

The Board Meeting of the Board of Trustees met in the Municipal Building, 14 Baker Street, Patchogue, New York on Monday, August 23, 2021 with the public viewing through video streaming on YouTube and in person.

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

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

Village Clerk Devlin asked the Board to approve Board Meeting minutes from July 26, 2021.

Upon a motion by Trustee Ferb, seconded by Deputy Mayor Krieger, and unanimously carried, the Board approved the Board meeting minutes from July 26, 2021.

Village Clerk Devlin stated the total bills for the period ending August 23, 2021 were \$642,919.26. The five largest bills were as follows: \$163,581.94 for NYS Employee Health; \$59,977.97 for Town of Brookhaven; \$32,270.70 for Russell Reid; \$32,093.29 for PSEGLI; and \$12,183.99 for H2M.

General	\$ 494,335.16
Trust & Agency	\$ 14,731.77
Cap Projects	\$ 4,597.85
Sewer Fund	\$ 105,507.53
B.I.D. Fund	\$ 13,088.02
Housing Fund	\$ 0.00
CDA Fund	\$ 4,695.30
General Bills	\$ 5,963.63
Totals	\$ 642,919.26

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 asked the Board to approve a budget transfer.

Upon a motion by Trustee Ferb, seconded by Deputy Mayor Krieger, and unanimously carried, the Board approved the following budget transfer:

From: Village Attorney-fee for services. 001-1420-0415 \$26,000.00  
 To: Pool-Maintenance to Building for FY2021 001-7180-0420 \$26,000.00

Village Clerk Devlin reviewed the cash balances as of June 30, 2021 as follows:

General Fund	\$13,346,765.62
Trust and Agency	\$ 241,710.61
Sewer Fund	\$ 2,846,895.06
BID Fund	\$ <u>153,562.08</u>
	\$16,588,933.37

Mayor Pontieri asked the Board to approve purchase of a new garbage truck.

Upon a motion by Trustee Brinkman, seconded by Trustee McHeffey, and unanimously carried, the Board approved the purchase of a new garbage truck from Vasso Systems for \$205,622.32, and to make lease payments to Integrated Vehicles and Equipment Leasing Co. as follows: Annual payment of \$45,957.29 for five years and a buyout at the end of the lease for \$1.00.

Village Clerk Devlin stated that representatives of the American Legion were present this evening to issue some citations and certificates of appreciation to representatives of the Parks Department and Trustee Keyes on behalf of the Department of Public Works. Commander Frank from the American Legion informed the Board about an event that would be occurring on August 27<sup>th</sup> in Miramar National Cemetery in San Diego, California, where a memorial honoring US Navy SEALS would be dedicated. The commander noted that a group of former and retired Navy

SEALS had worked for years to obtain such a memorial but had met with constant rejection by being told that it did not adhere to the rules for a national cemetery. A representative from this group had heard about the Village's Lt. Michael Murphy sculpture and monument and saw a picture online. He had then requested a close up picture and the dimensions of the sculpture as a basis for their proposed memorial. Commander Frank stated that he had sent the requested information and forgotten about the matter. He then shared some information with the Board that he had received last week. The first was an article indicating that the new memorial to be dedicated at Miramar National Cemetery had been based on the information he had forwarded from the Village's sculpture, and the second was an invitation to the dedication. He was proud that there was a direct relationship between a sculpture found in a Village park and a memorial in a national cemetery in California. Mayor Pontieri indicated that this was great news.

Village Clerk Devlin asked the representatives from the Parks Department, Maria Giustizia and Lauren Monte, to step forward as well as Trustee Keyes on behalf of the Department of Public Works. Commander Frank then presented a certificate of appreciation to the Department of Parks and Recreation in recognition of the outstanding service and assistance they had provided to the American Legion over the years. Ms. Giustizia stated that, on behalf of the Parks and Recreation Department, it had been an honor and pleasure to work with the American Legion, and she looked forward to continuing their partnership. The commander then presented Trustee Keyes with a certificate of appreciation for the Department of Public Works for the fantastic job they always did and expressed appreciation for all of their hard work. Trustee Keyes expressed appreciation for all that the American Legion did as well. Commander Frank then presented Village Clerk Devlin with a certificate of appreciation for the Village of Patchogue in recognition of all that the Village did including the Village Clerk, Village Attorney Egan, the Building Department staff, and many others who assisted the American Legion in countless ways.

Village Clerk Devlin read notice of a public hearing as follows:

**NOTICE IS HEREBY GIVEN** that a Public Hearing will be held on Monday, August 23, 2021, at 6:00 p.m., in the Municipal Building, 14 Baker Street, Patchogue, New York, 11772, by the Village Board of Trustees of the Incorporated Village of Patchogue **TO AMEND SECTION 7-1 OF CHAPTER 7 OF THE VILLAGE CODE TO AUTHORIZE THE TOWN OF BROOKHAVEN FIRE MARSHAL TO ISSUE APPEARANCE TICKETS FOR VIOLATIONS OF THE VILLAGE CODE**, by proposed local law, a copy of which is on file at the Office of the Village Clerk.

Mayor Pontieri asked if anyone from the public wished to comment on the public hearing. There was no response. Mayor Pontieri then asked for a motion on the public hearing.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Keyes, and unanimously carried, the Board adopted the following resolution:

**AMENDING SECTION 7-1 OF CHAPTER 7 OF THE VILLAGE CODE TO  
AUTHORIZE THE TOWN OF BROOKHAVEN FIRE MARSHAL TO ISSUE  
APPEARANCE TICKETS FOR VIOLATIONS OF THE VILLAGE CODE**

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 Section 7-1 of Chapter 7 of the Village Code which shall read as follows:

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

§ 7-1 Authorization for issuance.

A. Employees of the Village of Patchogue designated by the Board of Trustees shall be and they are hereby authorized to issue appearance tickets and to serve the same upon any person when said designated officer has reasonable cause to believe that such person has committed a misdemeanor or petty offense in their presence pursuant to § 150.20 of the Criminal Procedure Law of the State of New York.

B. Employees of the Village of Patchogue designated by the Board of Trustees shall be and they are hereby authorized to issue appearance tickets and to serve the same upon any person when said designated officer has reasonable cause to believe that such person has committed a violation of this Code of the Village of Patchogue.

C. Employees of the Village of Patchogue authorized to issue appearance tickets include, in addition to those employees who may be designated by the Board of Trustees from time to time after the effective date of this chapter, but are not limited to, the Building Inspectors and the Housing Inspectors, and their authorized deputies, if any; the parking meter collectors for the Village of Patchogue; all code enforcement and public safety officers employed by the Village of Patchogue; the head of the Department of Code Enforcement of the Village of Patchogue; and the Superintendent of Public Works and the Sewer Plant Operator of the Village of Patchogue.

**D. The Fire Marshal of the Town of Brookhaven and his designees, shall be and are hereby authorized to issue appearance tickets and to serve the same upon any person when said designated officer has reasonable cause to believe that such person has committed a violation of this Code of the Village of Patchogue.**

This Local Law shall take effect immediately.

Mayor Pontieri asked the Board to set a public hearing to consider opting out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate with the Village of Patchogue. Village Attorney Egan stated that the decision whether to opt out of allowing retail establishments and establishments specifically for the consumption of cannabis needed to be made prior to December 2021, or there would be no opportunity to do so. However, it was possible to opt in at a later date should the Board wish to take that action in the future. This was not a decision on whether utilizing cannabis in public was permitted.

Upon a motion by Trustee Ferb, seconded by Deputy Mayor Krieger, and unanimously carried, the Board set a public hearing for September 27, 2021 to consider opting out of allowing retail cannabis dispensaries and on-site cannabis consumption establishments to locate with the Village of Patchogue.

Mayor Pontieri then asked the Board to set a public hearing to amend section 302 of Chapter 302 of the Village Code to prohibit the smoking of cannabis, tobacco and similar substances on Village property and other locations within the Village. Village Attorney Egan indicated that this would add to the code which currently pertained to tobacco smoking being prohibited in certain areas of the Village including Village buildings, the library, and other similar locations.

Upon a motion by Trustee Ferb, seconded by Trustee Brinkman, and unanimously carried, the Board set a public hearing for September 27, 2021 to amend section 302 of Chapter 302 of the Village Code to prohibit the smoking of cannabis, tobacco and similar substances on Village property and other locations within the Village.

Dennis Smith reviewed the BID and special projects report. Mr. Smith noted that the Sunday market was progressing well with 30 to 40 vendors attending each week and good customer traffic. He indicated that several of these vendors had participated in the Sundown Festivals and congratulated the Young Professionals of the Chamber of Commerce for the success of these events. Mr. Smith indicated that cameras had been ordered for use at the bus stop at the railroad station and would be installed as soon as possible after they were received, probably in October. The Shorefront Park project was proceeding through the DEC and Army Corps review process. Mr. Smith then noted that Johnson Controls were continuing their progress on their energy improvement project and anticipated that solar panel installation on various Village buildings would occur towards the end of October at the earliest.

Deputy Mayor Krieger thanked the Department of Public Works staff, Public Safety officers, and the Suffolk County Police Department for their assistance with Biz Markie's funeral, especially since they had a limited amount of time to prepare for it. Everything had gone very well. Deputy Mayor Krieger noted that a dedication ceremony for Biz Markie's park would occur shortly.

Deputy Mayor Krieger asked the Board to accept the resignation of a Public Safety Officer.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board accepted the resignation of Public Safety Officer Zak Griffin effective August 1, 2021.

Deputy Mayor Krieger asked the Board to accept the resignation of a Public Safety Officer.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board accepted the resignation of Public Safety Officer Sean Erickson effective August 1, 2021.

Deputy Mayor Krieger reminded everyone that public safety officers often used these positions to gain experience for other law enforcement positions, so it was normal to have individuals leave on a regular basis.

Deputy Mayor Krieger asked the Board to approve a block party.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval for the residents of Lee Avenue to hold a block party on Saturday, August 28, 2021 from 2:00 p.m. to 9:00 p.m.

Deputy Mayor Krieger asked the Board to approve staff training.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board granted approval for Village Clerk Lori Devlin and Deputy Village Clerk Valerie Braile to attend the 2021 NYCOM Fall Training Workshop in Saratoga Springs, NY, from September 20<sup>th</sup> through 24<sup>th</sup> at a cost not to exceed \$2,500.

Deputy Mayor Krieger asked the Board to approve professional services to be provided by L.K. McLean Associates, P.C.

Upon a motion by Deputy Mayor Krieger, seconded by Trustee Ferb, and unanimously carried, the Board granted approval for L.K. McLean Associates, P.C. to provide professional services to include the following: design for reconstruction and expansion of the existing municipal parking lot located behind the Suffolk County 6<sup>th</sup> District Court located at 140 West Main Street.

Trustee Keyes indicated that the first Climate Smart Community Task Force meeting had been held earlier in the month and had gone very well. He noted that he was working on an environmentally friendly purchasing policy which he would present to the Board next month. Trustee Keyes noted that a clean-up had occurred in the Fr. Tortora Park and lake area on August 7<sup>th</sup>, where he had, unfortunately stirred up a nest of yellow jackets. He indicated that he had previously announced that there would be a clean-up at the Cedar Grove Cemetery, but he had been informed that since this was private property, it would not be appropriate for this to be done. The Patchogue River clean-up would occur on September 25<sup>th</sup>, and Blue Point Brewery was planning an event in conjunction with this. Additionally, a clean-up would occur at the Lakeview Cemetery on October 16<sup>th</sup> where participants are encouraged to wear spooky costumes.

Trustee Keyes noted that the Recreation Department was winding down summer programs. He noted that there had been a great turnout for this year's programs which included the participation of 597 kids, 143 adults, and 11 goats. Goat yoga and pickleball had been the most popular programs. Trustee Keyes indicated that the 37<sup>th</sup> Annual Snapper Derby would be held this upcoming Saturday, and the 37<sup>th</sup> Annual Oldtimers Softball game would be held on September 4<sup>th</sup>.

Trustee Keyes asked the Board to ratify prior approval to hire a part-time Recreation Aide.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board resolved to ratify prior approval to hire Dorothy Grosso as a part-time Recreation Aide at \$10.50 per hour retroactive to July 19, 2021.

Trustee Keyes asked the Board to approve use of the Waldbauer Sports Complex by the PYAA.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval for the PYAA to use the Waldbauer Sports Complex (Turf, 90 foot, and

Pump House Fields) for a tournament on August 20<sup>th</sup>, 21<sup>st</sup> , & 22<sup>nd</sup> from 8:00 a.m. to 8:00 p.m.

Trustee Keyes asked the Board to approve a fee for the commercial use of Mascot Dock.

Upon a motion by Trustee Keyes, seconded by Trustee Ferb, and unanimously carried, the Board granted approval to institute a fee of \$50 per hour, with a two hour limit, for use of Mascot Dock for commercial purposes.

Trustee Keyes asked the Board to ratify prior approval to hire a lifeguard.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board resolved to ratify prior approval to hire Brandon Cameron as a lifeguard for Parks and Recreation at \$16 per hour, effective immediately.

Trustee Keyes asked the Board to approve hiring a Recreation Aide.

Upon a motion by Trustee Keyes, seconded by Deputy Mayor Krieger, and unanimously carried, the Board granted approval to hire Ashley Blydenburgh as a Recreation Aide at \$15 per hour.

Trustee Keyes asked the Board to approve a promotion.

Upon a motion by Trustee Keyes, seconded by Trustee McHeffey, and unanimously carried, the Board granted approval to promote Joe Abate to Head Dock Security with a salary increase to \$16 per hour.

Trustee Keyes asked the Board to approve use of Mascot Dock.

Upon a motion by Trustee Keyes, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval for Lorraine Gregory Studios to use Mascot Dock for photography purposes on August 24<sup>th</sup> (rain date of August 25<sup>th</sup>) for two hours.

Trustee Keyes asked the Board to approve hiring H2M to prepare a Map and Plan to connect the Village Pool and Beach Club and future spray platform to the Village Sanitary Sewer Collection System.

Upon a motion by Trustee Keyes, seconded by Trustee Ferb, and unanimously carried, the Board granted approval to hire H2M to prepare a Map and Plan to connect the Village Pool and Beach Club and future spray platform to the Village Sanitary Sewer Collection System at a cost of \$3,900.

Trustee Ferb asked the Board to approve use of the September 11<sup>th</sup> Memorial Park.

Upon a motion by Trustee Ferb, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval for the United Veterans Organization of Patchogue to hold their 9-11 Ceremony at the September 11<sup>th</sup> Memorial Park on Saturday, September 11<sup>th</sup>, from 9:00 a.m. to 11:00 a.m.

Trustee Ferb asked the Board to amend the January 2013 Purchasing Policy.

Upon a motion by Trustee Ferb, seconded by Trustee Brinkman, and unanimously carried, the Board granted approval to amend the January 2013 Purchasing Policy and require no additional estimates for vehicle repairs under \$5,000.

Trustee Brinkman noted that all of the Village meetings, including the Village Board, Planning, and Zoning Board meetings, would be livestreamed on the Village's YouTube channel.

Trustee Brinkman indicated that work on the new Village web site was progressing well.

Trustee Brinkman asked the Board to approve appointment of a Special Counsel to the Village Attorney.

Village Attorney Egan indicated that this would begin the process of potentially consolidating commercial waste collection services for the business district properties due to the issues that

businesses were currently experiencing.

Upon a motion by Trustee Brinkman, seconded by Deputy Mayor Krieger, and unanimously carried, the Board granted approval for Germano & Cahill, P.C. to serve as Special Counsel to the Village Attorney, supported by Cashin Associates, P.C. for the preparation of a Report, Plan and Map (RPM) to establish a public waste collection service for the owners and occupants of certain real properties in the downtown area of the Village at cost of \$35,000.

Trustee Brinkman asked the Board to approve use of the DPW Yard.

Upon a motion by Trustee Brinkman, seconded by Trustee Keyes, and unanimously carried, the Board granted approval for the Patchogue Medford High School Class of 2024 to use the DPW yard as their Homecoming float preparation site from Monday, October 11<sup>th</sup> through Friday, October 15<sup>th</sup> from 4:00 p.m. to 9:00 p.m. and on Saturday, October 16<sup>th</sup> from 7:00 a.m. to 9:00 a.m.

Trustee McHeffey indicated that the Building and Housing Department had been busy. He noted that several summonses had been issued with regard to basements that had been converted into habitable space. This was in violation of the Village Code and was a very dangerous practice. Village Attorney Egan observed that conversion of non-habitable spaces such as attics, basements, and closets was problematic.

Trustee McHeffey indicated that the Patchogue Arts Council had a couple of requests for artists open now. One was for the MOCA LIghts for various activities. A fundraiser benefit concert was scheduled for August 29<sup>th</sup>, and Arts on Terry would be held on September 26<sup>th</sup>. Additional information on all of these events could be found on the Arts Council's web site.

Trustee McHeffey asked the Board to approve a change order for the Church Street project. He noted that when the CDA contracted for work, the amount needed was estimated which required change orders to be adopted if additional funds were required to complete the project. However, the project was budgeted by the CDA and would be refunded by the General Fund.

Upon a motion by Trustee McHeffey, seconded by Deputy Mayor Krieger, and unanimously carried, the Board approved a change order in the amount of \$7,920 for DeAl Concrete for work to be done on Church Street.

Mayor Pontieri inquired if anyone from the public wished to be heard.

Mark Siegel, Blums, stated that they had never had an issue with their garbage and noted that their garbage collection area was located on private property and kept clean. Village Attorney Egan indicated that this was just the start of surveying the issue, and he anticipated that it would take at least 6 to 12 months to develop any type of proposal.

Mayor Pontieri asked after the health of Mr. Siegel's father. Mr. Siegel indicated that he was doing okay but still needed medical attention. Mayor Pontieri sent his regards to both of his parents.

Don Wachsmuth expressed concern about the mess created when the garbage pails on the Mascot Dock overflowed. Garbage was all over the dock. Village Clerk Devlin stated that she would speak with Highway Superintendent Dean about these issues. Mr. Wachsmuth also noted that there was quite a bit of garbage in front of Lombardi's as well which appeared to have been blown into the street from their parking lot by their landscaper. Mayor Pontieri stated that he would speak with them.

Mr. Wachsmuth then inquired if the stakes and flags could be removed from Lake Street between the westbound lane and the walking path. Discussion ensued. Village Clerk Devlin indicated that she would speak with the County about this issue.

Mr. Wachsmuth expressed concern about the increased number of cars speeding through residential areas and causing accidents. He inquired if something could be done such as the installation of speed bumps. Village Clerk Devlin indicated that speed bumps do not always solve the issue and could even cause cars to go airborne causing more damage. She noted that this had occurred in front of her house. Village Attorney Egan noted that this was an island wide problem.

Richard Kemp, Jennings Avenue, commended Trustee Keyes for taking the proper response to the email that was sent about the proposed Cedar Grove Cemetery clean up. Mr. Kemp indicated that individuals involved with the cemetery had expressed irritation and annoyance that the Village would consider entering private property that was professionally maintained and landscaped. Trustee Keyes stated that the members of the PEP Committee had suggested that clean up and indicated that it had been cancelled once these concerns were brought to his attention. Mr. Kemp suggested being more cautious with these types of announcements in the future.

Mr. Kemp expressed concern about a serious auto accident which had recently occurred at the corner of Thorne Street and North Ocean Avenue. He indicated that this was a four way intersection with no parking permitted on North Ocean Avenue. However, parking was permitted east and west on Thorne Street with the exception of one corner which was marked as “no parking” Mayor Pontieri indicated that no parking was permitted within 25 ft. of a corner anywhere in the Village. Mr. Kemp noted that there was no signage stating this. Mayor Pontieri stated that he would have this addressed. Mr. Kemp noted that there had been quite a few serious incidents at this intersection.

Mr. Kemp inquired if the Village of Patchogue was sponsoring the St. Patrick’s Day Parade in September. Mayor Pontieri indicated that the Recreation Department provided assistance to the Chamber of Commerce, but this was a Chamber parade. Mr. Kemp stated that he had received different information from the Chamber. He noted that he would like to enter a group he belonged to into the parade. Village Attorney Egan suggested that he contact Mr. Kennedy at the Chamber. Mr. Kemp indicated that he spoken with someone in the Recreation Department who had told him that she would email him an application. However, he had not received it. Village Attorney Egan asked Trustee Keyes if he could follow up with the Recreation Department about this issue.

Mr. Kemp then expressed that he had been a bit harsh on Village Attorney Egan at the last meeting even though what he had spoken of was truthful. He noted that Village Attorney Egan had been professional and fairly prompt in most of his dealings with him.

Mr. Kemp indicated that he wished to comment on the American Legion. He noted that he had been involved with the cemetery restoration efforts for some time and was unhappy to have learned that certain gravesites were being ignored by veterans’ organizations. Mr. Kemp stressed that no American veteran should ever be ignored. He noted that he had spoken with Village Attorney Egan concerning documentation on a Civil War veteran and been informed that there was no record available. Several individuals had no headstones for years. Mr. Kemp indicated that he had been doing research and tracing death certificates to obtain as much information as he possibly could. He had finally found the history of Major L. H. Thompson who had been imprisoned and died a slow death. Mr. Kemp questioned why the American Legion had done nothing to honor this individual.

Trustee Ferb noted that everyone had been watching Hurricane Henri for days, especially when it looked like Patchogue would be directly impacted. Thank goodness that had not been the case, but he was impressed that an evacuation plan had been readied and that the Village was on top of everything. He thanked everyone involved for all of their efforts.

John Bogack, 9 Noxon Street, indicated that he felt he needed to comment on remarks made by Mr. Kemp with regards to the confederacy. He stated that the history of the Village involved the Union cause, not the Confederacy, and dedications should be reserved for the brave men who had served in the Union army. Mr. Bogack stated that he felt that any display of the Confederate flag in the Village should be considered a hate act.

Mr. Bogack raised questions about enforcement issues. Discussion ensued with Village Attorney Egan and Mayor Pontieri.

A gentleman commented that the sidewalk projects in the Village were looking very nice.

This individual then expressed concerns about music being played at Burgerology seven days a week up until 11 at night, and on weekends, for the entire day. This was very disruptive to residents. Mayor Pontieri indicated that this would be reviewed.

Upon a motion made by Trustee Ferb, seconded by Trustee McHeffey, and unanimously carried, the meeting was adjourned at 7:30 p.m.

vp

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