

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on May 10, 2010.

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

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

Upon a motion made by Trustee Crean, seconded by Deputy Mayor McGiff and unanimously carried, the Board approved the minutes of April 26, 2010, with changes.

Village Treasurer Krawczyk: The bills for the period ending May 10, 2010 totaled \$576,918.50. The five highest bills were: RJ Industries \$370,338.50 for sewer plant construction, Egan & Golden \$6,258.33 for legal services, Earthcare \$5,151.44 for sludge removal at sewer plant, LI Sanitation \$5,017.39 for repairs to sanitation truck, and Velvetop \$4,184.40 for traffic paint.

General Fund	\$169,286.70
Trust & Agency	6,691.64
CAP Projects	371,659.33
Sewer Fund	19,715.24
BID Fund	1,169.00
Housing Fund	2,110.04
CDA Fund	6,286.55
General Bills	
Totals	\$576,918.50

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

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried, the board approved request for General Fund to loan Community Development Fund \$32.18.

No Public Hearings were heard.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Devlin, and unanimously carried, the board approved request for the Village Clerk to receive and collect the 2010/2011 Village tax roll in the amount of \$9,141,553.03 without penalty until July 1, 2010.

Mayor Pontieri stated: We have a request to assign the Concession License Agreement for Nancy's Crab Shack from Nancy Boerjes to Lombardi Management Corporation.

Village Attorney Egan stated: If the board wants to grant to consent to the assignment, it may want to remove or modify Section 3 which now provides that the concessionaire and the public shall have use of the bathroom facilities available at the pool during the term of this agreement. Perhaps the board may want to consider striking that given that they have access to their own bathrooms.

Trustee Devlin stated: It makes a whole lot of sense from my perspective.

Trustee Crean stated: One of the things that allowed us to keep control over the length of hours that the concession was to actually going to be open was the availability of the bathrooms. The only question I have is the hours of operation. I don't know if they are going to be using their own bathrooms are they going to be open until any hour. Is there a length of time in the evening that we would want them to remain open? As long as it is not causing a nuisance to the neighborhood.

Trustee Hilton stated: I think that the lease that we currently have with Nancy's was extended in spirit of her maintaining the Crab Shack the way we had all been used to. I feel that we should somehow either hold them to that, which I don't necessarily want to—but, we need some idea of

what they are going to do—make crab cakes and sell French fries? With the whole way the lease was designed it was designed around the way that we knew that they operate. We don't know how Lombardi's is going to operate it.

Mayor Pontieri stated: With the assignment of any lease whether it be this or a guy who owns a building and you assign Steve's leave as somebody else' office space, you don't know.

Trustee Hilton stated: But, this is a extended lease base on the way Nancy operated the Crab Shack. Now we are giving them an extended lease based on the unknown. Should we give them a one year lease?

Deputy Mayor McGiff stated: One of the things is the lease is to equip and operate a snack bar—who knows what the definition of what a snack bar is, but it does give some parameters. One of the concerns we had was are they going to take this and not operate it. But, after speaking to counsel and looking at the lease it does appear that 1) they have to operate during the pool hours and there is also a provision there that we as the Village board can rescind this lease if they are not acting in the public interest.

Trustee Hilton stated: I think that what is before us, are we in a position where we can limit it for a year and then take another look at it?

Village Attorney Egan stated: No. This is a three year extension of the previous lease, 2010, 2011, 2012. After 2012 at the Village's sole discretion it can renew the lease for an additional two times for one year each. But, we are not obligated. If renewed the rent would have to stay as set in paragraph 4. You can change the assignment on certain things like removing that section for the bathroom. You could supply a definition of what type of activities could go on there. That becomes difficult—one person's idea of a snack bar could be a hamburger, another could be a crab cake.

Deputy Mayor McGiff stated: There is only so much you can do there. There is still no alcohol. With the equipment that is there and the space, I don't know what they could actually do? Probably the most profitable things they could do is run a snack bar considering the pool.

Trustee Crean stated: It is going to be different than Nancy's and let's hope it is better. But if it is not in the public interest, as Steve said, we have the ability to cancel or terminate the agreement at any time. We have the broad power to do that.

Trustee Devlin stated: I would like some clarification on this. It says "the Village has the right to request profit & loss statements and such other information as they deem desirable .... for the first three years of operation and to revisit the remaining fee structure of they be so advised." So if there are changes at least on that level does that mean we can revisit the fee structure?

Village Attorney Egan stated: Implicitly, that is after the first three years. Technically you do have a black and white agreement that says it. You would have to give a pretty good reason as to why a profit & loss statement analysis would require us to make that change. Certainly, the discretion to make that change is reserved to the board in the agreement.

Trustee Devlin stated: Since it might be a substantially different snack type of bar, we might want to find that in the Village's best interest.

Trustee Hilton stated: Another thing I would like to bring up is we provided three spots in the Municipal Pool parking lot for Nancy's. In that pretty much when we were in lock down or during a major event, there were no places for Nancy's to park. Now that Lombardi's has their own parking across the street, and apparently going to come up with more parking, are we so concerned about giving those three spaces (and it is not listed in the lease) to Lombardi's or should we give it back to the members of the Beach Club?

Trustee Crean stated: The Crab Shack is a different usage than Lombardi's. I would like to keep those spaces and maybe revisit it at another date. Those spaces are for the Shack for those who operate it and their customers to park. If things don't seem to be working out, if those spaces are not turning over like they should be, then maybe we can revisit it, but I wouldn't want to take it away at this point.

Trustee Hilton stated: My point is, are they going to be putting cars there for their people dining in the restaurant?

Trustee Crean stated: They are 30 minute spaces and it comes down to terms of enforcement. If we see there is a habit of parking their restaurant guests there and the spaces are not being turned over, we will have an issue to take up with them. The 30 minute signs are still up.

Trustee Devlin stated: That is not in the lease. So we will have an opportunity to review it at a later date. We only did that last year.

Trustee Crean stated: I think it is a great opportunity for improvement. I love Nancy's crab cakes, but hopefully, Lombardi's menu will be a little more broad. We want to put a evening end time of operation of 11 p.m.

Trustee Hilton stated: For that restaurant where it is today, it is not anything that we thought, imagined, or thought could be possible two years ago, some of it is a pat on our back—but, it is frightening. But, we are going from a Mom & Pop operation, Nancy and Bruce who everybody has known for 35 years—at least I have, to a major corporation. For us just to roll over a lease that we really, it could be difficult to take a look at right away. I am surprised they are not here tonight in defense of what they are doing taking into consideration all the fines put on them by this Village. And I personally being Commissioner of Special Events and who have had to be responsible for the Trustees and the Mayor at the dock, many many times during multiple events, I have accused myself of being naïve in the past as to the horrors that could come upon a residential neighborhood. Yet, I feel what we have done down there is a good thing—taken an empty restaurant and made it into a money making business. I do think we should take another look at it in a year from now.

Trustee Crean stated: Within the lease agreement, it states if it is not within the public interest and operating to the benefit of the community, there is some broad language for us to terminate the lease. It doesn't have to be a year from now.

Mayor Pontieri stated: It is just too small for it to be anything rather than what it really is. The three parking spaces designated for Nancy's in the Municipal Parking lot should be marked "30 minute parking." One of the things that is going to come up tonight that we will be noticing a hearing on the parking on South Ocean Avenue.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, opposed by Trustee Hilton, the motion was carried to assign the Concession License Agreement for "Nancy's Crab Shack" from Nancy Boerjes to Lombardi Management Corporation with certain modifications to Section 3, the closing time to be set at 11 p.m. and the bathroom facilities' permission given to Nancy's Crab Shack at the Beach Club be terminated.

#### B.I.D. Report / Chamber of Commerce Report – None

Trustee Crean stated: There is somebody who has made a large investment in our community and owns a lot of properties around town, Mr. Michael Capozzi. He is looking to transform the use of the property that he owns in the Terry Street parking lot, one time it was used as a warehouse for Stanley's furniture. He is looking to transform the use to professional office. He has a couple of prospective tenants that have an interest in moving into town. With other developments and improvements going on on Terry Street, it is something that I would love to see—transform that warehouse into a more active, professional office use. It would be more in conjunction with what is going on around the business district. With that, he would like to tap into public utilities and hook up to our sewer. I guess we would need to give him permission with our engineers to do that.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried the board approved out of district sewer connection for 44 E. Main Street, a/k/a 2A Roe Court, as requested by application of property owner, Michael Capozzi.

Upon a motion made by Trustee Crean, seconded by Trustee Hilton, and unanimously carried the board made a resolution authorizing Village Attorney Egan to negotiate agreement to grant easement necessary for utilities for property redevelopment into professional office space at 44 East Main St., as requested by Mike Capozzi.

Upon a motion made by Trustee Hilton, seconded by Trustee Crean, and unanimously carried, the board set a public hearing date of May 24, 2010, to be held at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, to discuss certain parking restrictions in the area on South Ocean Avenue, between Gilbert and Mascot Dock.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Crean, and unanimously carried, the board set a public hearing date of May 24, 2010, to be held at 7:30 p.m. in the Municipal Building, 14 Baker Street, Patchogue, New York, to consider closure of public sidewalks, being the recent building boom in our downtown.

Deputy Mayor McGiff stated: This Saturday at the Library there will be a book signing on *The Life of Michael Murphy*, the Medal of Honor recipient from Patchogue. The author and Mr. Murphy's Dad will be at the Library.

Trustee Devlin stated: On May 25<sup>th</sup> at the Blue Point Brewery at 6:30 p.m., The Patchogue Arts Council is having a membership mixer. Come and meet the new members of the Board. Tonight, John Cino, Vice President of the Arts Council. He is an artist in the community, professor of art at St. Joe's, Nassau Community College and NY Institute of Technology. He would like to address the board on the issue of definitions of what defines an artists' studio in our code and how we could continue to make the community more welcoming to artists.

John Cino, Vice President, Patchogue Arts Council, stated: My concerns is the impending influx of artists into Patchogue that we are all looking forward to. We have put out the notice that we are inviting artists to Patchogue and it has been heard. Throughout L.I. people know that this is a place that will be very active in the arts. The question is as people come here and want to perform as artists, how are we prepared to receive them. That is the main issue that we have to come to grips with. Artists require special places to make their art. It is a pretty broad term. If we talk about art space, they are including musicians and writers even. Musicians certainly present a whole set of problems that the community needs to deal with. As well as people who make visual arts. Artists use equipment and need it to make their art. We have to figure out what we going to allow to happen in the street. Then we can invite the people into the community and say here is places where you can make your art. That is pretty much the nutshell of the concept of the studio. On the other side, artists like to show their artwork. There comes up the whole question of exhibiting and what would constitute an exhibition space. I think there is a lot of different of concepts as what could work as exhibition spaces from private places that are already showing art to non-profits as they come around and they get to show art as well too. That is a different kind of space than a studio, an exhibition space. Finally, there is a third kind of space that artists would really like to have their hands on is a space that artists can sell their artwork, that general is called a gallery. Those are places that we normally consider commercial venue. Not everybody can fit into those few gallery spaces as they come here. So, artists have to make other arrangements to sell their art and sometimes that takes the notion of bringing people into their studio. We have different terms to describe that. We have studio visits, a small group or an individual who is invited to a studio to see the art and maybe down the line to buy. That is something that goes on in a studio. Invitations for people to come and visit. There are also events called open studios, which would be a great thing. Generally, open studio cover a number of artists at the same time. It is usually a community project. To open up all the studios in a community—make it a day in the town like the garden club. On days of open studios you could expect more traffic inside a studio, the primary purpose as a place where things are made. Those are some of the definitions that are out there. I think that we need to be aware of them and decide how we are going to respond to all of those. The last piece of all of that is some artists work in their homes and some artists work in spaces that are separate from their homes and do you want to end up setting the same standards for a studio that is in a home as one that stands alone. I do not have many of the answers to those questions. I know how I feel about them. I think it is time to begin a discussion on those topics so we can come to a resolution so as people start coming they will know what to expect.

Mayor Pontieri stated: It is a single thing in thing that within this mix that we wrestle with. I always thought that areas such as Terry Street, the Roe house and the old mill houses that possibilities over time that we also as defined by our code run into problems when you get into mixed use, the variable uses on pieces of property, and how do we bring that all together. The point you bring up is very clear at this point. Once Artspace opens be prepared for the flood gates. I was told the other day that they have a listing now, as of last Thursday, 756 names on their prospective list for 45 units. So, the backlog of people that are looking for that affordable

space that they could live and work in is tremendous. The need is tremendous. I think that at the point that we begin to see that happen here, I think we will see other pockets where there may be three or four homes grouped together with people coming and saying "instead of what I have here how can I convert to what I have there." I need within our code we need to take a look at that, both not just from the neighborhood impact but also the structural impact because you know better than all that some of the work that you do is with heavy equipment, materials and flammable materials. How do we bring all of that stuff into a code position? If you have a small group of homes within an area and want to do some conversion to those to make it into an art space type of community, what do you do to those homes to make them safe. And what do you do to those homes so the noise that comes from that will affect a residential neighborhood. I think it is time that we wrestle with all of that. What I think is great is that you have volunteered and appreciate it. The studio's purpose is the creation of art, but the studio where you create your art is a space and we need to manage and maintain both from a health and safety position for the artists and also for the quality life to the guy that is twenty feet away in the next house. All those pieces need to be addressed.

Village Attorney Egan stated: New Paltz has grappled with the definition of art, where it stops, when the use is renewed. For instance, if somebody has a little flare and wants to create a painters studio and wants to let people in and after a six months wants to abandon the pursuit because the paints are too expensive or wants to move onto metallurgy or something else, it becomes very problematic for the building department to manage art by definition and by its use especially in the A residence area. Generally they are pushed towards the commercial areas to be at and the co-op setting is more affordable. Generally A Residence is problematic.

Trustee Hilton stated: I agree. I think that on an individual basis that our board is prepared to handle anything that is in the commercial area and very open as it should be. But, as far as a residential area—to define an artist, it could be a mechanic or a rock and roll star. My and other member's goal has been to protect the residential area. I think that is our responsibility. But as a board I think we would be very open to anything that wanted to be done in a commercial area, being as small as we are and the impact of all the different businesses that we have. I think we are very resilient.

John Cino stated: I am more interested in seeing the artists be in those commercial and downtown areas rather than any residential areas. They are there though. Right now if someone were welding in their garage, you would know that immediately,. But if someone has a high end printer doing graphics, you wouldn't know that. I think we need to get this going. New Paul's might be a good place to review similar situations and we also have whatever definition Artspace has. It is a broad term.

Mayor Pontieri stated: Artspace is a unique opportunity and a kick off—it seems like it must be fertilized every day and gets larger each day that I go by. We need to be positioned that if somebody comes and says they have a two family home, adjacent to the downtown, and I would like to do this or the other thing we are prepared to say yes because you are in a C Residence and adjacent to this area. Maybe we redefine it by north of Division, Baker and define an area that even if it there is mixed residence within there or those type of things.

Village Attorney stated: It is very premature, but maybe think about modification of the RPO district. Some kind of way to add in some kind of control or definition that would allow to work with a space with limited detail or not, but within the RPO.

Trustee Devlin stated: Last year as Co-President to the Patchogue Arts Council which position I no longer hold but am the Liaison to the Village, I wrote a grant application to the County as part of their Community Art Grant and have been informed that the Patchogue Arts Council has been awarded \$2,500 to be used for the next Walking Arts Tour. That money will be used to pay a curator to put the word out more broadly through advertising so we can attract a higher caliber of artists and also get beautiful Museum flags that we can put around.

Trustee Devlin stated: After accepting the LWRP Draft as complete and ready for public review and authorizing its submission to the NYS Dept. of State, it will be reviewed by other legal entities within the State and at the Federal level after which time when it comes back with comments from those various entities, then we will go about having a public hearing and finally getting our LWRP adopted. What I have learned in the process, as part of this there is a board that will actually bring on another board that is going to act in an advisory capacity to the

building department, to planning, to zoning, when things that are specifically noted in this plan what they refer to as the policies. And also they will be charged with implementing the programs which are the ideas that are present in here, that making sure that things conform to all legalities. There are new zoning regulations. We can over time make changes as long as they conform to the policies that are laid out. So if we have something new or something that we wanted changed that is entirely possible and a trustee, I am assuming will be myself, would be part of that new board which is referred to a the WAC. As some of the zoning has to do with the riverfront area where we have all that E Industrial zoning area and this is an overlay district that is being proposed. I am sure most of you have read this because this document has been circulating and circulating, I have had numerous meetings and have solved some problems with the mixed use, the notation about 50% mixed use. But, we had some problematic areas that I was able to go into and have changed. As you go through this, anything that is underlined or highlighted is a change. I think it is the best that we can do relative to anything that anyone may get back to me with comments, including Superintendent Dean who made many comments relative to storm water area which he has been very helpful with and I know very little about.

Trustee Crean asked: Once we get the opinions back from these various bodies, are we required to have a public hearing?

Trustee Devlin stated: Then we are required to have to have one public hearing and then the public gets an opportunity to make comments. We have had several of these along the way, but now will comment on this final draft. Then I believe, it then goes back to the State so they can vet the public comments how they can be worked in or not. Then we will finally adopt it and this whole new Village entity takes place which is charged with moving forward with the document which for the public's edification, the LWRP we will be one of the few communities to have such a plan beside Greenport and Southold. What this does is clarify the community's vision of how they would like to proceed with their waterfront. When there are grants available, you get much more points on the grant application. That is why we really wanted to move this forward.

Mayor Pontieri stated: To give you all a sense of what is in the document, on page 12 it says "Condominiums, townhouses, and apartments are permitted when a component of a mixed-use project and where there are water dependent uses and the predominant use along the water's edge of the subject property is a water dependent use as well as publicly accessible." Basically, what they are saying is you can have condominiums, but there are certain things that you must do. Public accessibility must be there. Can't be cut off as water dependent use; so if there is a marina, then the marina must be kept in place. The greatest dimensions of a building shall not exceed 75 feet in height which seems high. It shall be perpendicular to the shore line, not horizontal to it. In other words, as Riverview is—goes north and south, and shall be perpendicular to the shoreline So the attempt is to keep the shoreline from not looking like the inter-coastal waterway of Florida—a tunnel of buildings. There was a lot of time spent on it—not just simple things. Even parking lots are recommended to be resurfaced with permeable material such as gravel or permeable pavers.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board made a Resolution accepting the Village's Draft (LWRP) Local Waterfront Revitalization Program and Harbor Management Plan as complete and ready for public review and authorizing its submission to NYS Dept. of State.

Mayor Pontieri stated: There has been a lot of discussion about Brian Weeks health; he got out of the hospital yesterday. Brian was the one who started us on this torturous trail.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for Releve Dance Center to use the band shell for a benefit fundraiser for Friends of Shorefront Park on August 13<sup>th</sup> from 4 to 6 p.m.

Upon a motion made by Trustee Devlin, seconded by Trustee Crean, and unanimously carried, the board approved request for Bay Avenue School to use Shorefront Park on June 18<sup>th</sup>, 22<sup>nd</sup> and 23<sup>rd</sup> for field days from 10 a.m. to 3 p.m.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire summer recreation staff as per list presented.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Garden Club to hang a banner on Main Street promoting their garden tour on July 10<sup>th</sup>.

Upon a motion made by Trustee Devlin, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request for the Garden Club to hold their annual garden tour on Saturday, July 10<sup>th</sup> and to allow parking for the sale of tickets on the east side of South Ocean Avenue from 9 a.m. to noon.

Trustee Keyes stated: The DPW installed a monument by the American Legion. At Shorefront we are still grading dirt, grass is growing, and there are no puddles. Bellport Village and I have been meeting with sales representatives of the vacuum truck and cherry picker truck and have seen a lot of demos. The sewer plant construction is a little ahead of schedule. We also met with the US Geological Study group to discuss the groundwater study that they conducted in the Village.

Trustee Keyes stated: With reference to the CDA report, the bids for the labor on the playground are being prepared. The Bay Avenue sidewalks had to be cleared by the State Historical Preservation and also have to be cleared by the County which should come soon. Hopefully, we should see the work start from Carmen Street north to the Railroad soon. Roe Walkway plans have been finalized and we should see that going out for bid soon.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to execute the 2010/2011 contract with Johnson Electric for traffic signal maintenance.

Upon a motion made by Trustee Keyes, seconded by Deputy Mayor McGiff, and unanimously carried, the board approved request to hire Jason Farrell for seasonal work for DPW at \$12.00 per hour.

Upon a motion made by Trustee Keyes, seconded by Trustee Hilton, and unanimously carried, the board approved request to hire Jared Gresh for seasonal work for DPW at \$12.00 per hour.

Public to be Heard:

George Lilenthal, Patchogue, stated: I would like to request to take care of my trash at the site plan you are looking at (diagram presented) another way. The properties are all single and separate, all owned by my wife or myself. Considering the situation of rain that we have experienced over the last few months, I have tenants that live there who put it in the garbage cans, but the garbage cans get knocked over. It would be so much simpler to do a dumpster. I have been speaking with some of the sanitation companies already working in the Village—building an enclosure for a dumpster. The code does call for over five residents.

Village Attorney Egan stated: The only way you can get a commercial private carter service is when you have a five family residence or more. Anything below five is the Village carter. The intention was not to cobble together a neighborhood to allow for commercial service. Each one of these properties being single and separate stand alone on there own as a single family or a two family. The problem is when you are considering something like this is what is to stop the neighborhood from banning together and do the same thing. For instance, if the top block on Highland Ave. decides to band together and the top three houses which are a two family and a single and a single decide to band together and have their own refuse collection too, that is essentially what is called for here which is not the original intention of the law meaning five and above, meaning apartment houses, have their own private refuse. That is just what this would open the door to and concern from a policy standpoint.

Mr. Lilenthal stated: I understand your concern and certainly appreciate it. However, as you can see from the site plan there is a considerable amount of common area there that is drawn for all three of them whether it be parking, lawn space, or things like that. As well as the fact that this is Industrial zone, not residential. Of course, it is non-conforming, but the zoning is what it is. I would feel that certainly you have a legitimate concern and if I lived on that particular block I would like to have some input. I think this is a very unique situation to the Village of Patchogue and maybe any village on Long Island because of the way it is laid out. It is a right of way, can't be seen from the street, the only people—outside thee residents—that come into that right of way

is Patchogue DPW. I have no problem with the garbage people coming during pick up time, but the problem I do have is that there are individual garbage cans all over the place that during the night all of a sudden between the raccoons, cats and all the other stuff that is in everybody's neighborhood there is an issue. Rather than hiring somebody to come in every other day to pick up the trash that is blowing around, it seems a dumpster would be a slam dunk for the community as well as myself. There is access for a commercial carter. Right now your folks do that; they come into that area. Right now the garbage cans for #41 is off to the side between #37 and #39. And #39 is over to the most extreme right. The common area is paved and striped which I did two years ago. It is a nice looking area, but the garbage thrown around can't be controlled. The Railroad Ave. house you people granted an exception a few years ago, but I don't believe anyone now is on the board. I think to clean up this parking lot would be another step forward. On the common lawn area towards the railroad, once you go down the right of way, there is parking there and I would put the dumpster into that lawn area.

Deputy Mayor McGiff asked: Why don't you build a container holding area holding all five cans. I am concerned, like Attorney Egan said, with precedent. My inclination now is to not to make a decision now, but to get a legal opinion. Your situation is very unique, but I would like to get an opinion from the attorney.

Village Attorney Egan stated: If we did not pick up his garbage, the refuse tax would not be on his tax bill.

Mayor Pontieri stated: We need to take a look at it, discuss all aspects, have the attorney take a look at it. You are on an industrial piece so that is another factor.

Upon a motion made by Deputy Mayor McGiff, seconded by Trustee Keyes, and unanimously carried, the board reserved decision for proposal regarding Lilienthal dumpster use request. Upon a motion made by Trustee Crean, seconded Deputy Mayor McGiff, and unanimously carried, the meeting was adjourned at 8:45 p.m.

Signed \_\_\_\_\_  
Irene Detmer, Deputy Village Clerk