

1 STATE OF NEW YORK  
2 VILLAGE OF GREENPORT

2 ----- X

3 BOARD OF TRUSTEES  
4 REGULAR MEETING

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August 26, 2013  
6:00 P.M.

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12 BEFORE:

13 DAVID NYCE - MAYOR

14 GEORGE HUBBARD, JR. - TRUSTEE

15 JULIA ROBBINS - TRUSTEE

16 DAVID MURRAY - TRUSTEE

17 MARY BESS PHILLIPS - TRUSTEE

18

19 SYLVIA PIRILLO - VILLAGE CLERK

20 JOSEPH PROKOP - VILLAGE ATTORNEY

21 DAVID ABATELLI - VILLAGE ADMINISTRATOR

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23  
24  
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1                   MAYOR NYCE: I will call this Regular  
2 Meeting of the Village of Greenport Board of  
3 Trustees to order. Please stand for the  
4 Pledge of Allegiance.

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

8                   MAYOR NYCE: This is the August Regular  
9 Session for the Board of Trustees for the  
10 Village of Greenport. We have a couple of  
11 announcements tonight. The first is, the next  
12 brush pick-up will be on September 3rd. The  
13 next announcement, to be discussed is for the  
14 public interest, we discussed at the work  
15 session. I would like to read a letter that  
16 some of you may have received in the mail with

17 your billing statement. And then I will give  
18 another brief explanation similar to the one  
19 that I gave at the work session. Billing  
20 information from the Village of Greenport  
21 Electric Department. This notice provides  
22 information on changes in your Purchased Power  
23 Adjustment, beginning with this month's bill.  
24 The operations of the Village's Electric  
25 Department have not changed and the base rates

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1 are remaining the same. However, certain  
2 long-term transmission contracts will expire  
3 on October 31, 2013. Similar contracts, used  
4 in delivery of your purchased power, are more  
5 expensive. These contracts are necessary to  
6 protect the Electric Department's customers  
7 from the high transmission costs caused by the  
8 State's deregulated market for electricity.

9 Beginning in August of 2013, the  
10 Purchase Power Adjustment will increase your  
11 bills for a 28-month period. In an effort to  
12 ease the impact on our ratepayer's, the end

13 result is a cost "pass through" with an  
14 expected average monthly billing increase for  
15 the next 28 months of: \$7.75 to \$10.69 per  
16 month for our residential customers and \$25.12  
17 to \$39.77 per month for our commercial  
18 customers. We are continuing to work with the  
19 New York Power Authority to identify other  
20 options to help ease this burden on our  
21 electric customers. Thank you for your  
22 confidence and continued support.

23 With that read, what I would like to  
24 start by saying is that we're continuing to  
25 work with the New York Power Authority on this

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1 item. They're our regulator. We're  
2 continuing to work with them. In October of  
3 2013 the Village had transmission contracts  
4 with several entities to upstage to us. Those  
5 contracts were due to expire in October.  
6 Those contracts were negotiated along time  
7 ago. They cover the cost of that electricity.

8 And electricity costs fluctuates based on  
9 certain factors. One of the being congestion.  
10 Over the last couple of years these agencies  
11 have offered what's called a fix TCC or a  
12 fixed price for a transmission congestion  
13 charge. As our contracts were coming due, the  
14 Village was offered the opportunity to buy  
15 into a fixed TCC opportunity rather than  
16 staying with the transmissions the way it was.  
17 Which would congestion charges and etcetera,  
18 etcetera. We had both financial and legal  
19 consultants look into this for us. Legal  
20 being Dunkin, Gengsler and Weinberg and  
21 Bollam, Sheedy and Torani our financial  
22 advisors. What the, advised to us was that  
23 this hedge in congestion charges was a good  
24 idea. It was done by other municipalities.  
25 It's much success. Given the opportunity to

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1 do so, it was a good hedge against --  
2 particularly summer-time peak congestion  
3 charges. In February of this year, we entered

4 into a contract with New York Power Authority  
5 and our other transmission authorities  
6 agencies, to purchase pre-purchase these fixed  
7 rate TCC's. I say pre-purchase because the  
8 fixed rate for the transmission congestion  
9 charges were purchased a year in advance and  
10 then that is your fixed transmission charge  
11 for the year. When this happened in January,  
12 we went to the New York Power Authority said  
13 we don't have the cash to do this. We need  
14 the cash in our account for our working  
15 capital and for capital improvements. They  
16 said in order to get the contract done, pay  
17 the first 25% and we will begin to work with  
18 you to figure out a way to recuperate the  
19 additional 75% before October 31st, when the  
20 final payment is due, which is what we did by  
21 RESOLUTION in January of this year. We  
22 authorized the contract to be executed and by  
23 February we paid that first 25%. Long story  
24 short, we had not gotten a satisfactory story  
25 with how to recuperate with the New York Power

1 Authority. So the Village went back to it's  
2 financial and legal consultants. We had  
3 contended all along that transmission charges  
4 are recoupable through the power purchase  
5 adjustment portion of the ratepayer's bill.  
6 We were reassured that by both legal and  
7 financial. So we have begun to recoup that  
8 money through here. What we have done is  
9 spread it out amongst a 28 month period. That  
10 will -- what will happen is, over the next  
11 several months, the old transmission charges  
12 that had been in there will drop off as of  
13 October 31st, and then we will be paying this  
14 year's transmission charges and beginning to  
15 collect for the prepayment of the following  
16 year. This will normalize back to a fairly  
17 regular bill after the 28 month period. The  
18 problem in this first year, we have to prepay  
19 those transmission charges. So there is that  
20 little bit of spike. So we're spreading that  
21 over those months. Again, we have been

22 reassured by legal and financial that we can  
23 do so. We're not increasing rates. We're  
24 increasing our PPA which we're entitled to do  
25 our tariff's. We're not self regulating.

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1 We're not doing anything that we're not  
2 supposed to be doing. I believe that is what  
3 I covered during the work session. I would  
4 encourage anyone that has a question about  
5 this, to please contact Village Hall.  
6 Everyone in Village Hall is well versed in  
7 what's going on. They can help you through  
8 the process. So please be aware that those  
9 are average numbers. They should be within  
10 those numbers. With that, we have -- under  
11 next on our agenda. We have public hearing  
12 applications that were postponed for this  
13 month for lack of information. At this point,  
14 the applications are not complete. Which  
15 brings us to the public portion of the agenda.  
16 I will ask if there is anyone from the public  
17 that wishes to address the Board.



18 MR. BERGSON: My name is David Bergson  
19 and I run Glory. And I have been running a  
20 childhood foundation called Glory Going Races  
21 for 2011, a 501C3.

22 MAYOR NYCE: Just your address for the  
23 record.

24 MR. BERGSON: Okay. For the record, my  
25 address 508 Sterling Place. Anyway, I just

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1 wanted to give the Board of Trustees an  
2 assessment of what we have done this summer.  
3 We have been running an eight week school free  
4 program for the fifth graders aboard the Glory  
5 one hour a week, with myself and Meg Bennett,  
6 Diane Asler. We have done this for free. We  
7 have done repeated school programs for science  
8 for free. We're going to start our October  
9 program again, and I would like to ask the  
10 Village for their indulgence so we could use  
11 the schoolhouse again. Last year our program  
12 was supposed to run two months. It ended up

13 running six months. I would like to run 9:00  
14 to 10:30. I would like to run later because I  
15 would like to sleep later, but I can't. So I  
16 would like to say from 9:00 to 11:00, if we  
17 could use the school house once again for the  
18 children of the community every Saturday  
19 morning. I would be much oblige and they  
20 would be as well.

21 MAYOR NYCE: October through?

22 MR. BERGSON: Last year we went through  
23 October 26th through Memorial Day.

24 MAYOR NYCE: Okay.

25 TRUSTEE MURRAY: Dave, I have a

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1 question for you? Are you funded for this  
2 program or are you still needing assistance?

3 MR. BERGSON: If I were to say I needed  
4 assistance, it would be a grave  
5 understatement. In fact, if anyone here has  
6 any wear with all they would like to spend for  
7 a tax deductible 501C3, I would be much  
8 oblige. No. Funding is much appropriated to

9 do these projects. It can't be done without  
10 it. I try and keep an arm's length distance  
11 from everybody in the Village so that no one  
12 can turnaround and say that I am getting  
13 favored treatment or anything. If anyone has  
14 any ideas for helping raise money for any of  
15 these school programs, I would be much obliged.  
16 I appreciate it. If we could have that, we  
17 could start planning our programs now. Thank  
18 you.

19 MAYOR NYCE: Thank you.

20 MR. TASK: Good evening, Mr. Mayor and  
21 Members of the Board. I am here on a very  
22 good opportunity --

23 MAYOR NYCE: Name and address for the  
24 record, please.

25 MR. TASK: Arthur Task, 17 Beach Street

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1 in Greenport. My fellow residents on Sandy  
2 Beach are all very pleased to learn that the  
3 Village is finally taking some concrete steps

4 to provide sewer service to Sandy Beach and  
5 the Beach Road area. We have been waiting for  
6 it for 70 years. I can remember in 1945, that  
7 several of us in 1945 burned the outhouses on  
8 Sandy Beach during the war. So all I can say  
9 is that we hope that the RESOLUTION that will  
10 be passed -- be respectively passed tonight.  
11 So that the Village will provide service. I  
12 can say when they come over there, they will  
13 be met with a brass band and every resident on  
14 Sandy Beach with a checkbook on their hand.  
15 Thank you very much.

16 MAYOR NYCE: Thank you. Is there  
17 anyone else that wishes to address the Board?

18 MR. SALADINO: John Saladino, 6th  
19 Street. Are there any RESOLUTION's not on the  
20 agenda?

21 MAYOR NYCE: There are SEQRA  
22 RESOLUTION's that go along with the grants and  
23 bonding RESOLUTION's that the Village Attorney  
24 provided for us after the agenda was complete.  
25 And Trustee Phillips has wording for one of

1 the agenda items that has to do with the  
2 bonding.

3 MR. SALADINO: I have a question about  
4 a couple of the RESOLUTION's. RESOLUTION #15,  
5 is you're going to adopt a negative  
6 declaration for Clark's Beach Green Energy  
7 Park. And the RESOLUTION says that you're  
8 applying for a grant for a planning and  
9 feasibility study. But the SEQRA report says  
10 that you have reviewed the completion of the  
11 proposed feasibility study. I am not sure I  
12 understand. I am reading from your document.  
13 Whereas, the Board of Trustees of the Village  
14 of Greenport has reviewed the completion of  
15 the proposed feasibility study. So I am just  
16 confused how you're applying for it --

17 MAYOR NYCE: You should read the grant  
18 application. You should not read the  
19 feasibility study. There is no feasibility  
20 study.

21 MR. SALADINO: Well, you can understand  
22 I would not know that because I am reading

23 from this document.

24 Is there a cost associated to that? Is  
25 that a in-house planning?

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1 MAYOR NYCE: There is no cost.

2 MR. SALADINO: And No. 20, I was at the  
3 work session and I remember you talking about  
4 a Tall Ship that wanted to come and perhaps  
5 this being a home for Tall Ships in 2015. Is  
6 there a cost associated to the taxpayers for  
7 that?

8 MAYOR NYCE: No.

9 MR. SALADINO: So the RESOLUTION is  
10 just saying it's okay for them to come to  
11 Greenport? And RESOLUTION #26, I am not sure  
12 --

13 MAYOR NYCE: I will explain that to  
14 when we get to it. I'm sorry, I didn't mean  
15 to cut you off. I had too much coffee today.

16 MR. SALADINO: And I hadn't had enough  
17 or else I would be interrupting. But just as

18 a comment, MBE is minority and WBE is women.  
19 Just so I am on the same page. I am just not  
20 sure why -- it says for the Village to incur.  
21 The Village is looking for a waiver because to  
22 do business with a minority group or a women's  
23 group, it would cost them 194%. Could you  
24 explain to us what business the Village is  
25 doing?

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1 MAYOR NYCE: It has to do with the  
2 grant for the sewer and water runoff project  
3 at both Manor Place and Fifth Street. I will  
4 clarify that.

5 MR. SALADINO: That is good that you're  
6 going to explain it but in all fairness --

7 MAYOR NYCE: I will explain it now to  
8 you.

9 MR. SALADINO: The last thing that I  
10 would ask, I was at last month's Village Board  
11 Meeting and I asked a question of the Board  
12 and Trustee Hubbard was nice enough to respond  
13 that he didn't know and he was going to get me

14 information. And he actually did. I am not  
15 comfortable calling someone at work or calling  
16 their home. So I was wondering if you could,  
17 just for the benefit --

18 TRUSTEE HUBBARD: Sure. Yes. It had  
19 to do with a dock permit or a dock lease on  
20 the Railroad Dock was his question. And I did  
21 not have the answer at the time, and I asked  
22 about it. The lease is for a long-term use.  
23 So that they're basing a business of the dock.  
24 A permit is just someone that is using it on  
25 and off. Like a fishing boat is there on and

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1 off and not using it all the time. Not  
2 running a business there. That is why they  
3 have a permit for it. A lease, Peconic Starr,  
4 the FIREBOAT, will be permanently based there  
5 and where they will be running their operation  
6 out of. That was the explanation that I had  
7 gotten on that, John.

8 MR. SALADINO: Okay. So the only



9 criteria is the length of time that somebody  
10 spends at the time of the dock. So to  
11 eliminate any confusion with the MTA and the  
12 County, it would seem that -- all the Village  
13 would have to do is change the word lease to  
14 permit. And just draw a permit that specifies  
15 yearly or two years. But thanks.

16 TRUSTEE HUBBARD: Sure.

17 MR. SALADINO: I had something else but  
18 I know Billy is chopping in.

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

21 MR. SWISKEY: William Swiskey, 184  
22 Fifth Street, Greenport. Before I get into  
23 what I -- you told John, a permit is for a  
24 year at the dock, right? It's a permanent  
25 thing?

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1 TRUSTEE HUBBARD: It's renewed yearly.

2 MR. SWISKEY: All right. And the only  
3 difference between a permit and say I wanted  
4 to put a excursion boat at the dock for a

5 year, could you then issue me a permit and I  
6 wouldn't have to have a lease? Because that  
7 was my understanding of what was just said.  
8 Perhaps I am a little slow at the uptake but  
9 that is what I just heard. So you could issue  
10 the FIREBOAT a permit for one year and he  
11 could go to the dock because after that you  
12 can tell him to leave or he can apply for a  
13 permit again. Now, that is what I got out of  
14 that whole thing.

15 MAYOR NYCE: My understanding Bill, and  
16 the Village Attorney can correct me if I am  
17 wrong, it had to do with the intent of the  
18 use. Fishing boats are by their nature,  
19 transient. They're not at sea. They have a  
20 permit at several different docks throughout  
21 there. An excursion boat does not. An  
22 excursion boat will come back to the same dock  
23 all the time, therefore it would have a  
24 permanent location. It has to do with the  
25 intent of the use. The FIREBOAT is not

1 looking for a permit. They do not intend to  
2 be at several different docking spaces. They  
3 intend to be at this dock.

4 MR. SWISKEY: Still doesn't make much  
5 sense to me and I got other things that I  
6 wanted to talk about. Just one other thing,  
7 since we're on the subject. It's probably  
8 costing us, that 140 foot that that FIREBOAT  
9 takes up at the marina -- and I have been  
10 doing the calculations and we can rent that  
11 space for three days a week, basically it's  
12 costing us about \$1500.00 a week to be there.  
13 It has been there for three months. That's a  
14 significant amount of money. What do we plan  
15 to do with the FIREBOAT because it's really  
16 costing the taxpayers a lot of money.

17 MAYOR NYCE: It hasn't cost the  
18 taxpayers a dime as of yet.

19 MR. SWISKEY: What? We couldn't rent  
20 that 140 foot space? He's lying --

21 MAYOR NYCE: That's the answer.  
22 Doesn't make it wrong. If it's space that we

23 needed, it would be gone.

24 MR. SWISKEY: It's sitting --

25 MAYOR NYCE: If you don't like the

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1 answer, it doesn't make the answer wrong.

2 MR. SWISKEY: It doesn't make your  
3 answer right either. Enough said. Skipping  
4 ahead. We have one RESOLUTION here  
5 establishing now -- you know, when certain  
6 Trustees were running for office and I said  
7 they only worked 20 hours a month and they  
8 really shouldn't have any hospitalization.  
9 Well, it seems now we have Trustees that are  
10 jumping into the retirement system and who are  
11 acknowledging by their own thing that they're  
12 only working 20 hours a week. Mary Bess, I am  
13 speaking, please.

14 TRUSTEE PHILLIPS: Since you're such a  
15 gentleman of wanting straight truth, there is  
16 your answer and the information that goes  
17 along with it.

18 MR. SWISKEY: I see there is credit

19 here with the New York State Retirement System  
20 for 20 hours a month for two Trustees. What I  
21 said was the average. So you take  
22 approximately \$12,000.00 of salary Trustees  
23 receive, and you take the \$22,000.00 worth of  
24 family benefits because that is not only  
25 medical, that's dental and optical, which the

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1 average Trustee pays about \$50 bucks a month  
2 towards it. It's probably what the -- Village  
3 picks up the majority on a Tier 4 or 5  
4 retiree, so basically the Village is probably  
5 picking up two to three grand a year for these  
6 people to belong to the retirement system.  
7 When you do all the math -- you can shake your  
8 head, George, it's simply math. \$125.00 an  
9 hour for part-time Trustees. That's what it  
10 amounts to. Do the math yourself. You don't  
11 have to believe me. We did the math today. I  
12 was shocked. Plus, we have a treasurer here  
13 who works one day a month and we're

14 contributing to her retirement. Do you  
15 realize what can happen? Any of these people  
16 -- you're the last public employer. If these  
17 people get retire and get vested in the system  
18 and they retire -- by state law, if it's a  
19 single person, you're going to have to pay 50%  
20 of their hospitalization costs or 35% for a  
21 family. And that's the law. I mean, so this  
22 could be -- this is just outrageous. I mean,  
23 I have been coming to the Village Board  
24 meetings forever. And I have known all the  
25 Trustees and nobody ever did this. This is

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1 just like -- you're stealing from people. I  
2 think you should really just look into it.  
3 All right. I have a next item on here. You  
4 have a bond resolution attached. You're going  
5 to spend another million dollars in the light  
6 plant. Half the stuff don't work right now.  
7 It hasn't worked since you took it apart last  
8 June. You're going back to the same engineer.  
9 And by the way, is there a Board RESOLUTION

10 hiring him again for this new project because  
11 I don't seem to recall one? I go to every  
12 work session and every Board meeting, and I  
13 mean, this guy just stuck it too you real big  
14 time. You know, he spent all your money. He  
15 took your money. He got crap and now you're  
16 going to hire him again? I saw that list of  
17 projects that he had. I actually FOILED for  
18 it. Nobody ever looked at it. There was  
19 nothing on there. What projects do you want  
20 to specifically do? I heard the Mayor say  
21 "come back to us with a list, Bob." No, he  
22 works for you. You tell him. "I want this  
23 done and this done." I haven't seen that.  
24 That is no way to run a business. You can  
25 smile at it but that's about the stupidest way

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1 to run a business I have ever seen. I have  
2 some experience in this. I just don't buy it.  
3 It's unbelievable to me. Anyway lets get back  
4 to this -- what you don't call a rate hike and

5 I call a rate hike. Now, you just said  
6 something else here at the beginning of this  
7 transmission. You said that these are  
8 congestion charges. Are those congestion  
9 charges above our normal costs? Because  
10 that's what you said.

11 MAYOR NYCE: No. That's what you  
12 heard.

13 MR. SWISKEY: The audience heard. But  
14 maybe I am mistaken. What were our  
15 transmission costs last year? Does anybody  
16 know before anyone votes on this? They  
17 weren't any where near that because I get the  
18 papers every month. You're going to be almost  
19 doubling your transmission costs here. I  
20 would advise you until at least the Power  
21 Authority rules on the complaint that has been  
22 made and is in their hands and gives you  
23 permission to do this, I would vote to table  
24 this. Because all you do -- if the Power  
25 Authority comes back and says no, you can't do



1 this. You're going to have to pay that money  
2 back. It's just -- I mean, it's not good  
3 business. It's -- I would urge any Trustee  
4 that really cares to say, hey, let's hold off  
5 on this until we get a final determination  
6 from the Power Authority that we can do this.  
7 Because believe it or not, there are certain  
8 restrictions in writing in which you could put  
9 in the PPA. And your lawyer will tell you  
10 anything. You pay him. Lawyers have been  
11 wrong before in the Village. In other words,  
12 it's what your regulator says and that's what  
13 it is. I just don't understand it. And for  
14 these women and minorities, 194%? Come on.  
15 We have all been through these contracts  
16 before. It sounds to me like someone doesn't  
17 like women and minorities to come up with  
18 that. That's not a reasonable explanation at  
19 all. In fact. Governor Cuomo was basically  
20 on TV the other day and he wants this. He  
21 wants this women and minorities and the  
22 Village is basically telling them, we can't do  
23 -- it has to do with -- it had to -- what

24 project did it have to do with, John? You  
25 were listening --

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1 MAYOR NYCE: Can you address the Board,  
2 Bill?

3 MR. SWISKEY: All right. I am  
4 addressing you. What project --

5 TRUSTEE PHILLIPS: -- Manor Place.

6 MR. SWISKEY: You're talking about the  
7 drainage. You're telling me, you can't find  
8 an engineering firm who employs minorities --

9 MAYOR NYCE: It's not the engineering  
10 firm. It's the survey crew.

11 MR. SWISKEY: I could find you that.  
12 This is like you're dissing women. Have a  
13 good day.

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

16 MS. BENDICT: I do. I apologize for  
17 being so disruptive but this is like my other  
18 appendage. Michelle Bendict. I brought some

19 other friends from the Greenport Skate park  
20 Festival. First off, I just want to thank the  
21 Village Board and the Mayor. Thank you for  
22 allowing us again to hold the Annual Skate  
23 park Festival. It means a lot to us. Like I  
24 said in my report, it has been a challenge for  
25 us for the last two years for us to do this

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1 because we live so far away. It is something  
2 that is very dear to us. And I really, really  
3 hope that the community can man it together to  
4 save the park and make it a priority. And if  
5 not, maybe we can look at other alternatives  
6 for the park. Maybe tearing it down, but I  
7 know a lot of people don't want to see that  
8 happen. With that note, I brought a parent  
9 and also another young gentleman who loves to  
10 skate in the park. Thank you.

11 MR. THOMAS: Hello. My name is Ron  
12 Thomas. I live in Bay Shore, New York. I was  
13 a part of the skate festival this year. I  
14 have been coming to the park since 2000. And

15 I bring a lot of family members and friends.  
16 I kind of make a lot of band trips out here.  
17 My concern was the condition of the skate  
18 park. And you know, I know between people in  
19 the community and myself who are willing to  
20 help, you know, update it and keep it up and  
21 everything like that and I am not even from  
22 this area. It's one of those skate parks  
23 that's really well built. I know people like  
24 it. Especially me, at 40. And I guess what I  
25 really -- my real concern is the -- what

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1 happens at night at that skate park. Like I  
2 said, I have a lot of people in my own  
3 community that are willing to partake and  
4 invest their own money and everything else and  
5 own elbow grease to fix that park and help  
6 maintain it. It's just a concern if it's  
7 going to be able to stay maintained at night.  
8 I just want to share that with you. It was my  
9 first festival. Thank you very much. I do

10 love this park. It's an hour drive for me and  
11 my friends and family. I like the festival.  
12 I hope it can keep getting bigger and bigger.  
13 Thank you.

14 MAYOR NYCE: Thank you.

15 MR. DIAMOND: Hi, How are you going  
16 doing? My name is Mike Diamond. I live 628  
17 Second Street. I actually just moved back to  
18 Greenport. My family moved away when I was  
19 young. I just got back into skating. I love  
20 the park. I skate almost every day. I am  
21 local. So I guess the big issue for these  
22 guys, they run the festival but live pretty  
23 far away. I am kind of a local guy that is  
24 dedicated to the park. So anything that I can  
25 do to help to involve myself in. Anything

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1 that I can do for maintenance or improvements,  
2 anything. I am super flexible to support the  
3 park. Thank you for listening.

4 MAYOR NYCE: Thank you.

5 TRUSTEE HUBBARD: Let me just add onto

6 that. We did talk about at the work session  
7 and the festival at the park in general. Mike  
8 is going to be a very big help. We're trying  
9 to set-up a committee of local people to try  
10 and get involved and get the locals more  
11 involved. Like we did a few years ago. I  
12 appreciate you volunteering and I will be in  
13 contact with you. We haven't set up the  
14 committee yet up but we will keep in touch.  
15 We really appreciate you guys volunteering and  
16 keeping it up. We really don't want to tear  
17 it down. So that's the intentions. So we're  
18 trying to get something bigger going. Thanks  
19 for coming.

20 MAYOR NYCE: Is there anyone from the  
21 public that wishes to address the Board?

22 MR. WINKLER: John Winkler, 175 Fifth  
23 Street. I just have some follow-up questions.  
24 I know there was -- we have a situation with  
25 our water tester. I see that you're sending

1 someone to school, and the gentleman that was  
2 going to do it, backed out of it.

3 MAYOR NYCE: We have the current person  
4 doing it.

5 MR. WINKLER: Because I know there are  
6 fines if there is not someone representing us.  
7 The question that I asked at the last meeting,  
8 the FIREBOAT came here and two of you agreed  
9 to have the boat come in. From what I am told  
10 there is a lease problem with Suffolk County.  
11 Maybe they don't want to put it there. You're  
12 going to some issues there. Why wasn't this  
13 done before you brought it here? Why wasn't  
14 there approval before you brought it here?  
15 It's sitting here and taking up space that we  
16 just spent -- I saw in the paper, \$400,000.00  
17 in upgrades. It makes no sense. And I just  
18 wanted to know why wasn't that done before you  
19 brought here or if that was your intention?  
20 So I would like an answer to that. Thank you.

21 MAYOR NYCE: Is there anyone else that  
22 wishes to address the Board?

23 (No Response.)

24                   MAYOR NYCE: Okay. With that, I will  
25                   answer a couple of questions. In response to

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1                   that, Mr. Winkler, we allowed the FIREBOAT to  
2                   come here on a temporary dockage basis while  
3                   asking the County for an interpretation. The  
4                   County has been dragging it's feet for almost  
5                   a year. And we still haven't gotten a  
6                   straight answer. At no point did we promise  
7                   the FIREBOAT dockage. At no point, did we say  
8                   they could be there full-time. As I recall,  
9                   they could be there from winter of last year,  
10                  with the stipulation where we had room, that  
11                  they could not stay there and that we would be  
12                  asking the County for an interpretation prior  
13                  to a license or sublicense on the commercial  
14                  dock. To make sure that we can do that. So  
15                  we did not bring a boat here not knowing where  
16                  it's going to go. We gave them a temporary  
17                  dockage with the idea that we would ask the  
18                  County for an interpretation. And that is  
19                  where this is. As far as the other ones, we



20 will be getting to them as the RESOLUTION's  
21 come up. I will go through them quickly. The  
22 grant application with the SEQRA. I will ask  
23 the Village Attorney to look at that. That  
24 should be just for the grant application and  
25 not for the project itself. For the home

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1 court, RESOLUTION, no there is no cost  
2 associated with hat. This RESOLUTION is just  
3 to allow the Tall Ships America know that  
4 we're interested and everything else would be  
5 worked out. If we don't make no offer. No  
6 ships will come here. As far the MBE and WBE  
7 RESOLUTION, with that grant application, as  
8 the Director of Utilities was explaining to  
9 the work session Dvirka and Bartilucci  
10 submitted a bid and part of that bid included  
11 a bid for surveying services. Subsequent to  
12 that, a surveying service solicited the  
13 Village for the very same project at a  
14 significantly lesser amount of money. There

15 is a certain dollar threshold which is not an  
16 ME and WE requirement. The cost of this bid  
17 is 194% -- excuse me, reduces the bid by that  
18 amount of money. We're looking at a waiver to  
19 subsequent that bid. It does not mean that  
20 it's going to be granted. It allowed under  
21 the law because it's under the threshold. I  
22 hope that explains that. The other one is  
23 RESOLUTION #5. Establishes a standard work  
24 day. It does not say that anyone is going to  
25 work six hours a day. The New York State

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1 Retirement system requires that we make a  
2 RESOLUTION every year that sets a standard  
3 work day. In order to do that, part-time, a  
4 standard work day is six hours. That's all  
5 that it's doing. The other thing that  
6 everyone else should know that is that if you  
7 work for ten consecutive years, and to pay  
8 into the pension program you cannot recover  
9 from the program. So Mr. Swiskey, yes, your  
10 math is always shocking to me too.

11 MR. SWISKEY: Yes, just shocking.

12 MAYOR NYCE: You had your opportunity,  
13 please be quiet.

14 MR. SWISKEY: You shot the remark --

15 MAYOR NYCE: Mr. Swiskey, please be  
16 quiet. You shot plenty of remarks at me that  
17 I have not shot back at.

18 There are several SEQRA RESOLUTION's  
19 that are affiliated with this bonding and  
20 grant RESOLUTION's. So those will be added.  
21 RESOLUTION #4 for the bonding, the wording  
22 will be for 2013 improvements to the  
23 Electrical Department facilities in the \$  
24 1,500.000.00. With that, I have a  
25 presentation that I would like to give to the

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1 Board. Mark Wagner from Cameron Engineering  
2 came out here last month and the Village of  
3 Greenport has been awarded through Cameron  
4 Engineering, a platinum award for engineering  
5 excellence for the Wastewater Treatment

6 Project. He brought this out to us. Cameron  
7 Engineering is very proud of it. I am very  
8 proud of the engineering as is the Board. By  
9 looking at the numbers, doing fantastic.  
10 Nitrogen reduction. We're very happy with it.  
11 It's been a long time coming. With that, we  
12 will change gears a little bit and I will open  
13 for Board discussion on the residential rental  
14 regulations. I will stipulate to the audience  
15 that this will not be voting on. It was a  
16 long work session for those of you that were  
17 there. I apologize for not discussing it at  
18 the meeting. We will likely renote the  
19 public hearing for this September and likely  
20 depending on the outcome of the Board's  
21 discussion, have it as an agenda item in  
22 September regular agenda. I am saying that  
23 because we generally don't take up items on  
24 the same night as a meeting. We may do that  
25 in this case. It's a technicality. The

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1 Village Attorney is saying that we should

2           renotice. With that, I will open it up for  
3           Board discussion. Start with Trustee Murray.

4                   TRUSTEE MURRAY: As many of you know, I  
5           was in favor of the rental permit and have it  
6           progress, as it has. I do agree with many of  
7           you that some issues need to be addressed as  
8           far as definitions and the number of people  
9           considered for a rental. I am still in favor  
10          of this. I still feel that we're getting much  
11          closer to this. I am a fan of this proposal.  
12          I think we need it in the Village. We heard  
13          from many of you that -- there was one  
14          gentleman who was speaking, I will not say his  
15          name but he is exactly who we need this permit  
16          for. He doesn't want us in his apartments and  
17          I think we need this to protect the citizens  
18          of Greenport. I know there is a lot of people  
19          who don't like this but need this for the  
20          Village. We need to be able to get in there  
21          and make sure this is safe. So I am in favor  
22          of moving this forward. That is my stand.

23                   TRUSTEE HUBBARD: All right. My  
24          feeling on it, we have laws on the book and we

25 should just enforce what we have. I think an

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1 overall package of the rental law is going to  
2 be hard to enforce. It's going to be costly.  
3 I don't know if we have the manpower and the  
4 people to do it. I think we should follow the  
5 laws on the books. I think this should be a  
6 year round thing. I think it needs more work.  
7 That is my opinion on it.

8 MAYOR NYCE: Trustee Robbins?

9 TRUSTEE ROBBINS: I will say that I do  
10 support this law. I have experience in the  
11 building issues for many years and now working  
12 as a realtor, I am aware of the fact that  
13 there are a number of rental of units in this  
14 Village that are substandard. I have seen  
15 some of them myself. It's very important for  
16 us as a Village to protect the interest of  
17 those that are seconded homeowner. When  
18 you're a primary homeowner, the Building  
19 Department is going to come in and regulate.

20 They are going to inspect your house. Even  
21 though I am aware of the housing codes of the  
22 Village, I feel that we do need a uniform  
23 rental law to encompass all of these things.  
24 I do believe there is some language in here  
25 that needs to be defined. I do not believe

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1 there should be imprisonment. But I  
2 absolutely support the spirit of the law and I  
3 hope that we can continue to do a few minor  
4 changes. Thank you.

5 MAYOR NYCE: Thank you.

6 TRUSTEE PHILLIPS: As being part of the  
7 code committee and discussing this, questions  
8 were asked, we already have code on the books  
9 in the State of New York. Are we enforcing  
10 that now? The second question was how are e  
11 going to pay for this? What plan of action  
12 are we going to take? Our Building Department  
13 has been struggling since I was first elected  
14 many years ago, I had proposed to the Mayor  
15 and the Board that we should come up with a

16 plan of action. This is just going to add to  
17 the stresses. I do have a problem with some  
18 of the definitions. One of the problems I  
19 have is the Licensing Review Board. I do  
20 agree with Trustee Hubbard. I understand and  
21 I have been around the Village and being a  
22 Chair for the ZBA, I saw a lot. I do believe  
23 there should be a responsibility on the  
24 property owner and the tenant or tenants. I  
25 think there should be a compromise to that. I

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1 think that people should take pride in their  
2 home. We have a very diverse community.  
3 That's all I have to say.

4 MAYOR NYCE: Thank you. I appreciate  
5 the comments. I really do. I appreciate the  
6 process of this. That this started four years  
7 ago where it was brought up the idea. It has  
8 gone through Code Committee once and sent  
9 back. At this point, I think we have a fairly  
10 good piece of it. I agree with the



11 imprisonment. I looked through this again  
12 after last's month meeting. I looked at the  
13 definition of family. Read it again. It's  
14 very broad. It doesn't say one relative. It  
15 says people that are connected other than by.  
16 Families do support each other. So I am in  
17 ongoing support of this. So I ask that you  
18 read that again. The other thing that  
19 occurred to me, that there are a lot of  
20 apartments that already meet the criteria,  
21 would they meet the exception from this  
22 program. That is something that I can discuss  
23 with the Village Attorney. The other thing  
24 that this does, it allows the tenants to bring  
25 complaints against the property owner, and

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1 allows the property owner to bring complaints  
2 against the tenant. It's very difficult to  
3 convict a tenant. I would like the Village  
4 Attorney to review the penalty portion and  
5 rather do a fine rather than imprisonment. As  
6 far as how to pay for it. I think there is a

7 big myth out there that thousands of people  
8 are going to be coming in. First of all, most  
9 people are not. They're going to wait for us  
10 to come and find this. So I think that this  
11 is the right thing to do. Get Code  
12 Enforcement and get together and do it. This  
13 is much less evasive if you will. It doesn't  
14 ask for tenants names. As far as the  
15 Licensing Review Board, that's in there, if  
16 there is a complaint, we want there to be a  
17 place for the inspection. If there is a  
18 problem with the inspection, we want there to  
19 be another Board other than the Village Board.  
20 I like to believe that it's not that political  
21 and that people are going to do it for the  
22 right reasons. It doesn't have to be  
23 appointed by the Mayor. I am open to  
24 suggestions.

25 UNKNOWN SPEAKER: What about safety

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1 issues?

2                   MAYOR NYCE: I am sorry, this is not  
3 open discussion. That was why the Code  
4 Committee opted not to. So I am going with  
5 what the Code Committee decided and I am okay  
6 with it all the way.

7                   With that, do you have the changes?

8                   MR. PROKOP: Yes, I do.

9                   MAYOR NYCE: With that, I will ask that  
10 the Village Attorney make those changes and  
11 submit it back to the Board as soon as  
12 possible. That the draft document be  
13 available to the public prior to that meeting  
14 to be able to comment at the September  
15 meeting.

16                   I will now move us into our regular  
17 agenda. You know what, I am going to skip  
18 RESOLUTION #1 because there is a lot of small  
19 little changes. We will add the SEQRA  
20 RESOLUTION's as we need it.

21                   I will offer a RESOLUTION to skip  
22 RESOLUTION #1.

23                   TRUSTEE HUBBARD: Second.

24                   MAYOR NYCE: All those in favor?

25 TRUSTEE MURRAY: Aye.

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1 TRUSTEE HUBBARD: Aye.

2 TRUSTEE ROBBINS: Aye.

3 TRUSTEE PHILLIPS: Aye.

4 MAYOR NYCE: Any opposed or

5 abstentions?

6 (No Response.)

7 MAYOR NYCE: That motion carries.

8 I will ask Trustee Murray to read

9 RESOLUTION #2.

10 TRUSTEE MURRAY: RESOLUTION #08-2013-2,

11 RESOLUTION accepting the monthly reports of

12 the Greenport Fire Department, Village Clerk,

13 Village Treasurer, Village Administrator,

14 Director of Utilities, Village Attorney, Mayor

15 and the Board of Trustees.

16 So moved.

17 TRUSTEE HUBBARD: Second.

18 MAYOR NYCE: All those in favor?

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE ROBBINS: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MAYOR NYCE: Any opposed or  
24 abstentions?

25 (No Response.)

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1 MAYOR NYCE: That motion carries.

2 TRUSTEE HUBBARD: RESOLUTION #08-2013,  
3 RESOLUTION ratifying the following resolutions  
4 previously approved by the Board of Trustee at  
5 the Trustees' work session held on August 19,  
6 2013:

7 RESOLUTION approving the request of St.  
8 Agnes Church to close Sixth Street between  
9 Front and Wiggins Street, on August 24, 2013  
10 from noon to 3:00 p.m. for the Twelfth Annual  
11 Parish Picnic.

12 RESOLUTION authorizing Mayor Nyce to  
13 attend the New York Association of Public  
14 Power August meeting in Riverhead, New York on  
15 August 20, 2013 and August 21, 2013 at a cost

16 of \$150.00 plus all applicable travel costs,  
17 to be expensed from line item number  
18 A.1210.400 (Mayor Contractual Expense.)

19 So moved.

20 TRUSTEE MURRAY: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE ROBBINS: Aye.

25 TRUSTEE PHILLIPS: Aye.

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1 MAYOR NYCE: Any opposed or  
2 abstentions?

3 (No Response.)

4 MAYOR NYCE: That motion carries.

5 I will read RESOLUTION #4 because I  
6 have the wording in front of me.

7 RESOLUTION #08-2013-4, RESOLUTION  
8 approving the attached bond resolution dated  
9 August 23, 2013 whereas approved, the Village  
10 Board electrical generation facilities in the  
11 amount of \$1,050,000.00 as prepared by

12 Fulbright and Jaworski.

13 So moved.

14 TRUSTEE ROBBINS: Second.

15 MAYOR NYCE: We will call a roll call  
16 because this is a RESOLUTION that needs a  
17 majority. I will ask the Village Clerk to  
18 call the roll.

19 CLERK PIRILLO: Trustee Murray?

20 TRUSTEE MURRAY: Yes.

21 CLERK PIRILLO: Trustee Hubbard?

22 TRUSTEE HUBBARD: Yes.

23 CLERK PIRILLO: Trustee Robbins?

24 TRUSTEE ROBBINS: Yes.

25 CLERK PIRILLO: Trustee Phillips?

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1 TRUSTEE PHILLIPS: Yes.

2 CLERK PIRILLO: Mayor Nyce?

3 MAYOR NYCE: Yes.

4 CLERK PIRILLO: Thank you.

5 MAYOR NYCE: That motion is carried. I

6 will ask Trustee Robbins to read RESOLUTION

7 #5.

8 TRUSTEE ROBBINS: RESOLUTION #08-2013-5,  
9 RESOLUTION adopting the following: Be it  
10 resolved that the Village of Greenport hereby  
11 establishes the standard work day of six hours  
12 for elected officials and seven hours for  
13 appointed officials, for retirement purposes,  
14 and that the Village will report that  
15 information on the attached RS2417A and B  
16 forms.

17 So moved.

18 TRUSTEE PHILLIPS: Second.

19 MAYOR NYCE: I explained this before.  
20 Trustee Hubbard?

21 TRUSTEE HUBBARD: I would just like to  
22 make a comment on this. If you look at the  
23 form that is on there, you will see my name. I  
24 did opt in the retirement system the first  
25 year I was on the Board, per the

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1 recommendation of the Treasurer at that time.  
2 To date, it has been six years, I tried opting



3 out like four times. The credit that I get, I  
4 am getting 4.2 years of credit for every year.  
5 So to get -- I would have to work for 20 years  
6 before the Village would have to pay any  
7 monies towards mine. The only money that gets  
8 taken out is the money that is out of my  
9 paycheck. The Village has put in nothing and  
10 I don't plan on being on the Board for 20  
11 years. I tried to opt out. They will not let  
12 me. Once you get started, you can't get out.  
13 But it will cost me 20 years before the  
14 Village starts paying any money and I don't  
15 plan on being on the Board for that long.  
16 When I get off the Board, any money that came  
17 out of mine, I will get back and pay taxes on  
18 it at that time. So you won't get anything  
19 until you're fully vested. So that's five  
20 years. Do the math, that's like 20 years. I  
21 just wanted to explain that. I did try and  
22 opt out four times and I can't.

23 TRUSTEE PHILLIPS: Thank you for  
24 explaining that. I tried doing the same  
25 thing.

1           MAYOR NYCE: And I appreciate that.  
2           It's my understanding that it's ten years of  
3           full-time. Thank you.

4           MAYOR NYCE: If there is no further  
5           discussion, I will call a vote.

6           All those in favor?

7           TRUSTEE MURRAY: Aye.

8           TRUSTEE HUBBARD: Aye.

9           TRUSTEE ROBBINS: Aye.

10          TRUSTEE PHILLIPS: Aye.

11          MAYOR NYCE: Any opposed or  
12          abstentions?

13          (No Response.)

14          MAYOR NYCE: That motion carries.

15          TRUSTEE PHILLIPS: RESOLUTION  
16          #08-2013-6, RESOLUTION authorizing a two-year  
17          extension of the agreement between the Village  
18          of Greenport and Bollam, Sheedy, Torani & Co.,  
19          LLP, for independent audit services through  
20          the audit of fiscal year 2014/2015 in

21 accordance with the firms proposal and with an  
22 RFP for audit services to be noticed  
23 thereafter.

24 So moved.

25 TRUSTEE MURRAY: Second.

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1 MAYOR NYCE: All those in favor?

2 TRUSTEE HUBBARD: I know the intention  
3 of this but there is no fees associated with  
4 this. We're doing this for them to approve  
5 the gaps in there. There is no mention of the  
6 price of the software in there.

7 MAYOR NYCE: The discussion is ongoing.

8 TRUSTEE HUBBARD: Are we buying the  
9 \$2800.00 software?

10 MAYOR NYCE: She has already bought the  
11 software.

12 TRUSTEE HUBBARD: I thought that this  
13 was going to be a more elaborate RESOLUTION.  
14 It doesn't explain what we're going to be  
15 doing with this.

16 MAYOR NYCE: I understand. If I wasn't

17 at the work session and read this, I would  
18 think the same thing.

19 TRUSTEE HUBBARD: I think everyone  
20 needs to know why we're extending the  
21 agreement.

22 MAYOR NYCE: How about I do this. How  
23 about I ask the Clerk to attach the extension  
24 agreement to this RESOLUTION so that if anyone  
25 goes to search, they will find the updated

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1 RESOLUTION.

2 TRUSTEE HUBBARD: Yes. So that they  
3 know we're compliant and it's there.

4 MAYOR NYCE: If there is no further  
5 discussion. I will call a vote.

6 All those in favor?

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE ROBBINS: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Any opposed or  
13 abstentions?

14 (No Response.)

15 MAYOR NYCE: That motion carries. Thank  
16 you.

17 TRUSTEE MURRAY: RESOLUTION #08-2013-7,  
18 RESOLUTION authorizing Deborah Boyle to attend  
19 the New York Conference of Mayors Fall  
20 Training School in Saratoga Springs, New York  
21 from September 9, 2013 through September 13,  
22 2013, at a cost of \$1,557.24 for lodging and  
23 conference, plus all applicable travel costs;  
24 to be expensed from line item number  
25 A.1410.400 Clerk Contractual Expense.

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1 So moved.

2 TRUSTEE HUBBARD: Second.

3 MAYOR NYCE: All those in favor?

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE ROBBINS: Aye.

7 TRUSTEE PHILLIPS: Aye.

8                   MAYOR NYCE: Any opposed or  
9                   abstentions?

10                  (No Response.)

11                  MAYOR NYCE: That motion carries.

12                  I would like to thank Deborah for  
13                  stepping up for this. It's nice to see.

14                  TRUSTEE HUBBARD: RESOLUTION #08-2013-8,  
15                  RESOLUTION authorizing the attendance of:  
16                  Daniel Prindle and Stephen Rutkowski at a  
17                  laboratory training seminar for the purposes  
18                  of completing requirements for a Class D  
19                  Operator License, to be held at the H2M  
20                  Laboratories in Huntington, New York on  
21                  September 5, 2013 from 8:00 a.m. to 4:30 p.m.;  
22                  at a cost of \$75.00 per person, to be expensed  
23                  from line item number F.8318.410-Employee  
24                  Training.

25                  So moved.

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1                  TRUSTEE ROBBINS: Second.

2                  MAYOR NYCE: All those in favor?

3 TRUSTEE MURRAY: Aye.

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE ROBBINS: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Any opposed or

8 abstentions?

9 (No Response.)

10 MAYOR NYCE: That motion carries.

11 TRUSTEE ROBBINS: RESOLUTION

12 #08-2013-9, RESOLUTION allowing Clerk Pirillo

13 to designate on the official Village schedule

14 the dates of August 1st through August 3, 2013

15 as the dates of the United States Power

16 Squadrons District 3 Rendezvous, with the

17 finalized Public Assembly Permit details to

18 follow at a later date.

19 So moved.

20 TRUSTEE PHILLIPS: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE ROBBINS: Aye.

25 TRUSTEE PHILLIPS: Aye.

1                   MAYOR NYCE: Any opposed or  
2                   abstentions?

3                   (No Response.)

4                   MAYOR NYCE: That motion carries.

5                   TRUSTEE PHILLIPS: RESOLUTION

6                   #08-2013-10, RESOLUTION approving the Public  
7                   Assembly Permit Application as submitted by  
8                   Christopher Hamilton for the use of the Fifth  
9                   Street Beach/Park on September 14, 2013 from  
10                  10:00 a.m. through 8:00 p.m., with a rain date  
11                  of September 15, 2013, for the annual Jeremy  
12                  Hamilton Memorial Scholarship Fund event.

13                  So moved.

14                  TRUSTEE MURRAY: Second.

15                  MAYOR NYCE: All those in favor?

16                  TRUSTEE MURRAY: Aye.

17                  TRUSTEE HUBBARD: Aye.

18                  TRUSTEE ROBBINS: Aye.

19                  TRUSTEE PHILLIPS: Aye.

20                  MAYOR NYCE: Any opposed or  
21                  abstentions?



22 (No Response.)

23 MAYOR NYCE: That motion carries.

24 TRUSTEE MURRAY: RESOLUTION

25 #08-2013-11, RESOLUTION authorizing Mayor Nyce

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1 to sign and execute the Green Innovation Grant  
2 Program Agreement-Clear Water State Revolving  
3 Fund between the Village of Greenport and the  
4 New York State Environmental facilities  
5 Corporation for SRF Project Number  
6 C1-5121-06-00/GIGP Application Number 702.

7 So moved.

8 TRUSTEE HUBBARD: Second.

9 MAYOR NYCE: All those in favor?

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE ROBBINS: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 MAYOR NYCE: Any opposed or

15 abstentions?

16 (No Response.)

17 MAYOR NYCE: That motion carries.

18 TRUSTEE MURRAY: Dave, can you give a  
19 little explanation on this?

20 MAYOR NYCE: It's the east-west  
21 studies.

22 TRUSTEE MURRAY: East-west studies.

23 MAYOR NYCE: Yes.

24 MR. PROKOP: I believe it's the  
25 stormwater studies.

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1 MAYOR NYCE: This is the funding for  
2 that to take place.

3 TRUSTEE MURRAY: This is the grant for  
4 RESOLUTION #22?

5 MAYOR NYCE: Yes.

6 All those in favor?

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE HUBBARD: Aye.

9 TRUSTEE ROBBINS: Aye.

10 TRUSTEE PHILLIPS: Aye.

11 MAYOR NYCE: Any opposed or  
12 abstentions?

13 (No Response.)

14 MAYOR NYCE: That motion carries.

15 TRUSTEE HUBBARD: RESOLUTION

16 #08-2013-12, RESOLUTION authorizing Mayor Nyce  
17 to sign the agreement dated August 14, 2013  
18 between the Village of Greenport and a Village  
19 employee.

20 So moved.

21 TRUSTEE PHILLIPS: I will second that  
22 but this is a vague RESOLUTION. As I said in  
23 the work session --

24 MAYOR NYCE: This is as per labor  
25 counsel. It has to be written like this.

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1 TRUSTEE PHILLIPS: I have seen other  
2 municipalities that have some other kind of  
3 tracking for this.

4 MAYOR NYCE: There is a date and the  
5 RESOLUTION follows.

6 Is there any other discussion on the  
7 motion?

8 (No Response.)  
9 MAYOR NYCE: All those in favor?  
10 TRUSTEE MURRAY: Aye.  
11 TRUSTEE HUBBARD: Aye.  
12 TRUSTEE ROBBINS: Aye.  
13 TRUSTEE PHILLIPS: Aye.  
14 MAYOR NYCE: Any opposed or  
15 abstentions?

16 (No Response.)  
17 MAYOR NYCE: That motion carries.  
18 TRUSTEE ROBBINS: RESOLUTION  
19 #08-2013-13, RESOLUTION rejecting the lowest  
20 bid for Liquid Sludge removal as submitted by  
21 Go Green, for just cause on the recommendation  
22 of the Village Attorney, per the bid opening  
23 on July 12, 2013.  
24 So moved.  
25 TRUSTEE PHILLIPS: Second.

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1 MAYOR NYCE: All those in favor?  
2 TRUSTEE MURRAY: Aye.  
3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE ROBBINS: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MAYOR NYCE: Any opposed or  
7 abstentions?

8 (No Response.)

9 MAYOR NYCE: That motion carries.

10 TRUSTEE PHILLIPS: RESOLUTION  
11 #08-2013-14, RESOLUTION awarding the contract  
12 for Liquid Sludge Removal to Russell Reid  
13 Waste Hauling at a cost of \$169.00 per  
14 thousand gallons and \$67,600 per 400,000  
15 gallons per year, per the bid opening on  
16 July 12, 2013.

17 So moved.

18 TRUSTEE MURRAY: Second.

19 MAYOR NYCE: All those in favor?

20 TRUSTEE MURRAY: Aye.

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE ROBBINS: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 MAYOR NYCE: Any opposed or  
25 abstentions?

1 (No Response.)

2 MAYOR NYCE: That motion carries.

3 TRUSTEE MURRAY: RESOLUTION

4 #08-2013-15, RESOLUTION adopting lead agency  
5 status and adopting a negative declaration for  
6 the purposes of SEQRA with respect to Clark's  
7 Beach Green Energy Park planning grant  
8 application for a planning/feasibility study.

9 So moved.

10 TRUSTEE HUBBARD: Second.

11 TRUSTEE PHILLIPS: Isn't this the SEQRA  
12 that had the wording that was brought to our  
13 attention?

14 MAYOR NYCE: Yes.

15 MR. PROKOP: The RESOLUTION of Clark's  
16 Beach speaks about the planning grant and only  
17 the planning grant. It's in the package.

18 MAYOR NYCE: Yes. Correct. He's right.

19 MR. PROKOP: The top of the RESOLUTION

20 --

21 TRUSTEE PHILLIPS: That's not what I

22 saw. I don't have that in my packet.

23 MAYOR NYCE: Apparently there is two.

24 We're just passing the SEQRA RESOLUTION that

25 has to do with the grant.

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1 TRUSTEE PHILLIPS: So this I should not  
2 have?

3 MAYOR NYCE: No. It's not applicable.

4 TRUSTEE PHILLIPS: Okay.

5 MAYOR NYCE: If there is no further  
6 discussion.

7 All those in favor?

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE ROBBINS: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Any opposed or  
13 abstentions?

14 (No Response.)

15 MAYOR NYCE: That motion carries.

16 TRUSTEE HUBBARD: RESOLUTION

17 #08-2013-16, RESOLUTION hiring Derryl Baumer,

18 effective September 9, 2013 as a full-time  
19 engineering aide, at a pat rate of \$16.00 per  
20 hour, for a forty hour work week and including  
21 all applicable benefits, and the standard six  
22 month probationary period.

23 So moved.

24 TRUSTEE ROBBINS: Second.

25 MAYOR NYCE: All those in favor?

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1 TRUSTEE MURRAY: Aye.

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE ROBBINS: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Any opposed or

6 abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE ROBBINS: RESOLUTION

10 #08-2013-17, RESOLUTION adopting lead agency  
11 status and adopting a negative declaration for  
12 the purposes of SEQRA with respect to the



13 Village of Greenport Local Waterfront  
14 Revitalization Program.

15 So moved.

16 TRUSTEE PHILLIPS: Second.

17 MAYOR NYCE: All those in favor?

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE HUBBARD: Aye.

20 TRUSTEE ROBBINS: Aye.

21 TRUSTEE PHILLIPS: Aye.

22 MAYOR NYCE: Any opposed or

23 abstentions?

24 (No Response.)

25 MAYOR NYCE: That motion carries.

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1 TRUSTEE PHILLIPS: RESOLUTION  
2 #08-2013-18, RESOLUTION adopting the attached  
3 Inter-Municipal Agreement forming the Peconic  
4 Estuary Protection Committee, at an annual  
5 cost to the Village of \$3,000.00 to be  
6 expensed from line item number A.8745.201 and  
7 further authorizing Treasurer Kagel to perform  
8 the following corresponding budget

9 modification: \$3,000.00 from line item  
10 A.8510.201, Greenport Improvement Committee to  
11 A.8745.201 Peconic Estuary Program.

12 So moved.

13 TRUSTEE MURRAY: Second.

14 TRUSTEE PHILLIPS: Dave, as I said  
15 during the work session, I didn't like the way  
16 that this was worded.

17 MAYOR NYCE: What about if we make the  
18 stipulation that the \$3,000.00 is awarded to  
19 Greenport Improvement Committee?

20 TRUSTEE PHILLIPS: I thought that was  
21 the original intent?

22 MAYOR NYCE: It was. So therefore  
23 adopting this RESOLUTION with the stipulation  
24 that the Greenport Improvement Committee would  
25 be funded from another line item as they go

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1 through the grant process to complete the  
2 jailhouse. I would ask that the record show  
3 that this RESOLUTION show that.

4 All those in favor?  
5 TRUSTEE MURRAY: Aye.  
6 TRUSTEE HUBBARD: Aye.  
7 TRUSTEE ROBBINS: Aye.  
8 TRUSTEE PHILLIPS: Aye.  
9 MAYOR NYCE: Any opposed or

10 abstentions?

11 (No Response.)

12 MAYOR NYCE: That motion carries.

13 TRUSTEE MURRAY: RESOLUTION #08-2013-19,  
14 RESOLUTION authorizing the Village of  
15 Greenport, in conjunction with Southold Town,  
16 to request the assignment of grant monies from  
17 the Peconic Estuary Program grant for  
18 improvements to Moores Drain specifically for  
19 the remediation or replacement of the existing  
20 nonfunctional 21" HDPE pipe with alternatives  
21 which provides for better flow  
22 characteristics, to improve drainage  
23 throughout the Silver Lake/Moores Drain area.  
24 So moved.

25 TRUSTEE HUBBARD: Second.

1                   MR. PROKOP: Before you vote on this,  
2                   there is a SEQRA RESOLUTION attached to this.  
3                   And I believe this RESOLUTION acts as a grant  
4                   money, that it would be advisable to adopt a  
5                   SEQRA RESOLUTION adopting lead agency status  
6                   and a negative declaration.

7                   MAYOR NYCE: Do we have to do that  
8                   prior to adopting this RESOLUTION?

9                   MR. PROKOP: Yes, I would do that.

10                  MAYOR NYCE: So how about we table this  
11                  and then do the SEQRA?

12                  MR. PROKOP: Yes.

13                  MAYOR NYCE: I will offer a motion to  
14                  table RESOLUTION #19, while we take up the  
15                  SEQRA RESOLUTION for same.

16                  TRUSTEE ROBBINS: Second.

17                  MAYOR NYCE: All those in favor?

18                  TRUSTEE MURRAY: Aye.

19                  TRUSTEE HUBBARD: Aye.

20                  TRUSTEE ROBBINS: Aye.

21                  TRUSTEE PHILLIPS: Aye.

22                  MAYOR NYCE: Any opposed or

23 abstentions?

24 (No Response.)

25 MAYOR NYCE: That motion is tabled.

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1 I will offer a motion to adopt SEQRA  
2 RESOLUTION as attached regarding the  
3 assignment of grant monies from the Peconic  
4 Estuary for Moores Drain. Adopting both lead  
5 agency status and a negative declaration as  
6 attached.

7 So moved.

8 TRUSTEE HUBBARD: Second.

9 MAYOR NYCE: All those in favor?

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE ROBBINS: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 MAYOR NYCE: Any opposed or

15 abstentions?

16 (No Response.)

17 MAYOR NYCE: That SEQRA RESOLUTION is

18 adopted.

19 I will offer a motion to reopen

20 RESOLUTION #19 as read previously.

21 TRUSTEE ROBBINS: Second.

22 MAYOR NYCE: All those in favor?

23 TRUSTEE MURRAY: Aye.

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE ROBBINS: Aye.

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1 TRUSTEE PHILLIPS: Aye.

2 MAYOR NYCE: Any opposed or

3 abstentions?

4 (No Response.)

5 MAYOR NYCE: That motion carries.

6 TRUSTEE HUBBARD: RESOLUTION

7 #08-2013-20, RESOLUTION authorizing the

8 Village of Greenport to participate in the

9 2015 Tall Ships Challenge as a Home Port.

10 So moved.

11 TRUSTEE ROBBINS: Second.

12 MAYOR NYCE: All those in favor?

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE ROBBINS: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Any opposed or  
18 abstentions?

19 (No Response.)

20 MAYOR NYCE: That motion carries.

21 TRUSTEE ROBBINS: RESOLUTION

22 #08-2013-21, RESOLUTION awarding the contract

23 for Storm Debris Removal to Mattituck

24 Environmental at a cost of \$100.00 per cubic

25 yard; \$40,000 per 100 cubic yards; \$2,500 per

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1 day; \$3,300 as a container loading price and a  
2 total cost of \$42,000; per the bid opening on  
3 July 17, 2013 and authorizing Mayor Nyce to  
4 execute the contract on behalf of the Village  
5 of Greenport.

6 So moved.

7 TRUSTEE PHILLIPS: Second.

8 MAYOR NYCE: By way of explanation,

9 \$40,000 is for four containers. Just so  
10 everyone understands what it is.

11 All those in favor?

12 TRUSTEE MURRAY: Aye.

13 TRUSTEE HUBBARD: Aye.

14 TRUSTEE ROBBINS: Aye.

15 TRUSTEE PHILLIPS: Aye.

16 MAYOR NYCE: Any opposed or  
17 abstentions?

18 (No Response.)

19 MAYOR NYCE: That motion carries.

20 TRUSTEE PHILLIPS: RESOLUTION  
21 #08-2013-22, RESOLUTION accepting the proposal  
22 from Dvirka and Bartilucci for the services as  
23 proposed in an amount not to exceed  
24 \$74,964.50; for the Village of Greenport Water  
25 Quality Improvement Bio-Retention Basins and

1 Related Improvements and further authorizing  
2 Mayor Nyce to execute the agreements related  
3 to the proposals on behalf of the Village of  
4 Greenport.



5 So moved.

6 TRUSTEE MURRAY: Second.

7 TRUSTEE PHILLIPS: Clarification.

8 Taking place at Manor Place.

9 MAYOR NYCE: All those in favor?

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE ROBBINS: Aye.

13 TRUSTEE PHILLIPS: Aye.

14 MAYOR NYCE: Any opposed or

15 abstentions?

16 (No Response.)

17 MAYOR NYCE: That motion carries.

18 TRUSTEE MURRAY: RESOLUTION

19 #08-2013-23, RESOLUTION accepting the

20 proposals from Young & Young for services as

21 described in the NYSERDA grant agreement of

22 \$7,500.00 for the Eastern Greenport Study and

23 \$7,500.00 for the Western Greenport Study,

24 with an additional \$100 budget for

25 reimbursable expenses, subject to obtaining

1 waiver confirmation from NYSERDA.

2 So moved.

3 TRUSTEE HUBBARD: Second.

4 MAYOR NYCE: All those in favor?

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE ROBBINS: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 MAYOR NYCE: Any opposed or  
10 abstentions?

11 (No Response.)

12 MAYOR NYCE: That motion carries.

13 TRUSTEE HUBBARD: RESOLUTION

14 #08-2013-24, RESOLUTION authorizing Mayor Nyce  
15 to sign Change Order 2E with a value of  
16 \$3,990.00 for the reinstallation and  
17 programming of the two MultiLin units at the  
18 Power Plant.

19 So moved.

20 TRUSTEE ROBBINS: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE ROBBINS: Aye.

25 TRUSTEE PHILLIPS: Aye.

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1 MAYOR NYCE: Any opposed or  
2 abstentions?

3 (No Response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE ROBBINS: RESOLUTION

6 #08-2013-25, RESOLUTION accepting the  
7 proposals from Dvirka and Bartilucci in the  
8 amount of \$18,000.00 for the Eastern Greenport  
9 Study and \$15,800.00 for the Western Greenport  
10 Study and authorizing Mayor Nyce to execute  
11 the related contract on behalf of the Village  
12 of Greenport.

13 So moved.

14 TRUSTEE PHILLIPS: Second.

15 MAYOR NYCE: All those in favor?

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE ROBBINS: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Any opposed or  
21 abstentions?

22 (No Response.)

23 MAYOR NYCE: That motion carries.

24 TRUSTEE PHILLIPS: RESOLUTION  
25 #08-2013-26, RESOLUTION requesting from

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1 NYSDEC/NYSEFC waiver for the MBE/WBE  
2 requirements due to the large increased cost,  
3 194% which the Village would incur for  
4 compliance with these requirements.

5 So moved.

6 MAYOR NYCE: Is there a second?

7 TRUSTEE HUBBARD: Second.

8 MAYOR NYCE: Again, by way of  
9 explanation, we got the cost for surveying and  
10 was significantly less. This would be the  
11 amount extra that would be paid to above Young  
12 & Young's cost. So therefore, we're saving  
13 that money for a waiver from the DEC and EFC

14 because of the waiver of threshold  
15 requirements.

16 MAYOR NYCE: All those in favor?

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE ROBBINS: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR NYCE: Any opposed or  
22 abstentions?

23 (No Response.)

24 MAYOR NYCE: That motion carries.

25 TRUSTEE MURRAY: RESOLUTION

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1 #08-2013-27, RESOLUTION accepting the proposal  
2 from Cameron Engineering for the services as  
3 described in the NYSERDA grant agreement, in  
4 the amount of \$28,500 with an additional \$100  
5 for reimbursable expenses and authorizing  
6 Mayor Nyce to execute related contract on  
7 behalf of the Village of Greenport.

8 So moved.

9 TRUSTEE HUBBARD: Second.

10 MAYOR NYCE: All those in favor?

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE ROBBINS: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: Any opposed or

16 abstentions?

17 (No Response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE HUBBARD: RESOLUTION

20 #08-2013-28, RESOLUTION ratifying the hiring,

21 effective August 5, 2013; of the following

22 park and recreation center staff:

23 Taylor Hart at a pay rate of \$9.00 per

24 hour, Shauna Scholl at a pay rate of \$9.00

25 per hour, Marianne Naleski at a pay rate of

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1 \$8.50 per hour, Elizabeth Corwin at a pay rate

2 of \$7.25 per hour, Courtney Kart at a pay rate

3 of \$7.25 per hour and John J. Kinsey at a pay

4 rate of \$7.25 per hour.

5 So moved.

6 TRUSTEE ROBBINS: Second.

7 MAYOR NYCE: All those in favor?

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE ROBBINS: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MAYOR NYCE: Any opposed or  
13 abstentions?

14 (No Response.)

15 MAYOR NYCE: That motion carries.

16 TRUSTEE ROBBINS: RESOLUTION  
17 #08-2013-29, RESOLUTION ratifying the wage  
18 rates for the following: \$10.00 per hour for  
19 Kerstan Pringle, effective June 24, 2013,  
20 \$10.00 per hour for Emily Fingerle, effective  
21 July 22, 2013 and \$10.00 per hour for Audre  
22 Allen, effective July 22, 2013.

23 So moved.

24 TRUSTEE PHILLIPS: Second.

25 MAYOR NYCE: All those in favor?

1 TRUSTEE MURRAY: Aye.

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE ROBBINS: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Any opposed or

6 abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE PHILLIPS: RESOLUTION

10 #08-2013-30, RESOLUTION approving the  
11 Memorandum of Agreement dated August 15, 2013  
12 between the Village of Greenport and the Civil  
13 Service Employees Association Inc., Local  
14 1000, AFSCME, AFL-CIO regarding the  
15 arbitration agreement between the Village of  
16 Greenport and the CSEA.

17 So moved.

18 TRUSTEE MURRAY: Second.

19 MAYOR NYCE: All those in favor?

20 TRUSTEE MURRAY: Aye.

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE ROBBINS: Aye.

23 TRUSTEE PHILLIPS: Aye.



24 MAYOR NYCE: Any opposed or  
25 abstentions?

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1 (No Response.)

2 MAYOR NYCE: That motion carries.

3 TRUSTEE MURRAY: RESOLUTION

4 #08-2013-31, RESOLUTION approving all checks  
5 per the Voucher Summary Report dated August  
6 22, 2013, in the total amount of \$881,796.24  
7 consisting of:

8 All regular checks in the amount of  
9 \$803,106.14 and all prepaid checks, including  
10 wire transfers in the amount of \$78,690.10.

11 So moved.

12 TRUSTEE HUBBARD: Second.

13 MAYOR NYCE: All those in favor?

14 TRUSTEE MURRAY: Aye.

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE ROBBINS: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MAYOR NYCE: Any opposed or

19 abstentions?

20 (No Response.)

21 MAYOR NYCE: That motion carries.

22 MR. PROKOP: Can I just interrupt  
23 please?

24 MAYOR NYCE: There is a SEQRA  
25 RESOLUTION attached, because we changed the

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1 name of the RESOLUTION -- bond RESOLUTION on  
2 August 23, 2013, we need to approve the rest  
3 of the language that was attributed to that.  
4 It's required that we adopt this RESOLUTION.  
5 This RESOLUTION adopts lead agency status and  
6 also adopts a negative declaration.

7 MAYOR NYCE: Do we need to revote on  
8 the bond --

9 MR. PROKOP: I was going to recommend  
10 that.

11 MAYOR NYCE: Okay. I will offer a  
12 motion to accept the SEQRA RESOLUTION  
13 regarding bond RESOLUTION dated August 23,  
14 2013, adopting lead agency status and adopting

15 a negative declaration per the bonding with  
16 regards to SEQRA, as attached to this agenda.

17 So moved.

18 TRUSTEE ROBBINS: Second.

19 MAYOR NYCE: All those in favor?

20 TRUSTEE MURRAY: Aye.

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE ROBBINS: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 MAYOR NYCE: Any opposed or  
25 abstentions?

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1 (No Response.)

2 MAYOR NYCE: That motion carries. I  
3 would like to reoffer a motion on RESOLUTION  
4 #08-2013-4, post SEQRA RESOLUTION approving  
5 the attached bond RESOLUTION dated August 23,  
6 2013 for the approval of the Villages  
7 electrical distribution facility in the amount  
8 of \$1,050,000.00 as prepared by bond counsel,  
9 Fulbright & Jaworski.

10 So moved.

11 TRUSTEE PHILLIPS: Second.

12 MAYOR NYCE: I will ask the Clerk to  
13 please call the roll.

14 CLERK PIRILLO: Trustee Murray?

15 TRUSTEE MURRAY: Yes.

16 CLERK PIRILLO: Trustee Hubbard?

17 TRUSTEE HUBBARD: Yes.

18 CLERK PIRILLO: Trustee Robbins?

19 TRUSTEE ROBBINS: Yes.

20 CLERK PIRILLO: Trustee Phillips?

21 TRUSTEE PHILLIPS: Yes.

22 CLERK PIRILLO: Mayor Nyce?

23 MAYOR NYCE: Again, yes.

24 CLERK PIRILLO: Thank you.

25 MAYOR NYCE: This has been quite an

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1 adventure. At 7:48, I will offer a motion to  
2 adjourn to Executive Session to discuss  
3 personnel disciplinary matter. So moved.

4 TRUSTEE PHILLIPS: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE MURRAY: Aye.

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE ROBBINS: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR NYCE: Any opposed or

11 abstentions?

12 (No Response.)

13 MAYOR NYCE: We're adjourned.

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

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

THAT, the witness(es) whose testimony is herein before set forth, was duly sworn by me, and THAT the within transcript is a true record of the testimony given by said witness(es).

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

IN WITNESS WHEREOF, I have hereunto set my hand this day, September 8, 2013.

\_\_\_\_\_  
(Jessica DiLallo)

\* \* \* \*

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25