

Inc. Village of Patchogue  
Board of Trustees Meeting

April 12, 2010

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on April 12, 2010.

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

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

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried the board approved the minutes of the Board Meeting of March 22, 2010, as presented.

Village Treasurer stated: The bills for the period ending April 12, 2010 totaled \$611,642.78. The five largest bills are: RJ Industries \$287,869.00 for sewer plant construction, Pilger-Skidmore \$58,752.07 for quarterly insurance payment, ADRU Properties \$23,495.00 for Main St. Grant-South Ocean Avenue (BID), Thomas Knapp \$12,422.23 for tax redemption, and LIPA \$12,321.45 for monthly electric (MS4, Artspace).

General Fund	\$236,001.23
Trust & Agency	14,591.55
CAP Projects	328,252.07
Sewer Fund	21,359.53
BID Fund	1,344.35
Housing Fund	1,685.39
CDA Fund	6,141.41
General Bills	2,267.25
Totals	\$611,642.78

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

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for general fund to loan Capital Projects Fund \$294,098.09, Housing Code Fund \$3,534.24, and Community Development Fund \$26,651.00.

Village Treasurer Krawczyk stated: The cash balances as of 2/28/2010 are provided for your review.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, April 12, 2010, at 7:30 p.m., in the Municipal Building, 14 Baker Street, Patchogue, New York, 11772, by the Village Board of the Incorporated Village of Patchogue to consider a request for a Special Permit pursuant to Chapter 435-25A and Chapter 433-31C(2) for the West Bank Marina and Off-Key Tikki Bar. At said Public Hearing any person interested will be given the opportunity to be heard.

Village Attorney Egan stated: This is an application by the West Bank Marina and Off Key Tikki for relief on three discrete areas. The first is pursuant to 435-25A which is in the E-Industrial code. In an E-Industrial district is allowed only certain uses and other uses are excluded except when authorized by a Special Permit issued by the Board of Trustees. In this case what the applicant seeks is to allow a personal service shop and stores and shops for the sale of consumer merchandise or services, specifically to permit a wood shop/art studio with accessory retail sales of merchandise and services to customers in the E-Industrial district at a location known as 30 Baker Place. The second is also in the E-Industrial District to allow a first floor apartment and accessory professional office in an existing non-conforming, three family dwelling which is located at 31 Baker Place. It is a site plan presented by the applicant and is in front of all the Trustees. Thus again, office space and residential is not permitted in the E-Industrial unless granted a Special Permit by the Board of Trustees. Lastly, is to allow for parking of additional vehicles in accordance with 435-31C(2) which sets out the number of spots that is lawfully allowed on residential property. Generally, on residential properties, properties are allowed to have one car per bedroom plus one additional car unless an application is made to the Board of Trustees for additional parking. In this application what the applicant seeks is 90 cars at 31 Baker Place and to permit parking at 195 River Avenue which is split zoned—both as A Residential and E Industrial. And the applicant has indicated that they would only allow parking on the E Industrial portion and they would permit parking of additional cars at the 195 River Avenue spot as well as 90 cars a 31 Baker Place. Those are three discrete applications that are pending before the Board today for a Special Permit. The site plan is pending before the Planning Board. The Zoning Board has already heard and closed their hearing and a decision is pending. This Board is limited to just granting a Special Permit to allow those three discrete exceptions to the E-Industrial zoning area.

Mayor Pontieri stated: This is approval up to that number of cars. Zoning and Planning Board will still review for final site plan approval and final approval for all other contingencies such as fire, access, egress, buffers and such other things, so that the 90 number could possibly go down based upon that site plan approval.

**\*\*\*RECORDING MALFUNCTION\*\*\***

John Giaccio stated: Any questions with regard to uses, emergency access lanes, buffering, curbing and parking are all site plan considerations that go before the Planning Board. This is strictly to grant special exception for (tape malfunction) expanded on your Building Inspectors recommendations and also limited access on Noxon Street a direct response to community concerns that the restaurant goes would not use Noxon. I can go on, but am not sure that those issues should be raised here.

Village Attorney Egan stated: I want to be clear on the Noxon Street to make sure it is as the Planning Board understood it. By limited access actually is, in fact, prohibited access. Actually, there will be a gate installed to limit access to emergency vehicles and boaters.

John Giaccio stated: the three exceptions would be the boaters could come that way, sanitation and service vehicles, and emergency are the three exceptions.

Trustee Keyes stated: The 84 parking spots include the 10 for the wood shop.

**\*\*\* RECORDING MALFUNCTION\*\*\***

Mayor Pontieri stated: We do understand what our responsibilities are in terms of this application and what we are supposed to be looking at. When you live in a community this small, it is very difficult and segmented our yourselves a project that has been segmented before. This project every time it has been viewed by these board members, in conjunction with the Zoning and Planning Board, has changed itself each time. I can understand what you are saying. By law, we have certain things what we have to look at. But, the picture in a community this size is a much larger picture. An application like this for the Town of Brookhaven, 350 sq. miles and 480,000 people, sometimes it gets lost in the wash. In 2.2 square miles and 12,000 people we have to live with it in the frozen food isle at Waldbaums, lunch at the Main Street café, or a cold beer at the Oar; it doesn't matter where you are at. I can understand what you are saying. In the large picture, you are 100% correct; in this little microism place that we live, unfortunately it is not as easy to take the piece apart like that. We truly understand what our responsibilities are, but we truly have to make a decision that is in the best interest of the entire community. I suspect Board members will have some questions.

Trustee Hilton stated: My question was the importance of the Volkman parking area and how in the near future those conditions could change and that was brought up by Mr. Russo.

John Giaccio stated: I actually cannot speak to that subject. I will tell you that the Volkman situation is not part of the application. If Volkman is accessed it would have to be their situation. It is just not part of the application.

Trustee Hilton stated: If it is not part of the application, let's not talk about it. I don't want to confuse it. But, I do have a question and that is if you went to the Zoning Board with the criteria for the Special Permit and they closed that hearing, so you are waiting to hear whether you have met the criteria for a Special Permit?

Attorney Trimarco stated: It was an application basically for variances and there was criteria, section of the town, and we proposed and mentioned all of that criteria. What I meant before was, and I say it again, the Village and this Board could do whatever it wants and use whatever criteria it wants. I didn't mean to say you are handcuffed to any particular criteria. On the other hand, that is the reason why this board appointed a Planning Board and appointed a Board of Zoning Appeals so those issued can be decided by an independent board. But again, I can't tell you how to decide a case or what the operation of your minds are. We just hope it will be favorable.

Trustee Hilton stated: Taking that into consideration, we certainly respect whatever decision the Zoning Board makes and apparently that is a closed hearing. So, the Zoning Board has a pending decision that is not open to any further evidence. Is that something that we should take into consideration in the decision that we are making tonight?

Village Attorney Egan stated: Not necessarily. Again, it is limited to what is before the board. It is a discrete three point Special Permit application. The one piece actually now as amended is not 90 parking spots; it is now 84 parking spots. The question before the Zoning Board was what percentage of variance they were going to grant on the parking relief, and that would be 11%.

Trustee Hilton asked: Along with the reduction of the parking spots, would it also be reducing the occupancy?

Village Attorney Egan stated: It would be a coordinate reduction to the overall site occupancy. Correct.

Trustee Hilton stated: Being a resident of the area, I am concerned that we could set our parking at anything; but, where are the rest of the people going to go which I guess is a hypothetical question. Which the Mayor was suggesting, like a small Village like ourselves, takes on the impact of where the over 84 are going to go. Certainly if they go somewhere and approach the bar, in your infinite business mind you are going to make them a drink. I think in setting the parking it is important, but still the big question to me is there. I also feel that you are not totally familiar with the problems that we have been having with the mixed use in that you're saying that all we have to do as a Board is to tell them what we want to do and it will be done because not necessarily that is always the case.

Attorney Trimarco stated: I guess it is a question of enforcement too. It is very tough being on the Board and anticipating, well what happens if they don't abide by it. There will be a restriction on the number of people to, 211. The question of policing that 211 is an issue that is in every board's mind, but it will be restricted to 211 persons.

Mayor Pontieri stated: There are certain things that when you take a look at a Board of Health permit that has 66 on it, then take a look at HTM's, the engineering companies recommendation that they don't exceed 200 on the septic system based upon the pumps that were put it. My understanding with the State Liquor Authority that their original permit for last year was for 60 based from what they told me, and we had probably at any given time last year 200-350 people on the property. I do understand that, but if you are talking about 80 parking spaces and then say we are looking at three discrete locations—well, those three discrete locations are located in a larger context and it is very simple to say to think about the three, but it is very difficult not to understand that any decision that we make on 84, 24 or 184 is being driven by what happens on the rest of that property. So, it seems like a simple decision is not as simple as we all want it to be.

Trustee Crean stated: I would like to, first off, thank Carol Giglio who has orchestrated this whole thing right from the beginning, between Zoning & Planning. I would also like to thank Peter Sarich who has been a big help in helping us and helping the applicant get a better understanding of what is being proposed. I would like also to thank all of the other speakers who were here earlier this evening. This application has taken great strides to try and address each and every issue that has been raised—for emergency vehicle access, to traffic circulation, to noise. And this Village Board here has taken steps to try and protect the residents. We have enacted a noise ordinance that defines hours of operation and decibel levels. We have restricted parking on River Avenue and have tried to confine the operation on the property. I think we are making great strides to get there. There is theory and then there is practice; we all know that. What we are addressing tonight are these three criteria. The wood shop and retail use; I have been in that building. It is a use that I would love to see on the river, not only on this side but other locations as well. I have been in the offices of Archspire Architecture and the apartments on 31 Baker Place—if I were single and didn't have three kids, I would love to live there. It is one of the best residential sites in the entire Village. But, what we are trying to do is basically to prevent an overflow into the neighborhood of parking and traffic by restricting access to the site for emergency vehicles, sanitation and boaters. I think it will diminish the traffic circulation on Noxon Street tremendously. Maybe the addition of speed bumps like we had last year might continue to improve that or contain that. The river is changing; we all realize that what was once an industrial river or what was once a commercial river is becoming more of a residential/recreational river. And there are some growing pains that go along with that. There are some conflicting interests that go along with that. It's an exciting time to be a Village resident right now. There are guests that will go to Harbor Crab and guests that go to the Oar, and hopefully, on a nice summer evening they might consider wandering and walking down the riverbank and visiting other properties which will also include the Tikki. What it all comes down to, and I think John Giaccio made it clear, is that what we are trying to do is remediate a lot of the issues that we have been living with for the last two years—the valet parking issue, the traffic issue, the noise issue, the parking issue on River Avenue. But, what it all comes down to is if there is a site occupancy of 211 people, that is what he is going to have to live by; that is what is being applied for—that number may change through the Planning Board hearings. But, what it comes right down to is that is what he is going to be operating under. The initial request by the applicant of occupancies of up to as much as 400 was a number nobody could really live with—not even myself who lives on Bay Avenue, which is on the most eastern side of the Village. Whatever we decide here tonight, it is obviously not going to end the discussion. I am sure that the efforts that the applicant is going to continue to put forward will not only be profitable for him, but will also try to remediate these issues. The addition of bathrooms, the emergency access right down to the riverbank, the fire stations along the riverbank to try and contain any sort of fires or emergencies that might occur along the riverbank are all above and beyond the call. It comes right back down to what I said initially—there is theory and then there is practice. What we actually approve here and allow, we are going to need to continue to work on. That is not to say that there is not going to be people that are not going to look to park in other places in the Village and choose to walk down there. But, what it comes down to, it is going to be limited to 200 or thereabouts occupancy. The only question that I have is where the boundary lines are—between the E Industrial and residential, it is a dotted line there. I guess what we are looking to allow at this point is how to get onto those parking spaces; how do you get there? It seems you have to drive through residential property.

Attorney Trimarco stated: Yes, you do have to drive through the residential to get to those six parking spaces.

Trustee Crean asked: Is there a driveway through that curb cut there, or how do they access that?

John Giaccio stated: Right off of Baker Place.

Mayor Pontieri stated: With reference to that, there has been past practice with other bars and restaurants to allow some access to that kind of parking. I don't think that is something that we will wrestle with in terms of allowing now. We can get into the nitty-gritty of five or six spaces—the issue and the picture becomes a little larger than that.

Trustee Crean stated: At this point from my opinion, I would be willing to grant permission to those three criteria. I am interested in hearing what the Planning Board determines and what the Zoning opinion is. But, as I said earlier, I appreciate the efforts of Carol, Peter, the Zoning Board, the Planning Board and Archspire.

Village Attorney Egan stated: This is an E Industrial property and the request is for a Special Permit from the Board of Trustees to permit a wood shop/art studio with accessory retail sales of merchandise and services to customers at 30 Baker Place. That is because only a personal service shop, store shop, consumer merchandise, or services in an E-Industrial area are only allowed by a Special Permit from the Board of Trustees. The second is an application for a Special Permit in E-Industrial a first floor apartment and an accessory professional office—again, it is located in the E-Industrial area. It is a prior non-conforming use for the residents. It is located at 31 Baker Place. The third is a Special Permit to permit parking on residential properties for more than one vehicle per each conventional bedroom. The code will allow one car per bedroom plus one additional vehicle. In this case the original application was 90, now it is for 84. As amended the 84 parking spots on 31 Baker Place and to permit parking on what may be 5 River Avenue as restricted to the E-Industrial portion of the property.

Trustee Krieger asked: Is the Volkman property really an issue that he has 15 more spaces to fit people on the Volkman property?

Village Attorney Egan stated: I think Mayor Pontieri raised the fact that in theory/practice argument there is a distinction. Technically, from a legal perspective the Volkman property is not a part of this application.

Trustee Krieger stated: So, the Volkman property would basically be used for overflow.

Attorney Trimarco stated: We have a lease.

Mr. Bruemmer stated: This is not a mystery. We rent from Mr. Volkman about 30 spots and our intention is to use it strictly for valet and perhaps for some of our employees. There is no access off Noxon. It is a straight shot from our parking lot, 12 feet across for valet, nothing coming down Noxon Street.

Attorney Eric Russo: I would just like to clarify this then. Because at the Planning Board hearing and then subsequently at Zoning Board hearing, the Planning Board clearly stated there was not to be any valets as part of that application. At the Zoning Board hearing, Attorney Trimarco and Mr. Bruemmer presented a three year lease from Mr. Volkman which said the only use of the property was for valet purposes. When questioned they said they still have to work out what the arrangements were going to be for 2010. So if the Planning Board is now allowing it as part of a site plan, the discussion has been that Noxon was only for sanitation, marina and emergency vehicles; what does Noxon have to do with valet parking in the use of this property? I am confused. It is either we have it or we don't. There is not clarity on the issue and it is clearly not the case that Mr. Rocco, although he didn't speak to anyone in the room at the Zoning Board but sat behind me and I could tell just from his face that valet parking was part of his application. So, if they are going to amend that application, then they should do so. I am finding difficulty understanding since there are conflicting statements of what is going to take place.

Trustee Krieger asked: Considering those 84 cars, how many people is that?

Village Attorney Egan stated: The occupancy is four per car under the code. It is complicated because if you look at the center of the parking calculation—the center of the actual site plan, it breaks down how many cars are required per use. This is mixed use properties—you have marina use, residential use, retail use, bar/restaurant use.

Trustee Krieger stated: In my mind the Volkman situation has no bearing on it from a legal or planning prospective. But, in practice, if more than 84 cars (less than 211 people) comes to the Tikki bar, the additional people can have the right, based on the lease that you have, for cars to be put on the Volkman property, whether it is valet or somebody drives through or whatever. It really doesn't have anything to do with this application.

Village Attorney Egan stated: Correct.

John Giaccio stated: The comments made were slightly confusing. The valet was an early part of the application which is not on the application any more. The Planning Board told us very clearly that there is no rule in Patchogue that allows

them to give valet. As a matter of fact, the idea of valet is to get more cars parked. That's why you do valet—you get more cars parked if you let somebody park the cars. In addition to that there was an earlier discussion to use the adjacent property and gain occupancy also, so that is the reason why it is not on the application. So the valet is not on the application because I don't think you disallow due to the fact there is valet in Patchogue and it is not illegal, but it is not to gain any parking places and it is not to gain any occupancy. So I think the issue is pretty much put to rest.

Trustee Krieger asked: So, why would Mr. Bruemmer have a lease with Mr. Volkman if he is not prepared to use the property?

John Giaccio stated: Quite honestly, the lease predates this part of the application and I don't know if that would happen today. He already did sign the lease.

Trustee Krieger asked: I am a little confused about the ownership situation.

Mr. Bruemmer stated: There are four pieces of property that are included in this application and I own them all. Three are under one corporation and the other is under another and I am the sole stockholder of them all.

Trustee Krieger asked: Is that precedent?

Village Attorney Egan stated: Mr. Trimarco has disclosed to us that it is exactly how it was. We negotiated between Attorney Trimarco a proposal for a Declaration of Covenants for Restrictions that would restrict any change in ownership without the consent of the Village which can be withheld for any reason or no reason. So, there could be no changes to any other outlining parcels. I think you are absolutely right, Trustee Krieger; you hit the nail on the head. This is not a new application; this has been around for two years. The concern was that one of those LLC's or otherwise would become an outlining parcel. This is taken as a whole and not a segmented property driven use. Mr. Trimarco has agreed to have his client submit to us a Declaration of Covenants and Restrictions that would then restrict the sale of these properties. They rise as one and fall as one; they cannot be sold without the consent of the Village.

Trustee Krieger asked: With reference to the restrictions on Noxon Street, is there going to be a gate into your parking lot?

John Giaccio stated: It will be limited access by a card or a key.

Trustee Krieger stated: So, that is going to open and close as sanitation comes in or as people from the marina punch in.

Bruemmer stated: Correct.

Trustee Krieger stated: I know that the Oar House, Dublin Deck and Harbor Crab--I know all have undesignated parking lots that are gravel. So to discuss the delineation of parking lots I think we would have to address those places too. It seems to be working there so it should work here. I appreciate your efforts to conform to what the Village is looking for and wish all of this stuff would have happened 2 ½ years ago and we wouldn't be here tonight straightening it out. What is happening at the wood shop?

Bruemmer stated: It used to be an auto repair shop. Now it is a craftsman who wants to sell a statue to people waiting on line waiting to get into the Tikki bar.

Trustee Krieger stated: The whole easement on Baker Place--what is going to happen to that? Are they going to widen that?

Attorney Trimarco stated: It is going to be three lanes, 30 feet, with no parking on either side of the street.

Deputy Mayor McGiff stated: In two and one half years, we have gone through a lot. Mike, I admire your energy, your creativity--you took something there and made something of it at a great personal and financial cost and I respect that. But hearing some of the comments--Mr. Bogack, I think you hit the nail on the head. Whether the law tells us to look at this separately or whatever, as Paul said, we have to look at this in its totality. The pink elephant in the room that no one is talking about, the night club/bar or whatever you want to call it. Two acres, 2.1 or 2.3—I will say it politely, it is like 10 lbs of potatoes in a 5 lb sack. Having all these uses on one piece of property is just mind boggling—creative and ambitious, but mind boggling nonetheless. Since we live in this community, it is going to have a vast impact on the neighborhood. Our job is to balance your rights as a property owner with the rights that these people have in their neighborhoods. As Mr. Trimarco aptly put, we can do what we want with the criteria we have. We can't decide this in a vacuum; we have to look at this in a global picture. One of the problems I have is that this thing was given to us piece meal—I am not going to say it was ingenuous, but it was just misleading. And the reason it has fallen on our shoulders because every time it was given to the boards—zoning/planning—it changed. The first time we heard night club was two

weeks ago. Even now, Brian asked me “keylock” what’s that? Every time it is something different. It is frustrating. I look at your short form application, filled out today; I don’t think that was totally Mike Bruemmer fault. I think you have had four attorneys in 2 ½ years.

Mr. Bruemmer stated: It is interesting that form—and it goes right along with what you are saying—and there is some sort of a general misunderstanding as a general statement. The SEQRA form was filled out 7 years ago for our DEC permit and submitted to the Village; you have a copy of it. That was for the overall design of the place including..... (tape unclear).

Deputy Mayor McGiff stated: But, this is one of the problems. Was that for a 16 seat snack bar or for a 200 seat night club?

Mr. Bruemmer stated: The original application for the Tikki bar was for a 16 seat take-out and if you go back and read the transcripts of that Planning Board meeting, 16 seats as a restaurant designation which has no connection with how many people are on site, how many people in the restaurant, and how many people in the bar. It’s a restaurant designation and it was because there was no sewer. And it says in that transcript. “And when the sewer comes are you going to get bigger? Yes, that would be our intention.” And, then we went to 25. We opened with 66 seats as paid for and approved. Again, not through Planning, because, frankly, nobody ever told us we had to. We paid \$37,000—the Village engineers and the Village board voted on....

Deputy Mayor McGiff stated: Mike, you are a smart guy; don’t sell yourself short that you didn’t know.

Mr. Bruemmer stated: This was the process that I understood. Trust me, I wish I was smarter.

Deputy Mayor McGiff stated: I know it cost you a lot of money. But, getting back to my point; this has been a piece meal project from the beginning. That is, I think, part of the confusion and frustration, and here we are trying to find the solution—and I don’t know. One of my concerns, Mike, and I will be very blunt with you, Mr. Trimarco talked about enforcement. History is a great teacher. We have the benefit of history with you and this property visa the enforcement. Last year was a “blank” show—let’s just call it that. It was bad; you know it was bad—motorcycles. Your poor apartment. Ask Suffolk PD. I am not blaming that on you, but I am saying in terms of enforcement we had you in Supreme Court, all kinds of actions back and forth. So quite honestly, I don’t know if when Peter Sarich goes down there and tells you that you have 400 people that you are going to really comply with that. I don’t know, but I do know history and I have the benefit of last year

Mr. Bruemmer stated: I think that’s the year before last. The bottom line is you are right. When we opened, it were certainly much busier

Deputy Mayor McGiff stated: There was growing pains too. Every restaurant on the river went through some sort of growing pain—I think that is the blueprint for restaurants in Patchogue—you do things; ask for forgiveness later—there are growing pains. My concerns is we have the community, we have neighborhood, your property is your property and you can do whatever you want (I am a free thinking capitalist). I applaud your business sense, but at some point you have to decide what you want to be. That is my concern.

Mayor Pontieri stated: You roll into this also—here we are on April 12<sup>th</sup>—what day did you last serve your last drink on?

Mike Bruemmer stated: Christmas boat parade. In terms of the summer business, the second week of September.

Mayor Pontieri stated: I am sitting and looking at it today, on April 12<sup>th</sup>—and I am looking at your paperwork—you have an April 30<sup>th</sup> date with the Liquor Authority, and June 30<sup>th</sup> date with the Board of Heath; I feel like we are in a corner. I don’t know why this picture couldn’t have been drawn and we could have been sitting here in January.

Mike Bruemmer stated: Those plans that you are looking at today, with the exception of perhaps last 3 or 4 parking which were drawn up 3-4 weeks ago, has been on the Village’s desk since the first week of January—exactly the form that you see here.

Mayor Pontieri stated: I sit in my office and watch the parade of people going in and out of this place into these meetings where Rocco was there and poor Carol got dragged into them and Peter and Brian—and every time I turned around there was another cast of characters going into that room over there and then coming back out. And, I am saying to myself, how did we get here—the cell phone rang and now we need to make a decision. I almost feel like we are pushed to this point and we didn’t need to be. You and I had a discussion twice over the last year.

Mike Bruemmer stated: I don’t disagree that that is the way it has been perceived, but if you looked at it from my perspective, we have been doing this for two years as well; in fact, I have been doing it for almost eight. In the last two

years we have been asked to do this and to change that. The vast majority of the changes that have been on these plans and the reason things have been changed around is at the request of these various boards. For instance, talk about the building—the expansion of the restaurant or catering hall or whatever you want to call it—that was on the very first application two years ago—we were told to take it off. And then six or eight months later we were told to put it back on. And then six months after that it was, well we are trying to sneak this in. Whatever it is, we were kind of fumbling in the dark. From my perspective, I have been doing everything we were told to do, both before we opened and after we opened, by everybody--the Planning Board, the Building Inspector, by Steve. We sat down with you when we first opened and you gave us a list and we did it. Two weeks before that Peter gave us one and we did it. The Planning Board approval list that we got to start with in 2005, we did it. I know that we sound like pains in the behind, but it is not because that is what we want to be. We took an old beat up place on a beat up old road, and we improved our place as River Avenue has improved itself. What is before you today in its simplest form is improvement on the improvements.

Deputy Mayor McGiff stated: I don't doubt that and I agree with you, but the thing is, like I think Mr. Russo and Mr. Bogack said, in my mind is the truth—I have to look at those improvements in its totality. The thing that is not being mentioned, and maybe it is not before this board, is that restaurant and the nightclub and everything on 2.7 acres.

Mike stated: Consider that 2.2 acres, and that doesn't include the other two other houses that we control, we actually occupy 10% of the property, where the property next door occupies 85-90% of the property.

Deputy Mayor McGiff stated: When you say occupy, but they are not going to have 300 people on there. That is the issue. You don't have a benign use; you are going to have something that is going to affect the neighborhood. That is why the things with the SEQRA, the environmental, with the parking, with the traffic—all these things are going to impact that neighborhood. Our job is we want to facilitate business; we want to add to the renaissance of Patchogue. But at the end of the day, we can't forget the people we voted for us or didn't vote for us, who exercised that vote, all those voices. Our obligation is to hear those voices. Even if they are not here, we hear you and I respect you and I am a businessman myself, but I am also a Patchogue guy. But, there has to be that balance and that is what we are wrestling with. This has been consuming us for probably two years.

Mike Bruemmer stated: I certainly grant that. But again, from the other side, we talk about parking calculations. We know that these parking calculations, as well intentioned as they are, are really not that practical. And so we talk about Volkman's lot, we talk about shuttle buses, or we talk about railroad stations. Those are real down to earth, honest attempts to make real live progress in the real world and address just the things that you are talking about. Short of that, whether we are 100 person place or 10,000 person place, those calculations don't really accommodate it. And we have really gone way beyond to try and make it work. Certainly from the first year when this thing exploded to last year, it is a world of change. You see with the amount of neighbors, frankly, that are not here. I think Mr. Bogack is fairly satisfied that we addressed a large part of the issues, certainly the ones that can be addressed. Bobbie down the end of Ketchum who is very affected is not here. We addressed most of the issues—paving the street which frankly we would have done the year before. That was his major problem; I would have been paved it then. It has been held up and all of this make that improvement. That is really that you have in front of you. You have a car repair shop that we want to make into an artist's studio, maybe a little retail. We have an architect that is going to have a client or two per day. And lastly, the parking on the residential which is kind of weird because it is almost reverse of what I think the intention of the code was, we have an industrial piece of property that we want to park cars on that has a house that is pre-existing. I think the code was meant for some house in the middle of a residential that has some 63 broken down cars parked out in the front. So what I am asking for is very, very insignificant in terms of what they actually mean. They mean something bigger obviously in the bigger picture.

Trustee Crean stated: I mentioned earlier, theory and practice, and we know the history of the property. Any approvals that are granted, I am sure there will be certain times of the season where there might be some overflow; we all understand that. What I would like to consider for discussion is what Mr. Roe brought up and that were two items that were mentioned. One was a performance bond and how would that work. If there is a violation, how would that kick into effect? And the other thing I would like to mention or bring up again that Mr. Roe spoke of earlier, a tool of enforcement of a sunset provision on a Special Permit that if there is a certain number of repeated violations on the property—if you are making a gazillion dollars and the fine is only \$1000, I am going to keep making that violation knowing I can pay for it. But, if I know I might be shut down or my permit might be revoked that's another issue. I would like to move past a lot of the history of what the property is going through. We all know what has happened in the past. And just speak about these three issues tonight in a vacuum—I understand Steve—we grant these things, but who knows what is going to happen. But, a performance bond and a sunset provision on the permits might help our code enforcement. The uses of the third one, 30 Baker, are really of no consequence to the overall impact to the neighborhood. It is 32 and 36 Baker, what is going to provide that impact. Brian, how does a performance bond actually work?

Village Attorney Egan stated: A performance bond in a situation like this, on a Special Permit basis, is a little bit unusual. In Planning practice from experience it is generally restricted to site improvements—to make sure certain site improvements happen, for instance lighting, landscaping and those kind of certain improvements that say an applicant

would need some time to perform. That is something that might be better left with Planning Board, although this Board certainly could consider putting a performance bond on Special Permits. Special Permit sunset provisions are something Trustee Hilton has often spoken about in granting other Special Permits and something that could be considered here by this Board. Certainly you would want some outside date that would at least allow some return of investments from a property owner's standpoint. So you would want to encourage them to invest in it, not knowing whether the Board would arbitrarily or for some reasonable basis taken away in the short term future. But, certainly to exercise control of some of the uses that we would allow in E Industrial, for instance the wood shop and the first floor apartment in the residential use is certainly something that we would be reasonable that we could take away if it were necessary on a Sunset—three years, five years or what have you on a Special Permit. Parking becomes a little more difficult to grant the additional parking, but it is again something that you could restrict at least to revoke on a Public Hearing and have another hearing, in fact you find that parking is out of control. That may be a good control to at least revisit the issues coming in the short future.

Attorney Trimarco stated: If you can figure out how to put a Performance Bond on a use, I will tell Mr. Bruemmer to put it up. I don't think we could even get an insurance company. I agree with any of the site improvements, that is normally what is done. One of the things that has happened with certain special exceptions, and you don't have it in your code and I don't think it prohibits, is that it can be re-visited every two or three years. For example, in the Town of Smithtown they have mother-daughter revisited every three years because they don't want to have an illegal two family. I can't think of any others, but that is also a possibility that would give you control. What Mr. McGiff was talking about before, enforcement is always a problem and I understand that and have been hearing it for forty years almost. All these town and village boards are right—what do we do about it, how do we enforce it? The way you enforce it is to go there a couple of times and see what is going on. Obviously, if Mike decides he is not going to let that inspector in or to not cooperate, I think you could put that in as one of your conditions also. I think there are ways to control. Is it going to be perfect—no. That is the toughest thing, controlling and enforcement. On the other hand, I don't think you should presume—I know there is a history, but I wasn't a part of it—that makes you think differently than with a brand new application.

Mike Bruemmer stated: I also think you have to consider the direction that the place has gone. I would have to plead completely guilty to the first year being out of control. Frankly, I had never been in the bar business or restaurant business before ever in my life, or the marina business for that matter. All things considered, I think we got it under control very quickly that first year. The second year, last year, I think most of the neighbors—certainly Bob on Ketchum in particular—would attest it was a 100% improvement on all counts—different valet company, organized parking, Volkman lot, shuttle bus. And last year we had an occupancy of 200ish something people—as a general statement, we were pretty close to that. The Building Inspector was down several times and we got no fines for over occupancy. The only things that we got last year was a written noise complaint and two umbrellas—that was our entire violations for the year. I am pretty sure that all the other restaurants got at least that as well. It certainly nothing horrible had happened last year in terms of that. And in terms of the overall running of the place in terms of it being out of control, or not getting a handle or improving the issues we had, it was a tremendous improvement. I think the neighborhood would attest to that.

#### Comments from the Public:

Mr. Bogack stated: The realities here are the traffic is a problem, there are complaints from the neighborhood. I don't attest to all the great things that have happened—they haven't been that great. Practical enforcement issues are trivial. If you are going to give this guy everything he wants if you can't enforce. Yes, sunset provisions. Let's have some review. Let's go back and see if we have had good faith compliance. If we have good faith compliance from Mr. Bruemmer, he is going to get it from his neighborhood—it is as simple as that. And then we will have a great place in Patchogue Village where we will have a successful business and a successful neighborhood. But, it has to be real, we can't have games about the cars in the Volkman parking lot—yes they are there/no they are not. Reality is the solution. Let's face the real problems with real solutions and they will get done.

Trustee Crean stated: I would like to consider a timeframe in which this Special Permit would exist.

Mayor Pontieri stated: I would like, Mr. Egan, our special permit is for these properties, but in essence it for a number of parking spaces. It is more about the number of spaces that we are approving. There are three applications on those properties. So what we are really doing is making a motion in relation to 84 spaces. Are these separate motions or a single motion.

Village Attorney Egan stated: It would be better if it were three separate ones. If it were an ideal world, the Board of Trustees would have come first. So what you are doing is essentially saying that on the property that is 31 Baker Place, you are going to allow up to 84 parking spaces. The Zoning Board will then do within that parameter what it is going to do. And the Planning Board is also going to do what it is going to do on the site plan. The Zoning Board has already closed their hearing and is going to be pending a decision which will probably be penned as we speak. The Planning Board is on for April 27<sup>th</sup> and they will ultimately issue the site plan approval based upon the parameters what the Zoning Board variance and what this Board grants. It would be better if you did each motion by itself.

Village Attorney Egan stated: The first application is for a Special Permit to permit the personal service shop and stores and shop for sale of consumer merchandise or services or both in the E Industrial district on 30 Baker Place as restricted to a wood shop/art studio with accessory retail sales of merchandise and services.

Trustee Crean stated: My one question would be if it does not want to be a wood shop, but wants to be a floral shop would it need to come back to the Board of Trustees.

Village Attorney Egan stated: Yes. That would come back to here.

Trustee Crean stated: I have been on that site, I have been in that building, and I know what goes on in that building. I know the work that comes out of there. It is probably the least amount of impact on the overall site and a use that I would encourage along the riverbank. I would put forth in the form of a motion, as stated by Village Attorney Egan, to grant that allowance.

Village Attorney Egan stated: At the time if you want to entertain a timeframe regarding sunset you would want to put that in now.

Trustee Crean stated: I would put the timeframe of three years for the applicant to make the necessary improvements to get a return on his investment. There is the reconstruction of Baker Place, the expansion of toilets and all those other things that are costs and I wouldn't want to make that time any shorter than that. After that period of three years, I guess it would be something that if the use would change they would have to come to us. It wouldn't be something after that three years; he would have to come back to us every two years or is that something.

Village Attorney Egan stated: At that time the Board can consider how it wants to grant the renewal of the Special Permit. At three years he has to make an application to renew it.

Trustee Crean stated: I would want a yearly inspection to ensure that the business continues as being proposed.

Village Attorney Egan stated: At the expiration of the three years, he would have to renew it. At that time the Board as sitting can make it for five, one or ten years, whatever renewal term that would want. There would be a yearly inspection.

Trustee Hilton stated: I have visited it often and think it is a great spot on the river. In my mind is, do I want to use 7 spots for someone who is going to see the woodworking, but do I want to use those 7 spots for the restaurant. I know this guy is going to be peaked all summer.

**\*\*\*\* RECORDING MALFUNCTION\*\*\*\***

Trustee Crean stated: We are breaking this down into three separate motions. One to allow a wood shop and art studio, one to allow a residence/work space which would include an architectural office and the third is to grant 84 parking spaces on the site.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, opposed by Deputy Mayor McGiff and Trustees Hilton and Krieger, motion failed to allow a Special Permit to be issued to operate a wood shop/art studio with retail for a three year term at 30 Baker Place, property subject to yearly inspections.

Village Attorney Egan stated: We have a request for a Special Permit to permit residential purpose in an E Industrial district to permit a first floor apartment and an accessory professional office in an existing nonconforming three family dwelling at 31 Baker Place.

Attorney Trimarco stated: The use as it is permitted now is residential, three one bedroom apartments—one of them having the right to a home office.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the board voted to amend an existing Special Permit to permit residential use on E industrial property at 31 Baker Place to allow two apartments and to allow a first floor apartment with an accessory office.

Village Attorney Egan stated: We have a two part special permit request to allow parking of up to 84 cars at 31 Baker Place and to allow parking at 195 River Avenue with parking restricted only to the E Industrial portion, the back 20 feet of 195 River Avenue.

Mayor Pontieri stated: This is up to 84 parking spaces and will be subject to any variance ZBA may actually grant whose hearing is closed, and Planning Board overall approvals on the overall site plan including emergency access and those other type of things, with a two year sunset provision.

Village Attorney Egan stated: This is a Special Permit to allow increased parking on a residential parcel. This is obviously a residential parcel, 31 Baker Place, even though it is nonconforming in an industrial area. To allow increased parking requires a Special Permit from the Board of Trustees. Residential parking allows one spot per bedroom plus an additional spot. In this case, assuming there are a minimum bedrooms at 31 Baker Place, that would give you 3 parking spots plus one.

Attorney Trimarco stated: The area that we are requesting the parking is industrial, but it so happens there is a residence on it which is nonconforming.

Trustee Keyes stated: If I understand Mr. Giaccio earlier, he mentioned 10 parking spaces for 30 Baker for the wood shop;—now that that has been denied are we still looking for 84 spaces or is it 74 spaces?

Trustee Crean asked: If we are going to say we don't want this, what are we prepared to allow in a building that exists in an industrial area. My point is what it was a marine repair shop and there is an existing tenant in that building that tomorrow based upon our decision tonight, those tenants would be forced to move. So, there is going to be an empty building there and it will require Mr. Bruemmer to find a new tenant for that building. The economic conditions that we live in now and based upon what is being proposed in our Local Waterfront Revitalization Plant, what sort of use do we want to see on that property or in that building? One of the tenants is Joel Peck who has a wood shop and John Sino is the other tenant. If we are willing to say no, what are we willing to say yes to? Is it a marine repair show that we want to have there—that may not even have a market considering the decline of boat ownership due to fuel and repair cost on boats, is it a floral shop, is it a bake shop? What do we want to have at 30 Baker Place?

Deputy Mayor McGiff stated: That is looking at it in a vacuum. I am looking at this in its totality. We are not talking about a little shop on Main Street. We are talking at Mr. Bruemmer entire parcel, 2.1 or 3 acres, with a nightclub a restaurant, a snack bar, a marina, an architect and Joel. The problem is you have all these people going down, it is not a benign use to the neighborhood.

Village Attorney Egan stated: The question from Trustee Keyes to Mr. Trimarco was what would your intention be with the spots that were originally attributed to the wood shop that was denied? The 1,500 sq ft requires a certain number of parking spaces, even if it is empty.

Attorney Trimarco stated: I think it is the same—84 parking spaces. I am not going to say yes because you already denied it. Mike would have to look for another use and then come back to this board, unless it is a permitted use by right and I don't know what the parking requirement would be.

Mr. Bogack stated: I want to be sure I am clear. The ten spaces off of 30 Baker, when we present this application we are actually looking to approve 74 spaces.

Attorney Trimarco stated: No, it is for 84 spaces.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton and opposed by Deputy Mayor McGiff, the board approved request to grant a two year Special Permit to approve up to 84 parking spaces at 31 Baker Place and to allow parking on the back 20 feet of 195 River Avenue on E industrial, subject to Planning Board and ZBA approvals and an overall site plan approval to include emergency access, handicap access and those others that pertain to this site.

Upon a motion made by Trustee Krieger, seconded Deputy Mayor McGiff, and unanimously carried, the Board took a five minute recess.

Village Clerk Seal stated: Notice is hereby given that a Public Hearing will be held on Monday, April 12, 2010, at 7:30 p.m., in the Municipal Building, 14 Baker Street, Patchogue, New York, 11772, by the Village Board of the Incorporated Village of Patchogue to amend Section 415-6 Article II of Chapter 415 of the Village Code to add a three way stop at Maple Avenue and Cleveland Street, 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.

Joanne Brandi, 54 Cleveland Street, Patchogue, and Ben stated: We are asking for all way stop signs on the northeast corner of Maple Ave. and Cleveland Street, on the southeast side of Maple Ave across from former Associations Market, and at the intersection of Cleveland Street and Maple Ave. We currently have a stop sign there, but we want to make it an all way stop sign. We need that for quality of life and safety. They put in two three way stop signs on Northridge Street to slow down the traffic; they have a school bus stop there. Currently Associations is closed, but they are before the

Planning Board and planning to open. I have a petition with 41 signatures from residents of the area and we are all trying to make it a safer place to live for the children and older people. People don't listen to signs (photographs presented). Residents at Maple Avenue are parking on street and not their own garage.

Deputy Mayor McGiff stated: Maple Avenue apartments does charge \$75 for parking on site. I will check to see what. We can check the covenants and restrictions on that complex.

Joanne Brandi stated: No one enforces the illegal parking. I call to report they are parking overnight—most of them from the apartment complex. We want quality of life, safety for the children, we have bus stops—once that store opens the complex of the neighborhood will change again. I am thankful for the two stop signs on Cleveland. (conversation ensued)

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request to install three stop signs at the corner of Maple Avenue and Cleveland Street.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Hilton, and unanimously carried, the board set a public hearing for May 26, 2010 at 7:30 p.m. at the Municipal Building, 14 Baker Street, Patchogue, New York 11772, to consider four way stop sign at the corner of Cedar and Amity Street.

Mayor Pontieri stated: A lady at 64 Lake Shore Drive came in the other day. Her husband is handicapped. The only way for him to get out of his vehicle is for her to park her vehicle facing in the opposite direction so he can get out on flat ground. She is asking if we would put a handicap spot there.

Marian Russo stated: I know the family. Her husband had surgery last year for cancer and he is just now starting to drive. I believe that the board should consider it as a reasonable accommodation so he can park that way because he can't get out of the van in the driveway. I don't know if there is an option to put an indent in her lawn, but would assume that would be a special request to Planning.

Village Attorney Egan stated: Maybe we can just review the situation; only because the Dept. of Transportation has told us that the Board can designate handicap spots. The only concern with this is designating a handicap stop that is opposite DMV regulations with regard to parking in a certain direction which makes us exposed to greater liability. (conversation ensued)

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried the board accepted the resignation from David A. Morris as Acting Village Justice.

B.I.D. Report – None

Chamber of Commerce Report, Gail Hoag, 15 North Ocean Ave., Patchogue, stated: Thank you very much for enforcing the two hour parking on Main Street and South Ocean. Our only request is that you continue enforcement. It is very important, not only on East Main but West Main. People are getting the idea that yes, it is important. If I have a business, my employees and I should not be parking there. Unfortunately, Pura Vida closed on Thursday. Somebody came in who was a potential new customer, and the owner had to tell him that it was his last day. And the customer said I can see why because there is no parking. And that is why we have to have those spots moving every two hours. On this Thursday is the Chamber of Commerce Coalition Awards. Lari Fiala, our President, is being honored as Chamber Member of the Year. On April 21<sup>st</sup> is the Eloise Staudinger Beautification Fund Raiser, lunch from 11:30 to 3 and dinner starts at 5 p.m.

Mr. Fosse stated: I am here as a neighborhood liaison and one of the main topics to discuss is Lombardi's. I am a customer of Lombardi's and Bruemmer. He has 2.3 acres and an occupancy of 211. What Lombardi's has 1/3-1/2 acre and a capacity of 400. I don't know what is going on down there. The parking on South Ocean is becoming a major issue. If you have parking on either side of South Ocean, you have only one lane going down and that is a major issue. I don't want to dump this all on Lombardi's because we have other people that are causing the problem. My neighbor the house at 547 South Ocean, a two family, not occupied by the owner. The problem is he uses a separate garage in the back of the property as a commercial warehouse. He needs that road all day long six days a week to get his van in and out of there so people that rent his house up front have to park their cars in the street. He also has two dogs that bark all day long. I have called and told them over a year about the garage being used as a warehouse—people are dropping off and picking up all day long. They had a dumpster there for six months which eventually is gone. It is a problem. The folks across the street—big facility, driveways, garages and I would imagine even parking within that facility. At the very least you should select one side of the street and make it a non-parking area, my side preferred. The last is L dock, the season is coming, a nice place to stroll, the crabbing (dead chicken parts on dock used for bait). That L dock should be principally a pedestrian place, not a full blown fishing place. In addition to that, if Lombardi's needs parking, some of that might be available to them if it wasn't taken up with fishing activity all the time. One suggestion is that we charge a significant amount for fishing permits. (conversation ensued).

Mayor Pontieri stated: We will review the situation.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Hilton, and unanimously carried, the Board declared the Board of Trustees as lead agency and declared it as a Type II negative declaration to accept the ownership of the traffic light at Route 112 and Montauk Highway.

Upon a motion made by Trustee Crean, seconded by Trustee Keyes, and unanimously carried, the board approved a resolution in support of the grant application of the B.I.D. entitled the New York Main Street Patchogue Village Façade Improvement Program. The grant would be up to \$5000 to improve commercial facades in the area from the area on the west side of South Ocean from Church to Main and from South Ocean Avenue to River Avenue.

Upon a motion made by Trustee Krieger, seconded by Trustee Crean, and unanimously carried, the board approved request for the Brick House Brewery to hold an event in the Municipal lot adjacent to the Brewery benefiting United Cerebral Palsy of Suffolk on Sunday, June 27<sup>th</sup>.

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Greater Patchogue Chamber of Commerce to hold their annual Alive After five event on July 2<sup>nd</sup>, 16, 30<sup>th</sup> and August 13<sup>th</sup> with a rain date of August 27<sup>th</sup>.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request for the Patchogue Bay Power Squadron to use Mascot Dock for a flare and fire extinguisher demonstration on Saturday, May 8<sup>th</sup> at 9 a.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board held over request until the board meeting of April 26, 2010, to consider request for Fireworks by Grucci to hold a fireworks show at Shorefront Park on Sunday, July 4<sup>th</sup> with a rain date of Monday, July 5<sup>th</sup>.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request for Holy Angels to hold their annual Walk-A-Thon at Shorefront Park on Friday, May 21<sup>st</sup> 9 a.m. to 2:30 p.m. with a rain date of May 25<sup>th</sup>.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request for the Town of Riverhead to use Shorefront Park for a softball tournament on Saturday, May 15<sup>th</sup> from 8 a.m. to 9 p.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request for the UVO to hold the annual Memorial Day Parade on Monday, May 31<sup>st</sup> at 11 a.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request for the Patchogue Lions Club to hold the annual Independence Day parade on Sunday, July 4<sup>th</sup> from 1:30 to 3:30 p.m.

Upon a motion made by Trustee Hilton, seconded by Trustee Keyes, and unanimously carried, the board approved request for the PYAA to hold their annual Opening Day Parade and Ceremony starting at 9:30 a.m. on April 17<sup>th</sup>.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board approved request for Victor Cruz to attend NYSBOC in service training in Rockland, NY on May 4<sup>th</sup> – 6<sup>th</sup> at a cost not to exceed \$800.00.

Mayor Pontieri stated: We have a program where we will be working with the County where they would provide us with workers to do basically manual labor. This is not just for summer.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board authorized the Mayor to execute an agreement with Suffolk County regarding employees.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board set a public hearing to be held on April 26, 2010 at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, to amend Sections 415-15 and 16 Article VII of Chapter 415 of Village Code regarding parking restrictions on the west side of South Ocean Avenue between Gerard Street and Church Street.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request for Barbara Stark to attend the Advanced Web Page Design Course given by BOCES at a cost of \$340.00.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request for an out of district sewer connection for the Suffolk Center for Rehabilitation and Nursing located in East Patchogue.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request for an out of district sewer connection for the residents of 15 Maiden Lane.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request to hire Kerry Franco as a part time cleaner at \$11.00 per hour.

Trustee Keyes stated: The 2009 MS4 Storm water Report is available for review at the Patchogue-Medford Library.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the meeting was adjourned at 11:00 p.m.