

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on May 11, 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 Treasurer Krawczyk, Village Attorney Egan and Village Clerk Seal present.

The flag salute was led by Barbara Kane.

Mayor Pontieri read the safety message

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Krieger, and unanimously carried, the Board approved the minutes of April 27, 2009 with changes.

Village Treasurer Krawczyk stated: For the period ending May 11, 2009, the five largest bills were: Steinberg Lanterns \$27,090.00 for decorative light poles, LIPA \$17,713.12 for monthly service, H2M \$16,163.18 for engineering services, Earthcare \$10,900.81 for sludge removal, and Sidney Bowne \$5,637.44 for engineering services..

General Fund	\$222,174.28
Trust & Agency Fund	\$1,956.83
Capital Projects	\$40,002.99
Sewer Fund	\$46,148.05
BID Fund	\$980.00
Housing/Code Fund	\$1,179.45
Community Development Fund	\$5,958.86
General Bills	0.00
Total	\$318,400.46

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

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the Board approved request for the General Fund to loan Capital Projects Fund \$250.00 and Community Development Fund \$1,735.71.

Village Treasurer Krawczyk stated: For your information, you have before you the cash balances as of April 30, 2009.

No Public Hearings held.

Mayor Pontieri stated: Barbara Kane, President of the Theatre Board, will make a presentation tonight about the condition of the Theatre Board itself.

Barbara Kane stated: We are just so proud of what has happened during the past few years and I am so pleased to be representing not only the Board and the Theatre but the staff and the volunteers of the Theatre because what has happened is because of their effort. I would like to tell you where we are and where we hope to be going in the future. The Theatre's present administration, staff and Board members have been working very diligently to continue with the mission of the Theatre which is to provide entertainment and community services to a variety of people within the community for the community needs as well as their entertainment and to provide this at a low cost so that we can virtually get as many possible people as we can into the Theatre to enjoy it. I would like to give you an example of what our growth has shown in the last three years. The increase in the number of people coming for one thing--our records only go back to 2006 for this particular item. Back then there were 71 events that occurred in the Theatre—the Gateway Theatre performs there nine weeks out of the year (the winter season and the spring season). In addition to that, the Theatre does some of their own productions as well as rentals of the house. In 2006 of these 71 events, the Theatre themselves put on 28 events, most of those were the *Alive in the Lobby* series and the children's series and an occasional performance that would come in the evening. The rentals were 43—some of those would go on for days, it doesn't mean that every event was only one night. For example, the dance groups that come in, although

it is listed as one event, they would be there for several days. So, a constant flow of people came through in 2006 numbering 65,000 to the Theatre and ultimately to Patchogue Village. In 2008 since we are talking about our last fiscal year, we at The Patchogue Theatre for the Performing Arts presented 53 events and in addition to that the rentals were 62 plus nine weeks of Gateway. During that time approximately 100,000 people came into the Village. This year it is our estimate that there will be approximately 150,000 people coming through. Our ticket sales are much higher. Some shows that we are booking now are multiple evenings, as opposed to just a Friday or Saturday night. We had some huge successes and as a result, ticket sales are up. As a result, the restaurants in the Village sometimes have an hour wait. It has been a great experience to have been part of this transition from where we were to where we are now. I think the increasing number of restaurants that are coming here and the number of people that are patronizing them from all over from Nassau, Suffolk and Queens has been a huge thing for us. The types of things that we do in the Theatre besides the productions that we have for entertainment, we have been trying very diligently to include the community in as many things as we possibly can. We had County and Town officials hold some of their events in the Theatre. We had other community organizations use the Theatre for fundraisers. Eastern Suffolk BOCES uses it for large meetings; when they come in there are 1,200 people in the Theatre. They are coming in during the day and when leaving go to the stores and the restaurants in town. Patchogue-Medford School District brings *Star Shine* which is a talent show that brings in hundreds of people—parents, grandparents, aunts & uncles from out of town. And they are coming here to the Theatre and ultimately the Village. One of our things that we are very proud of is the South Ocean Avenue Middle School 8<sup>th</sup> Grade Moving-Up Exercise which is now being held at the Theatre. If you haven't gone there, whether your child is in that school or not, you have to go that night. It is a beautiful, beautiful thing—the end of June. Having gone to South Ocean and watched the Moving-Up Exercise in the cafeteria, and then going to see this event, it is a transformation. We are also thrilled to be able to exhibit art for the Patchogue Arts Council and to host a reception in the lobby. I encourage you to come in and see the art hung on the wall. The other events that the other community organizations use the lobby and main stage for is their meetings and some of the large events they host. This season the Theatre presented the Sousa Symphony, an event that brought musicians from all over Suffolk, Nassau and Queens. Our Theatre was a beautiful place to perform that. Everyone had accolades about the acoustics in the Theatre and what a wonderful time family, friends and colleagues had. It is an event that we hope to promote next year when planning our schedule. We are planning next year to have some smaller events in the lobby.

Mayor Pontieri stated: Just before you get into the functional aspect of it, the Theatre is that asset on Main Street. I know Jack Krieger has worked very closely with you.

Trustee Krieger stated: Barbara is kind of saying it right now with mentioning the different things for different people—Sousa, now one of the homes for the L.I. Philharmonic, chamber music, rock music, children's shows—all those things that invites people to the Theatre. A prime example is *Raising the Curtain for Unity* night—so many people came and it is really what the Theatre is all about.

Mayor Pontieri stated: It truly is, in my mind, the single thing that makes Main Street work. People ask me all the time “what did you do to Main Street.” I didn't do anything. I let the professionals do it. I let the people who care do what they do well and that is take care of that asset. Also from a historical perspective, you mention the Sousa. John Philip Sousa played at the Theatre twice, in 1923 and '24. I remember sitting with Jack about eight years ago and doing battle with the former Mayor—one that was screaming that he wanted millions of dollars more and the guy who was screaming opposite. I was sitting as a Trustee and saying to myself “you guys are out of your minds.” It is now nice to hear this conversation.

Barbara Kane stated: Growing up in Patchogue and going to the Patchogue Theatre for 25 cents on a Saturday afternoon and here we are sitting in a beautifully restored building, I sit there sometimes literally in awe at the transformation that has been; and as you say, the transformation of Main Street and Patchogue Village. That is due in part to the Theatre, but you need to take credit too because if we didn't have your support, we wouldn't be where we are with the Theatre and the Village too.

Barbara Kane stated: I would like to call your attention to page 2 of the Audit Report. This page discusses assets that the Theatre has and there are a couple of things that I would like to point out. The bottom line, where it says Total Net Assets (2007 was the last audit. This audit goes for Fiscal Year 6/1/07 to 7/31/08. The assets in 2007 were \$188,912. This year it has increased to \$210,962, showing a profit of \$22,050. It doesn't sound like a lot of money, but it is huge for us.

Because last year we made a profit of around \$5,000 and prior to that for seven or eight years there was some debt that was accrued which we no longer have and actually have a profit. With a lot of hard work, negotiating with promoters, and everything else we were able to find ourselves with a small profit. As a non-for-profit organization we can't make a lot of money, but we have to have something leftover so that we can bring in the type of performances we would like to have.

Mayor Pontieri stated: We carried almost four million dollars that was bonded for the Theatre renovations. It was a 15-year bond, up in 2016. It is about \$350,000 a year that we carry on the books. In 2016 the viability to the Village takes that next large leap because the debt that the Village carries to make sure that this happened is where we are now. I believe it is our job to give to the community and to take care of our downtown.

Barbara Kane stated: Because we are a non-for-profit organization, NYS Law requires that an organization generating over \$215,000 annual income has to be audited. For the last three years we contracted an external auditing firm who conducted an unqualified audit. The purpose is to determine that the organization's financial statements are free of material error. The auditing firm spends a week going through the files, looking at everything possible, and then prepare a report. The financial statement that you have represents June, 2007 to May 31, 2008. You can see by the figures, total assets, that we have made a profit, but that profit is kept to promote shows. On page 3, it shows sales have an increase from the previous year, from \$238,600 to \$290,500. That was not as a result of raising of ticket prices, but of increasing ticket sales. Again, it is more people actually coming to the events. Pages 4-10 are a summary of the items that are reviewed in the audit itself, salaries and other expenditures, cash flow statements, and actual comments from the auditors about the audit prepared, explaining why they are done the way they are. There has been a profit, we are out of debt, the Theatre is financially sound and has been operating using the procedures for non-for-profit organization regulations. Are there any questions about the audit itself you want answered? I would like to reiterate that the people that I am privileged to work with, the administrative staff, the other staff members, the volunteers—working with people like that we have that dedication and commitment to really want to succeed that is overwhelming. Every single person wants to do what is best for the Theatre, and ultimately what is best for the Theatre, is best for Patchogue Village. I thank all of you for supporting all of us in working to make the Theatre the rock and pivotal part on Main Street because I do personally believe that it plays a huge part in the revitalization of Patchogue Village.

Mayor Pontieri stated: To Patricia Seal, Village Clerk of the Village of Patchogue, New York, you are hereby commanded to receive and collect from persons named in the tax roll hereunto annexed, the several sums stated in the last column hereof opposite there respective names, being a total of \$8,316,504.3 for the following purposes: For current budget \$5,548,193.58, for charges for refuse levy \$1,852,447.50, for sewer district levy \$746,656.26, for other liens \$4,900.00, for pro rata bills \$678.50, for Business Improvement District \$163,628.89. You are further commanded to receive and collect such sums without penalty between first of June 2009 and the first day of July 2009 and thereafter to collect with such sums that have not been collected and an additional charge of five per centum (5%) for the first month and one per centum (1%) for each month until paid. You are further commanded to return the tax roll and warrant to the Village Treasurer on or before the first day of February 1010 and to deliver to the Board of Trustees at the same time an account of taxes remaining due and unpaid, describing each parcel and the amount of taxes unpaid.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved request for the Village Clerk to receive and collect the 2009/2010 Village tax roll in the amount of \$8,316,504.73 without penalty until July 1, 2009.

Village Attorney Egan stated: Village Prosecutor Paul Feuer's review of the criminal procedure law noted a change of the State Legislature with regard to Criminal Procedure Law Section 115.40 which provided for a different method for service, substituting service for housing violations, local zoning board issues—mostly what the Village Justice Court deals with, and it allows instead of personal service, it allows for service under Section 308 of the Civil Service Practice Law and rules. This is a change in the code recommended by the Village Prosecutor to allow for the service of those tickets in a more easier fashion, as allowed by State Law.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board set a Public Hearing to be held on May 26, 2009, at 7 p.m. in Village Hall, 14

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Baker Street, Patchogue, NY, to consider request to amend Chapter 7 of Village Code and to add a new Section 7-2(B) regarding service of process.

Village Attorney Egan stated: After the last Board meeting, I reviewed the Code regarding towing. The requirements call for a peace-police officer. The proposed code amendment seeks to expand and authorize enforcement professionals who can authorize a tow in the Village of Patchogue to include Code Enforcement Officers and Public Safety Officers.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board set a Public Hearing to be held on May 26, 2009 at 7 p.m. in Village Hall, 14 Baker Street, Patchogue, NY, to consider amending Section 415-20 of Chapter 415 of Village Code to expand the authorization to enforce the towing ordinance.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board authorized the Mayor to enter into a lease agreement between the Village of Patchogue and 600 South Ocean Realty Corp., Lombardi's on the Bay, for use of our parking lot at a cost of \$5,000 a year.

Village Attorney Egan stated: It also provides that the tenant will make any repairs necessary. Part of it will be sectioned off for boat users.

Trustees:

Trustee Krieger stated: We have just signed Judy Collins, legendary folksinger, for November 21. I would like to comment about Barbara's financial report. Anybody in the theatre business today knows to make a profit of \$22,000 in a year is something that most theatres would want to do, especially today when ticket sales are down 25%. I think Patchogue Theatre's success has to do with a certain amount of very conservative financial management—they don't give it away, they don't sell themselves short, and we can see a change in things happening—very important shows coming in. Those are not just people renting the Theatre, those are people at the Theatre putting together these kinds of promotions and doing the leg work. To put on a show like *Kansas*, it was a \$50,000 crap shoot, but in this business you have to take a chance to make a little money. They made \$22,000 even considering the fact that ticket sales have been a little soft recently and we did lose some grant money from the County which was very important toward our advertising. It was about \$30,000 a year over the past few years and now we don't get that money and that hurts a little bit. I have to thank our Code officers for controlling the parking last Friday and Saturday. Also, Alex Russo suggested moving the parking blockades closer to the Blum's side, giving people a chance to drop their kids off and move which has worked out well. There is a great summer coming up with Gateway. There are sponsorships available for anyone interested. It has been a great season—the best ever.

Trustee Crean stated: Tritec Development is at the final stages of their approval process. They got approval by Suffolk County Planning about a week ago and one of the final stages is to finally approve their site plan and mobilize certain properties to be included in change of zone and site plan approval for Downtown Patchogue Redevelopers LLC project.

Village Attorney Egan stated: The developer and his counsel have been very professional and diligent in the process of this application. With the guidance of this Board with Trustee Crean, the application has gone extraordinarily smooth. In 2008, we had the original public hearing on the draft of the environmental impact statement which addresses the change of zone in the site plan. We then had a public hearing on January 20<sup>th</sup> with additional comments accepted on February 2<sup>nd</sup>. This Board required the applicant to file a Final Environmental Impact Statement. That was done on March 11<sup>th</sup> and we reviewed it and determined that all requirements were fulfilled as mandated by State law. By resolution on March 23, 2009, we accepted the Final Environmental Statement for filing, caused an order of completion to be published and by Resolution dated April 13, 2009 found that development of the subject premises pursuant to these approvals were in substantial accordance with the SEQRA Findings Statement. That statement went before the Suffolk County Planning Commission on May 6<sup>th</sup> and they approved the findings without comment. Tonight, based upon the full record of proceeding, the change of zone, the site plan and the SEQRA, Trustees will consider the motion to approve.

Trustee Crean stated: It has been a long road to get to this point. Seems like there has been countless meetings and so many approvals along the way. But, we are all excited. Tritec is about to start work on 31 West Main Street and looking at a demolition date at the tail end of September

of the Swezey property. Tonight we are looking for Board approval for a change of zone. There are nine different properties located within the D2-D3 Business Districts that we would like to rezone to the DRD District which gives certain allowances that are detailed within the site plan. We are looking to change the zone for:

SCTM No.	Rezoning From	Rezoning To
0204-9-5-14,15 & 16	D-2 Business District	DRD District
0204-9-5-17	D3 Business District	DRD District
0204-9-5-18	D3 Business District	DRD District
0204-9-5-20	D3 Business District	DRD District
0204-9-5-24	D3 Business District	DRD District
020-9-5-25.1	D3 Business District	DRD District
0204-9-5-25.2	D3 Business District	DRD District
0204-9-5-25.3	D3 Business District	DRD District
0204-9-5-26	D3 Business District	DRD District

Those are the properties that are applied to be rezoned. I am seeking Board approval to approve this site plan that has been prepared by Barrett, Bonacci & Van Weele dated November 14<sup>th</sup>, 2008 which is the site plan affecting the above reference parcels and SCTM 0204-9-1-44. Be it further resolved that all development of the subject premises pursuant to these approvals shall be in substantial accordance with the SEQRA Findings Statement heretofore adopted by this Board on April 13, 2009, unless hereafter modified in accordance with applicable law.

Trustee Hilton stated: I was present at all but one of the Zoning Board meetings and the applicant took time to address the public, the members of the Board and did a very good job.

Mayor Pontieri stated: In going through the process, I think what we remember is that we always become skeptical wondering what are they getting out of it. It is what they put into it, almost eleven million dollars of hard cash already. I think we are going to find the dynamics positively change Patchogue.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board accepted request Resolution for change of zones as listed.

Trustee Crean stated: The mast arms have gone up on Main Street. There are some finishing touches that need to be done. I want to commend John Lund and the rest of the Highway guys in getting that completed within the next ten days. There are some electrical things that need to be hooked up. The poles that were formerly on Main Street have been removed intact; there were some improvements made to them. And we will get them relocated on the crosswalk on South Ocean Avenue which as ineffective signage. Hopefully, as these mast arms are relocated, it will warn vehicles of the pedestrian crossing on South Ocean.

Trustee Crean stated: Marian Russo has advised me that additional money has come in and shortly after the school year ends, there will be some sidewalk improvement done on Bay Avenue. We will try and stretch the concrete as far as the dollars will allow.

Trustee Hilton stated: First of all, I would like to compliment Trustee Krieger on the Theatre. I know that it is his passion.

Trustee Hilton stated: Friends of Shorefront Park have raised almost \$30,000 in the budget. On July 31<sup>st</sup> Friends of Shorefront Park would like to hold a fundraiser with limited road closing at the Brick House Brewery.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board unanimously accepted request to hold a "Friends of Shorefront Park" fund raiser in conjunction with the Brick House Brewery in the municipal lot adjacent to the Brewery on Friday, July 31<sup>st</sup> from 4 to 8 p.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, the board unanimously accepted request for "SALCONY" to hold their annual SALVA Expo 2009 in the municipal parking lot adjacent to BRAVO Supermarket on Sunday, July 19<sup>th</sup> from 11 a.m. to 4 p.m. with a rain date requested for Sunday July 26<sup>th</sup> (site plan has been approved by Sr. Bldg. Inspector Peter Sarich).

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Jorge Guadron, Treasurer of the Salvadorian American Chamber of Commerce of New York, Inc., stated: We had an Expo last year, but forgot to include a rain date. We will basically be doing the same thing which is obviously for our members in Patchogue.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, and the board unanimously denied request for the Brick House Brewery to hold the "Rolling Thunder Bike Day" on Sunday, June 28<sup>th</sup> from 11:30 a.m. to 5 p.m. in the municipal lot adjacent to the Brewery.

Trustee Hilton stated: Two years ago at a Music Festival at Shorefront Park we had a Rolling Thunder type situation and it just blew the roofs off the houses that were en route and we went out of our way to bring everyone into Town.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Patchogue Lions Club to hold their annual Independence Day Parade on Main Street from River Avenue to Case Avenue on Saturday, July 4<sup>th</sup> from 10:30 a.m. to 12:30 p.m.

Trustee Hilton stated: There has been more and more interest in use of Shorefront Park and the usage of Shorefront Park has become more and more expensive to the Village and to the residents. Because of this, we have been working all winter on setting a list of fees and policies for the use of the park itself. Because of this, it has been quite an eye-opener to the actual cost of Code Enforcement, Parks Department and other parties that have to work those weekends and added costs the Village itself. So, we have set up a table listing for non-profit organizations, profit organizations and usage fees for such. The fees are included in the paperwork in front of you.

Village Attorney Egan stated: The fees can be approved by resolution.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, the board approved request to amend Shorefront Park usage policy and to amend the Field and Building usage policy and fees.

Deputy Mayor McGiff stated: We have been identifying and addressing overcrowded homes again popping up in all different neighborhoods. We spoke to some of the local COPE officers, trying to get some stop sign enforcement on North Ocean. It is a countywide problem and they are trying. We hired a number of new code officers. Everyone that we are hiring now has former law enforcement experience, former NYPD. In addition to the SCPD officers on Main Street, we have our own tour guys getting out of the cars and walking Main Street. I think this will deter some of the bicycle riders.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Julie Epsky as party attendant at \$8.80 per hour effective May 2<sup>nd</sup>.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to change the minimum age of camp counselors to 17.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Diane Poulos as Assistant Tennis Director at \$12.00 per hour.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Lauren Monte as part time clerical staff for the Recreation office at \$10.00 per hour.

Trustee Devlin stated: The CDA was awarded an extra \$75,000 CDBG funds (R standing for stimulus money). Marion has pretty much identified for the Bay Avenue project where the money will be spent. It just has to go to the County for approval as well. The sidewalk money for Oak Street is in the 2009 budget. Patty Romeo has been Chair of the Board and on the Board for over ten years and I am sorry to have to accept her resignation. "Dear Mayor Pontieri: Please be advised that after much thought I have decided to resign as Chair and member of the Community Development Agency for the Village of Patchogue, effective May 8, 2009. I have enjoyed my tenure on this board, both as a member and as a chairperson and I thank you for the opportunity to serve the agency and the Village. I appreciate your confidence in my abilities. However, my business and other responsibilities are taking more of my time and I can no longer give CDA the

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attention it deserves. Thank you for your consideration in this matter. Very truly yours, Patricia K. Romeo.”

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board accepted with regrets the resignation of Patricia Romeo from the CDA Board, effective May 8, 2009, with regrets.

Upon a motion made by Trustee Devlin, seconded by Trustee Hilton, and unanimously carried, the board appointed Joseph Keyes as Chairperson of the CDA Board.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board appointed Francis Buscemi as a member of the CDA Board, previously serving as an Alternate.

Trustee Devlin stated: I would like everyone on May 24<sup>th</sup> at 11 a.m. to the area behind the Theatre which will be dedicated and renamed “Mark Shapiro Plaza.” He was a very active member of the Chamber and passed away at a young age. His family had started out wanting to dedicate a tree in his name, but they had raised so much money we were able to do a lot more. Since Mark’s great love was the Theatre, they will have two benches there and a plaque in his memory.

Trustee Devlin stated: The Patchogue Arts Council is going to start doing what we call misers because they are looking for opportunities to extend and mingle with other artists and people in the community. Josephine Miller who is the Chairperson of the Membership Committee has put together a mixer on May 20<sup>th</sup> at 7 p.m. at the Oar. There will be snacks courtesy of the Arts Council with a cash bar. Still in the planning stages is a fundraiser to be held at the home of Carol Reids Butler in East Patchogue. The second annual fund raiser will be held on July 12<sup>th</sup>, the theme will be the WPA Artists, artists of the Depression.

Trustee Dean stated: We have two ongoing Federal appropriation road projects, one is for various roads throughout the Village and the other is for some sidewalk and street lighting improvements on Main Street. They are in the design report phase and when completed will be submitted to the FAPP. That is the Sidney Bowne money spent for engineering. Once the design reports are approved, we will go into the scale design phase and submit the drawings for those projects.

Trustee Dean stated: For the Recreation Center we had drawings completed by McClave Engineering for mechanical systems, lighting, heating, air conditioning, etc. We have submitted those to the National Grid Engineering Department. They have a program where they assist municipalities in cutting energy costs and reimbursing us for energy efficient apparatus we put in there, like the unit that we would use to heat and cool the building, light fixtures, etc. They are going through it and will make suggestions and we will re-incorporate that into the drawings. We will go out to bid when that is done. That has sort of slowed that process up a little bit, but we have the opportunity to recapture a lot of dollars over the life of those items that we choose to incorporate into the building so it is certainly worth taking that step back in looking to save these dollars. In the end we will have a much more efficient building down there.

Public to be Heard:

Joseph Keyes, 182 Bay Avenue, Patchogue, stated: The Patchogue Village Board, in particular Trustee Crean, thank you for the Patchogue Redevelopment Project. We are going to start seeing something. You all have been working hard and doing a lot; until the residents actually see, some may not appreciate it yet. As a resident of Bay Avenue and a CDA member, I am thrilled about the sidewalks on Bay, not only for the safety of the kids going to school, but just for the appearance. That being said, I urge the Board to continue the sidewalks going south. There are a lot of things going on at Shorefront Park causing people to have to walk south and there should be sidewalks.

Dick Schroeder, Shore Road, stated: There was a public notice in the *Advance* several weeks ago that said “the 9<sup>th</sup> of March we adopted a resolution subject to a referendum which had to do with improvements to the waste water system.” I take that to be the sanitary sewer system.

Mayor Pontieri stated: Yes. It is the plant itself. We put in for an EFC, Environmental Facilities Corporation.

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Village Attorney Egan stated: That is part of the stimulus package, to have that project shovel ready. One of the pre-requisites for applying for stimulus money was to pass a bond resolution by the Village authorizing that the Village would accept that bond which would ultimately be reimbursed by the stimulus money.

Dick Schroeder stated: It said that the resolution should run 30 days from the date of publication which should make it April 9<sup>th</sup>.

Mayor Pontieri stated: Once you do a permissive referendum like that, once the 30 days are up, there really has to be no action taken by the board at that point; it automatically goes into place. That is why it was called a permissive referendum; it was either a resolution or an amendment to Village Code or the actual acceptance of the bonding itself. We would have to have another resolution once the bond... To get Federal stimulus money in the area of clean water and waste water, the process is that you have to be able to fund it itself in order to be reimbursed by the Federal government. I don't know if we will get the funding or not. That funding would allow us to build a plant doing 1.2 million gallons a day. If we don't get that funding, we still have to upgrade the plant, but will scale it back to 800,000 gallons per day. 1.2 gallon expansion would allow us to create some additional revenue to come in. 800,000 would take care of the Village itself for the next 25 years. The interesting thing about the 800,000 gallon plant is that in the future, if money becomes available, we could go to 1.2 by putting a modular on by having it built in 400,000 gallon sections.

Dick Schroeder stated: It also states that there shall be levied on all taxable real property in the Village a tax.

Mayor Pontieri stated: Bonding for the sewer can only be taxed for the Village that uses the plant which is by law.

Richard Kemp, Jennings Avenue, stated: I have a question regarding Local Laws. How are they recorded in your ledgers? In other words, the minutes from January 21, 2009, which was the first meeting of this year, there were at least two hearings. These hearings were advertised at the previous meeting in December for publication and both of these hearings ended, and I will read you Local Law #1. "Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Hilton, and unanimously carried, the motion was passed as presented." Mr. Mayor, this type of a motion is totally worthless. It means absolutely nothing. I have contacted Mr. Friedman.

Mayor Pontieri asked: Would you please make a call tomorrow and ask him to contact me directly.

Richard Kemp stated: The second law was regarding Lindy's Taxi and the use of the Lake Street parking lot.

Village Clerk Seal stated: It was not specific to Lindy's Taxi. My notes dictate that this would amend Chapter 93-13 to prohibit taxi offices in the D3 District zone. It was not specific to Lindy's Taxi.

Richard Kemp stated: Mayor Pontieri stated: I am reading the minutes. It says Mayor Pontieri stated "cab companies that operate in the Villager must have an address and office in the Village. One of the concerns that we have is Lindy's Taxi which is on Havens and Lake and the number of parking spaces taken up and the impact on the D3 Business District."

Mayor Pontieri stated: That was an example of the concern that we had about having any more taxi companies in D3 zone. They have had their license for 6-7 years now.

Richard Kemp stated: I have a letter from Mrs. Seal and Attorney Egan. I have FOIL requests from April 27<sup>th</sup> along with two other FOIL requests submitted on April 27<sup>th</sup>. They have control numbers and were returned to me along with a letter from the Village Clerk. I have one that is not marked approved, not marked denied and is not signed. There is no specifications at all on it.

Village Clerk Seal stated: I believe the cover letter that may have accompanied that addresses each one of your concerns.

Mayor Pontieri stated: This is a discussion not going to be had at a Board meeting. This is a Board meeting where we do the business of the Village, not business of Mr. Kemp. If in fact you

Board Meeting

May 11, 2009

have this concern, you can make an appointment with Village Attorney Egan. He is here Mondays starting at 1 o'clock, to register your concerns and complaints. If in fact they haven't been fulfilled, put it in writing and we will deal with it. I am not going to banter with you tonight over your specific issues. If your concern does not have any issue with health and safety or any item on the agenda, then I don't even know why I am listening to it.

Richard Kemp stated: I submitted an appeal and grievance on Sept. 30, 2008. When I did not receive any response at all, I came here on Oct. 16<sup>th</sup> and submitted it to the Village Clerk's Office.

Village Attorney Egan stated: That issue is over. Your appeal was denied. That is the final word of the Village. This Village Board has no jurisdiction to overturn that, review it, appeal it or decide it. It was denied.

Richard Kemp stated: In the minutes of July 27, 2008, I addressed Attorney Egan for a FOIL request. The Village is being negligent about addressing these issues. I have never been supplied any accounting of the North Ocean Avenue project.

Village Attorney Egan stated: We discussed that very sensibly at the Village Clerk's office and conducted a very diligent search of those records. That search is continuing. That FOIL request has been looked into by the Village Clerk and has not been able to find those financial records. They will continue to look.

Village Clerk Seal stated: As I have told you every time I speak to you but it seems you are not getting, there is not anything that we are doing to purposely not giving information. I do not have it right now. And I have told you that for the better part of the year. Steel shelving is being installed in the basement and they are reconfiguring all the records. There is a very strong possibility that the box is there, but I don't have the manpower right now to look for it.

Mayor Pontieri stated: We have parks, potholes, buildings, a tremendous amount to do in the Village. Mr. Kemp, do you not think just to get you to go away I wouldn't give you those records? Just purely to give you those records so you could stop asking about them. If I could create them myself, I would, just so I would not have to listen to your bantering.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the meeting was adjourned at 9:05 p.m.

Signed \_\_\_\_\_  
Patricia M. Seal, Village Clerk

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