

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on August 24, 2009.

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

The flag salute made.

Mayor Pontieri read the safety message.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved the minutes of July 27, 2009 with correction.

Village Treasurer Krawczyk stated: The bills for the period ending August 24, 2009 totaled \$699,634.93, with the five largest bills being: Town of Brookhaven \$94,599.95 two months landfill fees, NYS Employee Health \$83,705.19 monthly premium, Coughlin Foundotos \$20,000.00 audit services, Ed Cork & Sons \$12,275.00 storm water drains, Egan & Golden \$9,939.66 legal services.

General Fund	\$603,731.23
Trust & Agency Fund	7,251.91
Capital Projects	17,811.34
Sewer Fund	41,673.87
BID Fund	11,372.15
Housing/Code Fund	2,989.15
Community Development Fund	12,244.28
General Bills	2,561.00
Total	\$699,634.93

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

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for gen4ral fund to loan Capital Project Fund \$50,839.45, Housing Code Fund \$4,387.56, and Housing Code Fund \$17,230.77.

Village Treasurer Krawczyk stated the cash balances for June 30th and July 31st, 2009, are presented for your review.

Village Clerk Detmer stated: Notice is hereby given that a Public Hearing will be held on Monday, August 24, 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 281-9 regarding definitions and applicable hours of Commercial 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.

Mayor Pontieri stated: As many of you may remember, we approved some changes towards our noise ordinance. There are a couple of things that need to be redefined.

Village Attorney Egan stated: This was two issues brought up by the Director of Public Safety and Chief Building Inspector, to clarify this legislation as comprehensive as it can be--to add a definition of outdoor space and a definition of indoor space. You would think it would be self evident. However just to make it completely clear, we have two definitions. And also, the practice of the Village has been to allow the extended commercial noise until 11 o'clock on Fridays and Saturdays. This addition clarifies the commercial noise permit will allow the extended hours to go from 7 to 11 o'clock Friday and Saturday and from 7 to 9 p.m. Sunday through Thursday.

Public to be heard:

John Bogack stated: Since the last meeting, I have had occasion to call Code Enforcement twice. (tape unclear). What's the earliest under the new licensing?

Village Attorney Egan stated: Under the commercial noise area in the business or industrial area you have from 7 a.m. to 9 p.m. if you have a commercial noise permit.

Mr. Bogack stated: Not today, but I would like for you to consider this for the protection of the homeowners. Whether or not if it be the Tiki Bar, Dublin Deck or the Oar House do they actually needs that kind of leverage. I think you should have more restrictions (tape unclear). You wouldn't want any bar operating at 7 a.m... What's the business justification for that? And if there was one, it should be by special permit. That is something you should consider. Otherwise, I am in favor of closing the loophole.

Josephine Miller, 276 West Avenue, Patchogue, stated: With reference to the definition of outdoor space, I think you should include any and all docks, piers and watercraft under the jurisdiction of the business in operation. What happens is the music in the bar/nightclub stops, but the people on the boats continue to play loud music. Somebody should be responsible and I would think it would be the restaurant or bar owner who should receive a violation for that. And they have a latitude until 7 a.m.—if you rent a slip from the Tiki Bar or anyplace, you could just go on your boat until 7 a.m. What's to stop you from blasting loud music if you have that latitude? I think outdoor space should include boats, docks, and piers or whatever.

Village Attorney Egan stated: That is an excellent point. If the Board would consider adding at the end of the outdoor definition of 281-9 (B) and add this amendment, "and watercraft located on their properties or tied to their docks." The violation would go to the property owner under this.

Mayor Pontieri stated: The problem is when they close down their restaurant at twelve o'clock and leave their property, and a boater comes back from Davis Park, ties up his boat and cranks up his music at one o'clock in the morning, who should the ticket go to then—the property owner who is not there or the guy on the boat when the code officer goes down their and tells him to turn down his music and he does not, who should he give the violation to? My point is you want to give a violation to the person that is creating the problem. That is the person on that boat which is his property.

Trustee Devlin asked: Would it be possible for a restaurateur to post signs indicating that there is a Village noise ordinance after a certain time and it is the boat owner's responsibility?

Village Attorney Egan stated: It is up to the Board, but I think that this change, and waterfront located on their property or tied to their dock, probably will catch 90% of the problem, being that the property owner would police their marina tenants.

Trustee Hilton stated: At the very least, it would be something written that they could base a ticket on.

Village Attorney Egan stated: I would recommend that you make this change to get the marina owners at least while they are still there and I could look at the individual liabilities of the watercrafts for afterhours. Certainly, it is open and shut on marinas with commercial noise permits or whoever has a restaurant attached to it. Let me look at individual liability for the watercraft owners for afterhours.

Mayor Pontieri asked: What about the boat owner who pulls into Volkman's or Weeks marina who does not have a restaurant attached to it and does not turn his radio down? They close at six o'clock, but the boaters go in and out all night. My sense of it is to make the person responsible that is creating the problem. If it is 11 o'clock at night and the restaurant is open, then it is their responsible as to what happens. We have to make it when the code installment goes up, asks for it to be turned down, and they does not abide; then the code enforcement has a way to write a summons.

Village Attorney Egan stated: I can make that change on the resolution and I will add it to existing Section 281. It will now say that outdoor definition is in an area not enclosed by permanent walls, ceilings, roofs, floors or windows. And an area with fabric or membrane walls

on one more edge of ceiling roof soffit and watercraft located on their properties or tied to their docks. And, under the commercial or business section also write any noise violation emanating from watercrafts will result in liability of the individual owner at any time.

Josephine Miller stated: Any ordinance is only as good as the enforcement. Late at night the decibel level really impacts on quality of life. This whole Board is invited to my house on a Saturday night; we have to get in the house and we have to seal the windows. We can't enjoy our deck. If I wanted to sell my house, I would have a hard time. When it comes to enforcement, the question really is the Board going to honor its responsibility to the residents on the River.

Mayor Pontieri stated: That is part of what we are working on this summer. We never really have had a noise ordinance that was enforceable. We really have tried to craft one now that has some teeth and we will have the ability to enforce both on a decibel level and what we talked about, music that is being played afterhours. That is why we are trying to get this information on the record. Newsday a few weeks back had an article about Long Beach—all communities are wrestling with this right now. What can we do and what will withstand the course of law—how do you make it so that it becomes enforceable.

Deputy Mayor McGiff stated: We have a certified decibel meter and three of four have been trained in its use.

Josephine Miller stated: Out in Southampton the first offense is \$5,000. The first offense here is \$1,000. For a restaurant or bar that is pulling in a lot of money that is just part of the cost of doing business.

Village Attorney Egan stated: The other piece that is in there—it is not just fine related—if it is a commercial business, they lose their commercial noise permit which then restricts their noise to 7 p.m.; so they cannot have any outdoor music after that for the rest of the summer and they cannot apply until after a certain time period. They can't get their commercial noise permit yanked on a Friday and reapply the following week. There is a major incentive for them to keep the evening hours of music available.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board amended Section 281-9 of Village Code regarding definitions and applicable hours of commercial noise regulation as presented with changes.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board set a public hearing to be held on Monday, September 14, 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 consider a request for an out of district sewer connection for the property located at 131 Cedar Avenue owned by Jeff Drapal.

Village Attorney Egan stated: FEMA's changes to the Flood Plan and the flood prone areas required us to change certain elements of our code. We had done this about ten year's ago; the code needed to be updated. It has now been approved by DEC council and we need now to set a public hearing for that.

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 Monday, September 14, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, New York, by the Village Board of the Incorporated Village of Patchogue to amend several sections of Chapter 10 related to floor damage prevention.

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 Monday, September 14, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, New York, by the Village Board of the Incorporated Village of Patchogue to pass a resolution authorizing the Mayor to execute an agreement with the County of Suffolk and Artspace Lofts, L.P. for the development of workforce housing known as Artspace Patchogue Lofts.

Upon a motion made by Trustee Hilton, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to remove \$18.77 from the 2009-2010 tax roll for Account #2427.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to waive the sign permit fee in the amount of \$125.00 for an application by Emanuel Lutheran Church.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request to authorize Pinewood Terrace LLC to pay the remaining balance of their sewer fees in five equal installments beginning immediately using correct calculations.

B.I.D Report – Dennis Smith stated: The B.I.D. is in the process of winding down a very successful season, the expanded basket-hanging program, landscaping maintenance, watering, American Flag program, and all the other summer activities that we have come involved with have played out very well and will take us until the end of October. (tape unclear) On the NY Main Street Grant, work on the old Jay's Store on South Ocean Avenue is already underway and the two smaller stores adjacent to that property. We are expecting in the very near future the application from the Budget Buy & Sell. Gallo Tropical Restaurant has also expressed an interest. Remember Yesteryear's has also expressed an interest in perhaps doing something with the front of their building. Karl Ehmer's is out of the targeted area so there is nothing with this money at this point and time that I can do for him. But, I expressed to him that when we get to the end of the program and have some monies left, we could consider it since he is adjacent to what we are doing anyway. If I find something else in the interim, I will present it to him. Sixteen of the newly painted benches have been put back on the street and are holding up a little better. We still need to go back on a sporadic basis. We had six benches that needed the art panels on the back replaced. We got some old photos from Village Historian Hans Henke and are going to have panels imposed on the back of these benches. We will put scenes from the olden days of Patchogue and try and correspond them to today's location. There is going to be a theme on the benches, "Village of Patchogue... Rich history... Bright Future." These new panels are going to be a lot more durable than mosaics. The panel is supposedly pretty durable and can withstand the impact of a skateboard—so I am told. It is going to be a collage of different scenes of old, historical Patchogue which are going to be superimposed on the back of the bench and will be placed in specific areas that are relevant to the back of the bench.

Chamber Report – None

Trustee Krieger stated: The Theatre is still in their summer hiatus and has a lot of great things coming up in 2010 On February 23rd the entire Ario Guthrie family will be there. In May, the amazing Kreskas, will be there and he also appears at Carnegie Hall. After last year's show he called us because he thought it was a great place to play. And we get that comment from a lot from people who do play there—the acoustics, the sound system, the audience alone, drive people to come back. Judy Collins is coming in November—Leslie Gore, Ronnie Spectra and all sort of fun things. And the holiday season is coming up soon. Again, thanks to the volunteers and the L. I. Advance who put in a great article about the Theatre.

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 Monday, September 14, 2009, at 7:30 p.m. in the Municipal Building, 14 Baker Street, New York, by the Village Board of the Incorporated Village of Patchogue to consider a request by the residents of Bianca Road to reinstate the no parking restriction on the east and west sides of their street.

Mayor Pontieri stated: Tonight we set up a public hearing because we cannot change it without a public hearing. There is nothing we can do without first having a public hearing on September 14th and will place it first to be heard.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved request for the St. Joseph's College Alumni Association to hold their annual walk/run on Sunday, April 25, 2010.

Trustee Krieger stated: I would like to thank Attorney Egan for all the assistance you gave the residents of Central Ave. I have gotten a lot of comments from people who have noticed there has been a reduction in traffic due to the fact the apartment complex cannot now exit onto Central Avenue.

Mr. Keegan stated: The Liberata Italian Festival would be in honor of the Italian culture we have in Patchogue. If the Village allows us to do this, we would be happy to work out the logistics. It

would be similar to Alive After Five. It would be Columbus Day Weekend. The plan would be to close the streets the same as we do for Alive After Five from the Court House to Maple Ave., from Oak Street down to Terry St. The restaurants would have outside dining allowed at that time. The Village could give us some guides as to whether they want to have alcohol served or not—we could have table service if just so inclined and I think that it would be something that would have a good adjunct to it. When you set tables outside, it makes it easier to get the vendors not filled in, so then it gives that feeling of fullness to the Festival. Without that there would be a lot of gaps. If we had table service from the restaurants, the retail stores set up to do outside sales the way we do sidewalk sales day. We are looking to have some music—we already put it out on Craig's list and have an Italian opera singer wanting to come down gratis. We are working putting together an Italian musician type of thing. Kids from Family Melody—maybe two bands—maybe a trumpet player, a mandolin or accordion, and a drummer in each one—kind of going around and serenading the businesses and various restaurants and places that are participating. We are expecting to do a sort of kid-friendly thing at the Library—face painting, games, something like that. Jim Romeo will be sponsoring a Bocce tournament. If the Village says okay, I am going to approach the Sixth District Court to have the finals there—or any place there is grass or sand. We will have two teams at one place and two teams at another place and have them meet in the afternoon for the celebration of the Best Bocce Player in town. We do expect to coordinate a program with the restaurants down the river and have a shuttle service that was put in place before. Probably a coordinated advertising program, either on radio, local papers or both, depending on the participation we get. I am going to turn to the B.I.D. to help get the ball rolling and more restaurants jump on board via the advertising program. It is a work in progress. We do have the St. Liberata statue which I believe is the property of St. Carmel Church and the proceeds will go there for renovation of the church. The tradition from year's back was there were ribbons on the statue that people would pin money to—like a collection. We already have gotten approval from Capital Bank to have the statue at that location—there being some need of moving the statue with a flat bed truck. We talked to some people about that. We are not actually going to carry the statue, but give the essence of it being carried. We are working on recognizing the best teacher in Patchogue and we are conscripting Sue Burg to running a Karaoke program on the four corners. The Cultural Heritage Committee and the B.I.D. will be looked to for sponsorship. It is really going to be run by those participating in the advertising program—they are going to have to pay to play.

Trustee Krieger stated: I would like to comment about the no alcohol—I think it is a great idea. Table service is okay—if somebody wants to sit down and have a meal and a glass of wine, that's okay. What about if Blue Point Brewery wants to sell beer?

Mr. Keegan stated: Every day is not your day, man. We are trying to encourage some of the businesses north of Oak Street—but, it is a little bit hard, there are health department issues—some bistro sitting. If they want to participate we would welcome them.

Mayor Pontieri stated: What is costs the Village for public safety and security needs to be addressed. There used to be a contribution by the B.I.D. at one time. When you look at the costs—it costs us for a six hour shift, which is basically \$150 a man—after 6 p.m. it costs \$156. Our Highway on Saturday mornings our Supervisor costs \$260, Sweeper operator for 4 hours costs \$227. If we do this on a Saturday and cleanup is on a Sunday, that Sweeper operator goes up to \$285. On Sunday mornings we would need that Sweeper operator plus three laborers—you realize that it is all overtime. On a Saturday it costs \$185 per man for 4 hours and \$231 on a Sunday morning. The B.I.D. guy for 4 hours on a Saturday is \$127 and on a Sunday is \$159. It costs a fortune. This event and the events going into next year, we will be saying these are our costs that need to be considered. If we have to put this manpower out for cleanup, it should not be the resident taxpayer who picks up the cost of what happens on Main Street. Be prepared for a dollar balance.

Mr. Keegan stated: When the first few Alive After Fives were done, we thought the Village was going to clean up afterwards—and even though there wasn't thousands of people, it was a mess. Ronnie came down and got Valentine and a few of his buddies to clean up. Up until this year, Bob and I paid for that. Are the numbers that you gave us, is that monies that was spent after Alive After Five?

Mayor Pontieri stated: Every Saturday morning we bring in four people at 5:30 a.m. That sweeper hits that street and every garbage can is emptied. After the Boat races and Music Festival, we had workers at 5:30 a.m. cleaning up. The worst thing you could do to a neighborhood is to have beer bottles or cans on peoples' yards when they wake up in the

morning. After those events the streets are swept; and we even go up to Bay Ave. and Grove Ave., outside of the Village, just because it is my sense that this is what we have to give back. But, the costs of these things are now becoming very exorbitant.

Mr. Keegan stated: I will accept 100% responsibility that the organization that puts it together, whether it be the Chamber, Foundation or whatever else, and the Chamber participants, that it has to be out there cleaning up afterwards.

Mayor Pontieri stated: At about 6:30 a.m. the sweeper comes down the road on a Saturday--it gets everything swept up. It is what we do because it is about quality of life.

Mr. Keegan stated: I would like to visit on what the committee is doing that night. But, maybe it is a little difficult to do the right job because you want to get the roads opened.

Mayor Pontieri stated: You can't do the right job. If you look at the amount/bags of garbage that they end up with in the morning, it is tremendous. If you want we will sit with Louie Garafola and Anne Marie Monte and break out the costs for you. Over the next couple of weeks we will be putting a resolution that talks about these fees because, like I said, it is not fair to the resident taxpayer to bear the costs.

Mr. Keegan stated: You have no complaints from me and I think going forward next year there should be a simple way of calculating the proper proportionate contribution by the various businesses participating, whether it be a per seat charge, or per square foot charge, or whatever it is. I know the Brick House is a big participant and will be hit harder than anyone else, but fair is fair; I am willing to live with that.

Mayor Pontieri stated: Come noon time on Sunday, the place is not going to be a mess. See if this doesn't fit into your numbers and doesn't calculate into what you want to do. But, the condition of the Village is important as the event that you give because you can have the greatest event, but after all is said and done people don't feel good about it because the place is a mess when it is done—I don't care how much you pick up at night; you can't imagine what we pick up in the morning. We sweep the parking lots, you don't, the sidewalks and the streets and everything that is around there. It is not an easy job and it is an expensive one. It is what we do well.

Tom Keegan stated: Frankly, I was not aware that the crew going down in the morning as an adjunct to this thing, but I will accept that.

Mayor Pontieri stated: It is what we have done over the years. For your event to be successful, the community has to feel good about itself. You need to make sure that the residents of this Village are happy with what you brought in—it really is a partnership that we cherish and that this Board will make sure moves forward.

Mr. Keegan stated: I would like to share this information with the Foundation and the Chamber Board.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to hold the St. Liberata Italian Festival on Main Street on Saturday, October 10th from noon until 6 p.m., with a rain date request for Sunday, October 11th, with the provision that alcohol be served at tables only.

Trustee Hilton stated: The Great South Bay Racing Association Battle on the Bay took place this past weekend and it went very well. There is going to be some discussion on how we can improve it. I think the Highway Department, the Parks Department, the Mayor, Maria Hendrickson, the Fire Department and Ambulance Company should all be complimented on how they worked together--successfully and without serious problems.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the Board reserved decision on a request by The Rock Church located at 180 West Main Street to have the ZBA waive the \$450.00 filing fee, claiming not-for-profit status. Board awaiting information about their qualifications and their submitting proof of not-for-profit status.

Board Meeting

August 24, 2009

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board accepted with regrets the resignation of Richard DeBetta from the Public Safety Department.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request to hire William Schecher as a Public Safety Officer at \$15.50 per hour.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Dean, and unanimously carried, the Board approved request by the Brookhaven Youth Court to use the court room on various dates during the 2009-010 school year on dates presented on list.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the Board approved request for Senior Building Inspector Peter Sarich to attend Electrical Standards Training in New Hampshire on October 12-15 at a cost not to exceed \$2,000.

Trustee Devlin stated: The Village Pool will be open until Sept. 6th.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request to hire Phil DeGaetano as dock security effective August 13, 2009.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to adjust the rate of pay for Brian Eason to \$15.00 per hour for the period of July 14th to August 6, 2009.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request to hire Allan Hendrickson as dock security effective August 17, 2009.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to pay all dock staff \$10.00 per hour for August 22nd and 23rd during the Battle on the Bay event.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for St. Joseph's College to use the Rider Avenue tennis courts.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request for Patchogue Arts Council to hang two banners on Main Street in September to promote the 1st Annual Patchogue Arts Biennial which will be taking place October 3-24 at Briarcliffe College.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to increase salary of Nick Kreamer and Brian Eason (seasonal park laborers) to \$15.00 per hour for Saturday & Sunday, August 22nd and 23rd.

Trustee Dean stated: The Boat Race was well attended and all seemed to have a terrific time. I would like to take this opportunity to commend Trustee Hilton and Parks Superintendent Maria Hendrickson for the work that they did which sometimes goes largely overlooked because it is expected of them. They are both to be congratulated and commended as it was a job well done and wouldn't have happened without them.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to go out to bid for the design and installation of a new fire and burglar alarm systems for Village Hall.

Upon a motion made by Trustee Dean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to promote Larry Williams to Assistant Labor Supervisor with no change in salary.

Public to be Heard:

Louie G. stated: The Boat Race was a great event and I want to say thank you for everything and would like to present this Sportsmanship Award to the Village Trustee Hilton. I would also like to thank the committee.

John Bogack stated: Last week when you had the first meeting of the Zoning Board about Westbank which is really good news because it was 13 months since the last public hearing was held (tape unclear). I would like to make a request for the speed bumps on Noxon Street to be permanent. They have been pretty effective, but there are still some people who seem to take pleasure in speeding (tape unclear). I think speed limit signs should be posted. The other issue I want to talk about is the capacity issue. I am totally confused now as to what the capacity is. He had a temporary certificate of occupancy from the Bldg. Dept. and I looked at it and saw 116 people. At the testimony at the Zoning Board hearing, the architect indicated the capacity of the Tiki Bar was 198 people. I believe that is a vast underestimate of what is in that bar, but let's go with 198. 116 to 198 does not match. What is the enforcement mechanism?

Mayor Pontieri stated: Capacity is one of the biggest issues of what we have to deal with. The issue is how do we count them going in and out, unless you go in and seal the place and bring everybody out one at a time. A lot of what the occupancy is driven by is what you are going to allow them to park on the property. When you talk about health and safety, whether you take a look at that place or any other place whether it be on the river or a stand alone business—what are the uses that are there. In the case of a restaurant on the river, if it also has a marina. It may have a shop of some sort. All of those occupancies have to be taken into account in order to get to the number that you are at.

Village Attorney Egan stated: This was sort of a Solomon-type decision made by the court. It was actually awarded by a Supreme Court Justice—the 116. It is frustrating when you have a 116 limit, but as the Mayor said, it is difficult to enforce occupancy without literally stopping, sealing it and then counting the people in the premises.

Mayor Pontieri stated: It is the singularly most difficult thing to do. If the Theatre seats 1,125, it is very simple to see. In restaurants you have people standing up, sitting at tables, outside---it is probably like counting ants on an ant hill. They are in and out, they come and go. I can't tell you if it is 100, 125 or 150. It is an extremely difficult piece.

Deputy Mayor McGiff stated: He has that public space, that beach area, which is very unique to the Village in trying to calculate. The reality of it, the Supreme Court judge that thought that number—yet for a Supreme Court Judge to enforce that if we should go back in would be futile.

Mayor Pontieri stated: Unfortunately, a lot of what you say is a Zoning Board issue. And a lot of it is a code enforcement issue. Five year's ago it was said we were picking on The Oar Restaurant for over occupancy; so we put no parking around it. Pretty much sealed them off. They went and bought a piece of property of 1.6 million for parking. But, their occupancy is driven by square footage and the parking that they have. Then last season was a whole thing about Harbor Crab and parking on West Avenue. We pulled all the parking on West Avenue. Harbor Crab came then and asked "what are you doing to us." Everyone of these guys feel like they are getting picked on. As soon as you say to them you can only be this big, they feel like they are being picked on. All of these guys do the same—Blakslee builds his place, then asks for forgiveness, the Harbor Crab puts a deck out on the water and now is fighting with the DEC and asking for forgiveness, the guys at Dublin Deck rebuilt their deck—we put a stop order in and they asked for forgiveness, the Tiki puts a million dollars into a piece of property-I didn't tell them to spend their money. Just because you are at a bottom of a hill and no one could see what you were doing, it isn't my fault—it is your fault. If you are going to spend money and then say to us I have a 16 seat tiki bar and make application for a sewer permit at 60 and put an ad in the Long Island Press Club Newspaper and then I say I can't believe how busy I am. You spent \$2,500 on an ad—you didn't spend \$2,500 to get 60 people. That is what we get from every single one of them. Every Saturday morning I have coffee with Blakslee, a friend my whole life, and I have to say to him every time you do one of your screwy additions or this or that, we have to give you stop work orders and then fine you. Last year he had to pay a \$3,000 fine. So, it is a bout which we constantly have. We are doing it right now with Lombardi's—some of the things that they are doing—giving them stop work orders. Everybody gets impatient. It's all about the dollar they can make and as fast as they can make it before we can get what we need to get in place.

Mr. Bogack stated: If I once said I wanted to put a dormer on my house and then put up a 100 story hotel, it seems like you can get away with it in the Village.

Mayor Pontieri stated: Mr. Bogack, that is very ingenuous for you to say that. We work very hard in the Village to try and keep these things under control. I feel when people come up here

and say that, I take it as a personal affront because you are saying to me that we are doing something illegal, corrupt, or that we are standing with blinders on. That is the sense that you give.

Mr. Bogack stated: That's not true. In that bar where there is supposed to be 116 people, Mr. Bruemmer pushes hundreds more, impacting the community around it.

Mayor Pontieri stated: Absolutely, we have said that and we have taken him to the Supreme Court. And what Deputy Mayor has said is on target. If we go into court and try to enforce that 116, unless we take and seal that place up and with a clicker count them head by head when they come out, it will never stand up in court. That is the problem that we have. It is great for a Supreme Court Justice to say 116, but when you come down to it, it is very difficult to enforce. I apologize if I got a little warmed up—I have waited for this Monday since last June—I waited for the last big thing to happen. So, when Tom Keegan comes up and wants a St. Liberata to give him something else to do on a day when I don't want to do something. Mr. Bogack, accept my apology and it is unfortunate that I have not been able to figure out a way to change the situation that you are in. That's is what I find more frustrating out of it; maybe that is what you hear in my voice—that frustration. We have somebody out there to make a decision to not comply with whatever. At 198 which fits somewhat into his parking calculations would work, but we cannot even get him to agree with that. He comes in with a harebrain 400—are you kidding me? And he doesn't come to us; he actually goes to the Zoning Board. So, this conversation here has no weight or power, except I go across the hall and scream at the building department.

Mr. John Giacio, 31 Baker Place, Patchogue, stated: I came here for a very friendly request for an Italian Festival. Being dragged into this tonight is very uncomfortable. 198 was a natural account over a period of hours and nothing to do with an application. And the number also does not reflect the number of people left. It was purely a number relative to that count. Now that I do have the bar, I would like to point out that what people are hearing in this Town—case in point, right this second—is that there really is a like of gossip, misinformation, and little known or misunderstood facts surrounding that particular application. I think that the Board, especially since it was brought up and I feel dragged into it—that the Board should know that.

Mary Kassner, 193 N. Ocean Ave., Patchogue, stated: The partnership that the Village has with the Beach Club, unfortunately, failed us Sunday. Trustee Hilton and Devlin are aware of this. We had the exact same problem that we had last year. I understand they are going to try and find a solution. This is the second year—at 6:15 a.m. there were already 12 cars in that lot. At 8 a.m. the lot was almost full. These were not Beach Club people. When I invite people to my home, I extend them every courtesy. I expect to not be disrespected. But, I don't think that is how they feel, but it is when I can't use the Beach Club. What sets me off is that we couldn't go in and ticket them. I understand that the code had other jobs to do that day, but approx. at 5:25 code enforcement was there and not one ticket was issued. Perhaps, the sign that says "parking by permit only" was not clear enough. The boat races are lovely and it may not seem like a big issue. But, it is. We are the people that are here day after day, the people that make up Patchogue, and do everything else. Maybe we have to man a guard.

Lou G stated: I would like to apologize that that happened. What we did was isolate one parking lot for residents and as the cars came in made sure that the cars coming in there were residents. Next year we can have someone stationed there.

Jeff Moore, 4 Hulse Court, Patchogue, stated: First of all, I would like to thank you for paving Hulse Court. The lights in front of the school here have been out since January.

Mayor Pontieri stated: It is actually the school's responsibility, but we are going to fix them.

Jeff Moore stated: What is going on with Lombardi's? They were given a stop work order, but are still building today. What's going on?

Deputy Mayor McGiff stated: They were given another stop order last week with tickets, but I don't know what happened today. It is a Planning Board issue.

Mayor Pontieri stated: There were stop work orders, fines given and violations given. That is what comes out of this office directed to that office.

Board Meeting

August 24, 2009

Village Attorney Egan state: The only person paying more attention to Lombardi's besides you is our Chief Building Inspector.

Mayor Pontieri stated: We have to come up with a solution. That's our responsibility and our job and is what we try to do.

Jeff Moore stated: A couple of weeks ago there was 200 people on the deck.

Mayor Pontieri stated: Their occupancy is much more than that. The occupancy for just the catering is 184, not counting any other piece of it. They made their dining room smaller to build a hallway to go outside—they actually took out about 20 tables from the main dining room

Jeff Moore stated: A couple of weeks ago, somebody came up from South Ocean Avenue, and hit a car. That's going to happen again. The police said the guy wasn't drunk, but the bystanders thought he was.

Mayor Pontieri stated: That is in the hands of the Suffolk County police. That is a supposition that you made.

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