

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

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Trustees Crean, Dean, Devlin, Hilton, Krieger, McGiff, Treasurer Krawczyk, Village Clerk Seal and Mr. Duffy were present.

The flag salute was led by Judge Underwood.

Mayor Pontieri read the safety message.

Mayor Pontieri stated: One of our Fire Commissioners and a long-time Village resident has passed this past weekend, Bob Chiuchiolo. He has served the community in many aspects. He has been a firemen for over 30 years. He was Chairman from the very beginning. He was a good man. Just keep him and his family in your prayers and thoughts.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the Board accepted the minutes of June 23, 2008, as presented.

Treasurer Krawczyk stated: The bills for the period of June 23rd through July 14th total \$673,388.59. The five largest bills were Norco \$117,425.00 for pool renovations, State Insurance Fund \$87,725.22 for annual premium worker compensation, Standard Security Life \$40,381.06 for LOSAP insurance, Professional Underwriter \$18,118.20 for worker Comp. safety group and Metro Fuel \$15,847.04 for diesel fuel, totaling \$279,496.52.

General Fund	\$345,742.73
Trust & Agency Fund	\$22,540.95
Capital Projects	\$269,462.69
Sewer Fund	\$23,064.73
BID Fund	\$3,687.80
Housing/Code Fund	\$1,001.38
Community Development Fund	\$5,931.56
General Bills	\$1,956.75
Totals	\$673,388.59

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board accepted the bills as presented.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board approved year-end budget transfers as presented by Village Treasurer Krawczyk.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request for general fund to loan capital projects fund \$16,152.54 and Community Development Fund \$344.00.

Treasurer Krawczyk stated you do have in front of you for your information the total in all of our funds as of May 31st.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, July 14, 2008 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, to amend Section 87-56 of Village Code to create a Local Law to designate Oakland Drive, Bayview Drive and Pinehurst Street seasonal parking by permit only streets from May 15th to October 1st. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: Basically this is being put in place because there is a lot of activity down on River Avenue between the different restaurants and this block seems to be getting somewhat impacted by it. As we did on West Ave. and down the end of River Ave.—it started back with the ferry probably in the early 80's. What happens is those impacts when the commercial hits the residential.

Garrett King, 22 Bayview Drive, Patchogue, stated: I am glad that you are considering this because it has gotten a little bit out of hand. On one occasion I had someone urinating on my lawn from that tavern down there. I would like to suggest one thing for you to consider later on. With this kind of business you should have some kind of parking allocation vs. capacity because that might also help us in the future as a Village when we have this type of situation where we don't have the overflow---that they have enough adequate parking, like one car for two occupants and if they have an outside deck, whatever the capacity is for outside.

Mayor Pontieri stated: The code is set up that way, but what happens a lot of times is the code is set up in a certain manner, but when the property is then developed the public doesn't read the code and you get into this situation.

Trustee Hilton stated: This is a problem that goes with mixed use. If you are a residential in the neighborhood, but the businesses have the opportunity to open a bar then it flows into the mixed use. The biggest issue that we have to address to how to protect the residents from the change of zoning that is within their neighborhood.

Mayor Pontieri stated: We are dealing with the property owner at this point at this time on how to handle that. You are 100% correct. It is something we have dealt with at other spots in the Village at every other different time that this has happened. I think that you have most of this Board in agreement with you.

Pat Sacco stated: My son John Sacco III lives on the corner of Noxon Street and River Ave. You know what he is going through--besides the drugs, drinks, garbage, noise, and motorcycles, it is absolutely impossible. That is a 15 ft. right of way on Noxon Street and he has people giving you the finger when you try and get out your own driveway. It has gotten very, very bad. He works for Suffolk County and has to be up at 5 a.m. and he is not getting any sleep. He's lived there for 20 years and he doesn't know what to do about it at this point. Everyday we have had drunks on the lawn; they go from Blue Point Brewery across his yard to the Tiki Bar. We don't even know how it became a bar because there was nothing that ever came in the mail about it. There was no hearing; there was nothing. I think somebody has got to address something. This is one other thing I have to say. I live on Fair Harbor on the Water and it is the first time that we have had a drug problem down there because of Dublin's Deck. We have a lot of problems trying to get parking at our own place. There are a lot of things going on and it is not very nice. Patchogue was always a great Village. I was born here. I think we are going in the wrong direction. I think with the crowds that we are getting that we are going in the wrong direction. It is really bad when you can't go down your own street. Down at Fair Harbor on the Water we have had to get night security, but we are finding that there are drugs being sold in the parking lot and there are drunks laying in the bushes. This is not something that I think Patchogue wants; I don't want it. And my son would be here tonight, but he just got out of the emergency room and is not feeling good.

John Bojack, 8 Noxon Street, stated: I came here tonight to talk about Noxon Street, but now that this has come up; let me just voice my support for anyone who wants to have some restrictions on River Avenue—they need it. What has happened is the success—the club is a tremendous success, the brewery is a success and Dublin Deck is a success. And with that success has brought thousands of people down to River Avenue. I spoke with Mike several times and I think he has done probably everything he possibly can. The

traffic problems actually at the beginning have eased somewhat, but that means that it is not as chaotic as we once were. But, there are still hundreds if not thousands of people on the weekend. Like the other family, I think we were just caught by surprise. As a result, I also have these issues too—drunks that I have to deal with, parking on Noxon Street when they are drunk, thinking it is a driveway. The loud motorcycle noise. Mike has a sign up saying “please keep your bikes down”, but people are people. Yesterday there was a crescendo of motorbikes going down River Avenue; it was really incredible. And speeding—Noxon Street is a small, little street—from 9 to 11 p.m. I have people going 50 mph down that street—it is very dangerous. Especially, because of what Mike has done, people are using it as a pedestrian crossway back to the club where they are parking elsewhere to alleviate problems. They are endangering themselves and the people that are speeding are endangering people too. There is a multitude of issues. I think that Mike and the perhaps the other owners can only do so much. I think at some point the Village has to look at lights, signs, and cops to deal with some of these problems.

Mayor Pontieri stated: The lights, signs, parking and all those other health and safety issues, obviously. I appreciate the comments.

Mr. Underwood stated: I don't often like to say things in public, but I think what the Village is trying to do is help. And I think that what you hopefully have in mind will continue to improve the conditions that we have on River Avenue. I can say we spent tens or hundreds of thousands of dollars in our lifetime trying to improve the quality of life on River Avenue and it seems like the last year or two we have lost a good part of it. In fact, it is worse than it ever has been and I do hope and pray and impose upon the Village to do what you can to try to clear up that which has caused this particular problem. I understand many of these issues perhaps may be under review at this time by your board and I do hope that you give it further serious consideration.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Krieger, and unanimously carried, the Board approved request to amend Section 87-56 to designate 4e Oakland Drive, Bayview Drive and Pinehurst Street as “seasonal parking by permit only” streets from May 15th to October 1st.

Village Clerk Seal stated: Once the signs go up, the residents need to come to Village Hall to get passes for their cars so they do not get tickets.

Mike Bruemmer stated: To the neighbors, I don't know how exactly to put it, but we have gone through pretty much the entire process of building our place, and frankly, what has happened over the last 6-7 weeks, over the response of the place, is quite overwhelming for us as well as the neighbors. I guess we all have been impacted on it. We worked really hard to try and build a nice place and certainly spent a lot of money building it and a lot of time and effort of my own put into it. I think we have a beautiful place, we have a 30 and over crowd, strictly enforced, group of people. We have a great security team—all basically off duty policemen that run the security for us. It is a very clean operation. There is no one leaving our place with cocktails I can tell you for certain. We have worked really hard with this coming at us 200 mph literally to try and deal with every problem that has come up, whether it is signs, parking valets, valets out on the street to deal with the traffic, bypass of people trying to get in, or more often than not, when they are being turned away. There is only a certain amount of people that we are allowed to have and that is how many we have—the rest of them we put saw horses at the end of road and say to them “sorry, you can't come in.” Our property is industrial, with the exception of a very small leg that runs the end of Baker. That was all in our original parking plan. I am certainly in awe of what I have created. Having said that, as the Mayor has said before, the public kind of tells you where they want to go despite whatever the code is and this and that. You do the best we can. We have a limitation of how many people we have on the site and we are sticking to that; basically, we stick to that, shut off the road and send people on their way. We do see a lot of people from the neighborhood walking to

our place. We do actually have people coming from the railroad to see us. Anything else from the neighbors, my cell phone number is posted on the property or I would be happy to give it to you. If there is anything I can do, or suggestions that you may have, I would be more than happy to work in any direction where we could live together in peace and harmony, so to speak.

Mayor Pontieri stated: We are in the process now with Mr. Bruemmer, in terms of a Planning Board meeting coming up next week, with another site plan review. As you said, we are very deep within the process. There are additional applications with the Board of Health, the DEC, and those other kinds of issues, because it has grown larger than the current permit process allowed. So we are dealing with it in that sense, to kind of bring it to the size that the approvals allow. This issue isn't one that is kind of sitting on the side; we are very actively working with Mr. Bruemmer to kind of get it under control.

Mrs. Sacco asked: Wouldn't this be a change of change of venue? That was a boat yard. When was it changed to a restaurant without the neighbors knowing about it?

Village Attorney Egan stated: I believe that was before they had to be mailed out at that time.

Mayor Pontieri stated: There is a public hearing next Tuesday night on it here at Village Hall where it is going to be discussed by the Planning Board at that point and time to take a look at the use of the properties. But, there are issues that we have been dealing with Mr. Bruemmer and he has been very cooperative in dealing with us on those. So hopefully, we really will be able to get this thing into a situation that is compatible with the neighborhood and the community. I understand exactly what you are saying, Mr. Underwood. When you take a ride down River Avenue on a Friday night, I shake my head. And you are right across the street from one of them---the driveway comes out into your living room.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, July 14, 2008 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, to consider renewal of a five year special permit for property located at 130 Division Street. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: Five year's ago, the property which is two doors west of the Harbor Crab was issued a special permit for a two family house.

William Underwood stated: I am the owner of 130 Division Street. It had been a two family house for many years. We were paying garbage for two families and then a family came along and took the whole house so it was actually a one family, but I continued paying garbage for two. Then we wanted to improve the neighborhood and update the house, and we came before your board and we had two separate hearings over a week or so and finally permission was granted for the conversion of the property to officially on the books to be a two family residence and since that time we spent a lot of money into it. We keep it up and put a lot of money into the grounds and the landscaping and all. At this time I would like to make it a permanent two family without restrictions, without the necessity of having to come back for an additional five years

Trustee Crean stated: I appreciate Judge Underwood's investments and making the improvements; I would still be in favor of retaining that authority, if you will, to be able to have that local level of control. I think it is a minor inconvenience for a great benefit and it gives us an opportunity to perhaps take a look at some properties that might not be in such good standing and otherwise might be delinquent.

William Underwood stated: There are so many two family houses and I don't know of any restrictions such as the one that has been imposed upon this and there are no restrictions imposed upon apartments, condos or otherwise. I think you are being somewhat selective here.

Trustee Crean stated: The most recent apartments that have been approved by this Board, for Mr. Underwood's benefit, would be above the old Colony Shop which is now the J.R. Steakhouse and that has renewable permits on it as well. With regard to the condominium developments, they are owner occupied and have their own homeowners association.

Deputy Mayor McGiff stated: Most apartment rentals have to have a rental permit which involves an inspection. I would concur with Trustee Crean. You are one of our founding fathers here, but unfortunately, not everyone is as upstanding as you and our fear is, and we have seen this in the past, if the property is sold and someone else gains control of that property and are not as diligent as you, it leads to a problem. On South Ocean Avenue you see houses built behind houses and I wonder who let that happen. That is one of the concerns we had as a Board, we had the ability to look back and it is something that bites us from time to time. As Gerry said, this is a kind of control. It is not an indictment of you or your family, but it would be a control factor that allows us to get into certain buildings if it does ever change out of your family hands. As Trustee Crean says, it is a minor inconvenience, but public benefit outweighs that.

Trustee Hilton asked: If we don't grant the five year permit, then what happens to the property? Does it go back to a single family?

Deputy Mayor McGiff answered: Yes. One of our concerns is the coalition who refuses to let us gain access and if this ever got into the hands of the coalition, we could revoke the CO a lot easier. We do not like to be over litigious, but it has been our experience that this is the way to go.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously passed, the Board approved request to renew a five year special permit for property located at 130 Division Street.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, July 14, 2008 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, to consider renewal of a three year special permit for property located at 103 Railroad Avenue. At said Public Hearing any person interested will be given the opportunity to be heard.

George Lillianthal, 9 Spinicker Lane, East Patchogue, stated I have owned that house for a number of years and came to you a few years ago when you granted it a two family status. You granted a two year rental permit as a two family dwelling. I think it is run very well and has made a big improvement to the building itself. And like Mr. Underwood, I spent a lot of money bringing it to that. I do not deny the fact that the board should have the ability to control rental situations such as this and have the inspections either annually or semi-annually. I pay a permit fee. I think everything is doing quite well. I haven't received any complaints from the Village or from the inspectors. Anything that did come up with I have addressed. There was one thing that I would like to ask. I have noticed around town that there have been five year special permits granted and I would request that I be given the same consideration.

Mayor Pontieri stated: The inspection report is exactly what you said. It is in compliance with all Village and State health and safety codes. Are there any comments from the board about extending it from three years to five years?

Deputy Mayor McGiff stated: Most of the ones that we give are for three years. The one that was granted to Judge Underwood that was for five years, that predated most of us sitting on this board. Personally, I would feel more comfortable with a three year permit. That is pretty much in line with what we do.

Trustee Crean stated: I would have to review some of the notes I made during your application process, Mr. Lilienthal, but there were certain interior changes recommended for the property with regard to the number of bedrooms vs. living space. It was originally a 10 bedroom house.

Mr. Lilienthal stated: I have rental permits for three downstairs and four upstairs now. I have actually given up three bedrooms. I have had rental permit inspections as well as the inspection just recently for the Board's purpose tonight.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the board approved the renewal of a three year special permit for property located at 103 Railroad Avenue.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, July 14, 2008 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, to consider renewal of a three year special permit for property located at 31 Baker Place. At said Public Hearing any person interested will be given the opportunity to be heard.

Mayor Pontieri stated: This property has passed inspection. All health and safety codes of the Village of Patchogue and the State of New York have been fulfilled. One of the issues, as I had indicated earlier, is we are dealing with the Board of Health and DEC issues that we are dealing with Mr. Bruemmer's property right now. Unless there is other comments, what I would like to see is us do is approve it with pending—in other words people staying in there—and have it move along. But it is all part of the mix, the amount of usage on the sewer end of it, the Board of Health and the DEC do their review again of the property. Once we get your approvals from the DEC again and the Suffolk County Board of Health, it will become effective at that a point.

Michael Bruemmer, 31 Baker Place, Patchogue, stated we have two separate pump stations. There are two separate approvals. The house has its own pump station and the gallonage for the house has been approved separately. So as far as the Board of Health and/or the DEC, they are completely two separate issues.

Mayor Pontieri stated: What I will do tonight is approve it pending the review of that file; if that is as such yet—and I don't have that in front of me—then we will then give you the approval if it is set up separately and is a separate use.

Michael Bruemmer stated: There are two separate pump stations, one specifically for the house and gallonage is specifically for the house as per H2M.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved renewal of a three year special permit for property located at 31 Baker Place, pending review of file regarding pump stations.

Mayor Pontieri stated: Back on January 14th we had a public hearing regarding the elimination of on-street parking on the south side of West Main Street, west of River Ave., going back to where the end of Walgreens property will be. There is none, but there is 3-4 spaces between where Rocky's was on the corner. We should remove that parking upon the completion of the Walgreens project. I would like to make a decision on it this evening and would want the public to be heard as well.

Trustee Crean stated: After having the opportunity of meeting with John Genovese from Unicorn and taking a look at a request that was going to be presented for a right-hand turn lane to come out of the Walgreens that would turn onto Main Street, I think for the safety of vehicular traffic, it would be in the Village's best interest to remove those parking spaces along the curbside there. There is a short distance between his entrance and exist from the property on Main Street to that traffic light and with the turning lanes going south on River Avenue, I think the removal of those parking spaces will allow traffic to flow more easily.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to eliminate on-street parking on the south side of West Main Street, west of River Avenue to take affect upon the completion of the Walgreens project.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request to reduce tax roll by \$680.00 for refund of refuse fee charged to 61 Thorne Street (Account #204-9-3-49). Upon inspection by our building inspector, it was found to be a one family dwelling.

Trustee Crean asked: Regarding the last motion, I think it was an incentive that was passed by this board that for those people that had two or four families that we would consider an abatement of a certain amount of taxes. I am wondering if that is still a consideration.

Village Clerk Seal stated: I will check the record.

B.I.D. Report – none

Chamber of Commerce Report – none

Trustee Krieger stated: I would like to commend Trustees Hilton and Devlin, all the Parks Department, Maria Hendrickson and the whole Village crew for all the work they did this weekend at the Music Festival.

Trustee Krieger stated: Gateway is at the Theatre with *Beauty and the Beast*. We again appreciate all the people who come to the Theatre and spend some time in Patchogue.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for Clare Rose Inc. to have live amplified music at their annual picnic at Fireman's Park on Saturday, September 13th.

Upon a motion made by Trustee Krieger, seconded by Trustee Devlin, and unanimously carried, the board set a public hearing to be held at 14 Baker Street, Patchogue, on July 28, 2008 to consider "No Standing" along the north and south sides of County Road 85 between Atlantic Ave. and North Prospect Ave.

Trustee Crean stated: Tomorrow there is a meeting to be held with Tri-tec to take a look at some revisions of their plans for the downtown redevelopment district. They are in the process right now of acquiring two additional properties this week. They are looking at a closing on three parcels that were assembled by Mr. Frank Graziano on the west side of Havens Avenue where the former Maggio's Bowling Avenue once was. It will give them more flexibility in the design and traffic flow of the that block. Later on this week on Thursday they have a closing set on the Wedgewood building. I am interested to see what some of their suggestions would be for tomorrow. The latest that I am hearing is that that building will be renovated with a brand new façade, public space, elevator shafts and hallways. After the fire that took place back in the '50's, the building never looked right. I think they have pretty good intentions of renovating that to its original grandeur, looking

to then retaining many of the tenants that currently exist in that property. There are some vacancies in the place and they are going to ramp up that occupancy. That will probably be the first signs of redevelopment on the block--will be the renovations to the Wedgewood building. We will keep everybody informed as those plans as they develop.

Trustee Hilton stated: The June issue of *Boating World*, probably the most popular powerboat magazine published on Long Island, Conn. and Rhode Island. On the heading reads "Cruising to Bellport/Patchogue." It is an article about making Patchogue a destination. "Small and quaint as Bellport is Patchogue hustles and bustles and offers a lot more services to the visiting boat owner. The town isn't quite as close as Bellport is, but the waterfront has been restored and gradually is becoming a part of the town. There is ongoing community development on Main Street. The Patchogue Theatre for the Performing Arts brings a variety of live entertainment to the area and even has a rarity on Long Island, a balcony area. Restaurants of every gender abound and there are several on the river." I was tickled that this was mentioned in a high-end boating magazine that pretty much doesn't know much about Patchogue—but now they know.

Trustee Hilton stated: I would like to thank the Patchogue Parks & Recreation Department, the Highway Department and the Mayor for allowing us to have another successful music festival this past weekend. It brought a lot of great people to the Village. I walked home three night in a row and within 15 minutes of the concert being over, I found that Patchogue had once again gone back to its quiet weekend. I don't believe it has had too much impact on the area. I especially would like to thank John Lund, Maria Hendrickson, the constables, the 5th Precinct who were there on bicycles. I did get an e-mail this morning complaining of the cigarette smoke of which I was aware myself. I think maybe we should address having a smoking area in Shorefront Park when we have concerts. It was a great festival, the weather held up and I think everybody did a good job and we had no incidents. The crowd was very well behaved.

Mayor Pontieri stated: I think the issue becomes, and always has been, the south end is impacted by that and always has been. We are cognizant of that, and hopefully, the Highway Department did the cleanup they were supposed to do and the impact wasn't as great as it could have been.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request to close West Main Street on Friday, August 22nd, from West Ave. to North Ocean including Havens from 5 to 9:30 p.m. to accommodate the boats from the Powerboat Race. They are going to come uptown and show themselves off—have a little music, and if the Brick House is involved, sell a little beer.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request by the Greater Patchogue Chamber of Commerce to use the Beach Club on Tuesday, August 26th from 7 a.m. to 9:30 a.m. for their Annual Breakfast Meeting.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request by the Brick House Brewery to host with Kiwanis 5K trot on Sunday, July 20th at 6 p.m.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to hire Michael Karboniak as a part-time dispatcher for the Fire Department.

Deputy Mayor McGiff stated: I want to commend code for closing down Main Street for sidewalk sales this Friday night. I want to commend Ordinance Officer Cruz who has taken upon himself to walk Main Street. He found an illegal apartment on Amity Street which was called in by the Fire Department; he went down there. He takes it upon

himself to go up to Main Street and walk. The merchants have commented. He is a good man and does this on his own initiative and I just want to acknowledge that.

Trustee Devlin stated: I was at the Music Festival event every day and thought it went extremely well. I thought all the staff did a great job; the attendees were very peaceful—there were no events; I walked back to my house on Cedar Ave. several times, including in the evening, and people were walking everywhere, but people were sort of quiet and happy. I think it was a very nice event for the south end of Patchogue and for the Village overall.

Patti Kelly, 12 Dock Street, Patchogue, stated: I would like to read a letter into the record which was addressed to Maria Hendrickson.

“As per our conversation today I am requesting that you allow a Masters Swim Team to practice swimming in the Village Pool. I am requesting that we be allowed to use the pool during the early morning hours during the week. The pool will be opened at approximately 5:15 a.m. and will be locked up around 7 a.m. I will be the responsible party who will open and close the pool.

I understand that the pool has alarms when not in use and agree to disarm them upon entering and to arm them again when we leave. There will be no diving into the pool off the sides. The pool house will not be disturbed however the restrooms and showers will be utilized.

The Swim Team will be composed of approximately 10 swimmers whom are all experienced swimmers. We are reaching out to the community to see if others would be interested in joining. We will only accept experienced swimmers and will not be offering lessons of any kind.

I am experienced swimmer and a former Red Cross Lifeguard. Our coach Iala is a high school swim coach for three high school teams. He is also a state certified ocean lifeguard for the State of New York and has a current Red Cross C.P.R. card.

We release the Village of Patchogue of any and all liability while we are at the facility and will sign a waiver when this has been approved by the Mayor and the Board of Trustees. Sincerely, Patti Kelly”

Trustee Devlin stated: I personally think it is a nice idea, but I think we have some legality and logistics to discuss as a board. One of my questions would be whether it is wise to relieve the Village of liability. We do have our policies and I think our counsel could advise us.

Deputy Mayor McGiff stated: We would have to look at the policy to see if we can do it. I don't think we should approve it now, but talk to Attorney Egan and see about if the policy calls for us to have a lifeguard there, the compensation for that lifeguard, things like that.

Mayor Pontieri stated: It would be a very simple process if you said to us you wanted to extend the hours opening the pool starting at 5:15 a.m. to 7 a.m. and we replace a lifeguard on duty who therefore becomes responsible for opening it and it becomes an official Village based program. But, to allow ten private citizens use of the pool without their being any Village management on site at the time I think is a liability to us, even with a waiver. If somebody falls down, the waiver goes down with the fall. If we even set it up at that point, obviously not at the cost of swimming lessons, but if there was some sort of charge per person that would cover the cost of a lifeguard. My point is the counsel still has to review. If we had staff on and can find staff to be there every day, it is a very

easy decision. But to put ten people into the pool without any Village employee on site, I don't think is good business. Mr. Duffy is now Mr. Egan for the moment.

Mr. Duffy stated: Regarding what the insurance policies even if the individual swimmers signed a waiver it still may be in violation of the Village's insurance policy and we really have to review that before there is any further discussion about it.

Mayor Pontieri stated: If we had an employee on site, that because any policy we have is based upon our management of whatever that property is.

Mr. Duffy stated: I will leave it to the Board to decide whether you can just have it closed to a certain group or not for that time period and allowed to be a Village function. But, that would definite alleviate a lot of concerns the Village counsel may have.

Patti Kelly stated: We never had anything like this; everything was done during normal hours. However, adults can't swim when there are kids in the pool. I know the YMCA has certain times when they have adults only swim, and our goal was to not inconvenience the Village or the taxpayers in any way. We are Beach Club members—anyone who was interested I wanted to become a Beach Club member, something like that.

Trustee Devlin stated: I think we need to look at the details as discussed to the insurance and those types of issues and work those out.

Patti Kelly stated: We also discussed having an umbrella policy that we would possibly have to pay for.

Mayor Pontieri stated: Let us do a little research.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board reserved decision until we get further information on request for the Masters Swim Team to use the Patchogue Pool for swimming practice approximately 5 days a week on mornings from 5:15 a.m.. to 7 :00 a.m.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board approved request for Releve Dance Studio to hold a Friends of Shorefront Park benefit on Friday, August 15 and Saturday, August 16 at the Bandshell.

Trustee Hilton sated: There has been some discussion as far as how to make it a benefit. Personally, I don't want to close it off. There was talk about snow fencing it in order to charge admission to get the benefit. I suggested a donation and T-shirt sales.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board approved salary adjustment for Jorge Ayala as baseball director from \$10.00 to \$15.00 per hour.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the Board approved request by Guala USA Youth Soccer to use Rider Ave. Park, Bay Ave. entrance, on Saturdays during July & August between 2 and 5 pm. This will be an add-on to their existing permit which was approved.

Trustee Crean asked: Who is responsible for maintaining the field?

Trustee Hilton stated: This is something that we started and I think a great direction to be going on. We found that there was a lot of games being played behind Bay Ave, Halycon Manor/Winona and the Garden Club Property. So I asked Maria Hendrickson and Jorge Ayala to tell these players that they have to organize themselves and that they have to come in compliance with the rules that every other sports team has to in order to play on

Village property. They have done so. They have established a certificate of insurance, they have issued uniforms, they have addressed their youth leagues. In answer to your question, Gerry, I think we are going to be responsible for maintaining the field.

Trustee Crean stated: By the condition of the field, you can simply tell that there is a great need for it and not enough soccer fields and they are forced to play in this one patch.

Trustee Hilton stated: Before we didn't want to encourage it, but if we organize the leagues and it brings revenue in, which it has already started, then we will have the money to maintain the field and also have a presence and be benefiting the children from the Village to develop their sports skills.

Trustee Devlin stated: The Arts Council had their first fund raiser in a lovely home in East Patchogue and after all expenses, they raised \$3,600.00 as seed money for future ventures.

Trustee Dean stated: I am seeking Board approval to hire the J. R. Holzmacher Co. to provide services for the design, engineering, bid phase and construction inspection portions of the Riverwalk on Cedar, Campbell, Laurel and Brightwood. It will be a continuation of the Riverwalk that was started on Laurel, Argyl, Campbell and Pine. We already have the design approved and will be looking to go out to bid for that for West Ave, continuing from the corner of Laurel and West up to Division and West. We need to spec out the portions on Cedar, the non-continuous portions of sidewalks on Cedar, as well as connect Laurel and Campbell to Cedar and then continue to Brightwood down. The original intent of the T21 Riverwalk grant when it was given to the Village back in 1999, I believe, was an mobil form of transportation which was going to connect two transportation hubs, the ferries and the train station. What we need to do is complete that. We have the West Ave portion designed and approved by DOT and DEC and all others who need to sign off on it and we need to design this portion of it and then have Holzmacher help us through the bid phase and construction of it. I believe the price quote was not to exceed \$12,000 for the entire ball of wax. It was extraordinarily reasonable. It is sidewalks and/or sidewalks and curbs. We have to take a look at it. It depends on the grade of the road. There are a lot of issues with that. Certainly curbs would be preferable. We wouldn't want to do sidewalks without them, but where the grade of the road might require major renovation and reconstruction of the roadway, we may forgo curbs. First, we have to walk the area and specify the areas that we want to address, lay those out for Holzmacher, and then they will come down and take a look at those areas and survey them—shoot some elevations—and see what we are exactly in for. There is no way to know until we have those numbers on the grade as it exists.

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

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board approved request to go out to bid for the construction of the Riverwalk on West Avenue between Division and Laurel Street with the T-21 funds.

Trustee Dean stated this is the portion that gets us up to the train station and ties in the Watch Hill Ferry Terminal on West Ave. This design already exists.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board approved request to go out to bid for reconstruction of the bulkhead at the end of Laurel Street on the Patchogue River.

Mayor Pontieri asked: Are we going out with a combined bid for Laurel and Campbell at the same time?

Trustee Dean answered: No. We are going to bid them out separately. Our hope is that we may have a developer contributing some money for that. Part of what had happened down at Fat Fish was that they had agreed to do construction portions of the sidewalk on West Avenue. They had agreed to contribute monies there. But, with the well documented trouble that we had with DOT in getting some of the monies back last time that we did some construction, we didn't want to confuse our friends at the State. We are going to pay for that with T-21 money. Bid these out separately. And get the Fat Fish group to pony up for one of the bulkhead reconstructions, which is why we are bidding them out separately.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board approved request to go out to bid for the reconstruction of the bulkhead at Campbell Street on the Patchogue River.

Trustee Dean stated: We tried to do what we can with the porch at 380 Bay Avenue, but unfortunately, the rot and decay is extensive. I have a meeting scheduled with John Lund to see if we can do the demolition in-house. But, in case we are not comfortable with the Highway Department's ability safely do that, I do want Board's approval to bid out the demolition.

Trustee Devlin asked: Is there going to be an attempt to save some of the original columns because I believe there were original?

Trustee Dean stated: Whatever construction members that we can salvage that has historical value as well as some of the original balusters built into the wall on the south side of it which we are going to look to hold onto them.

Mayor Pontieri stated: We received about eighteen months ago, \$100,000 from a resident from the Village specifically for the Halycon Manor. and that \$100,000 was put aside for the reconstruction of the porch itself. This gentleman who has been a member of the Village for a number of years and actually grew up on Bay Avenue remembers what it was back when and said "If that's not enough, let me know". There are people out there who understand the value of this and he wishes to remain anonymous.

Trustee Dean stated that is why we are hoping to be able to do the demo ourselves and stretch that gentleman's dollar as far as we can.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the Board approved request to go out to bid for the total demolition and reconstruction of porch on 380 Bay Avenue.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff and unanimously carried, the board approved the termination of William Felice in accordance with Section 71 of the New York State Civil Service Law.

Mayor Pontieri stated: William Felice moved to North Carolina and with the Section 71 of the Civil Service Law it states that if you have not returned to work within a year, you can be terminated. He hasn't put in a letter of resignation. It has nothing to do with his competency or his person, it is just that he moved on and this is a formality.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to fill position vacated by William Felice with no change in salary by appointment of Louis Garafola as Assistant Highway Supervisor, Thomas Benanti as Heavy Equipment Operator and James Tagliamonte as Sanitation Laborer.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to fill full-time position for Maintenance Mechanic II for the Public Works Department.

Public to be Heard:

Cynthia Lindzer, 25 Smith Street, Patchogue, stated: I would like to talk to you about the events that happen at Shorefront Park. I have a different perspective being a resident on Smith Street and I would like to know if there is any uniform way of handling parking and traffic flow. I've been a resident for 17 years in that location and each event seems to have a different procedure—sometimes there is parking on one side of the street, sometimes there is a free for all. It was a free for all this weekend—parking everywhere, e.g. parking in the parking lot, up on the sidewalk which was blocked on a couple of occasions. The fire truck that had to get into position for the fireworks on Friday evening had a very difficult time getting there because of all of the congestion. Last year at the speed boat festival there was one side of the street parking, however as the event went on, that was not enforced. Aside from the noise and the foot traffic of this three day event everyone is having a good time. It doesn't end on time according to the schedule. Each night it went over and it is just so loud. The perspective of living there is very different from visiting it and being able to leave and walk home when you have had enough. The issues are safety because a vehicle can't get through there. The issue is open drinks; I saw people with beers walking down the street, not in the festival area. They did do a very good job of cleaning up.

Mayor Pontieri stated: I think one of the issues we must look at, as far as the parking issue is, last year you mentioned the boat piece of parking on one side of the street, did that seem to rectify some of it?

Cynthia Lindzer answered: Yes. However, it needs to stay in force. As the event went on, people ripped down the temporary signs that were put up and parked anyway. At the lot at the corner of Rider and Smith is where there was a lot of parking out of spaces, parking on the sidewalks.

Trustee Hilton asked: How about we cut that off just for residents during the power boat race?

Cynthia Lindzer answered: Fine. Thank you for listening.

Mayor Pontieri stated: As you think of issues and talk to your neighbors about it, go to the website and find my e-mail address. Find those issues that may have the most impact and e-mail them to me so that when we sit down and do our planning next year we can consider them. We plan from one perspective, you live with it from a different perspective. I would like for you to put them in writing and we will put them in a folder that will be used in next year's planning.

Richard Kemp, Jennings Avenue, Patchogue, stated: I would like to ask before the Board of Trustees, do you have anything regarding the Brickhouse Brewery and second floor?

Mayor Pontieri stated: It is my understanding that there is an application before the Planning Board for some sort of development on their property. That is a Planning Board issue and it has not come to us.

Richard Kemp stated: He has already appeared before the Planning Board and I was told that it would come before the Board of Trustees next.

Mayor Pontieri stated: It has not come to us at this point yet.

Richard Kemp stated: I mailed you a letter is regards to Village personnel. I have not received any response.

Mayor Pontieri stated: I will check into it and get back to you tomorrow.

Richard Kemp stated: I have also not received an answer to second FOIL request for an accounting of the North Ocean Ave. project. I have not received any reply, response, nothing. I did that about two weeks ago.

Village Clerk Seal stated: I have just returned from a two week vacation and will look into it tomorrow.

Richard Kemp stated: The stop signs that you put in front of my house and on the other side of Jennings Ave. at Thorne St., there is a total of 3 stop signs. It is getting to the point now where people realize there is no enforcement and they just slow down, don't even hit the breaks anymore, especially Lindy's Taxi Company.

Mayor Pontieri stated: We cannot enforce that and will make a call on that tomorrow.

Richard Kemp stated: Regarding capital projects with big money, I would like to know if there is any way if Village Treasurer Krawczyk could keep a running tally of monies spent for projects—where they keep coming back for additional monies.

Mayor Pontieri stated: There has not been on the pool any change orders at all. He was told going into it that there was not any money for change orders. My point is that we have very few change orders on most of the projects we have. If you would like that running total, it is not a running total that we would be giving out at every Board meeting.

Richard Kemp stated: I would like to comment about Trustee Dean and 380 Bay Ave. It concerns \$217,000—the difference between two bids. The two that were accepted as the final go around with installation of windows. I read in the minutes that now... The first professional brought in with respect to windows was an architect and there was a required walk through and I went through the first walk through and that building is a nightmare. Why wasn't an engineer brought in to examine the condition of the structure?

Trustee Dean stated: When we took possession of the building, we had J. R. Holzmacher—the architect's name is Mike Simon. We have an engineer's report. We didn't need another one. We needed an architect to design windows. You don't need an engineer to design a window. That is throwing the taxpayer dollars away. Something you rally so vociferously against.

Richard Kemp stated: When you have a building that is three stories in height and then have an architect propose to put in Anderson windows.....

Trustee Dean asked: What does Anderson windows vs. Pella windows vs. Marvin windows have to do with the structural integrity of the building? If you are relying on windows to hold up the building, I suggest you need an engineer yourself.

Richard Kemp stated: My whole point is that the structural condition of that building, Anderson window would not warranty one window...

Mayor Pontieri asked: Mr. Kemp, how much time did Mr. Foley give you to speak at Brookhaven Town Board meeting?

Richard Kemp answered: A few minutes.

Mayor Pontieri stated: you have about two minutes left; so you had better be quick and fast. You have an audience out here who would like to speak. This isn't a Richard Kemp show.

Richard Kemp stated: The Village first installed vinyl replacement windows in this building—in this wall. And those vinyl windows are considerably less in cost than Anderson, Pella and Marvin. I don't know why they were not considered for the Bay Ave. project, but it's done.

Henry Terry, 16 Brandsford Street, Patchogue, stated: It is interesting that Mr. Egan mentioned Holzmacher. Did Mr. Holzmacher get a contract to inspect that building?

Trustee Dean stated: There was board approval. I don't know that we need to go out to bid or contract on engineering services. There was a resolution to approve that, but there was no bid or RFP process.

Henry Terry asked: Doesn't the Ethics Code require you guys to recues yourself if Holzmacher gave substantial contributions to your campaign finance contributions?

Mayor Pontieri stated: Ee are in litigation with you and I am not going to answer any further questions. You have numerous lawsuits against the Village and you can find out your own information your own way.

Henry Terry stated: I would like to protest that the minutes of the meetings are not being accurately described and my FOILS are not being answered and I am not receiving any contracts for documents or for information with reference to my FOILS. Mrs. Seal, would you like to comment?

Mayor Pontieri stated: There will be no comment from this board.

Richard Bojar, Noxon Street, stated: I would like to comment about the meeting of the Planning Board that is coming up about the Noxon Street area. I presume that is open for everyone to come. A lot of people from our area will probably come because we are all concerned. We want Mike's operation to succeed. We just don't want to be destroyed in the process.

Mayor Pontieri stated: It is open for everyone. The Board feels very much the same way.

Barry Harmon, 33 Gilbert St., Patchogue, stated: Mr. Mayor, you said something in passing once that I think was a great idea. You were looking into the possibility of having some sort of alternative internal transportation for the residents of the Village of Patchogue, maybe a kiosk at the train station, something to help with the parking situation. I am kind of curious on how that is going—what's involved, is it just at the idea stage right now, is it is something that could really work for this Village.

Mayor Pontieri stated: There are a couple of pieces that are right in place actively right now—in fact, the bid package is available for what we would like to do is put a kiosk down there for the cab company. There is a bid out for us to put a small kiosk where there will be a 24-hour dispatcher in the train station so if somebody comes in at 2 a.m. and needs to get home, if somebody wants to get to one of the restaurants, they could take a cab. And also we have been in contact with the County about possibly moving the bus transfer station behind the courts and bring it closer to the train station so that we would then have a transportation hub—cabs, trains and buses all in a single spot. One of the things that we are looking at right is the ability of using that bus to move people on Friday and Saturday nights around the area. I think that will help all the situations around the Village. It all comes down to liability. If you pick up a guy who is drunk coming out of a bar, he gets out off a bus into a car and leaves the parking lot and runs into someone else,

would that liability be upon us. Those are some of the issues we need to look at where we don't put ourselves in that situation.

Richard Bojar stated: It seems with the growth that we have had in the Village, that we do need some internal transportation system to move people around especially if there is no parking for people.

Jonathan Keyes, 47 Smith Street, with wife Amy, stated: We both wanted to express our congratulations for what seems to have been an overwhelming success of the festival this weekend. Obviously, we did not know what to expect being right across from the Bandshell. After speaking with many people, I never felt prouder as a resident of Patchogue just to see the overwhelming turnout. I think communities around Long Island do not attract young people and this obviously is an example where you did something right on target in that respect. In regards to the traffic that was mentioned earlier, I think an unintended consequence of the on street parking was that it was an excellent traffic calming device. People going 20 mph down South Ocean Avenue rather than 40 mph was nice to see.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board moved into Executive Session to discuss matters of litigation.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board returned from Executive Session and the meeting was adjourned at 9:10 p.m.