

1 STATE OF NEW YORK
2 VILLAGE OF GREENPORT

2 ----- X

3 BOARD OF TRUSTEES
4 REGULAR MEETING

4 ----- X

5

6

7

8

9

August 26, 2013
6:00 P.M.

10

11

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

22
23
24
25

Regular Meeting August 26, 2013

2

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

Regular Meeting August 26, 2013

3

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

Regular Meeting August 26, 2013

4

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

Regular Meeting August 26, 2013

5

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.

Regular Meeting August 26, 2013

7

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

Regular Meeting August 26, 2013

8

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

Regular Meeting August 26, 2013

9

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 oblige.
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

Regular Meeting August 26, 2013

10

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?

Regular Meeting August 26, 2013

12

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?

Regular Meeting August 26, 2013

13

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

Regular Meeting August 26, 2013

14

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?

Regular Meeting August 26, 2013

15

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

Regular Meeting August 26, 2013

17

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

Regular Meeting August 26, 2013

18

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

Regular Meeting August 26, 2013

19

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

Regular Meeting August 26, 2013

20

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 --

Regular Meeting August 26, 2013

22

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

Regular Meeting August 26, 2013

23

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

Regular Meeting August 26, 2013

24

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

Regular Meeting August 26, 2013

25

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

Regular Meeting August 26, 2013

27

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

Regular Meeting August 26, 2013

28

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

Regular Meeting August 26, 2013

29

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

Regular Meeting August 26, 2013

30

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

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

Regular Meeting August 26, 2013

32

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

Regular Meeting August 26, 2013

33

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

Regular Meeting August 26, 2013

34

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

Regular Meeting August 26, 2013

35

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

Regular Meeting August 26, 2013

36

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.

Regular Meeting August 26, 2013

37

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.)

Regular Meeting August 26, 2013

38

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.

Regular Meeting August 26, 2013

39

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?

Regular Meeting August 26, 2013

40

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

Regular Meeting August 26, 2013

41

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.

Regular Meeting August 26, 2013

43

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

Regular Meeting August 26, 2013

44

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.

Regular Meeting August 26, 2013

45

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.

 Regular Meeting August 26, 2013

46

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 though 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

Regular Meeting August 26, 2013

48

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.

Regular Meeting August 26, 2013

49

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.

Regular Meeting August 26, 2013

50

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.

Regular Meeting August 26, 2013

51

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.

Regular Meeting August 26, 2013

53

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?

Regular Meeting August 26, 2013

54

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.

Regular Meeting August 26, 2013

55

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

Regular Meeting August 26, 2013

56

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.

Regular Meeting August 26, 2013

58

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.

Regular Meeting August 26, 2013

59

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

Regular Meeting August 26, 2013

60

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.

Regular Meeting August 26, 2013

63

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

Regular Meeting August 26, 2013

64

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

Regular Meeting August 26, 2013

65

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

Regular Meeting August 26, 2013

66

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?

Regular Meeting August 26, 2013

68

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

Regular Meeting August 26, 2013

69

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?

Regular Meeting August 26, 2013

70

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

Regular Meeting August 26, 2013

71

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.

14

15

16

17

18

19

20

21

22

23

24

25

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23

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)

* * * *

24

25