

The Board Meeting of the Board of Trustees met through video conference on Monday, February 8, 2021.

The meeting was called to order at 6:00 p.m. by Mayor Pontieri with Deputy Mayor Krieger and Trustees Brinkman, Devlin, Felice, Ferb, Keyes, Village Attorney Egan, Village Treasurer Krawczyk, and Deputy Village Clerk Braile present.

The flag salute was made.

Mayor Pontieri welcomed everyone to the Board meeting.

Mayor Pontieri stated that he hoped that all had been okay during the past two winter storms, especially with more winter weather expected this week. He indicated that the Highway Department had done a great job in opening roads and clearing parking lots with some working 17 to 20 hours straight during the first storm. Mayor Pontieri thanked Highway Superintendent Dean, Lou Garafola, and all of the staff for their hard work.

Deputy Village Clerk Braile asked the Board to approve Board Meeting minutes from January 25, 2021.

Upon a motion by Trustee Felice, seconded by Deputy Mayor Krieger, and unanimously carried, the Board approved the Board meeting minutes from January 25, 2021.

Village Treasurer Krawczyk stated the total bills for the period ending February 8, 2021 were \$323,667.06. The five largest bills were as follows: \$22,097.31 for L-C Construction; \$20,319.17 for PSEGLI; \$12,780.00 for Fricke Memorial; \$10,168.00 for Total Technology; and \$5,643.00 for Devo and Assoc.

General	\$ 248,623.80
Trust & Agency	\$ 7,584.44
Cap Projects	\$ 13,184.37
Sewer Fund	\$ 23,840.73
B.I.D. Fund	\$ 4,040.21
Housing Fund	\$ 0.00
CDA Fund	\$ 4,296.20
General Bills	\$ 22,097.31
Totals	\$ 323,667.06

Village Treasurer Krawczyk noted that the payments to L-C Construction and Fricke Memorial were for the Firemen’s Memorial Park project and would be grant funded.

Upon a motion by Trustee Brinkman, seconded by Trustee Ferb, and unanimously carried, the Board approved payment of the bills as presented.

Village Treasurer Krawczyk reviewed the cash balances as of January 31, 2021 as follows:

General Fund	\$ 7,278,083.91
Trust & Agency	\$ 89,419.74
Sewer Fund	\$ 2,236,773.73
BID Fund	\$ 98,294.66
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	\$ 9,702,572.04

Village Treasurer Krawczyk indicated that the Board would be considered entering into an agreement tonight for a Village energy project with Johnson Controls. This would be a major project for the Village. The cost would be \$5.2 million with the Village obtaining lease financing for 20 years at a 2.2% rate. This was a phenomenal rate due to the Village’s excellent financial situation with the surplus helping to obtain favorable rates for bonds and loans. Village Treasurer Krawczyk indicated that the Village’s projected savings of \$8.2 million over the period of the loan would provide an approximate \$3 million return on the original \$5.2 million expenditure. As part of the upcoming presentation by Christopher Fitzsimmons of Johnson Controls, projected savings for the first year after completion of the project were \$150,000. If that savings was not reached,

Johnson Controls would write a check to the Village for the difference. Village Treasurer Krawczyk noted that this project would impact the entire Village and would include many energy upgrades including solar energy and the heating systems in Village buildings.

Mayor Pontieri indicated that all of the Village department heads had worked very well with Johnson Controls, but the two people who had worked hardest in putting together this proposal with Johnson Controls were Trustee Keyes and Dennis Smith, Executive Director of the BID.

Trustee Keyes thanked Village Treasurer Krawczyk, Deputy Village Treasurer Monte, and the entire accounting staff for working to keep the Village in the financial position to be able to obtain such a low interest rate. This was huge. The savings realized as a result of the project would pay for the \$5.2 million cost. Trustee Keyes indicated that this would be budget neutral and not impact the taxpayer. The reduction in energy costs would pay for the loan. He stressed that he wanted to ensure that the public understood that this project would not impact taxes. Trustee Keyes also noted that Johnson Controls had provided one stop shopping for a variety of energy saving plans. If the Village had tried to tackle any one of the items which would be addressed through this project on its own, it would have been impossible to accomplish in the next 18 months as this would include handling funding, paperwork, permits, and contractors which would be immeasurably difficult. Johnson Controls would be handling all of these aspects of the project which would be more efficient for the Village. Trustee Keyes indicated that never in his imagination had he believed that this type of project could be completed over an 18 month period, but he was confident in Johnson Controls' ability to do so. He had found working with Chris Fitzsimmons and the Johnson Controls team to be a great experience as they were very open and communicative in answering all his questions, sometimes two or three times, very promptly. They had made themselves available to address all of the Village's needs. Trustee Keyes noted that all of the actions to be taken during the project were needed and proactive. The projected savings for the Village made moving forward with the plan a no brainer in his opinion. Though he realized that there might be some skepticism with this proposal being too good to be true, he believed that he would have these same feelings a year from now. This was a very exciting project for the Village, and he thanked Mr. Smith for all of this assistance as well. Trustee Keyes observed that they had worked well together on what he was referring to as the Easy M Project – Energy Audit to Save Your Money.

Dennis Smith, Executive Director of the BID, stated that he did not have a lot to add. All of the bases had been covered, and he fully expected that a year from now there would be many accolades for this project. He thought that it was just that good. Mr. Smith noted that the genesis for this project had occurred this past August with discussions between himself, the Mayor, and Trustee Keyes regarding alternative energy sources such as solar power. Some research had been done with regard to solar power companies, and this had led to hearing about Johnson Controls who had been working with Lindenhurst. After the initial meeting with the Johnson Control representatives, they had been impressed with their ideas and requested a proposal. In October, the Village had agreed to have Johnson Controls perform an energy audit, and they had been working with Johnson Controls for the past four months. The options included in their project presentation this evening included renewable energy and energy efficiency. Mr. Smith expressed his appreciation for their professionalism and noted that they had been great to work with. He was looking forward to tonight's presentation and felt that the project would speak for itself.

Mayor Pontieri noted that the Village had paid \$20,000 just this month for PSEG costs, so this project would be very important moving forward.

Chris Fitzsimmons, coordinator from Johnson Controls, was added to the meeting by Trustee Brinkman as well as his associates, Rob Ralston – Operations Manager and Parik Thakkar – Principal Engineer. Mr. Fitzsimmons thanked the Board for giving him time to make this presentation this evening. He noted that, over the past few months, he had been working closely with Trustee Keyes and Mr. Smith. It had been a pleasure working with the Village and all of the staff had been very accommodating, and it was great to see the leadership's excitement about this project. He was looking forward to continue working with the Village. Mr. Fitzsimmons then proceeded to review the Johnson Controls proposal. He noted that some of the project's highlights included improvements to streetlights Village wide through conversion to LED lights; HVAC upgrades in various buildings; and installation of renewable energy sources in various locations. Some of the more specific goals would be roof replacement, air quality improvement, and additional electric vehicle charging stations at the Theatre; solar panel installation and roof

reinforcement at the Pool and Beach Club; conversion of Village Hall heating from oil to gas as well as adding dehumidifiers where needed; and 380 Bay Avenue would also be converted from oil to gas as well as having electric vehicle charging stations installed. Mr. Fitzsimmons proceeded to further describe the lighting improvements to be made, weatherization improvements to be made, roof replacement to be done, heating system upgrades, dehumidifier installation, water conservation, and the renewable energy options to be utilized including rooftop and carport solar panels. The buildings to be impacted included 380 Bay Avenue, the Department of Public Works, the Pool and Beach Club, the Theatre, Village Hall, the bandshell, and lighting Village wide. Mr. Fitzsimmons continued by reviewing the layout of the solar carport and noted that this would produce approximately \$32,000 back to the grid per year. The solar units on Village Hall, the Theatre, the Beach Club, and DPW would nearly offset the entire usage of these facilities which would result in an almost zero cost. Mr. Fitzsimmons then reviewed the tax exempt lease purchase terms for the project. The funds would be borrowed at a rate of 2.25% over a 20 year period. Positive cash flow would occur by year 16 with a cumulative return on investment of \$8.2 million. Total energy savings in the initial year following completion of the project would be \$190,000. Should there be a shortfall in these guaranteed energy savings, the Village would receive a check from Johnson Controls for the difference. Mr. Fitzsimmons stated that he would send over the contract the next day for review and execution this week. The tentative financial closing was scheduled to be held on February 17th. Once those funds were secured, a notice to proceed would be obtained and work would begin with the escrow being used to build the project. Payment to the lender would not start until the project was completed which would take approximately 18 months. Mr. Fitzsimmons indicated that this was a great project, and he was very excited about it.

Mayor Pontieri thanked Mr. Fitzsimmons for his presentation. Trustee Keyes asked for confirmation as to what actions would be taken by Johnson Controls after the first year should energy savings only amount to \$150,000 instead of what was projected. Mr. Fitzsimmons stated that Johnson Controls would cut a check to the Village for the difference, and then solve the problem and determine where the miscalculation was made. The initial year's performance period would occur following the 18 month construction period. Trustee Keyes asked for confirmation from Village Attorney Egan that this statement was correct and legitimate. Village Attorney Egan stated that it was and noted that he had reviewed and approved the financing agreement. The terms were incredible. He noted that he would double check the terms once the final agreement was delivered the next day.

Trustee Ferb inquired as to why this was a lease agreement. He inquired if the Village would own the property at the end of the lease. Mr. Fitzsimmons stated that the Village would own all of the property at the end of the lease. Trustee Ferb asked for confirmation that this was a lease purchase agreement. Mr. Fitzsimmons stated that it was a tax exempt lease purchase. Trustee Ferb then inquired as to the life expectancy of the solar panels. Mr. Fitzsimmons stated that the panels had a long term life expectancy with an expected 5% to 9% degradation over a 30 year period of time.

Mayor Pontieri asked the Board to authorize execution of the agreement between the Village and Johnson Controls.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Felice, and unanimously carried, the Board resolved to approve and authorize the Mayor to execute the Performance Contracting Agreement in the form approved by the Village Attorney between the Village of Patchogue and Johnson Controls, Inc.

Mayor Pontieri asked the Board to authorize execution of the Equipment Lease Purchase Agreement with Sterling National Bank.

Upon a motion by Trustee Keyes, seconded by Trustee Ferb, and unanimously carried, the Board approved and authorized the Mayor to execute all necessary documents in the form approved by the Village Attorney of the Equipment Lease Purchase Agreement with Sterling National Bank for the acquisition and installation of the equipment necessary for the Johnson Controls, Inc. Performance Contracting Agreement in the amount not to exceed \$5,211,168.

Mayor Pontieri again thanked Mr. Fitzsimmons and noted that they would be speaking quite a bit over the next 18 months. Mr. Fitzsimmons thanked the Mayor and Board.

Trustee Ferb expressed his appreciation for the work done by Trustee Keyes and Mr. Smith and indicated that he was proud to have the opportunity to vote on this project as it was one of the biggest actions taken during his tenure on the Board..

Deputy Mayor Krieger stated that this had been a great presentation. He inquired if the Theatre would need to be closed when the solar panels were installed on the roof. Deputy Mayor Krieger indicated that this would need to be coordinated between the Theatre staff and Johnson Controls, as he hoped that the Theatre would be able to be opened within the next few months. Mr. Fitzsimmons stated that a construction manager would be assigned to the Village for the next 18 months and would communicate with the Village on a daily basis and coordinate all required closures and impacts.

Mayor Pontieri stated that it was not often during his time on the Board that everything came together like this project had. Last summer, discussions had started about solar panels which led to discussions about LED lighting and had eventually led to Johnson Controls. Mayor Pontieri indicated that the best part of this project was that this was a single contract which would accomplish all of these items. He noted that he recognized many names on the list of individuals watching the meeting this evening as new members of the community. Many of these individuals would be here when the last payment on this project was made. This was also about looking out for these young families and the future of the Village. It was a very exciting project. Mayor Pontieri expressed his appreciation for the professionalism of Johnson Controls and noted that he had been in contact with Lindenhurst. All was going well with their project, and he was looking forward to starting here. Mr. Fitzsimmons again thanked the Mayor and Board for all of their support.

Mr. Smith then reviewed the BID and Special Projects report. He congratulated the Village and Johnson Controls on their entering into this energy solutions agreement. It would pay dividends for decades to come. Electricity generated by solar panels would eradicate the electric bills for several Village buildings. This project would be good for both the Village and the environment. Mr. Smith noted that his dealings with Johnson Controls had proven to be very professional and competent, and he looked forward to working with Mr. Fitzsimmons and his team moving forward. This was a good night for the Village. Mr. Smith continued by indicating that the BID Board would be meeting the next day. One of the items on the agenda was review and ratification of the 2021-22 fiscal budget. Operating funds would be reduced by \$2,000 from last year's, but the BID should be able to provide all the services it had done in the past. This year, part of the budget was the purchase of LED lightbulbs for the Christmas holiday decorations. These bulbs would save energy and look brighter. Mr. Smith noted that the DPW staff would change these during the offseason. In addition, a new 4 foot extension for the holiday tree had been ordered for the tree displayed at the Capital One Plaza. This would extend the height of the tree from 18 feet to 22 feet. Mr. Smith especially thanked Adrian Fassett of the EOC of Suffolk County for purchasing and donating this to add to the original tree. He appreciated the assistance. Mr. Smith continued by noting that the BID was preparing for the summer. Quotes had been sought for the hanging baskets, and Fantastic Gardens would be providing 170 colored geranium baskets. They were being cultivated now to be ready for display by the last week in May. The Beautification Committee had also met to discuss plans to maintain the garden area. In the past, the Village had supplied the person to perform the work with the BID providing the funding for it. This would need to be coordinated prior to the summer season.

Deputy Mayor Krieger expressed his appreciation for the great presentation by Johnson Controls and expressed his gratitude that the Theatre would be part of this project. He was looking forward to working with Johnson Controls moving forward.

Deputy Mayor Krieger then reviewed the public safety report. He noted that he had recently reviewed a disturbing video of someone getting hit by a car on Main Street. The individual in questions just ran out into street with no warning, and the vehicle could not stop in time. He reminded everyone to not to cross in the middle of street and to please take the time to go to a crosswalk and wait for the light, especially at night. Luckily, the person who got hit was okay, but this had been very frightening to view. Deputy Mayor Krieger stressed that everyone should be careful, watch for cars, and cross in a well-lit area at night.

Village Attorney Egan reminded the Board that there was a public hearing scheduled for tonight.

Deputy Village Clerk Braile read notice of a public hearing as follows:

NOTICE IS HEREBY GIVEN that a Public Hearing will be held on Monday, February 8, 2021, at 6:00 p.m., by video conference, by the Village Board of Trustees of the Incorporated Village of Patchogue, TO AMEND SECTIONS 435-1, 435-21(A), and 435-22(A) OF CHAPTER 435 OF THE VILLAGE CODE TO CHANGE THE PERMITTED USES IN THE D2 AND D3 BUSINESS ZONING DISTRICTS, a copy of which proposed local law is on file at the Office of the Village Clerk and may be accessed at the following link: <https://patchogue.novusagenda.com/agendapublic/>. Members of the public may view the public hearing live on the Village’s YouTube Channel located at https://www.youtube.com/channel/UCi4ied6ovcIjay2uBK1a7w?view_as=subscriber. Members of the public may participate in the live meeting to ask questions by registering as an “Attendee” for the Zoom Webinar. Please visit www.patchoguevillage.org for specific directions. Minutes of the meeting will be posted on the Village website after the meeting. Minutes of the meeting will be posted on the Village website after the meeting.

Village Attorney Egan stated that the proposed changes were simple amendments which had been recommended by the Building Department. The proposal would fine tune definitions and eliminate certain uses within the D-3 Business Zone. That zone was located in the core area of Main Street. Village Attorney Egan indicated that the definition of a convenience store would be added to the code. In addition, the following businesses would be added to the list of those prohibited in this zone - kennels, private garages, and convenience stores. Mayor Pontieri asked for clarification as to the location of the D-2 and D-3 Business Zones. Village Attorney Egan proceeded to review the areas, basically from the Four Corners out, by referencing a highlighted map displayed on screen by Trustee Brinkman. Trustee Devlin noted that yacht clubs would also be eliminated from these sections of the Code. Village Attorney Egan stated that this was correct and apologized for overlooking that proposed elimination. He noted that golf courses, private country and yacht clubs could only be approved by special permit, but based on the location of these zones, all of these uses would be virtually impossible. Trustee Devlin observed that sometimes laws need updating. Trustee Brinkman concurred and indicated that she was glad that the Board could make corrective changes to improve the Village.

Mayor Pontieri inquired if anyone else wished to speak at tonight’s meeting. Trustee Brinkman stated that there was one individual who wanted to speak.

Tiffany Bowman, 38 Grenville Avenue, stated that she wished to read a letter into the record which had been sent to the Mayor and Trustees on behalf of Ken and Betty Leupp. Mayor Pontieri stated that he had received this letter but stated that this comment period was specifically for the public hearing. General comments would be heard at the end of the meeting. Ms. Bowman apologized for raising her hand to speak out of turn.

Trustee Brinkman stated that she did not see any other participants in the meeting wishing to speak or ask questions on Zoom or YouTube regarding the public hearing.

Upon a motion by Trustee Ferb, seconded by Trustee Brinkman, and unanimously carried, the Board approved the following resolution:

AMENDING SECTIONS 435-1, 435-21(A), and 435-22(A) OF CHAPTER 435 OF THE VILLAGE CODE TO CHANGE THE PERMITTED USES IN THE D2 AND D3 BUSINESS ZONING DISTRICTS

Be it enacted by the Village Board of the Incorporated Village of Patchogue:

The Code of the Incorporated Village of Patchogue, County of Suffolk, New York, is amended by:

Amending Sections 435-1, 435-21(A), and 435-22(A) of Chapter 435 of the Village Code which shall read as follows:

[New Language] **~~[Language to be Deleted]~~**

§ 435-1 Definitions.

CONVENIENCE STORE

A retail establishment which sells food and beverages, prepackaged or packaged within the establishment and in a ready-to-consume state, and also sells newspapers, magazines and other sundries of a convenience nature, and which is open seven days per week, at least 12 hours per day.

§ 435-21 D2 Business District.

A. Uses. In the D2 Business District, no building or premises shall be used and no building shall be hereafter erected or altered, unless otherwise provided in this chapter, except for one or more of the following uses:

- ~~(1) Any use permitted in the DI Business District, except for one family and two-family dwellings, tattoo parlors, peep shows, nightclubs or cabarets, and laundromats.~~
- ~~(2) Golf courses; private, country and yacht clubs when permitted as a special exception by the Board of Appeals (reserved).~~
- (3) Shops and stores for wholesale and retail consumer merchandise and services, except for those uses permitted in the D5 Business District pursuant to § 435-24A of the Village Code.
- (4) Laundromats, when allowed as a special exception by the Board of Appeals as hereinafter provided.
- (5) Other uses which, in the opinion of the Board of Appeals, meet the standards set forth in § 435-66C of this chapter and are of the same general characterization as those listed as permitted uses in this district.

§ 435-22 D3 Business District.

A. Uses. In the D3 Business District, no building or premises shall be used, and no building shall be hereafter erected or altered, unless otherwise provided for in this chapter, except for one or more of the following uses:

- (1) Any use permitted in the D2 Business District, except for the following uses:
 - (a) Catering facilities; restaurant businesses with seating in excess of 150 persons.
 - (b) Schools: private, public, parochial, business and professional, except when approved by the Board of Trustees after a public hearing in accordance with the procedure set forth in Article X.
 - (c) Billiard parlors.
 - (d) Taxi dispatch office required under § 390-6B of the Code of the Village of Patchogue.
 - (e) Laundromats.**
 - (f) Kennels.**
 - (g) Minor and private garages.**
 - (h) Convenience stores.**

This Local Law shall take effect immediately.

Trustee Felice thanked Trustee Brinkman for displaying the map on screen. He had found it very helpful.

Trustee Keyes stated that he had observed a disturbing accident a few years ago involving a pedestrian and a vehicle where an individual had opened a car door in front of a kid on a bike. At that time, he had urged people to BOBCAT – beware of bikers and cyclists around town. He was now urging drivers to be aware of pedestrians as well.

Trustee Keyes reviewed the Parks and Recreation report noting that letters would soon be sent out to those who had worked in past summer employment to see if they were interested in returning. These letters needed to be returned by April 1st at which time applications would be accepted for all others seeking summer employment. He noted that this time table was based on the assumption that activities could occur this summer.

Trustee Keyes continued by stating that he was excited to announce a new arrival in the form of the Village's first electric vehicle. It was presently located at the DPW and would hopefully be on the road by the end of the week. Trustee Keyes then thanked the members of the PEP Committee for being a driving force behind this initiative. He was very proud of all of their hard work.

Mayor Pontieri noted that, in terms of the PEP Committee, a lot of what Johnson Controls had discussed this evening had been discussed in previous PEP Committee meetings. Trustee Keyes stated that he had believed that it would take years to accomplish all the work to be encompassed in the project approved this evening. He thanked Mr. Smith and Johnson Controls for all of their hard work and noted that without the PEP Committee's push and drive this project would not have happened so quickly. Mayor Pontieri expressed his appreciation for their work and asked Trustee Keyes to convey his thanks to the members of the committee.

Trustee Felice indicated that the DPW staff had been very busy moving snow and ice to clear the streets and parking lots. The first storm had resulted in some employees working 17 to 18 hours straight. It had been a big undertaking, but everything had been cleared. He noted that the last storm had been a bit easier to deal with. Trustee Felice then noted for future reference, that most times during or immediately after a large storm, garbage pick-up would be suspended the following day. He asked that residents refer to the Village's web site for confirmation about the status of garbage collection. Trustee Felice noted that Deputy Mayor Krieger would provide public safety notices and a state of emergency would be put in place if required.

Trustee Felice then expressed his gratitude to Mayor Pontieri, Deputy Mayor Krieger, and all the Trustees for their action on the energy proposal this evening. He noted that approximately three or four years ago, he and Trustee Keyes had investigated solar energy and LED lighting. They had spoken to many people, but such a project would not work with the figures at the time. He had been amazed when this proposal came to fruition. Trustee Felice noted that this deal seemed too good to be true, so he was glad to receive confirmation that it was as good as it appeared to be from Village Attorney Egan. Dealing with a \$5.2 million project was nerve wracking but projecting a return of \$3.5 million over that outlay at the end of this huge project made it less onerous. He again thanked the Board, Mr. Smith, and the Treasurer's Office staff for working so hard on this proposal. Trustee Felice indicated that he agreed 100% with this project and felt it would be great for the Village of Patchogue. He also expressed his happiness that the electric car had finally been delivered, and inquiries were already being made to determine how the Village could obtain more.

Trustee Felice then asked the Board to approve the point correction of the 2019 LOSAP Program for the Patchogue Ambulance Co. He noted that this program had been put in place many years ago in order to monetarily reward volunteers for their service and longevity.

Upon a motion by Trustee Felice, seconded by Trustee Keyes, and unanimously carried, the Board approved the point correction of the 2019 LOSAP Program for the Patchogue Ambulance Co.

Trustee Ferb asked the Board to set a public hearing to discuss overriding the 2% tax cap. Mayor Pontieri stated that this action was taken on a yearly basis. He noted that the issue was not just about raising the budget if necessary but was put in place as a protection against potential calculation errors.

Upon a motion by Trustee Brinkman, seconded by Deputy Mayor Krieger, and unanimously carried, the Board set a public hearing for February 22nd to review overriding the 2% Tax Cap as established in the General Municipal Law 3-C.

Trustee Devlin indicated that she wished to comment on the great job done with snow removal. She noted that it was always noticeable as to where the boundaries of Patchogue were during a snowstorm. Trustee Devlin stated that she knew how much work went into these efforts and again thanked all involved.

Trustee Devlin then reminded the public and the Board that the third meeting for the proposed Cornerstone project would be held with the Planning Board on Zoom on Wednesday, February 10th, at 7:00 p.m. The Zoom link could be found on the Village's web site under residents/alerts.

Trustee Brinkman indicated that the DPW had done a fabulous job in clearing the roadways. It was impressive to live in a Village with such great services.

Trustee Brinkman noted that many residents had expressed concerns about the Village's web site, and she was in complete agreement with them. It was frustrating for her to share information with residents from a static web site. Trustee Brinkman stated that she had done considerable investigation, and the current web site structure did not allow flexibility in sharing information quickly with residents. She indicated that she was searching for a different hosting service for the web site and actively pursuing a new, more flexible design for the site which would allow Village employees to update it. In addition, there would be a new calendar function which could provide residents with information at the click of a button. For now, residents could find information on the Cornerstone application and meetings regarding that project in the alert section. Trustee Brinkman advised, however, that residents might need to scroll down the page to find the information. Storm alerts would bump that information off of the home page, and it could not be kept there due to emergency snow alerts. Trustee Brinkman reiterated that the meeting information was on the resident's page in the alert section, but to access it, scrolling past the storm information was necessary. She also noted that the Village utilized social media outlets and the Long Island Advance to keep residents informed. Trustee Brinkman stated that she would share updates on the new web site format when she had additional information.

Trustee Brinkman then congratulated Trustee Keyes and Mr. Smith for their excellent work with Johnson Controls. This was an exciting new venture for the Village.

Trustee Brinkman indicated that the CDA meeting last week had been great, and everything was moving along fine there as well.

Mayor Pontieri concurred with Trustee Brinkman's comments about the Village's web site. He noted that many complaints had been received from the public. Unfortunately, these difficulties had not been discovered until the web site was used consistently and directly in a way which it had not been used previously. If business was operating the way it was prior to last January with regular, in person, Board meetings being held, no one would have discovered these issues with the web site. Now, these shortcomings were a huge issue. Mayor Pontieri indicated that proposals for a new web site format were coming in, and he had seen one earlier in the day that looked very promising. It was user friendly and was the same system Deputy Mayor Krieger utilized with the Town of Brookhaven. Mayor Pontieri encouraged any resident experiencing issues to always bring them to the Board's attention. No complaint was unnecessary as they were needed to move the Village in the direction of positive change. He expressed hope that the new web site format would be up and running sooner rather than later.

Mayor Pontieri inquired if anyone else wished to speak at tonight's meeting. Trustee Brinkman stated that several individuals were requesting to speak. She would promote them, one at a time, to panelist to speak. Trustee Brinkman asked that anyone wishing to speak to indicate that they wished to do so by raising their hands.

Mayor Pontieri asked that if someone wanted to speak and someone else had already spoken on the same issue, to please make separate points and not continually repeat what had already been said. He noted that every comment made went on the record as the meetings were recorded and minutes transcribed. Trustee Brinkman concurred that the meetings were recorded and saved on both the Village servers and on the Village's YouTube channel, so they could be accessed at any time. Mayor Pontieri again asked that there be no repetition of the same issues and comments,

Tiffany Bowman, 38 Grenville Avenue, apologized again for her earlier interruption. She indicated that she had sent an email to the Mayor and Trustees earlier today on behalf of her older neighbors who were unable to virtually attend this meeting. Mayor Pontieri stated that he had received the letter and also spoken to Ken Leupp at the YMCA this past Saturday as they had been friends for over 25 years. Ms. Bowman indicated that she had been asked by her neighbors Ken and Betty Leupp of 16 Grenville Avenue to read the letter into the record that they had mailed to

the Planning Board. They had requested that she send this letter by email and also read it into the record during the public comment period of tonight's meeting as they were not computer savvy enough to be able to attend the meeting via Zoom tonight. Ms. Bowman proceeded to read the letter from Ken Leupp as follows: "Patchogue's progress is a definitive statement of the planning board's dedication to the interests of village residents. Kudos to all of you for your wise decisions in the interest of the community. While the Mulford project presents an attractive landscape of what could be, it also comes with hard consequences. Reports of previous inspections determined that said structure could very possibly cause flooding to homes in the vicinity. For most of the hard-working middle class families in the area, their home is their most valuable investment. An attractive condo at the expense of these home owners is a hard pill to swallow. I trust that the planning board will seek inspections from multiple engineering firms. I also trust that these reports will be public record. If this project moves forward, and flooding does occur, who will assume responsibility? Who will bear the burden of expense? I have every confidence that the Planning Board's priority will be the wellbeing of local residents. Sincerely, Ken Leupp." Mayor Pontieri thanked her for being her neighbors' voice.

Kaetlyn Jackson, 19 Grenville Avenue, congratulated Trustee Keyes on his work with obtaining the electric car and Johnson Controls. She then thanked Trustee Brinkman for her work on updating the Village's web site. She agreed that you never know how a web site would function until when you needed it do something particular. Ms. Jackson also thanked Trustee Brinkman for constantly facilitating the Zoom and YouTube meetings and for paying attention to residents' needs. She expressed her appreciation for the Board's work as well.

Village Attorney Egan indicated that he wished to comment on an issue that Ms. Jackson had mentioned at the last meeting. In reviewing the minutes from that meeting, he had noticed a couple of points that were made and had some time to reflect on them; one was the suggestion for a moratorium and the other was a question concerning meeting notices. At a recent meeting, a topic discussed had been how to keep government functioning when the world stopped turning. All local municipalities were using Zoom for meetings and noticing public hearings in a similar manner as the Village. Village Attorney Egan indicated that Ms. Bowman had read the Leupps letter into the record where in the past they could have come and addressed the issue normally. Changes had been made as to how restaurants, parties, and public hearings looked and sounded. In reviewing how the Cornerstone project in particular had been noticed, he had determined that a notice had been mailed to all properties within a 200 ft. radius, a poster had been erected, and the hearing had been publicized within the local newspaper as required by the Village Code. This was the same process that was followed with every application. Village Attorney Egan noted that all appropriate steps had been taken should a legal challenge occur in the future. He stressed that the Village had provided the appropriate notice on its web site and Facebook page and continued to field questions from the public on this application. While video conferencing meetings were not ideal, they were still meetings, and all levels of government needed to function. Village Attorney Egan indicated that the governor's executive order provided the parameters of how meetings could be conducted, and property owners had the right to have land use approvals considered and advanced. Local boards throughout the state were running such meetings in various ways. For example, the Town of Brookhaven ran theirs through a cable channel. Many projects drastically larger than the Cornerstone application were proceeding throughout the state since this past summer. Even though this was a very difficult challenge, notice of the meetings had been done correctly. Nearly 12 months into this pandemic, virtual government operations were proceeding, and property owners had expectations for their cases to be heard and handled appropriately under the governor's order. Whether the public liked it or not, the actions taken with regard to this case had been done correctly based on the governor's executive order and what was required under the Village Code. Village Attorney Egan indicated that the term moratorium had been used quite often in Patchogue. This process should not be used to target a single developer nor a particular scale of development as this would not survive a legal challenge. The public could be given more time to comment on a particular project; however, the concerns mentioned at previous meetings were not a legitimate basis to enact a moratorium. Village Attorney Egan indicated that there was no need to just take his word on this matter. Highly respected NYS Supreme Court Justice Peter Fox Cohalan made the following statement in the case of Duke Vs. Huntington, "Consequently, a municipality may not invoke its police powers solely as a pretext to assuage strident community opposition. To justify interference with the beneficial employment of property the municipality must establish it has acted in response to a dire necessity, that its action is reasonably calculated to alleviate or prevent the crisis condition, and that it is presently taking steps to rectify the problem." Village Attorney Egan indicated that no matter how vigorous the resistance to a project

was, the opposition needed to be respected and considered. He believed that the Planning Board did this, and the Cornerstone project had changed in response. Village Attorney Egan stressed the need to heed Justice Cohalan's words and to recognize that a moratorium could not be invoked to assuage strident community opposition. This was also not an unknown project as it had been in the planning process for almost 2 years. Wrong action on his part could result in 12,000 residents in the Village having to pay for damages as a result of a lawsuit. He reiterated that the public hearings for this project had been designed to consider public opinion. However, he felt the points that had been raised were worth researching and addressing. He hoped that some of the residents' concerns had been addressed, and the position of the law explained. Mayor Pontieri thanked him for his work.

Regina Bykov, 11 Mulford Street, inquired as to how the calculations for participation in the sewer project were being handled and how much would an investment in the project pay off. She was definitely in favor of the installation of sewers. Mayor Pontieri stated that the work would be done through a grant from New York State. Once the loan amount was paid, the Village would manage and maintain the equipment. The cost evaluation was based on what the cost was going to be to run the operation including employees and maintenance. This figure would then be divided by the number of people that were being served. On the residential side, there were two costs – one was the maintenance figure and the other was on the number of units in a building. Commercial property costs were calculated through determining the amount of water usage, and these expenses were calculated and subtracted from the costs first with the remaining amount split between the residential owners. He noted that discussion regarding the sewer rates were held every year between himself, Village Treasurer Krawczyk and Deputy Village Treasurer Monte. Ms. Bykov inquired as to what was considered to be the cut off between commercial and residential properties. Village Attorney Egan stated that the parameters had been set by the County. Ms. Bykov inquired as to which roads would be included in the project. Village Attorney Egan stated that the County had worked backwards from the shoreline and noted that as many properties as could be included in the project would be. However, the properties chosen might not make immediate sense. He already knew that streets could be split down the middle. Mayor Pontieri noted that some of the decisions made had to do with the FEMA flood zone. Any property located in this area, would automatically be included with neighboring properties also eligible. He reiterated that these were County decisions which were guided by available funding.

Mayor Pontieri inquired if anyone else wished to speak at tonight's meeting. Trustee Brinkman stated that she did not see any other participants in the meeting wishing to speak or ask questions on Zoom or YouTube.

Mayor Pontieri then thanked all who had joined the meeting online.

Upon a motion made by Trustee Ferb, seconded by Trustee Felice, and unanimously carried, the meeting was adjourned at 7:25 p.m.

vp

Signed _____
Valerie Braile, Deputy Village Clerk