

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on Monday, April 11, 2022 with public viewing through video streaming on YouTube and in person.

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

The flag salute was made and the safety message was given.

Village Clerk Devlin asked the Board to approve Board Meeting minutes from March 28, 2022.

Upon a motion by Trustee Ferb, seconded by Trustee McHeffey, and unanimously carried, the Board approved the Board Meeting minutes from March 28, 2022.

Village Clerk Devlin asked the Board to approve the Reorganizational Meeting minutes from April 4, 2022.

Upon a motion by Trustee Ferb, seconded by Trustee McHeffey, and carried by majority with Trustee Keyes abstaining and all others in favor, the Board approved the Reorganizational Meeting minutes from April 4, 2022.

Village Treasurer Krawczyk stated the total bills for the period ending April 11, 2022 were \$456,394.68. The five largest bills were as follows: \$177,248.00 for the New York State Health Insurance, \$18,282.00 for PSEGLI, \$10,066.70 for Clear River, \$6,076.00 for Nyland, and \$5,057.98 for Bissett.

General	395,054.78 \$
Trust & Agency	10,456.21 \$
Cap Projects	3,786.01 \$
Sewer Fund	40,870.59 \$
B.I.D. Fund	1548.40 \$
Housing Fund	\$ 0.00
CDA Fund	4598.69 \$
General Bills	50.00 \$
Totals	\$ 456,394.68

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

Village Clerk Devlin read notice of a public hearing as follows: BE IT RESOLVED, that the Village Board of Trustees hereby calls for a public hearing at 6:00 p.m. on the 11<sup>th</sup> day of April 2022 in the Village Hall of the Village of Patchogue, New York, where all interested persons can be heard in favor of or in opposition to the proposed renewal of the Altice Franchise for a period of 10 years.

Frank Alleva stepped forward and indicated that he was the representative for Altice. He noted that this request was to renew the cable franchise agreement with the Village which had been previously approved by the Board on August 22, 2011 and approved by the PSE on January 25, 2012. Cablevision of Brookhaven was their subsidiary. He noted that they had been working collaboratively with the Village Attorney to come to an agreement that was essentially an extension of the previous agreement. The company provided cable services to approximately 17 municipal, governmental, fire houses, and police buildings in the community. They also provided a grant of \$20,000 for the production of educational and government access programs. In addition, the Village received a full maximum 5% franchise fee under the law. The proposed agreement would be for a period of 10 years.

Deputy Mayor Krieger inquired if the Village presently had a specific dedicated channel. Mr. Alleva indicated that it did not, but the law did allow for them to have one if they chose. He observed that he thought the Village had used the Brookhaven Town channel on occasion. Deputy Mayor Krieger stated that this he had worked with the town for 12 years, and he was not aware of the Village ever using its channel. Mr. Alleva indicated that the \$20,000 grant would

allow the Village to create content and place it on a channel. Trustee Brinkman inquired if there was someone who could assist the Village in making this happen. Mr. Alleva indicated that the company could install a secured access point to connect the Village to their network. These funds would be used to offset the capital costs on the Village's side to take this action. Trustee Brinkman inquired if this would also include a better camera for video streaming purposes. The gentleman indicated that this would be possible as Federal law required these funds to be used for capital purchases such as cameras, microphones, and similar items. Trustee Brinkman stated that she would be very interested in investigating this further.

Trustee Carillo inquired as to how long it would take to establish this pathway. Mr. Alleva indicated that it would probably take several months. A survey of the building would be done to determine the best point from existing infrastructure to provide secure access to the company's cable network. From there, the Village would need to purchase certain equipment to be able to provide the content it wanted. Trustee Brinkman stated that she would appreciate him setting up a meeting with the appropriate contact in his company to discuss this further. Mr. Alleva stated that he would be the conduit to set up a meeting.

Trustee Ferb inquired if he knew the Village's revenue from this agreement. Mr. Alleva stated that he would need to follow up with this information as he could not provide that information in public since it was proprietary in nature. He did note that the Village Clerk received a franchise fee report on a quarterly basis.

Deputy Mayor Krieger noted that he had seen Verizon trucks in his neighborhood recently and inquired as to the work that was being done by them. Mr. Alleva stated that he did not know what they were doing there.

Trustee Brinkman inquired if the Village would be receiving any fiber upgrades in the near future. Mr. Alleva indicated that they were almost fully built out with a fiber network in this portion of Suffolk County. They had hit some roadblocks with the State DOT in terms of their right of way. There were some non-customers that they might be able to reach, but they had been focusing on their customer base first with this product. They felt it was a better option than Verizon FIOS.

Trustee Carillo inquired as to how much the franchise fee was. Mr. Alleva stated that it was 5% of the gross cable revenue which was the maximum permitted by law. Trustee Carillo inquired if the Village decided to establish a channel whether the content could be provided in different languages. Mr. Alleva indicated that his company would have no control of the government access channel. That would be solely up to the Village. There was no law restricting multi-lingual content. Village Attorney Egan concurred that it would be up to the Village to provide the content for the channel. Trustee McHeffey inquired if the technology for closed captioning in different languages would be provided or would that cost the Village additional money. Mr. Alleva stated that this would be an additional service that would need to be paid for by the Village since it was provided by a third party company. Deputy Mayor Krieger noted that the technology on these channels was basically limited to broadcasting only. The gentleman noted that the services were available but came at a certain cost.

Deputy Mayor Kreger asked if anyone from the public wished to comment on the public hearing.

Dennis Ross, 17 Lager Lane, inquired as to where the franchise fees received were accounted for within the Village's budget and asked why this could not be detailed in public. Mr. Alleva indicated that the 5% amount was based on the company's subscriber account list, and subscriber account information was proprietary. Village Attorney Egan stated that this revenue was accounted for within the Village's budget.

Richard Kemp, 68 Jennings Avenue, indicated that Mr. Alleva had painted a rosy picture of Cablevision including fiber optics. However, this was not the case. He believed that every house was still connected by metallic cables which were not fiber optic. Mr. Kemp indicated that the service was lousy, and they now charged a service fee of \$80 if they could not find an answer to problems that were reported. He noted that he has had service people come to his home and replaced all the wires from the street and in his home and still not fixed the access problem he was having with the Town channel. The technician had then told him that his television was at fault, in spite of his being able to access all other channels. A supervisor had

then visited his home and told him that there was nothing wrong with his television and that his company was broadcasting Channel 18 incorrectly. Deputy Mayor Krieger stated that he was unaware of any issues with the Brookhaven cable channel. Mr. Kemp disagreed as he had experienced a problem with the channel in question. Deputy Mayor Krieger inquired if the problem had been resolved. Mr. Kemp stated that it had. He then expressed concern about the constant increasing of fees so that his basic cable bill was now \$200 per month and that none of the Board members had questioned the Altice representative about these increasing costs since he felt they had an obligation to protect the residents and merchants from this, Mr. Kemp indicated that he had heard this same pitch from Cablevision before the Board ten years ago concerning fiber optics, and nothing had changed.

John Bogack, Noxon Street, asked for confirmation that a ten year contract was mandated by law. Deputy Mayor Krieger stated that this was correct. Mr. Bogack then asked for confirmation that the 5% was also mandated. Village Attorney Egan indicated that the Mr. Alleva had explained that earlier but would answer it again. Mr. Bogack expressed concern that this seemed favorable to only one party since was the only terms that could be agreed to which meant there was not much room for negotiation. He also inquired as to where this amount could be found in the budget. Village Attorney Egan stated that it was under non-profit and tax items within the General Fund, Schedule 2. He could not say what the exact amount was since there were other franchise fees included in that line. Line 1170 in the budget would contain this information, but he could not state that this was completely from this agreement. In fiscal year 2020-2021, the actual amount on that line was \$238,097.00. Mr. Bogack noted that this approximate amount of \$238,000 would be 5% of what Cablevision was receiving. Village Attorney Egan stated that this was close to the figure. Mr. Bogack indicated that he was an Optimum customer who paid a lot for this service for many reasons but mostly because this was a monopoly. There was not much choice available. If there was a competitor available, he believed costs would be lowered for consumers. He knew that people who were Verizon customers who were paying much less. Mr. Bogack questioned why the franchise fee could not be raised. Village Attorney Egan stated that Mr. Alleva could answer that question. Mr. Bogack then inquired if the Village could put content on channel 18. Trustee Brinkman stated that it could and that the Village would have control of the content. Mr. Bogack indicated that he thought it would be a good idea to inform the public of who the Board members were and what they did on that type of public forum and continue to bring the Village into the 21<sup>st</sup> century.

Mr. Alleva reiterated that the 5% franchise fee was the maximum permitted under the law. The definition of gross revenue included in the current agreement was the most generous definition to be allowed under law. This was the maximum available to the Village unless the federal government changed the law. Village Attorney Egan concurred that the negotiations had been as favorable to the Village as possible in terms of gross revenue. Calculations were based on federal telecommunications law. Deputy Mayor Krieger inquired if this was the same deal which had been made with other villages such as Port Jefferson. The gentleman indicated that there were some villages who chose not to take the maximum. Trustee Carillo inquired as to why they would do that. Mr. Alleva indicated that he was not sure why they would do that. Trustee Carillo inquired if the contract had to be for ten years or if it could be done for a shorter period of time. The gentleman stated that it was not a requirement but was common practice. Trustee Carillo indicated that she was concerned about the lack of options available to the community. She noted that there were sometimes issues with internet connectivity even at Village Hall. Mr. Alleva indicated that this was a non-exclusive agreement, so nothing prohibited any other provider from coming into the Village. He noted that the Village residents were receiving the most competitive rates in the country and indicated that the costs associated with their services were mostly programming costs. Channel providers were seeing advertising revenues drop as people were increasingly choosing streaming services which resulted in them charging higher rates to the cable company. Trustee Carillo noted that she was glad to hear that this would not be taking away the right to choose another provider by moving forward with this agreement.

Trustee Ferb inquired as to why there was no other competition in the Village. The gentleman stated that he could not speak specifically for any other provider, but he believed that they were choosing not to build out the Village's infrastructure as a whole. Rather, they had built out specific locations that would offer a greater return on their investment. Their franchise covered every property in the Village. Trustee Ferb noted that he had heard that other providers had refused to service parts of the Village.

Trustee Brinkman expressed concern about the costs, especially since she had elderly parents who lived on a fixed income. Just to have the most basic cable and internet service, cost them over \$200 per month. In addition, there were often problems with the internet service. She found it very difficult to understand the amount of money they were paying for the services they were receiving. Mr. Alleva recognized that there had been some problems with internet connectivity throughout their service area, but he assured the Board that their leadership team had committed to rectifying these service issues. He reiterated that they were forced to raise costs when their providers raised costs. They did have special packages available to low income families and did offer a tiered system of lower costs for lower levels of service. He also noted that they had tried to offer a more “a la carte” system, but broadcasters had made that difficult to do by attaching other channels to channels which they were required to carry. They tried to provide high quality services to the residents at as low a cost as possible.

Joan Gilroy, a consultant for Altice, stepped forward to explain why Verizon had chosen to stop building out their infrastructure in Suffolk County. She noted that when they had built to a certain point, they had obtained a contract for New York City. This contract provided them with a much larger base of customers than Brookhaven in Suffolk County, so they had reallocated their resources accordingly.

Trustee McHeffey thanked Village Attorney Egan for his hard work on this contract. He then inquired as to how low income was defined by this company based on the low income options he had mentioned were available and where could those who were eligible find out more information. The gentleman indicated that he could obtain information for the Village to distribute to their residents. He noted that the definition of low income was those families who were eligible for the free and reduced price lunch program; those who received SSI, and veterans who received state or federal financial assistance. There were also federal programs that were currently being provided to the public. They had a broader definition of what qualified as low income due to COVID. The gentleman indicated that the company was fully participating in this program which was a \$30 credit towards your broadband bill regardless of the level of service you had. Application for the credit was made through a third party vendor that they contracted with who verified eligibility. Trustee McHeffey asked for clarification as to the answer to Trustee Brinkman’s question about senior leadership of his organization committing to addressing rising costs especially for seniors. Mr. Alleva stated that they had committed to addressing service quality issues. He noted that the rates were deregulated by the federal government, so those rates were determined by the competitive nature of the market. Service quality issues such as intermittent outages and similar issues were what the company could and would address. Trustee McHeffey inquired if follow-up communication could be expected on this matter due to senior leadership’s commitment. The gentleman assured him that there would be follow-up to this and also noted that the company had sent out an open letter to their customers informing them that a web site would be dedicated to this and also promoting transparency in their bill structure, committing to excellent customer service, higher wages for their workers, more American based customer service representatives, and training more service technicians to reduce service call times.

Trustee Ferb noted that the option to have cable television in one’s-home was a personal choice. He indicated that he had personally not had cable television in his home for twenty years, and he still felt informed.

Upon a motion by Trustee Ferb, seconded by Trustee McHeffey, and unanimously carried, the Board resolved to authorize the Village of Patchogue to renew a cable franchise agreement with Cablevision Brookhaven Inc. to operate a cable system in the Village of Patchogue.

**RESOLUTION AUTHORIZING THE VILLAGE OF PATCHOGUE TO RENEW A CABLE FRANCHISE AGREEMENT WITH CABLEVISION BROOKHAVEN, INC. TO OPERATE A CABLE SYSTEM IN THE VILLAGE OF PATCHOGUE.**

WHEREAS, the VILLAGE OF PATCHOGUE (the “Village”) is a “franchising authority” in accordance with Title VI of the Communications Act of 1934, (the “Communications Act”), and is authorized to grant one or more nonexclusive cable television franchises pursuant to Article 11 of the New York Public Service Law, as amended, and Title 16, Chapter VIII, Parts 890.60 through 899, of the Official Compilation of Codes, Rules and Regulations of the State of New York, as amended (collectively the “Cable Laws”);

WHEREAS, the Village, executed a franchise renewal agreement with Cablevision Brookhaven, Inc. (the “Franchisee”) on August 22, 2011, which was thereafter confirmed and made effective by the New York State Public Service Commission on January 25, 2012 for a term of ten (10) years (Case No. 11-V-0608), and

WHEREAS, said franchise agreement thereafter expired on January 25, 2022; and

WHEREAS, Franchisee has submitted a proposed franchise renewal agreement (the “Franchise Renewal Agreement”) to continue operating said cable system within the Village; and

WHEREAS, The Village and Franchisee have mutually agreed to the terms of said Franchise Renewal Agreement; and

WHEREAS, the Village has determined that the Franchisee is and has been in substantial compliance with all terms/provisions of its existing franchises and applicable law; and

WHEREAS, the Village has determined that Franchisee has the requisite legal, technical and financial capabilities to operate cable systems within the Village and that Franchisee’s proposals for renewal of the franchises meet the cable related needs of the Community; and

WHEREAS, a duly noticed Public Hearing, affording an opportunity for all those interested parties within the Village to be heard on the proposed Franchise Renewal Agreement was held before the Village on April 11, 2022.

NOW, THEREFORE, be it

RESOLVED, that the Village Board of Trustees determines that it is in the best interest of the public to award the Franchise Renewal Agreement to the Franchisee; and be it

FURTHER RESOLVED that the Village Board of Trustees hereby authorizes the mayor to enter into the Franchise Renewal Agreement with CABLEVISION BROOKHAVEN, INC. and to execute any other documents necessary to effectuate the granting of the franchise renewal on behalf of the VILLAGE OF PATCHOGUE.

Dennis Smith reviewed the BID and special projects report. Mr. Smith indicated the BID’s regular monthly meeting would be occurring the following day. The BID was in summer preparation mode with regards to the hanging baskets, garden maintenance, planters, and watering schedule. In addition, the annual mailing and annual meeting dates would be determined at the upcoming meeting. These dates would probably be in mid-May and mid-June respectively. Mr. Smith noted that applications were being received for the annual Sunday Market and indicated that this was the first year that a participation fee of \$200 would be charged for the entire season and \$125 for alternating Sundays. While some vendors might not continue participating because of the fee, he believed most would continue to do so. So far, approximately 30 applications had been received with more coming in every day. He anticipated approximately 35 to 40 vendors participating each Sunday. Deputy Mayor Krieger inquired if all of those who had submitted applications thus far had agreed to the fee. Mr. Smith stated that they had all either agreed to the full fee or the alternating Sunday fee. He noted that a request was before the Board this evening to move the opening day for the market up to May 1<sup>st</sup> due to community interest and availability of vendors. Mr. Smith continued by noting that Johnson Controls was continuing their work at the Theatre. Solar panels were being installed, and after that was done, the roof top units would be installed. This was a large project which would take several weeks to complete. After that, they would continue work to construct the solar array in the parking lot. Some street light repairs also needed to be completed. The next meeting with Johnson Controls representatives would be on May 2<sup>nd</sup>. These issues would be discussed as well as how savings being realized by their work could be displayed to the public. As for the Commercial Dumpster Study, Cahill and Cashin, Village Attorney Egan, Building Inspector Sarich, and he had met earlier this afternoon to discuss the final comments and recommendations being made. Cahill and Cashin had provided preliminary comments and the Village had commented on those. He expected a final proposal from Cahill and Cashin within three weeks, and he believed that Village Attorney Egan would set up a public hearing at that time so Cahill and Cashin could explain their recommendations. Mr. Smith continued by noting that work had begun in earnest at Four Sisters Park today. Demolition and rebuilding the park would take approximately two months. Brand new pickleball and tennis courts should be ready no later than the beginning of June. Engineers and representatives of H2M would be meeting to discuss the proposed splash pad at the Beach Club. He hoped to have bids ready to go on that project within the next two months with construction ready to begin by September so it could be completed by next spring. The Army Corps of Engineers were still reviewing the Shorefront Park project. Village Clerk Devlin inquired as to how many years this had been ongoing. Mr. Smith stated

that he believed it had been several years. He noted that the original project had included work in the bay which had to be reviewed by several agencies due to impacts on marine life, etc. While he knew that this took time to accomplish, he had not expected it to take this long as a \$4 million project had now become a \$7 million project due to rising costs. Mr. Smith indicated that CDA Director Marion Russo was looking for additional grant funding so that the project could be completed as planned. Village Clerk Devlin indicated that she did not have the change of date for the Sunday Market on the agenda for this evening. Mr. Smith asked that the start date of the Sunday Market be changed to May 1<sup>st</sup> from the originally planned date of June 14<sup>th</sup>.

Upon a motion by Trustee Ferb, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval to change the start date of the annual Sunday Market to May 1<sup>st</sup>.

Trustee Keyes congratulated Mr. Smith on the success of the Sunday Market noting that he believed that it had only started with a few vendors. Mr. Smith indicated that the market had a bit of a rough start but had gradually grown to the successful event that it was. He thanked Josephine Williams and Gina Napolitano for all of their assistance to grow the market. Deputy Mayor Krieger inquired as to how many weeks the market would run. Mr. Smith stated that it would run for 27 weeks from May 1<sup>st</sup> through October 30<sup>th</sup>. He noted that most vendors had no issue with the \$200 fee for this year either because this averaged to approximately \$8 each week. Trustee Brinkman indicated that she felt the location at the railroad station parking lot provided a good flow for foot traffic and plenty of parking. Trustee Ferb noted that it was also very visible and was visually nice to look at when all the tents were set up. Mr. Smith indicated that having the train there also was nice to provide even more foot traffic. Deputy Mayor Krieger inquired as to how the fee would be used. Mr. Smith stated that it would be used to cover the costs for Village services provided for the event such as the event manager and advertising costs.

David Kennedy reviewed the Chamber of Commerce report. Mr. Kennedy noted that the Chamber's retail association was running a promotion for Easter with several stores featuring their own Easter egg hunts. Making a purchase at one of the participating stores allowed the customer to receive an egg which when opened provided a discount to another store. He encouraged anyone looking for gift purchases for Easter to shop locally in Patchogue. Mr. Kennedy then noted that this month of April would represent the largest number of ribbon cuttings ever held in the Village with 8 scheduled to be done. One had recently been done for Chops which was a new steakhouse whose food was spectacular. This week, on April 13<sup>th</sup>, the opening of the offices of Freshly Cut Films would be celebrated from 5:00 p.m. to 7:00 p.m. On April 14<sup>th</sup>, the opening of Jardin Café would be held from 5:00 p.m. to 7:00 p.m. Next Monday, the opening of Ruta Oaxaca would be occurring from 5:00 p.m. to 7:00 p.m. Dirty Taco's opening would be held on April 15<sup>th</sup> and Birdie's opening would be held on April 21<sup>st</sup>. Birdie's would feature golf simulators displaying courses from around the world to provide a fun and unique experience. On April 27<sup>th</sup>, Tiestos would finally be celebrated after being open for a couple of months. A new salon, Beauty and Chic Boutique, would celebrate their opening on April 30<sup>th</sup>. Village Clerk Devlin noted that the Board would be attending the Suffolk County Village Officials Conference on April 13<sup>th</sup>, so unfortunately, they would be unable to attend that ribbon cutting. Mr. Kennedy continued by noting that April 23<sup>rd</sup> was Record Store Day, and he encouraged everyone to support the best local store to buy vinyl records which was Record Stop. He then invited the Board to join the Chamber on April 26<sup>th</sup> at the Brookhaven Chamber of Commerce Coalition's annual reception celebrating each chamber's member of the year. It was a great way to connect with other chambers in surrounding communities. He was proud to announce that the Chamber's member of the year was Lori Belmonte who was co-owner of the Colony Shop, one of the legacy businesses in the Village, and had recently retired as chair of the Promotions Committee. Ms. Belmonte had been very active with the Chamber for well over 30 years and involved in many events and promotions. Mr. Kennedy then noted that on Sunday, May 1<sup>st</sup>, the Greater Patchogue Foundation would be holding a fundraiser for Lakeview Cemetery from 3:00 p.m. to 5:00 p.m. in the lobby of the Patchogue Theatre. This occasion would be used to honor someone else who was stepping down as chair of the Friends of Lakeview Cemetery Committee, Reverend Ralph Wright. The work done to improve the cemetery over the last 10 years was done in large part thanks to his assistance and dedication. Mr. Kennedy continued by stating that planning for Alive After Five continued as July was not too far off. A more toned down event was being discussed since having 28 bars or bar type businesses wanting to place a booth outside each of their premises would be unsustainable. The event would still have fun activities such as music and alcohol would be served, but perhaps it would be done in a sectionalized fashion to allow for room to expand more family friendly

activities in the center of the event area. Hopefully this would be a compromise which would keep the spirit of the event while always making everyone feel welcome. A meeting would be held on April 13<sup>th</sup> at 11:00 a.m. at Burgerology with the Restaurant Committee to come up with a plan all could agree upon.

Deputy Mayor Krieger indicated that he had seen one of the best shows in a while last night at the Theatre. The Theatre was back. A Michael Jackson show had been held on Saturday that was completely sold out. He encouraged everyone to visit the Theatre's web site to find out all about some great upcoming shows and to support the local Theatre. The Theatre's staff was doing a wonderful job.

Deputy Mayor Krieger asked the Board to authorize a resolution to purchase two contiguous parcels of real property. Village Attorney Egan noted that the purchase price of the property was \$18,000. He noted that the property was originally conveyed as part of the subdivision. The subdivision deeds included a covenant that would allow the Village to install drainage in this area. That property would be worthless to anyone without the drainage easement. As part of the major infrastructure funds undertaken with the reconstruction of Sunset Lane, those two parcels became very important to the Village. In the middle of the project, the County decided to sell those two parcels to a third party who then realized that they could not be built upon because of the Village's drainage structure being present. This purchase would put the properties under Village control which would allow access to the drainage system already present there. Trustee Brinkman asked if the County would pay these funds. Village Attorney Egan stated that the Village had received a lot of money for this property at the Tax Sale, and it was much more than \$18,000. This cost was based on a January 2022 appraisal. Trustee Brinkman inquired why the Village would not have had to sign off on the original sale of the property. Village Attorney Egan stated that the Village had no control of property owned by the County; however, the problem was that the County sold the property without the deed covering. He had brought this to the County's attention who then had to initiate litigation to have the drainage covenant added back on the deed. This covenant was critically important to the Village, and this purchase was important to take this property off the tax rolls and provide the Village with a permanent easement on this property.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Brinkman, and unanimously carried, the Board authorized a resolution to purchase two contiguous parcels of real property located on the south side of Sunset Lane approximately 260 linear feet of west Mapes Avenue in the Village of Patchogue, Town of Brookhaven, Suffolk County, State of New York. The property is designated on the Suffolk County Tax Maps as District: 204, Section: 22, Block: 1, Lots: 10 and 14.001 for the purchase price of \$18,000.

Deputy Mayor Krieger asked the Board to approve the installation of two speed tables on Maple Avenue. He noted that this was a request which had been made by residents of this street at the last Board meeting. Deputy Mayor Krieger thanked Trustee Keyes for his assistance with this action. He also noted that the Village planned to stripe parking spaces in this area as well.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Keyes, and unanimously carried, the Board granted approval to install two speed tables on Maple Avenue north of East Main Street and south of Oak Street.

Deputy Mayor Krieger indicated that discussions had taken place about making this area permit parking only, but this would be tabled to determine if the speed humps and lined parking spaces helped the situation first. Village Attorney Egan noted that a public hearing had been set to consider making the area permit parking only for April 25<sup>th</sup>, so he recommended that this public hearing be rescinded since a phased approach to these issues would be done.

Upon a motion by Trustee Keyes, seconded by Trustee Ferb, and unanimously carried, the Board rescinded the public hearing scheduled for April 25<sup>th</sup> to consider making this area of Maple Avenue "parking by permit only".

Deputy Mayor Krieger asked the Board to approve hiring a part-time Public Safety Officer.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board approved hiring Frederick Kaucky as a part-time Public Safety Officer at \$17.60 per

hour.

Deputy Mayor Krieger asked the Board for approval to excess and put on public auction a 2003 Chevrolet White Pick-up truck.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board granted approval to excess and put on public auction a 2003 Chevrolet White Pick-Up truck, VIN #1GHK24UX3E121678.

Deputy Mayor Krieger asked the Board for approval to exercise the option to extend an Intermunicipal Agreement between the Village of Patchogue and the Town of Brookhaven.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval to exercise the option to extend the Intermunicipal Agreement between the Village of Patchogue and the Town of Brookhaven to promote cooperation between the Town and Village assessment functions for one year, through January 28, 2023 pursuant to the agreement.

Deputy Mayor Krieger asked the Board to submit an application for appropriation of federal funds.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board granted approval to submit an appropriations request for federal funds to be used for the Patchogue Watershed Sewage Project.

Trustee Keyes indicated that the PEP Committee was planning a clean-up of Main Street and the surrounding areas for April 30<sup>th</sup>. He noted that he had mentioned at an earlier meeting that the PEP Committee had planned to partner with the library and other agencies for a poster contest to celebrate Earth Day, but unfortunately that was not going to happen for various reasons. Plans were underway, however, to hold an Eco Fair next year. Katelyn Jackson was exploring potential grant opportunities. This event would be tentatively scheduled to be held next year on Earth Day or during that week.

Trustee Keyes indicated that Opening Day would be held on April 16<sup>th</sup> at Clemente Field which was also the same day as the annual Bunny Run to be held at Fr. Tortora Park. The Parks and Recreation Summer Brochure had also been mailed to residents. He thanked the staff for all of their hard work on this document and encouraged the residents to thank them as well. Deputy Mayor Krieger indicated that there were quite a few activities for adults as well as children. Trustee Keyes concurred and noted that there were senior programs and adult programs which were very popular including goat yoga. The Parks and Recreation staff worked very hard on arranging for these activities and promoting the brochure.

Trustee Keyes asked the Board to approve hiring a Dock Security Attendant.

Upon a motion by Trustee Keyes, seconded by Trustee Ferb, and unanimously carried, the Board granted approval to hire Joseph Abate as a Dock Security Attendance at \$16 per hour.

Trustee Keyes asked the Board to hire Dock Security Attendants.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval to hire Jennifer Jost and Robert Dono as Dock Security Attendants at \$15 per hour.

Trustee Keyes asked the Board to approve use of 380 Bay Avenue for Village of Patchogue Senior Group meetings. He noted that there were several different groups who used the building on different times and days for their meetings.

Upon a motion by Trustee Keyes, seconded by Trustee Carillo, and unanimously carried, the Board granted approval for the Village of Patchogue Senior Groups to meet at 380 Bay Avenue from 10:00 a.m. to 3:00 p.m. for the spring, summer, and fall of 2022.

Trustee Brinkman asked the Board to revise a prior resolution adopted December 13, 2021 with

regard to appointed official Patrick McHeffey and to resolve the record of activities for Laura Feitner-Calarco.

Upon a motion by Trustee Brinkman, seconded by Trustee Ferb, and carried by majority with Trustee McHeffey abstaining and all others in favor, the Board agreed to revise, per the request of the New York State Retirement System, the December 13, 2021 resolution to include the new term dates for the Record of Activities for appointed official Patrick McHeffey in the capacity of Trustee beginning April 1, 2022 and ending March 31, 2026 and to resolve the Record of Activities for appointed official Laura Feitner-Calarco in the capacity of Zoning Board Member beginning April 1, 2022 and ending March 31, 2025.

Deputy Mayor Krieger inquired as to the reason this had to be done. Village Clerk Devlin stated that New York State had required a slight change in the language that had been included in the previous motion.

Trustee McHeffey indicated that the Arts Council was seeking artists to update the temporary mural behind the library. This mural would remain in place for a year and got a lot of attention. Anyone interested could find out more information by visiting the Arts Council's web site. The current exhibit at MOCA LI was "Asia America" curated by John Cino which would be running until April 24<sup>th</sup>.

Trustee McHeffey indicated that a CDA project on Division Street to make sure that all ramps were ADA compliant would be starting shortly and be completed by mid-May. The CDA was also working on creating a crosswalk at Rider Avenue and Main Street. Hopefully, that project would be completed by the end of the year. CDA Director Russo had also been working with Mr. Smith to complete the arch for the Theatre walkway.

Trustee Carillo indicated that consulate staff from Ecuador had utilized Village Hall this past Saturday to assist seniors and those with disabilities to obtain passports since it was often difficult for them to get into New York City to visit the consulate.

Trustee Carillo asked the Board to approve ratify prior approval for the Consulate General of Ecuador in New York to use Village Hall to provide mobile consular services.

Upon a motion by Trustee Carillo, seconded by Trustee Brinkman, and unanimously carried, the Board ratified prior approval for the Consulate General of Ecuador in New York to use Village Hall on April 9, 2022 from 9:00 a.m. to 6:00 p.m. for the purpose of providing mobile consular services.

Trustee Carillo asked the Board to approve a volunteer clean-up at Patchogue-Medford Youth Services.

Upon a motion by Trustee Carillo, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval for the Patchogue Rotary Club to hold a volunteer clean up at the Patchogue-Medford Youth Services on April 23<sup>rd</sup> and April 24<sup>th</sup>.

Trustee Carillo noted that complaints had been received regarding the dumpsters on Terry Street for some time, and she indicated that she had just been informed that exterminators would be treating the dumpster areas and surrounding properties shortly.

Trustee Carillo asked the Board to ratify prior approval to hang a banner on Main Street.

Upon a motion by Trustee Carillo, seconded by Trustee Brinkman, and unanimously carried, the Board ratified prior approval for the Patchogue Fire Department to hang a banner on Main Street from April 15<sup>th</sup> through April 30<sup>th</sup> to promote their membership drive.

Village Clerk Devlin noted that the Village would be celebrating Arbor Day on the last Friday of the month at 3:00 p.m. at 380 Bay Avenue where several trees would be planted.

Deputy Mayor Krieger asked if anyone from the public wished to be heard.

Dennis Ross, 17 Lager Lane, noted that prior to COVID, Riverwalk had been notified of a problem with the electrical boxes in one of the units. Since then, 83 of 86 electrical appliance issues had been fixed. He noted that they had spent over \$100,000 addressing the problems, and they were not finished yet. Requests kept getting made as to the progress of this project, but he noted that this was a complex issue that had not been part of the original blueprints for the development which had been approved by the Village and had improbably been missed during inspections 83 times. Blower units for heaters and driers had been placed in attics with rudimentary wiring. This could have been avoided if the Village would have required a completion bond for the development, and he hoped that this would be required in the future. Village Attorney Egan stated that the Village could not require this as this was a private improvement that was privately funded. The Village had no financial interest in these types of projects. In addition, Village Attorney Egan stated that it was inappropriate for the Board to comment on this situation since Mr. Ross was involved in active discussions as to whether these units were installed prior to or post inspection. It was misleading of Mr. Ross to imply that the Village had missed these during inspections due to there being uncertainty as to the timing of the installation of these units. This was a dispute between Mr. Ross and the project's developer. Mr. Ross asked for an explanation as to why the Village would not require a completion bond. Village Attorney Egan stated that no municipality required completion bonds on a private project except for public improvements such as roads. No municipality would do this as the costs for home improvements on private properties would be enormous. The municipality was not a party to a private contract. Public improvements such as roads, curbs, and sidewalks would be the only part of the contract in which the Village had a stake for the taxpayers as a whole. Mr. Ross concurred that it was a huge mystery as to in what part of the construction project these 83+ faulty units were installed. Village Attorney stated that the Village inspectors were extremely good at their job. Mr. Ross expressed concern that owners were responsible for this \$100,000 in repair work when everyone knew these units were not installed post purchase. Village Attorney Egan indicated that he believed the developer had an opposite opinion to this. Mr. Ross thanked him for his explanation.

Mr. Ross inquired of Village Clerk Devlin as to the actual title of the sewer project that had been put out to bid on Friday. Village Clerk Devlin stated that it was the Patchogue River Watershed Sewer Project. Trustee Brinkman noted that this was on the Village's web site. Village Clerk Devlin concurred and noted that it was on the front page under Alerts. There was a summary there, and included in the summary was a link which would take him right to the bid documents.

Richard Kemp, Jennings Avenue, asked if Deputy Mayor Krieger or any of the Board members had an opinion on the governor's recently approved law, "Drinks to Go". Village Attorney Egan stated that he believed it had been passed over the weekend as part of the budget process. Deputy Mayor Krieger indicated that he was unaware of what this was. Mr. Kemp noted that it was his understanding that it would allow bars and restaurants to sell mixed drinks along with a substantial food item for takeout. He reiterated his request for comments or opinions from the Board. Deputy Mayor Krieger stated that he did not know enough about the law to make a comment nor did he believe this was within the Board's responsibilities since this was a state regulation matter. Mr. Kemp reviewed some recent issues that had occurred including a serious hit and run car accident that had taken down the fence at Lakeview Cemetery and left parts of the vehicle in the neighboring building. In addition, he had met a woman at the store who had told him that she lived on Church Street and four cars had recently been struck by an intoxicated driver. He was disturbed by this trend in Patchogue Village. Trustee Keyes indicated that this problem existed everywhere and not just in Patchogue. Deputy Mayor Krieger stated that he was sure he was speaking for the Board that no one was in favor of intoxicated drivers. Mr. Kemp stated that it was his opinion that the bars in the Village were letting people consume more alcohol than they should. Village Clerk Devlin indicated that discussions had taken place with representatives of the State Liquor Authority, and it appeared that they responded to documented police reports. These documents are then forward to the SLA, and they start an investigation. These incidents had to be reported in a manner in which the state would take them seriously. Mr. Kemp inquired if the Village was keeping its own records. Village Clerk Devlin stated that they were not but were working with the Fifth Precinct as well as investigators from the SLA. The Village was taking an active role in doing what it could since they did not have jurisdiction over alcohol related matters.

Mr. Kemp noted that he had received the Parks and Recreation brochure mentioned by Trustee Keyes. He indicated that he was now the liaison to the 9<sup>th</sup> Virginia Confederate Re-enactors and

would like to propose a Civil War weekend in Patchogue. Mr. Kemp inquired as to whom he would need to communicate with to move this proposal forward since he would like to have a joint event featuring Union and Confederate re-enactors. The 67<sup>th</sup> New York was a Union Civil War re-enacting unit. Mr. Kemp noted that the president of their organization had been in contact with that unit, but they were a private organization and had not been very responsive. He noted that he believed that Trustee Brinkman might have been a former member of the New York unit. Trustee Brinkman stated that she was a member of the 6<sup>th</sup> New York Independent Battery. Village Attorney Egan suggested that they be invited to the event as well. Deputy Mayor Krieger inquired as to whom Mr. Kemp could contact to get this moving forward. Village Clerk Devlin asked what property he had in mind for this event. Mr. Kemp stated that he believed Shorefront Park might be suitable. Trustee Keyes indicated that he could obtain a special events permit application at 380 Bay Avenue in order to provide all the details in what he planned to do. Trustee Brinkman inquired if he was proposing a specific re-enactment of a particular battle or simply a historical presentation. Mr. Kemp indicated that the proposed event would take place over a weekend, showcase skirmishes, have people sleeping in tents overnight, and food would be cooked for the soldiers. Village Clerk Devlin stated that having food would require Health Department approval. Trustee Brinkman indicated that she believed the food would not be served to the public but would be for the units taking part in the demonstration. Trustee Keyes suggested again that he submit a special permits application with as much detail as possible about the proposed event. Village Attorney Egan confirmed that Mr. Kemp's organization was a valid 501C-3 organization. Trustee Keyes also noted that Shorefront Park was used quite a bit, so a completely free weekend might be difficult to schedule so the sooner an application was submitted the better.

Mr. Kemp then indicated that he had been led to believe that there was to be a hearing tonight regarding 501-C3 corporations and that the Village was going to withdraw the \$50 fee on special events permits. Trustee Ferb stated that there was already no fees charged to non-profit organizations. Village Clerk Devlin concurred that the Board had approved not assessing a fee for 501C-3 organizations submitting applications. Mr. Kemp indicated that these types of non-profit organizations included churches, veterans' groups, and certain military groups. However, Alive After Five's fee schedule included a \$145 fee for non-profit groups. Village Clerk Devlin inquired if this was a Chamber document. Mr. Kemp stated that it was. Village Clerk Devlin indicated that the Village did not control the Chamber's fees and that the Village had its own fee structure which was still being put together for vendors obtaining a permit through them. The vendors wind up paying both the Chamber and the Village. Mr. Kemp indicated that this was still an expense to 501C-3 organizations that would not be making money at the event. Village Attorney Egan stated that Village Clerk Devlin had indicated that the Village did not control the Chamber's fee structure and that this was a question for the Chamber. Mr. Kemp reiterated that he was still concerned that the Chamber was imposing a fee for use of public property. Village Attorney Egan stated that the Chamber was a private organization that the Village gave permission to host an event. Mr. Kemp stated that he did not believe that this was right. Trustee Ferb noted that the Chamber reimbursed the Village a substantial amount of money for each of those events. Mr. Kennedy noted that the Alive After Five events cost in excess of \$200,000 and indicated that the non-profit groups had a substantially reduced vendor fee than others had to pay. He stated that this was the first complaint he had heard about this, but he would bring it to the Chamber Board to discuss. However, it was a substantial discount, and there were bills to be paid. Deputy Mayor Krieger inquired as to how many non-profits participated in the events. Mr. Kennedy stated that they had approximately 100 vendors and perhaps a dozen were non-profits. He believed they looked at the fee as an advertisement expense.

Mr. Kemp then noted that he planned to become involved with a Veteran's Day Ceremony at the Waverly Avenue Cemetery. He had been in touch with Marion Russo who was the chair of the Friends of Lakeview Cemetery Committee. Mr. Kemp then read from a communication he had received from her indicating that the Friends of Lakeview Cemetery assist with identifying veteran's headstones but did not assist or participate in Memorial Day or Veteran's Day events but that he should contact the United Veterans Organization. He noted that he would be submitting an application for a ceremony on Veteran's Day. However, he felt that a special events application for a Veteran's Day Ceremony should be waived entirely. Village Attorney Egan asked for clarification as to whether he was asking to eliminate the application entirely. Mr. Kemp stated that he was because there had been a 60 to 70 year status where there had been no application or permit required for such ceremonies. He had witnessed this himself at Cedar Grove Cemetery. There had been precedence in the past for no permits. Village Attorney Egan

stated that the special events permit had been brought back at Mr. Kemp's own insistence. He recalled the conversation that had occurred at a previous meeting and recounted what had been said. No one had objected to it, and every veteran's organization in the Village took part in the process. He felt that it was a nice coordination between the Village and veteran's groups so that everyone was cooperating. Deputy Mayor Krieger inquired if there were administrative costs for the permit process. Village Clerk Devlin stated that a \$175 fee was assessed to for profit groups and no fee was requested of non-profits. Mr. Kemp stated that he felt that the special events permit included multiple pages of items that were not related to a ceremony. Village Attorney Egan stated that he should simply mark those areas as n/a. Village Clerk Devlin also noted that there were several pages of interdepartmental information to be completed by Village departments. She also noted that no one had complained, and it seemed to be working. Mr. Kemp stated that as of now, the 9<sup>th</sup> Virginia Confederate unit would be submitting an application. He indicated that the 67<sup>th</sup> New York had gone for several years with having a ceremony while the 9<sup>th</sup> Virginia Confederate had been refused permission to hold one. Mr. Kemp indicated that he would like to see the two groups have a joint ceremony but the 67<sup>th</sup> was aloof and unresponsive. At this point in time, it would be strictly a Confederate group hosting this ceremony. Village Attorney Egan stated that he should submit the application, and perhaps the Union groups would join in. Mr. Kemp stated that there were laws established for cemeteries in the Town of Brookhaven, and people could not be prevented from entering a cemetery to mourn their deceased. He was a blood descendant of a Confederate soldier, and this was why he was involved with a Confederate re-enactor group.

John Bogack, Noxon Street, asked if a story he had seen in the newspaper concerned the south Patchogue sewer extension. Deputy Mayor Krieger indicated that the story concerned the expansion of the sewer plant.

Mr. Bogack asked about the ferry that was mentioned in the paper. Deputy Mayor Krieger stated that this was a joke that was organized by a public relations advertising firm.

Mr. Bogack indicated that he was not in favor of the Civil War re-enactment in the Village nor Mr. Kemp's romanticization of the Confederacy. Patchogue was a Union town, and the names inscribed on the Civil War statue commemorated those who had served on the Union side. The Confederate cause was slavery and disunity and should not be celebrated in Patchogue Village. Mr. Bogack stated that he would ask the Board to deny any application that could bring racial tension to the community; nor would he want to see Confederate flags flying in the Village. He appreciated Mr. Kemp's connections, but if he worked this plan into an actual event, there would be problems in the community. He felt that the Village did not stand for any of the Confederate's ideals.

Upon a motion made by Trustee Brinkman, seconded by Trustee McHeffey, and unanimously carried, the meeting was adjourned at 7:45 p.m.

Signed \_\_\_\_\_  
Lori Devlin, Village Clerk

vp