

1 STATE OF NEW YORK
2 VILLAGE OF GREENPORT

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3 BOARD OF TRUSTEES
4 REGULAR MEETING

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November 25, 2013
6:00 P.M.

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11

12 BEFORE:

13 DAVID NYCE - MAYOR

14 GEORGE HUBBARD, JR. - TRUSTEE

15 JULIA ROBINS - TRUSTEE

16 DAVID MURRAY - TRUSTEE

17 MARY BESS PHILLIPS - TRUSTEE

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19 JEAN MARIE ODDON - DEPUTY CLERK

20 SYLVIA PIRILLO - CLERK (Excused)

21 JOSEPH PROKOP - VILLAGE ATTORNEY

22 DAVID ABATELLI - VILLAGE ADMINISTRATOR

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1 MAYOR NYCE: Just being after six, we
2 will call this meeting to order. Please
3 stand and join me for the Pledge.

4 (Whereupon, all stood for the Pledge
5 of Allegiance, followed by a moment of
6 silence.)

7 MAYOR NYCE: We have a fairly short
8 agenda but a lot of business to get
9 through this evening. So on behalf of the
10 Board, I would like to wish everyone a
11 happy and healthy Thanksgiving. Stay
12 safe. Don't eat too much.

13 The next brush pick-ups will be
14 December 10, 2013. Please note that this
15 is the final scheduled pick-up of the
16 season. Plan accordingly. The winter

17 season is upon us. Please be prepared to
18 keep sidewalks clear during snow, remove
19 vehicles from the street for proper
20 plowing, and check in with your elderly
21 neighbors and family members if anyone
22 needs a hand shoveling out. Us that are
23 younger can help out those that are older.
24 Under Public Interests: There will be the
25 annual Christmas tree lighting event will

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1 begun on November 29th at 5:30 p.m. in
2 Mitchell Park. I understand the school
3 kids will be joining us and singing some
4 carols. The tree went up today. It's one
5 of the most beautiful trees that came
6 right from here. The Second Annual
7 Shellabration Event will be held on
8 December 7th. I think it is run this time
9 by the rotary. You can contact them for
10 more information. There will be a
11 Greenport postcard book signing will be
12 held at the Old School on December 7th and

13 8th from 12-4 p.m. that was a project that
14 was done by Gale Horton and David Corwin
15 and the Historical Society. Should be a
16 very nice event and a very nice book.
17 The annual Fire Department Christmas
18 Parade will be on December 8th at 1:00
19 p.m. Same route coming down into the
20 Village and then back to the firehouse.

21 TRUSTEE HUBBARD: And Santa Claus
22 will be here too.

23 MAYOR NYCE: All right. Next up, we
24 have four Public Hearing's this evening.
25 Going to take them in order as they

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1 appear. The first one is regarding an
2 amendment to Chapter 142 of the local
3 code, Amending Local Law Wetlands Fees.
4 This was brought to our attention through
5 a project that was going on in the
6 Village. The code committee reviewed our
7 fees and the code committee suggested some

8 change to our code. In regards to that,
9 this Public Hearing was properly noticed
10 and anyone wishing to speak on this matter
11 may do so at this time. Your comments
12 will be taken down for the public record.
13 I will open the Public Hearing on the
14 Local Law amending Wetland Permit Fees.
15 Is there anyone that wishes to speak to
16 this item?

17 (No Response.)

18 MAYOR NYCE: There is no one that
19 wishes to speak on the item of Local Law
20 Wetland Permit Fees, I will ask what the
21 request of the Board is.

22 TRUSTEE PHILLIPS: Close the public
23 hearing. I will make a motion to close
24 the Public Hearing amending Local Law
25 Chapter 142.

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1 TRUSTEE HUBBARD: 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: That Public Hearing is
11 closed. I will ask that the clerk put
12 that on the work session for December for
13 Board Discussion.

14 The next Public Hearing is on an
15 amendment to Chapter 150 of the Village of
16 Greenport Code. This is an amendment to
17 change the wording for the definition of
18 family. The purpose of this was to keep
19 our code consistent. Many of you know,
20 that we have adopted a rental permit
21 regulation recently. The definition in
22 that for family was much more broad
23 reaching and we want to make our zoning
24 code match the new newer definition. This
25 Public Hearing was properly noticed.

1 Anyone wishing to speak on this matter can
2 do so at this time and they will be taken
3 down for the public record. I will ask if
4 there is anyone that wishes to address the
5 Board on this, the process would be for
6 you to come up and state your name and
7 address for the record. And proceed with
8 your comments.

9 MS. GORDON: Good evening. My name
10 is Jinny Gordon. I live at 152 6th
11 Street. I am writing a book about
12 immigration in Greenport. Past and
13 present. And as part of the work, I have
14 learned a great deal about housing in the
15 Village. I am speaking tonight, not so
16 much in opposition of the proposed
17 definition of family in the zoning
18 provisions in the code, as to put it in
19 context and expand the implications of
20 this direction the Village seems to be
21 taking in part to the living conditions of

22 poor and households. I was going to wing
23 it but I thought a lot about this in the
24 last few weeks and I decided to write it
25 all down and read it and ask that it be

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1 put into the record. I would like to
2 briefly address these matters on three
3 levels Legal, Economic and Historical.
4 First, to the legality, I understand the
5 purpose of the proposed change in the
6 definition of daily is to conform the old
7 definition in the zoning provision to the
8 definition in the new rental regulation
9 law. On it's face, this is harmless.
10 This is a work matter detail. The
11 proposed definition in fact improves on
12 the existing one by civil union as a
13 category of family relationships and by
14 broadening the definition of family to
15 include households that operate as though
16 both functional equivalent of a
17 traditional family. This is language that

18 the Village of Greenport has approved.
19 Now the definition makes a distinction
20 between related and unrelated
21 distinctions, that the highest court has
22 not let. In 1989, the Court of Appeals
23 found a Brookhaven Zoning Ordinance to be
24 a violation of the State's Constitution's
25 Due Process laws to treat functionally

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1 equivalent families different from the
2 traditional families. A recent memo from
3 the New York State Department of State
4 Office of General Counsel says, "it
5 appears for zoning purposes,
6 municipalities may not restrict the number
7 of related or unrelated persons. Related
8 or unrelated persons constitute a family.
9 Controlling population density certainly a
10 constitutional permissible way of
11 maintaining quality of life in the
12 neighborhood. But it can't be done in a

13 way that is not related to a legitimate
14 zoning purpose like controlling traffic or
15 noise. Households unrelated -- people are
16 more likely to produce traffic and noise
17 than traditional family. Think about
18 large families with lots of small
19 children. However, these legal
20 distinctions do not speak to the effect
21 that it will have. It surely sends a
22 message that the new rental regulation law
23 is at least as much of getting rid of
24 remnants making do in small spaces as to
25 punish landlords who don't take care of

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1 their building. It is a sort of threat to
2 immigrant families that if they sort of
3 take in a cousin or a friend from their
4 Village of Guatemala or El Salvador, that
5 they may be subject to inspection and
6 eviction. If family size is justification
7 for removing tenants, the cards will
8 generally be single men or women who have

9 recently arrived in the U.S. and
10 Greenport, who are struggling to find a
11 place in society. Their exclusion,
12 however, probably largely symbolic because
13 most households here are made of
14 traditional extended families. Even if
15 family size is not used to expold tenants,
16 it surely will be for a whole. As an
17 economic matter, it's very short cited to
18 push immigrants out of Greenport.
19 Revitalization is dependent and continues
20 to depend on large part of their labor.
21 The recent national census report based on
22 community data, finds that in rural and
23 urban areas alike, job creation and
24 housing value are increased when immigrant
25 moving. It notes that, "immigrants are

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1 ejecting new life in the cities and rural
2 areas." Making once areas more
3 attractive. Greenport certainly fits this

4 picture. Finally, I want to remind the
5 Board something Greenport residents who
6 have been here a long time, longer than I.
7 I moved here in 2008. Greenport has been
8 taking in immigrants, often eagerly
9 sometimes since before 1844. The year the
10 first train came all 94 miles from New
11 York City. Just look at the commemorative
12 bell outside of this building. The
13 firefighters who have started -- excuse me
14 -- along with Higgs, Bergs and Andrews,
15 the English origins of the earlier
16 settlers of the Village who were made -- I
17 cannot pronounce them all, Jorgi Screzith,
18 Hane Carlozzi, Yager and Sirth who were
19 early settlers. Polish, Irish, German,
20 Italian immigration that have shaped
21 Greenport to this day. Immigration is part
22 of this Village DNA. It should be
23 protected. Not prohibited directly or
24 indirectly. Nothing I have said should be
25 interpreted as a lack of concern on

1 overcrowding. First, housing must be safe
2 and sanitary. Residential neighborhoods
3 must provide quiet enjoyment for everyone.
4 Controlling unrelated persons, i.e., poor
5 people or immigrants. And no middle class
6 people just starting their adult lives is
7 not the way to go. Conditions that
8 disrupt the quality of the neighborhoods
9 life, noise and traffic, can be sanctioned
10 in other ways than removing tenants
11 because they don't belong to the right
12 kind of family. Over the longer term, the
13 only solution to a shortage of affordable
14 housing, is to have more of it. It is not
15 only immigrants that are in need. Some of
16 Greenport's young people will want to
17 return from College with roommates. What
18 will they do? They're trying to find
19 housing that they can pay for. I hope
20 that in the future, I will see a larger
21 issue of developing low cost housing on
22 the Village Board agenda. Thanks very

23 much.

24 MAYOR NYCE: Is there anyone else
25 that wishes to address the Board on this

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1 matter?

2 MS. RICHARDS: My name is Margaret
3 Richards, 415 Kaplan Avenue. I agree with
4 90% of the previous speaker. Except that,
5 if you have a nontraditional family, the
6 code says the presumption may be abutted
7 by proof. So therefore, you would have
8 recourse to remove that nontraditional
9 family. I don't feel that this has
10 anything to do with racism or immigration.
11 It has to do with overcrowding. It has to
12 do with the fact that in Greenport we have
13 no house availability in the code, and
14 that is what we're trying to prevent. I
15 am very happy with this code. I don't
16 understand why we needed it. We already
17 have, virtually the same thing with a few

18 different words already in our code. Just
19 the fact that it hasn't been enforced.
20 Basically, a family is a family and
21 everything in this code allows for any
22 family whatsoever. It doesn't allow for 5
23 or 6 single men, each paying for rent
24 separately, to be living in a home. Thank
25 you.

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1 MAYOR NYCE: Is there anyone else
2 that wishes to address the Board on this
3 local law amendment?

4 (No Response.)

5 MAYOR NYCE: I will ask the Board
6 what they would like to do, if they would
7 like to close this Public Hearing , can I
8 have a motion to do so?

9 TRUSTEE HUBBARD: I will make a
10 motion to close the Public Hearing of the
11 Definition of Family.

12 TRUSTEE MURRAY: I will second that.

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.

22 That Public Hearing is closed. I will ask

23 that the Deputy Clerk put that on the work

24 session for December for Board Discussion.

25 The next Public Hearing is regarding

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1 a proposed amendment to the Village Code
2 allowing for alternates to be appointed to
3 the ZBA and Planning Boards. The purpose
4 of which is self explanatory. That if you
5 are not able to participate because of a
6 conflict of interest, that we have the
7 availability of having an alternate
8 appointed. The Chair of that Board can

9 call upon to sit during that meeting.
10 This Public Hearing was noticed. Anyone
11 wishing to comment on this Public Hearing
12 may do so at this time. Your comment will
13 be taken down for the public record.

14 Is there anyone that wishes to
15 address the Board on this?

16 MS. RICHARDS: Margaret Richards, 415
17 Kaplan Avenue. I just have one comment on
18 this. I am not against it. I also think
19 that it should -- I would imagine that the
20 alternate member would step in if somebody
21 retired?

22 MAYOR NYCE: No. This would be that
23 the person would be an alternate. They
24 could be appointed into the permanent
25 position if they --

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1 MS. RICHARDS: You would think that
2 they should be because they --

3 MAYOR NYCE: I --

4 MS. RICHARDS: And then you would

5 appoint an alternate.

6 MAYOR NYCE: Understood.

7 MS. RICHARDS: Okay. So my comment
8 is that your alternate should be required
9 to attend State training as well as your
10 regular Board members. Because in my
11 experience over the last few years, your
12 Zoning and Planning Boards don't
13 understand the zoning. And there are free
14 education, which they're supposed to be
15 attending.

16 MAYOR NYCE: Is there anyone else
17 that wishes to address the Board on this?

18 SPEAKER: (In Audible) 1000 Main
19 Street, Greenport. I really don't
20 understand the need for this. To get
21 somebody to show up and just replace them.
22 As a former member of the Zoning Board of
23 Appeals, myself, we all went on without
24 the member, if they couldn't make it. But
25 as long as you're talking about alternate

1 members for Zoning and Planning Board, are
2 you going to have alternate members for
3 your Board? For your position too, maybe
4 if you're not here, someone can fill in
5 for your position too? Make sure you
6 include that in this Public Hearing.

7 MAYOR NYCE: No.

8 SPEAKER: So you want to stack the
9 other Boards and go in your favor and not
10 your Board? Thanks. Thank you.

11 MAYOR NYCE: Is there anyone else
12 that wishes to address this Board on this
13 amendment?

14 (No Response.)

15 MAYOR NYCE: If not, I will ask if
16 the Board wants to make a motion to close
17 this Public Hearing?

18 TRUSTEE MURRAY: I will make a motion
19 to close this Public Hearing on the
20 alternate members.

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: The final Public Hearing

6 we have this evening is on a wetlands

7 permit application being brought by

8 Michael Osinski of 307 Flint Street. This

9 Public Hearing was properly noticed, and

10 anyone wishing to speak on this item may

11 do so at this time, and their comments

12 will be taken down for the public record.

13 Ordinarily, by process, what we do is ask

14 the applicant or the applicant's

15 representative to first introduce the

16 topic and then we will open it up to the

17 public. I will ask Mr. Osinski, if you

18 would like to come up and --

19 MR. OSINSKI: Yes. Michael Osinski,
20 307 Flint Street. We are seeking to build
21 165 foot dock into the harbor. The permit
22 process, as you have seen before you, has
23 taken about three years and it has been
24 approved by the DEC. The purpose of this
25 dock, and it's an expensive dock, not

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1 cheap at all, is to move all our sorting,
2 grading equipment out off of our lawn and
3 into Greenport Harbor. It's an expensive
4 adventure. We have already spent
5 somewhere's between \$60-70,000.00 to get
6 to this point. This facility will make it
7 somewhat more easier. We don't save a lot
8 of money. Our entire intent here is to
9 remove any noise that we can be causing to
10 our neighbors. We started this 12 years
11 ago, the idea was, you know, to work on
12 the water. Our kids were little. We sold
13 the business in New York. We got the

14 permit to have an oyster farm. We have
15 gotten permits from this Board. The kids
16 -- in that regards has been a very big
17 success. Our kids are hardworking kids.
18 Since -- when I first started, I couldn't
19 start a boat. My three-year-old son could
20 start a boat. I couldn't. And he's been
21 riding a boat since three. On the other
22 hand, you know, we started this because we
23 knew that Greenport had been the oyster
24 capital of New York and we wanted to start
25 an oyster farm. We knew coming to New

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1 York carrying Greenport oysters, it was
2 not an uncommon remark for a chef to look
3 at an oyster and say this is the best
4 oyster I have ever had in my life. And
5 it's true. The Greenport oysters. As a
6 matter of fact, I turn away -- I don't
7 know how much business. I don't search
8 out for business. Guys started buying 100
9 oysters a week and are now 500 or 1,000.

10 There was reason why this industry was so
11 large. Now, I look around and see young
12 guys looking into getting into this. A
13 bay in France, the size of ours, you
14 thousands of men and women harvesting
15 oysters. It used to be 75 years ago here.
16 Now, I don't want to get any bigger until
17 I can have all my consortium, grading
18 equipment into the bay in its own
19 waterfront commercial. I really don't
20 want to hear any complaints from my
21 neighbors. Recently, I haven't heard any
22 complaints in the past couple of months.
23 I never run that sorting machine more than
24 15 minutes in a day, but it does make a
25 slight amount of noise. I am spending a

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1 lot of money with Mr. Costello, who has
2 assured me that he can build such a dock
3 that is facing the waterfront. It's not a
4 cheap dock. You know, we want this

5 business to survive. My daughter wants to
6 major in Marine Biology. We want this to
7 continue. It's getting hard for us.
8 We're getting older. It's a lot of work
9 but it's a very rewarding type of
10 enterprise. We make over 100,000 oysters
11 and we sell well over a 100,000 oysters
12 during our busy season. And you see about
13 a half dozen oyster farmers selling
14 Greenport oysters. The more oysters grown
15 in this area, the better for Greenport.
16 It's a job for young men and women.
17 Believe me, I am getting too old for it.
18 You don't need a college education. You
19 don't need a lot of capitalization. You
20 can get into this and make some money.
21 But anyway, the major thrusts of this --
22 99% of this application is to remove all
23 of our grading and machinery out into the
24 bay, away from the view of our neighbors.
25 We will maintain docks in Widow's Hole,

1 just in case there is a storm or something
2 to that effect. But we will move boats
3 back out there. We feel that we have done
4 nothing but improve the quality of water.
5 Widow's Hole is as pristine as its ever
6 been. It's beautiful. Full of shellfish.
7 I mean, chock full of shellfish. It's a
8 real benefit. We provide jobs for the
9 community. We hope that this application
10 is seen for what it is. Thank you.

11 MAYOR NYCE: I am assuming, that
12 there is a bunch of people that wish to
13 speak. I just ask that you keep comments
14 to a minimal, and I will ask again, when
15 you come up to speak, name and address for
16 the record. If you have comments, please
17 give so to the Clerk for the official
18 record. Please do so after you're done
19 speaking. With that, I will ask if there
20 is anyone that wishes to address the Board
21 on this?

22 MS. LOREN: Hi. My name is Beatrice
23 Loren. I live at 306 4th Street and my

24 yard faces Willow's Hole. I have related
25 in person to Michael and Isabelle what I

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1 am about to say. Since 2004, the year
2 that I purchased my home, I have seen a
3 phenomenon of things of activity in
4 relation to the oyster corporation. Today
5 we see an oyster processing facility.
6 Many steps of the process occur in the
7 gulf. The gulf faces the neighbors
8 properties. We see large plastic
9 containers of different colors being
10 lifted from the waters for breathing and
11 checking purposes. I am told the name of
12 such containers is upwellers. When you
13 see them close, they look like banged up
14 plastic garbage containers. We see
15 different color water hoses loaded in the
16 gulf that are used for operations. We
17 hear a large machine that sorts out
18 oysters by size. Large cases are moved

19 and transported. We see oysters
20 transported in wheelbarrows running on top
21 of -- from the gulf to the side of the
22 property. We have seen at different times
23 filming crews. They would stage an event
24 and photograph us. Often visitors come in
25 a group to visit the facility and they are

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1 shown the purge. We see large wooden
2 pilings laying in each of the coves. We
3 see a few small boats laying face down in
4 the shore of the gulf. Two large fishing
5 boats are moored. When they are used, the
6 motor gets turned on and a few more
7 minutes, it takes off. Mr. Osinski
8 facilitates the access to the gulf to his
9 friends. Right now, I have in front of my
10 yard, a fishing boat. For a few years, we
11 had a large boat moored in the middle of
12 the gulf. It was there for a few seasons
13 and then it sunk and had to be removed.
14 Mr. Osinski brought an application to

15 enlarge the operation on the gulf side.
16 There are two portions. That is not a
17 good idea. The permit also asked for a
18 big pier on the east side of his property.
19 That is the proper place to concentrate
20 all his activities. I ask that Town of
21 Greenport and Mr. Osinski to please not
22 enlarge the gulf side. To please remove
23 the operation from the gulf. To
24 concentrate all their activities on the
25 east side of his property where they can

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1 operate and not disturb anyone. To
2 implement this request, we bring up
3 harmonious relations with good neighbors
4 and the preservation for the area. Thank
5 you.

6 MAYOR NYCE: Thank you.

7 MR. MILLS: William J. Mills, III, 16
8 4th Street, adjacent property owner. My
9 concern is not necessarily with the bay

10 side. I applaud the Osinski's for wanting
11 to improve their operation by the bay
12 side. I have a little bit of a concern
13 about the operation and continuing to grow
14 but that is not the purpose of this
15 hearing. On the creek side, Widow's Hole
16 side, my concern is the upwellers and the
17 circulating pumps. The noise that they
18 may at 6:30 in the morning, especially on
19 a Sunday morning, I can't sleep. In the
20 summer time when the windows are open,
21 it's not fun to listen to that. And my
22 concern is, I haven't had the opportunity,
23 I only just recently got the application,
24 to determine whether there is going to be
25 an expansion of those circulating pumps or

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1 the upwellers. And if there is, I would
2 ask that you deny the application. If
3 there isn't, I don't necessarily have any
4 issue. The fact that they want to expand
5 in the waters in the State of New York on

6 the bay side that they lease, the oyster
7 industry is something near and dear to
8 most people. My family was in the oyster
9 business. So I think that it's important
10 to support the industry but I will throw
11 in, not in my backyard. Thank you.

12 That's all I have.

13 MAYOR NYCE: Thank you.

14 MS. FEYER: My name is Jenny Feyer
15 and I live at 312 4th Street. I don't
16 think any of us are against the Osinski's
17 business. It's just in a completely
18 inappropriate place. What I am going to
19 say is in the matter of the addition of
20 the large dockage. I would ask that you
21 please consider applying to other
22 neighbors. We are all living in a
23 residential neighborhood zoned R2. The
24 Osinski's desire to turn a hobby into a
25 small business has deeply impacted the

1 four houses on the other side of the
2 creek. One of them is mine. The
3 Osinski's are adamant that they have the
4 right to do this since they own the water
5 rights and property. There obsession of
6 their rights as property owners has
7 affected us too much already. And I am
8 not sure anymore of what their rights
9 really are. Mr. Osinski has told me that
10 he thinks it's part of his business but as
11 far as I know, no one owns the water. The
12 business operates seven days a week,
13 depending upon the season. Most days
14 start early with running boat engines. I
15 know, because they have awoken me almost
16 every day for the past five years. There
17 is activity that is there all day. Bags,
18 barrels and tubs, dragging a wheelbarrow
19 back and forth. Too and from the existing
20 dock. Cars and trucks drive up to the
21 property. They pick up and leave things.
22 Boats are always coming and going, loading
23 or unloading. The oyster machine crashes

24 and crunches. The sounds of shouting
25 about the dims of an idling motor. All of

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1 this is magnified by the water ten-fold.
2 We have discussed these things many times
3 but changes never last very long. Over
4 the years, their home has been a business
5 that has morphed into a thriving, labor
6 intensive, full fledged commercial
7 operation. Now it regulates our days.
8 When we wake up and we want to be outside,
9 we have to shut our doors to lessen the
10 noise or get away from the people standing
11 on the dock. The creek itself is starting
12 to look like what's becoming and never
13 looked before. A back water with a skanky
14 shellfishing business. There is constant
15 but ever changing mass on the beach, on
16 their docks, on their boats, in the water,
17 on the landscape. For people who take
18 property ownership so seriously, they
19 aren't serious about any upkeep. They

20 work very hard but unfortunately we have
21 to experience it all with them. Their
22 business effects our view, our privacy,
23 and any desire that we may have peace.
24 The quiet and pristine tranquility is not
25 kept. All of this is to say that the

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1 business is not -- Mike and Isabelle have
2 assured us that the repair and alteration
3 that they wish to make to that dock is
4 minor, but on the blueprint that is
5 provided, that dock is three-fold. Any
6 enlargement or alternation to that dock
7 will just increase all the activities that
8 I have mentioned. And so I oppose any
9 addition, enlargement or expansion of that
10 dock. The existing dock is plenty big
11 already, as is their business in the
12 creek. It needs to stop now. Building a
13 business in the bay would be an
14 improvement. I respectfully ask the

15 Village Board to please consider our
16 plythe before you start to issue permits
17 for more dockage. And to in best why,
18 Widow's Hole, continues to run a business
19 in a residential neighborhood where they
20 are clearly in violation of Village Code.
21 The whole business is way over the line,
22 which they will continue to push unless we
23 push back. Thanks for your time.

24 MAYOR NYCE: Thank you.

25 Is there anyone else?

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1 MS. LUMBAR : My name is Joy Lumbar
2 and I face Widow's Hole. I agree with
3 everyone who has spoke here so far. And I
4 am very encouraged to hear Mike say that
5 he wants to move the operation to the bay.
6 We would love to hear him say that. Now,
7 without repeating what has been said, I
8 happen to have a perspective of a realtor.
9 Dozens of my real estate colleagues have
10 been to my lovely home to discover a full

11 fledge fisherman in the backyard.
12 Everyone has asked me the same question.
13 What's this business doing here? The
14 effect was chilling. For guidance and
15 clarification on commercial, residential
16 waterfront usages, it can exist side by
17 side, I have went o the Village of
18 Greenport Local Waterfront Revitalization
19 Program. Our neighborhood is waterfront
20 area three. The LWRP describes it in this
21 way. Residential land use dominates the
22 shore line south of the commercial dock.
23 On the west side, that has been developed
24 for residential use. All properties south
25 of the railroad dock have been zoned for

30

1 one and two family residential use, with
2 the exception of these two properties
3 being converted into -- those are the
4 condos. Those are zoned for commercial.
5 Water enhanced and water usage are allowed

6 the following locations of the three
7 waterfront areas. In our neighborhood,
8 waterfront III, they are only allowed at
9 the tip of Fanning Point and the east and
10 west side of Fifth Street Park. I have
11 brought a map of that, if you haven't seen
12 it. Here is some of the plans as evidence
13 of their comments. While Greenport's land
14 existence pattern has been established for
15 some time, thus this isn't the character
16 of the Village that it will be preserved
17 and maintained. Further in the section,
18 residential use dominates the shoreline
19 area. The marine commercial land use
20 category will be maintained for properties
21 at Fanning Point and only Fanning Point
22 for the development of condominiums.
23 Throughout passages of the LWRP, it is
24 clearly indicated that commercial is not
25 to be in Widow's Hole. Although this

1 application does not address the operation

2 or business in a residential zone, the
3 renting of the request of the dock
4 expansion, not the dock and the bay but
5 the small minor improvements discussed. I
6 think that it doubles the space that the
7 new platforms and the areas -- you can do
8 the math. It looks to me like it's a vast
9 expansion. I feel that Michael and
10 Isabelle are currently in violation of
11 Village Residential Code on land and
12 operating a business in direct conflict
13 with the LPRW (sic) guidelines and
14 commercial area three. Therefore in
15 keeping with the codes and zoning laws, I
16 respectfully request that you deny the
17 expansion on the southeast side of the
18 Osinski's property and in conjunction
19 perhaps supervise the relocation of the
20 current business to a more appropriate
21 location. Thank you.

22 MS. CAREY: Good evening. My name is
23 May Carey. I live at 311 Fourth Street,
24 Greenport, which is across the street from

25 the discussion that we are having. A few

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1 years ago when Mike started this as a
2 hobby, I was glad to see the oyster
3 industry coming back but I am not now. It
4 has caused problems that are unbelievable
5 when you are looking at it from the other
6 side. You see all my neighbors going
7 through all this stress and disruption and
8 their life is changed. I think that Mr.
9 Osinski needs to have better respect for
10 his neighbors and do things to improve the
11 situation if he wants to live in peace
12 there. I have lived at my house for 55
13 years, non-stop and I never had to witness
14 anything to my neighbors on the other
15 side. If Luellen Price was alive today,
16 he would be horrified of what's going on
17 in his favorite spot, Widow's Hole. He
18 used to carry postcards on his boat no
19 matter where he went, east coast, south

20 coast or whatever and hand them out to
21 people and say this is where I live. It's
22 like God's gift to Greenport. Thank you
23 very much.

24 MS. RICHARDS: Margaret Richards, 415
25 Kaplan Avenue. I was unaware that this

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1 was going to be heard tonight. So I am
2 not fully prepared. I do have the benefit
3 of working for Laura McCarthy who is the
4 other oyster farmer, and I also have had
5 the benefit of seeing the patent that
6 deeds the underground rights to Mr.
7 Osinski and that they make fun of him that
8 he owns the underground land, he does. As
9 far as the LWRP, it is my belief that it
10 supports this kind of operation. I am
11 really unsure if you could clarify what
12 they on theory property as a business
13 because the business would be the selling
14 of the oysters that is off the property.
15 I know that oyster cultivation is a

16 wonderful thing for the environment and
17 that it cleans the waters. I know that it
18 has been -- I can't think of the word,
19 propagated in this area. That we want to
20 bring back some of the waterfront and be a
21 seaside Village again. I feel for the
22 neighbors. I believe that a lot of the
23 activity could have been anticipated when
24 the properties were purchased and I am
25 losing my train of thought because I was

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1 really unprepared on this. Seemingly,
2 they are going to spend a lot of money to
3 move a lot of their obnoxious part of the
4 operation away from the neighbors. Away
5 from the area of Widow's Hole that they
6 own. And our only trying to keep the
7 Widow's Hole area, correct me if I am
8 wrong, a safe haven for storms. I am not
9 sure. I have not seen the application. I
10 will be asking to do that. It sounds like

11 a very reasonable application and it
12 should address what the neighbors are
13 complaining about because it's being moved
14 further from the homes. Thank you.

15 MR. MILLS: William J. Mills, III,
16 again. I just want to clarify made
17 several statements that I think are
18 incorrect. One, this is not a case of
19 buying a house next to an airport. It's
20 the other way around. The airport was
21 built after we arrived. Secondary,
22 contrary to her statement that the sale
23 oysters does not have on the property, I
24 can't confirm it but its apparent that the
25 sale of oysters does happen on the retail

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1 property, on a regular basis. I just
2 wanted that to be on the record. Thank
3 you.

4 MS. FEYER: Jenny Feyer, 312 Fourth
5 Street. In regards to what was just said.
6 All you have to do is look at the

7 pictures. They are not just raising
8 oysters and eat them for breakfast and
9 dinner. It's a busy -- hey, you are
10 entitled -- my opinion is that you're
11 entitled to do whatever you want but not
12 in a residential neighborhood where you
13 live. And to expect them to deal with it,
14 it doesn't make any sense to make a
15 business plan like that. And it's also not
16 the same as the other place that you were
17 citing because the other place that you
18 were citing doesn't face any homes. Laura
19 McCarthy's property faces out to the bay.
20 She has no neighbors directly across from
21 her --

22 MAYOR NYCE: You need to be
23 addressing the Board.

24 MS. FEYER: I'm sorry. She has them
25 on her side. She has nobody directly in

1 front of her. It's a small body of water.

2 It's intimate.

3 MAYOR NYCE: Is there anyone else
4 that wishes to address this application?

5 MS. RICHARDS: It will be super
6 quick. The only thing that I wanted to say
7 is that it is very big that the DEC has
8 approved it. If the DEC has approved it,
9 it means that it's big. Thank you.

10 MR. CLARK: Good evening. My name is
11 Steven Clark and I live on that great
12 street that we all refer to as Fourth
13 Street. I am down towards the end, across
14 from Laura McCarthy, 139 Fourth Street. I
15 also own and operate Greenport Shipping
16 Yard Company and I am certain that
17 everybody here, certainly the Board
18 members know the history of the Long
19 Island oyster farm and the other oyster
20 farm that took over the Long Island oyster
21 farm after the 1989 hurricane. In 1970,
22 the Long Island oyster farm was my largest
23 commercial customer. Now having said that,
24 I am certain that this means nothing, it's

25 history and times change rapidly. I

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1 appreciate the other members of Fourth
2 Street that have talked positively and not
3 so positively about the Osinski's
4 operation. I would like to -- I would
5 really like to address the point that
6 Greenport in the past has been a mixture
7 of all kinds of stuff. Good and bad.
8 Greenport at one time was strictly laid
9 out as a business company. Early in the
10 1800's, there were no cars. You would
11 walk to the waterfront to work in
12 Greenport. Having said that, I do
13 appreciate what everyone is talking about.
14 One woman brought up of referring to the
15 Local Waterfront Revitalization Plan. I
16 have a copy of this. I think this was
17 before it was approved. This was as of
18 July 2012. Section IV of the LWRP refers
19 to issues and opportunities summary. The
20 summary of what they are trying to get

21 across, and I think that -- I will quote
22 from it, hopefully this is accurate and in
23 accordance of what was passed. But right
24 at the absolute top of the page, refers to
25 agriculture and in not boring you with the

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1 details, in the middle of the paragraph,
2 it says that there is a need to provide
3 some of the necessary infracture for the
4 agriculture trade to reestablish itself.
5 Now, we can take off and run with that
6 statement for an hour or two but what
7 basically the Osinski's are proposing is
8 just simply an infrastructure change to
9 try and perhaps relate to relieve a little
10 bit of stress from their neighbors and
11 perhaps to give them easier and quicker
12 access to the waters in Greenport, which
13 as long as I have lived here, which has
14 only been the last couple of years, there
15 is no place for growing shellfish of any

16 kind, oysters or scallops or anything.
17 Scallops are not hard to raise now but
18 they will be soon. There is just nothing
19 that equals the flow of water and
20 nutrients that are in the waters of
21 Greenport Harbor. It's an issue for you
22 to try and keep a mix of the waterfront.
23 If you want to become Sag Harbor, if you
24 want to name is Greenhampton, we are sort
25 of on our way to doing that. We have

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1 restaurants that are really successful and
2 only a handful of us -- I mean, take John
3 Costello here and myself, there are very
4 few people that are truly working on the
5 water and the Osinski's are among the
6 small group that are still trying to do
7 that. In Sag Harbor, where I have many
8 friends. Sag Harbor is just Sag Harbor.
9 No comparison to Greenport. I would like
10 to think with all the improvements in
11 Greenport that we can keep up with Sag

12 Harbor, but one thing Sag Harbor can not
13 do is to have a working waterfront like we
14 do here today. Thank you.

15 MAYOR NYCE: Thank you.

16 MS. JILL: Jill -- First Street. I
17 speak I think for everybody in the room,
18 that we all applaud oystering and we all
19 recognize it's whole and --

20 MR. OSINSKI: And I have sold oyster
21 to you.

22 MS. JILL: To my brother-in-law. So
23 it's not about wanting them to be
24 successful or the business. It's about
25 where it's being done. There are places

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1 that want it to be done. Zoned where it's
2 appropriate. We just don't think it's
3 appropriate in Widow's Hole.

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

6 MR. SWISKEY: William Swiskey, 184

7 Fifth Street. The Osinski's are nice
8 people. That's besides the point. The
9 issue here is the doc and whether they
10 should be allowed to build it or not. To
11 me, I don't see any reason why they
12 shouldn't be allowed to construct it. If
13 the whole operation went out by the bay,
14 it's better. It's all out on the bay.
15 The issue of the dock is there is no
16 reason to turn it down. Thank you.

17 MAYOR NYCE: Thank you.

18 MS. OSINKI: My name is Isabelle
19 Osinski. I live at 307 Flint Street.

20 My husband and I have worked for 15
21 years for this oyster farm. We have
22 received New York State permits, DEC
23 permits, Army Corp permits, Village
24 permits, Town permits. We have received a
25 lot of permits for this farm and we have

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1 done everything legitimately. We have
2 recognized that our neighbors aren't happy

3 at times. I have to tell you, in the
4 summer, Jenny emailed me and said, "what's
5 going on over there? It's been so quiet."
6 And I just said, we just harvested 1,000
7 oysters. She didn't hear us. We started at
8 8:30. I don't allow anyone to run the
9 boats before 8:30-9:00. The sorting
10 machines runs for 15 minutes at most. We
11 are loading up the van with 7,000 oysters
12 a week. And if people want to get started
13 early, I tell everyone to start with their
14 hands. I tell them you cannot lose -- we
15 don't run till, you know, 9:00. You know,
16 you are not allowed to use it. My kids
17 can't go across the property. In fact, we
18 had a problem on the boat and needed a
19 screwdriver. I started to yell -- and Mike
20 told me, "no way are you going to yell and
21 get a screwdriver. You know, go up and go
22 get it." We have tried. When we started
23 shipping 7,000 oysters a week, me and Mike
24 said, there is no way we can continue this
25 business for the future unless we can have

1 ideas and work with the community. I came
2 up with the idea to go into the bay.
3 Which is really expensive. You know,
4 John's a nice guy but apparently, he has a
5 house that has to be supported. We spent
6 at least \$70,000.00 in three years on
7 permits. A woman had a baby and came back
8 and we had to resurvey the whole entire
9 bottom. So going on the topic of the DEC
10 permit, I would like to submit some
11 photographs also which sort of show why we
12 need a dock. This is during the day. My
13 children have learned to live on the bay
14 and work on the bay. I think we have
15 changed. It's a very hard and dangerous
16 life, as you can see that people that are
17 willing to do this in the room. John
18 Costello and Steve Clark, I don't know
19 why. Mary Bess. It's a hard life. I would
20 just beg the Board that we have really

21 tried in our deepest hearts. You can even
22 ask Jenny, I have emailed her and said,
23 "what can we do?" You know over and over
24 and she just says there is nothing that
25 you can do. I mean, we're willing to put

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1 our money down and trying to make it
2 better. The Greenport oyster is a world
3 class oyster and I really believe that
4 this has to happen at some point. You
5 know, either the community either embraces
6 the oystering and the harbor front or they
7 shun it and become like another seaside
8 community. I think everyone here has
9 substance and character and step up and
10 say -- Greenport used to be called the
11 Oyster Map. It used to be a great
12 business. It's a great produce. Used to be
13 on the front page of New York Times.
14 Anyway, thank you very much. And we did
15 spend three years on this permits. It's
16 permitted. I really wish the best to our

17 neighbors, as you can see. Thank you.

18 MAYOR NYCE: Thank you. Is there
19 anyone else that wishes to address the
20 Board?

21 MR. COSTELLO: My name is John
22 Costello.

23 MAYOR NYCE: You're the man that is
24 going to get rich?

25 MR. COSTELLO: I am the one with this

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1 rich dock going on. Going to make a
2 million dollars on it. This is a small
3 business on this piece of property. This
4 is not going to stay on this property if
5 the oyster business keeps going.
6 Unfortunately, Greenport Boards in the
7 past have allowed condominiums on every
8 commercial piece of property that
9 supported oyster business or waterfront.
10 Let me tell you, you can build
11 condominiums anywhere. It has taken the

12 oyster business away from Greenport. Mike
13 and Isabelle are really hardworking. And
14 let me tell you, I can't wait to hire his
15 two kids. You have never seen two kids at
16 that age that work so hard and be so
17 polite and do whatever for their parents.
18 God bless those kids. I hope in the
19 future other people will be working the
20 waterfront again, someday. I would like to
21 have them work for me or Steve Clark or
22 the other shipyards, anywhere, that can
23 improve the working waterfront. Mr.
24 Osinski and his wife, this is a small
25 operation. If they are successful, they

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1 will be looking to buy bottom land
2 elsewhere and trying to expand the
3 business. The kids, God bless them. I
4 hope that they stay in the waterfront
5 business and work on the water for the
6 rest of their lives and enjoy Greenport.
7 Thank you.

8 MR. OSINSKI: A few things that I
9 want to address. The first thing is, we
10 had permitted three floating docks. There
11 is no expansion. There is no double,
12 triple. That is completely wrong. There
13 is no floating docks. We did ask for a
14 six foot grading to attach the two docks.
15 To be honest with you, this summer and the
16 sandbars, we had the three floating docks
17 and we had them in for about six or seven
18 years and they are now, we tied one
19 together. We keep them off. This has been
20 there for many years. I am fine where it
21 is. I don't want to expand anything in
22 Widow's Hole. You came over. You told me
23 that it upset you. I told you that I don't
24 need it. I am fine. We don't want to
25 expand anything. Everyone knows that Jenny

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1 and I have problems. I don't want to
2 expand anything. When we were working

3 there during a winter day, my children's
4 feet were hanging over a dock. The water
5 was 35 degrees, but by tying these
6 structures together, I am fine with that.
7 We don't need that. So everyone said
8 don't back off from the permit. We spent
9 three years. I want to take the sorting
10 machine out of Widow's Hole. I want to
11 take the boats out of Widow's Hole. I
12 want to take those cages and put them on
13 that dock. That has been said. That is
14 what we want to do. Secondly, we did not
15 begin this until we got a permit for an
16 oyster farm 12 years ago. We got a permit
17 from the people on this Board. We got the
18 permit and then we began an oyster farm.
19 Okay. We had a permit to run an oyster
20 farm. That is how it happened. This is not
21 a hobby. I am not a hobby type of guy at
22 all. I work hard. My motto in life is
23 "to dyesh, tu distrudesh" (phonetic). My
24 children can tell you what that means. You
25 eat here. You work here. Okay, my kids are

1 hardworking and you can't have them. If
2 they go off to college I don't know what I
3 am going to do. They are good kids. So we
4 don't do anything without permits. We had
5 permits for everything. Everything has
6 been permitted in the past. They have been
7 there. We are experimenting with moving
8 upwellers out there. You can see it on the
9 permit. Let's see how they work out there.
10 The problem is, when the east wind blows,
11 we're exposed but this is what we want to
12 do. We don't want to make our neighbors
13 lives difficult. I mean, I live in the
14 Village of Greenport folks, I hear music
15 to two or three in the morning. It is just
16 the way that Greenport is. We don't start
17 those boats, you know, before 8:30. Nobody
18 comes over to our house before that. It's
19 true, we do have groups of people,
20 neighbors come to ask to buy oysters and
21 sell them oysters. Occasionally, someone

22 from the neighborhood comes over. I do
23 sell them oysters. 95% go into Manhattan.
24 The Village buys a lot of oysters. You
25 know, 99.9% get sold. I take them and

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1 deliver them myself. My wife and I
2 deliver them ourselves or the kids. But
3 we don't want to negatively -- I can see
4 that we work hard and we have been working
5 on this permit for years we do want to
6 clean up this area. The pilings, we were
7 told to leave the pilings by the DEC that
8 blew onto the beach after the storm. The
9 driftwood, all that stuff, we're supposed
10 to leave there. We have one boat in
11 Widow's Hole. We had two all summer and
12 we only used one. I don't think that
13 boating traffic is extensive but we're
14 moving that anyway. We don't want to do
15 something that the community doesn't want.
16 Everything that we do is done with a

17 permit. If we work too hard -- yeah, it's
18 a hard life. You know, I lost last year --
19 I am going to shutdown next week. I lost
20 150,000 oysters from Sandy. They are gone.
21 You know, I can take a vacation. But it's
22 hard to -- I have a contest with nature
23 going on. I don't want to have a contest
24 with neighbors. I don't. I really don't.
25 That is why we're spending close to a

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1 quarter of a million dollars to move this
2 somewhere else. I mean, somewhere out in
3 the bay, hopefully away and won't be a
4 distraction. I understand that someone has
5 a different vantage and viewpoint. I have
6 a different view. I look out of the water
7 and see all the skanky little things and
8 all of that stuff is beautiful to me. I
9 understand for someone else, it can look
10 different. I understand that. Thank you.

11 MAYOR NYCE: Thank you. Is there
12 anyone else that wishes to address the

13 Board?

14 (No Response.)

15 MAYOR NYCE: There are two letters
16 that were asked to read into the record.
17 They were submitted to the Deputy Clerk.
18 This one is from David S. Corwin, 639 Main
19 Street, Greenport, New York. Dear Clerk
20 Pirillo, I would like to comment on two of
21 the scheduled Public Hearings for the
22 November 25, 2013 meeting of the Greenport
23 Village Board and request that you read my
24 comments into the record. And this one is
25 not regarding this one. I apologize. I

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1 will submit it for the record.

2 (Letter from David S. Corwin.
3 Alternate members of the Greenport
4 Planning Board and the Greenport Zoning
5 Board of Appeals. I do not see the
6 addition of alternate members of either
7 board as helpful or workable. Fees for

8 Wetlands Permits. The fees for filing a
9 Wetlands Permit seem high in comparison to
10 other neighboring communities' fees. The
11 fee for dredging is onerous when combined
12 with the initial wetlands fee. Very truly
13 yours, David S. Corwin.)

14 MAYOR NYCE: The next one is from 300
15 Fourth Street, Greenport, New York. Dear
16 Mayor and Members of the Board of
17 Trustees: I write on behalf of my family
18 members who are co-owners with me of our
19 family home at 300 Fourth Street,
20 Greenport, New York. While we cannot be
21 present at the meeting, scheduled for
22 November 25th, we wish to express concerns
23 about the portion of our neighbors'
24 proposal that would expand his oyster
25 business in Widow's Hole. We appreciate

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1 the opportunity to present our comments in
2 writing, and your consideration of our
3 position in your deliberations. Widow's

4 Hole is a narrow inlet known as "the
5 creek," essentially formed by a sandbar,
6 which has eroded significantly over the
7 years. All of us who have lived around
8 this shared inlet (in our case for three
9 generations) have respected each other's
10 use of the water and beach front, and
11 enjoyed access to the bay. The inlet,
12 albeit increasing narrow, is used not only
13 by those of us who live around it but by
14 residents from Sixth Street and beyond as
15 it is accessible to the public at the end
16 of our street and Clark Street. The creek
17 used regularly by small boats including
18 canoes and kayaks, and of course swimmers.
19 All of our properties, including our
20 neighbors' the Osinski's, are zoned R-2.
21 The portion of the bay that abuts their
22 home is zoned W-C, and we are less
23 concerned about the proposed build-up of
24 their business operations into the bay.
25 It is the expansion of the company's

1 operation into the creek that we can not
2 support. Existing Widow's Hole Oyster
3 Company operations push the boundaries of
4 the customary "home occupation" definition
5 under the R-1 and R-2 designations.
6 However, as good neighbors, we have all
7 been willing to accept a certain level of
8 shared, intimate environment. However the
9 proposed expansion would transform what
10 has been largely a family operation into a
11 full scale commercial enterprise. The
12 oyster business is not incidental to the
13 residential use of their property (see
14 definitions of permitted home occupations
15 and accessory use; nor does it fit under
16 "conditional uses" Section 150-29, A(2)
17 and (3)). The ramping up of operations
18 would mean more noise and disturbance, and
19 pose hazards to those who share this
20 narrow waterway. The additional activities
21 also are cause for real concern about

22 small boaters and swimmers safety,
23 particularly little children. The other
24 code that governs additional build-out of
25 the dock or platforms into the creek is

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1 the Local Waterfront Revitalization Plan,
2 which designated this as "Waterfront Area
3 3." That plan, adopted in the late 1990's
4 notes that residential land use dominates
5 the area (south of the commercial dock to
6 Fanning Point). It does not permit
7 commercial use and development in the
8 creek. Water dependent uses were only
9 permitted at the tip of Fanning Point on
10 the west and east sides of the Fifth
11 Street Park. Again, we have no qualms
12 with our neighbors expanding their
13 commercial operations into the bay, where
14 existing zoning appears to permit such
15 activities. We appreciate the positive
16 environmental affects provided by the
17 oysters, and we do not begrudge our

18 neighbors, the Osinski's, their chosen
19 work. It is the significant expansion
20 into an area that is not zoned to permit
21 such a commercial enterprise and the
22 attendant impacts and the accompanying
23 changes in the existing use and enjoyment
24 of our creek that causes us to oppose
25 further expansion into the creek. Zoning

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1 regulations provide the fundamental ground
2 rules for being good neighbors. Not only
3 is the fragile ecology of the creek
4 threatened by such expanded commercial
5 operations but so too are the principles
6 for sustaining meaningful neighborly
7 relations around the creek and for the
8 Village at large. Our wish is to sustain
9 those principles of what it means to be
10 good neighbors. Most sincerely, Suzanne
11 Donovan, Michael Donovan Jeanmarie
12 Hartung, 300 Fourth Street, Greenport, New

13 York.

14 With that, I will ask the Board what
15 would you like to do?

16 TRUSTEE HUBBARD: I will offer a
17 motion to close this Public Hearing and
18 discuss it at the work session next month.

19 TRUSTEE PHILLIPS: Second.

20 MAYOR NYCE: All those in favor?

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE ROBINS: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR NYCE: Aye.

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1 Any opposed or abstentions?

2 (No Response.)

3 MAYOR NYCE: That motion carries. I
4 will ask the Deputy Clerk to please put
5 that on the agenda for the work session.
6 That concludes the Public Hearing portion.
7 So the next portion of our agenda would be
8 the public to address the Board. Prior to

9 doing that, I will state that we do have
10 agenda item that was brought to us by the
11 Village Attorney. That has to do with the
12 contracts for Dvirka and Bartilucci, with
13 whom we contracted with to do the work on
14 the expansion, eastern and western
15 agreement sewer extension studies. When we
16 did the grant application, the Village was
17 going to take on a certain portion of that
18 with in-kind. With discussions with D&B,
19 it was discussed that it would be better
20 for D&B to do that work. So it has changed
21 slightly. And there is a RESOLUTION
22 authorizing the changes in that contract
23 and execution of that contract. With that,
24 I will ask if there is anyone from the
25 public that wishes to address the Board?

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1 MS. RICHARDS: Margaret Richards, 415
2 Kaplan Avenue. That's the real reason why
3 I was here today. I wanted to comment

4 especially since this is on TV. I am
5 exhausted. I am standing on a spider bite
6 but I am here because I want to defend the
7 rights of everyone in this Village to
8 have their rights upheld according to the
9 code when we bought this ground. And that
10 it was put into place for many, many good
11 reasons. There is a core group here that
12 comes to these meetings even when their
13 lives are totally impacted. I was going to
14 say something to the other people that
15 showed up that they should come more often
16 but they are gone. Now one question that I
17 have to bring up, is that Mr. Prokop is
18 pain to be at the Planning Board and
19 Zoning Board meetings and I don't know
20 what else he attends. But when I worked in
21 the East Hampton area, a Village attorney
22 gave the board opinions on methods of law.
23 And that is why he is there. I don't see
24 why we pay Mr. Prokop to attend these
25 meetings when he refuses to interpret the

1 law for the boards. I have yet to see him
2 refine a point of law when the Boards have
3 a law. He just doesn't. My second
4 comment was, I was very happy for Eileen
5 to go to this electrical code whatever it
6 is, and that she has done others in the
7 past. And that she is trying to become a
8 New York State Certified Building
9 Inspector, which in the near future will
10 become necessary. Which they are changing
11 their law from being so vague and will
12 say, you have to do this. Before it was,
13 you should do this. But my question is,
14 she has been to many classes in the past
15 that we have sent her to but she can't
16 still inspect buildings. The applicant
17 has to pay an engineer whenever they have
18 something done. I don't see why we are
19 paying her to be the Building Inspector
20 and then we have to pay separately for an
21 engineer to do her job. Mr. Osinski
22 knows. He paid a couple of grand for his

23 engineer. He had his own engineer
24 separate from that. I know he doesn't
25 love me but that's okay. I really think

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1 this Village has an issue with efforts. I
2 don't think it is as bad as some. I do
3 think a lot of things are being done for
4 private interests that don't take into
5 account the health and interest as a
6 Village as a whole. And I think that we
7 need to start thinking of that way more
8 often. Less about private interests and
9 think about as the whole picture. And I
10 think I am done. Thank you for your time.
11 I thank you for listening. I am glad that
12 we had this opportunity.

13 MAYOR NYCE: Is there anyone else
14 that wishes to address the Board?

15 MR. SWISKEY: William Swiskey, 184
16 Fifth Street. One thing on this agenda
17 that really caught my eye, I have been

18 asking for years on how was the power
19 plant. I was assured everything is
20 working and in A and 1 order. Everything
21 is online and now I see this RESOLUTION
22 11-2013-5, we're going to pay \$55,000.00
23 for someone to come in and condition the
24 transformer. When you wrote the spec or
25 the engineer wrote the spec for this

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1 transformer, everything should have been
2 included up to testing and being online
3 are certified. I mean, I am going to tell
4 you, Members of the Board, I wouldn't vote
5 yes on this until Mr. Braun is standing in
6 front of me and explaining to me why the
7 people of the Village have to pay another
8 \$55,000.00 -- and Mr. Mayor, you can smile
9 all you want, but I have done these
10 transformers. You don't pay -- I will
11 condition the thing for twenty-five
12 because he's just going to come in and
13 test. Basically, unless there is

14 something wrong with the basic engineering
15 of it and he is there to correct it, I
16 mean, \$55,000.00 is Youch. I mean, I urge
17 every Board member, no. Mr. Braun should
18 be here to explain because the people of
19 the Village are basically being ripped off
20 somehow here and bad. All right. The
21 second item I have here, we're going to
22 hire Genesys engineering, that is Mr.
23 Braun, to do the documentation. I mean,
24 what is the cost? You have a RESOLUTION
25 here with no cost attached. How much is he

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1 charging us for these documents? Does
2 anyone on the Board know? Do you know
3 David? Do you know George? I wouldn't vote
4 on this RESOLUTION until you know the
5 cost. And I read on a private website
6 that we're considering suing Alemco
7 because we have problems with switch gear
8 on our engineers which I was assured by

9 the Mayor was A-1 shape. Things are
10 going down quick, badly here. And I think
11 it's up to the other four Board members to
12 protect the interest of the public in
13 this matter. This is bad. This is really
14 gone bad. I tell you, if Dave Kappell was
15 running this operation, I would be out the
16 door. Don't blame this on Jack. This falls
17 back in your engineer. And something is
18 very wrong there. And one more item, is
19 the solar panels in Mitchell Park. You
20 realize that there is going to be no cost
21 savings? If you bond for this, you're
22 going to lose money. I mean, when you pay
23 ten cents a kilowatt per hour, there is
24 just no savings. You don't recover the
25 initial investment. It's "oh, look at

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1 this. It's cute". Cute is the public's
2 money. Unless -- I can find some place
3 better to spend \$3300.00. Let's fix a few
4 potholes or fix the mess across from where

5 everybody gets onto the ball fields.

6 Anyway. Thank you.

7 MAYOR NYCE: Is there anyone else
8 that wishes to address the Board?

9 MR. SALADINO: John Saladino, Sixth
10 Street. I was at the work session when I
11 heard the Treasurer's report. I had
12 talked to Trustee Hubbard about it at last
13 months meeting about the bond for three or
14 four million dollars. The explanation
15 that George was nice enough to give was to
16 pay for a street sweeper and to
17 consolidate some short term bonds into
18 long term. We have four million dollars
19 worth of short term debt. I'm sorry?

20 MAYOR NYCE: I didn't mean to
21 interrupt.

22 MR. SALADINO: I am anxious for the
23 answer. I just didn't hear you. So I
24 will ask again. Do we have four million
25 dollars worth of short term debt?

1 MAYOR NYCE: The bonding has been
2 approved prior. This is funding for the
3 grants. For all three of those grants,
4 bulkhead study.

5 MR. SALADINO: Can you just elaborate
6 on that?

7 MAYOR NYCE: The bulkhead study at
8 Mitchell Park for the grant that we had
9 received for the eastern expansion of the
10 sewer district, for the western expansion
11 of the sewer district. The road grant,
12 all of which need a combination to borrow
13 money and fund balance money to fund those
14 projects. All with that, we are borrowing
15 some money to sure of short term debt.
16 It's the overall bond issue to cover the
17 old debt and new debt.

18 MR. SALADINO: New debt?

19 MAYOR NYCE: Yes. There is new debt
20 that is borrowed for the light plant
21 upgrade. Part of which is the grants that
22 were awarded.

23 MR. SALADINO: Okay. I would like to
24 also comment on the solar panels. I am not
25 sure why we have to hire an outside

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1 consultant and spend \$3300.00. Trustee
2 Murray had suggested just bringing whoever
3 does the work and get the price from them
4 and what the expected outcome will be from
5 them. The explanation was that you would
6 hire them. I am not sure why that would
7 matter. Wouldn't it be your job to
8 determine the feasibility of this in
9 Mitchell Park? As the Board of Trustees
10 wouldn't this be your responsibility? You
11 would get a price from the expected
12 vendor. Do we get the records from the
13 light plant to see how much it costs every
14 month to see how much it cost to run the
15 carousel every month for whatever it is?
16 You are going to run the solar panels.
17 Wouldn't it then be your job to decide
18 whether it's cost effective to do this?

19 Why would we spend \$3300.00 to get a
20 professional engineer in to get his
21 opinion only for you guys to debate it?
22 Right? If the solar people give you a
23 price of what it would cost and the
24 expected outcome from your work and you
25 have the facts and figures of what it

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1 costs for it. Wouldn't it be your job to
2 run the arithmetic? You suggested that. I
3 just don't understand why you guys just
4 can't handle this. Why we have to give
5 an engineer \$3300.00 for a project for
6 you to come back and tell the people that
7 it's X amount of dollars on this. You
8 did it with Clark's Beach. You spent money
9 for a presentation. Not even for
10 information. For a presentation. Now you
11 are going to \$3300.00 to get this guys
12 opinion. That is your job. That is what we
13 hired you for. To decide what is right and

14 what is wrong for this Village. I
15 understand that you guys are not
16 professionals. You know, this is not
17 rocket science. This is basic arithmetic.
18 I think it's ridiculous to spend that kind
19 of money. Like my neighbor Will said I
20 think it's best spent elsewhere. Thanks.

21 MR. OLINKIEWICZ: James Olinkiewicz,
22 289 Third Street and a number of others. I
23 have a couple of questions or issues that
24 I would like to ask the Board. A couple of
25 times I have had discussions with David

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1 Murray over a couple of ideas that I had.
2 I am only an outside property owner that
3 bought and sold property in Greenport for
4 a little over 20 years. There are a
5 couple of things that I wanted to ask the
6 Board. This past year when I was working
7 on 312 Center Street, the new house that I
8 built, during the summer there are a bunch
9 of kids playing in a Greenport program and

10 one kid chased the ball and ran right out
11 in the front and in front of my car. And
12 I was a little concerned about that and
13 David talked to me about the boy scouts
14 putting a fence up with the Village. And I
15 had brought up the idea that maybe when
16 people are arrested in Greenport and
17 brought to the Town of Southold that maybe
18 their community service hours can be used
19 in the Village of Greenport to do projects
20 like that because I would be devastated if
21 I ran a child over. I mean, if they need
22 someone to help surprise it or help with
23 it. I would be more than happy to. To put
24 my time and effort in it. It will only
25 beautify it. I have had some opposition

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1 lately on a couple of projects that I have
2 been asked to do with the Village. And I
3 understand everybody's pinions and sides
4 of the story and I actually appreciate

5 comment from people. I am just trying to
6 get a handle on what the Village is
7 looking for. I was the only landlord to
8 come up and say that I was in favor of the
9 rental law and the size and everybody else
10 was ready to lynch me outside. Then I
11 build more housing here to try and help
12 the situation so that there is not
13 overcrowding and everybody wants to lynch
14 me outside. So I am just trying to get an
15 idea what is the overall plan that the
16 Board or the Village has in regards to
17 this. It's just a really fine line. Laws
18 have been interpreted different ways. On
19 314 Center Street, there was a garage in
20 the back that I had applied for and turned
21 it over a rental property. So the prior 45
22 years beforehand, every permit that was
23 ever issued was granted. So I applied. It
24 got granted. All of a sudden then, a law
25 was created that you can't build a second

1 building for a rental property. Then I
2 subdivide 314 half that were contiguous to
3 other homes. Then I had another piece of
4 property that I wanted to subdivide and
5 all of a sudden that was a stay on
6 subdivisions and write a new law. I am
7 more than happy to help with that. It's
8 just very hard to work in the Village when
9 the ball keeps changing and what's thrown
10 at me, which Peggy and I have a different
11 opinion about. It's in an R-2 Zone and
12 converted to a building. There has been
13 some questions and stuff. I just don't
14 know what the Board is. I don't think I
15 have done anything in the Village to lower
16 property values. I have taken houses that
17 are boarded up and almost condemned and that
18 had foundations in them that were an
19 eyesore and built nice affordable rental
20 houses. Is it a business? Yes. Do I
21 expect to make some return on my money?
22 Yes. Do I keep my properties nice and
23 neat? Yes. I am on my tenants all the

24 time. We mow the grass. We clean the
25 yards. We do everything. So I am just

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1 trying to get an overall feel for where
2 the Board is feeling on this and where
3 their long term plans to affordable
4 housing is. You are going to have to
5 build. You are going to have to do that.
6 If it's not me, it will be somebody else.
7 There are going to be people that are
8 going to be subdividing. That whole line
9 needs to be straightening out or future
10 out. And I can't believe I am saying
11 this, another law needs to be figured out
12 to allow that to happen because we have
13 neighbors that want to convert everything
14 back to R-1. I mean, it's just a barrage
15 from everywhere. I am welcome to talk to
16 anybody at one time. It's just trying to
17 get a handle on it. That is all I wanted
18 to say. Thank you.

15 to make a second dwelling if you have an
16 existing residence already there. And it
17 has been allowed all over the place. And
18 also the garage should have never
19 happened. So he has been given some gifts
20 and he should be grateful. Yes. He keeps
21 his properties nice. He's a very nice
22 man. He reminds me of one of my sons.
23 But the Village has a code. If you don't
24 like what it says, then you have to change
25 the code. Not ignore.

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1 MAYOR NYCE: Is there anyone else
2 that wishes to address the Board?

3 (No Response.)

4 MAYOR NYCE: Okay. That will then
5 conclude the public portion. A couple of
6 things. Do these in reverse order. To Mr.
7 Olinkiewicz, this Board is not going to
8 comment on things that the Zoning Board
9 has done because it would be improper for

10 us to do so. This Village has a long
11 history of addressing Affordable Housing.
12 None of these things were done to express
13 to any individual. Code changes with time.
14 This Board wants to make sure that we have
15 as many high quality rentals as we can
16 have. When I say high quality, not meaning
17 price, meaning the way that they are
18 maintained. We have very small lots, which
19 you have noticed. I think over time, the
20 Boards have gone out of the way to make
21 sure that the concerns of the public are
22 addressed. As far as the community
23 service. We do that all the time through
24 the Clerk's Office. As far as the Town
25 Justice Court does not generally contact

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1 the Village. If they do contact us, we
2 usually have our people supervise them
3 which then has a degree of difficulty to
4 it. I will find out from the Justice
5 Court if they will allow community service

6 to be done through an individual business
7 and if so, I would very much appreciate
8 your offer. I don't know if we can but I
9 will certainly reach out.

10 As far as the outside engineer for
11 the solar project, I brought it up that we
12 should have the outside company of the
13 engineer that is bidding on it. I had
14 suggested that likely to get an
15 independent person to do an independent
16 study. Because likely. Mr. Saladino,
17 likely, if we didn't have an engineer, you
18 would then be standing up here and saying
19 how come we didn't have an independent
20 engineer bidding --

21 MR. SALADINO: That's --

22 MAYOR NYCE: Mr. Saladino, please
23 don't interrupt. Please don't interrupt.
24 At any rate, I have absolutely no desire
25 to spend money that we don't need to

1 spend. I went out and had gotten some
2 estimates. I have no problem if we want
3 to have the company do it. I have no
4 problem with that either. On the bid
5 documents hiring Genesys Engineering, Mr.
6 Prokop, do you have the total amount?

7 MR. PROKOP: Yes, I do.

8 MAYOR NYCE: Okay. We will add that
9 to the agenda item. That is an oversight
10 on my part. I apologize for that. As far
11 as the commissioning at the power plant,
12 the conditioning is a normal part of the
13 transformer. Whether that has been done
14 in the past or not, the monies that are
15 expended are part of the overall cost.
16 Its part of the upgrade. They are
17 included. I think that covers most of
18 everything. So as far as RESOLUTION #7,
19 what is the amount?

20 MR. PROKOP: \$285,400.00.

21 MAYOR NYCE: And that covers the rest
22 of the agenda items. So we will put that
23 RESOLUTION in and adding in an amount.

24 And with that addition and one RESOLUTION,
25 which will be -- I will list that as

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1 RESOLUTION #32.

2 So I will offer a RESOLUTION
3 #11-2013-1, RESOLUTION adopting the
4 November 2013 agenda with the addition of
5 adding in the amount of \$285,400.00 to
6 RESOLUTION #7 and adding RESOLUTION #32.

7 TRUSTEE MURRAY: 22.

8 MAYOR NYCE: Thank you. Which would
9 change the amount and execution of the
10 contract with Dvirka and Bartilucci.
11 Those two changes.

12 So moved.

13 TRUSTEE ROBINS: I will second that.

14 MAYOR NYCE: All those in favor?

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE ROBINS: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 MAYOR NYCE: Aye.

20 Any opposed or abstentions?
21 (No Response.)
22 MAYOR NYCE: That motion carries.
23 TRUSTEE MURRAY: RESOLUTION
24 #11-2013-2, RESOLUTION accepting the
25 monthly reports of the Greenport Fire

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

5 So moved.

6 TRUSTEE HUBBARD: 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: That motion carries.
16 TRUSTEE HUBBARD: RESOLUTION
17 #11-2013-3, RESOLUTION authorizing
18 Treasurer Kagel to perform the attached
19 budget adjustment.
20 So moved.
21 TRUSTEE ROBINS: 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 TRUSTEE ROBINS: RESOLUTION
7 #11-2013-4, RESOLUTION adopting the
8 following revised work schedules and
9 corresponding salaries for Treasurer Kagel
10 and Deputy Treasurer Brandt, effective

11 December 2, 2013. 14 hours per month at an
12 annual salary of \$10,000.00 per year for
13 Treasurer Kagel, until her retirement
14 effective date of February 1, 2014, and 40
15 hours per week for Deputy Treasurer Brandt
16 at an annual salary of \$65,875.00 per
17 year.

18 So moved.

19 TRUSTEE PHILLIPS: Second.

20 MAYOR NYCE: All those in favor?

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE ROBINS: Aye.

24 TRUSTEE PHILLIPS: Aye.

25 MAYOR NYCE: Aye.

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1 Any opposed or abstentions?

2 (No Response.)

3 MAYOR NYCE: That motion carries.

4 TRUSTEE PHILLIPS: RESOLUTION

5 #11-2013-5, approving the proposal as

6 submitted by American Electrical Testing
7 Co., Inc., to commission the new
8 transformer at the Village of Greenport
9 power plant, at a cost not to exceed
10 \$54,650.00, as part of the ongoing capital
11 upgrade project, and authorizing Mayor
12 Nyce to sign and execute the corresponding
13 contract between American Electrical
14 Testing Co., Inc., and the Village of
15 Greenport.

16 So moved.

17 TRUSTEE MURRAY: Second.

18 MAYOR NYCE: By way of discussion, I
19 made the Board aware that part of this
20 total is already covered by monies already
21 promised to Hawkeye. Should Hawkeye not do
22 this work and American Electrical Testing
23 do it. That's why the number is
24 \$54,650.00. Notice, there is a double
25 amount that is in there that it will be

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1 removed from Hawkeye if Hawkeye doesn't do

2 the work and AEF does it.

3 TRUSTEE PHILLIPS: The amount in
4 contract for Hawkeye is \$7,000.00?

5 MAYOR NYCE: \$7,000.00.

6 TRUSTEE PHILLIPS: And as you and I
7 discussed earlier in the week, part of my
8 concern is that this is not separated out.
9 If the Village Attorney is comfortable
10 leaving it this way, then I am fine with
11 it. But I just think for clear audit, that
12 it should be separated.

13 MAYOR NYCE: What I will also ask that
14 the Deputy Clerk that this conversation
15 also be attached to this RESOLUTION, so
16 that it is clear for anyone that is
17 researching it later on that the amount
18 of \$7,000.00 that Hawkeye is supposed to
19 cover be removed if Hawkeye does not do
20 the work.

21 If there is no further discussion, I
22 will call a vote.

23 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 Any opposed or abstentions?

5 (No Response.)

6 MAYOR NYCE: That motion carries.

7 TRUSTEE MURRAY: RESOLUTION

8 #11-2013-6, RESOLUTION authorizing Mayor

9 Nyce to sign the attached letter to

10 Assemblyman Sweeney concerning Bill A

11 6428, regarding the adoption of local laws

12 related to wild deer.

13 So moved.

14 TRUSTEE HUBBARD: Second.

15 MAYOR NYCE: 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: That motion carries.
24 TRUSTEE HUBBARD: RESOLUTION
25 #11-2013-7, RESOLUTION authorizing Mayor

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1 Nyce to execute the agreement with Genesys
2 Engineering for engineering services,
3 preparation of bid documents, and review
4 of bid documents, as related to Phase II
5 of the capital improvements project at the
6 Village of Greenport power plant at a cost
7 of \$285,400.00.

8 So moved.

9 TRUSTEE ROBINS: 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.

19 TRUSTEE ROBINS: RESOLUTION

20 #11-2013-8, RESOLUTION adopting the

21 Village of Greenport Investment Policy as

22 attached, which distinguishes Length of

23 Service Award Program funds from Village

24 of Greenport general municipal funds.

25 So moved.

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1 TRUSTEE PHILLIPS: 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: That motion carries.

11 TRUSTEE PHILLIPS: RESOLUTION
12 #11-2013-9, RESOLUTION authorizing a
13 feasibility/engineering study for the
14 solar project at Mitchell Park, per the
15 proposal as submitted by J.R. Holzmacher,
16 at a cost not to exceed \$3,300.00.

17 So moved.

18 TRUSTEE MURRAY: Second.

19 TRUSTEE HUBBARD: Just a discussion
20 on that. I know Trustee Murray had
21 mentioned having a contractor do it. If
22 we can get a proposal from the contractor
23 first and then if we are not comfortable
24 with it, go and get our own independent?

25 TRUSTEE PHILLIPS: I was going to

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1 suggest that we do a little further
2 investigation because that has been some
3 further interest in the help of this
4 project. So is there any sort of rush
5 that we vote on this today? Can we handle
6 it next month?

7 MAYOR NYCE: Only trying to keep it
8 going. The only other option we have is
9 to go out for an RFP and submit a proposal
10 and analyze those proposals. Again, we
11 were going to be left to analyze it. None
12 of us are engineers.

13 TRUSTEE HUBBARD: I understand that.
14 They would give us a basic proposal. They
15 would say if this would work or not.
16 Without going to whole process of going to
17 have to go through the bids and proposals.

18 MAYOR NYCE: When John was here.
19 That is what he gave us. They all had a
20 bottom line cost. And the discussion was
21 does this make sense as composed to our
22 overall demand.

23 TRUSTEE HUBBARD: I missed that. I
24 don't remember seeing that. Okay.

25 TRUSTEE MURRAY: I would like to

1 maybe make a motion to table this, to give

2 everyone another opportunity to review the
3 proposals. I don't remember seeing him
4 saying weighing the difference.

5 MAYOR NYCE: He didn't have the
6 figures at the time. We can do an RFP
7 saying that this is what we would like to
8 do or -- that would be the next logical
9 step. Put out an RFP.

10 TRUSTEE MURRAY: To keep this moving,
11 maybe we do that. I think there were good
12 comments from Mr. Saladino, that maybe we
13 can analyze this our self. So can we
14 change this?

15 MAYOR NYCE: We could potentially
16 amend the proposal that was submitted by
17 John Sabarini. We can pull together what
18 he has. The RFP should include that in the
19 analysis.

20 TRUSTEE PHILLIPS: And find if it
21 would be cost effective.

22 MAYOR NYCE: Right. Absolutely.

23 TRUSTEE PHILLIPS: I am in favor of
24 either tabling it or changing it to an

25 RFP.

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1 MAYOR NYCE: What I will do is offer
2 a RESOLUTION to withdraw RESOLUTION
3 11-2013-9.

4 TRUSTEE PHILLIPS: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE ROBINS: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No Response.)

13 MAYOR NYCE: That motion carries.

14 And then I will offer a RESOLUTION in
15 substitute of RESOLUTION #11-2013-9, to
16 authorize the Board to submit an RFP based
17 on the proposal by John Sabarini for
18 potential solar panels that are to include
19 the engineering for electric usage as well
20 as cost of the project.

21 So moved.
22 TRUSTEE PHILLIPS: 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 Any opposed or abstentions?
5 (No Response.)
6 MAYOR NYCE: That motion carries.
7 Thank you all.
8 TRUSTEE MURRAY: RESOLUTION
9 #11-2013-10, RESOLUTION authorizing
10 Trustee Murray, myself, and Marina Manager
11 Goubeaud to create specifications for a
12 camera-based video surveillance security
13 system at Mitchell Park and Marina, and
14 directing Clerk Pirillo to notice the
15 request accordingly.

16 So moved.

17 TRUSTEE HUBBARD: Second.

18 One question. At the work session, we
19 did talk about all Village properties. Are
20 we going to do them separately?

21 MAYOR NYCE: Let's do this one this
22 month and throw in the rest next month.

23 TRUSTEE HUBBARD: Okay. That's fine.
24 I just wanted to mention that.

25 MAYOR NYCE: Absolutely.

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1 All those in favor?

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE MURRAY: Aye.

4 TRUSTEE ROBINS: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Aye.

7 Any opposed or abstentions?

8 (No Response.)

9 MAYOR NYCE: That motion carries.

10 TRUSTEE HUBBARD: RESOLUTION

11 #11-2013-11, RESOLUTION authorizing Eileen

12 Wingate to attend the 2011 National
13 Electrical Code Updates and Electrical
14 Safety Course, in Quoge, New York; as
15 sponsored by the New York State Department
16 of State, on December 17, 2013, at a cost
17 of \$10.00 plus all applicable travel
18 expenses, to be expensed from line item
19 number A.3620.400 (Safety Inspector
20 Contractual Expense.)

21 So moved.

22 TRUSTEE ROBINS: Second.

23 MAYOR NYCE: All those in favor?

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE MURRAY: Aye.

86

1 TRUSTEE ROBINS: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MAYOR NYCE: Aye.

4 Any opposed or abstentions?

5 (No Response.)

6 MAYOR NYCE: That motion carries.

7 TRUSTEE ROBINS: RESOLUTION
8 #11-2013-12, RESOLUTION approving the
9 Public Assembly Permit Application as
10 submitted by the Off Soundings Club for
11 the use of a portion of Mitchell Park from
12 4:30 p.m. through 7:30 p.m. on September
13 12, 2014 and September 13, 2014.

14 So moved.

15 TRUSTEE PHILLIPS: 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 PHILLIPS: RESOLUTION

87

1 #11-2013-13, RESOLUTION accepting with
2 regret the resignation of Linnea

3 Atinson-Loveless, effective October 28,
4 2013; as Chairperson and member of the
5 Village of Greenport Planning Board.

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: That motion carries.

17 TRUSTEE MURRAY: RESOLUTION

18 #11-2013-14, RESOLUTION approving the
19 request of the American Cancer Society to
20 use Mitchell Park on May 31, 2014 from 12
21 noon through 12 midnight, for the annual
22 Relay for Life Fundraiser.

23 So moved.

24 TRUSTEE HUBBARD: Second.

25 MAYOR NYCE: All those in favor?

1 TRUSTEE HUBBARD: Aye.

2 TRUSTEE MURRAY: Aye.

3 TRUSTEE ROBINS: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Aye.

6 Any opposed or abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE HUBBARD: RESOLUTION

10 #11-2013-15, RESOLUTION approving and
11 authorizing Clerk Pirillo to sign the
12 contract between the Village of Greenport
13 and Broadcast Music, Inc, (B.M.I) for the
14 contract period of October 1, 2013 through
15 October 1, 2014; for a fee to B.M.I. of
16 \$327.00 for the one-year contract period.

17 So moved.

18 TRUSTEE ROBINS: 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?

89

1 (No Response.)
2 MAYOR NYCE: That motion carries.
3 TRUSTEE ROBINS: RESOLUTION
4 #11-2013-16, RESOLUTION authorizing Clerk
5 Pirillo to attend a seminar regarding
6 electronic death certificate registration,
7 sponsored by the New York State
8 Association of Town Clerks, on December
9 11, 2013 at the Garden City Hotel, at a
10 cost of \$42.00, to be expensed from line
11 item number A.1410.400 Clerk Contractual
12 Expense.
13 So moved.
14 TRUSTEE PHILLIPS: Second.
15 MAYOR NYCE: 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: That motion carries.
24 TRUSTEE PHILLIPS: RESOLUTION
25 #11-2013-17, RESOLUTION declaring as

90

1 surplus and no longer needed for municipal
2 purposes, the equipment and materials per
3 attached list.
4 So moved.
5 TRUSTEE MURRAY: 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 MURRAY: RESOLUTION
16 #11-2013-18, RESOLUTION authorizing Mayor
17 Nyce to sign the agreement of assignment
18 between Hawkeye, LLC and the Village of
19 Greenport, which assigns the agreement
20 between Hawkeye, LLC, and the Village of
21 Greenport to Elecnor Hawkeye, LLC.
22 So moved.
23 TRUSTEE HUBBARD: Second.
24 MAYOR NYCE: All those in favor?
25 TRUSTEE HUBBARD: Aye.

91

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: That motion carries.

8 TRUSTEE HUBBARD: RESOLUTION
9 #11-2013-19, RESOLUTION authorizing the
10 attendance of Mayor Nyce and Jim Fogarty
11 at the New York Association of Public
12 Power December Business Meeting in Albany,
13 New York from December 4, 2013 through
14 December 5, 2013. Corresponding costs are
15 as follows: \$225.00 per person for the
16 meeting fee of \$139.00 per person per
17 night for lodging at the Hampton Inn,
18 \$6.25 per day for parking at the Hampton
19 Inn, and all other applicable mileage and
20 travel charges. These are to be expensed
21 from line item number A.1210.400 (Mayor
22 Contractural Expense) for Mayor Nyce and
23 from line item number E.0785.210 (Employee
24 Training) for Jim Fogarty.
25 So moved.

92

1 TRUSTEE ROBINS: Second.
2 MAYOR NYCE: As many of you know, Jim

3 had an accident. So I don't know if he is
4 going to be attending this or not. If he
5 does not, then those expenses will not be
6 incurred.

7 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: That motion carries.

16 TRUSTEE ROBINS: RESOLUTION

17 #11-2013-20, RESOLUTION awarding the
18 contract for the removal of Village trees
19 and stumps to Chris Mohr Lawncare &
20 Landscaping, Inc., for a total price of
21 \$3,100.00; per the bid opening on November
22 20, 2013 at 1:06 p.m.

23 So moved.

24 TRUSTEE PHILLIPS: Second.

25 MAYOR NYCE: All those in favor?

1 TRUSTEE HUBBARD: Aye.

2 TRUSTEE MURRAY: Aye.

3 TRUSTEE ROBINS: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Aye.

6 Any opposed or abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE PHILLIPS: RESOLUTION

10 #11-2013-21, RESOLUTION approving all
11 checks per the Voucher Summary Report
12 dated November 22, 2013 in the total
13 amount of \$408,048.35 consisting of: All
14 regular checks in the amount of
15 \$412,465.78, and all prepaid checks
16 including wire transfers in the amount of
17 \$67,582.57.

18 So moved.

19 TRUSTEE MURRAY: Second.

20 MAYOR NYCE: All those in favor?

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE MURRAY: Aye.
23 TRUSTEE ROBINS: Aye.
24 TRUSTEE PHILLIPS: Aye.
25 MAYOR NYCE: Aye.

94

1 Any opposed or abstentions?
2 (No Response.)
3 MAYOR NYCE: That motion carries.
4 RESOLUTION #11-2013-22, RESOLUTION
5 amending the contract with Dvirka &
6 Bartilucci, whereas RESOLUTION
7 #11-2013-25, authorizing the Village to
8 enter into a contract with Dvirka &
9 Bartilucci to prepare the eastern and
10 western agreement sewer extension studies
11 in the amount of \$18,518.00 respectively,
12 whereas the scope of this project has not
13 changed and this increase is within the
14 amounts awarded in the grant project, and
15 therefore be it resolved, the amended
16 contract amount is authorized with Dvirka

17 & Bartilucci for preparation of eastern
18 and western sewer studies is now
19 \$24,475.00 for the eastern and \$22,475.00
20 for the western studies. 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.

95

1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Aye.

3 Any opposed or abstentions?

4 (No Response.)

5 MAYOR NYCE: That motion carries.

6 That concludes the business before
7 the Board.

8 So at 8:08, I will offer a motion to
9 adjourn to Executive Session and discuss
10 contractual issues.

11 So moved.

12 TRUSTEE PHILLIPS: 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: We're adjourned.

22

23 (Whereupon, the meeting concluded.)

24

25

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

2

3

4 I, Jessica DiLallo, a Notary Public for
5 and within the State of New York, do hereby
6 certify:

7 THAT, the witness(es) whose testimony

8 is herein before set forth, was duly sworn
9 by me, and

10 THAT the within transcript is a true
11 record of the testimony given by said
12 witness(es).

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

18 IN WITNESS WHEREOF, I have hereunto set
19 my hand this day, December 10, 2013.

20

21

22 _____

23 (Jessica DiLallo)

24

25

* * *