

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on April 13, 2009.

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

The flag salute was made.

Mayor Pontieri read the safety message

Upon a motion made by Trustee Crean, seconded Trustee Dean, and unanimously carried, the Board approved of the meeting minutes of March 23, 2009 as presented.

Village Treasurer Krawczyk stated: For the period March 27, 2009 to April 13, 2009 the five largest bills were: H2M \$41,085.75 for engineering services, LIPA \$24,517.21 for monthly billings, Sidney Bowne \$19,040.60 for engineering services, Carter Melence \$12,300.00 for porch roof at Winona, and Egan & Golden \$6,666.66 for attorney services.

General Fund	\$313,458.68
Trust & Agency Fund	\$6,365.12
Capital Projects	\$60,493.41
Sewer Fund	\$45,922.17
BID Fund	\$3,549.97
Housing/Code Fund	\$2,526.90
Community Development Fund	\$11,967.30
General Bills	\$0.00
 Total	 \$444,283.55

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

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request to reduce two revenue accounts which will not reach their budgeted figures using BAN principal payments which were not made as the Village bonded its obligation: Mortgage tax \$111,000.00, Interest Earnings \$100,000.00, BAN Principal \$211,000.00

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board approved request to appropriate from surplus 001-0001-0599, \$458,000.00 for the purpose of funding un-reimbursable expenses regarding Argyle Lane and the Riverwalk project 003-5659-0347.

Upon motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, the board approved request to appropriate from sewer key money surplus 005-0005-0889 for the purpose of funding the purchase of property required to upgrade the sewer plant 003-8110-0482, \$79,640.73.

Village Treasurer Krawczyk stated: You have before you the cash balances as of 3/31/09 for your information.

Mayor Pontieri stated: As many of you may have seen, there are a number of "It's Coming, April 20" signs up on Main Street and Waverly Avenue, the coming construction of the round-about at Waverly Spur. I have asked Bill Hillman from Suffolk County to make a presentation. This has been a project that has been a long time coming. It was initially proposed as two round-abouts, one at each end, narrowing down to single lanes; that was by then County Legislator Foley. That project has shortened itself down quite a bit and made smaller. Mr. Hillman will give us an update, both on calendar timing and process and how it is going to impact us as a community, more specifically the neighbors within that area.

Bill Hillman, Suffolk County, stated: A couple of years ago we had a presentation here to identify the project. We were going to have a round-about at Old Waverly to the west and Lake Street to the east. Unfortunately, funding was not available for the entire project. But, Legislator Eddington fought long and hard to at least keep the capital project within our funding program. To his credit, it is moving forward today because of him, but it is scaled back slightly. The original goal and vision of then Legislator Foley was to incorporate the Lake, to move the roadway farther south and incorporate the Lake into the community. It was going to be a very expensive task, although I think it would have been a good thing to do. But unfortunately, funding was not available so we removed that portion of the project. And in addition, the eastern round-about at Lake has been removed. At present, the project is one round-about on the west at Old Waverly, resurfacing the road from Montauk Highway to Sunrise Highway, adding a right turn lane at Sunrise heading eastbound to go south, so the single right turn now will become a double right turn lane. And the north of Old Waverly is what we are going to do construct is one lane northbound, but we are going to continue two lanes southbound all the way through to the roundabout, where one lane will come around the round-about and go down Old Waverly and the other lane will wrap around the round-about and go east. The reason we did that, and I pushed our engineers pretty hard because I wasn't sold on it initially, was because the traffic volumes here are such that south bound is much more substantial than northbound. Having lived in Patchogue for ten years, I didn't really believe it at first, and said we can't just put two lanes southbound and one lane northbound. How can we justify that? They showed me the numbers and it does make sense. A lot of people come into the Village that way, but find another way out. Once I thought about it, it is going to work very well. Also, we didn't want to go back to two lanes in each direction with a center turn lane because it would have been very tight with no shoulders. What we have been able to do is maintain a three foot shoulder on each side. That shoulder is very important, we believe, to side streets, to allow them to get out at least a little bit farther and give them a little bit of a buffer zone and comfort level to stick their nose out and get sight distance down the road. We had our engineers come out and make sure that sight distance would be there. I believe ultimately it is going to be a very good modification to the road. That is basically the actual configuration of the project. The actual construction of a round-about if you could picture the intersection the way it is now and then picture a circle around it; it's going to be difficult to build. It is not going to be easy. While maintaining traffic through that intersection, it is going to take some time and effort and is going to be somewhat of an inconvenience to the community, but we are not closing the roadway down at any time. The roadway will not be closed. We will always provide traffic through the intersection. There may be delays at times. What we have done is allow the contractor to work certain hours and not work other hours. During peak hours we don't allow them to work to lessen the impact on the community as best we can. But, there will obviously be an impact. But again, no roadway closures permanently. The trucks will not be diverted onto County Road 83. They can maintain access onto Patchogue-Holbrook Road. Our resident engineer will make a flyer with his contact information and at the beginning of the job we stuff mailboxes so if anyone has a problem he is available. He will meet with anyone at their home to try and understand what the issue is and we will do our best to address those issues. Again, our engineers have numerous years experience doing this work and many of the jobs we do are in local communities, downtowns. We have a lot of experience doing that and we hope that any issues that would come up would be handled immediately.

Mayor Pontieri stated: One of the things you mentioned to us prior to this coming in is that there always has been a lot of questions about the fencing along the lake itself.

Bill Hillman stated: That portion of the project was removed, to incorporate the lake going into the community by shifting the roadway. However, Legislator Eddington has been pushing to take the fence down and at least under its present roadway configuration allow it to be more like West Lake. We are moving forward with that. It has been slow in coming admittedly and I wish we could move on faster. We don't have a consultant on board yet, but have been authorized to hire a consultant to come in to design the guard rail. Once we remove the fence, we will be installing guard rail and also modifying the spillway. Therefore, if anybody falls in they will be protected and won't be sucked down the pipe. Those two designs need to be put in place and we need to fund them. But, we are moving forward on that.

Bill Hillman stated: The majority of the construction should be done this year. Depending how late it goes into fall; the plantings and such may have to wait until next spring. But, we believe it will be substantially complete before winter sets in, definitely by fall this year. Building a round-

about in an intersection that is presently operating, we need to do it in phases, without closing the road. If we closed the road, it could be done in three months. While maintaining that traffic, we need to phase it step by step and it extends the project that much longer.

Trustee Krieger asked: During the next few months, with the YMCA and the construction on Main Street, are there any kinds of plans to make sure that the trucks can get through and there will not be too many detours?

Bill Hillman stated: We will be maintaining full access on the road. We put the signs up for a reason, to identify to the community that they should expect delays and they should. But, there is always some inconvenience during construction. You will have more trucks in the area during construction.

Mayor Pontieri asked: Can they do it at night?

Bill Hillman stated: It is a possibility. However, with the residences along the road it may disturb them. When we do paving at night we have to bring in big lights and light it up like daytime. Typically, we try and avoid that in residential areas.

Trustee Devlin asked: When you talk about the two lanes coming south and one lane going north, is that going to eliminate the turning lane that is there now?

Bill Hillman stated: No. We are working within existing curbs. What we are doing is there are existing six foot shoulders on both sides which essentially adds up to one more lane. We are also narrowing the lanes a little bit which is a traffic calming technique to try and keep the traffic moving at a decent clip, but maintain it. That is what the round-about will help to do.

Answers to questions from the public:

Bill Hillman stated: Cost is approximately 1.8 million. I would have to look up actual diameter of round-about. No traffic lights. Sidewalks only around the immediate area of the round-about will be affected, and as you go north by Sunrise Highway where there is physical construction and they may be damaged they will be replaced. The round-about is the same specs, turning radius, as we have been very cognizant of the fact that there is a fire house around the corner.

Resident stated: As a person who lives in the area, I think you should notify Blue Point Fire District as they go through there every other day and they should change their plans as they go to Gateway Plaza that way. You talked about repaving Waverly Ave. I live on 3<sup>rd</sup> Street. That buffer zone that you talked about, yes does help us get out of the block, but is there any way that you can because that is a parking lot all day. So what you are doing to help us creates people to go to businesses on Waverly Avenue and park there. They never get tickets so they constantly park there. Now we can't see getting out of our blocks so can you strip it so people realize it is not for parking there?

Bill Hillman stated: When the road is done, they will not be able to actually park there. Once you get through the first traffic signal south of Sunrise it immediately merges down to one lane. Then you have the side street, Gibbons, and what you have is two cars merging and possibly someone going into Gibbons. It is a lot of friction in one spot. By having those two lanes southbound all the way to the roundabout, we are going to eliminate all that.

Resident stated: You talked about the infamous Waverly Sunrise area which is one of the worst intersections around. You are making two turning lanes. I assume now you are going to take away that "right on red" turn—eastbound Sunrise to southbound Waverly.

Bill Hillman stated: Yes. You cannot have a double right turn.

Resident asked: I read they are putting cameras up. I was curious to know if it is one of the worst intersections in the County... I was always puzzled as to what the speed limit is going towards that intersection—going north on Waverly towards the Sunrise the speed limit is 45 mph. It is also 45 mph going south on Waverly until you get to about 6<sup>th</sup> Street and then it goes to 40 mph and around 1<sup>st</sup> it changes to 30 mph. But you can't see the speed limit because the bus sign is in front of it. And on the other sign, it was behind a tree until they recently took the tree down.

Bill Hillman stated: That is something we can investigate. It is outside of this project. We will do the speed limits and then go make modifications as warranted.

Resident asked: I just wanted to know how this roundabout will affect my getting in and out of my driveway. They are not going to yield to me going into my yard. I am going to be in an accident. I know it. I could see going out because I am in control, but coming in I am going to be riding around that circle.

Bill Hillman stated: The only two lanes of this roundabout is southbound. If you are coming from the east and you are in the round-about, they need to yield to you. We looked specifically at your driveway and thought long and hard about it and ultimately we thought the round-about would be a better condition for your driveway.

Resident asked: Has there been an update in the traffic count? In 2006 there were 3600 vehicles eastbound and 7100 westbound.... You said the calculations show a projected traffic count to 2026. Is there a number of vehicles projected?

Bill Hillman stated: No. Not since we did the study. My estimation at this point is that it would probably be a little higher. Usually we project a 2% per year... Generally 2% is a very common growth rate on Long Island. The other method that we can do is use what is known as a Long Island Transportation Plan 2000 which identifies growth rates for specific areas on Long Island.

Resident stated: You also said that the level of service B at the Lake Street intersection.... and the level of Service of E at Waverly.....

Bill Hillman stated: Yes. Because of the volume going through that intersection. It is all a function of volume. Right now the intersection passed.

Resident stated: I have minutes from 1986 of a Village Board Meeting and in that it says there was 20,000 cars a day going through..... I don't see how it could have gone down to almost half.

Bill Hillman stated: I don't know if that was wrong. That could have been an hour count, a three hour count, or a 24 hour count... I will pull all the reports tomorrow and you could give me a call...

Resident asked: Have you determined where the guard rails are going to be placed because I want one. My property, the one next to me and the house two doors away are at stake.

Bill Hillman stated: We are determining that now.

Resident stated: I also saw there will be no left turns, coming out of West 1<sup>st</sup> Street and West 2<sup>nd</sup> Street, there is no left turn....

Resident stated: With the volume of traffic that comes down there, and with the problem that I think it is a speedway, and I do stand at the road you were talking about everyday because it is my son's bus stop, the traffic coming down off that bridge because of the lights staying green, green, green, I do an estimated speed of probably 55 to 60 mph. With two lanes of traffic coming down there, what I would be concerned about is your coming round-about is going to work and have a calming effect. But these people because of their speed if they don't get another light to slow them down, they are going to be piling up closer to the Precinct than to my street, rear-ending each other because now they are going to be trying to get into the right lane to go straight south. My concern or question is, when you do your study, can you please try to coordinate the 4<sup>th</sup> Street light so that you can time it—if you get one, you can expect to get the rest of them to slow you down. Why can't they do that with that 4<sup>th</sup> Street light so the people doing 65 mph coming down that bridge now when they hit the 4<sup>th</sup> Street light, it will guarantee that they are going to have to stop. That will help us get out of 2<sup>nd</sup>, 3<sup>rd</sup> and 4<sup>th</sup> Streets. Right now you can sit on the 4<sup>th</sup> Street tripper for ten minutes and it will not turn. If you put on some of a time mechanism that it puts it in sync with the lights on Sunrise, you will force these people to stop and slow down.

Bill Hillman stated: That is something that we can evaluate, but it is a different project, but we are progressing with what is called a "closed loop traffic signal system," basically a local

computer to coordinate multiple signals which we will be able to read on a laptop back in our offices.... Once a system like that is in place, it will be very easy for us to evaluate.

Resident stated: Even if you ask the inspectors at the Precinct. First of all, you should tell the contractors that are going to be working there, that a little vest is not going to protect them. Maybe you can ask the Precinct to step up patrols and slow people down there.

Bill Hillman stated: I think the construction will slow it down quite a bit.

Resident asked: Can you tell me what the work hours will be?

Bill Hillman stated: In general, I believe it depends which direction. For argument sake, in the morning you have a lot of people going in and not so many going out, so we might work on one side of the road. In general, the hours will be 7 to 3. The majority of the work will get done 9 to 3. There will be days they will be working overtime. Some days we will allow them to start earlier, hopefully it will not interrupt too much...

Resident stated: The kids get picked up on the corner right after 7 o'clock. You have three different schools that probably should be notified and parents should expect delays of the bus getting home.

Resident (undecipherable)

Resident stated: I would like to know why the County doesn't notify the Village people to let us know what you were planning.

Mayor Pontieri stated: I had called his office just last week and asked because Joey had stopped in and from that phone call I went to Mr. Hillman and asked him to please come down for this presentation.

Bill Hillman stated: Construction will start in a few days. The white dotted line is not where the road is going to be. We are going to have multiple phases—one day traffic will be shipped over here and one day shipped over there. For several days it is going to be one traffic pattern, then another traffic pattern.

Resident asked: Does the design include landscaping?

Bill Hillman stated: Yes, it does. I admit we do a poor job of maintaining it, picking up litter, and things of that nature. Don't expect flowers or things of that nature. We will be installing low maintenance landscaping. Inside the round-about there are certain criteria we need to follow. We do have the design. One of the theories of the round-about is you want to obscure the view of the motorist so that they slow down.

Mr. Kemp asked: Mayor Pontieri, what will the funding be?

Mayor Pontieri stated: For us it is all be County funded.

Village Attorney Egan stated: The extent of the parking meters that still exists in the Village is a shadow of what they once were thirty or forty years ago. In the drive of updating the code to the 21<sup>st</sup> Century, we revised the Article 8, parking meters, to change the parking meter restrictions to indicate now the computerized parking areas of the railroad, eliminating some of the specific requirements of where the parking meters are located. And changing some of the requirements where the parking meter has to be installed relative to the car.

Upon a motion made by Trustee Dean, seconded by Trustee Devlin, and unanimously carried, the board set a Public Hearing to be held April 27, 2009 at 14 Baker Street, Patchogue, New York, to amend Sections 415-21; 415-11; 415-23, 415-24; 415-25 and 415-26 and to repeal 415-29 of Chapter 415 of Village Code with regard to parking meters.

Mayor Pontieri stated: Back in 1986-87, I was on the Board at the time, and Hobbie's Marina turned into a lot larger facility than it was and we had requests from the neighborhood down there for no parking. At that time, we didn't have any provisions in our code that talked about "by

permit only". It was just "no parking." It was basically to keep people from the marina; that was when it went from a marina with a dozen boats which has what it has now, 30 or 40 boats... At that point and time, we put "no parking" in the neighborhood. Now what has happened over the years is the development of places like Dublin Deck and so forth. Over the last couple of weeks there have been complaints registered within the community and some people got some tickets. Those we will handle. Right now we would like to set a public and there will be no tickets given within the neighborhood. What we do in other parts of south Patchogue it is set up as "by permit only from May 15 to Oct. 1." We can do it that way or we can do it "by permit" parking year round. At the public hearing, the people that live there will be asked to speak and you can tell us the way you would like to see it and what would best work for your neighborhood. In some neighborhoods it is seven days a week. In other neighborhoods we do it from Thursday to Sunday. Think about how you would like it done and we will modify the code to allow us to do it, by days or permits. We can do some things that will make it easier for you. We would like to have that discussion as part of the public hearing so we can put it on the record. We will clear up those tickets previously issued.

Village Clerk Seal stated: I will be here Thursday. Come and see me and we can talk to the prosecutor.

Upon a motion made by Trustee Hilton, seconded by Trustee Dean, and unanimously carried, the board set a Public Hearing to be held at 14 Baker Street, Patchogue, NY, on April 27, 2009, to amend Chapter 415-19 (Parking by Permit only) for Price Street, Sunset Lane and Mapes Avenue.

Mayor Pontieri stated: We have a request for approval to adopt a determination of non-significance relative to the upgrade of the East Main Street and South Ocean Avenue pump station. This is a function as we are putting it in for funding.

Village Attorney Brian Egan stated: This is relative to the short form that was submitted by the Village engineers for review of the East Main Street and South Ocean pump stations. Obviously, this can be done in the confines of the existing pump stations. They will not have any adverse environmental effects at all. In fact, they will have a positive environmental impact once the pump stations have been upgraded.

Upon a motion made by Trustee Dean, seconded by Trustee Hilton, and unanimously carried, a determination of non-significance relative to the upgrade of the East Main Street and South Ocean Avenue pump stations was adopted.

Mayor Pontieri stated: We have a request for approval to adopt Chapter 435 of Village Code (Bed & Breakfast legislation) initially heard at a Public Hearing held on March 9, 2009.

Village Attorney Egan stated: Some of the concerns that were raised the last time this was on for a public hearing and some of the Trustees also expressed certain concerns to me with regard to the draft of the legislation. The legislation stands exactly as is with two fairly significant exceptions. One, is the change of the zoning district. The new legislation of the 435-104 reads "that a bed & breakfast may be located in any zoning district, except A Residence subject to a Special Permit issued by the Board of Trustees." The second major change is with regard to the transfer of the Special Permit to a purchaser of the property. Before, how it was drafted, we had a graduated scale as the title or closing process proceeded. In this case the prospective purchaser of the property has to inform the Board and agrees to the Special Permit at the time of closing. If they do not agree to the Special Permit conditions at the time of closing, the Special Permit will expire. Those are the two recommended changes to the legislation as presented at the last public hearing.

Trustee Hilton stated: I would like to put forth considering raising the penalty.

Village Attorney Egan stated: I can change it to the old Section 1-9 which has a maximum Village penalty of \$1,000.

Trustee Crean stated: The permit as it is initially issued has a dual process at the first year, a Special Permit issued for the first time for a bed & breakfast would be for a period not to exceed

one year. Is that just to give us the opportunity to make sure they are in compliance and things are going according to plan?

Village Attorney Egan: The purpose for having an abbreviated first term is to exactly allow that kind of testing of the operation.

Trustee Krieger stated: I want to clarify that a bed & breakfast may be located in any zoning district, except A residence.

Mayor Pontieri stated: They can be located in any district except A residence. And any of those other zoning districts as permitted, it would have to only be by Special Permit.

Village Attorney Egan stated: The distances are set forth in Section O, No special permit for a bed and breakfast shall be issued for any building located within 500 feet of any property line of any parcel containing a bed and breakfast or within five lots of an existent bed and breakfast, whichever is the greater distance. The test now is putting this into the zoning district is to prevent clumping, so to speak, of these bed and breakfasts even though that might be a good alternative down the road. At least now at this point to keep them only in spaced-out distances.

Mayor Pontieri asked: Based upon that, does the Board have the ability to override that section of the Special Permit?

Village Attorney Egan stated: No. You would have to amend the law.

Upon a motion made by Trustee Crean, seconded by Trustee Krieger, and unanimously carried, the board approved request to adopt Chapter 435 of Village Code (Bed & Breakfast legislation) initially heard at a Public Hearing held on March 9, 2009, as presented with two changes as discussed above.

Mayor Pontieri stated: We have a request for approval to amend Chapter 415-14, 415-19 and 415-20 of Village Code (River Avenue parking) initially heard at a Public Hearing held on March 23, 2009. I have had significant input from the public hearing, as well as the attorney for one of the original proponents of this parking restriction who contacted me. And they requested these changes, again synthesized from the public hearing that we held, that “no person shall stop, stand or park any vehicle on the following streets except by permit only, seven days a week year round on both sides of River Avenue from Division Street south to the end.” That is a new section in the code; previously it was based from May 15 to Oct 1. At the same time while making that amendment, the Board should consider making an amendment on C, “the parking permits issued for this section shall be issued on an annual basis expiring Dec. 31<sup>st</sup> of the issued year.” Much like Motor Vehicle inspections, it is very clear when these parking permits expire and it is very clear when they have to come back in to apply for a new parking permit. D. The parking permits under this section shall be limited to three per year and shall only be issued to residential property owners located on the restricted street, so commercial and industrial properties are excluded. It is not the intent. The intent of the legislation was to protect the residents for the parking. It allows permit parking on the streets, again, limited to three per year. To accommodate residential properties that may have parties, residential property owners may apply to the Village Clerk for up to five additional daily parking permits which shall be effective for no greater than a 24-hour period. A Village resident on the effected area of River Avenue or on the other areas that are by “permit parking only” presently, they can make an application to the Village Clerk for a date specific, 24-hour period for up to five additional parking spaces.

Village Clerk Seal stated: It is a rarity, but if someone is having a part of 25 guests they would need more.

Village Attorney Egan stated: The difficulty may be controlling how many times they apply for the additional parking.

Village Clerk Seal stated: We do, as we keep a record. It hasn't happened as of yet.

Mayor Pontieri stated: We have been doing it this way for the better part of 15 years now and it seems to be working very well.

Village Clerk Seal asked: Is it three registered vehicles per household, along with an allowable amount for the home so it is not 7 cars for a 2 bedroom house and then we gave two additional yearly passes per registered vehicle for guests. Then if it is a special party, then they would have to get daily permits.

Village Attorney Egan asked: It is three parking permits?

Village Attorney Egan stated: So it should read, parking permits issued in this section shall be limited to the number of vehicles registered to the property plus up to two per registered vehicle?

Mayor Pontieri stated: One of the things we have is the ability to change the policies that we have based upon the needs that we get. If it becomes problematic we can change it.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request to amend Chapter 415-14, 415-19 and 415-20 of Village Code (River Avenue parking) as presented with changes discussed above.

B.I.D Report & Chamber of Commerce Report - None

Trustee Krieger stated: On April 20<sup>th</sup> at the Patchogue Theatre the Unity Coalition is presenting *Raising the Curtain on Unity* featuring actual performers from two Broadway shows, *In the Heights* and *West Side Story*, with students from Patchogue-Medford High School. This is all free of charge and you need to get tickets ahead of time. The 2008-2009 Theatre season is starting to wind down. Last Saturday night we had a full house. It was *Zebra*, a local rock group. Also, on Friday night is *Circurious*, the Long Island Philharmonic-Watts plays Beethoven on April 18, Chamber music series on April 19, Rock Legends *Kansas* on April 25, *Dr. Doolittle Children's Show* on April 26, *Women in Comedy* on May 9, *Mickey Dee's Summer Spectacular* on May 30, and finally, the *Atlantic Wind Symphony* on June 7. It was a very successful season. Gateway is coming in with *Miss Saigon* and *Dirty Rotten Scoundrels*.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the Board approved request to authorize the Mayor to enter into a contract with Johnson Electric for traffic signal maintenance for 2009/2010.

Upon a motion made by Trustee Krieger, seconded by Trustee Hilton, and unanimously carried, the Board appointed David A. Morris, Esq. as an Associate Village Justice for the Patchogue Village Justice Court.

Mayor Pontieri stated: We have two Justices now, Judge McGuire and Associate Justice Kerri Lechtrecker. Because they are Village residents, there were various times that there are conflicts and either or both of them have to reclude themselves. Mr. Morris does not live in the Village or have a connection to the Village, but he is an attorney and comes highly recommended. It is a factor of function.

Trustee Krieger stated: I would like to present Mrs. Morena a resident of Roe Blvd. and she has some concerns about some issues on Roe and I have invited her here to talk about it.

Mrs. Morena stated: I live on Roe Blvd. where I am raising my young family. I am excited about the changes your administration has been making and the improvements thus far. My son is in kindergarten and we are very happy with the experience there and I truly love my home. However, I just recently put my house up for sale; the traffic on Roe Blvd. is forcing me out. I live across the street from St. Joseph's large parking lot and understand that they will be repaving this summer. Even with the additional parking, students still park up and down the street.... Also, cars race up and down the road at all hours..... Just a month ago, I awoke in the middle of the night by an accident where the driver lost control and the car crashed into the tree at St. Joseph's Office of Institutional Advancement. The driver fled the scene and the cops were outside for hours searching. I am a nervous wreck at night because I fear there will be another accident. It has impacted my ability to sleep and I sought treatment for the anxiety. Isn't there anything you can do to reduce the traffic flow on Roe Blvd.? With Sunrise Highway just north of us and Main Street to the south, I don't understand why so many cars drive on Roe Blvd. I just read in ..... that the towns and villages have been installing lower profile speed bumps to slow down the traffic on busy roads. Maybe this would be something an appropriate method to reduce

traffic here as well. I really do love my home and enjoy being part of the Village, but I fear for the safety of my children and this road gets busier every year. Could you do something to ensure the safety of myself and my neighbors? I then corresponded with Trustee Krieger and this is what I had written to him.....

Mayor Pontieri stated: I had given the letter to Trustee Krieger because I knew he lived in the neighborhood and I knew you would want to speak to somebody who deals with it as much as you deal with it. It is a conversation that Trustee Krieger and I have had a number of times, on the corner of Shore Road; we have gone back and forth about it many ways. I have not seen the article you talked about.

Trustee Dean stated: The speed bumps are both the same height, but they are longer and when driven over at a high speed, it gives you an odd sensation and causes people to slow down. We have taken a look at them. That road is a lot of challenges because of the width of it. Narrowing the road, moving the shoulders to the center and creating some sort of a visual deterrent with a wider painted medium of some sort would probably be effective but it would likely encourage more parking on the side of the road.

Mrs. Morena stated: I also noticed that there are about six spots there that were just outside of the parking lot and at the beginning of the school year they were lined up there; recently they have stopped and they are not there anymore. However, on the south side I can't even back out of my driveway; I can't see oncoming traffic because of the cars lined up. They all have St. Joseph's stickers and they pay to park at St. Joseph's but park on the street. There are no signs in front of my house. There was a sign in front of my neighbor's house. However, three years ago my car was parked at the bottom of my driveway on the street and was hit by a reckless driver and caused my car to be launched into my neighbor's yard.....

Trustee Krieger stated: The students continue to ignore the signs on the street. When they first put the parking lot in, there was no access onto Roe Blvd.

Trustee Dean stated: Instead of investing a lot of money on something that isn't even going to work, they have those reflector cones that bolt into the pavement. If we could create some sort of a visual obstacle, maybe we can calm some traffic that way.

Trustee Crean stated: Last week I had a conversation with Rob Locscalso of Tritec. They are moving along quite well with their approval process. They are in the stage now of recording and negotiating contracts with tenants for 31 West Main Street. It will be the first sign of re-development done on the downtown project we are working on. To that end, one of their hopes is to get some funding from the State of New York's program called Restore New York which through an application process, properties can get awarded certain dollars to assist in the renovation and rehabilitation of property and infrastructure item. That application process requires us as a municipality to hold a public hearing and I would like to set a date for them and Marian Russo to come before us and explain their efforts.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the Board set a Public Hearing to be held on April 27, 2009 at 14 Baker Street, Patchogue, NY to discuss the Restore New York application & property assessment list with regard to the restoration of the Wedgewood Building by Downtown Patchogue Redevelopers LLC.

Trustee Crean stated: The long line of the approval process requires for this Board to adopt a finding statement. There was a voluminous and quite detailed environmental impact statement that was drafted which reported on everything on traffic, to sewerage, to parking, all of those things that would impact the environment of the surrounding area. We have adopted the Findings Environmental Impact Statement last meeting and what we would like to do is the adoption of a Findings Statement in the form of a Resolution.

Upon a motion made by Trustee Crean, seconded by Trustee Devlin, and unanimously carried, the Board adopted the Findings Environmental Impact Statement after having reviewed same.

Trustee Hilton stated: At the last meeting we reserved a decision on the Blue Point Brewing application to hold their 10<sup>th</sup> Anniversary Party on June 6<sup>th</sup>. Since then they have requested a date

change and also have addressed some of the questions we had about their event, and also have met with the Village Safety Inspector to see what they had to do in order to be in compliance.

Upon a motion made by Trustee Hilton, seconded by Trustee Krieger, and unanimously carried, the Board approved request for the Blue Point Brewing Company to hold their 10<sup>th</sup> anniversary part on Saturday, June 13<sup>th</sup> from 2 to 7 p.m. with live amplified music.

Blue Point Brewing Company owner stated: It is going to be a ticket item, tickets being in the \$50-\$60 range. There will be a national touring act coming, Robert Randolph who plays the steel guitar. I would like to invite the Board down the day before for the ceremonial tapping of the first keg for the 10<sup>th</sup> Year Anniversary. The event will be rain or shine because of the touring act; the band will be tented.....

Trustee Devlin stated: Paula Murphy from the Tree Committee has planned several Arbor Day celebrations on April 23 with the students from South Ocean, with planting of a big elm. The students from Bay Avenue School Green Thumb Club will meet us at 380 Bay and we are going to plant some trees there. River Avenue Green Thumb Club will be doing a little ceremony at the cemetery.

Trustee Devlin stated: As an update on CDA, we selected an engineering firm to do the preliminary engineering on the Roe Walkway Project. This is a project that is a collaboration between the Community Development Agency—it is a Suffolk County grant that we had gotten through the BID and the Chamber. It has been a long time coming, but the engineering will be starting. This walkway is by Remember Yesteryears and Stanley's Furniture, a passage going from Main Street to the parking lot. It is going to be completely reconstructed with new walkway and security lighting. It will probably be built over the autumn.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request for the Garden Club to hang a banner on Main Street two weeks prior of their 9<sup>th</sup> Annual Garden Club tour, July 11<sup>th</sup>.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved request for the Garden Club to use the Community Garden for Garden Tour ticket sales on Saturday, July 11<sup>th</sup> from 9 a.m. to 12:00 p.m.

Upon a motion made by Trustee Devlin, seconded by Trustee Dean, and unanimously carried, the Board approved hiring of security as per list attached and salary noted.

Trustee Devlin stated on April 16<sup>th</sup> is the Patchogue-Medford Healing Hearts and Hands Quilt project at 7 p.m. in the Library. Any one interested can e-mail at [patchoguemedquilt@email.com](mailto:patchoguemedquilt@email.com).

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the Board granted request to Public Safety Sgt. Richard DeBetta for a three month leave of absence beginning May 1<sup>st</sup>. Sgt. DeBetta is a teacher at BOCES and will be planning his retirement and we wish him health in his next phase of life.

Trustee Dean stated: I would like to make a motion for notice of a public hearing to create 3 or 4 handicap parking spots on Main Street. Trustee Crean and I walked around Main Street and we found several spots that would lend themselves nicely to be designated as handicap spots. Some years ago we removed some handicap spots on Main Street because DOT said we could not have them. But, we have been led to believe that we can have them. We believe the ADA has made allowances for that. Although, it is important to note that ADA doesn't require municipalities to provide on street handicap parking. The only handicap parking required by ADA is a function of parking lot size, number of parking spaces and number of store fronts that face a parking lot. Our street is purely elected by the municipality. However, I see 4 spots that would work as handicap spots on Main Street. I was under the impression that this had to be done by Local Law. The Village Attorney just told me that we could do it by Resolution. However, I don't have the numbers and distances now. They will all be the first spot after an area that was marked for "no parking" so the person driving the car wouldn't have to do any creative maneuvers to get in and they are pretty close to ramps.

Upon a motion made by Trustee Dean, seconded by Trustee Crean, and unanimously carried, the Board approved request to designate certain spots on Main Street as handicapped spots.

Trustee Dean stated: The Mayor and I met with LIPA with regard to 380 Bay Avenue. They have an energy savings program whereby if we implement energy saving electrical fixtures, we can recapture the cost of the upgrade. We acquired a package from them which outlines that and have passed that along to the architects and engineers. They will be incorporating those fixtures into the design and we will be getting back the cost of those fixtures rather than having to lay it out ourselves.

Public to be Heard:

Gail Shafer, 106 Lake Shore Drive, stated: I wanted to make a couple of comments. First, I commend you for your visionary decision to allow bed & breakfasts in Patchogue. Second, thank you also for recognizing that our residential neighborhood should be protected from commercialization. And I want to thank you for listening to our opinion and for taking the time to formulate a compromised decision.

Richard Kemp, 68 Jennings Avenue, stated: I apologize to the Chair for my comment to Trustee Krieger earlier this evening. I would like to address you now, Mr. Mayor. Gerry Nocita proposed a stop sign on Roe Blvd. Whatever happened with that?

Mayor Pontieri stated: We never set it for a public hearing. We had discussion on it. And we had discussion both with the Highway Dept. and some traffic engineers. There was some concern that they would not be able to visually see the sign if it was set that far because of the width of the road and therefore it was not recommended.

Richard Kemp stated: When you get to Messina's house, on each side of Roe Blvd., there is a solid white line painted. Is there a reason for that? Maybe you could use bump strips. If it is wider than it is supposed to be, that is something that this Board should consider.

Trustee Dean stated: It is the boundary of the road. I think we should take a look at that, and maybe narrow those down.

Richard Kemp stated: On Friday last week I sent an e-mail to Deputy Mayor McGiff.

Mayor Pontieri stated: He mother passed away and I am sure he has not reviewed his e-mail nor has anyone else.

Richard Kemp stated: I have a complaint of a vehicle parked in front of 81 Jennings Avenue which I complained to him about and he said something had to expire at the end of March. I wrote to him on April 10<sup>th</sup>. The vehicle has been sitting there since last fall.

Mayor Pontieri stated: Forward me the e-mail.

Dan Ziegler, 107 Lake Shore Drive, stated: I would like to thank you for the approval of the bed & breakfast legislation.....however, am disappointed that residential property was excluded...however, it is what it is. I told my wife I would do my very best for her. This was her dream which started years ago. To exclude residential was a tremendous mistake and to not have tapped into the knowledge base of individuals that have dedicated years to come up with the best plan for the Village.....they are always tucked away in quiet, residential area. None of the concerns that were raised by the residents which were completely unfounded based upon facts were ever brought to my attention or there was never open discussion about parking, traffic and garbage. All of them were unfounded. The facts were presented to each of you and repudiated every one of those fears.... With that being said, my wife would like to know how a new permit for a new commercial business, a pediatrician, was approved. In light of that, that provides a tremendous impact of traffic on the Boulevard every day. How did a new pediatrician get a new permit to rent Dr. Spielsinger's residence get approved?

Mayor Pontieri stated: That is not a change of use. It has been that way for 30 years.

Village Attorney Egan stated: I loathe to ever discuss individual's property issues. I understand the complaint. I and the rest of the Board reviewed that property as to exactly what it is and we are not going into it. My speculation is it is probably a pre-existing, non-conforming use. It has been a doctor's office and my mother's doctors office. It is a continuing use as a doctor's office.

Mayor Pontieri stated: He probably purchased Dr. Spielsinger's practice also.

Village Attorney Egan stated: As to the discussion before, it was not site specific.

Dan Ziegler stated: I understand that is your opinion, but to exclude residential A from the bed & breakfast legislation...coupled with the legislation that you just passed there are two big mistakes. One, limiting it to 3 rooms and limiting it to a seven day stay did not take into consideration the fact that I want to rent my house, or I sell my house, or give my house away, and I want to buy a big, beautiful Victorian.....do you really think you are going to attract my type of people when limiting it to three bedrooms....? Now you take a step backwards, instead of giving the 14 day window that Brookhaven approves and 80% of the other villages on Long Island approve, you now reduced it to 7 days. Now you have restricted travelers from being able to stay long term. My house they have a reason to stay—to watch the change of the season, the birds, the lake. Those are things we should have discussed.

Trustee Devlin stated: Not being site specific, we were dealing with the entire A residence which we were dealing with the entire A residence. That is where many of us gave our consideration.

Dan Ziegler stated: Attorney Egan answered a couple of questions about every single site specific conversation will come after the Board approval of a bed & breakfast zone and if it was challenged such as my specific site being A residential, that would be a specific conversation. If another A residential person came before this Board, you would address as an individual site specific conversation within the A residential. To blatantly limit anyone living in A residential from applying to this legislation especially the individual who helped spearhead your decision to reform your legislation I think....

Village Attorney Egan stated: My suggestion is to not take it personally because: 1) it is a zoning application, 2) you bought that property and even if you put in a B&B and intended to live this dream, that use would have been illegal and would have been a violation. You bought it with the knowledge that it was that way. If you had bought it with that intention, it would be emotional.

Dan Ziegler stated: We did not. I fell in love with it the moment I saw it. I knew it was going to be a challenge. My house was a tiny castle from 1963. I enjoyed that process. But, with my son moving out and my step-daughter graduating college, a 4,000 sq. ft. home----it was the visitors, my friends and family who said you should do something—and said have you ever thought of a B&B. This was not a plan, to buy a house and change it into a B&B. This was, let me test the waters and see if this was a good idea.

Trustee Devlin stated: Lots of things may seem to be a good idea; however, we have an obligation to the entire community. We needed to research further and this is the judgment that we came up with. For me it was based on the fact that A residence is the most restrictive use in the Village and that should be maintained for the people that have chosen to live in A residence. Whether you have a lovely home and your wife wanted a B&B and the meals would be fantastic, that in itself for me is not enough for us to vote to have B&B in A residence.

Trustee Dean stated: Trustee Devlin speaks the truth. In fact, initially this was going to be far more restrictive than it is right now. I still feel that it should have been far more restrictive. It is only through a lot of discussion with this Board, the Village Attorney reviewing other legislation from other communities, that we expanded it to this. If I had wanted what I wanted originally, this would have been applicable almost nowhere in this Village. I don't think it is a bad idea, but I think baby steps are in order. I think this covers it and is a good decision. People from your neighborhood spoke compellingly, but not specifically to your neighborhood. They spoke specifically to the impact on A residences throughout the Village and that is where we took our lead from.

Dan Ziegler stated: The documents that I provided from all of the villages, towns and counties within the State where they talked about how B&B worked most effectively when tucked away into the neighborhoods of the villages not on Main Street or next to hotels....

Attorney Egan stated: I think that the majority of this Village that lives outside A residence would be insulted by that comment.

Dan Ziegler stated: I just said B&B in particular. If you want to own a home and live on Route 83 and was to convert it into a B&B, that's up to the buyer.... It is up to the buyer as to whether it is going to be successful or not. Each one of the specific application was to be reviewed individually. You have excluded not only myself, but other individuals....

Mayor Pontieri stated: Deputy McGiff is not here, but he made a very interesting comment. Basically, he said historically we have been a community put upon by rooming and boarding house issues in A residential areas. We fought it over the years, myself included, and there is a fear that if we open the door to something that we can't control, then we put those A residences in jeopardy. Over the last five years, this Board has been very tenacious trying to control this. There is a general sense of feeling that it will set us back. Unfortunately, your situation is in the eye of that storm. You are situated in a position which probably works out beautifully, but there is an overall concern of A residents and the protection of them right now. It is really about a sense that those residents in the community feel that something could happen that would change the complexion of their neighborhood. You can look at it that there are more people relieved that it is not going to happen, than those cheering that it has. Even in my own neighborhood, I have a winter view of the lake. But, I would have a concern if the neighbor across the street made an application and what it could end up being. That is why 14 days became 7 days. And maybe the sense is if this piece of it works and we get a couple going and they seem to be handled properly, then maybe it will be expanded. I don't know, but I do know that the history of this community has been an abuse of property rights. This legislation allows the beginning of something and allows us to perfect it.

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