

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on April 28, 2008.

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

The flag salute was made.

Mayor Pontieri read the safety message.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the Board approved the minutes of April 14, 2008, with a correction.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of Special Board meeting held on April 15, 2008 with a correction.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of Special Board meeting held on April 21, 2008, with no corrections.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the Board approved the bills as presented below.

Five largest bills paid: NYS Employee Health \$81,632.98 for monthly billing, NORCO \$53,450.00 for pool renovations, Sidney Bowne & Sons \$12,200.00 for river dredging project, Metro \$6,830.80 for diesel billing, and J. Lee Snead \$6,689.48 for attorney fees. Top five bills totaling \$160,803.26.

General Fund	\$243,961.15
Trust & Agency Fund	\$12,058.20
Capital Projects	\$77,581.48
Sewer Fund	\$21,900.51
BID Fund	\$6,160.38
Housing/Code Fund	\$2,388.85
Community Development Fund	\$5,820.02
General Bills	\$553.00
<b>Total</b>	<b>\$370,423.59</b>

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the Board budget transfers:

To cover cost of garbage cans at various parks	
From: 001-7230-0419 Dock: Maint. Repair	\$7,000.00
To: 001-7110-0441 Maint. Parks	\$7,000.00
For purchase of garbage cans:	
From: 006-9730-0454 Dredging	\$10,000.00
To: 006-3195-0493-04365 Outdoor Structure	\$10,000.00
For contribution to Pedestrian crosswalk arms:	
From: 006-0006-0878 FINS Riverwalk	\$4,912.23
To: 006-3195-0493-0435 Outdoor Structure	\$4,912.23

Village Clerk Seal stated: For the board's edification, there is cash balances shown as of March 31, 2008.

Village Clerk Seal read: Notice is hereby given that a public hearing will be held on Monday, April 28, 2008 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 hear a request by George F. X. McInerney, the property owner of 18 Beach Street and 83 Brightwood Street for relief of the Patchogue River Moratorium in order to construct a marina/yacht club on the property. At said public hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: Just as a point of information, Mr. McInerney had made a presentation to us about doing some change of use to his property to use as a marina/yacht club, among other things. What we had him do is go back to the Planning Board to have them do a review of that application. The Village Clerk will read into the record now the recommendation for the Board to discuss and review this evening. After that is done, we will ask you to make comment and allow the Board to then question you, Mr. McInerney, and the public time to be heard.

Village Clerk Seal read: "Memo dated March 30, 2008 to Mayor Paul Pontieri and the Board of Trustees from John V. Rocco, Chairman of Patchogue Village Planning Board, regarding George McInerney of 18 Beach St & 83 Brightwood St. The Planning Board met with the applicant at a recent session. We reviewed a preliminary site plan for the project which seeks approval to construct a dedicated parking area for boat slip owners and parking for the applicant to conduct a sailboat cruise business. These parcels are currently zoned A-Residence and are directly on the Patchogue River. The parcel has sufficient room to create a stone blend parking area which would free up parking that currently takes place in a hap-hazard manner along a driveway that enters from Brightwood Street. Parking is also accomplished today on or just adjacent to Beach Street. The preliminary plan we have reviewed has sufficient merit for further consideration as we feel a more orderly plan will emerge from the inclusion of this new parking lot.

While this parcel is in A-Residence, the boat slips which are on the river for this property probably out date the zoning laws and have been in continual use for decades. Within a few hundred feet to the North of this parcel the zoning becomes E-Industrial. All these parcels should reflect those uses as outlined in our Riverfront Revitalization Plan and Waterfront Rezoning efforts. Additionally, the "Sunset Cruise" business the applicant is pursuing is certainly encouraged as a waterfront activity and may well be a unique business on our river.

The planning board recommends that the Village Board consider this applicant's proposed changes through the issuance of a special permit for the project subject with (at least) the limitations outlined below:

1. An advertised public hearing should be held to ensure that all interested parties have opportunity to comment.
2. All parking will be on site with none allowed on the street.
3. The applicant is restricted from allowing parking from any overflow from the Town of Brookhaven lot.
4. The "Boat House/Barn" which currently has an apartment on the second floor must be reverted back to business use only.
5. Sufficient space shall be allocated for response of emergency vehicles on the site.
6. Any and all changes to be subject permissions from agencies of jurisdiction.
7. Further restrictions for the project may be instituted by the Planning Board or Village Board when the actual full plans are submitted.

Please feel free to contact me if I can be of further assistance on this issue. Sincerely,  
John V. Rocco, Chairman, Planning Board”

Mayor Pontieri stated: Basically, from this recommendation is that we need to go forward.

F. X. McInerney and Brady Wilkens, son-in-law and captain, 18 Beach Ave. and 83 Brightwood Street, Patchogue, stated: The property is part of an old estate dating back before zoning. It has been a long time and I think this is really going to start to improve our area. We are getting a sewer line and a lot of things are happening all of a sudden. The Waterfront Restaurant is becoming a really nice restaurant. I have a situation where I could take 8 to 10 people on this great river; it is neat and one of a kind. You have two choices, you can go to Davis Park and sit on the beach, but there are a lot of people who want to go and enjoy stuff too. Those are the type of people who would very much enjoy it. There are little things I can do like train/bicycle sunset cruises--no cars involved, no environmental nightmare. Billy Spadaro has been doing work on my sailboat up at the end. We are going to do what they do in Amsterdam—a bicycle rack. People can get off the train, get on a bicycle, come down, drop it off on the property, go on a sunset cruise, leave by bicycle and put it back by Billy’s. This still has to be worked on. I made a dedicated parking area over there; got a fence up this weekend; still not done but getting up. I am getting some stone blend. My daughter is going in a month and a half to school in California which will allow me to get going on the barn and turn it into a boat related entity. It is 1600 sq. ft. of something--could use for nautical use, sail loft or whatever.

Mayor Pontieri stated: One of the things that is very clear in this and will come out of our approval also is you must now go back to the Planning Board and work with them for specific site plan approval. What our board is going to allow you to do is take that next step to get that site plan approval.

F. X. McInerney stated: There are eight boat slips and we are basically using two of them ourselves and the other six will be rented. When I look at *Cruising World* and the charter companies, in the summertime they may sometime get outside boats to help them during the season. Eventually, that might happen when I get an extra boat during the summertime. But, basically there should be about six boat slips there rented. I will have ten designated parking spaces; somebody using the barn is going to need spots for some of their cars. There will be right now only one boat going out on sunset cruises.

Public to be heard: no comment.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board voted to grant relief from the Riverfront Moratorium for the above project, allowing applicant to go back to the Planning Board and then returning for a Special Permit based upon Planning Board recommendations.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a Board Hearing to be held on Tuesday, May 27, 2008, at the Municipal Hall, 14 Baker Street, Patchogue, New York, for the purpose of reviewing request for an out-of-district sewer connection for the property owner at 214 East Main Street.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a Board Hearing to be held on Tuesday, May 27, 2008, at Municipal Hall, 14 Baker Street, Patchogue, New York, for the purpose of reviewing

request for an out-of-district sewer connection for the property owners Waters Edge Habitat, Inc., located at West 4<sup>th</sup> Street.

Trustee Hilton stated: The Salvadorian American Chamber of Commerce has made application to the Village Board of Trustees to hold their 1<sup>st</sup> Annual Salvo Expo in 2008 Patchogue Village.

George Guadron, Treasurer of Salvadorian-American Chamber of Commerce of New York, stated: We are requesting the use of the parking lot that is behind the Bravo supermarket for the 1<sup>st</sup> Annual Salvo Expo 2008. The Chamber is formed of Salvadorian businesses throughout New York State. Our intention is to promote the creation of this Chamber plus products and services that the members provide to the general public. We are going to be setting up ten 10x10 tents and also intend to have live music between 1 and 4 o'clock. It is just to let the community know and the general public know of our existence. We are expecting from 300-500 people during those three hours. In the tents will be mostly services and dry products, no food preparation or anything of that sort. We will have six porto-lavs. No alcohol will be sold. We will need code enforcement to ensure the safety of pedestrians and traffic control. This will be our first Chamber event.

Mayor Pontieri stated: We ask that you provide some of your own security on the grounds themselves to make sure the rules that you put in place are followed. We will need a certificate of insurance naming the Village as an additional insured with a minimum of one million presented in advance of the event. We would recommend, if possible, that the railroad parking lot and the public parking lot down on that end be used.

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

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the board awarded contract to Tall Tree Landscaping to maintain the garden areas which would include the Terry Street parking lots, Waverly Avenue spur, Patchogue Railroad Station and Oak Street lots for \$7,900.00. This money is coming out of B.I.D. budget.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board awarded contract to Fantastic Gardens for hanging baskets throughout the Village for 2009 at \$10,500.00. This money is coming out of B.I.D. budget.

Trustee Crean stated: In the interest of creating a multi-module transportation hub down at the Patchogue Railroad station, I would like the Village to go out to bid for the installation of a kiosk for a cab company to locate a dispatch office down by the train station to allow residents and visitors to our village to not only use mass transit, but also to use a private cab company to get around town. The village also has been working with the county to relocate some additional bus stops closer to the train station. With the assistance of Village Attorney Egan, we will draft a qualification packet for potential respondents to this bid package to see if we might be able to get somebody who might be interested in locating a dispatch down by the train station which will be noticed in the *Advance*.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the above request was approved.

Trustee Crean stated: There was a grant application that was very carefully drafted and submitted to the State of New York for a program in which we hope to get awarded up to \$400,000 to create a safer route to school for both Bay Avenue, South Ocean and River

Avenue elementary schools which will enable us to get monies to build additional sidewalks, provide signage, striping. There are a whole host of things we can use this money for which would even include crossing-guard salaries. Schneider Engineering has done a great job in submitting this application to the State which we should hear back within the first week of July whether or not we will be awarded the money. It is a 100% reimbursable grant and there would be no other additional expenses by the Village to match any of the funding.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the board approved payment to Schneider Engineering \$7,500.00 to pay them for the services rendered in the development of the "Safe Route to School Grant."

Trustee Hilton stated: We are re-installing new slip poles at the Mascot Dock, replacing 12 broken or missing poles with new ones in order to be prepared for the May 1<sup>st</sup> opening. This is going to open up two slips that we were not able to use last year which should increase the revenues to the Village.

Deputy Mayor McGiff stated: The Corner Street Deli was running a disco/bar/live music establishment which we were successful in getting stopped. It is now just a deli. At the rear of 50-54 West Main street and north of 9-11 Railroad Avenue there is a shared driveway/parking lot area that needs to be designated a "Fire Zone" so those areas will not get obstructed for fire apparatus and ambulances. We need to stop anyone from blocking that area.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board approved creation of a "Fire Zone" south of 50-54 West Main Street and north of 9-11 Railroad Avenue as requested by Chief Building Inspector pursuant to Chapter 48: Article 7 of the Village Code.

Deputy Mayor McGiff stated: The two meetings in May will be on the second and fourth Tuesday of the month.

Trustee Devlin stated: At 10 a.m. tomorrow morning we will be in the Oak Street Parking lot near the newly planted elm trees for the *1<sup>st</sup> Arbor Day Celebration* under the auspices of our newly formed Conservation Tree Council and with the Green Thumb Club of the Bay Avenue School.

Trustee Devlin stated: I am also looking for volunteers for the Rider Ave. & Shorefront Park cleanup this Saturday morning at 9 a.m.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request for Emanuel Lutheran School to use Rider Avenue fields from 3 to 4:30 p.m. on May 5, 7, 12, 14, 19, 21, 28, June 2 and 4 for softball and June 16, 20 and 23 for field days.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board approved hiring of 2008 dock security as per attached list.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board granted request to play amplified-live music and serve alcohol at the Fireman's Park on Sunday, July 27, 2008, from 1 p.m. to 9:30 p.m.

Trustee Devlin stated: Baskin & Robbins is hosting the 2<sup>nd</sup> Annual 31 cent Scoop Night Celebration on Wednesday, April 30<sup>th</sup> from 6 to 10 p.m. Ice cream lovers will have the opportunity to enjoy their favorite Baskin & Robbins flavor for only 31 cents while paying tribute to local heroes. They are partnering with the National Fallen Fire Fighters

Foundation, an organization that honors America's fallen fire heroes and their families. Each location will feature volunteer fire fighters from each fire district location as guest ice cream scoopers. Junior firemen will be distributing information to the public about their firehouse and how to join.

Trustee Devlin stated: Each Trustee should have a copy of an amendment to Chapter 93 of Village Code regarding exterior lighting standards. This is a continuation of a public hearing held on April 14, 2008. This is basically to adopt the same exterior lighting standards that are dark sky's compliant that the Town of Brookhaven has adopted.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request to adopt an amendment to Chapter 93 of Village Code regarding exterior lighting standards.

Public to be Heard:

Richard Kemp, Jennings Avenue, Patchogue, New York stated: I have something to bring to the attention of your Village Attorney. Chapter 87-85 Commercial vehicles – Parking prohibited. Any gross unladen weight of 10,000 lbs or more is prohibited upon residential properties. This law is ambiguous because it says gross and unladen....

Deputy Mayor McGiff stated: We are familiar with this since you brought this to the attention of Mr. Egan's predecessor numerous times. You have just alerted him to the fact and why don't you give him a chance to digest this and he'll get in touch with you during the next two weeks.

Richard Kemp stated: On April 15<sup>th</sup> I attended a Brookhaven Town meeting and was quite surprised that they are very well organized whereas the Village of Patchogue could do better on many things. Many things are adjourned, decision reserved, tabled, decision from another board, I'll take that under advisement, all should be maintained on the agenda as Brookhaven Town does.

Deputy Mayor McGiff stated: Let me ask you this? I have been to a couple of Brookhaven Town meetings and they seem immobilized by partisan politics. And just as a third party disinterested party, I think businessmen or women would like to come do business here more than the Town of Brookhaven because we might not say the right things like "take under advisement", but we do things. Since you didn't have a question, but a statement, that's my statement.

Mr. Kemp stated: They list it as "matters pending" on their agenda and keep it on the agenda. In other words, the agenda should continue until the matter is brought up again and resolved. On April 15<sup>th</sup> I saw matters from 2005 under "pending matters." Also, everybody who testified was sworn in by the Town Clerk which is not done here. It has been stated to me by the Mayor that this board can be conducted under Robert's Rules or NYS, whatever forum they use. "Decision Reserved" is not a part of Robert's Rules. I believe that it should be posted on the agenda what forum you are going to use, Robert's Rules or the NYS code.

Attorney Egan stated: For the record, Roberts Rules provides there shall be a \_\_\_\_\_ version of Roberts Rules and there shall be substantial compliance. And as you have seen tonight, there has been a substantial compliance of Robert's Rules. "Decision Reserved" is a legislative prerogative; there is a whole section on it.

Mr. Kemp asked: Who did the road striping on Roe Blvd.? I think it should be looked into because if a private company was brought in and the Village paid monies for that

road striping on Roe Blvd., that didn't last only a few months. I read something in the minutes about Three Brothers road striping service.

Deputy Mayor McGiff stated: Trustee Dean who is not here would probably know the answer to your question.

Mr. Kemp stated: The speed sign that Trustee Dean demanded that we get one, is that now located on the north side of Roe Blvd.?

Deputy Mayor McGiff stated: It was one of the constituents that demanded that we get one. The one that Trustee Dean spoke about is affixed to, I think, to poles. The one on Roe is not the one we just purchased.

Mr. Kemp stated: That is what I am trying to ascertain because Trustee Dean requested extra brackets meaning that it would be permanently attached to some type of post or pole.

Deputy Mayor McGiff stated: It was put on North Ocean and now I believe it was put on Bay. That is not ours.

Mr. Kemp stated: Brian Foley has been able to shave 5% --a savings of \$8,250,000 to Brookhaven Town residents through all his departments, no overtime, but what do I see from the Village of Patchogue—just spend, spend, spend more and more on things. Why can't the Village of Patchogue do something?

Deputy Mayor McGiff stated: I think you should move into the Town of Brookhaven because you are so enamored.

Mr. Kemp stated: My curbing that Keyspan was instrumental in breaking up and replacing already in a few month's time is now cracked in three places. I watched a bunch of kids who don't know what they are doing; they are not mechanics and they are just going to send back the same crew and I'm going to end up with the same job.

Brady Wilkins, Beach Street, Patchogue, stated: I am really excited to hear about the lighting. I want to bring up the point if any consideration was taken regarding the river because actually it is difficult to navigate with the type of lighting that is used by many of the marinas and the apartment complexes. It is an issue because when you are trying to navigate the waterway at night; you can barely see on account of running lights. Now it is not just the companies in the Village; it is also Sandspit Town of Brookhaven light and also the National Park.

Trustee Devlin stated: The Town of Brookhaven lights down at the Sandspit are compliant because they are shielded. The thing that you will find that though is that the existing businesses on the river that this is not going to cause them to change their current lighting unless they repair or have to replace it at such time. But, any new projects going in would have to adhere. It is going to take time to see the results.

Attorney Egan stated: The lighting code will just provides that you have to light up a certain amount—it code is very vague. The code provides you have to have a certain requirement of certain inhabitable space.

Trustee Devlin stated: There is something in here that "no luminare shall be located or concentrated so as to produce glare or direct illumination across the boundary property line."

Mr. Wilkens asked: How do I enforce that because I have tried to call code enforcement and they said there is no ruling on it? Especially, Fairfield. It lights into my bedroom.

Deputy Mayor McGiff stated: I suggest you write a letter to Fairfield as it is more of a private use. You might have to hire a private attorney to get some action.

Mr. Wilkens stated: On West Avenue/Clare Rose Blvd., I find it very difficult to make a left or a right at the light by the bowling alley. What is being done to make people aware that when you are heading south there that it is a turning lane?

Deputy Mayor McGiff stated: I will bring it to Trustee Dean's attention.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the meeting was adjourned at 8:40 p.m.