

1 VILLAGE OF GREENPORT
2 COUNTY OF SUFFOLK STATE OF NEW YORK
3 -----X

3 VILLAGE OF GREENPORT
4 BOARD OF TRUSTEES
5
6 -----X

7
8 Third Street Firehouse
9 Greenport, New York

10 January 27, 2014
11 6:00 P.M.

12
13 B E F O R E:

14 DAVID NYCE - MAYOR

15 GEORGE HUBBARD, JR. - TRUSTEE

16 DAVID MURRAY - TRUSTEE

17 MARY BESS PHILLIPS - TRUSTEE

18 JULIA ROBINS - TRUSTEE

19
20 JOSEPH PROKOP - VILLAGE ATTORNEY

21

22 SYLVIA LAZZARI PIRILLO - CLERK
23 DAVID ABATELLI - VILLAGE ADMINISTRATOR
24
25

2

1 MAYOR NYCE: It being just after six, I
2 will call this meeting to order.

3 If you would please rise and join me for
4 the Pledge of Allegiance.

5 (Whereupon, all rose for the Pledge of
6 Allegiance.)

7 MAYOR NYCE: Please remain standing for
8 a moment of silence for Louis A. Williamson,
9 Arthur W. Hahn, III, June Marov and Zola
10 Pemberton Peckham.

11 (Whereupon, a moment of silence was
12 observed.)

13 MAYOR NYCE: Thank you. You may be
14 seated.

15 Before we get into the announcements, I
16 need to clarify for our electric customers, in

17 discussion with the Building Department over
18 the last few weeks, it has turned out that the
19 Building Department misbilled the October
20 bills. That would be the bill that everyone
21 received in December. What I'm going to do is
22 go back through our entire billing sequence,
23 starting with last January, working all the
24 way through to present.

25 Last year this time, the Village opted

3

1 to enter a contract with the New York Power
2 Authority to hedge against congestion charges
3 by purchasing what they call TCCs,
4 Transmission Congestion Charges, at a fixed
5 rate. In order to do so, that money has to be
6 paid in advance.

7 That contract started in February,
8 beginning of February of 2013. The first
9 payment was due at that time. We paid 25%
10 down. The balance was due the end of October.
11 At that time, we asked the New York Power
12 Authority if we could roll these charges into

13 our rate, so that the customers would be
14 paying it back, because the money -- the cash
15 that we were using to prepay the TCCs were set
16 aside for our Capital Program to rebuild the
17 light plant. The Power Authority initially
18 said yes, then turned around and said no.

19 In the short term, we paid the first
20 25%, and continued on trying to negotiate with
21 the New York Power Authority. At that time,
22 that was being handled by our then Director of
23 Utilities, Mr. Jack Naylor.

24 Fast forward a little bit, we're still
25 continuing to do our Capital Program.

4

1 Mr. Naylor reports to us that a DMNC test was
2 not completed last spring. It was reported
3 at -- I don't remember the month, pardon me.
4 In the Spring we missed a DMNC test because of
5 the ongoing Capital Program. This Board asked
6 of him to determine whether or not these were
7 charges that could be reversed, if it could be

8 made up, or if there were some way that we
9 could alter the outcome. We got no further
10 report back.

11 Fast forward some more. In the spring
12 and early summer, I, along with Tom Rudebusch
13 from Duncan Genzer, Weinberg and Pembroke, who
14 is our attorney for the Electric Department,
15 and Mr. Bill Freitag, who is our auditor from
16 Bollam, Sheedy and Torani, and I had several
17 discussions with the New York Power Authority,
18 trying to convince them that, in fact, the
19 Transmission Congestion Charges were, in fact,
20 a charge that we could recoup through the
21 Power -- through the PPA, Power Purchase
22 Adjustment, monthly from our customers.

23 After several back-and-forth
24 conversations, in August of 2013, we finally
25 had a sit-down meeting with the New York Power

1 Authority, at which time they did, in fact,
2 agree that the Village could recover the TCC
3 charges through the PPA. We began doing that

4 in August, waiting for a letter from the New
5 York Power Authority as a Memorandum of
6 Understanding of that meeting. There were
7 several other conditions of that meeting that
8 we agreed to, one of which was a twice-a-year
9 audit of the Electric Fund, rather than the
10 once-a-year Power Authority report. We agreed
11 to do a mid-year report during the course of
12 this Capital Program.

13 The other thing was that we would give a
14 written account of where the Capital Program
15 was, and, at the end of two years hence, that
16 the Capital Program would be substantially
17 complete, they would do a rate case study for
18 the Village, all of which was agreeable to the
19 Village. We got our Memorandum of
20 Understanding in October; it was signed and
21 sent back.

22 At the end of that meeting in August,
23 the New York Power Authority inquired from me
24 about the missed DMNC test, because the next
25 bill was coming up and there would be

1 penalties added to that bill. So I went back
2 and did research, and along with the same
3 people, Mr. Bill Freitag and Mr. Tom
4 Rudebusch, went back through email trails
5 trying to ascertain whether or not this was at
6 the entire fault of the Village, the entire
7 fault of the New York Power Authority, did the
8 ISO have some hand in this, where the blame
9 lies.

10 After thorough investigation, while the
11 New York Power Authority's assistance, in air
12 quotes, was less than that, their information
13 was less than forthcoming or helpful. There
14 is no direct path for us to be able to put the
15 entire blame on the New York Power Authority
16 because the test needs to be run. The fault
17 of the test being missed lies with the Village
18 of Greenport. As such, that penalty was
19 passed through to the Village. That was seen
20 in the PPA in the September bill.

21 I would say that while no one wanted to

22 see that happen, our customers do receive the
23 benefit from the credit that happens for
24 passing those DMNC tests for that capacity,
25 and in this case there was a penalty, and that

7

1 is extremely unfortunate.

2 Again, in my discussions after that with
3 our Billing Department -- pardon me a second
4 -- Steven Gaffga made a mention to me in
5 passing that the PPA for October was going to
6 be extremely high, too, and I questioned him
7 as to why. We got into a discussion. As it
8 turns out, for the month of October, through a
9 miscommunication between our auditing firm and
10 our Billing Department, and because I sit
11 where I sit, I'll have to take some blame as
12 well, the TCCs, the money that we were
13 collecting through the TCCs was supposed to
14 have been amortized over a 24-month period;
15 they used a twelve-month period.

16 Also, in October, the last month --
17 October was the last month for which the

18 Village was receiving a bill from ConEd for
19 what they call wheeling charges for the
20 distribution and for the power to be brought
21 to the Village.

22 When we laid out the formula over the
23 summer with Mr. Freitag, Mr. Rudebusch and
24 myself, we were going to collect the TCCs
25 through October on a fixed rate, minus the

8

1 ConEd wheeling charges. After the October
2 bill, it would be the full -- that full amount
3 would be the TCC -- the TCC charges once the
4 wheeling charges dropped out. As it turns
5 out, in October, not only did they bill on a
6 12-month amortization, they also charged for
7 the ConEd wheeling charges.

8 So, forward to the correction. Next
9 month's bill will show a correction in your
10 billing to account for the overbilling for
11 October. There will be a reduction. You will
12 see a reduction in your bill that will account

13 for that amount. Once that is taken care of,
14 we will be back on the basic collection of the
15 TCCs until that is taken care of.

16 And the other thing that we are doing is
17 we are waiving penalties from present through
18 April. Anybody that is carrying a balance,
19 obviously, we encourage you to pay your bill.
20 If you are carrying a balance because of the
21 extremely large bill, we are waiving
22 penalties. They will not accrue from present
23 through April.

24 And that pretty much covers where we are
25 to date. So the problem for October was

9

1 identified. The solution -- the correction
2 will be made with everyone's next month bill.
3 I think that brings us to present.

4 Again, I can't express enough my dismay
5 at having missed the DMNC test. Nothing would
6 make me happier than to tee off on our former
7 Director of Utilities, but that's not going to
8 change anything either. And by the contract

9 for his leaving us, I'm not supposed to do
10 that anyhow.

11 Suffice to say that it was a one-time,
12 it will not happen again. We are now up to
13 date with that project. I've been working
14 directly with the engineer on that project to
15 see to it that that first phase of the project
16 comes to completion.

17 On with the rest of the announcements.
18 The annual sale of tax certificates will be
19 held March 11th, 2014, at 10 a.m. in the
20 conference room at Village Hall. The
21 conference room, there are stairs to get up to
22 the conference room. Anybody that has
23 difficulty, please see the Clerk or one of the
24 Assistant Clerks in the downstairs. They will
25 make sure that you are taken care of.

10

1 Under Public Interest, Village Offices
2 will be closed for the entire day on February
3 17th in observance of President's Day. The

4 Board of Trustees work session for the month
5 of February will be held on February 18th,
6 that's a Tuesday, right here at the Firehouse
7 at 6 p.m.

8 The American Red Cross is sponsoring a
9 blood drive on February 4th from 2 p.m. to
10 7 p.m. at the Southold Public Library.

11 There is an amended new application for
12 a liquor license from Aldo Maiorana
13 Enterprises, Inc.

14 The next portion of our agenda is a
15 Public Hearing on Section 39-3(H) of the
16 Village Code - Animal Waste. This is an
17 additional section of the code being written,
18 the purpose of which is twofold. One is to
19 take care of a perceived nuisance, the other
20 is as part of the MS4 Program that the State
21 has entered into. Pet waste is identified as
22 an item that can easily be handled. Pardon,
23 not necessarily handled. Is a problem that
24 can be -- sorry -- is a problem that can be
25 taken care of by simply removing it from the

1 watershed area by disposing of it in trash
2 receptacles.

3 Most of the stuff for MS4 has to do
4 primarily with goose and waterfowl, because
5 they are the biggest producers of waste that
6 runs directly into the waste -- in the water
7 stream, but they've identified pooper-scooper
8 laws and household pets as another thing that
9 should be taken care of. As such, the Village
10 Code Committee had the Village Attorney draft
11 this as a potential Local Law.

12 This Public Hearing was properly
13 noticed. Anybody wishing to speak to this can
14 do so now, and their comments will be taken
15 down for the record. I will open the Public
16 Hearing and ask if there's anyone that wishes
17 to address the Board on this proposed Local
18 Law?

19 (No Response.)

20 MAYOR NYCE: If not, I will ask what the
21 pleasure of the Board is. Do we wish to close
22 this Public Hearing and proceed to next

23 month's work session with it?

24 TRUSTEE HUBBARD: Yeah, I'll offer a
25 motion to close the Public Hearing.

12

1 TRUSTEE PHILLIPS: Second.

2 MAYOR NYCE: Second by Trustee Phillips.

3 All those in favor?

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE ROBINS: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR NYCE: Aye.

9 That motion carries. I'll ask the Clerk
10 to put that on the agenda for the work session
11 for the month of February for the Board of
12 Trustees to discuss.

13 The next portion of our meeting is the
14 Public Portion. I'll ask if there's anyone
15 that wishes to address the Board.

16 MR. SWISKEY: William Swiskey, 184 5th
17 Street.

18 There's a couple of things I want to ask
19 about. The first of them is an agenda item,
20 basically a budget modification, and it's Page
21 1 of 1. It's a 2.1 million dollar budget
22 modification. It says E50 -- 5701, Serial
23 Bond Proceeds. I know what that is, you read
24 them off, you get money. And then it says
25 E.0352.205, Transmission Substation Equipment,

13

1 one-million-five -- fifty thousand dollars.
2 Do we have that kind of money in that account?
3 You know, I mean, that's a lot of money. Is
4 this -- is this 2.1 million in total, or is it
5 a bookkeeping error? And is it for the Phase
6 II work?

7 MAYOR NYCE: (Nodded).

8 MR. SWISKEY: It is for the Phase II
9 work, the two million dollars, then. That's
10 what we're spending on Phase II, Mr. Mayor?

11 MAYOR NYCE: One-million-fifty was the
12 amount borrowed. That's the bond, Serial Bond
13 Proceeds.

14 MR. SWISKEY: And what is the
15 Transmission Substation Equipment showing 1.1
16 million-fifty?

17 MAYOR NYCE: They are both the same
18 thing. That's the line it's going into. It's
19 coming from Serial Bond Proceeds, going into
20 Transmission Substation Equipment.

21 MR. SWISKEY: No, because I didn't see
22 any --

23 MAYOR NYCE: It's a total change of two
24 million dollars. We go through this every
25 couple of months. This is the way our

14

1 Treasurer does these budget modifications. It
2 is one-million-fifty thousand dollars that is
3 going from Bond Proceeds into Transmission
4 Substation Equipment. It is a total
5 adjustment of two million dollars, because
6 there's a million coming into that account.

7 MR. SWISKEY: There's a million coming
8 -- usually there's a plus and a minus when

9 you --

10 MAYOR NYCE: Yes, and we do go through
11 this every couple of months, Mr. Swiskey.
12 This is the way our Treasurer does it, and
13 every couple of months we go through the same
14 thing.

15 MR. SWISKEY: I'm asking you in a nice
16 way for an explanation.

17 MAYOR NYCE: You did, and you got the
18 explanation, so let's move on.

19 MR. SWISKEY: All right. And Resolution
20 1-214-18, Resolution terminating the license
21 for the berthing of the fireboat. Now, I
22 didn't know of anything in the Village Code
23 that says there's a license to dock at the
24 railroad dock. You either get a permit or you
25 have a lease. What is -- is this something

15

1 special we gave to these people?

2 MAYOR NYCE: That is a typo. It should
3 say "any license for berthing of Fireboat
4 Firefighter Museum."

5 MR. SWISKEY: But they can't -- there's
6 no such thing as a license in the Village
7 Code, it's either a permit or a lease. So
8 they have a permit to stay there or a lease?
9 I guess if -- I could stand here all night,
10 still not get an answer, but that's okay.

11 To get back to the main subject I came
12 here to speak tonight, I saw a lot of blame
13 being thrown out here at the beginning of the
14 meeting, it's Jack Naylor's fault, it's
15 Pasny's fault, it's somebody else's fault.
16 No, it's your fault. It's the five people
17 sitting at that table, that's who's fault it
18 is.

19 I came in here and I've been asking for
20 the last 18 months off and on, "Mr. Mayor, I
21 hear the power plant don't run," and your
22 reply was, "Mr. Swiskey, as usual, you don't
23 know what you're talking about, it runs fine."
24 Well, \$108,000 out of the general public's
25 pocket says that wasn't quite a true

1 statement, was it, Mr. Mayor? Was that a true
2 statement or not?

3 MAYOR NYCE: Yes, it was a true
4 statement.

5 MR. SWISKEY: Well, then how come we
6 paid the \$108,000 penalty?

7 MAYOR NYCE: Because on the day that
8 that test was supposed to run, the switch gear
9 for Number 6 did not function.

10 MR. SWISKEY: Well, you know, I'll tell
11 you something, because I was in this business
12 40 years, and when you --

13 MAYOR NYCE: And we're fixing the stuff
14 that you didn't do while you were there, sir.

15 MR. SWISKEY: Oh, now it's my fault.

16 MAYOR NYCE: No.

17 MR. SWISKEY: Well, at least that gets
18 it off Jack Naylor's back. You know, that is
19 really -- that is really about as small as I
20 ever heard -- saw, Mr. Mayor.

21 MAYOR NYCE: Really?

22 MR. SWISKEY: But next you'll be blaming

23 Dave Kapell. Maybe it's my friend,
24 Mr. Saladino, because he sits there and
25 smiles. That is about the smallest statement

17

1 I ever heard from a public official in the
2 Village, and I've been through a lot of
3 administrations. It's Mr. Braun's fault and
4 Mr. Mayor's fault, that's who it is.

5 And by your own admission, Mr. Mayor,
6 you still can't run Number 6 engine because
7 the switch gear is out to be rebuilt. Do you
8 realize when you agreed to this ISO thing, you
9 just can't do the test? That engine has to be
10 available for service 24/7 for that whole
11 period.

12 MAYOR NYCE: The New York Power
13 Authority has been informed that that switch
14 gear is out for rebuild. It will be back in
15 and in service in two weeks.

16 MR. SWISKEY: In two weeks. So that
17 means we're not meeting our LUCAP requirement
18 for two weeks.

19 MAYOR NYCE: Yes, we are. They have
20 been informed -- we are entitled to upgrade
21 our equipment on a periodic basis.

22 MR. SWISKEY: You are entitled the
23 equipment, that's true.

24 MAYOR NYCE: You cannot upgrade the
25 equipment if you don't take it out of service.

18

1 So it's been taken out of service to have the
2 switch gear rebuilt. Please.

3 MR. SWISKEY: They fined us \$108,000.
4 What you're saying makes no sense.

5 MAYOR NYCE: Yes, it does, if you listen
6 to it.

7 MR. SWISKEY: I am listening to it.

8 MAYOR NYCE: The fact that you don't
9 like the explanation doesn't make it
10 incorrect. The fact that you do not like it
11 does not make it incorrect.

12 MR. SWISKEY: What I don't like is being
13 lied to, which you have been doing for the

14 last 18 months.

15 MAYOR NYCE: You haven't been lied to.
16 You haven't gotten the answer you wanted to
17 hear and you consider that a lie.

18 MR. SWISKEY: Why don't you go and check
19 the newspaper results. I mean, check the
20 newspapers, check the minutes of the meetings.
21 I mean, it's all there in black and white,
22 your statements, Mr. Mayor.

23 MAYOR NYCE: Yes, they are, and they're
24 all correct. The fact that they don't meet
25 with what you want them to say --

19

1 MR. SWISKEY: I can't handle this
2 anymore. I'm sorry, I can't handle this
3 anymore.

4 MAYOR NYCE: Okay. Thank you. Is there
5 anyone else that wishes to address the Board?

6 MR. SALADINO: John Saladino, 6th
7 Street, Greenport. Tough act to follow.

8 I have -- I know we go through this
9 every couple of months and -- you know, and it

10 if it was just this one particular budget mod
11 here, but I'm looking at the one in front of
12 it and there are amounts being taken out of an
13 account, being put into an account, taken out
14 of an account, being putting into an account.
15 I'm looking at the budget mod -- well, budget
16 adjustment form to cover increases in revenue
17 and expenses in the Recreation Fund. By this
18 form, every one of these dollar figures are
19 coming -- are going into an account, and that
20 -- and the total amount being transferred is
21 \$102,000. My question is where is the money
22 coming from? Now, before we decide it's a
23 typo --

24 MAYOR NYCE: No, I didn't say it's a
25 typo.

20

1 MR. SALADINO: No. Well, I'm just
2 anticipating. I'm not assuming, I'm
3 anticipating. It's \$102,000.

4 MAYOR NYCE: Uh-huh.

5 MR. SALADINO: I mean, we're not talking
6 about a \$400 tree, we're talking about
7 \$102,000. Can you tell me where the money is
8 coming from?

9 MAYOR NYCE: Unfortunately, no, I
10 cannot.

11 MR. SALADINO: So perhaps we could table
12 this until we find out.

13 TRUSTEE PHILLIPS: John, if you --

14 MAYOR NYCE: I'm going to rely on the
15 Treasurer.

16 MR. SALADINO: (Laughter) That's the
17 answer you're going to give me? There's a
18 \$102,000. The Mayor can't tell me where it's
19 coming from, where we're getting it. Are we
20 stealing -- we're getting it from 7-Eleven,
21 stealing it?

22 MAYOR NYCE: We're not getting it from
23 7-Eleven, John.

24 MR. SALADINO: And we're just going
25 to -- okay, Mr. Mayor. I would kind of like

1 an answer. Is that okay with you guys? I
2 mean, wouldn't you like to know where it's
3 coming from?

4 TRUSTEE PHILLIPS: R.2821 is part of the
5 -- on the monthly financials, if you look at
6 the revenue section, and then you look at the
7 expense section on our monthly financials,
8 okay, the 2821 is under the revenue portion of
9 our budget, which is the money that's been put
10 aside in the budget. When we originally set
11 the budget back last year, that's the line
12 item that has the income in it. It's coming
13 out of that income account and going into the
14 expense funds.

15 MAYOR NYCE: Thank you.

16 TRUSTEE PHILLIPS: Okay?

17 MR. SALADINO: So R.2 -- just so I'm on
18 the same page as you --

19 TRUSTEE PHILLIPS: R.2821 is a revenue
20 account. R.7320 is a revenue account --

21 MAYOR NYCE: Thank you, Trustee
22 Phillips.

23 TRUSTEE PHILLIPS: -- which is set up

24 when we do the budget every year on the
25 monthly financial statements. If you review

22

1 them, John, they have the revenue line items
2 and they have the expense line items. So on a
3 budget line item, they are taking money out of
4 the revenue to put into the expense to pay for
5 the expenses that were charged against that
6 account. Okay?

7 MR. SALADINO: Okay. So these are
8 all --

9 MAYOR NYCE: These are all revenue
10 lines, right.

11 MR. SALADINO: These are all revenue
12 lines?

13 MAYOR NYCE: That are going -- right.

14 CLERK PIRILLO: Just the two.

15 MR. SALADINO: Can you tell me where
16 they're --

17 TRUSTEE PHILLIPS: Just those two.

18 TRUSTEE MURRAY: Just the two. Just the

19 two are revenue.

20 TRUSTEE PHILLIPS: The first two are
21 revenue. If you look at the monthly financial
22 statement and take a look at the breakdown,
23 you will find that one portion of each of the
24 Enterprise Funds, along with the General
25 Budget, have revenue coming in, as the General

23

1 Budget has a property tax revenue coming in.
2 If you look at those numbers, they do not have
3 the extension of point something after them.
4 The expense accounts, according to how the New
5 York State Comptroller has the accounts set
6 up, the expense accounts now have the
7 additional numbers underneath, so that there
8 is no confusion, because you could have a
9 revenue account of 1320.

10 MR. SALADINO: Then I would have to ask
11 you -- I would have to ask you, Account 2821,
12 the amount is \$2,084. There's an expense
13 account underneath it, two lines down, for
14 \$840. There's no way on this document does it

15 show a withdrawal or an addition. All you're
16 telling me is, is that there's a \$2,000 figure
17 attached to miscellaneous recreational
18 revenue.

19 TRUSTEE PHILLIPS: It's a line item --

20 MAYOR NYCE: It's a total -- it's a
21 total adjustment of 102,000. There is about
22 52,000 coming out of a revenue line, the first
23 two items, 52,000. If you add up the balance
24 of those expense lines, it also adds up to 52.
25 If you add the two up --

24

1 TRUSTEE PHILLIPS: Okay. But on the --

2 MR. SALADINO: Then I would ask you --

3 TRUSTEE PHILLIPS: But can I just --

4 MR. SALADINO: Then I would ask you, if
5 I could just finish, if I can go by what you
6 said, this is the way the Treasurer handles
7 these accounts. I'm looking at another budget
8 mod where she has a minus in front of \$1,000
9 coming out of an account, going into a --

10 MAYOR NYCE: Because those are not
11 revenue lines. It has to do with whether it's
12 a revenue line. You don't put a negative next
13 to a revenue line, it's always a positive
14 number, which answers the same thing as the
15 Transmission Substation Equipment and the
16 Serial Bond Proceeds. They're both revenue
17 lines, they both stay as a positive. That's
18 what I'm saying, we do the same thing all the
19 time. So it adds up. Even though you're
20 decreasing the revenue line, it does not sit
21 as a negative number, there's a positive
22 number in that account. That's the way --
23 that's the way the --

24 TRUSTEE PHILLIPS: Debit and credits on
25 asset -- on revenue accounts are in reverse of

25

1 expense, debits and credits.

2 MAYOR NYCE: Yes.

3 MR. SALADINO: Is it possible to add to
4 that account --

5 TRUSTEE PHILLIPS: To the --

6 MR. SALADINO: -- if somebody gave you
7 \$10,000?

8 TRUSTEE PHILLIPS: The revenue account?

9 MR. SALADINO: Yeah.

10 MAYOR NYCE: Yes.

11 MR. SALADINO: To the miscellaneous
12 revenue --

13 MAYOR NYCE: And it would show as --

14 MR. SALADINO: -- and how would you
15 enter it?

16 MAYOR NYCE: It would show as two
17 positives.

18 MR. SALADINO: So you can add \$10,000 to
19 an account, and is used as a positive, and you
20 can take \$2,000 from an account and it shows
21 as a positive?

22 TRUSTEE PHILLIPS: On a revenue.

23 MAYOR NYCE: On a revenue line.

24 That's -- that is --

25 TRUSTEE PHILLIPS: It's accounting.

1 MAYOR NYCE: That's the way the
2 accounting works.

3 MR. SALADINO: I would venture to bet
4 Trustee Phillips and -- Trustee Phillips is
5 probably the only one in this room that
6 understands that. That just doesn't make
7 sense to me, but I'll accept it. It sounds --

8 TRUSTEE HUBBARD: John, we've had this
9 argument -- I've had this argument with the
10 Treasurer almost all the time with this. But
11 the two revenues, if you add the two revenues
12 together, it's 51,343 --

13 MR. SALADINO: No, I see that.

14 TRUSTEE HUBBARD: -- exactly half of the
15 other. And I've said, "Why can't we put a
16 plus and minus," the software that they work
17 with and everything else. I've had the same
18 questions as you, I've asked her about it, and
19 this is the way it always comes up, so I'm
20 used to looking at it that way now. I look at
21 that, I know that there, the revenue line
22 items is half of the total. That's --

23 MR. SALADINO: But the second half of my

24 question is, if I was going make a donation,
25 which is highly unlikely that I'm going to

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1 give you 10 grand, and now -- and it's entered
2 the same way, you have no idea if it's -- if
3 somebody's giving money or taking money from
4 that account.

5 MAYOR NYCE: No, because, in this case,
6 there will be a negative against it. In this
7 case, there is -- the expense lines are being
8 funded by that positive number. When you see
9 the balance sheet next month, those revenue
10 lines, R.2821 and R.7320, will be less those
11 amounts.

12 MR. SALADINO: Okay. I'm going to take
13 your word for it. I don't think -- I don't
14 understand it, so --

15 MAYOR NYCE: And if you had donated the
16 money, those -- there would not be zero in
17 those accounts, there would be an amount --
18 the amount that you had donated would be in
19 there.

20 MR. SALADINO: Well, I'm kind of hoping
21 there's 51,000 in that account. You know,
22 that's what it says.

23 MAYOR NYCE: There is now, and next
24 month it will be in these other revenue
25 accounts.

28

1 MR. SALADINO: Well, how do you know it
2 wasn't my -- how do you know it wasn't my
3 donation?

4 MAYOR NYCE: So I can you put you down
5 for a \$51,000 donation?

6 MR. SALADINO: How do you know I didn't
7 make that donation?

8 MR. SWISKEY: Yeah, he put it in.

9 MR. SALADINO: My second thing is, is
10 there any -- I have a question about
11 Ms. Kagel's retirement. Is there anything --
12 not being familiar with New York State law on
13 retirement, is there -- is there something
14 that the Village could foresee in the future

15 that by retiring, as opposed to resigning,
16 there would be some future financial burden on
17 the taxpayers?

18 MAYOR NYCE: There is anyhow.

19 MR. SALADINO: I'm sorry?

20 MAYOR NYCE: There is anyhow.

21 Mr. Brautigam resigned from here. He can
22 still retire with this municipality as his
23 last municipality of record.

24 MR. SALADINO: No. My question is how
25 do you work for a municipality for

29

1 three-and-a-half years, you don't reach
2 retirement age and you retire, as opposed to
3 resign?

4 MAYOR NYCE: First of all, she's
5 management, so she's not -- she doesn't
6 collect what the collective bargaining gets on
7 retirement, she gets whatever her management
8 contract allows, and she would retire from the
9 municipality that she is vested in. She's
10 also worked at East Hampton, she's worked at

11 Riverhead, she's worked elsewhere in. And
12 what I'm saying is there's nothing -- there's
13 nothing -- we don't --

14 MR. SALADINO: That's for one of those
15 guys who stand up here and ask.

16 MAYOR NYCE: We don't determine where
17 she --

18 MR. SALADINO: I'm just wondering if
19 there's a difference in retiring and
20 resigning. You worked for a municipality for
21 three-and-a-half years. If there's no money
22 difference, if it's a bona fortuna, enjoy your
23 retirement. If down the road, because of
24 semantics in wording, it might cost me an
25 extra dollar or two, again, I'm concerned

30

1 about --

2 MAYOR NYCE: Again, she's not -- she's
3 not entitled to the same thing the collective
4 bargaining unit is, because she's management
5 and is not part of the collective bargaining

6 unit. She is entitled to whatever her
7 management contract that she signed with the
8 Village allows, which is, I believe, the
9 minimum standard set by the State.

10 MR. SALADINO: Okay. The last thing I
11 had was concerning your explanation about the
12 electric rates. I thought -- I thought there
13 would be -- my question is about the penalty,
14 about the \$108,000 penalty. I'm sure it's
15 obvious to all of you that -- known to all of
16 you, someone got -- FOIed the Power
17 Authority and got 300 pages of emails. I had
18 the opportunity to read them. In those
19 emails, every one of them, including the
20 one -- the two from Jack Naylor to the Power
21 Authority, and the two from the Power
22 Authority to Jack Naylor, Mr. Mayor, you were
23 cc'd on. None of the Trustees, which I
24 found -- I thought the Trustees would be
25 notified, too, but you were notified on them

1 all. So to hear you just now say basically

2 it's on Jack Naylor's shoulder, which I'm not
3 here to be his advocate, I find it less than
4 accurate, less than truthful.

5 As far as why the engines didn't run,
6 again, you all have to admit I attend most of
7 these meetings, I'm fairly familiar with what
8 goes on. Also, the work sessions, I hear what
9 goes on. Even though I don't look like I'm
10 paying attention, I do.

11 I knew there was a problem in September
12 of 2012. It came up at a work session that
13 because of the design from Mr. -- from the
14 engineer that designed the system, he ordered
15 a switch gear that was obsolete. He designed
16 the system for a switch gear that was no
17 longer available. If you would let me -- if
18 you would let me finish. And to support my
19 statement, it's in the public record, which I
20 happen to have made a copy of. So, you know,
21 just to show you that I'm not shooting from
22 the hip.

23 Subsequent meetings, subsequent work
24 sessions, it went on that they had a problem

25 with the computer. So they had to go from an

32

1 analog system to a digital system, had to buy
2 a digital system. They had a problem with the
3 computer software to get it to run; didn't
4 run, couldn't run, couldn't get it to run,
5 couldn't run, couldn't get it -- the
6 impression that I got from the emails from the
7 Power Authority was that aside from the test
8 being done late, some of the emails suggested
9 that the engines didn't run and that's the
10 reason the test couldn't be performed. I'm
11 dragging this out and I apologize, but I kind
12 of want to lay the ground work here.

13 If, in fact, the system had a design
14 flaw and you had to go with replacement
15 equipment that wasn't part of the original
16 design, why is it that I'm responsible for the
17 penalty? Why is it that you chose to pass the
18 penalty on to the ratepayers, as opposed to
19 approach the engineer, the guy that designed

20 the system, or the contractor that was charged
21 with implementing the system, getting the gear
22 to work with that particular engine?

23 I don't understand why I should be
24 responsible for someone. And when I say "I,"
25 I mean collectively. You guys understand

33

1 that. Why I should be responsible for this
2 mistake.

3 If you want, I'll read the email. I
4 mean, it's not -- actually, it was Trustee
5 Hubbard questioning it. I didn't print out
6 the entire thing. It was -- it's a
7 disappointment to the people that the
8 specialist in the field didn't know the analog
9 was going out and digital was in, to think
10 that somebody would have known a little
11 sooner. They didn't design this as being a
12 digital system with the stuff that's available
13 now, they did it with the old stuff. And your
14 response was, "Yeah, that's unfortunate." You
15 guys were aware of this, your engineer was

16 aware of it, but, yet, there's no penalty
17 except for the ratepayers. Shouldn't somebody
18 share in the blame?

19 TRUSTEE PHILLIPS: John, I'm not going
20 to disagree with you. I think -- go ahead,
21 I'm sorry.

22 MR. SALADINO: Well, can I have my money
23 back, then? I mean, I can somebody --

24 MAYOR NYCE: Unfortunately --

25 MR. SALADINO: Can we get it from

34

1 somebody else?

2 MAYOR NYCE: Unfortunately, we can't
3 determine to not pass on the charges. We are
4 responsible --

5 MR. SALADINO: I certainly understand
6 that, we got a bill and we have to pay it.

7 MAYOR NYCE: We are responsible to make
8 sure that the bill is taken care of. Are you
9 done? Do you want me to respond?

10 MR. SALADINO: No, no. I just --

11 MAYOR NYCE: I want you to finish up and
12 then I will respond.

13 MR. SALADINO: Thank you. I understand
14 that we're obligated to pay the bill. I mean,
15 that -- you know, right, wrong or indifferent,
16 we've got to pay the bill. It's not the Power
17 Authority's fault, in my opinion, from reading
18 these emails. It's not the Power Authority's
19 fault, regardless what's being alluded to. In
20 those emails we were warned that this was
21 going to happen.

22 But aside from that, so getting away
23 from the Power Authority and getting to the
24 engineer that designed it, the person that --
25 the company, the person, the organization that

35

1 sold you a service and didn't deliver, pay the
2 bill. But I've heard nothing here about the
3 \$108,000 penalty, an intention perhaps of
4 being recouped from that contractor. All you
5 said tonight, and from what I read in the
6 paper, was that tonight was supposed to be an

7 explanation of why the rates, by whenever it
8 was, September or October.

9 You know, the \$50 PPA that I paid the
10 next month was less than the \$100 PPA I paid
11 because of the penalty. I'm kind of more
12 interested in that, plus I'm also interested
13 in that -- I'm curious to why we don't go
14 after a concern that kind of dropped the ball
15 with their service. Why should the taxpayers
16 bear the burden of poor service for something?
17 I just -- I just don't understand.

18 I'm done. Can I stay here while you
19 respond, in case I have a question?

20 MAYOR NYCE: As long as we're not going
21 to have a discussion, yes.

22 MR. SALADINO: Isn't that kind of how
23 stuff happens when you have a discussion, when
24 you see both sides of the story?

25 MAYOR NYCE: Here's the explanation,

1 John. Ultimately, we are responsible to make

2 sure that test gets run, regardless of the
3 condition of the plant, and it was our
4 responsibility, and I'm using our -- the
5 Village's responsibility to make sure that
6 test got run, that the equipment was either in
7 a condition to run the test or that we inform
8 the ISO and the Power Authority that we would
9 not be able to do so. We did not do that.

10 Okay?

11 As far as the design, we were given a
12 design by an engineer that at the time he felt
13 was the best suited for our equipment. Analog
14 at that time was the best for our equipment;
15 that's what we got. He did not and we did not
16 foresee that it was going to go out --

17 MR. SALADINO: But, we did foresee.

18 MAYOR NYCE: John, we had just said --
19 I'm going to give you an explanation. Those
20 plans were drawn up a long time before, and
21 regardless, that switch was made. That does
22 not necessarily have to do with why the switch
23 for Number 6 did not work. The contractor
24 used a different switch than was spec'd by the

25 engineer and it didn't work properly, because

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1 he didn't do the work to -- on that switch to
2 make it compatible with the rest of the
3 switch. There was a back-and-forth between
4 both the engineer and the contractor as to who
5 was responsible for it.

6 I have not said that we're not going
7 after any of these people for the \$108,000. I
8 said, from what I looked into, I could not
9 find anything that definitively said it was
10 anybody else's fault other than our own to run
11 that test. That's what I said.

12 As far as the money being passed
13 through, we can't decide not to pass that
14 through. We receive the benefits from running
15 those tests on a regular basis in a lower
16 electric rate because of the UCAP. Okay? We
17 get a credit based on running those tests,
18 being an emergency generator for the ISO, so
19 we received that credit. This is an
20 unfortunate occurrence in which we did not.

21 So, while you get the -- while you get the
22 credit in a lower bill in some months, in this
23 case, unfortunately, we did not and there was
24 a penalty, so we have to pay the penalty and
25 move on. That is unfortunate. It was a \$100

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1 PPA that month because we were also recouping
2 the TCC cost. So your PPA in --

3 MR. SALADINO: Yeah, but you promised me
4 that would only be 10 bucks.

5 MAYOR NYCE: I didn't promise you any
6 specific number, I said there was a range, and
7 that -- and that range was actually 15, 7 to
8 15.

9 MR. SALADINO: I don't have a commercial
10 business --

11 MAYOR NYCE: Anyhow --

12 MR. SALADINO: -- so it was 7 to 10.
13 But this email -- these minutes were from --
14 these minutes, just so we're all on the same
15 page, not like I got this out of yesterday's

16 minute book, these minutes were from September
17 of 2012.

18 MAYOR NYCE: Understood.

19 MR. SALADINO: So we understand there's
20 been a problem with some contractor. If you
21 don't want to lay the blame at one person's
22 feet, perhaps we could lay it at another
23 person's feet. But there's been a problem
24 with a contractor since September of 2000 --
25 and before that, but this is -- there were no

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1 work session minutes for August and July, so I
2 couldn't -- I couldn't look at them. But,
3 also -- well, that's what I had to say about
4 that.

5 And my last question is, is why the
6 explanation three months, four months after
7 the fact?

8 MAYOR NYCE: It's not three months after
9 the fact. We discussed this back in the
10 Spring when it happened. It's been --

11 MR. SALADINO: No, no, no. I mean -- I

12 mean, about the penalty. I mean, about the --
13 I read in today's newspaper your quote, "Do
14 you have any explanation?" "Nope." I mean,
15 if the paper's wrong, I apologize. If -- I
16 apologize to you if the paper's wrong, but,
17 again, having attended --

18 MAYOR NYCE: The paper's wrong from
19 when, from today?

20 MR. SALADINO: Having attended every one
21 of these meetings --

22 MAYOR NYCE: But the paper's wrong from
23 when? I'm sorry, today you said?

24 TRUSTEE PHILLIPS: Yeah, there's an
25 article today.

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1 TRUSTEE HUBBARD: There's an article
2 today.

3 MAYOR NYCE: There's an article online.
4 She asked me for a comment, I said no, that I
5 would be making a statement tonight.

6 MR. SALADINO: Again, my question is why

7 this happened in September, an inordinate --
8 an exor -- a very large PPA, that people that
9 you had more than one or two calls about at
10 Village Hall without an explanation for a
11 one-time charge. Why this -- if it didn't
12 deserve an explanation then, why is there an
13 explanation now, five months later, four
14 months later? And if you choose to answer
15 that, you know, what's the need for it now?
16 Why couldn't we have it then? Or why couldn't
17 we have it in September, when you found out
18 about it, or August, when you found out about
19 it, about the penalty? I would have put -- I
20 wouldn't have bought coffee that month. I
21 wouldn't have bought any coffee that month and
22 I would have had money for my PPA.

23 There's a lot of it stuff that's not
24 being told here, Mr. Mayor. And, you know,
25 whether you feel it's -- your attitude here

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1 tonight, we can't have a discussion about it.
2 You know, and you tell me that all the time,

3 and my response to that all the time is, "Why
4 not?" You know, you guys show up for an hour
5 a week -- a month that we get a shot at you,
6 and if you spend an extra fifteen minutes --

7 MAYOR NYCE: It's an interesting choice
8 of words.

9 MR. SALADINO: What?

10 MAYOR NYCE: It's an interesting choice
11 of words, that you get a shot at us. It's an
12 interesting choice of words.

13 MR. SALADINO: I don't --

14 MR. SWISKEY: What, are you feeling
15 incompetent and inferior?

16 MR. SALADINO: I don't know about any of
17 you guys. I don't know what you're accusing
18 me of, but --

19 MR. SWISKEY: He's a public official.

20 MR. SALADINO: But, I mean, to sit there
21 and say no, you can't have a discussion about
22 this --

23 TRUSTEE HUBBARD: John, if I can just
24 answer one part of that question that you had
25 there.

1 MR. SALADINO: Absolutely.

2 TRUSTEE HUBBARD: All right. With all
3 the questions that came up, somebody brought
4 the paperwork in to Village Hall last week,
5 had questions on stuff. The Mayor was out of
6 Town. I got the first part of the phone call.
7 When the Mayor got back, him and I had a
8 discussion. Through that discussion is when
9 we found out that they set up the PPA charges
10 over 12 months instead of 24 months. So by
11 having the discussion and everything else, we
12 didn't know that before. We didn't know that
13 before last Monday. That's when we had the
14 discussion to figure out the formula that the
15 Building Department was using was a 12-month
16 period instead 24.

17 MR. SALADINO: When did you find out
18 about the \$108,000 penalty?

19 TRUSTEE HUBBARD: I heard about that in
20 November. Okay? But, I mean, I'm just

21 explaining --

22 MR. SALADINO: This is January. This is
23 January.

24 TRUSTEE HUBBARD: We did discuss it with
25 people complaining, we listened.

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1 MR. SALADINO: We didn't do a Village
2 reading since --

3 TRUSTEE HUBBARD: John, okay, let me
4 just finish. With the discussions, the
5 complaining that came up, it came to my
6 attention, to the Mayor's attention. The
7 Mayor and I got on the phone, we talked. He
8 checked with everybody in the Building
9 Department. They found out -- we did find the
10 mistake. We're trying to correct it now. The
11 Mayor explained that. We did not know that
12 before today -- before last Monday. That's
13 when we found out about it, and then he took
14 the corrections, it was our next meeting, and
15 we discussed it tonight.

16 We didn't know that before. None of us

17 knew that before that they were doing --
18 recouping it over 12 months. We just found
19 that out last week, so we tried to correct it.
20 And we apologize for that, we all do, it was a
21 mistake. We were given a calculation, take
22 your kilowatt hours, charge by this, and
23 that's the PPA. The formula was wrong. We
24 had questions about it, we found the problem,
25 we tried to correct it. That's --

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1 MR. SALADINO: Thank you for that
2 explanation, but if you remember when I first
3 asked the question, it wasn't about the
4 current PPA, it was about the \$108,000
5 penalty.

6 TRUSTEE HUBBARD: Yeah.

7 MR. SALADINO: So I just kind of thought
8 you could have been up front a little bit.
9 Come -- at the September, I was here, you were
10 here. Nobody said -- you could have stood up
11 there, put your chest out and said, "Listen,

12 we screwed up, it's going to cost you
13 \$108,000, give me the money," you know, but
14 you didn't do that. They didn't do that.

15 MAYOR NYCE: It's nobody's fault.

16 MR. SALADINO: Thank you. Thanks for
17 listening.

18 MR. SWISKEY: It's my fault. I'll give
19 you the 50 bucks backs.

20 MAYOR NYCE: Is there anyone else who
21 wishes to address the Board? If not, that
22 will conclude the Public Portion.

23 So I will offer a motion adopting the
24 January 2014 Budget Agenda with -- I want to
25 ask the Village Attorney on RESOLUTION #18, my

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1 understanding was that this was to terminate
2 any or all licenses for berthing for the
3 Fireboat Firefighter Museum, not specifically
4 at the commercial fishing dock, but at any
5 Village asset.

6 MR. PROKOP: I think that that's
7 correct. Based on the explanation I got -- I

8 received tonight, that's correct. And it
9 should be any license for the berthing of the
10 Fireboat Firefighter Museum at either the
11 commercial fishing dock --

12 MAYOR NYCE: How about at any Village
13 dock?

14 MR. PROKOP: Any Village dock, yes.

15 MAYOR NYCE: All right. So Resolution
16 18 will read as follows:

17 "RESOLUTION terminating any license for
18 berthing for the Fireboat Firefighter Museum
19 effective February 28th, 2014, and authorizing
20 the Village Attorney to take appropriate
21 actions to terminate the license for the
22 berthing of Fireboat Firefighter at any
23 Village dock."

24 MR. PROKOP: Yes, that's right. Thank
25 you.

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1 TRUSTEE PHILLIPS: Do you want to put
2 Village-owned dock? Is that what you wanted?

3 MAYOR NYCE: Any Village-controlled
4 dock, which would include both the commercial
5 fishing dock and Mitchell Park Marina. So,
6 when we get to that one, I will offer that
7 amended resolution.

8 So, with that change, I will offer the
9 Resolution adopting the January 2014 agenda as
10 printed, with the proposed amendment for
11 Resolution #18. So moved.

12 TRUSTEE ROBINS: Second.

13 MAYOR NYCE: All those in favor?

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE ROBINS: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MAYOR NYCE: Aye.

19 Any opposed or abstentions?

20 (No Response.)

21 MAYOR NYCE: That motion carries. I'll
22 ask Trustee Murray to read Resolution #2.

23 TRUSTEE MURRAY: RESOLUTION 01-2014-2,
24 RESOLUTION accepting the monthly reports of
25 the Greenport Fire Department, Village Clerk,

1 Village Treasurer, Village Administrator,
2 Director of Utilities, Village Attorney, Mayor
3 and Board of Trustees.

4 So moved.

5 TRUSTEE HUBBARD: Second.

6 MAYOR NYCE: All those in favor?

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE ROBINS: Aye.

10 TRUSTEE PHILLIPS: Aye.

11 MAYOR NYCE: Aye.

12 Any opposed or abstentions?

13 (No Response.)

14 MAYOR NYCE: That motion carries.

15 TRUSTEE HUBBARD: RESOLUTION #01-2014-3,
16 RESOLUTION approving the hiring of Frederick
17 Rempe as part-time Housekeeper/Maintenance
18 Worker for the Village of Greenport Fire
19 Department, as already approved by the Village
20 of Greenport Fire Department Board of Wardens
21 on January 15, 2014. This hiring is to be

22 effective January 28, 2014, at a pay rate of
23 \$15.00 per hour, not to exceed 17.5 hours per
24 week.

25 So moved.

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1 TRUSTEE ROBINS: Second.

2 MAYOR NYCE: All those in favor?

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE ROBINS: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: The motion carries.

11 TRUSTEE ROBINS: RESOLUTION 01-2014-4,
12 RESOLUTION authorizing the Village of
13 Greenport Fire Department to solicit bids for
14 the purchase of ten (10) complete sets of
15 turn-out gear, and further to direct Clerk
16 Pirillo to notice the bid accordingly.

17 So moved.

18 TRUSTEE PHILLIPS: Second.

19 MAYOR NYCE: All those in favor?

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE ROBINS: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 MAYOR NYCE: Aye.

25 Any opposed or abstentions?

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1 (No Response.)

2 MAYOR NYCE: The motion carries.

3 TRUSTEE PHILLIPS: RESOLUTION 01-2014-5,
4 RESOLUTION authorizing Treasurer Kagel to
5 perform the attached budget adjustments.

6 So moved.

7 TRUSTEE MURRAY: Second.

8 MAYOR NYCE: All those in favor?

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE ROBINS: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR NYCE: Aye.

14 Any opposed or abstentions?

15 (No Response.)

16 MAYOR NYCE: The motion carries.

17 TRUSTEE MURRAY: RESOLUTION 01-2014-6,
18 RESOLUTION accepting the letter of retirement
19 as submitted by Charlene Kagel, as Treasurer
20 of the Village of Greenport, effective
21 February 4, 2014.

22 So moved.

23 TRUSTEE HUBBARD: Second

24 MAYOR NYCE: All those in favor?

25 TRUSTEE HUBBARD: Aye.

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1 TRUSTEE MURRAY: Aye.

2 TRUSTEE ROBINS: Aye.

3 TRUSTEE PHILLIPS: Aye.

4 MAYOR NYCE: Aye.

5 Any opposed or abstentions?

6 (No Response.)

7 MAYOR NYCE: I'd like to thank Charlene

8 for her service to the Village and wish her a
9 very happy retirement.

10 TRUSTEE HUBBARD: RESOLUTION 01-2014-7,
11 RESOLUTION appointing Robert Brandt as Interim
12 Treasurer of the Village of Greenport,
13 effective February 4, 2014.

14 So moved.

15 TRUSTEE ROBINS: Second.

16 MAYOR NYCE: All those in favor?

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE ROBINS: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR NYCE: Aye.

22 Any opposed or abstentions?

23 (No Response.)

24 MAYOR NYCE: That motion carries.

25 TRUSTEE ROBINS: RESOLUTION 01-2014-8,

1 RESOLUTION directing Clerk Pirillo to notice
2 the upcoming Fiscal Year 2014/2015 budget
3 hearing, once the date, time and location are

4 determined.

5 So moved.

6 TRUSTEE PHILLIPS: Second.

7 MAYOR NYCE: All those in favor?

8 TRUSTEE HUBBARD: Aye.

9 TRUSTEE MURRAY: Aye.

10 TRUSTEE ROBINS: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Aye.

13 Any opposed or abstentions?

14 (No Response.)

15 MAYOR NYCE: The motion carries.

16 TRUSTEE PHILLIP: RESOLUTION 01-2014-9,
17 RESOLUTION confirming that the 2014 Village of
18 Greenport sale of tax certificates will be
19 held on March 11, 2014 at 10:00 a.m.; and
20 directing Clerk Pirillo to notice the sale
21 accordingly.

22 So moved.

23 TRUSTEE MURRAY: Second.

24 MAYOR NYCE: All those in favor?

25 TRUSTEE HUBBARD: Aye.

1 TRUSTEE MURRAY: Aye.

2 TRUSTEE ROBINS: Aye.

3 TRUSTEE PHILLIPS: Aye.

4 MAYOR NYCE: Aye.

5 Any opposed or abstentions?

6 (No Response.)

7 MAYOR NYCE: The motion carries.

8 TRUSTEE MURRAY: RESOLUTION 01-2014-10,

9 RESOLUTION approving the Public Assembly

10 Permit Application as submitted by Joseph

11 Cortale, as applicant for the Floyd Memorial

12 Library, for the use of a portion of Mitchell

13 Park from 4:30 p.m. through 8:00 p.m. on July

14 29, 2014 for the Annual Children's Concert.

15 So moved.

16 TRUSTEE HUBBARD: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE ROBINS: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 MAYOR NYCE: Aye.
23 Any opposed or abstentions?
24 (No Response.)
25 MAYOR NYCE: The motion carries.

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1 TRUSTEE HUBBARD: RESOLUTION
2 #01-2014-11, RESOLUTION accepting the proposal
3 as submitted by H2M, dated January 3rd, 2014;
4 to prepare the Annual Water Supply
5 Statement/Consumer Confidence Report, and the
6 corresponding supplemental data package; and
7 to submit the Annual Supply Statement and
8 Supplemental Data Package to the Suffolk
9 County Department of Health Services, at a
10 total cost of \$1,900.00; to be expensed from
11 line item number F.8310.413 (Special
12 Services).

13 So moved.

14 TRUSTEE ROBINS: Second.

15 MAYOR NYCE: All those in -- I'm sorry.

16 TRUSTEE PHILLIPS: I just -- if I
17 remember reading correctly, is this

18 something -- this is with all those reports
19 that we get now will be online and not all the
20 paper versions that go out?

21 MAYOR NYCE: I believe that's the case,
22 yeah.

23 TRUSTEE PHILLIPS: Okay. So that is a
24 big savings. Okay.

25 MAYOR NYCE: Absolutely.

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1 TRUSTEE PHILLIPS: Okay.

2 MAYOR NYCE: All those in favor?

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE ROBINS: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: The motion carries.

11 TRUSTEE ROBINS: RESOLUTION 01-2014-12,
12 RESOLUTION, accepting the proposal as

13 submitted by Cashin Associates, P.C. at a cost
14 not to exceed \$34,500 based on 275 man hours
15 for the preparation of an engineering report
16 and Smart Growth Assessment Form necessary to
17 apply for Clean Water State Revolving funds,
18 per the results of the Request for Proposals
19 opening on January 22nd, 2014.

20 So moved.

21 TRUSTEE PHILLIPS: Second.

22 TRUSTEE HUBBARD: Question on that?

23 MAYOR NYCE: We'll have discussion,
24 yeah.

25 TRUSTEE HUBBARD: Okay.

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1 MAYOR NYCE: This is in preparation of
2 applying for a grant for the State Revolving
3 Funds for the upgrade of the collection system
4 for the Sewer Department. This would be
5 upgrading pump stations, etcetera.

6 TRUSTEE HUBBARD: All right. Now
7 these -- when we get this report back from
8 them, the engineering report and all, if we

9 don't get the grant, this is not money wasted,
10 they're going to design and have everything
11 together for it?

12 MAYOR NYCE: I believe so, yeah. I
13 believe that's --

14 TRUSTEE HUBBARD: I just want to make
15 sure that that's what it is, since I don't
16 want to spend 34,000 for them to prepare a
17 grant and have us not get it --

18 MAYOR NYCE: Right.

19 TRUSTEE HUBBARD: -- where we should be
20 doing that inhouse or something else to do
21 that. But the engineering and design, we're
22 going to need that anyway.

23 MAYOR NYCE: Yes.

24 TRUSTEE HUBBARD: I want to make sure
25 that we have that and we could use that. If

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1 we don't get the grant, we still can go
2 forward with doing the work.

3 MAYOR NYCE: Absolutely.

4 TRUSTEE HUBBARD: Okay. I just
5 wondered.

6 TRUSTEE PHILLIPS: Okay. But this isn't
7 a set of plans. It's similar to previous
8 projects years ago that --

9 MAYOR NYCE: No. It's an engineering --
10 it's an engineering needs report, it's not --
11 I think it's going to recommend design, it's
12 not going to be an actual design layout. It's
13 not going to be plans and specs -- it will be
14 the specs, not the plans, if that makes sense.

15 TRUSTEE HUBBARD: Okay.

16 TRUSTEE PHILLIPS: In other words, it
17 will be an outline of what we need to do.

18 MAYOR NYCE: It will be the first step
19 that anyone would have to take in doing the
20 work. So the actual drawings themselves would
21 have to be done off of those -- off of that
22 engineering report.

23 TRUSTEE HUBBARD: Okay. But if we
24 don't -- if we're not awarded the grant, it's
25 just going to be money wasted. We're going to

1 need that stuff done anyway?

2 MAYOR NYCE: I still think, yes, we
3 would need the engineering report.

4 TRUSTEE HUBBARD: Okay.

5 TRUSTEE PHILLIPS: This is for the
6 pumps, correct?

7 MAYOR NYCE: This is for the pump
8 stations, yeah, all the lift stations and --

9 TRUSTEE HUBBARD: Right, the three
10 stations and Central Station.

11 MAYOR NYCE: Right.

12 TRUSTEE ROBINS: And Central Station.

13 TRUSTEE HUBBARD: They have four of them
14 listed in their proposal and everything.

15 MAYOR NYCE: Right.

16 TRUSTEE HUBBARD: I just want to make
17 sure that we're not wasting money going after
18 a grant that we don't get and not have
19 anything for it.

20 MAYOR NYCE: Absolutely. The other
21 possibility that we have with all of this also
22 is through the EFC with a zero interest loan

23 to do the work if we don't get the grant as
24 well. We could still apply to them for zero
25 interest financing for the same work and we

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1 would still end up having to do the
2 engineering report at some point anyhow.

3 TRUSTEE HUBBARD: Okay.

4 MAYOR NYCE: Is there any further
5 discussion on the motion?

6 (No Response.)

7 MAYOR NYCE: I'll call the vote. All
8 those in favor?

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE ROBINS: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR NYCE: Aye.

14 Any opposed or abstentions?

15 (No Response.)

16 MAYOR NYCE: That motion carries.

17 TRUSTEE PHILLIPS: RESOLUTION

18 01-2014-13, RESOLUTION declaring as surplus,
19 and no longer needed for municipal purposes,
20 the vehicles per the attached list.

21 So moved.

22 TRUSTEE MURRAY: Second.

23 MAYOR NYCE: All those in favor?

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE MURRAY: Aye.

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1 TRUSTEE ROBINS: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MAYOR NYCE: Aye.

4 MAYOR NYCE: Any opposed or abstentions?

5 (No Response.)

6 MAYOR NYCE: The motion carries.

7 TRUSTEE MURRAY: RESOLUTION 01-2014-14,

8 RESOLUTION appointing Peter Jauquet -- did I

9 pronounce that correctly?

10 MAYOR NYCE: Uh-huh.

11 TRUSTEE HUBBARD: As Chairman of the
12 Village of Greenport Planning Board, to fill
13 the unexpired term of Linnea

14 Atkinson-Loveless, which ends on April 3rd,
15 2014.

16 So moved.

17 TRUSTEE HUBBARD: Second.

18 MAYOR NYCE: By way of discussion, I'd
19 like to thank Linnea for her service to the
20 Village, and thank Peter for stepping up as
21 Chair.

22 All those in favor?

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE ROBINS: Aye.

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1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Aye.

3 Any opposed or abstentions?

4 (No Response.)

5 MAYOR NYCE: The motion carries.

6 TRUSTEE HUBBARD: RESOLUTION 01-2014-15,
7 RESOLUTION authorizing Eileen Wingate to
8 attend the Code Enforcement Training Class

9 sponsored by the Association of Towns from
10 February 17th to February 19th, 2014 in New
11 York City at a total cost not to exceed
12 \$1,000.00; to be expensed from line item
13 number A.3620.400 (Safety Inspector
14 Contractual Expense).

15 So moved.

16 TRUSTEE ROBINS: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE ROBINS: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 MAYOR NYCE: Aye.

23 Any opposed or abstentions?

24 (No Response.)

25 That motion carries.

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1 TRUSTEE ROBINS: RESOLUTION 01-2014-16,
2 RESOLUTION approving the Local Waterfront
3 Revitalization Plan final draft document for
4 release to the New York State Department of

5 State.

6 So moved.

7 TRUSTEE PHILLIPS: Second.

8 MAYOR NYCE: By way of explanation so
9 that people understand, this is not us
10 approving the final document. It's approved
11 for release. We will still be going through
12 the process of officially adopting the
13 document after the 60-day period that the New
14 York State Department of State reviews it.

15 All those in favor?

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE ROBINS: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No Response.)

23 MAYOR NYCE: The motion carries.

24 TRUSTEE PHILLIPS: RESOLUTION

25 01-2014-17, RESOLUTION authorizing the

1 attendance of Mayor Nyce at the NYCOM Winter
2 Legislative Meeting in Albany, New York from
3 February 9th, 2014 through February 10th,
4 2014; at a total cost of \$491.00, comprised
5 of: \$230.00 for program registration, \$38.00
6 for dinner and \$223 for lodging, plus all
7 applicable travel costs, to be expensed from
8 line item number A.0781.400 (Executive Office
9 supplies and Expenses).

10 So moved.

11 TRUSTEE MURRAY: Second.

12 MAYOR NYCE: All those in favor?

13 TRUSTEE HUBBARD: Aye.

14 TRUSTEE MURRAY: Aye.

15 TRUSTEE ROBINS: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MAYOR NYCE: That motion carries.

21 I will offer a motion to amend

22 Resolution #1-2014-18.

23 TRUSTEE MURRAY: Second that.

24 MAYOR NYCE: By way of discussion, the
25 amendment was read in at the start of the

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1 meeting, so I will ask -- call the vote on the
2 amended. All those -- I'll reread it at this
3 point.

4 RESOLUTION terminating any license for
5 berthing of Fireboat Firefighter Museum,
6 effective February 28th, 2014, and authorizing
7 the Village Attorney to take appropriate
8 actions to terminate the license and berthing
9 of the Fireboat Firefighter at any
10 Village-controlled dock.

11 That is the amended resolution. I'll
12 call the vote.

13 All those in favor?

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE ROBINS: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MAYOR NYCE: Aye.

19 Any opposed or abstentions?

20 (No Response.)

21 MAYOR NYCE: The motion carries.

22 I'll offer a motion to adopt the amended

23 RESOLUTION --

24 TRUSTEE HUBBARD: Second.

25 MAYOR NYCE: -- as RESOLUTION 1-2014-18.

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1 Thanks.

2 TRUSTEE HUBBARD: Second it.

3 MAYOR NYCE: All those in favor?

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE ROBINS: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MAYOR NYCE: Aye.

9 Any opposed or abstentions?

10 (No Response.)

11 MAYOR NYCE: That motion carries.

12 TRUSTEE MURRAY: RESOLUTION 01-2014-19,

13 RESOLUTION approving all checks per the

14 Voucher Summary Report dated January 24, 2014
15 in the total amount of \$438,041.56 consisting
16 of:

17 All regular checks in the amount of
18 \$331,825.32, and all prepaid checks (including
19 wire transfers) in the amount of \$106,216.24.

20 So moved.

21 TRUSTEE HUBBARD: Second.

22 MAYOR NYCE: All those in favor?

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE ROBINS: Aye.

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1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Aye.

3 Any opposed or abstentions?

4 (No Response.)

5 MAYOR NYCE: That motion carries.

6 It being 7:04, I will offer a motion to
7 adjourn to executive session to discuss a
8 personnel issue.

9 TRUSTEE PHILLIPS: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE ROBINS: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No Response.)

18 MAYOR NYCE: That motion carries. We

19 are adjourned. Thank you.

20 (Whereupon, the meeting was adjourned at

21 7:04 p.m.)

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1 C E R T I F I C A T I O N

2

3 STATE OF NEW YORK)

4) SS:

5 COUNTY OF SUFFOLK)

6

7 I, LUCIA BRAATEN, a Court Reporter and
8 Notary Public for and within the State of New
9 York, do hereby certify:

10 THAT, the above and foregoing contains a
11 true and correct transcription of the
12 proceedings taken on January 27, 2014.

13 I further certify that I am not related
14 to any of the parties to this action by blood
15 or marriage, and that I am in no way
16 interested in the outcome of this matter.

17 IN WITNESS WHEREOF, I have hereunto set
18 my hand this 3rd day of January, 2014.

19

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22

23

Lucia Braaten

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