

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

The meeting was called to order at 7:30 p.m. by Mayor Pontieri with Trustees Crean, Devlin, Hilton, Krieger, McGiff, Village Treasurer Krawczyk, Village Attorney Egan, and Village Clerk Seal present.

The flag salute was made. Mayor Pontieri read the safety message.

Mayor Pontieri stated: Joe Dean gave his seat up as Trustee to become Superintendent of Public Works. With that happening, we have a vacated seat. As the Board sat down and tried to figure out who should replace and why that person should replace, one of the things that we do as we sit in these seats is think about those things that make our community better and how do we keep ourselves moving forward. The appointment of anybody to this position as a Trustee is extremely important. This past year in particular, and going back a little more than a year, has been very difficult both on this Board and on this community. The people that you want to bring in are people who would understand those kinds of needs. There was some discussion in this office here, in the community and in the press, about who we should appoint and what qualifications that person should have. My biggest concern when appointing anybody is do they have the best interest in the community, do they understand the community, are they a part of the community, and do they bring to the table an understanding of what the community needs. I think the gentleman that we are going to appoint this evening does that. He has been a resident of this community for over 34 years and has previously lived in the community next door. He raised his kids on Bay Avenue and his sons were in Little League with my son a number of years ago. We have been friends for a long time. Part of friendship is people that you trust and respect. I would like to ask for a motion from this Board to appoint Joseph E. Keyes, Jr. as Trustee in the Inc. Village of Patchogue. Joe is Chairman of the Board for the CDA, retired from the LIRR, involved in numerous and Village and community activities over the years—and most importantly, youth related ones. His background with the railroad was primarily in the area of construction. And, I think he will fit very well into the next set of duties he will be taking over.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board appointed Joseph E. Keyes, Jr. as Trustee for the Inc. Village of Patchogue. Village Clerk Seal swore Joseph E. Keyes, Jr. into office.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of November 9, 2009 as presented.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved the minutes of November 23, 2009 as presented.

Village Treasurer Krawczyk stated: The bills for the period Dec. 1 through December 14, 2009 totaled \$721,497.35. The five highest bills were Complete Interiors \$183,713.74 for Village Hall renovations, Pilger Skidmore \$58,550.27 for Quarterly insurance payment, H2M \$54,257.47 for sewer engineering, Glen Falls Bank \$39,049.28 for Ambulance LOSAP, and Sidney Bowne and Son \$11,020.09 for engineering services for Village streets.

General Fund	390,665.40
Trust & Agency Fund	15,175.40
Capital Projects	246,371.61
Sewer Fund	49,597.30
BID Fund	8,695.08
Housing/Code Fund	1,398.42
Community Development Fund	9,594.14
General Bills	0.00
Total	721,497.35

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

Upon a motion made by Trustee Devlin, seconded by Trustee Keyes, and unanimously carried the board approved request for General Fund to loan Capital Projects Fund \$50.00.

Village Treasurer Krawczyk stated: You have presented for you review the cash balances as of October 31, 2009.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, the Board unanimously accepted request to approve settlement of the tax certiorari proceedings brought by Minarik Realty, LLC in the amount of \$6,000.00, a request to accept a settlement of the tax certiorari proceedings brought by JJJ Enterprises, LLC in the amount of \$3,000.00, and a request to accept a settlement of the tax certiorari proceedings brought by Smithpoint, LLC in the amount of \$2,000.00.

Village Clerk Seal read: Notice is hereby given that a Public Hearing will be held on Monday, December 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 amend Chapter 435-76 of the Village Code with regard to nonconforming uses, 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: Thanks to the Chairman of the Zoning Board Nick Fuccillo and Planning Board member Patty Kelly who attended recent mandatory zoning classes of NYS and came back with these proposals which will fit very nicely into the code. Essentially, the new section H talks about reconstruction and nonconforming uses and set out certain criteria for the Board to follow, and I is a new concept in zoning called intensification, to prevent nonconforming uses to be intensified. Nonconforming uses is obviously something that has been out-zoned or no longer permitted uses in a certain zoned category. This would prevent the intensification of that already nonconforming use. It differs from what we have in the quantity of what could be permitted. An extreme example, would be if there was an A Residence District and there is a car dealership in there which is a non-forming use because that area was always residential and was always permitted to have three cars. The argument previously made before this is that if we moved it to 12, it is still a nonconforming use for the car dealership. This prevents that intensification of the nonconforming use; it would stay at the 3 cars instead of the 12.

Mr. Kemp stated: I have a question in regard to the use of the Lake Street parking lot by Lindy's Taxi.

Mayor Pontieri stated: That is not pertinent to this question. Ask the question during the Public Portion.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried the Board approved request to amend Chapter 435-76 of Village Code with regard to non-conforming uses.

Mayor Pontieri stated: As a reminder, we only have one meeting in December. The next meeting will be in January.

Trustee Krieger stated: Thanks to Public Works for putting up the 30 mph signs on Waverly Ave. Could we get some placed closer, next to Sunrise Highway, closer to the entrance to the Village, near Staples? Joe Dean and I were dealing with LED Lights. I talked with Dave Santos today and the test we wanted to do was a little too rich for the Village so he is going to the massager the numbers a little; he wanted to test 5 lights, but I suggested to cut it down to 2. I am going to let him figure how much money we would save through LIPA and if we do these tests, how much we are going to save.

Trustee Krieger stated: Last Thursday during the big rain storm we had some fairly significant leakage at the Theatre which has plagued us since 1923. We had Brian McClave look at the top of the Theatre and he believes it is coming through the masonry sides; it is 90 years old and when the wind was blowing and the rain coming in there was some puddling in the Theatre. The new rood did hold up fine. McClave is going to get back with a cost for the necessary repair work. Since it belongs to the Village of Patchogue, we want it to stay in good repair. It didn't stop any of the shows. To see what is going on at the Theatre, go to Patchogue Theatre.com. And, also go

to Long Island Press.com to vote for Best on Long Island; Patchogue Theatre is one of the ones listed. Gateway Theatre Holiday Ice Show starts this week. We just did The Nutcracker which was very successful. We look for a very successful year ahead. The Gateway does a great job and brings quality entertainment to the Patchogue Theatre. I would like to thank Trustees Devlin and Hilton to allow me to participate in the Christmas Parade. Everybody I speak to who was there said it was the greatest parade they have ever seen. Everything was in order.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the Board set a Public Hearing to be held Monday, January 11, 2010, at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, to amend Chapter 415-40 of Village Code with regard to parking at the Patchogue Railroad Station.

Mayor Pontieri stated: This is about allowing 24-hour parking and changing the fees. Presently there is only 18 hour parking. This will make the train station more accessible to the public.

Upon a motion made by Trustee Krieger, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to go out to bid for the purchase of a new parking meter at the Patchogue Railroad Station.

Trustee Crean stated: I am quite proud of the accomplishment of closing on a transfer of ownership of a certain property in the Village to Artspace Lofts. It has been many years in the making--a lot of moving parts to this puzzle that the Mayor was quite successful in placing in the right position, from getting the right players at the table, the right funding sources at the table. It is going to be a long term benefit, not only to the Village but for the surrounding region—transforming our downtown into a more recreational and artistic use. We will realize the long term challenges of retail center which with the advent of the big box store and the malls would be difficult for us to ever obtain again. It is this Village administration's effort to try and create a symbiotic relationship between the performing arts and the visual arts. I am here on behalf of the Mayor and the rest of the board to announce a contract that was closed last week with Artspace. We are all excited about the project moving forward. As many have seen, the demolition has occurred and we are looking for the early part of 2010 to have an official groundbreaking.

Mayor Pontieri stated: The HFA (Housing Finance Administration) funded it to the tune of \$11.7 million dollars. The County is 1.75. There was a foundation contribution of \$250,000. The Village of Patchogue properties that we donated is probably worth about \$600,000. The remainder will be funded through grants and loans that they have coming. The whole project is about 20 million dollars--45 loft spaces and apartments. Hopefully, they will break ground in mid-January. One of the people we need to thank is Attorney Egan and his staff and Justine and how she handled the whole thing.

Trustee Crean stated: All that being said, it is the result of a lot of peoples' effort and it will be a state of the art facility, mixed use project which adds a real benefit to the downtown.

Trustee Crean stated: At the last BID meeting we were presented with the documents and drawings for the Plaza Building which is owned by Jim Sorno. They were an applicant and a grant was basically drafted for a funding source to rehabilitate the southeast Main Street, on the corner. There are new entryways and a brand new brick façade that is going to be installed, reconstruction of the glazing in the window work upstairs and a nice faux roof that they are going to put on. The materials that they are going to use are first rate quality. The project is currently out to bid. We estimate the bids to come back before the end of this year and the work to be completed by May 1st. It is long overdue and great assistance was given by Dennis Smith of the BID and the rest of that Board, as well as Marian Russo. The Mayor and a few of the Trustees have had the opportunity to have a tour of the Wedgewood Building which is being re-named 31 West Main. Tritec is, again, using very high quality materials on the interior and exterior of the building. They are looking at a delivery date of Jan. 1st for some of their new tenants. The scaffolding and screen work will be coming down within the next two weeks as well. They are awaiting the delivery of certain stonework that is going to be installed. The occupancy of that building, when it is all said and done, is going to be near 100% of very high quality, not only commercial and retail business. It is just going to be a state of the art facility. We are very pleased with the quality and craftsmanship that is going into that building. Lastly, the Planning Board is meeting tomorrow night the Del Fiori family is going to be presenting a plan for the old Moose Lodge in which, hopefully, it will work well with the Theatre and create a music venue

which will look to attract not only local but national acts to come to our downtown. We are excited to see what they will be presenting tomorrow evening.

Trustee Hilton stated: I would like to congratulate Trustee Crean on all of the hundreds of hours of work that you have done with the downtown project. You are a very silent, unsung hero and your hard work will benefit the Village in the future. Also, Trustee Krieger, thank you for being the voice of the Trustees at the parade. Truly, the work of everybody—Patti, the Mayor, and Jim Berberich who works so well with the Parks Dept. I so welcome the new communication that is going on that is so important to the workings of the events that we have; and Dennis with the BID as well. This year we limited the number of fire department vehicles and thereby shortened the parade by 45 minutes. This year we established a volunteer group headed by Don Wachsmith who came to the parade with lighted clipboards, orange vests and did a fantastic job with his volunteer staff. They were able to keep people back and we all had a great time. In the off time of the Parks Dept. we have been working with the softball league to limit their hours. We are talking about dropping Sundays so that people in that area have at least one night of quiet and darkness. Mike who heads Island Softball has been open to that. We posted new signs as far as their players and that is going well. We are also raising their fees. We are dealing with the feral cat community a Shorefront Park that has gotten truly epidemic. Cat people have big hearts, but they are not realistic. Maria Hendrickson has gotten the blunt of that. We are trying to deal with taking care of the cats, but not having them be a blight in that area. They are roosting in the trees and defecating in the areas that have to be weed-wacked and mowed by the Parks Dept. and it is somewhat disturbing that they have gotten to the point they are. We talked to engineers and expeditors in re-installing the wall which ran off of the Beach Club to stop the erosion of sand from east to the west. As it slides down Mascot Dock, it goes across Lombardi's and then heads back. Since we have removed it instead of repairing it, we have lost 75 feet of beach. The problem with that is that it has scrubbed sand off the beach and what is left is the rubble left from the old hotels which is broken brick, concrete and glass—which my sailors have to work their way out through. I have talked to four individuals we are giving us proposals. We will never be able to replace the bulkheading as it was because it included a fill. The EPA will not allow us to fill anything going out into the Bay, but we can install a wall which we will be able to build a floater dock where the children could tie their boats to and the children could walk on the wall. Next year we added a Battle of the Bands for the Concert Series. We are going to work with Chris Cappabianco with Alive in the Lobby to bring a lot of the young talent down to the Shorefront to have a contest against each other—no cover, all original stuff. I am really excited about that—that's right out of the 60's. Last night we had the Menorah Lighting which was celebrated in a full gale storm. It was really nice.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board set a Public Hearing to be held Monday, January 11, 2010 at 7:30 p.m. at the Municipal Building, 14 Baker Street, Patchogue, New York, to repeal Section 435-6 of Village Code regarding penalties for certain zoning offenses.

Deputy Mayor McGiff stated: Attorney Egan has been working with Village Prosecutor Paul Feuer. These are codes that are due for refabrication and revamping code as they are not really used.

Deputy Mayor McGiff stated: We have been looking for approval to establish fees for event specific parade peddlers. We are trying to cut down. They cause safety problems by shooting out into the parade route and things like that. We are looking to perhaps setting a fee of \$100 per event, or \$350 for all four events. That would be up to the pleasure of the Board.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Hilton, and unanimously carried, the board reserved decision until the next board meeting on January 11, 2010.

Deputy Mayor McGiff stated: I met with the Suffolk County Police Dept. today. SCPD has been putting undercover street crime officers on foot during the day in the Village which I think is a great idea. Law enforcement is mostly deterrents. That initiative came from the Commissioner himself.

Trustee Devlin stated: We had an excellent Patchogue Arts Council General Meeting. We meet the second Saturday of every month here at Village Hall. The Arts Council is in the process of making plans for next year's programs and I am excited about presenting some new initiatives. One thing I have talked to Maria Hendrickson about is the possibility of some road trips to

museums. Since the Parks Dept. does trips for the seniors, we talked about possibly doing some joint ventures, getting buses and going out east to Sculpture Park or going into the city to museums. Tom Madiigan, a resident of this Village who is an astronomer professor, and he has offered to do a star show at Shorefront Park next summer. He has a laser pointer and he can point out some of the constellations and bring some telescopes down.

Trustee Devlin stated: As far as our CDA report. Porter Falcon a sound engineer who specializes in band shells has come back with a report for the CDA to consider which will solve the acoustical problems at the Village bandshell. For the CDA to spend their funds, it has to be built-in and not temporary. He did give us the plans and will come back with an estimate. Hopefully, by next summer it will be done.

Trustee Keyes stated: I would like to thank the Mayor and the Board for affording me the opportunity to work with you. I think Patchogue for the last several years is a Village in transition. I believe that this administration is definitely in the transformation stage. The only promise I can make is that I will help us make that transformation. I know you don't need me to plug the Theatre; I was originally on Don's team to help the parade. However, I had the opportunity to go to Carnegie Hall Family Show. It is a show that he is bringing here—a lot of fun; a great family night—if you like that kind of music.

Trustee Keyes stated: The collection of leaves is almost complete. The last day to put the leaves out is Dec. 17th. The sewer line installation to Sandspit Park is progressing well. Drilling and running pipe is complete. Sewer crews will be opening the road to install the stubs for residential hookups. The contractor has been informed that the temporary street repairs must last through the winter until the road is repaired. The rains have beaten up the south end of the Village. The Highway Department has been cleaning and jetting the catch basins and the drywells. The Highway Dept. continues to remove the seaweed that collects and clogs the grates at the dam on Great Patchogue Lake. These are the weeds that are dying because of the weather or because they are being eaten by the sterile carp. By not staying on top of the cleaning of the grates, the level of the Lake will rise and will cause flooding on the adjacent homes. It is important that we keep the weeds out. The DPW is completely stocked with sand and salt for whatever Mother Nature has to offer.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the Board approved request to go out to bid to replace two 4000 gallon tanks at DPW with two 8000 gallon tanks.

Mayor Pontieri stated: Those tanks are used by the School District, the Patchogue Fire Department, the Ambulance Company and Blue Point Fire Dept. We did get a \$300,000 appropriation through Senator Foley which should cover almost the cost of the whole thing.

Mayor Pontieri stated: The amount of time and effort Trustee Crean has put into our downtown from the Artspace to the time spent with the Tritec boys for that project is really appreciated. In mid-January we should have the groundbreaking ceremony for the sewer project. It is a ten million dollar project that we have gotten 7.1 million from stimulus money, from the DEC and through the EFC (Environmental Facilities Corp.). Two very significant groundbreakings will happen sometime in January. The opening of the Wedgewood Building will be the third piece of that thing. We look forward to some good things happening in 2010.

Public to be Heard:

Mr. Kemp, Jennings Avenue, stated: Congratulations to Trustee Keyes. I wish you the best. Mr. Mayor, I suggest that in the future if a vacancy should become apparent and you would need a replacement for the Trustee, you might want to consider someone outside the Village and that would require the Village laws to be amended.

Mayor Pontieri stated: It is not the Village who makes those laws. It is NYS Municipal Law who makes it very clear about being a resident for any Town, County position.

Mr. Kemp stated: I make that comment because we had Snead here who is a Bellport Trustee and he did provide this Village with considerable input from someone outside the Village.

Mr. Kemp stated: At the last meeting I brought up fireworks which was an eleventh hour motion to have by Trustee Devlin during June of this year. I asked that a law be enacted that should not be allowed. A motion to the effect to deny July 4th fireworks.

Trustee Devlin stated: Mr. Kemp what did happen was we actually did have the fireworks. The motion was that I denied the Fireworks from using Rider Ave. Park as they did not want to spend money on a barge. Once I did that they got the barge and they did have the fireworks. I did not feel that it was fair to the residents or the wildlife to use the Rider Ave. Park as the staging area considering the toxicity of what is released from those fireworks over those ponds that are there. That was our consideration.

Mr. Kemp stated: They also had to go to the Town of Islip which obviously cost them a lot more money.

Mayor Pontieri stated: Our consideration was a health and safety issue both for the wildlife and, more importantly, for the residents of that area. You don't shoot off fireworks in the middle of a park. We do not allow fireworks to be shot off in the park.

Trustee Hilton stated: This park is surrounded by homes and these people are taxpayers and we take them into consideration as we take you into consideration.

Mr. Kemp stated: I am sure a lot of people in this Village, as far as an aspect of pollution that the Trustees leading up to, but there is no aspect to nitrogen levels from fertilizer—nothing said about that.

Trustee Hilton stated: The people and the swans by the pond who would be affected by the fireworks do you think they care about the fact that you hear music from the Brewery. Isn't that what you complained about a number of times, so shouldn't you have consideration of what they would have to go through the same as we consider what you have to go through.

Mr. Kemp stated: I asked at the last meeting about sheds and gazebos which I did bring to this board's attention June 22nd.

Deputy Mayor McGiff stated: We have taken that under advisement and Mr. Egan is working on that.

Mr. Kemp stated: At the last meeting Trustee Krieger asked me about the use of the Lake St. parking lot by Lindy's Taxi and if I thought if it was an aesthetic issue and I said yes. The more I thought about it and since he brought it up, I went down there one night to see what was going on. There were a total of 16 vehicles. There were three vans, two of those painted with Lindy's Logo—but no Village taxi license display. The other van was from a different name. There were 12 vehicles in the Lake St. lot that were not being utilized. They were parked there overnight. The fact is that the Lake St. parking lot is being used as a warehouse.

Deputy Mayor McGiff stated: As we said, that problem will be eradicated in the very near future when that area is developed. And as to them not having Village taxi licenses displayed, if that is the case they should have been given tickets and I will check on that.

Mr. Kemp stated: I have filed FOIL requests and they were all denied. In addition to the vans, there were several vehicles with no Village taxi license. There is absolutely nothing being done towards a taxi depot being at the railroad station.

Mayor Pontieri stated: They could park the car there as long as they are not picking anyone up. As far as the railroad station, there is something being done, but we don't discuss everything at every meeting.

Mr. Kemp stated: Tonight it was brought up about interior renovations. Interior renovations—I just had to look at the door right there and see the molding ½" off the floor and you just paid over \$100,000.

Mayor Pontieri stated: That was for the siding and the roof. Interior Renovations is the name of the company.

Mr. Kemp stated: I would like to ask if there is any contract being considered to recycle the waste at the Waverly Avenue yard. I brought this up. Trustee Hilton asked pertinent questions and I provided him with the information. The Town of Brookhaven doesn't make any bones about it that they have a contract.

Mayor Pontieri stated: The Town takes our paper, cans, bottles and our leaves. They do not pay Patchogue any revenue. They have to sort it and they have to process it.

Trustee Hilton stated: I have talked to Lou and Joe and Long Island Compost. The problem is separation. I am in favor of what you are talking about. I understand you are talking about leaves. It is a separation process that is difficult, but looks like in the long term it would be cheaper than the tipping fees that we pay the landfill. Everybody pays the landfill. But, did you hear what I just said?

Mr. Kemp stated: Brookhaven Town has a separate container and all of the crews who do yard cutting and grass and those kinds of things, they just go in there—there is a sign saying no plastic or paper bags—and they take their waste and dump it right in their bin. From there the Town of Brookhaven obviously takes it to Long Island Compost so there is no sorting, labor involved, no fees to the Town of Brookhaven. And, also all of these crews are permitted to go in and dump at no expense, no charge. I feel that no one is considering this that we are losing money.

Trustee Hilton stated: The problem is that if we offer this program we are encouraging landscapers who will drive to Waverly Avenue to dump and not the Town. This will incur labor, fuel and what have you to keep it separated. This is the problem that we are having. I agree with you completely that the more that we don't send to the landfill, the cheaper it would be for us. This is something that we are looking into based upon your recommendation two meetings ago.

Mayor Pontieri stated: There is another piece you have to realize, Mr. Kemp, and it is once we opt out of programs, sometimes with the township or other municipalities, if the price of the private sector goes up, we can't get right back into the program. What you have to do is to balance out the cost over time. You can't just opt into and out of programs—into their refuse and out of it. It doesn't operate that way. We get a tonnage rate based upon a two or three year spread of time, not over months. You sometimes put yourself in jeopardy by making hasty decisions based upon today. The cost always isn't the same and the accessibility isn't always the same. If L. I. Compost goes out of business, then where do we go? You go back to the Town at a higher rate. Understand what I say? It is not a simple decision. You just don't opt out of these things. Mr. Hilton agreed with you and we will take a look at it. But we have can and bottle recycling, recycling of our compost and we have our general refuse. That comes out to a certain cost per tonnage, the average of those things. If you take out one piece of it, the Town still wants to make up their money and will make it up at the other end of our costs. So, we have to be very careful. Their budget is driven by certain things as our budget is. I said it to you jokingly, but I mean it; you go to the Town of Brookhaven meetings and you are there for three minutes. You have now been here for fifteen minutes. If you have one more item to discuss, give it to us.

Mr. Kemp stated: Let's talk about the minutes not being accurately reflected.

Mayor Pontieri stated: We have heard this before. If you have an issue with the minutes, highlight those changes, get them to the Clerk, and she will take a look at them.

Mr. Kemp stated: Thank you for demolishing the house on Terry Street; it only took two years.

Patty Kelly, Dock Street, Patchogue, stated: Happy holidays and Merry Christmas to everybody. I want to say welcome, Joe, to the Board of Trustees and I know from all of your hard work that you are going to be an awesome Trustee. You couldn't be with a better team. I want to say congratulations and best of luck. We are very lucky as residents to have you on the Board of Trustees.

Mayor Pontieri stated: I would like to wish everybody a Merry Christmas and Happy Holidays and we will see you all next year.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 8:45 p.m.

Board Meeting

December 14, 2009