April 23, 2012

VILLAGE OF GREENPORT

VILLAGE BOARD OF TRUSTEES

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REGULAR MEETING,

APRIL 23, 2012

236 Third Street
Greenport, New York

April 23, 2012
6:02 p.m.

A P P E A R A N C E S:

JOSEPH W. PROKOP, P.L.L.C
Attorney for the Village Board of Trustees
267 Carleton Avenue
Central Islip, New York 11722

BY: JOSEPH W. PROKOP, ESQ.

David Nyce - Mayor

Dave Murray - Trustee
MR. NYCE: It is 6:02, and I call
this meeting to order. Before we go
into our announcements, the Chief of the
Fire Department just brought in a letter
that he received from the State
Assembly. It says, "Dear Chief White, I
want to thank you and the rest of the
volunteers from the Greenport Fire
Department for your heroic actions in
containing and extinguishing the Ridge
and Manorville wildfires. The
Department displayed courage in the face
of danger and was willing to make the
ultimate sacrifice to keep the residents
of our community safe. You're true
heros and the efforts of your department
show honorable character. Once again,
I'd like to thank you and the rest of
your volunteers from your Department for
your heroic actions containing and
extinguishing the Ridge and Manorville
wildfires." I'd like to thank them for
recognizing this department, and I'd
also like to thank our department who is

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second to none.

We have several announcements.

Tickets are available online for the
Tall Ships event on Memorial Day
Weekend. I do want to remind people
that the tickets that are on sale now
are at a discounted price. The price will be going up two weeks prior to the event. There may be additional services -- family discounts -- at that time, but as of now, the tickets are at a very low price. We recommend that people purchase them in advance. There are seasonal part-time positions available in parks and recreation departments. Please apply through the Village Clerk's office or the Village Administrator's office. I'd like to extend an invitation to everyone to please join us for the Annual Arbor Day Ceremony at the Third Street park on May 24th at 10:00 a.m. over at the Third Street park. They will be commemorating long-standing members of the community,
planting a tree and celebrating the
actions of the Tree Committee over the
course of the year.

Under public interests, realizing
that we just had a very nice drenching
rain, it has been a dry spring, and
under the dry conditions simple things
can start fires, and we have some
wonderful assets in the Village -- that
being woods, et cetera, that were in
danger. Anything like throwing
cigarettes out of the car window, glass
bottles can start these fires and I
would encourage everyone to please be
diligent. We also, as you know -- if
you read the paper or were at the work
session, there were a rash of
vandalism -- some vandalism where some
fires were started. If anybody sees
anything of that nature, please report
it immediately to the police department.
I'd also like to offer a congratulations
from this Board, to chiefs and captains elections from the beginning of the

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month. I'd like to congratulate them. We have three public hearings tonight. One is on ZBA, changing of our local law for procedures as it pertains to noticing public hearings. We have a public hearing on the Conservation Easement for the Exxon-Mobil property, and we have a continuation of the 2012/2013 Budget Hearing.

We're gonna start with the local law, ZBA. This was done to help out the Planning Board. It does not have the same notification requirements of applicants that the ZBA does, so with the Code Committee, at the request of
the Village Administrator and Building Department and Planning Board, we are looking to amend our Code to require that applicants, before any of the boards, Zoning, Planning, Historic Preservation, where a public hearing is necessary, that that public hearing be noticed by the applicants by certified mail, but, also, this local law would also require a placard be placed at the property in question announcing the same thing. So I will say at this time this public hearing has been properly noticed. Anybody wishing to make comment can do so at this time and there comments will be taken down for the record. I would ask if there is anyone
who would want to address the Board on this proposed local law amendment? If not, I would entertain a motion to close the public hearing.

MS. PHILLIPS: I make the motion.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? That public hearing is closed. I would ask that the Village Clerk place this on the agenda for next month's work session.

Our next public hearing is on the possible Conservation Easement and the Village's participation in that for the Exxon-Mobil property. I'd like to point
out how we're gonna handle this. We
have representatives from Peconic Land
Trust here and Exxon-Mobil. What I'd
like to do is open it up to them to
explain the project and explain the
process, after which, I'll open it to
the public. Depending on the outcome of
the public comment, we will either
decide to hold it open or close the
public hearing, the Board will comment
and then we'll move onto our next public
hearing.

Joe, we don't need to explain our
portion of it until later on?

MR. PROKOP: They should do the
presentation first.

MR. NYCE: This public hearing
regarding the Exxon-Mobil Conservation
Easement was properly noticed and anyone
wishing to comment on this Conservation
Easement can do so at this time, and
their comments will be taken down for
the public record. I'll turn it over to
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Stephen from the Peconic Land Trust.

MR. SEARL: Thank you. Good evening everybody. My name is Stephen Searl with Peconic Land Trust. Our mission -- in case people don't know -- is to conserve working lands, natural lands in our heritage for now and in the future, so I did want to just kind of give a brief overview of this project and talk specifically about the Conservation Easement as well. The Town had their public hearing already about a month and a half or so ago, but we've been working with Exxon-Mobil on their property. For those of you who don't know -- I'm sure you do -- it's on the corner of Fourth and Clark Street, and
it's about two acres in size and we've been working with them for at least two years now to facilitate the conservation outcome for that property. I think the company -- I can let them speak for themselves, but essentially it's like a pilot project for the company, which, if successful, will hopefully be replicated at a national level, and for surplus properties they have, so we'd like to try to achieve this, and like I said, we've been working toward this for two years. We would achieve this by one party holding a Conservation Easement and the other company identified the Town of Southold; they have the experience. They have a land
preservation department. They obviously
hold many conservation Easements, more
for farmland than open spaces, but
there's obviously a lot of similarities
in terms of monitoring and enforcing the
restrictions of the Conservation
Easement. The second step in this
possible outcome is to donate the fee
title for the actual land after it's
been preserved to Peconic Land Trust.

I would like to outline
briefly -- there is a handout here,
which is very helpful -- the summary of
the Conservation Easement. If anybody
wants a copy, you're more than welcome
to it, but essentially it prohibits any
future industrial, residential,
commercial development, and I think it's actually best to describe it by what it allows, which is not very much. It allows ecological restoration, it allows passive outdoor recreation, essentially walking, which you're allowed to do on the perimeter -- the beach front of the property now -- but it's possible that down the road we may open that up to have access through the property. We're gonna have to see how that goes, but that is an allowable use, and finally, educational opportunities as it relates to the restoration in particular, so again, the educational opportunities would probably be related to ongoing restoration and possible marine activity as well on the property, but that's kind of a longer-term plan. We're not quite there yet in terms of future uses, and right now we're really just working with
the company to try to achieve the conservation outcome, which is Conservation Easement on the property held by the Town of Southold and the property then donated in fee subject to the Conservation Easement to the Peconic Land Trust.

One thing we had talked about prior was the possibility of the Village being a party to the Easement and that may -- in essence, they can help enforce and monitor the Conservation Easement and the restrictions on the property. It makes a lot of sense. The property is in the Village, and quite honestly, will probably have the most interaction with the Village because it's here, and any kind of restoration efforts that we do, we will be coming to you essentially
and any kind of improvements that we make, again, they would be limited because they'd have to be in the scope of these restrictions, but -- so, again, it's just something that this Board can be a part of they'd like to, or not, but that's up to this Board. I'd be happy to -- again, I did want to emphasize that this still is a work-in-progress, and Exxon is going to meet and go through their process, their Board of Directors, which is a long process, but I would hope by the beginning of this summer that this could come, possibly, to fruition.

MS. KEMPNER: Have you seen all of the environmental documents? Do you
feel the remediation has been fully complete? Because I haven't seen them.

I was trying to get a copy and I did ask the Mobil representative and she told me that she wouldn't provide them, but I could get them from the DEC, and I tried to, and I haven't gotten them, so at this point, I was concerned with the exposure of the metal from the last hurricane. Who would have the liability on the property once the transaction is complete? If someone's walking on the beach and they cut themselves on a piece of metal, how does that work?

MR. SEARL: Essentially, we would be the owners going forward, so we would be responsible for that. I can talk to
MS. KEMPNER: I've spoken to them, but didn't get much information and got redirected back to the DEC, and I was told if the Village didn't want to participate the project will continue on its current path with Peconic Land Trust and Southold, so I was curious if you had that information, because I haven't seen it.

MR. SEARL: I can tell you now that I do believe I have most of that information. We are going to do an independent environmental assessment once we're further along in the process, onces Exxon signs off on it -- basically, the Town has signed off on it and the Land Trust, our board of directors has signed off on it. Once
Exxon signs off on it, we will then go through a fairly rigorous environmental study assessment, so I can tell you at that time -- yes, we will be doing that. The Town also needs that.

MS. KEMPNER: Is there a value assigned to the property? Is there some type of value for the transaction that the company values at?

MR. SEARLE: It's gonna be a donation, so it's gonna be -- everything the conservation easement is going to be doing -- and the fee title is gonna be donated as well, so Exxon, whether they have an appraisal, that's -- yes.

MS. KEMPNER: There's issues. The public property is great, but there's issues with the lost tax revenue and also the liability and what else was on the property, just to get more of a background as to what's open to the
public. I have a particular concern
because I live in that neighborhood and
if there's kids that are on the property

then I'd like to see more of what was
underneath there. I'm not really
familiar with what was happening there.
I have very little information about --

MR. SEARL: I know there's a lot
of public documentation on this. I'd be
happy to get you privy to that.

MS. KEMPNER: That's why I was
curious if you had it.

MR. NYCE: Can we set it up that
they do their presentation to the
public, let them comment, and then we,
the Board, ask questions and make
comments, so if we could stick with that
MS. KEMPNER: I just had questions to see -- sure.

MR. NYCE: We'll preserve our questions to the end. Does Exxon have anything they want to add before I open it up to the public?

MS. BROWN: Hi. I'm Maggie Brown. I represent Exxon-Mobil. I don't have a lot to add because I think Steve did a pretty good job describing it. I guess the only thing I would add is that the Mayor knows we did come into the community three of four years ago -- I can't quite remember -- when Exxon-Mobil was trying to figure out the disposition option for this plan, and at
that time, did try and reach out to the Village, to neighbors around there and start to put out -- we met with the Environmental Conservation, to the community for open space -- would be something -- and I'm happy to say we have a lot of support for that option, which is why we continue to pursue it with the Peconic Land Trust. As Stephen indicated, there is not a lot of guidance out there for corporations looking to donate their property to Conservation Easement, so it's great to partner with the Peconic Land Trust for that, and I think -- frankly, it's a pretty exciting project, so other than that, I don't have a lot of more to add.
Thank you.

MR. NYCE: I'd like to open it up to the public for comment. Is there anyone from the public that wishes to address this Conservation Easement or this project?

MR. SALADINO: John Saladino, Sixth Street. I have a few questions that I would ask the Board -- to Mobil, and to the Peconic Land Trust. Is there a recreational management plan for the property? Conservation Easement, to my understanding, you're supposed to file a recreational management plan to let the people know exactly what's gonna happen with the property. I'm concerned about the tax liability also. It's my understanding that the DEC allows a -- the State allows a 25% tax reduction on any property that has a Conservation Easement, so Federal, State and Town taxes would be reduced by 25% up to the maximum of $5,000.
MS. KEMPNER: Well, ultimately it would lead to nonprofit, so no tax, so 25% would be a bargain.

MR. SALADINO: Well, also, I have figures here that the Town gets $3,300, the Village gets $3,000, and it's my understanding the school gets $16,000, so it's a big distribution. I would ask again, Mobil and the Peconic Land Trust through the Board, what do we get in return? We get the perimeter of the property, which we kind of have already. The fence is supposed to remain intact, so we're not gonna be allowed on the property -- yet. I kind of remember the conversation three or four years ago, and there was a question with the
supervisor, actually, he was involved in the conversation, just how clean the property was and the fact that there was questions about it -- would limit development anyway, so the property is questionable as far as its environmental standpoint and probably prohibited anyway. Why give Conservation Easement

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and lose the tax revenue for property you're not gonna be able to use anyhow. The way I see it, the Peconic Land Trust gets a stipend to oversee the property, Mobil gets a tax break, and, John, the Village collectively kind of gets nothing, so maybe they could answer that. Thank you.

MR. SWISKEY: William Swiskey, 184
Fifth Street. I was a little shocked
since probably in a year or two the
school district's gonna lose $16,000,
the Village, 3,000 and the Town -- it
just makes no economic sense. The
school district, basically, is gonna ask
us for a 7 percent tax increase and Lord
knows what it'll be next year, yet
they're willing to give away $16,000. I
think things have to be considered here
before -- yeah, they went to the Town,
they want to get rid of the Historic
District. Chris, nobody has ever seen
the certification from the DEC --

MS. KEMPNER: I have it.

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MR. SWISKEY: Well, I can tell you
something. Go to the corner of Clark
and Fifth Street and dig a hole four feet in the ground, what you find there will make you gag. It's not been cleaned up. I think it's incumbent on the Village Board -- that plume has been traveling for God knows how many years, and they go on the property and punch a hole in this corner, that corner, there's techniques to getting around where the pollution actually is. There should be a full-blown environmental assessment because I believe that plume is probably someplace on Fifth Street now if you dig far enough, because I experienced it firsthand, and it was like -- woah -- I think we better get out of this trench before we pass out because the stink is terrible, and I'll testify to that under oath, so before you even let them go there -- basically, they're gonna give the property -- Peconic Land Trust -- this
pollution -- who's stuck with paying for the clean-up? The taxpayers of the Village of Greenport -- 'cause that's where it is, so this is something you want to approach carefully. They say they can donate it, then why don't they donate it to the Village of Greenport, and we'll take it with the understanding that if future pollution is discovered, they're responsible for cleaning it up. I think we need to take a real realistic approach on this because believe me, that property is not clean. Thank you.

MR. MOORE: Hi. Doug Moore, 145 Sterling Street. I think one thing that would be useful -- or in the dialogue of the work session is to actually post the financial losses of the tax revenue.
Nobody seems to know exactly what they are, so that's one recommendation.

Secondly, I think, since this is in the Village, that the Village should be a part of the process and not disengage themselves because -- I just had a brief opportunity to look at the draft agreement and it looks like there could be certain limited developments on the property promoting its use. I think the Village should stay connected to that because they have interest in knowing what's going on, and last, issues that are being brought up about access, I think it's very important that the public have access to the entire property. The concept of leaving a
fence and walking around the perimeter is no change from what already exists, so I think, even though initially, from restoration of the property, there might be some restrictions for public access, but I think at some point there should be open access for the public and that would maintain visibility and limit the unauthorized use of the property. Thank you.

MS. KAPELL: Eileen Kapell, 4th Street. My question is very simple. What do we get out of this? I live on 4th Street. I walk that property every day, sometimes twice a day. It has been cleaned up. There's a fence with barbed wires, which is all great for the use of
the property. I'm a little concerned
about the future of this property. The
beach now is clean. I must say the
beach -- the metal is taken away by
Mobil; they did a great job, but the
beach was cleaned by a local 26 year-old
young man who cleaned up that beach. I
sent pictures to Mobil summer after
summer -- clean this beach. You would
be heros. It took a local kid to do it.
My point is if we give it over to
Southold, what do we get? It's
Greenport. I think there's some valid
questions that are brought up, so I just
ask that you be as cautious as possible
and don't give away any of my money if
you don't have to.

MS. OSINSKI: Isabel Osinski, 307
Flint Street. Hi. I'm concerned about
the pollution because there is pollution
there. I think Exxon-Mobil has deeper pockets than Peconic Land Trust or Southold Town or Greenport Village and in the event that the plume goes forward -- if it shifts, it's our business and it could be a big problem for our community, and I think that the Village should think carefully about this pollution. Regarding parks and recreation, if Southold Town has -- you know, Greenport's donated into this fund, then the money for that could be used for paying off our debt, and if they want to have a learning center, they could put it on 5th Street, which is not polluted and is a nice facility because there is money in Southold Town and the pollution, again, you know, people walk their dogs there -- also, I really don't understand why Southold
Town is heavily involved in this because, you know, as a Greenporter, we'd like to see Greenport have a key role in this endeavor, and the loss of income to the taxpayers is a big concern for me. I hope you think about this carefully. Thank you.

MR. CHARTERS: Gary Charters, 1002 Main Street, Greenport, New York, the same place I lived when I left. I'm very concerned about the Mobil property. One, for tax revenue, especially for the school district. I see them now projecting about a 7 percent increase on their taxes and the Mobil property is -- I think it's assessed at $16,000, which puts probably 10,000 plus into the
school district, which it could reduce
their tax burden lightly. The Village
of Greenport itself -- years ago, I had
a sheet from the assessors in Southold
and they incorporated the Village itself
as more properties to offer tax than
anybody per capita. I didn't do a
comparison, but that's a lot. When I
was on the School Board -- taxes left
and right, and we managed to get a
little tree from the Village, a tennis
court and a track; they cost some money,
it was a nice trade off, but it's got to
stop some place. I'm not in favor of
the Village, nor the Town, getting
together to remove this from the tax
roll. I understand there's gonna be
some kind of situation where Peconic
Land Trust is gonna be the property
manager or something, and at some point
in time it's gonna be donated into
Peconic Land Trust and then it's fully
off the tax roll -- not a good idea.
It's not a good idea. I would make a
suggestion that -- since it's in the
Incorporated Village that the tax
dollars that the school district loses
you recoup from just the Village
residents because we don't benefit from
this. They could get together with the
school and only tax the people who live
in the Incorporated Village. Thank you
very much. I'm not in favor of this,
taking it off the tax rolls, but if you
do, if you insist on this, I would
suggest that you get together with the school district -- there's a little confusion there -- if it's actually coming off, or is it off -- and the Mobil property, it's Mobil Oil Company, as well as any other oil company, it's very, very, very solvent making billions of dollars of our money, working with our money, and there should at least be some higher -- something is better than nothing, so if it's gonna come off, I would hope that the government's involved with the Village getting something. Thank you.

MR. NYCE: Is there anyone else who wished to address the Board on this public hearing? I'll open it up to the Board for questions.

MS. KEMPNER: I think a valid point was made about the CPF funds, and we have a lot of other property that could be maintained by the CPF fund.
MR. NYCE: The CPF funds could only be used for properties that have been taken off the rolls with that fund, so if we preserve a big bunch of property in the Village it wouldn't preserve the CPF funds; therefore, that money cannot be used for maintenance.

MS. KEMPNER: They can't be focused on any other property?

MR. NYCE: No. I've had lengthy conversations with Fred, who wrote this legislation when it first came in. It has to be specific to the property that is preserved with that money, and at this point none of that money is being used for upkeep; it's all being used for purchase. At some point, if land is
purchased out, then the CPF will likely
be used for maintenance of, but it's
area to be used for the properties only
purchased with that CPF money, so we
couldn't maintain Clark's -- I'm
sorry -- Moore's Woods with the money
from CPF.

MS. KEMPNER: The Town could buy
Clark's beach or something.

MR. NYCE: The Town could purchase
other properties with CPF money. That
CPF money could be used for just those
pieces, so there is a possibility that
this -- if transferred -- to the
Conservation Easement that some of that
CPF money could be used for maintaining
the property in the future, so that's
the only way CPF funding could be used.

MS. KEMPNER: Right, so we're not even sure if the CPF money will be used for that property?

MR. NYCE: It is -- it could be. Whether or not they determine to use it for that is up to the Town Board. The Town's -- when this was set up, the CPF funds were managed by environmental preservation groups. When the legislation first went in the Villages were offered an opportunity to come to a deal with the Town as a swap for property and a share of the CPF funds. The only village that did that was the Village of East Hampton -- that I'm aware of. No one else bothered to make
arrangements with the Town.

MS. KEMPNER: I guess that's a little off base about this property. I just thought there was gonna be a stipend that Peconic Land Trust was to manage it. That sort of effort would probably be better in other areas. I do like the idea of having access there, but I do have concerns about what's on the property. The way it came up at the public hearing, somebody mentioned the property might have some issues, so I wanted to see documents. I contacted Mobil and I was told that they're public documents and I could get them from the DEC, so in that process of trying to get more information, the person who's in charge of this was busy, she was out last week, so I'm still unclear about what exactly the concern is about loss of revenue. I think it's not gonna be built on because of residential zoning and --
MR. NYCE: Right, there are a couple things with that. Not to launch into Exxon-Mobil, but the property does have a past that we want to believe it may still be contaminated, as such, the property's transferred -- as you know, that liability is not transferred to the buyers, it stays with the seller, so Exxon-Mobil is limiting their liability on the property. They're not gonna be able to develop it. I had a lengthy conversation with a representative from Exxon-Mobil looking for payment with taxes, and the Village Attorney and I worked up what we were gonna propose as a number of years at X amount of dollars, and was told there were no
uncertain terms, that payment roll of
taxes was not an option. The other
thing that Joe -- Joe, please correct me
if I get too far off this. The other	hing that I need to redirect a little
bit is that we can't determine for
Exxon-Mobil who they give this property

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to. If they want to give the property
to Peconic Land Trust, we don't have any
say in that.

MS. KEMPNER: Right, but I think
they would respect the Village's --

MR. NYCE: I understand. I
understand. I expressed to Exxon-Mobil
from day one that I was concerned
about -- the same conversation three
years ago -- that I was concerned about
the loss of tax revenue to the Village
and school district, the Town and
everything else. We don't necessarily
have a say in whether that happens or
not. If Exxon-Mobil wants to transfer
this property to Peconic Land Trust and
Peconic Land Trust accepts the property,
we have absolutely not way of taking
money from them in taxes; that's just
the way the system works. Again, I did
have a lengthy conversation with
Exxon-Mobil and was told that was not
gonna be forthcoming, that they felt the
donation of the property itself was

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enough. They were doing these projects
all over the Country.

MS. PHILLIPS: I have a question.
Maybe Stephen needs to correct me. I thought I heard him say that this was a pilot project and that this was something Exxon-Mobil has not done before, because I attended the Southold Town Public Hearing and was led to believe that they have been doing this all over the Country, and the conversation with you -- being a pilot -- came back to --

MR. NYCE: It's a pilot program. It's not specific just to Greenport. Exxon-Mobil is doing this in several locations at the same time. None of them, to my understanding, have gone through at this point, but this is the process that they're using in other places.

MS. KEMPNER: I think what they're doing is getting rid of excess properties, but not for this type of
arrangement.

MR. NYCE: They are doing this similar process elsewhere in the Country. They are, in fact -- their program, as I understand it, is that they have identified, within this region, what the best use -- they determined to be the best use -- they determined what is needed, and that was the property to revert back to its original site because there's not a lot of open space on Long Island, so that was the program they identified for here.

MS. KEMPNER: I mean, they operated here and made a lot of profits here and there was a lot of contamination associated with that. In some areas communities are paid -- have
they been paid for any -- maybe Dave Abatelli knows. It just seems like a very hard use in a roll community for many years without -- you know, they remediated the property to a certain extent, but those environmental laws change and evolve over time. Did they donate land back to the Village? Did they repay the Village? I know we asked them about a Tall Ships donation. We asked about the pilot. All of these things have been rejected, but they use this as an industrial use and they left a lot of contamination in a very small Village. For me, personally, I feel like Mobil should benefit the community a little but more.
MR. NYCE: Again, we can, through
the Town, ourselves, make sure the
property is clean, but this is what the
property owner's rights are --

MS. KEMPNER: They're a major
corporation.

MR. NYCE: Major corporations,
unfortunately, have the same rights as
individuals; that's just the way the
system works, so there are certain
things we can't do and certain things we
can do. I'm not happy about -- I mean,

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yeah, who was it that said Exxon-Mobil
makes money and we're --

MS. KAPELL: It's mind boggling to
me that you're sitting here having this
conversation --
MR. NYCE: Please. The conversation is gonna happen here and then we're gonna give them the opportunity to answer, which is what I had said before. Please don't interrupt.

MR. NYCE: Does anyone else have --

MR. HUBBARD: I mean, the way it's been proposed to me -- the Town and Peconic Land Trust are doing this. If we want to be part of it, we could, and if we didn't it was gonna happen anyway. Myself, I believe that -- not that we're approving this because we're not gonna be enforcers of the arrangement, but to have this happening in the Village and be completely shut out -- I think we should have some say and be part of the
involvement the best we can. Right now, the loss of revenue is gonna hurt of all us and we know that, but for Southold Town to say we're providing support for Peconic Land Trust, it's given to them and us having no say all in it. We were completely shut out. That's just my opinion.

MR. NYCE: Again, Southold Town's involvement in this is to hold the Conservation Easement, which means they enforce. They're not not specifically involved other than holding the Easement. The reason that they were identified is because they have a Preservation Commission. They have that group already established and then we were asked if we wanted to be involved. That involvement, really, is nothing more than making sure that the Easement is maintained -- again,
unfortunately. Before I ask Exxon-Mobil
or Peconic Trust to come up and respond,
are there any further questions or

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2 comments from the Board?

3 MR. PROKOP: I just have two

4 comments. As far as the obligation to

5 clean up the property, that survives the

6 agreement. It exists now and it would

7 not be related or eliminated by the

8 execution of agreement or the transfer

9 of ownership of the property. If

10 there's problems with the property it

11 should be dealt with, and it's really a

12 different -- it's different from the

13 considerations of the transfer. The

14 second thing is that the abatement of

15 the taxes is not automatic. If a
property is transferred to a non-for-profit or a charitable entity that that entity still has to go through an application procedure to have an exemption for the taxes and that would have to be followed, in this case, and I'm fairly sure that's something we could review.

MR. NYCE: My understanding -- Trustee Phillips and I attended the New York Conference of Mayors in February, a specific seminar on non-for-profits and the payment in lieu of taxes, and I was told no uncertain terms --

MR. PROKOP: I'm not talking about pilot payments. I'm talking about the
continuation of the tax assessment on a property. It's not automatic that --

MR. NYCE: They're never denied by

the courts -- is basically what we were
told -- up to and including recreational
use.

MR. PROKOP: They would have to

prove a public use. They couldn't

continue to maintain -- they'd have to

establish a public use.

MS. PHILLIPS: One question to the

representative from Mobil. If for some

reason, this doesn't transpire forward

in the way you're looking for, what

would Mobil's plans be for this

property? If, for some reason, the

Village Board does not continue with
this and it doesn't transfer to Peconic Land Trust and this whole project doesn't happen, what is Mobil's plan for this property?

MS. BROWN: There are no other plans or considerations, to my knowledge.

MS. PHILLIPS: At the moment?

MS. BROWN: At the moment, at this point in time, the process is underway with Southold and Peconic Land Trust.

MR. NYCE: Did you want to respond to any of the other comments or questions? I understand if you don't, but I would encourage you to, if you can.

MR. SEARL: Sure. I can respond to some of them. I think actually you touched on something and I don't think I was quite clear about the future verses the past liabilities. Certainly clean-up. It would -- the company would be responsible for that. I was talking
something -- if it's -- we're the landowner, then it will be our responsibility.

MS. KEMPNER: I can clear that up for you a little bit more. If they trip over metal, that's gonna be your liability, but if there's a contamination by chemicals or something that falls under the environmental laws, then that would be a liability of Mobil.

I have two concerns. One was -- I really don't understand what's going on there. I wasn't here at the time. I haven't seen any documents; although I asked for them, so all that metal that was exposed is an issue because maybe
it's covered by water, maybe it's covered by sand -- what else is under there before we -- and how much money do you have to look into that? I was concerned -- I mean, the idea is great, and I like preserving the waterfront access, but for this particular property, it needs to be done right

because the well is still there. There's somebody in the neighborhood who has a drinking well. I don't know if anyone's aware of that, so there are other issues surrounding this property that aren't just like preserving farmland.

MR. SEARL: Absolutely. We're going to be spending some time doing a
thorough review of all the environmental issues, and I really think that part of the purpose is to restore, make sure that the property is cleaned up, really restore the property, but that is gonna take a cooperative effort, obviously, the DEC is going to be involved, the Village will be involved so DEC has issued a no further action letter, and they have compiled quite a vast documentation. I'm not an environmentalist, but we will certainly have people on staff in order to review that, and obviously the Town is gonna want to know that and see that as well.

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The Land Trust does have some experience. We owned a waterfront
property, and we obviously have done
some farms -- probably not to the extent
of this property, so this is actually
why it's taking a long time to come to
fruition because there are a lot of
issues, legal, environmental. I also
just wanted to address another point.
There was a question about the future
use and the ongoing recreational plan
for the property. That's something
we're going to be working with the
community on. We don't have something
to bring to everybody. We were
hoping -- once this comes to fruition,
once this -- if and when it's reached,
sit down with the community and figure
out, based on the restrictions that are
there, what the future holds. Just
personally, and talking with Exxon, and
they've had some communications with
some neighbors, it's likely that the
fence will remain there for at least a
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1 short amount of time in order to
2 restore, and eventually we will open
3 that up to the public, so again, that's
4 something we were probably gonna get
5 into at a future point and hopefully the
6 community will help us reach and develop
7 that plan. Obviously, we got some ideas
8 and obviously we can only do so much,
9 given the restrictions. I also wanted
10 to be clear -- thirdly, there was
11 question about future limited
12 development that can't happen. I just
13 wanted to be clear about that as well.
14 There can't be any kind of residential,
15 commercial, industrial material in
16 commercial recreational structures.
17 There can be a bench. There can be some
18 very passive uses, but I just wanted to
clarify that as well. Are there any other questions directed towards me?

MR. NYCE: The Village does control the zoning of that property, but the zoning doesn't dictate use, so it could be zoned waterfront commercial, industrial -- that does not mean that the person has to use it as that. It means that if they're going to use it, those are the parameters, so the Village having zoning over the property is fine until or unless it's not being used at all.

MS. KEMPNER: But if Mobil donated it to the Village, we'd have full control of the zoning, so that's something -- if they were giving the
property to the Village then we would have full control. It could be partial recreational -- once this Conservation Easement is put in place, then we have limitations.

MR. NYCE: Sure.

MS. KEMPNER: So any metal would be our liability, but the chemical issues would still be the company's. I just want to make sure -- since this is a public hearing -- we're asking all the questions. I think it's great what you're doing. I wish you could buy houses along the waterfront because that would be more access. This one is a difficult one, it's fenced off. Access is important. We don't have a lot of it.
in Greenport.

MR. SWISKEY: Do we get a second bite at the apples since everybody else did?

MR. NYCE: No. Everybody else did not.

MR. SWISKEY: You said --

MR. NYCE: Bill, I'm not gonna get into this discussion with you. I set up how we were gonna do this and --

MR. SWISKEY: And now they're speaking again.

MR. NYCE: No. I said they were gonna come back up and answer questions that the Board or public brought up, which they've done. If you do this again, Bill, I'm gonna ask you to leave. This is not a discussion between you and me. That's your last warning. We're going to stay with the procedure we set
out. If you give me an opportunity to
continue to run the meeting we will get
to it.

MS. KAPELL: Run your meeting.

MR. NYCE: With all due respect,
he's not running the meeting and neither
are you.

MS. KEMPNER: I'd like to get as
much information as possible. I think
you're doing a great thing. I'd like to
see more involvement from the Village.

MS. BROWN: I want to be clear
about the remediation -- a point where
any liability -- any future liability
around any contamination rests with the
polluter, so none of that is
transferred. It doesn't matter what the
use of the property is. Secondly, in
terms of getting the documents, I'm glad
to help you get these from DEC. They
have a whole depository, Phase 1,
Phase -- I'm sure you know once you get
into the remediation it really doesn't
mean anything because the remediation

reports are there.

MS. KEMPNER: They have a summary
of what was on the property. The
structures, what exactly was going on
the property.

MS. BROWN: Actually, there's an
underground storage facility,
offloading. I actually have a fact
sheet, if you want. The property was,
as we said, remediated, and I'm clearly,
truly not trying to be evasive about the
remediation 'cause it was done. We sent
you documents, which Kristen has on
record, which is a no further action
letter. I got to believe you're gonna
get the documents. There's no attempt
to be evasive about the remediation. I
heard somebody reference -- I believe a
plume. There is no plume beneath this
property.

MS. KAPELL: I have a question.
My question is simple. If the
property -- why doesn't Mobil clean up
the property? Why does the Land Trust

actually want to take on the property
and invest all this money to find out
where the pollution really is? Why
would you want to take that on? What is
it about this property that is -- what
is there, and why doesn't Mobil just
clean it up.

MS. BROWN: The property's been cleaned up. I don't think there's any expectation that Peconic Land Trust is gonna have to go in there and do a clean-up; that is not the expectation of what's going to be happening. We received a no further action from the DEC, which means you have cleaned up the property to the standards that are applicable to an environmental restoration, so no, there is no expectation that they'll have to do any further remediation. Stephen said this was a pilot program. It is indeed unusual -- I believe -- for Land Trust to take what was formerly an industrial use property and convert it back to a
natural habitat use; that's the pilot
aspect to this, and, in fact,
Exxon-Mobil is working with the Land
Trust to try and put in what the best
practice is around this, so there is
guidelines. Unfortunately this is kind
of new territory for ourselves, for
Peconic Land Trust, and we're all
working together to do it correctly.
I'm not gonna speak for Stephen. He can
come up and correct me if I'm wrong, but
the assessment that needs to happen is
part of their due diligence -- again,
I'm gonna emphasize that there is no
expectation that Peconic is going to be
doing anything, other than developing an
environmental restoration to further
enhance what is already becoming a
habitat there.

MS. PHILLIPS: I have one question
since you're standing up there. Since
this is a pilot project and Exxon-Mobil
is not versed in this happening, it's a
totally new concept for them --
17 now gonna lose out on this tax money.
18 Exxon-Mobil is a big company. I know
19 what I spend on fuel every trip to put
20 fuel on a boat, okay. The last fuel
21 bill was $14,000, so I think in all
22 honesty Exxon-Mobil could be fair to the
23 Village of Greenport and think about
24 giving us some monetary amount.
25               MS. BROWN: I just want to clarify

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because I want to be very clear.

Exxon-Mobil does donate property; there
is nothing pilot about that. The pilot
aspect on this is taking the property
and building a restoration, so the
donation of land around the Country is
not a new concept, but I would certainly
take your message back.
MS. KEMPNER: I just want to clarify one thing you said about clearing up the property because the process has been taking two or three years because it is a little complicated, but if the property had been donated back already and the metal is exposed, that would have been Mobil's issue; that wouldn't have been the Land Trust, and that's where it's important to know what was on the property. You're saying it's very simple, it's very simple, but there's structures involved and how much was removed, because why was that metal exposed? That could be something
MS. BROWN: There are no tanks or structures on the property.

MS. KEMPNER: Right, that I understand, but there was metal exposed that was part of the structure that ran into the property.

MS. BROWN: That was from the bulkhead. You know, to be very honest, I don't have an answer to your question. I do know that when we found out that was exposed we voluntarily went to remove it. There was no requirement that we should remove it, but we felt it was a potential safety hazard and so we removed it, but in the point of question, I would have to get someone back to you. I don't know the answer to that.

MR. ANGELSON: Perry Angelson, 48 Front Street. You said the DEC signed off on this?

MS. BROWN: No further action letter, yes.
MR. ANGELSON: Could we build a playground if we wanted to? My point is if it's that clean, are we eligible to do that, or Peconic Land Trust; that's my question.

MS. BROWN: I -- my understanding, and I am not the engineer or the expert, and I would be happy to look to the specific question, "can you build a playground"? -- if you would like, but the standard to which it was clean is appropriate to an environmental restoration, that's that best I can tell you.

MS. KEMPNER: Restoration or remediation?

MS. BROWN: A restoration. It has
been remediated. Restoration is what
the Peconic Land Trust is looking to do,
but an environmental restoration of it,
because, as you know, it was a former
industrial land and they are looking for
ways to enhance the environment.

MR. MOORE: I just had one

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question. Doug More, 145 Sterling
Street. During the conversations -- I'm
not sure if it was Exxon or Land Trust,
the reference was made that this was a
petroleum transfer station, and I
thought I heard underground storage
tanks, and my understanding is they were
aboveground, so I just wanted to clarify
whether they were underground
facilities.
MR. NYCE: Not to my understanding. It's my understanding that they were aboveground tanks.

MS. BROWN: I'm sorry. I misspoke.

MR. SALADINO: John Saladino, Sixth Street. I also -- about the underground tanks too, I thought I heard her say underground tanks. Also, as far as the plume, I don't know, but the people in the Village are more people that worked in the utilities -- I think I was qualified to know if there was a plume as opposed to Mobil. As far as -- Mobil said they talked to the neighbors? I live in that neighborhood. The Village was approached three or four
years ago from Mobil, as was the Town, and they didn't want the property. My question now is to the Peconic Land Trust or the Town, why is the Village out of loop? Why wasn't the property offered to us then -- four years ago -- this is now. Maybe your attitude has changed since then. Why would it be that the town holds the Conservation Easement as opposed to the Village?

MR. NYCE: I already explained this. First of all, four years ago we weren't offered the property. This was a program in place and we were offered this situation, okay. The Town was offered the Conservation Easement because they have the Preservation Commission, the land preservation that deals with these sorts of situations, town wise -- the Village does not -- You asked the same question and I already
gave you an answer.

MR. SALADINO: But it's a no-cost item to the Village.

MR. NYCE: We don't have the personnel to do it. The Town has the expertise. Having a Conservation Easement does not give the Town any more rights over the property. The Peconic Land Trust, they would be the property owner. They would be the ones responsible. The Village would still have to enforce any code violations, any violations that happen there. The Town just makes sure that Peconic Land Trust is following the rules that have been set up for Easement.

MR. SALADINO: My point is -- the Town, Mobil and the Land Trust, regardless of what you guys --
MR. NYCE: They are going to do it anyhow.

MR. SALADINO: Why are we having this public hearing then? Why are we all sitting here? If they're gonna do it anyway, why am I here instead of watching Seinfeld?

MR. NYCE: They are entitled, as the property owner, to do what it is they're proposing to do. They could do it without the Town's involvement too. The bottom line is we're having this public hearing because this project is ongoing and we want to figure out how and if the Village wants to be involved, and we want to illicit public comment. The project is already going on. As
Trustee Kempner stated, it's a good project. There are some problematic issues. I mean, the first thing I said to them -- we're losing money on this, and that's an issue, okay.

MS. KEMPNER: And the Mayor worked very hard to try to get money from Mobil. I mean, you worked really hard to get a pilot, sponsorship --

MR. NYCE: This, ultimately -- this is a chance for all the parties involved to listen to the concerns; that's what we're here for.

MR. SALADINO: My concern is we're losing money and the Village has no say so in this project. Thank you for listening.
MR. SWISKEY: William Swiskey.

What really worries me here is that the person comes here from Mobil, and we're talking about pollution, and she says the products spilled on the ground -- there's no plume -- well, when a product spills on the ground and washes into the ground, it could -- the water table, which in that area is about eight or nine feet deep -- the water table in that area moves west.

Basically, right now it's already under my house, the corner -- in the middle of Clark Street, it used to be -- oh Captain Jansen's house. One day we have to go down there and Exxon-Mobil paid for the new water server. The plume moved that far, and when you pumped the water out of the well -- do you know
what a fit test is? I would think not.
You pick up a piece of sand, and you
take a match, the match turns a certain
color. When the flame expands and
changes color, guess what? We got
hydrocarbon products in the ground.
Now, if the Village wants to stop this,
basically, the Village has two things.
The Village can hire an
environmentalist, put test wells around
the area, come up Clark Street, down
Fifth Street -- they don't get these
wells, they're about 400 bucks a well.
You take samples and if it's polluted,
this property's going no place. They
want to threaten us. I can play the
game too. There is a lot of pollution
moving on that property. The DEC -- do
you know how you fool the DEC? They
come in, they put their wells -- they
come back -- oh, the wells are clean.
They don't tell you at the time they were putting the buds in this well. That pollution can move up to one foot a year -- excuse me, one foot a month in the water cables, so maybe it's time this Board gets a little tougher with Exxon-Mobil. They send someone here who didn't even know there weren't buried tanks, and tells me if you spill something on the ground it just stays there. I mean, there's something wrong here and I think it's time the Village Board -- maybe you should call the Town and tell them we don't want this, don't go through with the Peconic Land Trust Easement 'cause if the Town says no, Peconic Land Trust can't do it. The
final option is that they take the
property, then you take it from them
under eminent domain -- you can use it
for a park -- you pay nothing for the
park -- here's 5 bucks, so it's time you
got tough with these people.

MS. OSINSKI: I just wanted to
point out that Exxon-Mobil, Southold
Town and Peconic Land Trust, I think
people in Greenport are more concerned

about the pollution, and this is a real
valid point because we are the people
who are going to be around, that build
structures, our kids will playing
there -- if they dig holes. You know,
people walk their dogs there. I don't
understand why -- if we're not important
to this process, I don't understand why
they're asking you to join. I'm not
sure why. I think it has to do with the
zoning. I'm not sure why they're
talking about this because apparently
it's gonna happen either way.

MR. NYCE: Is there anyone else
who wishes to address the Board on this
item? As we have number of public
hearings, do we want to close this
public hearing for now?

MS. PHILLIPS: I think as we
gather more information, keeping this
open to get an opportunity to get the
information out and to continue the
discussion. I've heard a fair amount of
comment this evening, not that some of
it crossed my mind. I would rather keep
it open.

MR. NYCE: I will offer a motion
to adjourn this public hearing to the
regular meeting on May 29th. Is that
agreeable? I offer a motion to adjourn
the public hearing to the regular
meeting on May 29th, 2012. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or
abstentions? That Motion carries. Onto
Item # 3. This is a continuation of the
public hearing for the proposed Village
budget for the fiscal year of 2012/2013.
This is a continuation from the public
hearing. I will reopen the budget
hearing for the fiscal year 2012/2012.
Is there anyone who wishes to address
the Board on this?

MR. SWISKEY: William Swiskey, 184
Fifth Street. Just a couple of
questions. Has the budget changed at all since the budget was presented on March 20th?

MR. NYCE: No, sir.

MR. SWISKEY: All right. So, basically, there's almost no money to fix streets because our streets are a disaster. A couple streets in my neighborhood, one of them being Brown Street, from Sixth Street to the bay is like -- I was on it, and I couldn't believe it. I almost lost control of the Mustang --

MS. PHILLIPS: Slow down, Bill.

MR. SWISKEY: Anyway, it's a serious issue. No money is in there for parks either; I noticed that. I mean,
zero dollars for parks. I don't understand that at all, and then the thing that really has me worried about this, we got $700,000 -- six hundred something for debt services. Are we gonna make that payment this year or not?

MR. NYCE: I can't answer that question because we're going for a refinancing. We assume the refinancing is going to happen. We cannot determine for the State if --

MR. SWISKEY: Well, that makes a real big problem. You got $600,000 -- 630 something thousand dollars in there to basically make a debt payment, yet you're going for refinance.
MR. NYCE: If we don't refinance it will stay in fund balance. Where would it be coming from?

MR. SWISKEY: Except the refi -- if the States goes along with this refi -- because I got a copy of it, and I wanna tell you, I never saw such a worse piece of work in my life. Basically, in the year 2020, we got no money, we spent everything we got in the bank, and we got five years where we have no money to make debt payment to. I think that needs to be thought out a lot more. You got 600,000 extra this year, you can basically -- you can save 250,000 over the same period. I think the Board needs to take a longer look at
this refinance because this plan is
like -- I won't use the word. There's
one more item here and this one's been
popular for a long time. We spend
approximately $42,000 a year to give
benefits to trustees, who basically work
20 hours a month, and we got people in
this Town on Social Security who can't
pay for their medicine. I think that's
just an abomination. I think it's time
that these trustees say we're not taking
the money. It's $42,000, which we could
use to either fix roads or whatever,
make bond payment, but do something with
it. I mean, it's like -- it makes a
mockery of the work "public service." I
would urge the Board just to take that
money out, and there's one more item.
Sine I got the payroll distribution -- I
know we're not putting any money in
there for a TCO this year, but I see
last we got down here Code Enforcement
Traffic Control Officer 100 percent payment out of an electric department account; is that true or not? That's basically a violation of the law.

MR. NYCE: It's got to be a typo. We did not pay out of the electric fund.

MR. SWISKEY: Well, somebody who is putting this together is either not looking over it -- doesn't know what they're doing. I ask this Board -- and I'll come into the office and fill out a FOIL, but I'd like the Board to tell the public how you paid for this and how it wound up in the electric account, because that's just outrageous. It would be a violation of the law. Thank you.

MS. KAGEL: Charlene Kagel. I'm
not sure which version of last year's
document Mr. Swiskey has --

MR. SWISKEY: The one you gave me.

MS. KAGEL: I don't remember -- perhaps you requested it
through a FOIL last year --

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MR. SWISKEY: Nope. This year.

MR. NYCE: Please don't interrupt Ms. Kagel.

MS. KAGEL: In any case, I think this Board will remember there was a
budget modification that was done for the general fund sometime during the
year when we used contingency funds to set aside some money for the traffic
control officer. If Mr. Swiskey has a
document that states it was 100 %
deducted from -- that's certainly not
where it was budgeted. It is a typo.
It is 100 percent from the general
funds, and the budget modification that
was done last summer was to pay the Town
of Southold for the general fund item.

MR. NYCE: Thank you. Is there
anyone else who wishes to address the
Board on the budget hearing? If not, I
will entertain a motion to close the

MR. MURRAY: I'll second that.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or
abstentions? Motion carries.

Now we can move onto the public to
address the Board portion -- as if we haven't had enough already. At this point in time the public can address the Board or any item on the agenda.

MS. WHITMIRE: Good evening Mayor Nyce, Board members, Madam Clerk. My name is Beverly Whitmire (phonetic). I am here to submit a written complaint regarding the Village testing, Case # 2011-52. In summary, I cooperated with the Utilities Department in a timely manner and was, upon inspection, found to have a violation of the "smoke test". Herein, and in many more detail, I have a two-page attachment with my experience. There were five occurrences -- detailed compliance that was promised to me that are alleged to have been provided or sent. They have not materialized. There were two
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occurrences where determinations
previously communicated to me and held
secret to me without my notification,
only to be discovered by me when I
contacted the Utility Department. There
was one occurrence when the Utility
Department inspectors signed a report
indicating his inspection on the same
date when he was never given access to
such premises. With this letter of
complaint and two-page attachment, I
await your detailed written response and
a closure to this matter. Absent
hearing from you in reference to this
matter, I may refer this matter to other
agencies. I have copies -- may I
approach the Board? (Handing).

MR. NYCE: Please. I will see
that we will look into this immediately.

MS. KAPEL: Eileen Kapell. I'm
trying to understand the logic around
the removing of the packing signs.
Clearly, the parking study that we spent
money on months ago -- the number one

suggestion in the study was to enforce
what you already have on the books, and
how are people actually gonna know
what's on the books when the little
signs aren't there that say "two hour
parking." Most people are generally
law-abiding. They will come to us and
say, do we really enforce these, and we
tell them, of course we enforce them,
even though we don't. I'm just
wondering, was this a decision -- did
this Board sit down and discuss this?
Was this a major reaction? Was this
something that this Board decided to do
to handle our parking situation in our
Village, which really for us -- it
really only lasts 90 days. I don't
really understand it, and I would love
for somebody to --

MR. NYCE: When everyone is done
addressing the Board I'll go back and
answer.

MS. KAPELL: Could I ask the
Trustees? Are they allowed to speak?

Mr. Murray, did you vote to have these
taken down?

MR. MURRAY: No. I did not know
they were taken down until a couple days
after.

MS. KAPELL: Anybody else?
MS. PHILLIPS: I wasn't aware until they were down.

MR. HUBBARD: I was out of town.

MS. KAPELL: It seems to me this is a vengeful act against the Business District for not supporting the parking meters. It seems pretty childish. I personally know about your vengeful acts, so I don't doubt it. I would like to say that I think it was childish, inappropriate, and it's not in the best interest of this Village to create a situation that would cause havoc. I mean, the signs were helpful. Yes, we don't have a TCO -- what was it really about? You don't want to answer my question?

MR. NYCE: I said I will address
it once everyone else addresses the Board.

MS. KAPELL: Okay. Thank you very much. Thank you all for your honesty.

MR. SWISKEY: William Swiskey, 184 Fifth Street. Now, this ties back to, basically, when I foiled for all the attachments of this year's budget.

This was supplied to me, and your payroll records and this, that and the other thing, and, you know, I might not think something silly or I can accept the typo, except for Resolution 4-2012-9. All right, it's for the KVS Real Tax Property Software, and this is how we're paying for the tax software, 12.5 % from water, 12.5 % from basically sewage, 12.5 % from rec and 6.25 % from general funs. I can see the general fund and I can see the water and sewer because sometimes those bills go to tax, but when I see 50 %, Mrs. Kagel, coming
from an electric department expense account, I have questions, because

that's not legal. Have you cleared that with the Power Authority, that 50% expenditure? Maybe someone should start looking at these a little closer.

You're basically gonna tell people to pay electric rates outside the Village, that you have to subsidize the Village's tax program -- I don't think so. I'd say you have problem in the Treasurer's office, but that's just my opinion.

You'll address that, Mr. Mayor, on the comment period, I hope -- the same with the signs -- the Trustees didn't vote to take them down. Let's go to 4-2012-14, mass public assembly -- Non Such.
Basically, we're turning down San
Simeon, oh you can't do this fundraiser
for one day. San Simeon has a million
dollar payroll. Most of it comes back
to the Village. They employ Village
residents. They take care of our old
people, but they couldn't have the park
for half a day, and Non Such, basically
an organization that's only looking out
for themselves, gets the park in the
middle of July for six days. How much
are they paying us? I couldn't find out
in the Treasurer's office, the Clerk's
office or Mr. Abatelli. What is Non
Such paying us? And I don't mean the
marina, the use of the park. The park
is separate from the marina, believe it
or not, and if you're gonna use my park, which is -- I actually have the right to walk 24 hours a day, and these people are gonna tie up this large portion with a -- not a small tent, by there own words, a big tent, it's on the bottom, that's their own -- a big tent. How much are they giving us for the use of this park? We told San Simeon to go scratch. We told the Greek church -- they're a fairly nice organization, but we told them to go scratch, and I was in for the Farmers' Market being there, but that's what this is too. They got fundraisers. You can buy their jackets -- I was amazed, a hat

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they want 18 bucks for. I can get ya a
hat for nothing if you need one. You know what I mean? I would urge the Board to vote that resolution down. Tell them no, you can't have our park for that long. I'm a little worried here that this Board -- somebody agreed to a contract with these people and told them they could have the park before the Trustees even knew about it. If that happens, then there's something really wrong. I would urge you to say no, you can't have the park, Non Such. Thank you.

MR. SALADINO: John Saladino, Sixth Street. I was at the work session and I'm reading Resolution 9. Trustee Murray had asked -- what I thought was a great question, with -- 7,300 -- $7,334 to buy the program and then the maintenance fee for each year. Did anybody find out how many man hours it would actually save -- spend 7,000 -- cause it might be a good
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2 program, but if it's not saving any man
3 hours it's not saving any money.
4 Resolution 11, you're gonna have a
5 public hearing about the Osprey
6 building; wouldn't that have to go to
7 the ZBA being that it's -- I have a
8 question on Resolution 14. I don't
9 agree with Billy that it's his park, but
10 I do think that we should get something
11 for people using it. I read the
12 rendezvous brochure. I understand they
13 have to advertise, and in my mind it is
14 a done deal. You are giving away the
15 park for six days. They're not gonna
16 put this tent up, take it down, put it
17 up and take it down. There should be
18 some kind of venue fee for the use of
the park. It's more than a couple of
people; it is a big tent. You did deny
other people from using it. I
understand they're marina customers. I
didn't know you automatically were
granted use of the park. Also, at the
work session, you had mentioned

Resolution # 17, $6,500 with JC
Productions to provide bands and sound
and stages, and now in the resolution
it's 7,350 [sic], so it went up. The
original fee was 6,500. Resolution 21,
Tall Ships. Could you explain what the
Village would be allowed to sell?
That's all I have. Thank you.

MS. KEMPNER: Buttons.

MR. ANGELSON: Perry Angelson.
About the parking signs, I was kind of amazed that they were taken down because they do kind of work on their own, and then nobody here knew anything about them; that's even more amazing. I just don't understand that. There's five people up there. There's also the resolution about the budget as proposed, and maybe I'm wrong, but Mary Bess, I think you sent an e-mail out today about the agenda. There was something about a 2% increase,

MS. PHILLIPS: No. All I sent out -- I'm assuming that some of your information may have said 2%.

MR. ANGELSON: I thought I saw -- never mind. Thank you.
There was a resolution for a public hearing for a proposed ferry service between the Village of Greenport and the Village of Sag Harbor. Mr. Mayor and the Board of Trustees, we are writing this letter to the Village prior to the public meeting about the proposed ferry to voice our opinion about the docking locations for the ferry. We're located in the harbor three doors down on the river dock. Prior to the meeting -- we have an oyster farm, 500 feet. Prior to the meeting, we needed to know where the proposed documents for the ferry are and proposed routes for the ferry and proposed documents of what the Village is going to charge the ferry. This information is critical now to the public so that the hearing can give precise details. If the Village is
leaning toward one location over another we need to know that information before the meeting. Our concerns is that the ferry -- on the south side of the dock, it will allow a route west of the Shelter Island/Greenport Ferry, which means it will go between our buoys and the ferry. This west route runs the new ferry over oysters. The potential for pollution is a real and serious concern. Imagine, all these boats bottle necking through the fog. Already, we are fearful with the Shelter Island Ferry bearing down on us. Also, we need to know, prior to the meeting, what kind of light and trash receptacles will be added to the dock, if that is indeed the choice. This pier offers a much safer dock for the ferry. All of our concerns
will be remediated by docking the ferry at the east pier of the marina. We hope that the Mayor and Board understand the water pollution and oyster pollution of the new ferry, and as a mother, I would like to note that my kids are on the boat, and I don't think anybody would want their children by two ferries that -- it's extremely dangerous, and you add another ferry, it's extremely dangerous. There's really no room.

Thank you very much. Oh, I would also like to note that pollution on the waterfront -- there's a lot of trash and I'm constantly picking it up. There's a lot of litter, garbage from the Village.

MR. CLARKE: Peter Clarke, Main
Street. I want to address the Board on the subject of the parking signs. I was very disappointed in the process that eventually led to lack of support for the meters, as well as lack of support for enforcement, and felt the need to acknowledge that the majority of the constituents in the Business Improvement District did express support for enforcement and the timing, and I was disappointed to see that the signs were removed, and, as a result, I was very disappointed that we got to the point that we did, and in the process of working on a meter and parking solution that went according to the study, and you know, hurt the public, that there
was a turn of the tide in support for it, but I was surprised that they were removed after hearing loud support for enforcement, though I knew, and the public knows there is budgetary constraint over hiring and paying for additional services. Thank you very much.

MR. TROWBRIDGE: Good evening, Mayor Nyce, Trustees, Village Officials, ladies and gentlemen in the audience. I'm Dr. Trowbridge. I used to be the Village's recording secretary. Trustee Kempner and Mr. Prokop, both of you are attorneys. As such, I would like to believe you consider it your duty to uphold all the laws regardless of whether you like them or not. Mayor Nyce, at the March 26th Board of
Trustees meeting you sated "FOIL Law. The Village is adopting FOIL policies in accordance with the State regulations on the very same laws. The village has and will continue to apply those policies in the appropriate way, as they have done in the past." The facts I present to you tonight, along with the Supreme Court's ruling, directly refute your statement. Legally the term capricious implies an element of bad faith, and it may be used synonymously with dictatorial, heretical or despotic. As a result of an Article 78 proceeding, the State Supreme Court ruled last year that Clerk Pirillo and Village Attorney Prokop's responses to a Village employees's FOIL request were illegal because that acted arbitrarily and capriciously. I had hoped this behavior was an admiration, that I'd not ever see
it again, but the evidence I present tonight shows Clerk Pirillo continues acting arbitrarily and capriciously, and

she does so with the Village Attorney's knowledge and support. The evidence shows Clerk Pirillo has misused her authority. Clerk Pirillo handled nine memos between July 29th and December 13th, 2011 to one of the two women she supervised. Both of these women are paid on an hourly basis. Eight of those memos address issues that are subjective and are not easily quantified and are difficult to objectively analyze; however, the subject matter of the ninth memo can be quantified and analyzed; that is the December 13th memo, and it
says "Please be advised that per the payroll department, payment for hours worked is currently "Rule of 7," meaning a lateness of seven minutes -- up to -- is permissible, while a lateness of eight minutes will be charged as 15 to the employee. This is the standard practice for calculation of hours worked on our timecards. Your timecard for December 5th shows that you punched in at 8:38 a.m., which would mean that the payroll department considers that to be 8:45 and discount your time worked by 15 minutes. At this time I would assume that you were not aware of this procedure and will credit your timecard accordingly. In the future, the
procedure as described above will be
adhered to for your timecard, as it is
for the timecards for all hourly
employees. Although I was surprised to
learn that the Village had a payroll
department, I was even more surprised
that this payroll department had policy
regarding lateness and tardiness without
this Board's approval, and without being
ratified by the union workers and the
union they belong to. The first
question that came to my mind when I
read the memo was, does the Village have
a personnel policy manual? Using the
Freedom of Information Law, I asked
Village Clerk Pirillo for a copy of the
current Village of Greenport's personnel

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policy manual. The document she gave me she identified as the Village's personnel policy manual. It does not mention the Rule of 7, indeed there is no mention of tardiness or being late for work in the document she gave me. Additionally, neither the Village's union workers, nor the Civil Service Employee Association has ratified that document. What's so funny?

MR. NYCE: There was no laugh.

MR. TROWBRIDGE: The Village of Greenport currently has no legal personnel policy manual. The document Village Clerk Pirillo passed onto me, as being the personnel policy manual, has not been ratified, and Village Clerk Pirillo has incorrectly responded to my FOIL request. The document she gave me should have had a note on it stating it was yet to be ratified by Village members and the union they belong to and is therefore on the Village's proposed
According to Albert Einstein, whoever is careless of the truth in small matters cannot be trusted with important matters. Clerk Pirillo has been very careless with the truth in this small matter. Quite simply, the village does not have a personnel policy or a personnel policy manual, and that is what Clerk Pirillo should have written me in response to my FOIL request, so to conclude, the Village has no rule concerning tardiness or lateness, and the Village has no Rule of 7; therefore, Clerk Pirillo's handwritten December 13th, 2011 memo is another example of Clerk Pirillo arbitrarily and
capriciously fabricating a policy that
she used in her attempts to continue
harassing the employees she gave this
memo to. To continue, Clerk Pirillo
states in her December 13th memo, "the
procedure described above will be
adhered to for your timecards as it is
for the timecards for all hourly

employees, so I asked, had any of the
other Village hourly employees been
subjected to this Rule of 7? Again,
using the Freedom of Information Law, I
asked that Clerk Pirillo provide me with
copies of the front and back of each
timecard for all of the Village's hourly
employees for each time period from June
of 2011 to December 20th, 2011. Her
response to this FOIL request was particularly arbitrary, untimely and capricious. Her final response to my request was on April 10th, 2012. It took nearly four months for Clerk Pirillo to provide me with most, but not all, of the requested documents. There are 29 weekly time periods between June 7th and December 20th, 2011. The Village employs 27 hourly employees, so Clerk Pirillo should have given me copies of the front and back of 29 timecards for each of the 27 hourly employees; however, Clerk Pirillo gave me timecards for only 26 employees. She gave me copies of only 14 timecards for another employee, so her response was
short 15 timecards. Clerk Pirillo gave me copies of an additional 22 timecards for yet another employee. These timecards cover time periods going back to January 4th, 2011, weekly time periods I have not requested. She gave me two copies of the 26 timecards for another employee. I calculated her responses to my request in this table. You can see the red boxes. They indicate no timecard was given to me for that time period for each employee. There are yellow boxes on that too that showed I was given two copies of that timecard. Do you need more evidence to show you how ridiculous this response is? But I digress. My reason for obtaining these timecards was to determine if other Village hourly employees were being held for the Rule of 7. What Clerk Pirillo stated in her December 13th memo was the standard
practice following our process on our
timecards. First I must compliment
three people: Pete Manmurry (phonetic),
Jim Fogarty and Ray Dunbar. You are to
be commended for your supervisory
skills. You and the men you supervise
obviously have an extremely high work
ethic. These employees, with maybe one
or two exceptions, always punch in and
out on time, Pete, Jim and Ray, you and
the men you work with -- it is obvious
you represent the very finest. Well
done. Keep up the good fine work and
continue setting, what is truly an
example of how civil servants serve
taxpayers. I take my hat off to them.
Unfortunately, six of the nine hourly
workers in Village Hall represent the
opposite side of the coin, with the exception of the two hourly workers who work in the front office and who deal with the public every day, the timecards of six of the remaining workers demonstrate a very lackadaisical constraint on tardiness and punctuality. Indeed, two workers, more often than not, arrive at 9:00 rather than 8:30 a.m., and the remaining hourly workers come and go as they please with no regard for their assigned work hours. One has to question, have they been assigned work hours? They seem to believe they can replace the time they are late with not taking time for a lunch break; that's illegal. They
obviously have no set work hours. Not one of these six hourly workers has a notation written on any of their 29 timecards by either their supervisors or by the payroll department about their tardiness, about the Rule of 7 being applied to them or about being docked for being late to work. Their timecards demonstrate they have very poor supervisors and the payroll department referred to in Clerk Pirillo's December 15th memo is not doing its job or is being arbitrary and capricious too;

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maybe that's the problem, so I've given you another example of the Village of Greenport's Clerk acting capriciously in her treatment of one Village employee,
and as a result of what she started
you've now been shown there are two
classes of employees and how some of the
Village employees are treated
arbitrarily, capriciously and unfairly
too. A famous very intelligent man said

--

MR. MURRAY: Excuse me, Dr.
Trowbridge, do you think we can stop
this crap? This is getting ridiculous.

DR. TROWBRIDGE: No, you're the
ridiculous one.

MR. MURRAY: You come here every
week and --

DR. TROWBRIDGE: You bet I am.

A very famous intelligent man said
insanity is doing the same thing over
and over again and expecting different
results. Mayor Nyce and Clerk Pirillo,

Thank you for retaliating against me and
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against this December 13th memo. Thank you for your time.

MS. KAPELL: When you answer my question, will I get to speak to you again? I'd just like to say you shouldn't be doing that.

MR. NYCE: You've made your point abundantly clear. Is there anyone else who wishes to address the Board?

MS. KAGEL: Resolution # 9 was brought to my attention today when I came to the office. Jack stopped into my office this afternoon and asked me how the allocation was determined or how the KVS software was to be paid for. When I was in Florida last week, my deputy had asked me how he would allocate the payment consistent with how Haris (phonetic) Software was purchased, and believe it or not, that
is how the software was purchased, so therefore, we were going to propose an amendment to the resolution, in taking out the 50 % to the electric fund and

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have that allocated to the general fund.

MR. NYCE: I will make that change. We have a long list here.

Sub-agreements for the merchandising agreement for items outside of the -- that is the property of Tall Ships America. The sub-agreement allows for Village people to produce and sell posters of the event and buttons; those are the only things identified by the business district. The rest of the merchandising will be done by Tall Ships America. The Village will receive 15 %
of the proceeds.

MR. MURRAY: But I think to answer
Mr. Saladino's question, you are
allowed -- merchants are allowed to sell
T-shirts, but without the Tall Ships
logo. They could have another type of a
logo.

MR. NYCE: It cannot say Greenport
Tall Ships 2012. It can't say any of
that. It's not just an event here; it's
an event up the entire East Coast. You
cannot use the words "Tall Ships." I
will get information out -- I will ask
the Village Administrator to get
information out about the proposed ferry
service and have that available at
Village Hall. That would include the
projected route, landing spot, et cetera, et cetera. JC Productions is Resolution # 17. That price is increased -- better than ten bands, two stages and a sound system was $6,500. We added a second stage and that raised the cost with the additional PA system. That now totals 7,350. The rendezvous by Non Such group, there has been a policy that this Village has held as long I can remember, the groups that come here, the ships that come here, greater than -- I believe it's ten or more -- I believe it's 12 -- and rent out slips at full price in the marinas, they are offered to set up at tent at their expense to cater at their expense an event in the park. Part of the
selling point to that marina has been
the case as long as I can remember.

MR. MURRAY: That group has been
renting out slips at $15,000, so to give
them a tent is not bad.

MR. NYCE: Resolution #10 is the
proposed budget, and there will be a
proposed amendment that I am going to
present based on the presentation by the
Village treasurer at the work session
regarding the refinance and the setting
up of a reserve for debt. To Mr.
Trowbridge's dissertation, if you please
submit a copy, I'll have Labor Council
give a response to it. I would like to
point out that Mr. Trowbridge is related
to one of the Village employees and has
taken personal interest. He is also not
a resident of the Village of Greenport.
He is a resident of East Marion. The
last item -- as to the parking
signs -- First of all, there was no
money paid to do the parking study; it was free. We went through the entire process and we have no money in our budget for the enforcement of the parking regulations. The parking signs were not put up by resolution of the Board. They were put up last year for the TCO. We don't have a TCO this year, so I asked that they'd be taken down. We have a major event coming up on Memorial Day. We are making sure that all of out signage is correct. We are also cleaning sidewalks, planting flower beads, doing a whole long list of things. We are not using the signs. I instructed a whole long list of what needed to be done to get ready for
Memorial Day; taking down the parking
signs was one of those items. They will
be put aside until such time, as we will
enforce the parking regulations. I am
hopeful we will be able to work with the
BID in the next budget year to try and
get parking enforcement paid for by
Southold Town. In the meantime,
Southold Town told me they will not

enforce our parking regulations because
they do not have the manpower to do so.
Having the signs up, at this point, does
not make a difference. The signs are
prone to graffiti. The signs are prone
to vandalism, and yes, as such, I asked
they be taken back down. They can be
put back up at the time when we are
ready to use them again.

MS. KAPELL: Excuse me, you're using the word "we" --

MR. NYCE: You are out of order.

MS. KAPELL: I don't care. You are out of order. What are you gonna ask me to do? Not speak in public?

MR. NYCE: Ms. Kapell, I would ask that you either come to order or leave.

MS. KAPELL: You're using the word "we" and you did not inform your Board. You do a lot of things without your Board's input.

MR. NYCE: Ms. Kapell, you are out of order.

MS. KAPELL: All I'm saying to you is that you are one man on this Board.
and the Trustees should be able to vote on things that happen.

MR. NYCE: Let me explain to you how this works. The trustees are legislators. The law for the signage, the Board votes for. The signs are not being used on a day-to-day basis --

MS. KAPELL: They are -- you are not a king.

MR. NYCE: Ready to move on to the regular agenda.

I need to make a correction on Resolution 9, that line item A.1325 should read 56.25, not 6.25% -- I'm sorry 1325 should read 56.25, understanding we may need to do a budget amendment later on. I believe that's the only typo. When we get to Resolution 10, I do have an amendment. With that change, I will offer a motion to adopt the April 2010 agenda as printed.

MS. KEMPNER: Second.

MR. NYCE: All those in favor?
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THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions. Motion carries.

MS. KEMPNER: Resolution # 4-2012-2. Resolution accepting the monthly reports of the Greenport Fire Department, Village Clerk, Village Treasurer, Village Administrator, Director of Utilities, Village Attorney, Mayor and the Board of Trustees. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. HUBBARD: Resolution #
4-2012-3. Resolution approving the application for membership of James Tuthill to Phenix Hook and Ladder Company of the Greenport Fire Department, as approved by the Greenport Fire Department Board of Wardens on March 21, 2012. So moved.

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MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. MURRAY: Resolution #

4-2012-4. Resolution approving the application for membership of Joseph Marshall to the Phenix Hook and Ladder Company of Greenport Fire Department, as
approved by the Greenport Fire
Department Board of Wardens on March 21, 2012. So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.


MS. KEMPNER: Second.

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the work session last week.

All those in favor?

THE BOARD:  Aye.

MR. NYCE:  Any opposed or abstentions?  Motion carries.

MS. KEMPNER:  Resolution # 4-2012-6.  Resolution authorizing Mayor Nyce to sign the Certificate of Investment Powers form as presented by RBC Wealth Management in regards to the Village of Greenport Length of Service Award Program.  So moved.

MR. HUBBARD:  Second.

MR. NYCE:  All those in favor?

THE BOARD:  Aye.

MR. NYCE:  Any opposed or abstentions?  Motion carries.

MR. HUBBARD:  Resolution # 4-2012-7.  Resolution accepting the report of the Greenport Fire Department Fire Department for year-end points for
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the calendar year 2011, for the Village of Greenport Fire Department Leso moved.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. MURRAY: Resolution #4-2012-8. Resolution authorizing Treasurer Kagel to perform the attached budget modifications. So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. PHILLIPS: Resolution #4-2012-9. Resolution authorizing the purchases of KVS Real Property Tax
Software, at a purchase price of $5,537.52 to be financed over three years, and an annual maintenance fee of $1,797.00, to be expensed as follows:

12.5% from line item number

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2 F.8310.407 (Billing and accounting).

3 12.5% from line item number

4 G.8110.417 (Supplies and Materials).

5 12.5% from line item number

6 R.7020.403 (Billing and Accounting).

7 56.25% from line item number

8 A.1325.400 (Treasurer Contractual Expense).

9 6.25% from line item number

10 A.1410.400 (Clerk Contractual Expense).

11 50% from line item number

12 E.0781.500 (Office Supplies and
Expense). So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

MR. HUBBARD: Aye.

MS. KEMPNER: Aye.

MR. MURREY: Aye.

MS. PHILLIPS: Aye.

MR. NYCE: I'm opposed. No.

Motion carries.

MS. KEMPNER: Resolution #

4-2012-10. Resolution adopting the 2012/2013 budget as proposed. So moved.

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MS. PHILLIPS: Second.

MR. NYCE: Before I call a vote, I would like to offer a motion to amend.

There is, attached to the back of your agenda, work prepared by Treasurer
Kagel. It's a resolution amending the tentative budget to include an allocation to reserve for Mitchell Park debt. It says, whereas the Village Board intends to implement a plan for repayment of Mitchell Park debt that will ensure for cost-effective repayment of the current outstanding debt with minimal impact to the Village taxpayers.

The Village Board directs the Treasurer to amend the 2013 tentative budget with the following funding. To establish Mitchell Park debt with the following:

- Transfer of 5-31-2012 Clark Beach sale reserve proceeds $634,000. Transfer of unreserved general fund balance of 900,000, transfer of 5-31-2012 annual general fund, non-fire department.
- 2012/2013 budget procreation $32,000
funded by the increase in real property
tax as allowed by the New York State Tax
Cap Law, and be it further resolved if
funds reserve and the Village authorizes
Treasurer to yield maximum return on
investments. That's the proposed
amendment. In order to discuss there
needs to be a second on the motion.

MS. KEMPNER: Second.

MR. NYCE: By way of discussion,
what's going on with this transfer from
the fund balance is transfer from the
fund balance that already exists. We
have a fund balance policy which
requires that we keep up to 20% of
budget in reserve --

DR. TROWBRIDGE: That document is
not attached to our handout.

MR. NYCE: That document does not
need to be -- you're out of order. This
is an amendment. It can be brought by
any member of the Board during the
meeting.

DR. TROWBIRDGE: You're supposed

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Mr. NYCE: Sir, you're out of
order.

The 900,000 constitutes monies
above and beyond 30 % of our fund
balance that we're supposed to keep at
any given time. 634,000 is for the
Clark Beach sale. The operating fund
balance, non-fire department will be
determined at yearend. 2012/2013
proposed procreation is that number
constitutes the amount allowed by New
York State Law, as researched by the
Treasurer. As you're well aware with
the tax cap law, there are certain
allowances above and beyond 2% that we
are allowed to include; this is her
research. I'm putting this out there in
conjunction with the Treasurer. She
said in the work session for payment of
debt ongoing out to 2024 that if -- as
we refinance, assuming that that goes
through -- and we're hoping it does --
with that, and small incremental

increases -- along the way, we will be
able to handle that better, more
effectively. This is the proposal as it
is now. Obviously the amount of a
procreation can be anywhere from 0 up to
this 33,000. The absolute amount
procreated --
MS. KEMPNER: I'm a little confused.

MR. NYCE: This spreadsheet had the amount we are allowed to procreate by law under the New York State Tax Cap --.

MS. PHILLIPS: In doing the formula.

MR. NYCE: In doing the formula through the comptroller's office. What Treasurer Kagel has done is taken what our procreation could be and the backing out of that 33,000, which would constitute a 3.41 increase in the tax, part of which is above the 2% because there are certain allowances, costs that are above 2%. Do you want to --
and fourth pages -- this was the online

tax that we're required to submit. If

the Board decide not to pierce the tax
cap after the public hearing we have to

submit -- prior to the adoption of the

budget. 2% tax cap legislation isn't

just 2 %. There are certain allowances

allowed. The demonstration is to show

how New York State calculates our

allowed increase in the tax. Last

year's tax cap -- base growth factor,

which New York State -- per the Village

of Greenport is 1.0055; that's actually

applied to it. In addition to that,

there's a calculation, and the increase

in the Village's retirement contribution

in excess of 2 % of the payroll, and

that's actually -- the amount that we're

allowed to exclude from the tax cap is

$9,257, so that amount plus that applied

factor and last year's tax levy gives

you the allowable increase for the
Village to be in compliance with the tax cap legislation, and as you get down to the third page you will see that the allowable tax levy for the Village of Greenport for 2012/2013 is $975,943, so if you apply that to our last year's -- because of those two exclusions, because of the tax base work factor and the amount that we're allowed to exclude on the retirement contribution we're allowed just over $33,000 to be in compliance with the law, which reflected 3.5% levy increase, so even though it's higher than 2% it's still within the allowable amount.

MR. NYCE: This is being presented
with the understanding that Treasurer Kagel and I want to present the maximum amount we could ask for on this levy, that is not to say that's what it needs to be, but for purposes of the discussion and this amendment that was what we put in. The other thing to keep in mind is that the adopted budget does not have to be done until May 1st.

MR. PROKOP: I think it's April 30th.

MR. NYCE: The other portions of this levying of taxes outside all the rest of it is just movement of the monies within the fund balance into a reserve, which we have a reserve account already, so that's basically a watch, so
ultimately we can discuss whether or not
we want to do a tax levy. Again, every
year I've said we have to put aside for
refinancing in the spring. We still
need to put money aside to pay down this
debt. Like I said, it's up for
discussion as to whether we want to put
money away for debt this year. This
year or not, as I said, put it in as a
maximum allowed, a starting point.

MR. MURRAY: I have a question,
Dave. A couple months we voted down to
be able to pierce the tax cap. How does
what we voted down do to this?

MR. NYCE: Again, this is what

we're allowed without having a law on
the books.
MR. MURRAY: But as a Board, we voted down to raise the taxes 2%.

MR. NYCE: We voted down the 2% tax cap. The 2% tax cap does not guarantee the taxes will stay at 2%.

Overall, depending on the assessments, upon the costs, et cetera, et cetera -- in our case it could be up to 3.5; that's still within the tax cap legislation within the 2%.

MR. MURRAY: I understand, but as a Board, we voted no.

MR. NYCE: Absolutely, but we voted down legislation to allow us to pierce the 2% tax cap. We didn't vote down not raising the taxes -- the 2% within the tax cap, but, again, all I'm doing is pointing out -- we could assess 2%, and that would be less than the 33,000, again, which is fine. I believe it's about 25.

MS. KAGEL: It's about 18.
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MR. NYCE: Again, that being said, I didn't write New York State 2 % Tax Cap Law. I think we need to put some aside each year for debt, and I don't think we should do it just out of our operating budget. We've been running very lean all the way through. We're going to have to put aside money to pay down debt. If we kick the can down the road it's gonna be a big number and we're not gonna have the ability to borrow as we go for stuff we're gonna need to do, but, again, I have had this conversation with several different boards, and it goes different ways. This is just the proposal.

MR. HUBBARD: I think a lot of this -- I looked at the numbers first.
2 % to me was 2 %. What's allowed is
allowed by the State. Bottom line was 2
%, $18,800. We voted not to pierce the
tax cap, I mentioned to put a little bit
away but not above the 3.1. I know the
State allows different things. If

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anything, I do agree with you that we
should put money away for debt. Some
years we have, some we haven't. I think
if that went to 15,000, it's a point and
3/4, it's something, it's still
below -- 2 % is 2 %.

MS. PHILLIPS: They've heard 2 %,
and I agree, we do need to put money
away. That was part of reason for going
back and trying to figure out refunding
and refinancing for Mitchell Park debt,
but this 3.41 -- I know it's the
Patroller's Office who is dealing with
the current legislation, but I think as
far as us for the public, they want it
under 2 %. I don't think anyone's gonna
argue, but I think this 3.41 is not
gonna be very explainable.

MR. NYCE: This is part of the
education of it too. The State's 2 %
tax cap law does not just mean the taxes
only go up 2 %. George proposed we make
it 15. Does anyone have an offer
different from that or is that

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acceptable?

MS. PHILLIPS: What was the amount
last year when we did the budget?

MR. MURRAY: I like the flat
amount.

MS. KAGEL: 18 will be the 2%,

MR. NYCE: Do you wanna do 18?

That would be less than 2%. Is 18 agreeable? That being said -- if we are in favor of the amendment, we can vote yes on the amendment and then on the amended resolution itself, so if we agreed to the amendment -- we could call a vote on amending the resolution and then I can read the amendment as it's written and we can vote on it. All those in favor of amending Resolution #10?

MR. HUBBARD: Aye.

MR. NYCE: Aye.

MR. MURRAY: Aye.

MS. PHILLIPS: Aye.

MS. KEMPNER: No.

MR. NYCE: That resolution passes.
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I will read the resolution as amended. Resolutions amending the tentative budget to include an allocation to reserve for debt for Mitchell Park, whereas the Village Board intends to implement a plan for the repayment of Mitchell Park debt with minimal impact to Village taxpayers.

The Village Board directs the Treasurer to amend the 2012/2013 tentative budget to provide for the funding with the established Mitchell Park debt.

Transfer of 5-31-2012 Clark Street, $634,000, transfer of unreserved general fund balance, $900,000, transfer of 2012 non-fire department surplus, amount to be determined at year's end, 2012/2013, budgeted a recreation of $18,000 funded by an increase in real property taxes as allowed by the New York State Tax Cap.
Law, and be it further resolved that funds in reserve are to be invested in Village depository as discussed with the Treasurer to give maximum return on investments. So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

MR. HUBBARD: Aye.

MR. NYCE: Aye.

MR. MURRAY: Aye.

MS. PHILLIPS: Aye.

MS. KEMPNER: No.

MR. NYCE: Motion carries.

MR. HUBBARD: Resolution # 4-2012-11. Resolution scheduling a public hearing on May 23, 2012 at 6 p.m. at the Third Street Firehouse, directing
Village Clerk Pirillo to notice same, regarding the Wetlands Permit Application as submitted by Osprey Zone, Inc to construct a one-story building measuring approximately 305 square feet within the northwestern section of the property, and to install a previous parking area of approximately 880 square feet. So moved.

MS. KEMPNER: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. MURRAY: Resolution # 4-2012-12. Resolution referring to the Conservation Advisory Council the
Wetlands Permit Application as submitted by Osprey Zone, Inc and instructing the Conservation Advisory Council to provide their review to the Board of Trustees no later than May 16, 2012. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. PHILLIPS: Resolution #4-2012-13. Resolution approving the Public Assembly Permit Application as submitted by Jessica Henderson for the use of the Sixth Street Beach on August 18, 2012 from 8 a.m. to 6 p.m. for the Swann Family Reunion. So moved.

MS. KEMPNER: Second.
MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. KEMPNER: Resolution #

4-2012-14. Resolution approving the Public Assembly Permit Application as submitted by Jack Lombard for the daily use of a portion of Mitchell Park (with the exact location to be approved by Village Administrator Abatelli) from July 15, 2012 through July 21, 2012 for the 2012 Non Such Rendezvous. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions. Motion carries.

MR. HUBBARD: Resolution #

4-2012-15. Resolution directing Village Clerk Pirillo to notice a special meeting of the Board of Trustees for May
April 23, 2012

Streets, to accept public comment regarding the proposed ferry service between the Village of Greenport and the Village of Sag Harbor and to discuss the propose service. So moved.

MR. MURRAY: Second.

MR. NYCE: By way of discussion, we will make sure the information is out by the end of this week.

All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. MURRAY: Resolution # 4-2012-16. Resolution awarding the
contract for the removal and pruning of
Village trees to Bartlett Tree, in the
amount of $3,230.00 per the bid opening
as held on April 13, 2012 and
authorizing the Village of Greenport to
enter a contract with Bartlett Tree
based on that bid. So moved.

MS. PHILLIPS: Second.
MR. NYCE: All those in favor?

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THE BOARD: Aye.
MR. NYCE: Any opposed or abstentions? Motion carries.
MS. PHILLIPS: Resolution # 4-2012-17. Resolution approving the contract with JC Productions for technical services and the rental of sound and electrical equipment from May
26, 2012 through May 28, 2012 at a total cost of $2,350.00, to be expensed from line item number TA.718.400 (Tall Ships) and authorizing the Village of Greenport to enter the contract with JC Productions. So moved.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

MR. HUBBARD: Aye.

MR. NYCE: Aye.

MR. MURRAY: Aye.

MS. PHILLIPS: Aye.

MR. NYCE: Any opposed or abstentions?

MS. KEMPNER: No.

MR. NYCE: Motion carries.
4-2012-18. Resolution directing Clerk Pirillo to notice a request for Proposals for telecommunications (specifically telephone) services and equipment. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. HUBBARD: Resolution #

4-2012-19. Resolution authorizing the Village of Greenport to send a letter to the New York State Liquor Authority lifting the restrictions of the open container law in Section 35-3B and Section 35-3C of the Greenport Village Code, from 10 a.m. through 6 p.m. on May 26, 2012; May 27, 2012 and May 28, 2012. So moved.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.
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1  MR. NYCE: Any opposed or abstentions? Motion carries.

2  MR. MURRAY: Resolution #

3  4-2012-20. Resolution setting the Tall Ships Festival event perimeters, and further authorizing the closing of Front Street and Main Street from 10 a.m. through 6 p.m. on May 26, 2012; May 27, 2012 and May 28, 2012. So moved.

4  MS. PHILLIPS: Second. But I have a question. Well, I remember seeing some letter today that came from the BID that they wanted to close side streets; is that part of this production?

5  MR. NYCE: No, it's not; although, what I would like to do is I'd like to have a brief discussion. They are
asking that Bay Avenue and Central

Avenue remain closed overnight with a

lane for emergency vehicles to pass.

This is to allow a hospitality tent.

This had been discussed and came up

again today. I need to discuss it with

the Chief of Police and fire department

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to make sure there is access to that

street. As it stands, those are in the

perimeters. I was gonna go over what

the festival perimeters are, starting at

Third Street and Front and goes down as

far as Carpenter and from lower Main out

to Central. Adams Street will remain

open.

MS. PHILLIPS: Is this something

that's going to be -- the maritime
festival --

MR. NYCE: The idea with this is that throughout this festival there is the idea of putting up hospitality tents so people can get out of the sun, and we're placing them, in general, where the band stages are and in other areas, Bay and Central. Again, that can be a discussion after -- during the event itself those roads will be closed. It's just a question of extending it to 6 p.m.

MS. KEMPNER: Are we gonna have another meeting?

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MS. PHILLIPS: Are we not having the ferry meeting on the 10th? I think that would be a better time to do it.
MR. NYCE: We need to do this part of it now. This resolution is read.

All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. PHILLIPS: Resolution #4-2012-21. Resolution authorizing Mayor Nyce to sign the Memorandum of Understanding between the Village of Greenport and the Long Island Railroad regarding ticket sales for the upcoming Tall Ships event, pending further review by Village Attorney Prokop. So moved.

MR. MURRAY: Second.

MR. NYCE: By way of discussion, we have not received it yet. I anticipate we would get it very soon. This has to do with the packaging and ticketing. All those in favor?

THE BOARD: Aye.
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MR. NYCE: Any opposed or
abstentions? Motion carries.

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MS. KEMPNER: Resolution #
4-2012-22. Resolution authorizing
payment of $5,000.00 total for musical
bands, as participants in the Tall Ships
Challenge event, to be expensed from
line item number TA.718.400 (Tall
Ships). So moved.

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MR. HUBBARD: Second.

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MR. NYCE: By way of discussion,
there are ten bands over the course of
the three days, so it's a pretty good
deal.

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MS. PHILLIPS: It's $5,000 and we
have a gentleman who's volunteering to
put --

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MR. NYCE: The reason I am not
saying is because all of these bands
make a lot more than this. I don't want
people to know what we got them for.

MS. PHILLIPS: The 5,000 we're
spending, we're getting far more than
5,000 --

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MR. NYCE: Absolutely.
All those in favor?
MR. HUBBARD: Aye.
MR. NYCE: Aye.
MR. MURRAY: Aye.
MS. PHILLIPS: Aye.
MS. KEMPNER: No.
MR. NYCE: Motion carries.
MR. HUBBARD: Resolution # 4-2012-23. Resolution allowing Village
Administrator Abatelli and Director of
Utilities Naylor to attend the New York
State Department of Environmental Conservation-endorsed Erosion and Sediment Control Training Course at Cornell Cooperative Extension Headquarters at 423 Griffing Avenue, Riverhead, New York on May 31, 2012 from 9:30 - 1:30 p.m. at a cost of $100.00 per person, to be expensed from line item number A.5110.450 (miscellaneous Expense). So moved.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. MURRAY: Resolution #2-2012-24. Resolution authorizing Adam
Hubbard to attend training classes in Morrisville, New York from May 14, 2012 through May 25, 2012 for the purpose of obtaining a Grade 2 Operator's License, with all costs - not to exceed $3,000 - to be expensed from line item number G.8110.407 (Employee Training). So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. PHILLIPS: Resolution #2-2012-25. Resolution authorizing the attendance of Director of Utilities Naylor at the New York Association of Public Power May Conference and Business Meeting, from May 22, 2012 through May
24, 2012 in Saratoga Springs, New York, at a total cost of $914.00, consisting of: $225.00 registration fee, $363.00 for hotel costs, $106.00 in ferry costs and an estimated $220.00 in mileage, tolls and related costs, to be expensed from line item number E.0781.100 (Executive Department). So moved.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. KEMPNER: Resolution # 4-2012-26. Resolution authorizing the attendance of Mayor David Nyce at the NYAPP May Conference and Business Meeting on May 22, 2012 and May 23, 2012 in Saratoga Springs, New York at a total cost of $627.50 consisting of: $50.00 registration fee, $181.50 hotel cost,
$106.00 in ferry costs and an estimated
$290.00 in mileage, tolls, and related
costs, to be expensed from line item

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number A.1210.400 (Mayor Contractual).

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So moved.

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MR. HUBBARD: Second.

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MR. NYCE: All those in favor?

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THE BOARD: Aye.

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MR. NYCE: Any opposed or

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abstentions? Motion carries.

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MR. HUBBARD: Resolution #

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4-2012-27. Resolution authorizing the

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issuance of a check made payable to

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David Abatelli, in the amount of

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$1,112.50, to be used to set up the

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required cash drawer/banks for the

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operation of the Village of Greenport
Mitchell Park Marina. So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. MURRAY: Resolution #

4-2012-28. Resolution authorizing Village Administrator Abatelli to obtain engineering bid specification for the paving of the northern portion of First Street. So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.
MS. PHILLIPS: Resolution

#4-2012-29. Resolution approving the purchase of material, at a cost not to exceed $3,500.00, for either a three-board fence or post and rail fence, for the Third Street Park, to be expensed from line item number A.711.400 (Parks), with the labor to be provided gratis as the result of an Eagle Scout project. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. KEMPNER: Resolution #4-2012-30. Resolution authorizing the

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painting of the fence at Greenhill Cemetery by the Boy Scouts, at no cost for labor to the Village of Greenport.

So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MR. HUBBARD: Resolution # 4-2012-31. Resolution authorizing the paving by Corazzini Asphalt of the ball field entrance apron on Moore's Lane in the amount of $3,500.00 to be expensed from line item number A.711.400 (Parks) and authorizing the Village of Greenport to enter an agreement with Corazzini Asphalt for the work. So moved.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.
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4-2012-32. Resolution directing Clerk Pirillo to advertise for a contractor, on an as-needed basis, for the maintenance of the Village of Greenport Carousel. So moved.

MS. PHILLIPS: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. PHILLIPS: Resolution #

4-2012-33. Resolution authorizing Mayor Nyce to sign the sub-agreement with Tall Ships America, revising the merchandising stipulations between the Village of Greenport and Tall Ships
America. So moved.

MR. HUBBARD: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. KEMPNER: Resolution #

4-2012-34. Resolution approving all checks per the voucher Summary Report dated 4/17/2012, in the total amount of $1,944,192.21 consisting of:

All regular checks in the amount of $387,324.49.

All prepaid checks in the amount of $794,125.17 and all wire transfers in the amount of $762,742.55. So moved.

MS. PHILLIPS: Second.
MR. NYCE: All those in favor?

THE BOARD: Aye.

MR. NYCE: Any opposed or abstentions? Motion carries.

MS. PHILLIPS: Before you close the meeting, I have to say something. I've sat through -- as far as the parking signs, I listened to the public hearing. What I heard out of the public hearing was the fact that they were not happy with the plan that we presented with parking meters. I really didn't hear anything about nonenforcement. The signs, even though they were up, there were honest people who would have just parked there for two hours and moved. In my mind -- and I'm sorry I disagree
with you. They should be up. I don't understand why they came down. I heard about it because -- at this point, I have to say that I am really upset that they came down because it doesn't help anything. At least the signs being up would have given guidance to some people. It was a tough decision on my part because I fully believe -- I listened to people say it was the meters they weren't happy about. They weren't unhappy about enforcement for parking, so I have to say it, and if you want to entertain a motion to adjourn the meeting, that's fine by me.

MR. NYCE: The signs should have been up for the last ten years then.

I offer a motion to adjourn to executive session.

MR. MURRAY: Second.

MR. NYCE: All those in favor?

THE BOARD: Aye.
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(Whereupon, the meeting adjourned at 9:04 p.m.)

I, JENNIFER L. GERKEN, a Notary Public for and within the State of New York, do hereby certify that the above is a correct transcription of my stenographic notes.

____________________
JENNIFER L. GERKEN