

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on May 26, 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 Boy Scout Troup 44.

Mayor Pontieri read the safety message

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the Board approved the minutes of May 11, 2009, as presented.

Village Clerk Seal stated: For the period ending May 26, 2009, the five largest bills were: NYS Employees Health Insurance \$76,177.45 for monthly premium, Town of Brookhaven \$44,215.60 for landfill charges, H2M \$30,502.96 for engineering services, JR Holzmacher \$19,229.70 for engineering services, and Future Holdings \$14,578.60 for tax redemptions.

General Fund	\$386,908.67
Trust & Agency Fund	\$23,848.49
Capital Projects	\$55,570.67
Sewer Fund	\$22,162.83
BID Fund	\$3,761.86
Housing/Code Fund	\$281.96
Community Development Fund	\$5,990.30
General Bills	\$1,938.25
Total	\$420,463.03

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

Village Clerk Seal stated: Notice is hereby give that a public hearing will be held on Tuesday, May 26, 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 415-20 of Chapter 415 of the Village Code to expand the authorization to enforce the Towing Ordinance, a copy of which proposed local law is on file at the office of the Village Clerk. At said public hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: This adds to the existing Section 415-20 to expand authorization to enforce the towing ordinance to allow code enforcement officers and public safety officers from our Division of Public Safety to also enforce the towing ordinance that is on the books in the Code.

John Bogack stated: A couple of weeks ago I came here asking for stricter enforcement and regulation. Is that what this is about?

Village Attorney Egan stated: We kept the same provisi0on of the code. What this does is it expands the authorization. Before, only a policeman officer could authorize the tow. This expands the jurisdiction to include our division of public safety officers as well.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request to amend Section 415-20 of Chapter 415 of Village Code to expand the authorization to enforce the towing ordinance.

Village Clerk Seal stated: Notice is hereby give that a public hearing will be held on Tuesday, May 26, 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 Chapter 7 of the Village Code and to add a new section 7-2(B) regarding service of process, a copy of which proposed local law is on file at the office of the Village Clerk. At said public hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: Let me start off by congratulating and thanking our Village Prosecutor Paul Feuer who does a wonderful job in the Village Justice Court. He is a very talented prosecutor, dedicated to enforcing the code for the Village of Patchogue. This recommendation came from Prosecutor Feuer, suggesting that the Village take advantage of the easier service that is set forth in the Criminal Procedure Law, Section 150.140 by characterizing certain of our violations that exist under the Village code, as well as local zoning board ordinances, local zoning laws, or building and sanitation codes. That expanded the allowable methods for service to include those provisions for service under Section 308 of the CPLR. It is a tool that the Village Prosecutor believes would make it much easier to catch some of the violations more easily served—some of the absentee owners.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the board approved request to amend Chapter 7 of Village Code and to add a new section 7-2(B) regarding service of process.

Village Clerk Seal stated: Notice is hereby give that a public hearing will be held on Tuesday, May 26, 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 Chapter 435 of the Village Code to add Section 435-46.1 regarding allowable signs, a copy of which proposed local law is on file at the office of the Village Clerk. At said public hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: This is an addition of a new Section 45-46.1 of the Village code. By Local Law 6-205 enacted by the Board in 2005, there were modifications made to the sign code that inadvertently omitted certain permits that were allowed to be issued just upon the authority of the Building Inspector. This will restore the previously omitted sections of the sign. Code. This was a request made by the Building Department for the re-adoption of these sections. It specifies explicitly what site permits can be issued on the Building Inspectors authority and it sets out the parameters to what doesn't necessarily have to go before the ARB for sign approval.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to amend Chapter 435-46.1 of Village Code regarding requirements for sign permits.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to remove account #2429 from the 2009/2010 tax roll in the amount of \$52.15 owned by Suffolk County and therefore tax exempt.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to remove account #2482 from the 2009/2010 tax roll in the amount of \$1,573.89 owned by St. Joseph's College and therefore tax exempt.

Mayor Pontieri stated: The Long Island Planning Council is a bi-county council set up by both Nassau and Suffolk County to give recommendations for both recommendation for process and plans for major developments and to work with those counties for a regional plan for those counties. The primary funding is \$50,000 per county and then the townships have an obligation and they are asking for villages to contribute also. As many of you know, I sit on that Board and it really gives us an opportunity to take a look at both counties on the Island as a whole and make some planning decisions based upon that. What is being requested is an annual fee of \$3,500 be contributed by this Village to the Long Island Planning Council. Again, this is important and I don't get paid for being on the board.

Upon a motion made Mayor Pontieri, seconded by Trustee Crean, and unanimously carried, the board approved request to contribute \$3,500 annually to the Long Island Planning Council.

Upon a motion made by Trustee Krieger, seconded by Trustee Devlin, and unanimously carried, the board approved request to authorize the Mayor to execute an extension of lease with Nancy's Crab Shack for three more years.

B.I.D. Report / Chamber of Commerce Report – None

Board Meeting

May 26, 2009

Trustee Krieger stated: I would like to thank our code enforcement officers for their hard work this weekend in controlling traffic in the parking lot behind the Theatre. We welcome probably around 5,000 people to the Theatre for dance recitals this weekend which if you were around you would have noticed them shopping and eating at the many restaurants. The code enforcement officers are definitely ambassadors to the Village; it is not easy to tell people to park far away. But, they do a great job and are appreciated.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for the Van Guard Hose Company to have live amplified music at Firemen's Park on Sunday, June 7th from noon to 8 p.m.

Upon a motion made by Trustee Krieger, seconded by Trustee Dean, and unanimously carried, the Board approved request for the AMVETS Post 111 to have live amplified music at Firemen's Park on Saturday, August 8th from 1 p.m. to 5 p.m.

Upon a motion made by Trustee Krieger, seconded by Trustee Devlin, and unanimously carried, the Board approved request for Bay Avenue School to have live amplified music at their annual field day on Thursday, June 11th with a rain date request of Friday, June 12th from 9:30 a.m. to 3 p.m.

Trustee Krieger stated: I want to thank Attorney Egan for the hard work that he has done on the situation in my neighborhood. The people on Central Avenue will be very happy with how quickly their concern has been addressed. For the last 25-30 years at the Heatherwood Apartments there was an exit onto Central Avenue which has created over the years a traffic problem on Central Avenue. There will be a crash gate for emergency fire crash entrance. This will eliminate a lot of traffic on Central and make the neighbors feel a lot safer.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to close the north entrance of the Heatherwood Apartment Complex at Central Avenue, leaving a fire crash entrance.

Trustee Crean stated: On Tuesday, June 23rd at 4 p.m. the Business Improvement District will be holding their Annual Meeting at which they will elect their Board members and nominate officers as well. Many of the things that we see around Town that are taken for granted and go without due recognition, such as the planters, flags and promotions—many of which are funded by the B.I.D.. They deserve a great deal of credit for the beautification projects around Town. They accomplish a lot with just \$168,000 budget and have a lot of volunteer, committed members that will a lot of times come up with ideas that stretch those dollars and do a lot of great things around Town. They took \$30,000 out of their budget to help dredge the River.

Trustee Crean stated: There is a grant application that the Greater Patchogue Foundation is going to submit to the County to help reconstruct a walkway area back by the Oak Street lot by the Elks Club—to do some planting and some improvements of the parking lot as well as the sidewalk. In order to submit that application, they need a resolution from this Board showing our approval. They have been quite successful getting grant dollars in the past.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for support of the application of the Greater Patchogue Foundation for Round 9 & Downtown Revitalization grant.

Trustee Hilton stated: The parade this past weekend was very well attended. We got a chance to admire the new mural on the north side of BRAVO and also one of the highlights of the parade was walking past the old "Four Sisters" and admiring the beautiful restoration job that our Village Attorney Brian Egan has done.

Trustee Hilton stated: I have been negotiating with Jack Eddington's office about securing additional landscape funds that were left out of County Road 19 construction project along the Lake. He is committed to \$2,500 and thinks maybe he could get \$5,000 to start the landscaping and the new fence.

Trustee Hilton stated: On Friday, May 29th at 10:30 a.m. will be the last service of Food Pantry Day at the Lighthouse Mission on Railroad Avenue. It has been a 17 year run and was thought at that time that it would be very unpopular and very risky to allow them to operate and was extremely restrictive of serving of food and at what have you. We really didn't know at the time

Board Meeting

May 26, 2009

how it was going to turn out, but it has been a great run. It was almost completely supported by Clare Rose who donated the property, building, vans and everything. They are moving to Bellport where I personally think their services are much more needed, but they will continue with an Outreach Program that will be outdoors on the street. Their bulletin says they will announce the location soon. This was an effort from Sister Elaine with whom we have had many meetings. We voted on it, we allowed it to happen, and it happened, and was a great run. And we are sorry to see them go.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request for "Conquer Chiari" to hold their 2nd Annual Chiari Walk Across America at Shorefront Park on Saturday, September 26th starting at 11 a.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request for Emanuel Lutheran School to use the Rider Avenue Complex on June 15, 19 and 22 for field days from 9 a.m. to 2 p.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board approved request for Emanuel Lutheran School to use Four Sisters Field on May 27, June 2, 3, 9, 10 and 17 from 3 p.m. to 4:30 p.m. for a softball league.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board approved request for Bay Avenue School to use Shorefront Park on June 8, 15, 16 and 24 from 9:30 a.m. to 2 p.m. for end of the year picnics.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request for the Suffolk County Girl Scouts to use Shorefront Park on Saturday, June 27th from noon to 3 p.m. for a picnic.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the board approved request for the Brookhaven Roe YMCA to hold a fundraiser in conjunction with the Brick House Brewery in the southwest side of the municipal lot adjacent to the Brewery on Friday, August 28th from 4 p.m. to 10 p.m.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to hire William Champlin as a part time relief dispatcher at a salary of \$15.50 per hour.

Deputy Mayor McGiff stated: The Mayor as been in touch with SCPD concerning foot patrol enforcement on Main Street this summer especially since kids on bicycles has started already. In conjunction with that, code is adding foot patrols. This time of the year we seem to find a rash of illegal housing, last week we found one on Waverly and two on North Prospect, one of which had three bedrooms in the basement around the boiler and the fire department came out because of carbon monoxide issue. The sad thing, there were three little kids living like that and they were given emergency housing. There was another one on Hillside. Once again, if you have any homes in your neighborhood that you think there is illegal housing, contact the Building Department, 475-8942.

Trustee Devlin stated: The front and sides of Village Hall has been newly landscaped and I would like to give thanks to Village residents, Karen Ferg and Josephine Miller, who contributed their services by putting together the design and selection of plants and accompanying me here while we directed Parks employees as to where to plant them. I would like to thank Brian, Kerry and Vinny for their hard work in all of the planting. Finally, I would like to thank a resident of the area, contractor Bob Conklin, who came by and saw how much work our employees had to do over a one-day period and he donated his staff, the mulch, extra top soil, and help plant the pachysandra in the front. It was a huge job and went on into Saturday and will look beautiful when it fills in.

Trustee Devlin stated: I wanted to bring up to the Trustees and the Mayor something that I have been giving thought to and that's the parking lot located at the Municipal Pool for this coming season. I am concerned that the people who use the pool will be able to use that parking lot without having problems. The proposal that I have come up with is to regulate the parking as "Permit Only from Noon to 7 p.m. and Daily Pool Admission Pass Parking Only" That would be limited to Village residents and all individuals who sign up for the Parks Program because we do offer pool membership to people outside the Village. The regular permit that many Village

residents now have for Mascot Dock and the Railroad will be honored, but we will also have a special sticker that we will hand out to the Recreation registration. As soon as non-Village residents sign up for pool membership or swimming lessons, they would be given those stickers. This would go a long way in preventing any parking situations that we may have this summer and protect the rights of the Village resident. For those paying to use the pool on a daily rate, they can be given a permit to put on the dashboard.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to designate "Permit Only from Noon to 7 p.m. and Daily Pool Admission Pass Parking Only" restriction on municipal parking lot next to Village Pool.

Trustee Hilton stated: The marina parking area on the south side of South Ocean. There are ten marina parking stalls and this weekend when the restaurant was busy, they were vacant. There is a benefit to having valet parking only because we are not dealing with 40 people parking in a lot. We are dealing with valets who are instructed by the restaurant what to do with cars.

Mayor Pontieri stated. For the board's edification, they do pay \$5,000 a year to use that lot. When Louie's came in they paid \$2,000 per year. Prior to that it was Felice's. In an effort to control it, we leased it to him and the provisions of the lease are very limited in terms of expansion. You can't go south on any expansion, you cannot go behind any of the homes in an expansion. So it is very controlled what they can or can't do. They have to maintain the lot, level it, keep it clean and they are going to provide additional security lighting.

Trustee Hilton stated: They have given us the opportunity to use their masts to install security cameras which are linked to their website and we will have access to dispatch. One will be pointed to the pool and one toward the parking lot. We had been getting prices of around \$25,000 to do this on our own. We did get a price of about \$3,000 for cameras and they will do the wiring and everything else. We also have five slips to rent for the year for them to use as transients at full price.

Trustee Devlin stated: The Patchogue Arts will be holding a show from October 3-24 at Briarcliffe.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Steve Gill as a seasonal Parks Laborer at \$10.75 per hour.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the board approved request to hire Nicholas DeFraia as a seasonal Parks Laborer at \$10.75 per hour.

Trustee Dean stated: We are working on appropriations to repair and resurface various roads throughout the Village. We are in the process of preparing a design report which has to go to the State for approval. Marion Russo and I will be meeting with the engineer on Thursday to finalize a few things, e.g. storm water issues and some questions on Oak Street. Hopefully, we can move that along and see some repairs to the roads.

Trustee Dean stated: Just to update the board. A couple of months ago, the Village of Patchogue had jointed in a grant application with the Town of Brookhaven to conduct a watershed study of Dunhill's Creek Watershed area. The Town was awarded that grant and executed the contract with the Town. However, the Town storm water czar retired and hasn't been replaced as yet. So the grant is presently languishing. The Village contingent is in place. Dr. Gil Schaeffer and myself served on the Steering Committee for when the Town appoints a new watershed czar and we will be able to conduct that watershed area study.

Public to be Heard:

Cheryl Forgione, 18 Smith Street, Patchogue, stated: My neighbors near the South Ocean parking lot were concerned about rumors heard.

Mayor Pontieri stated: If they expand it at all, it will not go behind anybody's property going south. By State Law, once they are designated a parkland, it takes an act by the State Legislator to use it for any other use.

Richard Kemp, Jennings Avenue, stated: I would like to request the Village to consider creating a Local Law regarding safety of construction workers on projects of 100,000 sq. ft. This would

be in the form of an apprentice program for all building trades. This is already established in the Town of Huntington, Town of Brookhaven, Oyster Bay and Long Beach.

Mayor Pontieri stated: We will do some research on it and get back to you if it is viable. I have concern about it based upon the size of the community.

Richard Kemp stated: You have a DRD zone.

Mayor Pontieri stated: The issue would be even if we passed it tonight, it would not affect that property because it already has its approvals. It would be very difficult to say to somebody at this stage of their development that they would have to add 30% to their costs or change the structure of their organization. It is something that would have to be looked at very carefully.

Village Attorney stated: There are very serious issues of State Law pre-emption that would prohibit, if not completely restrict, the Village from enacting such laws, e.g. Labor Laws, workmen's compensation issues, scaffolding law, OSHA. OSHA is a Federal regulation which the Village of Patchogue has very little control over and even less leeway to enact any kind of or stricter safety provisions.

Richard Kemp stated: As I said, all these other Towns and Long Beach have established some type of program on their own, separate and apart from whatever NYS said. I would also like to say with regard to the July 4th parade I have been watching the last few years and less and less people are showing up. The reason is because less and less people want to march, the children don't want to participate, and the fire trucks.... I would like to comment about fertilizer that Trustee Dean has brought up. Brookhaven has raised considerable issues about nitrogen levels from.....

(new tape) One other thing that I think might be a good idea for the Village Attorney to consider when a Local Law is established I believe that it has to be presented to the Secretary of State for filing. I think that after that is done, that the Village Attorney cares to state it on the minutes, that might be a good way of record keeping. I believe, going from memory, that Ernie Maler used to state it on the minutes. The last thing, the parking meters in the basement—consider selling them all.

Jeffrey Tyler, 20 Smith Street, stated: You have all these plans for the schools to come down for their end of year parties. The place is falling apart down there. The equipment needs to be repaired, the benches are broken, there's a gully that someone could break a leg. Somebody should go down there and take a look and it has been like that for two years.

Mayor Pontieri stated: We have plans for a whole new playground set. Your point is well taken.

Trustee Hilton stated: We have been walking a fine line between deciding what to fix and waiting for new equipment. We knew about the swing and ordered a new one. We have also had a lot of vandalism.

Jeffrey Tyler stated: One of the selling points of the condos on Ocean Avenue was they were going to put a boardwalk around the whole length of the dock.

Trustee Hilton stated: Yes, they have committed to green space and we have been down there several times. One of the problems they we are having is actually the width of the walk combined with the bench; going by the laws we need for passage of wheelchairs, is prohibitively wide. Even to the point where we don't want even maintain or take away our shore line. In answer to your question, that is very alive.

Mayor Pontieri stated: I spoke to Pete O'Hara last week. He got banged by the economy so hard at the beginning of this thing..... I wanted to make sure he had the funds to fill the place, and then we will work on the backend.

Trustee Hilton stated: The problem is that if we go from Mascot past the band shell, that the cost of doing so almost exceeds the amount of money that they... The Parks Superintendent has been meeting with them most recently just to keep it moving. I had suggested in the future that in the beginning we put this money in escrow, so that we are not dependent on whether these guys sell condos or not. But, as the Mayor has said, this man has done so much for the south end of the Village.

Board Meeting

May 26, 2009

Jeffrey Tyler stated: Also, the walking track a couple of years ago had drainage put in the middle. Now the drainage is higher than the track and all it does is create a lake in the summer time.

Trustee Hilton stated: There has been some settling and that has to be addressed. The grass has settled and the drains are now higher.

Mayor Pontieri stated: One of the problems in terms of the drainage there, is that park years ago was the ash dump from the incinerator. It is probably like concrete.

John Bogack, Noxon Street, stated:if a house inspector made a report and claimed that children were in the risk of danger, i.e. carbon monoxide poisoning, within an hour or two CPS would be there and a plan would be made for the safety of those children, regardless of what the town is going to do and how they got into those circumstances, it really doesn't matter....

Deputy Mayor McGiff stated: I will have Carol Giglio from the Housing Department call you directly because she interfaces with the other agencies when something like this happens.

John Bogack stated: There is also a liability issue to the Village, too. Years ago in Babylon, housing inspectors went in and there was a heating unit and the housing inspectors didn't know there were kids there and they died. Housing inspectors are ideally suited to see circumstances of children and where there is a coalition between a housing inspector and a CPS, things could get done....

John Bogack stated: I love to see something done about Dunhill's Creek.... It is an untapped resource of the Village and we should try and do something with it.

Mayor Pontieri stated: The big resource that we have is that most of that contiguous property is owned by a single owner, Judge Underwood, and he hasn't sold a shovel of dirt in 75 years.

John Bogack asked: Where are we with the sound ordinance?

Village Attorney Egan stated: We have now a comparison of all the Town codes. We are trying to coordinate with a decimal meter expert as to what is an acceptable level because it is easy to say an objective number, towns actually have different numbers for standards. We now have a chart that lays them out and are now trying to see what standards would work best for us. It really is a technical decision. The Mayor has made it a priority to get that done and it will get done very soon.

John Bogack stated: I would just ask that you move it along because Westbank is open and I think Mr. Breummer is trying to make some sort of effort.... But, whether or not, I don't know if it is illegal because I don't know what the standards are. I think something needs to be done so that we all know what the deal is.....

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

Signed _____
Patricia M. Seal, Village Clerk

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