

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on May 13, 2008.

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

The flag salute was made.

Mayor Pontieri read the safety message.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, the Board minutes of April 28, 2008 with one change were approved with Trustees Dean and Krieger abstaining.

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

Five largest bills paid: Town of Brookhaven \$42,286.65 for refuse monthly billing, Carter-Melance \$20,805.00 for Theatre roof, LIPA \$13,672.14 for electric, Metro Fuel \$7,296.80 for diesel billing and Ed Cork & Son \$6,350.00 for emergency storm drains. Top five total \$90,410.59.

General Fund	\$199,051.74
Trust & Agency Fund	\$6,905.49
Capital Projects	\$29,669.47
Sewer Fund	\$20,948.04
BID Fund	\$868.96
Housing/Code Fund	\$1,717.85
Community Development Fund	\$5,712.02
General Bills	\$472.50
 Total	 \$265,346.07

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved budget adjustment to appropriate from sewer key money surplus (005-0005-0889) to Acct 005-8130-0419 Swr Plt:Maint Equipment \$55,490.00 for the emergency repairs done to Hammond Street sewer line by Bove.

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried, the Board approved budget transfers for end of fiscal year clean up as presented:

Village Clerk Seal stated: For the board’s edification, the cash balances are shown as of April 30, 2008.

Village Clerk Seal stated: Notice is hereby given that a public hearing will be held on Monday, May 13, 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 the owners of 90 East Main Street for a Special Permit for the purpose of constructing two apartments on the second floor of the building. At said Public Hearing any person interested will be given the opportunity to be heard.

Gary Canella stated: I am here to represent 90 East Main Street’s application to place two apartments on the now existing *Dollar Store*. As you may be familiar, we have received a building permit to put stores in the back of that store on the first floor which was vacant space for many years in hopes of enhancing the re-development of the parking lot on the

Terry Street corridor. As you are familiar with, we are also involved in the Artspace Project. We are still hung out until July to find out from the State for the final approval of that project. As you know, I have been a proponent of bringing people into the Village of Patchogue as opposed to, but not against, retail and office space. I do believe that Patchogue has quite a bit of that and with the new projects that are being proposed we will have even more. So I think it is more important and traditionally important to bring people into the Village. One of the ways of doing that is to bring back the use of apartments and residential units over the top of retail buildings. What we would like to do is put two one bedroom apartments on the top of that particular store and, hopefully, they will become part of this backward facing retail situation onto the parking lot facing Terry Street and the redevelopment of Terry Street and might even attract some tenants that would be of similar nature to the Artspace building. The retail may also attract some retail storeowners that might fit into this art idea that has been birthed in the rear parts back there. The apartments are going to be one-bedroom with a high level of detail as far as the fixtures, etc. within the apartments. One of the apartments will be about 650 sq. ft. and the other about 750 sq. ft. There is no new space being created. The space that is there has been used over the years for many different things. There is no documented evidence of any of it at the moment. We have checked with the Village records and our records and there are no CO's or CC's or whatnot that indicate what was there, what might have been there and what could be there. I do believe that it is a higher and better use to have two more families living in the Village as opposed to more office space or more retail space, particularly on the second floor. The façade that you see before you is the one that was approved by your Planning Board and the ARB for the redevelopment of that building in the rear and we will continue with that situation. Hopefully, if we can get your blessing to do something of this nature, we will get this project underway. Things have kind of stalled in the economy and I think it would be important to begin to get some projects going. The estimated projected rent would be \$1200 to \$1400 per month. The details include the caliber of the appliances, the lighting fixtures, the carpeting and things like that. We did some apartments over the future J&R's steakhouse and would certainly be comparable to that type of an apartment. They will have windows on three sides. There is a private entrance that will go up directly upstairs, right between two apartments. That is why one is smaller than the other because it was basically a square box and the stairway cuts out about 60-70 sq. ft. of the second apartment. I have a drawing to show you. The apartments and downstairs will have sprinklers. They will not have access to the roof—only by emergency.

Mayor Pontieri stated: The issue becomes that it is put together in a manner that has quality to it and you are able to get the rents expected. I am going to ask Mr. Celauro who is in real estate and see if your expected rental numbers will work.

Gasper Celauro, 32 Medford Avenue, Patchogue, stated: I have no economic benefits to claim by being here and speaking. I sold this building to Mr. Emrani four years ago, so I have not only gotten my commission but have already spent it. I am here to share my views on what this is all about. First of all, I strongly believe that every unit above a store in downtown Patchogue and in all communities should be apartments, but not 2, 3 and 4 bedroom apartments. I think they should all be one-bedroom apartments. I think they should come with a permit and be inspected at least annually, and certainly no more than every two years. I think it is important to the security and economy of the Village and what all of you are trying to create in this community—to put people in town. By allowing one bedroom units, you really put the right people here, not people with kids. You don't put a bunch of people with kids. You put working, young couples who are really struggling. You are really almost creating workforce housing. Quite frankly, \$1,300 to \$1,400 is very reasonable. Seacrest Village gets \$1,450 for one-bedroom apartments and I think if we could create a code that would allow one-bedroom units above stores, we would be going a long way. I think the key is code enforcement of whatever goes up there. This also allows for making the backs of the stores on the parking lot to start to become the fronts of the stores. I think in the future you will be

having people come to you who will say to you that they would really like to make a storefront in the back and open things up. This allows that to happen. The way the economy is going, people living downtown Patchogue will not jump in their car and drive north. They are going to walk out their door and go to a local restaurant and local shop. That is the kind of thing that this effort would begin to create and I urge you to create a code to allow for one-bedroom apartments on Main Street because it is going to attract the correct people and accomplish what I think you all are trying to accomplish in the whole Village. It will certainly enhance what's going to happen at the Tri-tec project and all the other things going on here. I applaud you for all the things you have done in this Village because in the 50's you couldn't walk down Main Street because there were so many people and most of them lived above the stores. The Panzini Bros. which is now where the Patchogue Mtg. is; they ran their pastaria downstairs and lived upstairs. At night they went downstairs and walked on the streets and raised their children there. By creating this kind of a zone, I think you allow that opportunity to happen. Without it you are going to have a lot of vacant space; commercial traffic on the second floors, if they rent it, they are going to occupy the parking lot which we don't need as they are overcrowded already. This is just the reverse; the people come home at night and park in the parking lot and leave in the daytime. They are not a burden to our parking and they contribute tremendously to our downtown. The rents are realistic, \$1200-\$1400 is right in the ball park. I would urge you to consider this seriously because this is something that Patchogue needs.

Mr. Canella stated: I would invite you to visit the building and quite possibly see this space and see that area back there from a different light. Particularly with the future for the four stores, if we get four back there, and then having the two viable apartments above and what that could start to mean. I know you all have walked along Terry and absorbed this whole Artspace concept and the redevelopment of Terry Street. I think if you turn around and look back at the back of the stores, particularly the Library has already expanded into the parking lot and the bank, all of that can, not necessarily flip around and ignore Main Street, but I think we can have both. I assume the business owners will be excited about this. Have people get out of their cars and walk through stores and maybe see and buy things, instead of walking through little alleyways. I think that is very vital to a downtown area—that the parking and the main streets have a good connection.

Trustee Devlin asked: What type of retail stores are you hoping to attract to those spots?

Mr. Canella stated: I believe when *Patchogue Stationery* owned it and I believe the probably the previous owners. It's not finished space back there so it was probably storage, warehousing, etc. That's not the kind of stuff that I feel we should be attracting back there. When David came to me and we started talking to Geppy, he said that we could get anything from upper to middle scale retail. We could get a restaurant back there. Once people get used to the idea that you could get out of your car and it is a safe place and a viable place with some of the other things that are going on there, there is no reason why a nice restaurant would not want to move there. We have a target there for about four 1,000 to 1,200 spaces and it can be anything between that and something larger. I would see a very active kind of a business going in there.

Trustee Crean asked: Would these residents dispose of their garbage in the commercial canisters between the stores?

Mr. Canella stated: I guess so. That would be part of the commercial.

Mayor Pontieri stated: What are the thoughts about reserving decision and have everybody take a look at the space and get the feel about what it is like back there?

Mr. Canella stated: With all of the things that we have been talking about over the past six months for that area and along Terry Street, it can become a vibrant part of the Village.

Deputy Mayor McGiff stated: I think everything Geppy said is what Paul said when he came into office. We are not going to get people to shop here and spend money here unless they live here. I think Copper Beech is an example of that. The restaurants in Patchogue are busy every night of the week because the people are a captive audience—they are here and they walk.

Mr. Canella stated: The reason people are hanging out behind the Library is because there is nobody there now and that's where they go. If you have interested people living back there you will get phone calls.

Mayor Pontieri stated: Possibly when we take a look on how the front of that looks and possibly some period lighting along that sidewalk, you create more light and a walking atmosphere where people will feel comfortable. Light is the biggest deterrent to crime. We could possibly look at those kinds of features along the curbside there. I would like to set up a time to walk through with the Board.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board reserved decision to May 27, 2008 on the above request.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board reserved decision on hearing originally held on October 9, 2007 for a request by Fat Fish Marina for a special permit for multiple family dwellings in E Industrial (decision was reserved pending Planning & Zoning Board approvals) to May 27, 2008

Upon motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved request for the Village Clerk to receive and collect the 2008/2009 Village tax role in the amount of \$7,936,404.60 without penalty until July 1, 2008.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board reserved continuation of a hearing originally held on March 24, 2008 to amend Chapter 93-13 of Village Code regarding uses in the D3 Business District to May 27, 2008.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board set a public hearing date of June 9, 2008 to consider amending Chapter 87: Article III for the installation of a stop sign on Roe Blvd. at the intersection of Roe Blvd. and Shore Road.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board set a public hearing date of May 27, 2008 to consider adding a new section 51-3 to prohibit the taking of a certain species of carp from the Great Patchogue Lake.

B.I.D. Report – None

Chamber of Commerce Report – None

Trustee Krieger stated thanks to the code for the fine job they did once again controlling parking and traffic at the Theatre. The Gateway is coming in again soon. The Theatre calendar almost has no more room for any more events. The Gateway Playhouse is presenting *Beauty and the Beast* on July 9-July 26, *The Producers* on August 27-Sept. 1, Richie Havens tickets for November are on sale, Atlantic Wind Symphony on June 1 at 3 p.m. There are a lot of good things going on at the Theatre and again, thanks to our sponsors and all the people who support the Theatre.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the board approved request made by Avenue Sound to have an event on June 7<sup>th</sup> and 8<sup>th</sup>, closing off Potter and allowing two-way traffic for local businesses on street.

Trustees Crean and colleagues congratulated Trustee Krieger on the birth of Benjamin Daniel.

Trustee Crean stated: The B.I.D. is expecting delivery of 32 new trash receptacles within next week to be placed around the downtown and parks to help mitigate trash from blowing around Town.

Trustee Crean stated: The mast arm has been ordered from the manufacturer and should be ready to be installed between July 1 and 10. The manufacturer will meet with our Highway crew to go over the installation procedures. The program is on schedule.

Trustee Crean stated: Mosaica has completed another five benches and we will be meeting with him to decide on the locations that they will be placed. We have looked at the restaurants, certain bus stops and a couple will be reserved for the Roe Walkway.

Trustee Hilton stated: We re-built the pool's pump house, thanks to the Highway Department who did a wonderful job. We got delivery of twelve skids of Nico-loc pavers for the south retaining wall for the pool and we expect 32 yds. of trap rock as a backfill foundation. The replacement of the posts at Mascot dock is complete which were destroyed a few years ago from the ice.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved hiring of Jon Anthony Maldonado as a part time cleaner at \$8.00 per hour.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board set a public hearing date of June 9, 2008 to be held at the Municipal Building, 14 Baker Street, Patchogue, New York, to consider amending Section 93-1 of Village Code to amend definitions of "building area" and "height of a building."

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board made a resolution to accept as presented amendment of the building and plumbing fee schedule pursuant to Section 93-40C of Village Code.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Hilton, and unanimously carried, the Board made a motion to approve request to increase the salary of part time village employees (non-seasonal) by 3.75% effective June 1, 2008 as per attached list and the union contract agreement.

Deputy Mayor McGiff stated: I am requesting Board approval to declare the premises located at 180 River Avenue as "unsafe" as per Chapter 36 of the Village Code as two structures located on that property the owner has allowed it to become an unsafe structure. Mr. Sarich and Bldg. Inspector Powell have drafted this resolution along with Attorney Egan.

Attorney Egan stated: The standard under the section is "unsafe and dangerous." In it, in the second whereas clause are the findings of the Building Inspection. It is certainly unsafe and dangerous. It states, "That two structures on the premises of 180 River Avenue are dangerous and unsafe to the public. Structure #1 located on the southern border of the property is a shed that is missing the structural members of two sides. Structure #2 located on the northern border of the property is a garage that is missing sheeting and structural members of the rear addition has broken and rotted sheeting and

structural members of the main section and it appears to be leaning toward the south. Additionally, the yard is full of debris and documented physical hazards exist including containers of used motor oil in 5 gallon drums and unknown substances, a junked vehicle whose last registration was 1995, a rusted-out lawn tractor and other items. The two most significant items are the two structures that are certainly in an unsafe and dangerous condition. I don't believe there is power to both their structures; they look like out structures. This main structure on the property, the residence, is boarded up and the next step in the action is to declare it as abandoned. This will at least get the homeowner's attention. We have issued violations and they have gone unanswered. By adopting a claim, we give them until May 30, 2008 to secure the structures. If they don't, then we either appoint a building inspector or our building inspector to go and report to us as to the structural danger of the properties being unsecured; then we can take it upon ourselves to demolish the structures and bill the property owner for it. But, he gets the opportunity to secure it or take it down. It will service by first class-certified mail; the owner is in Hauppauge.

Mayor Pontieri stated: I would rather recommend service by personal process service to avoid it being left at the post office.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved request to declare the premises located at 180 River Avenue as unsafe pursuant to Chapter 36 of Village Code.

Deputy Mayor McGiff stated: I would like to thank the Patchogue Fire Department, Suffolk County Police Department, Highway Department and local restaurants who donated food for afterwards at the dedication of Michael Murphy Memorial at the Post Office. The Mayor also gave a nice speech.

Trustee Devlin stated: This Thursday at the *Mediterranean Manor*, the Parks Department is putting together a Chinese Auction. This is an event that Maria Hendrickson, Lu Ann Lategano, Connie Lategano and I have been working on to raise money to replace the playground with a handicap accessible playground at Shorefront Park. The Friends of Shorefront Park is the organization.

Trustee Devlin stated: On June 5<sup>th</sup> at the CDA meeting at 7 p.m. the house renovated on Sixth Street lottery will be done. We have a number of qualified applicants.

Trustee Devlin stated: We hope to start landscaping at the band shell. The Tree Committee is in the process of putting together a tree grant due to the DEC on June 4<sup>th</sup>. One committee is working on doing some more trees on Main Street down by the Brookhaven building where all those trees were taken down. We are pretty much going to propose new trees in most of the empty tree pits from Rider Ave. all the way down to West. Because it is such a large grant application in terms of the amount of money available, we are going to do a second portion which would be to do a habitat restoration on the parcel on Bay Avenue just north of the Winnona, several acres. We are working on those plans. We had a very nice Arbor Day, but we had to move from the parking lot to the overhang at the Theatre because of inclement weather. The children had a great time and you will see some of their artwork hanging in the hall of the Municipal Building through the month of June. The DEC was there and they were very impressed.

Trustee Devlin stated the Arts Council is planning the *Arts on Terry* event for Sept. 20<sup>th</sup>.. We have committees devoted to fund raising, site planning and selection of the artists.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request by the Patchogue Garden Club to hang a banner on Main Street promoting their annual Garden Tour.

Trustee Dean stated: We ceased dredging on the Patchogue River on or about Feb. 15<sup>th</sup> as per our Army Corps. of Engineers permit. We are going to begin removal of the spoils off of the Hess site in 3-5 weeks. The wet weather has slowed down the dewatering process and transport of wet material; unless it is dry, it is dangerous because it sloshes back and forth. We have been working with the County who is transporting the material at no cost and the Town of Brookhaven who is accepting the spoils as alternate daily cover at a reduced cost. Additionally, because of the heavy rains we have had some puddling of water down on the Hess site which is unfortunate because if that doesn't drain and we get the water back into the river we don't have the bags dewatering efficiently. So we are looking at doing some pumping to expedite the affluent back into the river and hasten the dewatering process. Additionally, we have had some culprits entering the property illegally and we are securing that property to prevent this from happening. We want to make it known that if the perpetrators are apprehended they will be prosecuted to the fullest extent of the law. On October 1<sup>st</sup> the dredging will restart. We are currently working with the Fire Island National Sea Shore and the Town of Brookhaven as the Hess site will not be available for dewatering again next dredging season. We are looking to dewater with two of those GEO tubes at the Town of Brookhaven Sandspit Park and two at the Fire Island National Sea Shore. We are working with those administrations to make that happen now. We have a little bit of dredging at the mouth of the river, a mile away at the other end. That is why we are looking for two sites to make that happen. The Fire Island National Sea Shore has been incredibly receptive as has the Town of Brookhaven. October 1st we will be back in the water to complete the dredging project and move on from there to other, hopefully, bigger and better things on the Patchogue River.

Trustee Dean stated: We had gone out to bid for some exterior renovations at 380 Bay Avenue, removal of siding and installation of sheeting, new windows, new siding, new doors and a number of other things. Carter Melence, Inc. was the low bidder at \$212,437.00. The highest bid was \$483,125.00. We worked with Carter Melence on the roof of the Patchogue Theatre. They did what they were supposed to do and as of now they are \$4,700.00 under budget and ahead of schedule on that project with no leaks as of yet. We know what to expect of this company.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the Board awarded the bid to Carter Melence as stated above.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the Board approved request to hire American Environmental Solutions in the amount of \$2,000.00 to prepare specifications for the removal of asbestos roofing material from the porch at 380 Bay Avenue.

Mayor Pontieri stated: Last year we received \$100,000 from a resident that goes toward the reconstruction of that porch. These monies will be used from that \$100,000.00.

Trustee Dean stated: The scope of the work that we have awarded to Carter Melence involves some of the porch restoration so we are going to break about \$25,000.00 from that money to the \$212,437.00.

Trustee Dean stated: The removal of the asbestos is an abatement project and I am having a couple of abatement contractors take a look at it this week because I really don't have a clear idea of what the dollar figure will be. If it is over \$10,000.00 we have to go out to bid and take bids just as we had to do for the exterior renovations on the building. If it is under \$10,000.00 we can get three written quotes and award it. I would rather not wait until the next Board meeting to do this as I would like to keep this project moving along. If it is the Board's pleasure, I would like to request approval to award the project based on three written quotes up to \$10,000.00. If the quotes are over that amount, then I am seeking Board approval to go out to bid as per the specs that they provide for us.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the Board accepted the proposal as stated above.

Public to be Heard:

Donald Wachsmith, Carman Street, stated: The gateway to the Village is often lined with homeowners' garbage, mainly between Thorne and Lakewood. Leaning up against the light poles are bags, garbage pails, lawn debris, etc. They get picked up on Tuesdays and it is there all through the weekend, every home.

Deputy Mayor McGiff stated: We have been giving warnings out and will check and see about that street.

Henry Terry, 16 Bransford Street, stated: I have sent in numerous FOIL requests over the last few months and no longer receive any answers at all.

Trustee Hilton asked: Do you know how much money it costs the taxpayers to process your FOIL requests? Better than \$15,000.00 over the last year. Are you comfortable with causing the taxpayers that kind of burden because of your FOIL requests? For all the blue collar workers down on South Ocean Avenue, just getting by, and you come up here with all your ridiculous FOIL requests costing the Village up to \$15,000.00. I myself am an hourly employee who has also now has to come here and listen to your requests and I don't understand it. How can you have people who sit in the audience that volunteer every day to help the Village and you come here with, I don't know what, that is costing the Village taxpayers \$15,000, costing me salary for you to come up and to haphazardly throw out these requests that we don't even, and we have asked you, just exactly what your point is. You haven't been able to create a point.

Henry Terry stated: Under the Ethics Code I am allowed to walk into the Village at any particular time.

Trustee Hilton stated: That is true you can do whatever you want, but you can also volunteer to come down to help with the clean-ups that we have in the parks. You could also help with the clean-ups that we have down at the cemetery. You could also come up with the children in the Parks Dept. You could help with the seniors. But, how you help is come down and cost the Village \$15,000 worth of unnecessary expense for requests that we as Trustees don't even know where you are coming from because you haven't been able to explain it to us.

Henry Terry asked: Are you suggesting that if I actually made contributions to the Village you would actually honor...

Attorney Egan stated: Mr. Terry, your requests are actually burdensome to the Village. They are being worked on. There is no embargo, no prohibition, don't imply that is what is happening. It is not.

Henry Terry stated: We are involved in an Article 78 action right now and the Village is asserting the defense of res judicata. I am concerned that I would like to file another Article 78, rather than to be timed out of the opportunity to have an Article 78 and I would like to know your position on it, whether or not your res judicata defense or you are waiting for the decision of this second Article 78.

Attorney Egan stated: We are not going to give you advice as to what you should do.

Henry Terry asked: Are you saying that the issues of the Article 78 that is pending right now, you are waiting to hear the results of that particular case before you answer my

FOILS, and therefore I am not obligated to file my Article 78 to force you and compel you to answer my FOILS, the ones that I just referred to?

Attorney Egan stated: I am not sure I totally understand your question. Let me try and rephrase your question. The answer is the Article 78 does not have an impact on the current state of your FOILS that are presently pending before the Village Clerk.

Henry Terry stated: I have asked you in letter form many times to explain your theory of res judicata so that I could avoid falling into the issue of res judicata.

Attorney Egan stated: The problem with the evolution of your communication with the Village is that it is now a litigation based communication context. And, we don't advise the Village to engage in any kind of communication to explain legal positions in writing or oral. If you are litigating with the Village, your answers come through the court process, not through any kind of side correspondence that may be binding on the Village to some effect.

Henry Terry stated: Mr. Snead has requested meetings for us to meet to iron out the issue of res judicata. Knowing that you took over, Mr. Egan, I just wanted to know what your position was on it.

Henry Terry stated: I wanted to ask you questions about the GEO tubes. It appears that they have dried, ripped and they are drying and possibly blowing contaminated spoils into the air.

Mayor Pontieri stated: Those "contaminated spoils" have been checked by the DEC and they are not contaminated. That is #1; otherwise they would not have let us take them out, put it on land, and allow us to take them to the landfill.

Henry Terry stated: I FOILED the test results from you folks and you say it doesn't exist.

Mayor Pontieri stated: Then FOIL it from the DEC. They are the ones that gave us permission. They actually, believe it or not, gave us a permit to allow us to do what we are doing. If you have an issue with that permit, you are taking it up with the wrong guy. I couldn't do it myself. I had to get it from somebody. Go into the city, Federal Plaza, and see the Army Corps. of Engineers.

Henry Terry asked: Mr. Dean, are you representing that what is going on down there is according to the DEC permit?

Trustee Dean stated: We would not violate a DEC permit. There are no improprieties going on.

Henry Terry stated: On the new LWRP concerning the Patchogue River, what's going on with that?

Trustee Devlin stated: We are waiting for information back from the consulting firm.

Henry Terry asked: Mrs. Devlin, are you admitting that there is an LWRP in progress now?

Trustee Devlin stated: I think that is pretty much public knowledge and you were at the last public hearing.

Mayor Pontieri stated: Since you were at a public hearing when it was discussed and meetings here where it has been discussed, don't play stupid. Don't ask stupid questions. If you have questions of substance, than ask it. If not, please sit down so we can go home.

Henry Terry asked: Has the Dept. of State identifying numbers been placed on all the paperwork?

Trustee Devlin stated: The draft version of the LWRP is not yet completed. The consulting firm is still putting together the information. There is no previous LWRP that I know of.

Trustee Dean stated: I have heard of an LWRP that was started back in 1983 or 1986, somewhere around that time. I have never seen a copy of it. I have never seen any contracts between the Village of Patchogue and the Dept. of State or any consultants that were preparing that LWRP. I have never seen any results, any meeting minutes, anything whatsoever. Any evidence I have of it is purely anecdotal, mostly from you. So you tell me if there was another one.

Henry Terry stated: To the best of my knowledge, there are two LWRPs.

Mayor Pontieri stated: All of the people sitting on this board now have come on from 2004, except for myself maybe, and were not around when those other LWRPs may or may not have come in place. Unless something happened after 2004, they will not know about it. Ask a question of relevance or don't ask any question at all.

Trustee Devlin stated: I agree with Trustee Dean. The only knowledge that I have is when I heard you ask the question.

Trustee Dean stated: Deputy Mayor Weeks when he was in office submitted an application for funding from the State to complete an LWRP. That's what we have inherited and that's the only LWRP we have any hard documentation for. As I have told you before, the only evidence we have is anecdotal, mostly from you, of any previous other LWRPs. If you have anything, we would love to see it.

Henry Terry asked: Mrs. Devlin, is the proposed LWRP that she is working on, which she is referring to but really hasn't given me the numbers on... My question is really, Are there any Federal guidelines involved in complying with the LWRP?

Trustee Devlin stated: It is a Dept of State project.

Attorney Egan stated: Just assume that we will be in compliance with all laws applicable to that.

Trustee Krieger asked: What are you getting at? I have absolutely no idea or concept whatsoever of what you are trying to tell me. I don't know. Tell me. Maybe I can help. Why did you ask them ten questions about a LWRP? I have no idea. I really don't.

Upon a motion made by Trustee Crean, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 9 p.m.