

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on June 22, 2009.

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

The flag salute made.

Mayor Pontieri read the safety message.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, the Board approved the minutes of June 8, 2009 as presented with Mayor Pontieri abstaining.

Village Clerk Seal stated: The bills for the period ending June 22, 2009 totaled \$515,060.95 with the five largest bills being: NYS Employees Health \$77,609.76 for monthly premium, State Insurance Fund \$70,283.03 for worker comp premium, Town of Brookhaven \$53,064.00 for landfill charges, Francis Palumbo \$16,896.00 for Village Hall improvements, Sidney Bowne \$12,274.87 for engineering.

General Fund	\$281,438.81
Trust & Agency Fund	\$12,733.64
Capital Projects	
Sewer Fund	\$14,229.68
BID Fund	\$3,171.40
Housing/Code Fund	\$2,136.50
Community Development Fund	\$7,246.61
General Bills	\$194,104.31
Total	\$515,060.95

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

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to increase revenue acct #001-0001-2302 snow removal \$60,000 and increase expense accounts #001-5142-0100 snow salary \$7,000.00, Acct. #001-5142-0101 snow O/T \$48,000.00, Acct. #001-5142-0102 snow D/T \$5,000.00 per revenue received by Town of Brookhaven.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for General Fund to loan Capital Projects Fund \$95,073.66 and Community Development Fund \$3,650.75.

Village Clerk read: Notice is hereby given that a public hearing will be held on Monday, June 22, 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 435-21 of the Village Code to prohibit tattoo parlors, laundromats and cabarets without a Special Permit issued by the Zoning Board of Appeals in the D-2 Business Zone District, a copy of which proposed local law is on file in 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 amendment to Section 435-1 and 435-21 of the Village code which prohibits and defines what buildings are permitted in the D-2 Business Zone District which is mostly Main Street and South Ocean Avenue. D-1 is a commercial district on Waverly Avenue and on Route 112. What this seeks to do is add definitions to the Village Code to bar tavern, nightclub or cabaret, peep shows, and defining restaurants as major or take-out. These are all definitions that were made and evaluated from other municipalities which we need in our code and did not have them before. Again, it just prohibits in the D-2 Business District tattoo parlors, peep shows, laundromats. Nightclubs and cabarets are permitted with a Special Permit from the Zoning Board of Appeals. D-2 is generally Main Street and parts of South Ocean.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to amend Chapter 435, Section 435-1, of the Village Code to prohibit tattoo parlors, laundromats and cabarets without a special permit issued by the Zoning Board of Appeals in the D-2 Business District.

Village Clerk read: Notice is hereby given that a public hearing will be held on Monday, June 22, 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 repeal Chapter 281 of the Village Code and enacting a new Chapter 281 regarding noise regulation, 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 was requested by the residents and the Building Department to grapple with the noise situations that are occurring in the Village. We had gone back and forth with regard to what the standard was going to be and there were arguments made at the last public hearing with regard to the subjective nature of some of the applications. I consulted with NYCOM in Albany to get some of the better State standards that have been used in villages and towns throughout the State. This essentially is the installation of decibel meter readings which have been used throughout the State and Southhampton, East Hampton, Hempstead and Brookhaven all generally have the same standards. The decibel meters have come a long way in their use and ease of being trained on. This is a good standard that is being put in place. And also there will be a standard for commercial noise permits and puts forth an application process for that as well. The commercial noise permit allows businesses that want to have amplified music to essentially use the day time rates that run from 7 a.m. to 7 p.m. on an extended basis during the week from 7 p.m. to 9 p.m. and on Friday and Saturday until 11 p.m.

Mayor Pontieri stated: We had a public hearing a couple of months ago and there were a lot of points brought up. I think Mr. Bogack said we had the hole in the doughnut and talked around it and how were we going to enforce it. There was a lot of confusion and we came up with another process. We talked about enforcement and what the criteria and process that was going to be used. We did a lot of research on that also. The ones used a decade ago had to be recalibrated every time there was a thunderstorm. The newer ones are self-calibrating.

Deputy Mayor McGiff stated: We heard what everyone had to say. This is a balance between residents and business owners. The last couple of weeks, as a whole, things have calmed down. This past Friday, Peter Sarich checked all the restaurants down by the river and they were in compliance. There were a couple up street that were not. We heard a lot of business owners express their concerns about the lack of accuracy. So we purchased meters that are self-calibrating. The code officers are going to be trained in their use. Most of the restaurants and businesses are in compliance and if they get a warning or phone call, they turn it down. But, when we start getting calls on Monday from people being up until 2 a.m., that becomes a problem. The hours of enforcement for the business owners will be the same, till 9 during the week and till 11 on Friday and Saturday and this should not affect your business as long as you have been in compliance to begin with. Basically, it will be an accurate reading and an objective way of assessing violations and giving a ticket.

Mayor Pontieri stated: I seem to remember 111 warnings were given without giving violations last summer. Most of time when asked to turn down the music, they do. Most times there is compliance, but the issue is when there is not compliance and how do we deal with it when the residents adjacent to those places are continually playing loud music at 10:30 or 11 p.m. We are not going to change our process. When we get a complaint, we knock on your door and ask you to turn it down and the owner complies. When that doesn't happen we need to work with.

Village Attorney Egan stated: The residential standard from 7 a.m. to 7 p.m. is 65 decibels and from 7 p.m. to 7 a.m. it drops to 50. For businesses from 7 a.m. to 7 p.m. it is 70 and from 7 p.m. to 7 a.m. it drops to 55. The benefit of having a commercial noise permit is they get the benefit of the higher decibel reading from 7-9 p.m., 11 p.m. during the weekend. If this law passes tonight, all businesses and residences will be subject to this. The building inspector has tested the decibel meter against these standards and finds these to be absolutely reasonable and perfect as they are in comparison in other towns. 120 decibels would be the sound of a very loud motorcycle and a band playing about 60 feet away was about 65. Just to be completely clear again, because of the proximity of the mixed-use districts, this will be measured from the property lot line. The penalty for exceeding is \$1,000 and subsequent offenses could be as much as \$10,000. Also, it accommodates the businesses; for the first violation of the noise standard, a notice before

summons shall be issued to the business holding a commercial noise permit. The second violation shall result in the suspension of the commercial noise permit which means that that business loses its ability to play the amplified music in the evening hours and go back down to the daytime hours. And as a result in the automatic revocation of the commercial noise permit, a fine not exceeding \$1,000 or by imprisonment not exceeding 15 days, or both. Conviction of a third within 18 months is punishable by a fine of no less than \$2,500 and no more than \$10,000. If an owner refuses to turn down the music because he felt the meter was wrong, he would get a ticket at that time and would have to prove it in court.

Trustee Hilton asked: For those events at Shorefront Park, should we put in for a temporary commercial noise permit for events such as The Mus9ic Festival?

Village Attorney Egan stated: In Section 281-8, the Chief Building Inspector can issue a variance for just that type of situation. In Section 281-5 there is a list of exceptions, noise from a municipally sponsored celebrations or events and noise from lawful fireworks displays, parades, carnivals and the like held in accordance with all pertinent provision of the Code.

Public to be heard:

Ron LaVelle, North Ocean Avenue, stated: I am glad this is going to be revisited. The reason I am here is to talk about motorcycles. North Ocean Avenue is an egress. Some put on straight pipes so they can make more noise. If we really enforce that, the businesses will suffer. There has to be some sort of middle ground here....

Village Attorney Egan: I had a conversation with the attorney from the Village of Port Jefferson who has a great amount of bikes during the summer and a parking problem. They had a very difficult time trying to enforce it. They put it on SCPD as a vehicle and traffic law issue with regard to inspections and whether they have the mufflers removed. It is very difficult. We don't have the ability to pull over cars and generally they make the most noise when they are moving. It is a quality of life issue in the Village of Patchogue and something that should be addressed by this Board, the problem is we can't stop a moving car. That enforcement, like speeding, has to be enforced by the SCPD.

Mark Miller from Harbor Crab and Dublin Deck stated: In regard to what Mr. LaValle was saying, that's a problem for us as well as business owners on the river; at Dublin Deck I have signs up all over the place, absolutely no motorcycles allowed. Gave out three gift tickets to people that felt I infringed on their constitutional right. I asked them to leave and they did not. It is a problem and not one that we welcome. We had three large bike ride events that we refused and both Mike and I said no. He did come to my place on Friday night and did a little test. There are two concerns. The property line that he is going to go to which really wasn't the property line, it was the dock, where the land meets the dock. My other property line is significantly farther away. Anytime anybody calls, the music goes right down. A couple times this weekend I actually called him to see if we were all right. The local neighbors all have my and my partner's cell phone number. Beyond this was 320 boat slips. To me that is where he should be standing. If they could hear it in the middle of the river because the next residence should be across the river, then that is where I should be in violation to me. The other question is we don't want to be a problem to residents, but both my neighbors are industrial. For example, if I am going to stand right next to the Hess property, then that shouldn't be applied.

Village Attorney Egan stated: Those are all reasonable concerns. The lot line issue will be sorted out, the warning, how the ticket gets issued, that will be very clear. You are going to get the benefit of being in that business industrial standards, you are going to have a higher standard anyway.

Mike Bruemmer, 32 Baker Place, Patchogue, stated: What are the permitted hours for noise operation and what is the decibel limit?

Village Attorney Egan stated: The hours permitted will remain the same. From 7 a.m. to 7 p.m. air borne noise in excess of 70 dBA's and from 7 p.m. to 7 a.m. in excess of 55 dBA's, or air borne sound which has an octave band sound pressure level in decibels which exceeds the values listed for business/industrial will be enforced. Section 281.2 "And commercial/business and industrial operation couldn't have continuous sound from 7 a.m. to 7 p.m. that was in excess of 65 decibels, 7 p.m. to 7 a.m. was 55."

Mike Bruemmer stated: I have a meter myself and it read 70 or 72; I think it was the standard that we were using and it is very, very quiet. If you pass this at 70 decibels... Usually I stand at the end of the dock as usually the complaints come from the other side of the river. That is as far out and away I can get from my property. In the evening when the music goes off, there is not much more than background noise and that is less than 70 decibels. If this is in fact what you are proposing, for all intents and purposes, it will shut down my business on the river if it is enforced. ... You will not have live music on the river.

Village Attorney Egan stated: This is consistent with five other towns, e.g. Brookhaven, Hempstead, East Hampton, Southampton and Riverhead/Southold.

Mike Bruemmer stated: I think if you are talking 70 decibels after 11 o'clock on a Friday or Saturday, absolutely, and I am totally with you. We can turn down our music and have house music inside which I think is perfectly reasonable..., but during that permitted numbers of operation, I don't know what the number might be—I can also tell you that a band like the 70's, it is too loud and I personally go out there to try and shut them down. But, if you want the river to develop, to have a resort atmosphere, money and tax revenue for our schools, then you have to go for it, not take away our licenses. Another point, in business and industrial areas I think that it is unfair that that falls within the complaint area. Somebody in an A-Residential area has the right not to be bothered... But, a few residents that live within an industrial area are now trying to impose a residential area upon the business. I don't think that is fair.

Mayor Pontieri stated: That has always been part of the debate. There are people living on that industrial property' it just so happened to be included when somebody drew some lines and said this is industrial, and many of the homes have been there, when you look at the aerial map prior to 1953 which is prior to the zoning, those homes in many of those industrial areas were there prior to the zoning code being put in place. It is a debate you can have, but you can't discount the fact that people live in the home, you can't discount the fact that those properties have been there well before some of the marinas were there. You can't discount the fact that as a residential piece of property it is being affected by the use of an industrial piece.

Mike Bruemmer stated: You may well be correct in terms of usage; however, the vast majority moved in after. And if you look at their zoning and the uses of those houses it says very specifically, non-conforming/pre-existing use.

Mayor Pontieri stated: But still, the debate is about there are people there and we must deal with that factor.

Mike Bruemmer stated: If you are waking up a little old lady that is living in and paying taxes on an A-Residential property, you are absolutely right. You have no right to be bothering them. However, if you purposely bought the house next the railroad station and live next to it, it is what it is. The big thing is if you are going to use that 70 decibel level during business hours or permitted times, it is the end of live music outside on the river.

Mayor Pontieri stated: One of the issues that we are struggling with is that the bars and places in other towns are on Montauk Highway. They still enforce the 70.... On Montauk Highway there are very few complaints. One of the issues is last weekend the music was so loud it was heard in an A-Residential area on Jennings Avenue. Code was called and took care of it....

Trustee Crean stated: In the business/industrial standard in that section there, it says from 7 p.m. to 7 a.m. decibel reading is down to 55. So, at 8 o'clock on a Friday night they then would not be able to have a greater than 55 decibel?

Village Attorney Egan stated: If they get the commercial noise permit which allows them to have the day time 70, for the extended hours that standard goes down to 55.

Mike Bogack stated: I think this offers a plan that is enforceable, whether or not 70 is too much or too little. I said we needed to have an objective standard. There is always room for compromise. I am not seeking to put Mr. Bruemmer out of business, but the other side is I live in a home and can't live there because of excessive noise coming from his operation--- my house in vibrating... You now have a system of complaints, appeal process, fines and or imprisonment, so now you have some way of dealing with this problem that has gone on for more than a year... Maybe there will need to be an adjustment in the future, but let's have a level and see where we are. There are some blank spaces in that resolution which is the price of the commercial noise

permit. You have to buy meters, you have to train people and pay overtime. The fee should be substantial, not \$25, and correlate with the effects on the budget... That permit is a goldmine and those businesses should shoulder that burden. I want to live aside the West Bank and don't want them to go out of business, but I don't want to go out of business.

Laura Tyler, Smith St., Patchogue, stated: I spoke two weeks ago. I hope and pray that you pass the most stringent noise ordinance that you can because I have been listening to our neighbors speak about their problems on West Avenue and we are about to be besieged by Villa Lombardi. We hope that this will make it harder for them to blast us out of our bedrooms... Apparently, we don't live close enough to be notified when they do their proposal for building, but we sure live close enough to be affected. This is going on in existing bars and areas that are controversial whether they are residential or business. Where I live we are about 99% residential. About the rest of it is recreational and there are very small businesses that basically serve the community, e.g. a little stand, deli and hot dog place. We know there has always been a business there before, but never to the extent of what Lombardi's has shown to be in the short time to be there. Unlike weather permitting is for some of these guys, when they have a event planned it is whether it is raining or sunny, those cars are coming..... Only so many cars are going to fit at Mascot Dock and it is basically going to be first come, first serve. We have adapted over the years to know if there was an event in the summer, don't leave your house or you are not going to get back. For the bride who has planned her wedding event, she is not going to get down there either. I think a trolley would be nice.....

Mayor Pontieri stated: This is about the noise ordinance.

Richard Kemp, Jennings Avenue, stated: As far as these noise ordinance that you are proposing, I feel that the Village of Patchogue has been perpetuating the allowance of loud noise through the passing of cabaret licenses and there has been no comment made tonight regarding the cabaret licenses.

Village Attorney Egan stated: Yes, there was. What is going to happen is that cabaret licenses are going to be replaced by this commercial noise permit which more sharply defines than the cabaret licenses what the criteria is, what the benefits are, and what the penalties are in the terms of the Commercial Noise Permit, formerly known as the cabaret license. We are making changes to the cabaret license process. Cabaret licenses are going to be faded out. It is now going to be a commercial noise permit.

Richard Kemp asked: Will there be a distinction between indoor music and outdoor music.? That is where the large problem lies. From my house, approx. 1,000 feet of the Brick House Brewery, I hear amplified music and I can tell you that it is definitely coming from an establishment because during the pauses between songs, I hear speakers talking into a microphone like "is everybody ready." I hear no noise from the Theatre or West Lake Manor. I have no problems with those, but to the south of me, every weekend during the summer it is a madhouse. I can't even answer my telephone without people at the other end commenting, "what's that noise going on." My neighbor and I can sit in our backyards and listen to Alive After Five going on. If it continues to occur, I will call Code.

Cynthia Lindner, 25 Smith St., stated: Regarding the Music Festival, there should be some standard applied to that event as well. I live at least 200 feet from it last year and with everything closed up, I still heard the music. For that weekend, I am subjected to music whether I like it or not for three days. There should be some standard applied. When we are talking about decibel levels of sound, we are talking about auditory health as well. A recent piece of news was about the N.Y. subway system is detrimental to a human's health and hearing. It is aggravating and not helping my quality of life.

Mayor Pontieri stated: I saw that also and it said it was at 105 decibels and jackhammers were 95.

Frank Lindner, 25 Smith St., stated: When you mentioned events, right away you mentioned the Music Festival, and then I heard variances and exemptions. And then I think about the 4th of July. Our Village is getting to be a laugh that we have to have fireworks at the crack of dawn.

Mayor Pontieri stated: Fireworks at the crack of dawn will not happen this year.

Tom Keegan stated: We recently celebrated our 13th anniversary and recently gotten the first call ever received about the problem of noise and I am here to apologize. When it was brought to our attention, I complied. Tonight we are addressing a very important thing and, as all of you know, I represent Mr. Breummer and certainly advocate for the business communities to run a successful and yet considerate business on behalf of himself and the other people. We have a Village-wide problem and we don't want to take too broad a stroke based upon the isolated incidents we may have, my own not the least of which. We are trying to draw this line and, of course, there has to be some reasonable amount of enforcement discretion. But, it sounds to me that I don't know if someone could open up the front door of the many businesses in Patchogue, and say "That's it. That's the end of your operation and close up." I would just act that the collective wisdom of the Board bear that in mind as you proceed with your deliberations on the matter.

Robert Shoemaker, Off-Tiki, stated: I think this is great that this has actually come before them. The last was very vague. We have a state of the art decibel reading meter and every night I take three readings from various points around the property... I think the Village has all the foundation in place to become a great Village, but I think we have to figure out this a littler longer. Maybe consult the Freeport Police Dept. who has a very similar situation as to ours. I am a retired police officer and have enforced this ordinance in multiple towns although I don't think I was called to enforce it in Brookhaven. Most of those were obvious sources of noise....they weren't in the restaurant district.... As far as noise emanating from Main Street, chances are you are going to have far less complaints from a place on Main Street. We are very proactive. We are taking steps even as we speak. We are trying to suppress the sound as best as possible, but I think that 70 number is going to be a brutal one. Last year I shot for 72.... Last year we were visited on two occasions by Public Safety and immediately responded and turned the music down. I asked what I thought was a reasonable question, not knowing that the Village had a decibel level in place and what the Patchogue ordinance was. And I was told that if I asked that question again, I would get an FAT. I had the meter and if I was told it was 50, I would have gone to the band and told them to knock it down. But again, we are speaking at 70 or 80 decibels right now.... We would love to come up with a policy for motorcycles that we would all enforce because we are all on the same page with this, but we have to tread carefully with legalities of barring legally registered vehicles from our establishments. I am sure, Mr. Egan, there are lawsuits to that effect.... There are other ways to persuade them not to patronize our establishment... Most of the noise from my experience come from the bikers that are turned away. When they turn around and heading out, they are literally out of our control.

Trustee Krieger asked: You said you take readings at a regular basis. What readings were you getting?

Robert Schoemaker stated: We shoot for 72, but I have measured it at 80. I would say in the 80's. I tell my security people when I am not available and tell them where to stand and at what time to see what the ratings are.

Trustee Krieger asked: You feel that decibels in the 80's is reasonable? I know that Mike said if it is set at 70, it will close your business down. Is 80 a reasonable number that would keep your business going and the music going? I play music loud in my home and have no idea how many decibels it is.

Robert Schoemaker stated: I was using 72 because that was the number I had experience with and still feel that was pretty low because when you use the equipment it is kind of odd. You have to hold it out, it can't be in front of your body, and I looked at it a couple of times and I could not hear the music, but the meter was reading 90 something. So you do it a few times and change your position. We actually got a foam microphone cover which seemed to do better... I think 70 is too low. I would certainly want to jump up to at least 72. I just think there needs a little more explanation because there are municipalities that have very similar situations as to ours.

Mr. Bogack stated: It is not so much the level of the decibels. If I own the property one foot from the property that was cranking out 70, I might not be able to live with it. But if I were 100 or 1000 feet away, obviously it would be better. I think you need to take that into account in some way. If we don't have a bright line, what are we going to have a wiggle line?

Village Attorney Egan stated: One of the meters is being tested by the Village now and we should have the rest within the week. I think there were all excellent points made with regard to decibel units, but I think a line has to be drawn eventually. This is the exact same meter readings that are required by the Town of Southampton. They are higher actually than the Town of

Brookhaven which is 65 for industrial. The Village of West Hempstead, Town of Hempstead and East Hampton I think are all comparable in the decibel readings. It is not something that Patchogue is just making up, without having the benefit of some other municipal experiences.

Mayor Pontieri stated: When we pass legislation, one of the strengths that I think we have on this board is that all of these pieces of legislation is always a work in progress. One of the concerns seems is the question, is 70 the right number. One of the ways that we will find out is to pass the legislation, work it and use it. One of the things and the strength of the business community that we have is that when we speak to them and we asked—and I think last year 11 complaints were received, but no violations were given. Everybody complied. What I am going to recommend to this Board tonight is that we pass the legislation, and that we follow it through and see what happens. And we see as we discuss and go forward, whether it is a line in the sand or is it a line that we have to move. We can't do that unless we make legislation, pass it, work it, and then modify it if we must. Any other thoughts from the Board in terms of that?

Trustee Dean stated: I tend to agree with you, Mr. Mayor. Jack brought up exactly what was going through my mind. I have no concept what 70 decibels sounds like, but have frequented and enjoyed loud music establishments. But, I still don't know what that number sounds like—if it is reasonable or unreasonable. I don't know how it is going to play out with property lines in different areas. But, I do agree that we need a starting point. We need to establish something and start working it—listening to the complaints, registering the meter readings, see the numbers that we come up with and see how it works out. And if we have to compromise it to keep the businesses going and the residents happy then we will revisit it.

Deputy Mayor McGiff stated: After consulting with Attorney Egan, I think Mr. Bogack had pointed out there was no amount for the commercial noise permit fee. So perhaps we should set the fee at \$200 for the year. Those holding a cabaret license for 2009 will receive a \$25 credit towards the commercial noise permit license.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the Board approved the repeal of Chapter 281 of Village Code and enacted a new Chapter 281 regarding noise regulation.

Village Clerk Seal read: Notice is hereby given that a public hearing will be held on Monday, June 22, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, by the Board of Trustees of the Village of Patchogue to amend Section 7-1 (C) of Chapter 7 of the Village Code to authorize Public Safety officers to issue appearance tickets, 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: This is at the request of Attorney Egan and members of the building department. Because of the different classifications of our Code Enforcement and Public Safety officers, we added Public Safety officers so they are in compliance... It is for any Village Code violations.

Mr. Kemp, Jennings Avenue, asked: How will you issue a summons ticket to a motor vehicle that is registered to a Post Office box? This is an issue that I have raised about a vehicle on Jennings Avenue and the Deputy Mayor answered that the Village of Patchogue could not do anything until April 1st. April 1st came and went and the vehicle is still sitting there so I called the Village of Patchogue and they sent a Code Officer who said "Deputy Mayor McGiff was all wrong."

Deputy Mayor McGiff stated: I was wrong. The date was wrong.

Mr. Kemp stated: Then the minutes need to be corrected.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request to amend Section 7-1(C) Chapter 7 of Village Code to authorize Public Safety Officers to issue appearance tickets.

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 July 3, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, to consider a request for the removal of a No Parking sign on Bianca Road.

B.I.D. Report – Dennis Smith stated: I am going to present the 2008-2009 Annual Report. This past year and a good and successful one and we accomplished a lot. This assessment of \$168,500 is the same budget that we are going to use for the upcoming year. First, we have a new office here at Village Hall which makes it much easier to act with the Village government when we try and get things accomplished. Second, first good news that we had this year is about the NY Main Street Grant. We had applied for that last year and we fell two points short. After, with Marion Russo's due diligence, we re-applied in the same targeted area and were fortunate enough to have success this year. We were granted \$200,000 for façade improvements in the targeted area, South Ocean Avenue on the east side from Terry to Main Street and East Main Street down to Maple Avenue. So far, we have applications for a sign for the Patchogue-Medford Library and in addition to that we have an application from 11 Management Group which is the old Jay's Fabric Store and the two stores between Jay's and the Marshal Arts Studio. We are also expecting an application from the Budget Buy & Sell Building on the corner. Our intent is to screen these applications. They have good plans. Upon approval we will make a difference on South Ocean Avenue from basically the bagel store up to the Four Corners and wrap around another 80 to 90 feet and the Budget Buy and Sell on East Main Street. It is a heck of an impact and we are very excited about getting this done. Tomorrow night we have a meeting for the application approvals, the first half, and it is looking good. There are a few other applications for some rear entrances, the Theatre Plaza, the Public House 49. In addition to those few things that we are doing a lot of, we maintain what we have already done. The beautification budget is well over \$40,000 which includes hanging baskets, garden maintenance, plantings and fertilization and watering of the entire package for the entire summer. This year we reinforced the brackets on North Ocean Avenue so they can be better utilized for the hanging baskets as we had a little problem last year. The poles that we did not use we are planning to hang American flags on. This past week we ordered 50 additional flags so we can hang flags not only on Main Street, but North Ocean and South Ocean as well in time for July 4th. In addition to that we bought 14 brackets for Waverly Avenue that goes from West Ave. to Atlantic Ave. The hanging basket program is pretty much throughout the Village.... New trash receptacles were placed on South Ocean and North Ocean. Aside from the tangibles that are visible and easy to acknowledge, we still lend financial support to various Village entities for the continued success of the Village. Our biggest financial assistance went back to Patchogue Village since we had agreed to support the dredging of the Patchogue River which was a \$30,000 a year, five year entity. The past year being the first and we are very happy to be able to be a part of that. The B.I.D. is still offering financial support to the Chamber of Commerce, Recreation Department and the Theatre for the Performing Arts, as well as the newly formed Arts Council and the various things they have going in throughout the Village and in support of the Village. I would like to thank various Village entities, including the Department of Public Works and the Recreation Department. Every time we ask for something they are more than willing to help. I would like to thank Mayor Pontieri and this Board for their continued assistance and their cooperation in supporting endeavors that we engage in. I would also like to thank various other Village organizations, including the Chamber of Commerce and the Garden Club. In addition, I would like to compliment the officers and Board members of the B.I.D., a group of individuals who volunteer their time and their talent for the betterment of Patchogue Village. Patchogue Village is a great place to work and a great place to get things accomplished. We have done a lot this year and look forward to doing a lot next year. We look forward to another exciting year.

Mayor Pontieri stated: The cooperation that you have shown—we don't get anything done without all of us going in the same direction. Having your office in the building I think has been a tremendous asset to the Village and the B.I.D. I think it is a relationship that brought us closer. A lot of it goes back to you personally.

Trustee Hilton stated: I would also like to thank you from the Parks Department. Just from a phone call when we need No Parking signs during the parades, flags not only now but Memorial Day, plants and everything. We really do appreciate it.

Mayor Pontieri stated: People who come into the Village and see the plants and flags, I try to explain to them that those plants and flags aren't there without the B.I.D. If that \$168,000 was rolled back into our residential tax bill, we are looking at another \$1-\$1.50 on tax rate just to make that happen. It is the residents in the Village that gets the biggest advantage on what is done on a day to day basis as to what the B.I.D. does. The garbage cans which you see on Main Street were purchased by the B.I.D. and they purchased the planters. It is the little things that people think we do, but happens because of what the B.I.D. does. It's not just the office of

Village Hall, but it is all those other very quiet pieces that you guys go about doing. I can't imagine how much those planters cost a piece.

Dennis Smith stated: The planters on Main Street are about \$900 a piece delivered and installed. The others are around \$600 and the ones on South Ocean are less. The hanging baskets were about \$12,000, 250 pots, and we have to pay to water and maintain them as well as the other gardens. On behalf of the Board, I appreciate the kind words, but we all do things together for the common good of the Village.

Trustee Krieger stated: I would like to thank Dennis for all the support he gives the Patchogue Theatre and just as the Mayor said, "things don't get done on Main Street with them." I had the opportunity over the last couple of weeks to interview probably 30 to 40 people for a job for my company and I can't tell you how many of them after I said I was from Patchogue said "Oh Patchogue, things are looking great there." It is a testament to the job the B.I.D. does. We appreciate it and thank you very much and know we can count on your support for next year.

Once again, we had a dance recital at the Theatre and I can gauge if things are going good by if I get a phone call. The guys on Code Enforcement do a great job in things like keeping traffic moving and parking spaces available for the shoppers. The popular Blues Clues from the Nickelodeon Show is coming to the Village of Patchogue on August 6, 7 and 8. On August 9th at 4 o'clock the 2010 Miss Long Island Pageant will be held at the Theatre. This Wednesday the Theatre is hosting the South Ocean Avenue graduation ceremony. It has been held the last three years and is great for the parents and families because there is enough seating for everybody. Pat Cooper's 80th Birthday Celebration will be coming also. Leslie ____ and Ronnie Spectra are also coming up. Thanks to Kenney Meyer, the food distributor, Jay King's donated one of their 30 foot tractor-trailers that they do deliveries on to have a big Patchogue Theatre mural painted on the side. You will see that driving around the Island. Gateway is coming in and there are a lot of exciting things going on.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to allow live amplified music at no more than 70 decibels at Firemen's Park for an event on Saturday, August 1st from 2 to 9:30 p.m.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request by the residents of Price Street to hold their annual block party with live amplified music at no more than 70 decibels and to waive alcohol ordinance on Sunday, August 9th from 11 a.m. to 8 p.m. with a rain date requested for Sunday, August 16th.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request made by Paul Felice to have amplified music at no more than 70 decibels at a party in Firemen's park on Sunday, July 5th from 3 to 9 p.m.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for a block party to be held at Wiggins Avenue, south of Marvin, on Saturday, July 18th at 1 p.m., in accordance with the Village noise ordinance.

Trustee Crean stated: I want to extend my appreciation to Dennis Smith and the B.I.D. board. There are a lot of volunteers on that board the devote a lot of hours and sacrifice time from their families to promote the Village in a very positive way. I want to publicly commend Anne Marie Monte on that board who does a wonderful job. Everybody looks at her at one of these meetings as sort of a den mother. She really runs the purse strings pretty tightly there. Everybody comes up with some really great ideas, but before decision is made everybody turns to Anne Marie to see if it okay. She is a tremendous resource to that board.

The work on the Wedgewood Building has begun. The footings are being put into place to support the faced that is going to be reconstructed on the Wedgewood Building. It is going to take quite a few months to get this building reconstructed. It has a lot of issues with it, but by the end of this summer or possibly early part of this fall, we are going to see basically a brand new building. They are in the midst of marketing the property to their tenants. They have some very nice corporate tenants that they are looking at and retail tenants on the ground floor. It is nice to see Phase I finally getting started.

Mayor Pontieri stated: This past Friday, Vision Long Island who has a luncheon every year where they recognize developments and projects around Nassau and Suffolk County and Tri-tec

was honored and given an award based upon their design of the Four Corner project. It met all of those needs of smart growth needs that communities need to sustain themselves and to survive in the economy that they are in.

Trustee Hilton stated: The Bay Fireworks is requesting permission to have a fireworks display at the Great South Bay Music Festival at the Rider Avenue Park on Friday, July 10, from 9 to 10:30 p.m. I have great concern that these fireworks will place an additional burden on the south end at a time when we are having the Great South Bay Music Festival. This is an unknown and we are not sure how many people would come down to see the fireworks or coming down to the Music Festival. It can be witnessed from offsite; so there would be no revenue generated from people just seeing the fireworks and would just place a burden on our constables and our residents. After discussing with my fellow Trustees, they have agreed with my concerns and Trustee Devlin forwarded me an e-mail voicing her concern that the residue from the fireworks, particularly the bar chlorate, would be deposited in the ponds where we have abundant wildlife, including herons, swans, ducks, frogs and turtles. I have no idea how to confirm whether this would happen or not, but it just gives us another reason not to have it. So, I would like to deny Bay Fireworks Company to perform the display.

Upon a motion made by Trustee Hilton, seconded by Trustee Devlin, and unanimously carried, the Board denied request by Bay Fireworks to perform a fireworks display for the Great South Bay Music Festival in Rider Avenue Park on Friday, July 10th from 9 to 9:30 p.m.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for the Patchogue Fire Department Water Rescue Team to use the Village pool on Sunday, June 28, from 8 to 11:00 a.m. for a training exercise and to have a Village Lifeguard available during this period.

Trustee Hilton stated: We had to replace the grates at the pool as the Health Dept. came out with new grates, even though we built them last year they changed them over the winter which meant we had to completely drain the pool, relieve the groundwater under the pool so the pool wouldn't push up being it was empty which took a lot of work by the Parks and Highway Department. We had two 2" pumps pumping the groundwater from underneath the pool to relieve the hydraulics which we did. We replaced the grate and we slowly filled it through the hose and not the hydrant which went well. Today, Norberto who built the pool, started to shock it and adjust the chemistry to bring it where it will be on opening day. We will clean the bottom and it will look great.

Mayor Pontieri stated: You may notice that there was a wooden fence put up down there on the outside, almost like a barrier; this was done because kids were going down there with their bicycles, riding up onto the fence itself and beginning to bend the rails on the fence itself.

Upon a motion made by Deputy Mayor McGiff, seconded Trustee Dean, and unanimously carried, the Board set an Bed & Breakfast Application fee of \$500.00 with an Annual Renewal fee of \$250.00.

Deputy Mayor McGiff stated: Just in furtherance of our noise public hearing today and for the public's edification, we have a code officer who is going to be trained and with us on Friday and Saturday nights from 8 p.m. to midnight. We are going to have that public officer address that at all the hot spots.

Deputy Mayor McGiff stated: In Friday's Newsday Real Estate section there was a complimentary article mentioning Patchogue's vibrant downtown and waterfront, a diverse community.

Trustee Devlin stated: We had an excellent beach cleanup the other day. There are a lot of weeds pulled out and new flowers planted. We are looking forward to the opening day at the Beach Club this Friday at noon. On July 11th the Garden Club is having their Annual Garden Tour. Tickets can be gotten on the day of the event on the corner of Terry Street at 10 a.m. They should be touring 5-6 gardens in the area and I know it helps them raise funds for the Garden Club who really does so much for this Village. They are always there whenever I need any beautification, I can always find someone from the Garden Club to assist. On the same weekend on July 12th, same weekend as the Music Festival on July 11th, the Arts Council is having their second annual fundraiser, A Party for the Arts. It is taking place at the home of Carol Reid Butler's home in East Patchogue. It is a beautiful house built in the 1800's on South Country Road. If you are

interested in attending, you can go onto their website which is Patchogue Arts Council.org . We had a lot of fun last year and expect to have a great time this year.

Trustee Devlin stated: As far as the CDA report, we are meeting with Marion Russo tomorrow at the Roe Walkway, which goes from the parking lot on Terry Street up to Main Street, between Stanley's Furniture and the Library. This is a joint venture between the Chamber, the Library and the CDA and some of the building owners are involved as well. It is going to be a complete reconstruction, e.g. drainage, surface, lighting, security, new fencing, for that walkway...

Trustee Devlin stated: On Maiden Lane there is a little parcel of land that is owned by the CDA, just to the west of the Beach Club, which we are going to use for employee parking and we are going to do some beautification right along Main Street.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to hire the 2009 Summer Parks & Recreation Staff as per list presented.

Trustee Dean stated: I would like to request approval to notice a public hearing for the purpose of creating some timed parking spaces on the east and west side of South Ocean Avenue, south of Smith Street on the east side and south of Maiden Lane on the west side. In addition, I would like to create one handicapped parking space on the west side, south of Maiden Lane. When we have the public hearing we will have the measurements and specifics on that. We are looking to create some timed spaces down there for the Italian ice place, on the corner of Smith and South Ocean. And additionally, to create some timed spaces for the patrons of Nancy's Crab Shack as well as a handicapped accessible spot for patrons of both of those...

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the Board set a public hearing to be held on July 13, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York to consider setting timed and handicapped parking spaces on east and west side of South Ocean Avenue, south of Smith Street on the east side and south of Maiden Lane on the west side.

Trustee Dean stated: In about two to four weeks there will be some paving projects gong on. The two on the top of the list will be South Prospect Avenue as well as Hulse Court.

Mayor Pontieri stated: One of the things we need to do is work budget with the Deputy Treasurer in terms of Federal and State money coming in....

Public to be Heard:

Adele Worthington, 42 West 2nd Street: First of all, I would like thank you for handling that problem with the problem with the hysterical woman and her children who were thrown out into the middle of the street. We had to get help for her and we haven't heard the outcome from the Village what they are going to do...

Mr. Krieger, I would like to thank you for the white lines you put down by West 2nd, but no one comes down to check, and they park illegally. I would like to talk about the houses at 23, 37, 39 and 53 on 2nd Street. 23 which was fixed beautiful. The gentleman who bought it put it in his girlfriend's name and it has now become a house with lots of people. All the cars that have Virginia or Pennsylvania plates, towels hanging oOut the windows, and kids coming and going. 37 is a 2-family house which was bought owner-occupied. I know that because I know the attorney that sold the house for him and it was owner-occupied... Upstairs in that house we have at least five young pregnant girls coming and going, we have a summer kitchen in the back.... where a gentleman lives there sometimes. I have called Bldg. & Housing. 39, next door, is where we had the incident with the young woman. She paid \$500 a month rent for a little room with two small children. She no longer lives there. I got help from the School District psychologist who has her set up and I think she is being taken care of. I think Victor Cruz helped her and took her to family or district court to try and get her money back. 53 is also the end house. It is a one family with an illegal apartment. It might be up for sale. A few week's ago they had a party until 4 o'clock in the morning—we called and no one came down and did anything there. I know for a fact, when I owned a two family house on that street I had to pay for two garbages. I had to pay the Village for permits to come in and inspect the house and to make sure I had both electric and ... smoke detectors. I know these people are not doing any of this. The fire trucks and ambulance cannot come down. 39 has a pit bull which he lets run loose and

let's go to the bathroom in all of our yards... It is people who have come here, has the money, and takes in their own people as borders and is mistreating them terribly. She has a pit bull... Victor and the SCPD were in that house, but we have no idea what is going on. The boarders are there, they still live downstairs, they still park illegal. Our whole street is falling apart with these four houses.

Deputy Mayor McGiff stated: I will have Victor from the Building Department check into it tomorrow.

Mary Serrano, West 2nd Street, stated: We have been Village residents for 22 years and I love my home, but we can't live like this anymore. Four or five cars are parking in two spots. They are parking opposite, not going with the flow of traffic. It is very disheartening, we work very hard, both my husband and I work putting my daughter through school. They get home about 6 or 7 p.m. Perhaps we should have parking rules that there is no parking on the street at night until 7 a.m. or for the multi resident homes or two family homes they would have to have driveway facilities for their tenants—not in the streets.

Mayor Pontieri stated: One thing we need to do is check what is legal and not legal. We will check the assessment cards as to how much modification has been done inside the house, etc. Around 6 or 7 o'clock we need to send code and start writing tickets.

Deputy Mayor McGiff stated: We will start to act within 24 hours.

Donald Wachsmith, Carman St., stated: I would like to publicly thank everybody that got involved in the situation that I had in the vacant house next to me two weeks ago. It was a very rapid and effective resolution. On the other hand, there is a rental house down the street #16. On Friday a dilapidated couch was set out on the street and sat there all Father's Day weekend. It looked like a slum. The house itself looked like a slim, e.g. the blinds are busted and hanging, there is paper on the windows. It is not crowded with people, but it is a disgrace. I know there is Village code that says don't put bulk items out until Wednesday, but it was out there all weekend. I thought to call code enforcement and thought they would have done something. I went and knocked on the door and there was no answer. They did pick up the couch this morning.

Deputy Mayor McGiff: I don't know if a ticket was issued or not. Code has been a lot more aggressive in giving tickets. Maybe that was why it was picked up on Monday.

Donald Wachsmith asked: Could the landlord be responsible for the window treatments? It looks like it has been vacant for years, but people live there. Again, thanks for taking care of next door to me. That was a fantastic response. I can't imagine getting a response like that anywhere else.

Pat Welsh, 11 North Ocean Avenue, asked: What is happening at the end of Waverly Avenue and Main Street?

Mayor Pontieri stated: They are having a construction meeting tomorrow morning and we will know more about it then. As I understand, the County has held it up on access and egress—getting in and out of the property by that traffic light. We had given all the approvals early on.

Pat Welsh stated: When is the expected occupancy of the new Village Recreation building on Bay Avenue?

Trustee Dean stated: We are going to be have a construction meeting with McClave Engineering. We had given them the plans to finalize. We have been working with LIPA and National Grid on some efficiency issues. We have gotten information back on how we could increase the green rating of the building and move towards a green standard which helps us recapture energy costs. We pay for a lower energy rates and we get rebates on some of the elements that we incorporate in regards to heating and air conditioning, lighting, etc. We are just getting those recommendations from LIPA; they haven't been too quick on that.

Mayor Pontieri stated: The other green standard we are dealing with is the amount of dollars. Like everything else, we look at it in terms of priority right now. That is why we did the outside first and gutted the inside. It is just a matter now of putting together the additional funds that we need to finish.

Mike Ayali, S. Summit Avenue, stated: Next door to me is a two family house and they have 9 to 10 cars parked in the street and we have an awful time during winter for the snow plows. They wouldn't move the cars until the street was cleaned after the plows came down. And then they would move the cars to where it was cleaned and left a mess in the street. An SUV van which has a Village permit was parked there for three weeks without being moved. Now we have problems with National Shingle. Their employees are parking all their cars on the street. They start 6:30 and are there until 5-7 o'clock. The sweeper can't sweep the road. When they leave the bartenders come in for 5-6 hours and they don't move. I wanted to ask about the Business Improvement District. I understand there are two pieces of property south of me that don't have to pay any Business Improvement Tax and I do. They get all the facilities and now they tell me because they are houses they don't get taxed. The problem is the absentee landlord rents out a number of rooms—that's a business. And the house south of it #7, they have people renting out rooms and they have a day school there—that's a business. I don't know why they don't help the funding—why should a few people be stuck with it. We are going to have a problem with the cars—it is all messed up, the truck are there and you can't see, the telephone poles and cars are parked out there and you can't see the road—you have to come out in the blind. From the north side of the street it is all right coming out, but the south side is trouble—you are right on a bend on South Summit Ave. and you can't see and there have been a lot of close calls. On West Main Street by West Lake, west of the dam, the lights on the telephone pole have been out for 6 months. It is a street light and a globe... As a suggestion, taking from Prospect down to Waverly, there could be a bad accident there when they drop the boat off. .. When I was Fire Inspector I got the Water Company to donate a piece of property along the railroad tracks—cross Hill St. right out to River Ave. Mayor Waldbauer turned it down. It would be another way of getting people into the Village and getting rid up the tie up of traffic. When I put my addition on they wanted me to put in 36 parking stalls for one little business, for customers that comes in for 15-30 minutes. I couldn't see doing it and came before the Village Board to complain. I got it down to 3 stalls. What I think is it is a little bit out of range, only I could park my car on the street, my customers and workers would have to come onto my property. Now I have every Tom, Dick and Harry parks on the street there—coming from Mass. and who know where else. I put up with it for a long time...

Cheryl Forgione, 18 Smith Street, stated: I was here a couple of weeks ago and would like an update on Lombardi's regarding the permits, building and what's going on.

Mayor Pontieri stated: They have Planning and Zoning Board meetings coming up to review those things. As you have seen they haven't been using the deck.

Cheryl Forgione stated: Suffolk County Health Department visited and were there any violations?

Mayor Pontieri stated: That's between them and Suffolk County.

Village Attorney Egan stated: That is beyond our jurisdiction. For any Health Department permit they go to them directly. If it were occupancy we would have something to do with it because that is set by the Planning Board.

Jeff Moore, 4 Hulse Court, stated: Personally, I want to thank you for the street going to get done. A few weeks ago, I asked about the lights by the school.

Mayor Pontieri stated: We have to rewire all the way in and are waiting to do it during the summer when school is out. It has to be retrenched. One of the things we have is hat is called Shared Services with the school district. We work with them on the electrical, they do our plumbing, we put down the salt when it snows and we plow the front of the school. We don't hire plumbers or electricians any more and they don't buy salt. That job will be done during the summer months...

Jeff Moore stated: I have a neighbor next to me.... (unintelligible)

Richard Kemp, Jennings Avenue, stated: What is the status of the 380 Bay Avenue project?

Mayor Pontieri stated: We just spoke about that. We have a meeting with McClave Engineering.

Richard Kemp asked: I would like to ask a question through the Chair to Trustee Devlin. Since I know of her concerns is trees and a major problem I am noticing that ants are viciously attacking

trees. There is a large oak tree that came down on Roe Blvd. and there were on Jayne Avenue two oak trees that were cut down and about 4 feet were left above ground. It appears to me that there is a problem with ants.

Trustee Dean stated: Boric acid will work and is essentially nonvolatile to humans.

Trustee Devlin stated: I will ask the Village arborist who lives on Jennings Avenue. A lot of the maples have a disease.

Richard Kemp stated: Several months ago I raised the issue of two family houses and their actual use. Mr. LaValle who is present this evening was also in the audience and you said you would address the matter. It was that I expressed that I felt I was being overtaxed for 18 years as a two family house when it was only being used as a one family house. Every time when I speak to anybody or come to Village Hall, they smile and say "if you want to revert to a one family." But, that would mean that I would have to destroy one floor.

Mayor Pontieri stated: The use of the property changes from two family status to one family status. Once it goes back to a one family status, it stays there unless you go to the Zoning Board of Appeals to ask for it to be reverted back to a two family which they probably would do. You have to make the determination whether there is a value keeping it as a two family status or would you rather save the money on your refuse taxes. If you have two kitchens in the house, you have to remove one of the kitchens to qualify as a one family house. You make the determination. We don't know if you have one or two families in there. You can tell me you don't, but you may have another family living there. If you want to lessen your taxes on refuse as per assessed value on the house, you can revert it back to a single family residence by removing one of the two kitchens.

Richard Kemp stated: Neighbors and people around the Village of Patchogue have expressed to me that even though they have a legal two family status that they have the feeling that if it reverts to a one family house that they never will get the two family status back.

Mayor Pontieri stated: Most of the two family houses in the Village of Patchogue are non-conforming use in A-residential. They are probably more right than wrong that they probably not get it back. You have to make a determination as do they. If you have two electrical boxes, you would have to get rid of one—all of that stuff. If you want the status and benefits of a single family home both on tax and refuse, you have to change the designation of the home from a two family to a one family and there are certain things you have to do, e.g. meters, kitchens. Your house was probably a two family home prior to 1953 and thereby a non-conforming use. That's the law. It is not one that we make up. The tax law is very clear on that and so is the code when it comes to non-conforming uses. You can read it very clearly in the new code book on line.

Richard Kemp stated: I would like to express an opinion about the Village Attorney.

Mayor Pontieri stated: I will tell you right now that if what you are going to do is verbally attack in any way, shape or form Mr. Egan, I will cut you off immediately. Send us a letter and I will make sure it is put in the minutes, but you are not going to stand here and verbally attack anybody on this Board.

Richard Kemp stated: I feel this Board and yourself should consider amending the present law of 100 sq. ft. for sheds, gazebos and pergolas. I have three reasons. One, New York State Building Code Law permits 144 sq. ft. Second, The Town of Brookhaven amended their laws to 144 sq. ft. in the last two months. Third, many of the prefabricated items, sheds, are either usually much smaller than 100 sq. ft. or slightly less than 144. So, we are caught in the middle by this law. So, I ask you to amend the law.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 10:10 p.m.