

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on March 23, 2009.

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

The flag salute was led by Eric Russo.

Mayor Pontieri read the safety message.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, the board approved the meeting minutes of March 9, 2009 as presented.

Village Clerk Seal stated: For the period ending March 23, 2009 the five largest bills were \$84,388.78 for NYS Employee Health monthly billing, \$63,402.36 Pilger Skidmore for insurance renewals, \$24,156.00 JR Holzmacher for engineering services, \$12,929.64 LIPA for monthly billing and \$9,566.96 Earthcare for sludge removal.

General Fund	\$344,047.28
Trust & Agency Fund	\$15,010.64
Capital Projects	\$404,794.47
Sewer Fund	\$25,446.56
BID Fund	\$3,576.05
Housing/Code Fund	\$1,609.45
Community Development Fund	\$5,937.31
General Bills	\$1,854.25
Total	\$802,276.01

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the Board approved payment of bills as read.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved budget transfers for end of year bookkeeping as presented.

Mayor Pontieri stated the cash balances were given to the board for their review.

Village Clerk Seal read: Notice is hereby given that a public hearing will be held on Monday, March 23, 2009 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 415-14 of the Village Code to extend the present prohibition of parking to both sides of River Avenue, 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 we had a request by the neighborhood that we look at the parking on River Avenue. We took action almost a year ago when we put "no parking" for certain periods of time and "by permit only." This is to change it to having "no parking at all" on River Avenue.

Eric Russo stated: I am here tonight on behalf of several of the residents who wrote the letters to you dated March 6th, approximately 15. It was sort of a form letter that I helped them prepare. The concern is one in which they are experiencing issues of traffic safety in parking along River Ave. In discussions with the Village Clerk today, we reviewed Village code section 415-14 where we thought there was already "no parking" restriction on River Ave. We were concerned from the railroad tracks going down to Sunset and down by the Bay. In reviewing the code, there may seem to be some "no parking" restrictions already in place, but on River Ave. itself on both sides of the street, they have a "no parking / except by special permit" from May 15-Oct.1, on both sides which is sort of in contradiction to your Village ordinance. I spoke with some of the people after discussions with you, Mr. Mayor, and the Village Clerk over the issue that if we were to receive "no parking" along River Ave. for the purposes of the safety of the residents, it would prevent them from possibly being able in the event of a special family function from coming into Village Hall and obtaining a Special Permit to allow guests to park along the street. Considering that, some of the discussion was that perhaps maybe if it were "no parking / no standing year round" with the exception of a Special Permit, that might be a compromise. The concern is since the variables of some of the businesses along the street, they should have the required parking, based on the Village ordinances for their site don't seem to comply at the present time. The

residents are concerned that this will create a traffic situation that would then be a problem for them that would be intolerable and unsafe. That was the purpose of the request. I know that the Village Planning Board is addressing presently one of the sites in specific along the stretch of the roadway there. But, the new season is coming up, the ZBA application hasn't been set yet, the site plan application hasn't been finalized. The residents' concern was that they didn't want to face another season in which this operation may continue with the various businesses and have some concern about the safety which may jeopardize their children at play or people walking on the street. I myself have driven through the area and know that there are problems there. I want to make sure that with this request that we were specific enough to allow for people to have benefit and use of their property, yet at the same time also protect their health, safety and welfare. In my discussion with the Village Clerk was that these Special Permits can only be issued to the residents as opposed to the businesses. So the businesses are constrained to provide adequate parking on their own sites and they would not be eligible for any type of Special Permit. So that, if the board wanted to consider it as an alternative, and felt that the request for "no parking" was too extreme, but simply a year round special permit issued with "no parking / no standing" that might be a suitable compromise. If you have any questions, you can reach me at my office, 140 Main Street, Sayville. I know that some of the residents who had signed these letters addressed to the Mayor and the board are present and may have something further they may want to add.

Trustee Hilton stated: As far as the new language of the law, "east" is crossed out and "both" was put in.

Eric Russo stated: I don't have any new language. I only have a copy of the Village ordinance which Ms. Seal provided me this morning which is 415-14 which indicated various residential streets running down from the railroad tracks down to Sunset. If they are already indicated as "no parking", that is clearly what is not on the street. After we had our discussion, I took the opportunity to drive down there—from River over to South Ocean; there is clearly "no parking / no standing". From the railroad going south up to Sunset, it is "special permit from May 15-Oct. 1". When you get down to Sunset, it is "no parking / no standing" all through that turnaround in that area of the Village. The concern first was that we wanted "no parking". Then after discussions we thought it might be more appropriate because there are some residences that have driveways that meet the Village code requirement—a driveway with a garage that you are required to have, they have parking for 2 or 3 cars. Last spring when one of the businesses was in full swing on a Friday afternoon, there were cars lined up on the east and west sides. It is a one way street going north and south. Once you have those cars—and there were attendants out in the street directing traffic and directing where cars could park. It wasn't a safe situation for people who were either on their bicycles or walking. That has since been monitored by the special permit requirements that they had put in place for period 5/15 to 10/1; however, their concern is what happens to the other period of the year because there have been other businesses holding functions and creating traffic situations. Their concern is that this will hopefully be addressed. The code says specifically that if a bar, restaurant or business has an event going on, they need to comply with your zoning code and provide the requisite parking and fire vehicle access. This would address that, force them off the street and onto their own respective properties. That was the suggestion.

Trustee Crean stated: I am trying to decide how the popularity of a business or the amount of traffic it may create and how eliminating parking on both sides of the street is going to alleviate congestion. If there are cars cued up trying to enter a business, I can understand how that might create a traffic issue. But, to eliminate parking on both sides of the street, I am still undecided whether or not that would be beneficial.

Eric Russo stated: It is a one way street each way. There is a shoulder and, I believe, if you look at some of the traffic data that may have been reviewed by some of your consultants retained to assist the Planning Board in evaluating the parking on the street in relation to the present application that is there, I think the determination is that it is a rather tight, congested situation all through for vehicle safety and emergency and fire safety vehicles. Two streets have no parking on them as it is, Baker and Noxon. The residents are concerned because the cars that are coming are parking on their lawns and that's a problem. In some instances some of the residents are concerned that some of the vehicles are parking on their open parking lots for some of their property and they don't want to see that practice continued. All the respective businesses along the roadway should be self-contained.

Trustee Hilton stated: This is an extremely difficult decision to even address. We realize now that the sleeping giant on the river has awoken. You and I go back in zoning for years, and it is a problem for residents on the top and E-1 industrial on the bottom. The problem lies in that if all the successful businesses on the river not wanting the others are now in need of parking. I live on

River myself and would love to say no parking on River, but where are the cars going to go and do we limit the businesses? All these could be yes, maybe or I don't know, but for us I think that it is clear that there should be no parking on River. But, you and I know as well, how many times we have granted relief of parking on site because of parking on the road. How many businesses have that in their decision?

Mayor Pontieri stated: We did the same thing with the ferry on Brightwood Street and Cedar Ave. and West Ave. You hit the nail on the head, it's when that line between commercial and industrial.... But I think that this issue is a little different than West Ave. and Brightwood. Because of the amount of traffic on that road—it is a cut through down to that area—that when you place cars on both sides of the street, indiscriminately, not parked all the way down, every 15 or 20 feet, and you get to whether it is by Baker Place or Dublin Deck where the cars cue up, and there are cars parked on both sides of the road, you are not getting through. I think it is a point well taken. But, it is the issue that you have. In the case of the ferry about 25 years ago when it was going down Brightwood and Cedar, we took it off. Once the Oar exploded, the way to reel him in, was to limit the parking and protect the neighborhood. That's our job—to protect the residents as much as it is to support the businesses. When Dublin Deck, three or four years ago, all of a sudden their parking went down Sunset and Weeks Street and we did no parking on those streets. The guys at Harbor Crab spent \$750,000 for a piece of property on the corner to take care of their part of the issue. The issue is about the resident first.

Eric Russo stated: One of the points that the Mayor is making and I think Mr. Hilton is eluding to is the fact that along Division going from South Ocean to River Avenue, that's part of what I know the traffic study referred to and following down River onto Middle Road is an arterial. It is backup arterial. Your main arterial would be Sunrise Highway, next would be Route 27A (which is Montauk Highway and your Main Street), from there the next street is Division, South Ocean and also round around to Middle Road to go into Bayport and Blue Point areas. It can be differentiated from Sunset and West Avenue and Brightwood except the problem in this particular case you do have E-industrial and individual businesses there. But, if you take business by business, whether it be Harbor Crab which now owns the Jones property which they came into the Planning Dept. and got their site plan for additional parking there which could be their overflow parking for Harbor Crab. Also, if they decide to renovate the chiropractic office or make it into some type of office use with an apartment above, that is on site and it also helps to service the other homes there that are owned by the Underwood family. If you go farther you have Volkman's business, the marina business, but if you go back in there among the side streets, you will see there is adequate parking for those uses. There have been some variances based on site plans approved, but they haven't been greater than 10-15%. Some of the variances that are being sought at this particular point are off the charts. Although the cleanup of that particular site is meritorious and I stated this at the Planning Board when I went before them when they were having their first hearing, it is great that they cleaned it up and yes it was something that Building anticipated. But, it still needs to be contained on the site from a Zoning prospective. Just because it is successful, and was cleaned up, and it was part of the Patchogue River Waterfront study that we wanted to see businesses and restaurants along the waterfront, each business has to be self-contained within their own property constraints. And their seating both with the Health Department, through the Zoning code prospective, has to be self-contained so it can support it or provide an alternative.

Trustee Hilton stated: I understand exactly what you are saying which is exactly what my thought process is. Pretty much what we are doing here is we are forcing that one person to provide adequate parking or to reduce the size of the people who go there.

Eric Russo stated: With all due respect, you are forcing everyone because I also represent Harbor Crab. And as a result of the Village's enforcement along the River, Harbor Crab is coming in and filing a site plan to make sure their parking is compliant with your Zoning code. And they went to the extreme of buying another piece of property to make ensure that happens and are filing an application with the DEC to make sure everything there on site is compliant. You did it with the Oar House. You have done it with Dublin Deck. You are looking at all the businesses. You are not trying to be discriminatory. You are trying to be fair and treating everybody equally and make your code responsible and responsive for each location. So the request here, as the Mayor points out, and as I am trying to bring you along to is safety—safety of the residents—because you have a mix and you have to balance the two. You can't say no to the businesses and yes to the residents and at the same time you have to make sure that the property owners—if the code says there has to be a residence with a two car garage and driveway access and places for off street parking which are holding in other location, then it has to be allowing for the occasion where it expands. That is why I am suggesting to you to modify it so that special permit for the residents would be year round and no parking/no standing and then the businesses have to comply with the code.

Trustee Hilton stated: I agree.

Trustee Crean asked: The parking variance that you had mentioned earlier that referred to as being exponential, what details can you provide on that?

Eric Russo stated: The plan has been modified so many times that I have been aware of that maybe your Village attorney, or I know they have special counsel, but the initial application was for 16 feet take-out restaurant. And I believe that has now come into question. Now they are talking about a lot larger number where they are talking about 300-400 patrons coming there to the location. I am not sure if they have established, based on the information I have received, adequate numbers of information for an evaluation. I was speaking with Ms. Giglio earlier today, and they are still talking about, hopefully, an April Zoning Board of Appeals and they are supposed to come in by tomorrow, I believe, with a site plan to evaluate what is going on that particular location.

Trustee Crean stated: That is my point. We haven't seen their latest site plan. They haven't come before the Zoning Board or Planning Board. So, I am wondering about the statements that you are making, what is the basis of that?

Eric Russo stated: The numbers that we had seen a year ago were extremely high.

Trustee Devlin stated: From that hearing, I have a recollection of trying to establish an occupancy of 425 people based upon what they thought was the maximum amount of parking.

Mayor Pontieri stated: Even given that, this whole conversation of what they are doing on that property on one level is relevant to it because if it happens this would preclude it from being a problem in terms of parking on the street. But, the other side of it becomes is that we are talking about parking on River Avenue. If they get the approval for whatever that number is, then this will keep the problem from being any greater of a problem. If they don't, it becomes irrelevant. The only ones that park on River Avenue are the people that live there, like West Street, parking by seasonal permit.

Eric Russo said: Presently West Ave. has the same parking posting that River Ave has which is "no parking except by special permit from May 15 to October 1." It is not clearly cited in the Village code, but that is what the signs say. At the beginning of May, I don't think those signs were up on River at that time; they have subsequently gone up. But, it is unclear how those signs were placed up. Through the efforts of Ms. Seal and myself looking through the code that is what we concluded. She indicated to me after looking at the code that there was no parking from the railroad crossing down the street for about 1,000 feet. I doubled checked and told her that is not what is there and it needs to be addressed.

Trustee Dean asked: So, we are codifying permit parking only the length of River Ave. to satisfy the folks that you representing. It wouldn't specifically prohibit parking, but be by permit.

Eric Russo stated: At this point, the discussion is from the railroad tracks down to Middle Road by Weeks Street would be no parking or standing except by special permit/year round.

Eric Russo stated: I cannot speak to south of Weeks Street, but I did go down and saw going from there to Sunset is the May 15 to Oct 1st.

Trustee Crean stated: The use is seasonal so I am wondering why in January and February there is a need for it.

Eric Russo stated: There have been other businesses with functions going on other than that period. I think they all have adequate parking except on some special events. Today there was no one parking on the street at 10 a.m., but can't speak to the afternoon or the weekends. I do know you do have a study by your consultant for the Planning Board who you have authorized to assist the Planning Board in evaluating the street and the parking. If the Board wants to, I know they can look at that statistical information. Within your own records you will be able to determine if this is appropriate.

Public to be heard:

David Underwood, 150 River Avenue, stated: I am fully support in parking by special permit.....

Attorney Egan stated: You can certainly reserve, if you want to, or you can make a motion tonight to change the resolution as suggested by Mr. Russo to go from Railroad, to Division, to

Weeks Street for residents only/permit for year round. It would require a new section in the code because the current only permit is a seasonal permit from May 15th to Oct. 1st. One thing also that needs to be changed because the permit as it exists now "by permit only" doesn't specify only residents. Really a businessman could apply for it. That would be something you would want to make as a requirement. Mr. Russo as usual was very thorough and prepared and his legal and diplomatic skills were well on display tonight when he said the code was unclear in some of the parking regulations. I think he was overly generous on his comments because some of those signs are inconsistent as to what the sign says. According to the code there is no seasonal permit approval on River Ave. at all.

Eric Russo stated: In my discussion with Ms. Seal today, I was trying to clarify if we went for a year-round special permit application, were businesses entitled to apply for a special permit? Because then that would frustrate this effort. Ms. Seal said in her knowledge and to the best of her record search, she had not seen any one particular business coming forward and applying for a special permit. It has been history that it has been a residential request. That was when the discussion of what the code did and did not say came to light so this request for a public hearing may require a two step process in terms of a revision of your own code or a definition section which says who is eligible for a special permit. That was another thing that came to light.

Village Clerk Seal stated: Generally, what we do in parking by permit is each registered driver would get a parking sticker and then we would give two additional guest passes per registered car. If their need exceeded that then they would come to us for a one day special event permit.

Eric Russo stated: I took the liberty of checking with another municipality east and they have a restriction that there is no parking on the street after a prescribed time period in the evening and if you are having an event or a fund raiser then you would come in and get as many special permit stickers as needed or you are alerting them for that period. It depends how creative you want to be, or if you are in agreement with the request of the Village residents, how you want to get there. You may want to not have it in such a way that it is restrictive or discriminatory to that particular area. You may want to be able to have it so that it is Village wide and everybody is eligible.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board reserved decision until the next meeting on April 13th to consider a proposed resolution put forth to eliminate parking and allow only by special permit only restricted to residences from Railroad to Weeks Streets on both sides year round.

Village Attorney Egan stated: The section we have been focusing on is 415-14 which is the no parking restrictions. If you look at 415-19 which is by permit only originally adopted by predecessors before this board in 1993 and again amended in 2002, the regulatory is not specified that it is residents only. So, it would be something that I would recommend this board consider after making those changes and specifying and how many per residence would be permissible.

Village Clerk Seal read: Notice is hereby given that a public hearing will be held on Monday, March 23, 2009, at 7:30 pm. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Village Board of the Incorporated Village of Patchogue to amend Section 238-46 of the Village code to require an on-site resident manager for apartment buildings containing eight (8) or more units, 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.

Deputy Mayor McGiff stated: Over the last couple of months, when a problems arises on the premises in some of the larger apartment complexes in the Village, the Building Department has essentially become superintendent of the building. Two buildings in particular; one had no heat so our Bldg. Dept. was called out on the weekends and we had to find emergency housing coordinated with the Fire Department. At the suggestion of Senior Building Inspector Peter Sarich and Attorney Egan, we proposed this law which would only affect some of the larger apartment buildings that contain 8 or more rental units. They would designate an on site manager available 24 hours a day for just those problems which I have just enumerated. The manager's address, telephone number and contact information would be placed with the Bldg. Dept. so when we get these emergency calls we can have a representative of the building take care of these things rather than the taxpayers paying overtime.

Attorney Egan stated: What has evolved is the larger apartment houses are owned by corporations that may not even be in this county.

Public to be heard:

Mr. Kemp, Jennings Avenue, stated: I am in favor of this proposed law. The Village has had a driving force to compel two family homes to be owner occupied and the assumption, which I can

only assume, is if something occurs, the Village is going to call the owner. I feel that the commercial apartments have a contact person available 24/7.

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

Mayor Pontieri stated: A couple of weeks back a presentation was made by the Tobacco Coalition of Long Island about use of tobacco, more so by the youth. They have a resolution they would like us to pass.

Village Clerk Seal read: This is for the tobacco point of purchase advertising resolution for Village of Patchogue, New York. Retail stores have long been an important component of tobacco company marketing strategies. Tobacco retailers serve as the tobacco company's major communication to reach present and future customers. Therefore, the store environment is unique in promoting tobacco use as a desirable social norm because tobacco is both advertised and sold in these stores. Whereas, smoking is the leading cause of preventable death in the United States; and whereas, each year tobacco companies spend over \$13 billion to market cigarettes in the United States, including over \$400 million in New York; and whereas, teens are more likely to be influenced to smoke by cigarette advertising than by peer presence; and whereas, tobacco advertising makes teens think that tobacco products are easy to buy, and whereas, 3 out of 4 teenagers shop in convenience stores at least once per week; and whereas, over 24,00 youths under age 18 in New York State become new daily smokers each year; now therefore be it resolved, that the Village of Patchogue hereby expresses its enthusiastic support of the Tobacco Action Coalition of Long Island and calls on retailers to reduce overall tobacco advertising inside and outside of their stores and to eliminate tobacco advertising from areas likely to be seen by children such as door, counter tops and wall spaces below five feet.

Mayor Pontieri stated: One of the things they have in this organization is they are advocating smoke free parks and beaches.

Mr. Kemp, Jennings Avenue, stated: I feel that this proposal against smoking is in the best interest of good health. I can speak first hand because smoking killed my father and his cousin who is still alive in Florida some 15 years, smoking since WWII at two cents a pack, but he couldn't give it up. It is a very addictive habit and it will kill you, emphysema, heart problems and all kinds of health problems.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board approved request to issue a resolution of support for the Tobacco Coalition of Long Island regarding tobacco point of purchase advertising.

Mayor Pontieri stated: There are three resolutions coming up before the board. One of the projects that we have been working on probably two months after we came into office in 2004 was the rebuilding of our waste water treatment plant. It is a 500,000 gallon per day plant that we wish to go to 800,000 with funding of 1.2 million. We have our engineering done, architecture done; soft and hard engineering still has to be done. We have applied for stimulus money because it is a shovel ready job. No matter what happens, whether we get money or don't get money from the Federal government, we are under not quite a consent order, but close to it...to do an upgrade. We are very close to doing it; we have gotten some funding already in place—about 1.7 from the Clean Water Bond Act from the DEC which we received in two separate grants over the last several years. We have a commitment by a developer that is a two million dollar commitment. And, we have funds that every time, whether it be Copper Beech or Bay Village or project on River Avenue or Waverly Avenue, whenever they hook up to the sewer plant, there is a \$25 charge that they pay based upon the size of the unit. For example, Copper Beech was 300 gallons per day which is \$7,500 per unit for the right to hook up. So, we have funds in place from all of those. It will be between a seven and ten million dollar project, depending on the size. At 800,000 gallons it is between 6 & 7 million and at 1.2 million is about 10-11 million. What we also made a decision is on is that if we built the plant at 800,000 the plant will be constructed in a manner that additional modules could be put on to increase capacity as we need. Tonight there are two resolutions that we are passing that relate to that, not specifically to the plant itself but also to pump stations that we are under order to replace. If you have attended meetings, you have heard us talk about the Post Office and Post Office parking and lease to the Post Office. Attorney Egan has negotiated with the Post Office where the pump station which is just about in front of the Post Office and must be replaced, will be replaced onto Post Office property. There is one on South Ocean Avenue that is in front of the Chinese restaurant that must be replaced also.... That being said, these three resolutions are critical for us to be able to apply for the money. One of the things, without getting too technical, to get funding from the stimulus money is that we must be in a position to be able to bond for them. We must also have the State Environmental Quality Review Act SEQRA all in place and approved.

Tonight we are going to take those actions to allow us to be eligible for the money. Frank Russo incurred ...any number of times through the budget, like tonight there is \$24,000 for H2M. Those payments are specific and relative to the sewer plant and the upgrade engineering is in place and we move forward towards that. The last time the plant was done was 1986. It was a bond for 1.1 million dollars. The night that that bond was approved was the night that I was sworn in as a Trustee. Frank from the Main Street Press headlined with big print, as only Frank could do it, stated "1.1 Million Dollars for Sewer Plant" and in smaller type "Pontieri Appointed as Trustee." I got second billing from the sewer plant.

Attorney Egan stated: Attached to the board's resolution is the short article assessment form. It is an unlisted action. It lists the impacts on page 2 of the environmental assessment form. There are really very limited impacts—all of it is positive, e.g. no esthetic impacts, no noise impacts, nothing that would require any expansive environmental review beyond the short environmental assessment form. All that this does is gets all of our resolutions in place so that we are in the proper cue for the stimulus money. They will not even consider us or any projects the Village would put forward without having all of this documentation properly filed by this board. Tonight this lists us as an unlisted action so we can start the SEQRA review.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to designate the Board of Trustees as lead agency pursuant to the implementing regulations of SEQRA with respect to the East Main Street Pump Station reconstruction and to classify it as "Unlisted" Action.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to designate the Board of Trustees as lead agency pursuant to the implementing regulations of SEQRA with respect to the South Ocean Avenue Pump Station reconstruction and to classify it as an "Unlisted" Action.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to authorize the Mayor to file the CWSRF funding application with the New York State Environmental Facilities Corporation for the East Main Street and South Ocean Avenue Pump Station upgrades.

Attorney Egan stated: The developers for the Downtown Redevelopers, LLC extensively presented a presentation on the long form environmental form. Comments received during the written period resulting now in this final FEIS added to their original FEIS. Tonight's motion is to find that the FEIS is now completed, this being their final filing, and thus setting the time period for further comment until April 7, 2009.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board accepted the filing of the Final Environmental Impact Statement "FEIS" for Downtown Patchogue Redevelopers, LLC and to adopt the Notice of Completion of the "FEIS."

Mayor Pontieri stated: Clare Rose is moving their operation to Yaphank. What we are doing now is giving them approval to start the SEQRA process. What they are looking at this time is change for a multi-family development...

Attorney Egan stated: Just because of the impact of this project, it is certainly recommended that the Village Board designate itself as lead agency and consider some of the same zoning coordinations that went on for the Downtown Redevelopment district because of the size of it and given the square miles of our Village and the impact of this project. They are going to be filing a short form EAF which is going to require a long form EAF and inevitably going to have, as on page 2 as I talked about with the pump station, going to have some significant impacts on the environment and the sensitivity towards the river, traffic, density and all those other items. This would designate us as lead agency in anticipation of their filing their first SEQRA documents.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to initiate the SEQRA process for the proposed "Clare Rose" Multi family residential development.

B.I.D. Report – Dennis Smith stated: On March 10th we had an Information Forum to market the NYS Main Street Grant Program that we were awarded last August. This meeting was advertised in the Feb. 26th edition of the *Advance*. Eight six establishments including building owners and tenants that were in the prominent area were notified of this meeting by mail. There were five responses and three applications for the facades and/or sign improvements were handed out. These applications were given to Jim Sarno the owner of Budget Buy and Sell, Copy & Management..., as well as the Patchogue Medford Library for their sign fronting Main Street... Applications for this process can still be picked up here at Village Hall by interested parties

located within the targeted area. If necessary, we will have another marketing meeting to put that out there.... At the last meeting I eluded that we needed to do some work on the hanging basket brackets on North Ocean so they would hold the weight of the baskets. This past week that was accomplished.... brackets to fit the 16 utility poles on Waverly Ave and will be installed before the spring. With the approval of this board, the B.I.D. is going out to bid contracts for gardening and tree pruning for the 2009 season as well as bids for the 250 flowering pots that we will need for the 2010 flowering basket program. It will be advertised in the *Advance* this coming Thursday and the bids will be opened April 9th.

Trustee Krieger stated: Just a comment about the world class talent that has been at the Patchogue Theatre. Two weeks ago the Long Island Philharmonic was there and Ken Meyer, a Patchogue resident, playing guitar. It was a great show, world class performance, enjoyed by everybody. Next Thursday the *Alive in the Lobby* begins with a native of ours, Ken Fillano, playing double base with the Andrea Wolper trio. If you are into jazz or want to enjoy some great music, join the very small audience at *Alive in the Lobby*. It is April 2nd at 7 p.m. It is another example of the kind of talent coming to the Theatre. Also, on April 18th L. I. Philharmonic returns with Andre Watts playing Beethoven. Last week we had the Nelson Riddle Orchestra who put on a great show. The Atlantic Wind Symphony is coming in June. World class talent is presented at the Theatre. This Thursday night we have *Capitol Steps* return. I would like to commend our Fire Department for helping us out last Sunday when the alarm was triggered by a helium balloon which was floating around and sparked the alarm. There were about 600-700 people there who were evacuated. It was a difficult thing at best especially when there was a lot of elderly people, including my mother. It could be a very dangerous thing. I have to commend the Fire Department and the Theatre staff for doing a good job and taking care of everybody.

Marilyn Pontieri stated: I was there and it was like being on the Titanic for awhile—the band kept playing.

Jack Krieger stated: The people in the Theatre really didn't know if it was an emergency or not and it could get pretty dangerous evacuating that many people. Again, I would like to commend the Fire Department and code officers who responded to that alarm. Please support the Patchogue Theatre. They are working hard to bring entertainment to the Village.

Trustee Krieger stated: I would like to request approval to amend the currently approved local law with regard to No Parking signs on Village streets in the St. Joseph's College area. I can speak to that. It currently says Monday through Saturday and should say Monday through Friday.

Attorney Egan stated: What I would recommend is that instead of making a motion to amend because that is how the code currently reads, 8 to 4 pm, Monday through Friday, Roe Boulevard, Patchogue Lake to Audubon Street on the north side. For the south side Roe Blvd., Patchogue Lake, to Central Ave., 8-4 pm, Monday through Friday. I would recommend that the Public Works Department change those signs and make them conform to the code.

Trustee Krieger stated: It is working. It has limited the parking of St. Joseph's college on the street. All the neighbors appreciate that fact.

Upon a motion made by Trustee Crean, seconded by Trustee Dean, and unanimously carried, the board approved request for the Business Improvement District to go out to bid for the 2009 garden maintenance contract.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to designate the Board of Trustees as lead agency pursuant to the implementing regulations of SEQRA with respect to the "Roe Walkway" project and to classify it as an "unlisted action." There are improvements slated for providing drainage and beautification of the walkway that connects Terry St. to Main Street.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Paris Art Label Co. Inc. to place two office trailers on the property at 217 River Avenue during demolition and construction of their new offices for a period not to exceed one year.

Trustee Hilton stated: Last year during the boat race, we had excellent performance by the Patchogue Fire Department as well as volunteers from the Patchogue Bay Power Squadron, helping us out with the accident during the boat race.

Jim Krug, past commander of Patchogue Bay Power Squadron..., safety is a high priority to these organizations. A number of years we talked about doing some type of fire safety demonstration and participation. The vast majority of people have never had to ignite a hand held flair, never

fired a flair gun, haven't had to put out a fire with a fire extinguisher. We feel because when you are out on the water you have to be, to a degree, self sufficient in an emergency situation. I spoke to the Fire Chief Mike LoDolce and Fire Training Coordinator John Poulos and they both thought it was a good location and a good idea to have the use of Mascot Dock because it would be away from any possible interference to others as well as we would be firing the flairs over the water. The Coast Guard has been contacted and have no problem with it. Suffolk County Police Marine Bureau have been contacted and are in agreement. They just asked that we give them notice about ½ hour before the flairs are set off. I will let the Village know if we will need security on the dock. There will be no vendors.

Trustee Hilton stated: I think you should also update our Village Fire Marshal.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff and unanimously carried, the board approved request for the Patchogue Bay Power Squadron, in conjunction with the Patchogue Fire Department, to use Mascot Dock on Sunday, May 2nd from 11 a.m. to 3 p.m. for a fire safety demonstration.

Trustee Hilton stated: I would like everyone to know our St. Patrick's Day Parade is this Sunday at 2 p.m. and also the road race.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to grant a one month leave of absence for Public Safety Sgt. Leonard Butera from April 1st to April 30th.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Robert F. Black and James Frezza as public safety officers at a salary of \$15.50 per hour.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board set a public hearing to held April 9, 2009 at 6 p.m. in the Village Hall, 14 Baker Street, New York, for budget review.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Hilton, and unanimously carried, the board adjourned until April 13, 2009 decision on request to authorize the Mayor to execute an amended concession license agreement between the Village and Nancy Boerjes d/b/a "Nancy's Crab Shack."

Deputy Mayor McGiff stated: About two week's ago a gentleman had a heart attack down at Shorefront Park while playing softball. He was about 30 years old and had 2 or 3 children. One of our safety officers, Jim Mylett, a retired City police officer and trained EMT, was one of the first to respond to the scene. He in conjunction with two Suffolk police officers got the victim, who had no pulse, going twice and got him to Stony Brook and he survived. His picture was in *Newsday*. I want to publicly commend the code guys who don't always get the accolades they deserve. I want to give public recognition as a whole and also to Mr. Mylett who did a great job.

Mayor Pontieri stated: You may always wonder what they do, but when they do it, they do it well and the way it is supposed to be done.

Trustee Devlin stated: The Garden Club has a plan for plantings in front of Village Hall. And also some plantings down at the Beach Club...The third Thursday in April we will be working with trade schools.... For those of you who do now know, the Patchogue-Medford Quilt's project is to create a quilt by all members of the community from all organizations to commemorate Marcelo Lucero. But, it is more about the community and its working together towards a single end. We just had two informational meetings which went quite well. We had representatives from Beth El Temple, Lucero America, St. Francis De Sales and the high school. We are starting to work with all these different groups. Basically, even if you don't sew, it is all about making one square by each person involved and personalizing it. Ultimately, we will have this great quilt. The next two meetings will be at the Patchogue-Medford Library, April 16 and 30th at 7 p.m. We will be starting to cut and sew. You can also e-mail me at patmedquilt@gmail.com and I can forward people the directions to the project.

Trustee Devlin stated: The Patchogue Arts Council photography exhibit is still up. Check their site for the hours it is being shown. There is a flyer on the bulletin board in Village Hall as you leave. The gallery space is being completely manned by volunteers from the Arts Council.

Mayor Pontieri stated: It is photographs that go back to the Viet Nam War, and those of us who grew up through it, would be very struck about how powerful it is. Don't miss the opportunity to go there.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for PMYCS to use the Rider Avenue Tennis Courts for tennis lessons on Saturday's from May 9th to July 11th.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire Kyle Sanchez to work part-time at the recycling center at a salary of \$11.00 per hour.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to go out to bid for interior renovations of 380 Bay Avenue.

Trustee Dean stated: We should be able to enjoy this Recreation Center with the new fabulous porch, the exterior and that park, sometime in July. The porch is really coming out good. The bid packages should go out on April 9th, returned on April 23rd, and awarded on April 27th. This will include performance dates, etc., to keep whoever is awarded the contract moving along so we can get our Parks & Recreation in by July.

Public to be heard:

Gregory Insarello, 158 Central Avenue, stated: About a month ago, I told you about a concern of mine. In my neighborhood I see an overwhelming amount of traffic that comes down Central Avenue and enters or exits the Lake Shore Apartment complex. I have a two year old and another one due in July and am concerned about their safety. This is a community with plenty of people walking around. I see a lot of unneeded traffic going through there and going in and out of the apartment complex. There are two other entrances and exits, one by Briarcliffe College and one by the Fifth Precinct. I am not sure if there is a fire code preventing them from blocking off the exit to Central Avenue, but it seems like the other two entrances and exits should suffice enough for the people that live there to get in and out without using Central Ave. as a cut-through. It really concerns me as a father and a parent. I am not looking to bar these people from using the park that is directly across from there; I am just looking to decrease the amount of traffic that comes down Central Avenue. I think it should be a real safety concern.

Trustee Krieger stated: It is probably a situation a long time ago where the Fifth Precinct was there and Second St. used to be the outlet. They would come out of the apartment building, go down Second St. to Waverly Avenue. As soon as they closed off that area when they renovated the police department, it brought the traffic to come down Central a little more. They put a light on 4th St. to try and alleviate some of the traffic, but still traffic is coming down Central. I don't know what has to be done to make that happen. The apartment complex has been that way for 35 years, open area where people can go and come as they please. If we can look into it and show them that this is something that is long in coming

Greg Insarillo stated: I walk around the neighborhood and have spoken to a lot of people and they have the same concerns. Once on a Friday morning at 10:45 I was in the park with my son and in a 45 minute span I saw ten cars coming in and out. Just recently on a beautiful Saturday around noon time there were 20-30 people and there were literally 20 cars coming in and out in that 45 minute window in that area, especially near the park where there are a lot of people walking around.

Mayor Pontieri stated: We will have to take a look at the original site plan to see if there are any covenants and see where we go from there.

James Grippo, 99 Lake Shore Drive, stated: I have lived in the area for 16 years and have walked with my dog there. There are three stop signs on that street and it is like a race track. They don't adhere to it. Is there any way of obstructing or converting it to a one way? That entrance has been abused—they have adequate facilities. I would like to see some of the traffic diverted or it closed or if you can moderate and slow some of the traffic down, it would be greatly appreciated.

Scott Gelche, East 4th St., stated: I am Greg's neighbor and have the same problem. I go to work at 4 a.m., walk my dog, there are two sports cars zooming down with no lights on and loud mufflers. It is not safe especially at 4 or 5 a.m. I complained to the Precinct and they had a cop there for a little awhile and gave a couple of tickets. But it is still happening.

John Randolph, 1 Maiden Lane, stated: This is about asking the Village to revise the provision required

_____ stated: On Waverly Ave. I have been complaining to you about the condition.... When you turn off of Pine St. the whole place is falling apart in shambles.... The dumpsters are

being emptied 4 a.m. There must be some kind of noise code. The dumpsters smell in the summer time and the fence is falling down.

Dan Ziegler, Lake Shore Drive, stated: I walk with my dog early in the morning and see some of the people obey traffic regulations and some do not. I come from the north shore, Poquott, which has zero parking tolerance and also issues special permits.... Who would I speak to about posting the agenda?

Village Clerk Seal stated: The agenda is not finalized until usually Friday morning at which time it is presented to the Mayor and then is posted on the website. However, the person who does that was off this past Friday, and therefore it was not posted until Monday. It is posted on the bulletin board here at Village Hall on Friday.

Dan Ziegler stated: You were talking about having the DPW look at the signs in regard to parking at St. Joseph's College. Would it be possible to decreasing the 30 mph signs on that road as an effort to slow the traffic? The rumble strips by the bridge have deteriorated. It was an excellent idea.... They are driving 70 mph.... You were talking about the heart attack at Shorefront Park. Does code enforcement carry defibrillators?

Mayor Pontieri stated: No they do not. It is something that was talked about. The one that was used was Suffolk County's.

Dan Ziegler asked: Attorney Egan, does the Village follow Robert's Rules of Order and if I had a challenge would I address it to you?

Attorney Egan stated: Yes, before the meeting is closed.

Dan Ziegler stated: I question about how things were handled in the last meeting.

Mayor Pontieri stated: We make an attempt.

Dan Ziegler stated: Good, bad or indifferent, I want everybody to get their fair shake. I want to be in this community for a long time and want to contribute personally and professionally to things that go on in this Village. I will give one comment with regard to legislation we were discussing, bed and breakfast possibility. There was a specific comment of a new member of our community not being notified, Tritec, building a hotel. I picked up the phone and called Bob Conklin... He says he doesn't want to be a part or get involved in a fight. There were some comments about the hotel should have been notified. I kind of took those comments personally. Like Wal-Mart should be notified that CVS was opening in Patchogue.... There were a lot of location specific comments at the last meeting and it was not a location specific conversation.

Attorney Egan stated: I made that clear in the record, too.

Dan Ziegler stated: In the last two weeks I spoke to lots of neighbors that said they were not aware there was legislation on the books already. I was under the impression based on conversations with members of the board that this was a discussion to talk about viability. I had no idea that I was walking into a meeting with no work...legislation was here, were willing to discuss it, had some rules and regulations associated with it. And I was also going to be subject to...

Trustee Krieger stated: When something like that comes into reality in the neighborhood, people are going to be anxious to discuss it publicly to get their points across.

Dan Ziegler stated: I am glad you brought that up. The agenda was listed on Friday. The ambiguous nature of the listing on the agenda gave no intention whatsoever to anyone, legal or otherwise, based on the nature of the listing and the legalese and the ____ associated with special permit for Section 93-1(A)(72). I had to come to the Village and ask, is this still on the agenda? There are people that had no idea up until Monday. There were people that were not in favor of a bed & breakfast and were passing a petition.

Attorney Egan stated: Under the Village law we are obligated to publish our legal notices in the *Advance* and it was listed in the *Advance* as a "Bed & Breakfast" hearing. The agenda is not the legal notice.

Dan Ziegler stated: It was mentioned in the January 12th meeting minutes that a letter was provided. I would like those amended to include my letter.

Village Clerk Seal stated: I will take care of that.

Richard Kemp stated: At the last meeting it was very noble and diplomatic. However, I would like to ask a question? Why were the Suffolk County police not provided and why is it that the SCP only appear here when they have something to say?

Mayor Pontieri stated: They disappeared under the Keegan administration. They were there up until I left in 1994 and when I came back in 2000, they were gone.

Richard Kemp stated: I think if they were here that last meeting when that resolution was passed, it may have meant a little more and may have been carried to officers of the law. I would like to ask through the chair of Trustee Dean and my correspondence, a letter dated January 29, 2009, why I have not received any response?

Trustee Dean asked: Are you talking about the change order for the ledgers for the roof and floor joists and porch at Bay Avenue? I went back through my e-mails and never received one on January 29th. It was not in my in box. I received your e-mail after the last meeting and responded to that. I said I would get those answers and respond back to you as soon as I could. I have a meeting with Joel Peck tomorrow just to confirm and go over the paperwork as to the progression and awarding of that change order so I don't misrepresent what happened. You should have an answer on those by the end of the week. As far as what was in your letter of January 29th, if there was anything beyond the awarding of the installation of the ledgers, I don't know what was in the letter so I can't address it.

Village Clerk Seal stated: Mr. Kemp, after you brought a copy of the letter, I contacted Trustee Dean to let him know it was here. I called you back to let you know we never received your original e-mail letter forwarding copy.

Mayor Pontieri stated: Mr. Kemp, what Ms. Seal said to you is he did not receive it. Whether you believe that or don't believe that is irrelevant also. This does not have relevance to Village business.

Trustee Dean asked: Was there anything else in the January 29th e-mail besides the ledgers?

Richard Kemp stated: Yes. I have read through the minutes of the change orders, of various aspects of 380 Bay Avenue, and I question. There was an award made to a contractor to remove asbestos from the roof of the porch. My question is was there ever a laboratory test to determine that there was a presence of asbestos?

Mayor Pontieri stated: Yes. Absolutely. We wouldn't spend that kind of money if we didn't have to.

Trustee Dean stated: Yes. We wouldn't have hired a contractor to treat it as ACM if it didn't come back greater than 1%.

Mayor Pontieri stated: Why don't you and Trustee Dean make an appointment to meet one afternoon?

Trustee Dean stated: I told you I am meeting with Joel Peck, the architect, tomorrow at 7:30 to go over the paperwork so I have it clear before I respond to your e-mail. I will be happy to respond to you on Wednesday. I am almost 100% that I remember it clearly, but I want to see the documents before I respond to you in writing.

Richard Kemp stated: I am concerned about the difference between contract issues and accounting issues.

Mayor Pontieri stated: It is not going to be discussed tonight.

Richard Kemp stated: The minutes are in terrible condition. The minutes are flawed with spelling, punctuation...

Mayor Pontieri stated: We are not going to discuss this tonight.

Don Wachsmith, 60 Carmen St., stated: I want to thank whoever is responsible for getting rid of the Saturday morning garbage paper littering. The day they stopped delivery orange ones, *Newsday*. I get the blue ones. It is still out there. The house next door is bordered up and they get one too.

Attorney Egan stated: The Village Clerk has the telephone numbers for the contacts to have it discontinued. We went through this issue with them and, hopefully, thought we had it resolved. But, we see it popping up again.

Don Wachsmith stated: Along the lines of garbage, I know the Village codes dictates what you do with the garbage. You don't put it on the street, Wednesday is recycles and bulk, but any day you can go out there and it is there.

Village Clerk Seal stated: I spoke to Public Safety Director Jim Berberich today and he is going to be directing the public safety unit, especially on the weekends because we don't have housing people on a regular basis, to give a 24 hour warning and they will be ticketed after that.

Henry Terry, 16 Bransford St., asked: Ms. Seal, what is going on with my FOILs?

Village Clerk Seal stated: I believe the ones you submitted either Thursday or Friday via e-mail are under review.

Attorney Egan stated: It will be submitted to you within compliance of the law.

Henry Terry stated: I have been e-mailing Mr. McGiff concerning the violations issued..... I was wondering what the problem is.

Attorney Egan asked: Are you the property owner?

Henry Terry stated: No.

Attorney Egan stated: I am not going to discuss property violations for somebody else's private property with a non-owner. It is not the policy of the board or is something that the Mayor or this board has ever done.

Henry Terry stated: Actually, Mr. McGiff and I had a conversation two years's ago when I found him personally trespassing on a piece of property. He said I didn't have the right to exclude Village personnel from a piece of property.

Deputy Mayor McGiff stated: I was there; so don't talk like you are in a vacuum. I went on a property and you popped out of the woods. I said, "what are you doing here?" and you were very evasive as you usually are. Now you live at 16 Bransford. You never say that on the record. So don't start this crap.

Henry Terry stated: You guys have been serving me for years.

Mayor Pontieri stated: You do not own the property. Show up with a deed and we will talk about the property. Do you have a lease or deed? You don't have a lease, a rental agreement, or anything. And we don't have a rental permit on that property so therefore it is not being rented. Otherwise, Mrs. Zhand would come to us and ask for a rental permit. She never asked for a rental permit. So you can't really be living there, otherwise you would be living there illegally.

Henry Terry stated: Did you every hear of right's of tenancy?

Attorney Egan stated: And certainly we understand that it is not owner occupied either. So that is also part of the reason why we on this board is not going to address any violation to 16 Bransford Street unless you are the owner.

Henry Terry asked: What definition did you use that it is not owner occupied?

Attorney Egan stated: Under the definition of facts. The truth. She does not reside there. I am not going to discuss the ownership or lack of ownership of a piece of property in the Village. According to our record, the owner is not you and because you are not the owner I am not going to discuss any of the violations on that property. The violations on that property are the owners, not yours.

Henry Terry stated: So, when Mr. Cruz discussed the violations on the property, that was a violation of Village policy?

Attorney Egan asked: Did you misrepresent yourself as the owner?

Henry Terry stated: I actually videotaped it. Look at it and see.

Mayor Pontieri asked: Are you the owner of the property?

Henry Terry stated: No.

Henry Terry stated: I just want to bring your attention to constable car #1; public safety car, still has designation as “constable parking” on the side.

Deputy Mayor McGiff asked: Why don't you tell DOI?

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 9:50 p.m.

Signed _____
Patricia M. Seal, Village Clerk

/id