

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on June 9, 2008.

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

The flag salute was made.

Mayor Pontieri read the safety message.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, the Board minutes of May 27, 2008 with one change was unanimously approved.

Treasurer Krawczyk stated: The five largest bills for the period May 27, 2008 through June 9, 2008 was Patchogue Ambulance \$245,007.50 for ½ annual payment for service, NYCOM annual membership \$4,837.00 for annual membership, 341 EAST LLC \$1,986.93 for tax redemption, Future Holdings \$1,891.75 for tax redemption, Total Computer \$577.50 for antivirus software, totaling \$254,300.68.

General Fund	\$422,758.25
Trust & Agency Fund	\$6,931.38
Capital Projects	\$0.00
Sewer Fund	\$6,676.39
BID Fund	\$1,036.00
Housing/Code Fund	\$0.00
Community Development Fund	\$5,586.53
General Bills	\$0.00
 Total	 \$442,988.55

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

Village Clerk Seal read: Notice is hereby given that a public hearing will be held on Monday, June 9, 2008, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to amend Section 93-1 of the Village Code to amend the definitions of “Building Area” and “Height of a Building,” a copy of which proposed local law is on file at the Office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: The first one Section 93-1 was a request for two definitional changes, 5 is Building Area, and 23 is Height of a Building. Both were requests from the Building Department and Chairmen of the Zoning Board and Planning Board with regard to some of the problems they have been encountering in some of the applications on interpretation. Again, I have been working through the code, changing definitions, making definitions that work for the building area. Size is taking into the total because of the total construction of coverage on the lots. So you get other structures included, not just the building. Because in some cases there are decks even larger than some of the houses. The height of the building is the same thing. Another question that comes around on some of these applications with regard to height is where it gets measured from. At the end of the day, it adds a new line where the building inspector will be responsible for any interpretation concerning the average grade. Because on some of the properties the grades can change at different corners and this leaves this interpretation up to the building inspector.

Mayor Pontieri stated: One of the issues with that is that they use the mean average factor.... And it just became a very complicated process. Now with us being a waterfront community, with FEMA regulations and flood plains, the next thing is you have to go up 3 feet with the building. So that means the question is where is the average height—is it from the foundation or is it from the top? A lot of that is just for clarification to make sure that the building that is being built and the product being presented is consistent with the surrounding areas of the community.

Trustee Dean stated: One thing new would be building area regarding deck pools, etc. That would be where the setbacks would be measured from.

Village Attorney Egan stated: That is part of it. The major aspect is, again, the maximum area cross section which already existed, but this adds up a total and includes in the total other structures and decks. There is no question that it is not just the main, primary structure.

Trustee Dean asked: If the deck extended into the minimum setback from side of the lot, etc., would they then have to go for a variance?

Village Attorney Egan stated: That is addressed in other parts of the code.

Trustee Devlin asked: I know within the code there is a certain maximum area or ratio that comes into play with how much lot coverage; is there any discussion of changing that?

Village Attorney Egan stated: That is what this calculation is going exactly towards, counting all of the maximum horizontal cross sections. Anything that covers the ground would be included in that building area code.

Trustee Devlin stated: I am just wondering if down the road they might have to modify that number taking into effect decks, pools and other structures.

Mayor Pontieri stated: Then you can always go back to the Zoning Board based upon an appeal. My concern is part of it, after building a home, they come back and build a deck that takes up another 30%. Make that a part of it now and they could always go for a variance.

Village Attorney Egan stated: This goes exactly towards that safe calculation by clarifying what items are included in the building area—decks and other building structures are included in that building area code. Again, these requests were made by the Chairman of the Zoning Board on issues of applications to be seen.

Mayor Pontieri stated: This has been happening a lot, especially when you get into the larger buildings such as townhouses, things like that when you are looking at more stories more often especially with some of the projects.

Mayor Pontieri asked: Any comments from the public? None made.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the request was approved as stated above.

Village Clerk Seal read: Notice is hereby given that a Public Hearing will be held on Monday, June 9, 2008, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to repeal Section 7-4(F) of the Village Code, the carrying of firearms by constables, a copy of which proposed local law is on file at the office of the Village Clerk. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: This Section 7-4(F) reference regarding firearms by constables, as you know, is something we discontinued recently as of June 1st.

Village Attorney Egan stated: This is a section of the code which authorizes the carrying of firearms. This section was originally enacted in 1994. It is probably, almost as soon as it become enacted, was contrary to what the Civil Service provision titles were. The actual Civil Service provision title for a code enforcement officers do not authorize the carrying of guns. This was really an anachronism that survived in our code.

Mayor Pontieri stated: One of the issues at that time was there was a very concerted effort by Mayor Levandowsky and then later by Mayors Keegan and Ihne; they contacted the State and Civil Service and they felt, and I remember them talking about it, that if we had it in our code that it was allowed and moved forward with the position of it being legal and proper to do. But, we were never approved by the State and/or Civil Service.

Village Attorney Egan stated: And that is despite repeated requests. Historically, the Village made at least three or four requests to the Dept. of Civil of Service and the Dept. of Public Safety to have that piece of status approved for the carrying of firearms and they were rejected every time. Unfortunately, it was something that came around that the code did not have any independent authorization power under any kind of municipal home rule that we thought would have had perhaps been back in 1994 if that was a legislative thought.

Mayor Pontieri stated: It would be similar to our code that talks about speed limits. We can say that the speed limit is 30 mph, but we don't have the authorization to stop a car that is doing 35 mph. It is similar to that. Within this system, it just doesn't work.

Village Attorney Egan stated: And also just as a preface, as stated at the last meeting by Deputy Mayor McGiff, it should also be incorporated into it, why tonight I recommend the appeal of Section 7-4(F).

Mayor Pontieri asked: Any questions from the public? None were made.

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

B.I.D. Report – None

Chamber of Commerce Report – None

Trustee Krieger stated: I would like to thank all those who came to the Patchogue Theatre last Thursday night for *Alive in the Lobby*. It was a big success and probably one of our biggest events of the year. It was a great time and it was fun to see everybody there and the streets crowded with people. I received a lot of comments from people I have known a long time and they were very happy with Main Street and all the activity. I appreciate everyone's support of the Theatre.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hold a block party on Wiggins Avenue on Saturday, August 2nd from 11 a.m. to 12 a.m. with a rain date of Saturday, August 9th, suspending the open container rule and allowing amplified music.

Trustee Crean stated: The YMCA had a beautiful golf outing today at the Bellport Country Club for the benefit for the YMCA. They are in the midst of a campaign to raise money to build their building on West Main Street.

Trustee Crean stated: I met with the developers of Walgreens on West Main Street with the Mayor. They are on target to start demolition this summer, waiting for the school year to end. They assured us that they would take care of all the rodents prior to demolition and will complete demolition prior to when the school year starts. Sometime in early July they will start and by the end of the month will have the lot cleared for an early '09 delivery date of the Walgreens on West Main Street. There are some improvements that they have revised on their site plan and it is moving along quite well.

Trustee Crean stated: There were four additional benches completed by Chip Hunter from Mosaica and we are looking for John Lund to install them by the end of the week, two by Brick House Brewery and two by the North Fork Plaza. He is trying to keep certain themes at the different locations. Down at the Brick House he included some art work with some music/beer/mugs & steins. Down by North Fork Plaza there are more patriotic themes with Army and Navy symbolism being the recruiting office is located near. The next two will be located by J&R's.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to change the previously approved date for the Annual Salcony Salva Expo to Sunday, July 13th from 10 a.m. to 4 p.m. in the lot adjacent to BRAVO Market with a rain date of Sunday, July 20th.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request to hire Peter Sarich as a full-time Building Inspector with a starting date of June 30, 2008.

Trustee Devlin stated: On Sunday morning the Beautification Committee planted a new bed called *The Mark Shapiro Plaza* which is when you leave the Oak Street parking lot walking toward the Theatre—along that wall, John Lund dug up quite a large bed and planted five trees. The friends and family donated the money and there are going to be two benches and some other improvements made to that area.

Trustee Devlin stated: The Tree Grant application was mailed the other day. Marian Russo, Executive Director of CDA, applied for a grant through New York State as part of the Bay Way Estuary Program. This is a program that seeks to establish tourist destinations along the south shore. In these there will be interpretative signage similar to the kiosk that Trustee Dean sponsored. Marion put a lot of work into the application and we were awarded \$75,000.00 to implement the interpretive signage.

Trustee Devlin stated: On June 5th we had our Affordable Housing Lottery for the house on West Sixth Street. There were six applicants who were qualified and we pulled out the names. The first people pulled have already declined the house as being too small. The second person on the list, a single woman who lives here in the Village, now has the opportunity.

Trustee Devlin stated: Our not-for-profit paperwork has not come back from the State yet regarding the Patchogue Arts Counsel. There have been a number of other issues. Our plans for the show are pretty grand so it is our consensus that we want to postpone the show until next year. No Art Show on Sept. 20, 2008 but we would like to do it next year. In the meantime, *Friends of Patchogue Arts* will be having a fundraiser on Sunday, July 6th, The Freedom Gala Birthday Party.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request for the Patchogue Medford Youth Center to use the Rider Avenue tennis courts on dates requested.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to hold the first annual “Conquer Chiari” three mile walk on Saturday, September 20th starting at 9 a.m. at Shorefront Park (reserved decision from May 27th Board Meeting).

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the Board approved request by Be-In Festival Productions, a not-for-profit organization, to hold a music festival on Sunday, August 10th at Shorefront Park from noon to 8 p.m. with a rain date of August 17th for a fee of \$350.00. They estimate approximately 500 people and have donated in the past to local food pantries and hurricane relief. A certificate of insurance to follow.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request for Gala USA to use Rider Avenue Park for soccer practice from July 1st to August 31st on Tuesdays, Thursdays and Fridays from 5 to 7 p.m.

Trustee Devlin stated: The Sea Fair Festival was awesome.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for engineering services to design an HVAC system for exterior renovation work and reconstruction at 380 Bay Avenue be awarded to McClave Engineering, not to exceed \$3,000.00. There are HVAC and duct work services available off of Suffolk Cooperative Bidding Contracts where we can purchase equipment and services also. McClave is going to spec out what size units we need and style of duct work that we need to install.

Trustee Dean stated: The asbestos is off of the roof at the Winona. We are going to have to take a look at fast-tracking the reconstruction of the porch.

Public to be Heard:

Mike Bruemmer, West Bank Marina, 31 Baker Place, stated: Gerry asked me to fill you in on how we thought the Fair went. First order, I would like to thank Patti Seal and Maria Hendrickson from the Village who were as always spectacular to work with. They were right there when we needed stuff and answered questions. Maria made some things happen, picnic benches and things

like that that and went above and beyond the call of duty. I just want to thank them personally—that was very helpful. The Fair was originally conceived to bring attention to the River, to bring people from out of town to discover Patchogue in general and the river in particular, and it was devised to bring a real family crowd that if they became interested enough would be assets to the Village if they decided to buy a house or a condo or whatever. In that sense the Fair has been a rousing success. We haven't counted all of the tickets yet. We developed a relationship with Ronald McDonald House through the haunted house that we did last year and we invited them to come down. We gave out free tickets to all of the vendors that were on the intake, so anybody that came in got a free ticket. Ronald McDonald house was at the door and raised \$2,000 to \$3,000 for Ronald McDonald House—they tore the tickets, gave them back the Big Mac coupon, and we were able to keep some track of the attendance without keeping people at the door. I would guess we had about 20,000 people altogether. This year we were busy from 3 p.m. on Friday to the second or third thunderstorm Sunday night. *Strawberry Fields* was our headliner on Sunday, but we weren't able to get them in. The crowd was exactly as envisioned. Two or three people had expressed interest in the Riverview condos and that Patchogue is fast becoming the place to be. From my perspective, the Fair was a rousing success.

David would ask those on the ferry tours, who was from Patchogue. And of 125 people on the boat, maybe you would get 8-10 say they were from Patchogue. Even less would raise their hands when asked, how many people knew there was a Patchogue River. In terms of what the intention of the Fair was, I think it has definitely accomplished its mission. I think a lot of real good feelings about some of the things that the Riverfront Committee has on its agenda—the west side riverwalk. The Board from the Riverfront Landings was not enthusiastic for it. But, this weekend I spoke to almost a dozen people who when we talked about—they thought it was going to be a 24-hour bar—but, it is something like you guys are doing on Main Street where you become a part of the community. And people from the Landings where their co-ops are selling for \$170,000 which is almost embarrassing realize they can walk down and enjoy the river, and take the kids fishing, or go out to eat, or go to the train station and not take the car. It's like a whole other revelation that people are just barely starting to get. Mr. Volkman who was resistant to the riverwalk idea is now on board. I think the riverwalk is such a huge thing to the Village and all the stuff that you guys are working so hard on. The river needs to pull its weight in terms of being another attraction and being a part of that community.

Mayor Pontieri stated: One of the things is certainly how we do that because I have said to people a number of times, if you go to Freeport the Nautical Mile is about the most beautiful thing that you could do, but if you drive through their downtown, the downtown died because the river sucked out all of its energy. The downtown river that you talk about could be a gateway to or a release from the downtown. It is not replacing the downtown. I think Freeport made that huge mistake because people drive through the town to go to the Nautical Mile. I think, if done right, that walk can become such an asset.

Bruemmer stated privately, you and I have had that conversation before. Respectfully, I would have to disagree in general. I am not from Freeport but my partner is and after we had that conversation that day and I brought that up, his reaction was just the opposite. Freeport Main Street was dead as a door nail and Nautical Mile started to become something and now Main Street Freeport has a heartbeat. To answer that more directly, I think the next phase, assuming again that the river does its job, that the river becomes an asset rather than a backdoor liability which it was not too long ago, is to tie the two together. Of course, that's Clare Rose Street and the north end of West Ave. and I know there is developer plans there and I think the Board in their wisdom and you guys have shown a lot of it frankly, if that project goes off right and that becomes a nice boulevard with nice lighting and maybe a center island and maybe some angle parking in the middle to pull those two things together. You have the college on the corner, dormitory talk, YMCA is going up to that end. To pull that together, maybe in the future we talk about some sort of a jitney or something like that that brings people right down to the river walk. I hope we make some bucks on Sea Fair this year. The next immediate project is the Bandshell to go on to the stage that we rebuilt last year. The riverwalk would technically start at the stage at the far southern end of the FINS site, run up across the bridge—where people would come from on Main Street—down the west side. It's not a done, done deal, but right now we are very close to be up to the Riverview. For all intents and purposes, with not a permit, not a grant, just businessmen shaking hands and the riverfront maybe filling in the loose ends of gates, ramps and lights, etc. I am very proud of my committee. They are a great bunch of people. They are itching to have Tuesday meetings and getting on with the agenda of other stuff going on. If you guys to believe that that is a good idea, the only piece of the puzzle that we would ask from the Village, and this is

again from private conversations that we had with the property owners, if we could figure out some way that the Village would cover that riverwalk as a secondary blanket policy—all of the businesses already have their own insurance policies—maybe we could make some sort of loose rental agreement. Such as, for a dollar or whatever technical legal stuff we would need to do to make that happen, that would be very, very helpful and a little bit of code on bikes going up and down from time to time. Riverwalk is not a twelve month, 24-hour kind of day deal. We are talking about early spring to early fall and it would close at some time say at midnight with gates on each individuals' property.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 8:15 p.m.