineering, surveying, or scientific data collection and analysis services to the Village, that in such situation it is declared that the solicitation or

obtaining of alternative proposals or quotations for such services from private parties or other agencies will not be in the best interests of the Village, and that, the Board of Trustees desire to enter into such Agreement or Agreements as will effectuate the services required to be performed as are identified in the DRAFT WORK PLAN annexed hereto, and that the Mayor of the Incorporated Village of Patchogue be and hereby is, empowered to execute such Agreement or Agreements on behalf of the Board in order to effect the above-noted purposes and, that the Village Attorney be and hereby is directed to provide to the Department of State an opinion letter regarding the Village's compliance with New York General Municipal Law as regards bidding or requests for proposals for services, and the Village's compliance therewith, as may be required.

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

Mayor Pontieri stated: on February 28th at 7 o'clock at the Patchogue Theatre, Tri-tec is going to make a public presentation about possible proposals for the use of the four corners—where we are at this point, to what degree, size and scope the redevelopment may go to. It is very exciting and dynamic. This will be a public presentation. The public hearings will follow after that, planning & zoning and those pieces. As Trustee Crean spoke about earlier, a “floating zone” needs to be set up to encompass some of the pieces of this project that will be set forth that evening.

Trustee Hilton stated: I would like to address two things. I hope they are able to come to an agreement with FINS as far as the *Sea Fair*. Last year the Parks Department had a booth for the sailing program which was very successful and Steve Gill had a cemetery booth as well. Second, I had a conversation with Mr. Sherman of the ferry company and he was amazed with the difference of the river already because of the dredging—the flow and the change in the river. I suggested to him perhaps Justice McGuire's project with the weeds at the top of the river has also made a difference.

Public to be heard:

Jim Datri, 353 South Country Road, Brookhaven, representing the Patchogue Riverfront Committee with reference to the *Sea Fair*, stated: I want to say thank you for letting us have the *Sea Fair* over the last couple of years. We have enjoyed putting it on and I think the Village has benefited from it. I hope that we can come to an agreement. We are meeting at the Harbor Crab on Tuesday night at 7 o'clock. Separate from the *Sea Fair* issue, the PRC is also interested in access by the public to the river and I wonder what access the public will have at the Riverview Apartments.

Mayor Pontieri stated: The way that it is set up, there is a 25 foot easement along the bulk heading itself that people will be able to walk. Obviously, to the south you have The Landings that is private property. The premise is that over time there will be the connectors up and down the river. There is specifically an easement within their approvals.

John Bogack, Noxon Street, stated: I am wondering why the board meetings are not televised as there is so much going on in the Village. I think you folks are doing a great job and there are so many things that are happening and I believe if you use the medium of television, if it is available you, would involve more people at every level. They get more informed in what you are doing. The whole strategy of what you are doing is to revive this community and make this a place where people would want to come to for a whole variety of reasons. I think television is a good way of involving people in a contemporary 21st century type of way.

Mayor Pontieri stated: What I have found curious over the last couple of years is the amount of press that we have gotten and the amount of positive press we have because in

a lot of ways, what we do is just go about our business doing. It seems like a good idea, we work it out among the board, you bring it to the public, you talk to some people, and you try and get some things done. We have been very fortunate that people have looked at those in the positive way that they have. When you say putting it on television, I guess you are correct because like the four corners development discussion, that is going to be an exciting one to talk about--for people to see and for people to understand. For us to meet in this small room and make those decisions without having the ability to put it out to the public, as you speak about, is probably more wrong than right. But again, like a lot of times we look at a problem and try to figure out a way internally how to straighten it out and go forward. I take your comments as a compliment.

John Bogack stated: My second suggestion is that you should get pay raises for all the work that you are doing.

Trustee Dean stated: Comments like yours are reward enough.

Village Clerk Seal stated: I happen to concur with you, Mr. Bogack. I see what these fine folks do every day. They don't get paid nearly enough. The Mayor is supposed to be here part time—60 hours a week plus is not part time.

Richard Kemp, 68 Jennings Avenue: Asked are there any matters tabled, adjourned or reserved decision right now other than tonight. I would like to ask what was the decision regarding garages and Village code?

Mayor Pontieri stated: We are pending a re-writing of that section of the code. We are taking a look at the whole garage situation because it is not only that, but we have run into problems because many of the Patchogue lots are 60x120 or 40x100 where you had garages that were built in the early 1900's that were basically 10 ft wide by 10 ft long, stuck behind the house. Now the properties have been built around it, the garage comes down, and you can't even get to the backyard any more and can't even rebuild the garage, but the code says you can't even sell your house. That whole piece and how we sort that through is being discussed. It never came here for a formal hearing, so it was never adjourned.

Richard Kemp asked: Is there a list of people who live in the area of Tri-tec and would like to attend meetings and plans because I am a resident in the area and I would like to be included.

Mayor Pontieri stated: The first meeting that we will be having is February 28th. What you bring up is a good point. Maybe that evening we will have that list put together. We don't have one at this time because the project is new and at its inception.

Richard Kemp stated: There is a problem also because the Brookhaven Town Board of Trustees is having a meeting open to the public the same day at 5 pm and I would like to attend that.

Richard Kemp stated: I would like to comment about *Alive After Five*. I recently got my computer to access the units and have read where *Alive After Five* has expanded and there was something passed to allow it to happen again, the Friday evening.

Village Clerk Seal stated: Originally they had requested a specific set of dates, but came back to the board at the last meeting and revamped those dates. So the original dates no longer exist. It will be five consecutive nights starting in July.

Richard Kemp stated: Some of the deeds state that we can reside in the community in a quiet condition. This music that I have heard for 6 or 7 years is terrible.

Richard Kemp stated: I would like to ask regarding the changing room at the Patchogue pool, why did they put glazed 4x4 ceramic tiles on the floor that are very slippery and dangerous with wet feet. The supermarkets put epoxy coating—it might be able to be put over the glazed tile so it won't be slippery.

Trustee Hilton stated: As long as it complies with the Health Department, I would be glad to recommend it.

Richard Kemp stated: On August 28, 2007, I put in a FOIL request that has never been answered. I asked for an accounting of the North Ocean Avenue project and it has never been addressed. I have never received any letter at all. I am looking for the original vs. what the final fee was.

Mayor Pontieri stated: We are just being allowed to submit on some of the final payments right now. Part of the issue might be when you asked for it in August; we were not prepared to give you the information. Today I just signed off on the last request of funds from the State on the project itself. So what you are asking for is probably done now and I could get it for you.

Richard Kemp stated: I am interested in the Cashin Associates figure and what the final figure is and what was done differently to change it. This is a major concern to taxpayers.

Mayor Pontieri stated: This cost us \$93,000, the whole project in terms of Village funds. Out of the total 1.8 million that was spent, we got 1.2 million from Bishop, we got \$500,000 from the Town through Cathiness which paid for all the lighting; the 1.2 million paid for the hard construction. That brought us to 1.7 million and we had to put in 93,000 or 94,000 to bring us up to 1.8 million. I can go over that with you if you would like.

Richard Kemp asked: Do you have a ballpark idea when these adjourned matters are being brought up to date.

Mayor Pontieri stated: General Code has taken our code book and pulled out a whole series of issues such as you are talking about here and that has been given to the attorneys. They are doing another analysis of their information to come back to us to do an update of the code book itself.

Donald Locksmith stated: An easy job for the ordinance inspectors is to look on Monday for all the garbage pails that have been left on the street since Sunday afternoon—Carmen and South Ocean Avenue. I do have a license plate number of someone who was delivering the advertising newspapers dropped in the street.

Ronald LaValle, North Ocean Avenue, asked: When will I get a copy of the Cameron report.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board moved into Executive Session at 8 p.m.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board returned from Executive Session at 8:20 p.m. and the meeting was adjourned.