

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

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

6  
7 Third Street Firehouse  
Greenport, New York

8  
9 August 27, 2012  
6:00 P.M.

10

11 B E F O R E:

12

DAVID NYCE - MAYOR

13

GEORGE HUBBARD JR. - TRUSTEE

14

CHRIS KEMPNER - TRUSTEE

15

DAVID MURRAY - TRUSTEE

16

MARY BESS PHILLIPS - TRUSTEE

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18 SYLVIA LAZZARI PIRILLO - CLERK

19 JOSEPH PROKOP - VILLAGE ATTORNEY

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2           MAYOR NYCE: I will call the Village of  
3 Greenport Board of Trustees meeting to  
4 order.

5           (Pledge of Allegiance followed by a  
6 Moment of Silence.)

7           MAYOR NYCE: I have a couple of  
8 announcements this evening. First, it has  
9 been in the news quite a bit, hurricane season  
10 is upon us. It's officially hitting Florida  
11 and the Gulf Coast tonight. We are reminding  
12 everyone to please have a plan for their  
13 personal safety and that of your family  
14 members. Please take note that the number for  
15 the Suffolk County Joint Emergency Evacuation  
16 Program is at: 631-852-4900, or 853-8333.  
17 That would be the number for anyone that needs  
18 some sort of ambulatory care in the event of  
19 an emergency, if you need to have a shelter  
20 that is guaranteed. Suffolk County provides a  
21 service for that. The second announcement is,  
22 The Lynx will be in Greenport from August 30th  
23 to September 2nd. That is this coming  
24 weekend, and also over the Maritime Festival

25 from September 20th through the 24th. They

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1 will be available for sail-away's to the  
2 public. The public will be able to tour the  
3 ships and do sail away's. We have that  
4 schedule. It will be posted on the Village  
5 website, and at the marina. The Village  
6 Offices will be closed on September 3rd in  
7 observance of Labor Day. We are also  
8 reminding everyone that school is back in  
9 session, please drive carefully. Keep your  
10 eye out for the young one's on their way out  
11 to school. The Maritime Festival will be held  
12 on September 22nd and 23rd, 2012.

13 Public interests: We would like to  
14 remind people to please create a fire safety  
15 program for your family, while this summer  
16 season is winding down, and as many concerns  
17 about wildfires, going towards the winter  
18 season, people use the wood stoves for heat.  
19 Fires do happen. Please be sure to check the  
20 batteries in your smoke and CO detectors, and  
21 please have an evacuation plan for your family  
22 and your young one's.

23 There are no public hearings or  
24 presentations. There is also one additional

25 announcement, the Village Clerk received this

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1 note. It says, "Dear Sirs, at last month's  
2 meeting, I stated an invoice for my business  
3 to the Village related to the Tall Ships event  
4 had not been paid by the Village. That  
5 statement was accurate; however, the invoice  
6 had been paid by the Village, in error.  
7 Payment was sent to the wrong vendor, and  
8 everything has been resolved. Perry Anderson,  
9 Harbor Front Deli." I was not at that  
10 meeting, and I assumed that he was here.

11 TRUSTEE HUBBARD: Yes, it was  
12 discussed.

13 MAYOR NYCE: He has sent a letter  
14 saying that everything has been worked out.

15 TRUSTEE HUBBARD: Other presentations.  
16 I do actually have, I want to offer a public  
17 apology to Jack Naylor, Director of Utilities.  
18 At the work session, I had said the poles were  
19 not removed. The poles were actually removed.  
20 Thank you, Jack. I did not notice it. They  
21 did take care of it. I just wanted to  
22 publicly say I was wrong when I said they were  
23 not taken care of, and they were.

24 MR. NAYLOR: Thank you.

25 TRUSTEE HUBBARD: I have one other

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1 thing I was going to read last month, but I  
2 wasn't able to. So I am going to read it now.  
3 "Proclamation dated July 12, 2012. WHEREAS, the  
4 Village of Greenport wishes to formally  
5 recognize and celebrate certain achievements  
6 and milestones of which residents and further  
7 commence members of our community that  
8 continue to influence and inspire us, and  
9 further recognize, that Mayor, David Nyce,  
10 having thus far amazingly achieved one half  
11 century in birth years, has obtained an  
12 important life goal, and WHEREAS, the  
13 magnitude of such accomplishment cannot  
14 possibly be overstated. THEREFORE, BE IT  
15 RESOLVED, that the Village of Greenport Board  
16 of Trustees hereby infers upon Mayor David  
17 Nyce his proclamation of accomodation with  
18 sincerest best wishes for many such more  
19 significant celebratory days of a lifetime. By  
20 order of Village of Greenport Board of  
21 Trustees. Happy Birthday. I just renewed my  
22 AARP card --

23 MAYOR NYCE: Thank you very much.

24 That's fantastic. Thank you all very much.  
25 With that, we come to the public portion, and

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1 ask if there is anyone from the public who  
2 wishes to address the Board, they can do so at  
3 this time.

4 MR. KAPPELL: Members of the Board.  
5 Good evening. My name is David Kapell. I am  
6 here as agent for Blue Canoe, the new  
7 restaurant on Third Street. My address for  
8 the record is 400 Front Street, Greenport. I  
9 just wanted to direct your attention to Item  
10 #25, which relates to our operation, and note  
11 the presence in which calls for approval for  
12 one of the two signs in which we are asking  
13 for. That were approved by the Zoning Board  
14 of Appeals. So I would ask you to amend this  
15 RESOLUTION when the time comes to approve it.

16 MAYOR NYCE: I will probably do so when  
17 we get to doing the agenda. I realize that  
18 that typo was made and absolutely, yes, we  
19 will make that correction.

20 MR. KAPPELL: Thank you.

21 MAYOR NYCE: Absolutely. Oh, and by  
22 the way, when we get there, I will ask the

23 Board to take that out of order so you don't  
24 have to all sit here this evening to get to  
25 that resolution.

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1 MR. KAPPELL: Thank you.

2 MAYOR NYCE: We will take that out of  
3 order. Is there anyone else who wishes to  
4 address the Board?

5 MR. SWISKEY: William Swiskey, 184  
6 Fifth Street. I have a few things. One of  
7 them I just received a response from for a  
8 FOIL today, I had asked for the redacted  
9 version available of the attorney's report  
10 that he redact what is privilege and publish  
11 what is entitled of the rest. And, the  
12 response from the Village Attorney is that his  
13 work session report is privileged  
14 attorney/client information. Except in the  
15 law it's not. There is only nine reasons.  
16 And I know I have received these before from  
17 the Board and what not, and I have spoken to  
18 the people in Albany, and this is just not a  
19 fact. The only thing that is privileged in  
20 this report is that report is litigation,  
21 personnel. So I would ask the Board to maybe  
22 get a clarification on exactly what part of

23 this law he is quoting because, it's not in  
24 there. I mean, getting information out of  
25 this Village is hard enough, and Mr. Freeman

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1 will be here. He will explain to the Board --  
2 I know people who have had several  
3 conversations with him, and the Village is so  
4 far out of whack on the law, it's pathetic.  
5 That brings me to another item, that the July  
6 23rd work session, Mr. Braun, who I thought  
7 was going to be here tonight to give a  
8 presentation to the Board, it appears he is  
9 not. He was waiving a report that all the  
10 Trustees were in possession of. So two days  
11 later, on the 25th, I asked for a copy of that  
12 report. And the latest answer to that is, the  
13 Village is continuing to look for that report.  
14 I mean, how can this report -- and I know you  
15 are going to give me an answer by basically --  
16 I guess it's August 31st, but I will probably  
17 get another letter that says different. This  
18 has gotten a little bit out of hand, if you  
19 ask me. I mean, the man was waiving the  
20 report, Mr. Mayor. Each member of the Board  
21 had a copy of it, yet we can't find a copy to



22 reproduce? You can waive your hand all you  
23 want, Mr. Mayor, but if it exist. And then I  
24 sent you an e-mail on the 23rd, because I have  
25 been hearing bad things about the power plant,

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1 and it has been shutdown for over two and a  
2 half months now. And the engineers can't seem  
3 to come to a plan and get it together. So I  
4 asked you in an e-mail, because I was told at  
5 the last public meeting, that I should ask a  
6 Trustee if I have a question. So I am asking  
7 the whole Board. Is the project shutdown? Is  
8 the new transformer online or if the engines  
9 are available for use or not? That would be a  
10 simple yes or no answer from -- I am sure,  
11 Mary Bess, George, the Mayor can answer that.  
12 It's a simple answer. I am sure you're  
13 capable of that. The man is asking for a lot  
14 more work, and I would want the work finished  
15 before they started with more work. Then we  
16 come to sewer spill. The official to the  
17 Village and on the record is 150 gallons, now  
18 we all know better than that. So -- and in  
19 the work session report, it made reference to  
20 two, not one. It referred to a bacteria, a  
21 high count that was discharged to the sound.

22 So this could have gone on for days. So is  
23 the public at this meeting get a little more  
24 information. What was the exact nature of the  
25 spill? What is the exact nature of the

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1 bacteria that is going to the sound? Way back  
2 after the spill, I brought up the flow chart  
3 which is a chart and so far i have not  
4 received it. I have only received two  
5 responses that it is pushed to August 31st. So  
6 I don't know how bad it was, or what went on,  
7 but it don't look good, geez. It's almost  
8 beyond my -- the chart, it would be like -- in  
9 other words, it has to be there. And I am  
10 almost coming to the conclusion, and I don't  
11 like to, if it's bad news, that means the  
12 Village wants to stall it. It's like the Tall  
13 Ships Accounting, how long has that been going  
14 on? I mean -- at the work session, the Deputy  
15 Treasurer got up and said it had the last of  
16 the -- the bills were paid and the  
17 contributions were in, then the reports should  
18 be generated. I was hoping it was being  
19 brought before this meeting, but that doesn't  
20 look like it. I mean, we only get one shot a

21 month to ask these questions, and it would be  
22 nice if someone answered them, instead of just  
23 sneering at us. It is annoying. The other  
24 thing, I have a couple of agenda items. The  
25 resolution #8-2012-21, my understanding is

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1 that we haven't received the grant yet. So  
2 why are we buying the lights? I mean, that's  
3 \$22,000.00 and it's also coming out of light  
4 funds. Now -- you can shrug your shoulders  
5 all you want, it just shows -- Oh, I won't  
6 mention it. But anyway, if the Village --  
7 general village wants a street light downtown,  
8 don't come to the Light Department. The Light  
9 Department provides, I think it used to be 6  
10 or 8 basic types of light. If you want to  
11 rent one, you can, if not, buy your own. So  
12 why are we spending \$22,645.00 out of fund  
13 balance when we got roof's that leak, we got a  
14 capital projet that ain't complete, and we got  
15 fuel tanks that need -- this is just  
16 somebody's dream. You are not going to save  
17 money on this. If you save \$1,000.00 a year  
18 on these lights, you won't have these lights  
19 long enough to justify installing them. Like  
20 I said, things are bad at the Light Plant.

21 From what I understand, the roof is like --  
22 that's it. Every time it rains, it's buckets.  
23 I mean, they had to go to Mike's Hardware to  
24 get extra buckets. And then there was two  
25 other things, RESOLUTION #8-2012-24, I mean, I

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1 assume this is for how many blocks on First  
2 Street? What about Brown Street? What about  
3 Carpenter Street? What about portions of  
4 Fifth Street? Why are we sticking -- the  
5 CHIPS money from this year and last year,  
6 \$85,000.00 and we are throwing it all on three  
7 blocks on First Street. We pay taxes south of  
8 the railroad, a lot of them actually. And  
9 some of us pay more than one tax bill. When  
10 are you going to do about our streets? That  
11 is not going to fix the streets. That just  
12 doesn't help. There is one more item, I asked  
13 Mary Bess and I e-mailed the Board about it,  
14 and it was the Tall Ships, specifically the  
15 Lynx that are coming to Greenport. I mean, we  
16 are giving away free dockage in the park. We  
17 gave away, God knows how much of our park with  
18 that 140 foot tent for the Power Squadron,  
19 yeah we got the marina fees and they didn't

20 rent the park. The last thing I knew, you  
21 rent a space at the marina, the park don't go  
22 with it. If it does, let me know and I will  
23 bring my boat in and get some friends down  
24 there and have a party, and we can put up a  
25 140 foot tent. Thank you.

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

3 MR. SALADINO: John Saladino, Sixth  
4 Street. Are there any other agenda items that  
5 you are going to vote on that the public  
6 should be allowed to comment?

7 MAYOR NYCE: I am going to ask the  
8 Board, I got information today from Pete  
9 Manwaring, Supervisor of the Road Department,  
10 he just pulled together bidding information  
11 and a bid package for a new street sweeper. I  
12 am going to ask the Board to vote to authorize  
13 him to go out to bid, and we are working on  
14 the finances with the Treasurer's Department  
15 now. So I am going to ask the Board to  
16 authorize the bid package to go out.

17 MR. SALADINO: If it's okay with you,  
18 can I just ask the other Trustees because I  
19 was kind of lied to the last time? Does any

20 of the other Trustees have other agenda --

21 TRUSTEE PHILLIPS: As the Mayor said  
22 before, we have to fix #25. There is an  
23 amendment to #25.

24 MR. SALADINO: But no additional agenda  
25 items?

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1 (No Response.)

2 MR. SALADINO: Thank you. Just to  
3 expand on what my neighbor Bill says, what --  
4 he covered the spill. Was there in fact a  
5 second spill at the Wastewater Treatment  
6 Plant?

7 MAYOR NYCE: No.

8 MR. SALADINO: It was in the Director  
9 of Utilities Report to the Board at the work  
10 session. I was at the work session and he  
11 mentioned two upsets at the wastewater  
12 treatment plant. Was the report in error?  
13 You don't know? You think it is something  
14 that -- no? Any of the Board members know?  
15 Nothing, Trustee Kempner, do you know? Did  
16 you read the Director of Utilities?

17 TRUSTEE KEMPNER: I actually spoke to  
18 the Director of Sewer in Riverhead about it

19 and he said, that these things happen --

20 MR. SALADINO: I am not asking that  
21 question. I am just asking if there was a  
22 second spill or not?

23 TRUSTEE KEMPNER: I think the Director  
24 of Utilities is right here.

25 MAYOR NYCE: It was covered in the work

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1 session, John.

2 MR. SALADINO: I was at the work  
3 session. His report --

4 MAYOR NYCE: It was covered in the work  
5 session.

6 MR. SALADINO: His report said there  
7 were two spills.

8 MAYOR NYCE: There was not two spills.  
9 We don't do this like this. You ask a  
10 question and we move on.

11 MR. SALADINO: I know what I read and I  
12 know what he said, so I will go with that.  
13 Bill mentioned the Lynx, about a fee for the  
14 Lynx, are we paying them anything? No, they  
15 are free. I have a couple of questions about  
16 a few of the resolutions. RESOLUTION #19. It  
17 is \$4200.00 for this new software. I know it  
18 was discussed at the last work session. This

19 software and another concern. I believe they  
20 were both the same price. If you could tell  
21 the public, what the direct benefit of this  
22 software would be, other than just getting the  
23 agenda out? I went to their website, they  
24 both had the same, it is for agenda producing  
25 software. I think Sylvia does a good job with

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1 producing the agenda. This is \$4200.00. So  
2 if you can perhaps expand on what else you  
3 chose to do? Also, if we rent this software  
4 for \$4200.00 a year, will it help -- will it  
5 ease the cost of putting the agenda on the  
6 website or will it just be used to produce the  
7 agenda? Will there be a cost savings of  
8 putting the agenda on the website? Sylvia? I  
9 don't know. I know the rules, Mr. Mayor, I  
10 know that this is not a question and answer  
11 period. My question to that is why not? I  
12 kind of feel that this is legitimate questions  
13 that the public has a right to ask. I mean,  
14 you are spending \$4200.00 of our money. It's  
15 not -- I don't want to turn it into a debate.  
16 It's a question. Perhaps another Trustee  
17 could expand on it? Trustees PHILLIPS?



18                   MAYOR NYCE: We will explain it as we  
19                   get to the Resolution.

20                   MR. SALADINO: I can't ask a Trustee a  
21                   question, and if she choses to answer?

22                   TRUSTEE PHILLIPS: Sorry, John. At the  
23                   work session you got my general gist as to  
24                   what and how I feel about this resolution.

25                   MR. SALADINO: I was at the work

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1                   session. I was at the work session. My  
2                   neighbors weren't.

3                   TRUSTEE PHILLIPS: So I think when we  
4                   get to this resolution, you will probably hear  
5                   my vote and my reason for why I am doing that  
6                   vote. It will probably explain where you are  
7                   headed.

8                   MR. SALADINO: I am not asking you  
9                   about your vote. I am asking you --

10                   TRUSTEE PHILLIPS: I will explain why I  
11                   am voting --

12                   MR. SALADINO: Trustee Kempner -- I am  
13                   sorry for cutting you off. Would there be a  
14                   cost savings with this software to produce it  
15                   to the website?

16                   TRUSTEE KEMPNER: I mean, it depends on  
17                   how you are analyzing a cost savings. Is it a

18 savings in staff time? I mean, that was part  
19 of the efficiency in the software.

20 TRUSTEE MURRAY: John, I will help  
21 answer that. I am on the audit committee as  
22 well. We have been talking about this for  
23 quite some time. It is huge cost savings.  
24 Not only saves Sylvia and the clerk staff  
25 three days of putting the agenda together, it

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1 will help from different managers in putting  
2 the agenda together on -- everybody can help  
3 with this on their own computer. So it will  
4 be --

5 MR. SALADINO: That was a great answer.  
6 Why was it so hard?

7 MAYOR NYCE: John, it was said at the  
8 last three different work sessions. It has  
9 been gone over. We will get to it with an  
10 explanation, when we get to the resolution.

11 MR. SALADINO: I take exception to  
12 that. It --

13 MAYOR NYCE: You are welcome to take  
14 exception to it.

15 TRUSTEE KEMPNER: I just told you  
16 pretty much the same answer.

17                   MAYOR NYCE: Can we move on?

18                   TRUSTEE KEMPNER: We are all answering  
19 your question.

20                   MR. SALADINO: I had asked Resolution  
21 #27, I think it is good that you have a second  
22 meeting. I had asked the Village  
23 Administrator to perhaps make the time a  
24 little more convenient for the public that  
25 would like to attend that is not retired. I

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1 would ask that you consider that. Instead of  
2 5:30, perhaps, 6:00, 6:30. The last one, will  
3 -- all right. Thank you.

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

6                   MR. WINKLER: John Winkler, 175 Fifth  
7 Street. I have been attending the last few  
8 work sessions for quite a long time, and I  
9 notice every time we get the agenda on line  
10 and I read the agenda, and we get this  
11 paperwork that the public doesn't get. I know  
12 the last meeting we had something for the Tall  
13 Ships handed out by the Treasurer and then it  
14 was never discussed what was in that piece of  
15 paper. So I would like to ask, that if he  
16 make copies for you, you know, there are only

17 six or seven people that show up at the work  
18 session, can you make another eight, so we can  
19 see what you are seeing and maybe ask  
20 questions about it at this meeting? We can't  
21 ask questions there. So I just think that we  
22 are entitled to that information. You know, I  
23 wish you could make a few more copies for us  
24 so we could discuss it. I would like to see  
25 it, how much it was. You guys don't even talk

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1 about it. You get the paper, oh, thank you,  
2 and that is the end of the conversation from  
3 the treasurer. He doesn't discuss to the  
4 public what he just gave you. Thank you.

5 MAYOR NYCE: Anyone else that wishes to  
6 address the Board?

7 MR. TROWBRIDGE: Richard Trowbridge,  
8 Dr. Richard Trowbridge, East Marion. Under  
9 RESOLUTION #8-2012-15, confirming the Village  
10 Board ratifying the memorandum of agreement.  
11 Again, that was placed on the clerk's report  
12 to you for the work session, and we have no  
13 knowledge of what's in that understanding or  
14 agreement. And I am sorry, but once the  
15 agreement has been signed by both bodies, it's

16 public knowledge and should be available to  
17 the public.

18 MAYOR NYCE: It will be after it is  
19 signed. It is not signed. It will be after  
20 it is ratified.

21 MR. TROWBRIDGE: It says here  
22 confirming, it does not say ratify --

23 MAYOR NYCE: It is not finalized until  
24 it has been ratified by this Board, at which  
25 point, I --

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1 MR. TROWBRIDGE: If your signature is  
2 on it, it has been ratified.

3 MAYOR NYCE: My signature was on it  
4 before it was ratified by anyone. My signature  
5 has to --

6 MR. TROWBRIDGE: Not -- it's no longer  
7 a private document. It is now a public  
8 document. I am sorry --

9 MAYOR NYCE: You can argue --

10 MR. TROWBRIDGE: I have been talking to  
11 an attorney about this.

12 MAYOR NYCE: That's good.

13 MR. TROWBRIDGE: And he says, once both  
14 bodies have the signatures, it's now a public  
15 document. It is just like you going to court

16 and filing papers in court, once they are  
17 filed, I can go to court and get a copy of it,  
18 1-2-3.

19 MAYOR NYCE: You can fight with our  
20 labor attorney.

21 MR. TROWBRIDGE: I am not going to go  
22 to your labor attorney, because he is going to  
23 parrot what you want him to say. Read the  
24 Open Meetings Law, and it says that if a  
25 report has been handed to you at a work

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1 session, it's entitled that the public has a  
2 right to have a copy of that report. I don't  
3 know what the problem is with you. You are  
4 hiding information. You are working against  
5 the public's ability to have knowledge about  
6 what you are doing. And that creates mistrust  
7 in the public. And they have a right to  
8 mistrust you, because you are not being open  
9 with them. You go and have these reports  
10 handed out at a work session, one of which has  
11 created a lot of interest, and it's not  
12 available to the public. Even if they FOIL  
13 for it, they won't get it until this meeting.  
14 So how can they intelligently discuss what is

15           happening? The law requires you to hand out  
16           what is given at these meetings. It must be  
17           made available to the public. Now, if you  
18           don't want to believe it, again, you are  
19           opening yourself up to getting their goat up  
20           and they are going to take you to Court, and  
21           when the judge reads how you run your  
22           meetings, he is going to rule in the person  
23           taking you to court, in their favor. And you  
24           are going to have mud on your face again.  
25           Now, the last issue is, I brought up a point

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1           in May on an item under the FOIL law. In  
2           response to an e-mail received by a Trustee.  
3           I e-mailed her an e-mail answering her  
4           questions on June 27th --

5                     TRUSTEE PHILLIPS: Mr. Trowbridge --

6                     MR. TROWBRIDGE: I was worried about  
7           raising a hissy-fit and I don't want to have a  
8           hissy fit.

9                     TRUSTEE PHILLIPS: No, we are not going  
10          to have a hissy-fit, because I happen to have  
11          an answer for you, and I decided not to e-mail  
12          you, because I decided to do it in public.

13                    MR. TROWBRIDGE: That's good. We know  
14          why you are doing that. Thank you very much.

15 TRUSTEE PHILLIPS: Thank you.

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

18 (No Response.)

19 MAYOR NYCE: If not, we will move into  
20 our regular agenda. Before I read Item #1, I  
21 would like to with the Board's permission, add  
22 a resolution authorizing Pete Manwaring  
23 Supervisor of the Road Department to go out to  
24 bid for a street sweeper, and I would also  
25 like to amend Motion #25, RESOLUTION #25, to

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1 read, Board of Trustees for one roof and one  
2 overhanging sign as applied for. With those  
3 two additions, if no one has any objections, I  
4 will offer a RESOLUTION adopting the August,  
5 2012 agenda as just now amended.

6 TRUSTEE PHILLIPS: Second.

7 MAYOR NYCE: If there is no further  
8 discussion, I will ask all those in favor?

9 TRUSTEE KEMPNER: Aye.

10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR NYCE: Aye.



14 Motion carries.

15 If the Board would indulge, I would  
16 also like to ask that we take Items #25 and  
17 #26 out of order, and I will offer a  
18 RESOLUTION approving the application of Blue  
19 Canoe to the Board of Trustees for one roof  
20 and one overhanging sign, as applied for. So  
21 moved.

22 TRUSTEE KEMPNER: Second.

23 MAYOR NYCE: Seconded by Trustee  
24 Kempner. Is there any discussion on this  
25 motion?

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1 I will say, at the work session,  
2 because we are short Planning Board members, I  
3 asked that if there were any simple and  
4 straight forward applications that we can move  
5 along. I know that there are some other items  
6 that are hanging on with this project and some  
7 others, that seem straightforward and simple.  
8 That's the explanation for us taking action  
9 for the Planning Board.

10 All those in favor?

11 TRUSTEE KEMPNER: Aye.

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No Response.)

18 MAYOR NYCE: That motion carries.

19 I will offer Motion #26, RESOLUTION  
20 approving the application of First and South  
21 to the Board of Trustees for the replacement  
22 of existing directionals signs, as applied  
23 for. So moved.

24 TRUSTEE MURRAY: Second.

25 MAYOR NYCE: Seconded by Trustee

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1 Murray.

2 All those in favor?

3 TRUSTEE KEMPNER: Aye.

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: That motion carries.

11 I will ask Trustee Kempner to read  
12 Motion #2.

13 TRUSTEE KEMPNER: RESOLUTION #8-2012-2,  
14 RESOLUTION ratifying he following, as already  
15 approved by the Board of Trustees at the  
16 public work session meeting held on  
17 August 20, 2012:

18 RESOLUTION approving the request of  
19 St. Agnes Church to close Sixth Street between  
20 Front and Wiggins Streets, on August 25, 2012  
21 from noon to 3:00 p.m. for the eleventh annual  
22 Parish Picnic.

23 RESOLUTION authorizing the suspension  
24 of the open container law of the Village of  
25 Greenport, Sections 35-3B and 35-3C of the

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1 Greenport Village Code, for the festivals  
2 perimeters of the East End Seaport Museum  
3 Maritime Festival, from September 21, 2012  
4 through September 23, 2012; per the Public  
5 Assembly Permit Application as previously  
6 approved on March 26, 2012.

7 RESOLUTION authorizing the amendment  
8 of the Public Assembly Permit Application as  
9 previously approved on March 26, 2012 for the  
10 East End Seaport Museum Maritime Festival; to  
11 include a fireworks display on  
12 September 22, 2012, either in Greenport harbor

13 or at the Polo Grounds on Moore's Lane.

14 RESOLUTION awarding the bid for Storm  
15 Debris Removal to Trinity Transportation  
16 Corporation in the amount of \$20,520.00; to be  
17 expensed from Line Item Number: A.5110.407  
18 (Trees/Grounds/Subcontracts).

19 RESOLUTION authorizing the hiring of  
20 Doug Jacobs as Power Distribution Lines  
21 Mechanic II, at an annual salary of  
22 \$64,000.00; and noting that Doug Jacobs is  
23 "opting out of," and declining, health  
24 benefits. So moved.

25 TRUSTEE HUBBARD: Second.

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1 MAYOR NYCE: By way of brief  
2 explanation, the RESOLUTION that we did for  
3 the Storm Debris Removal, there are all aware  
4 that that Line Item does not have substantial  
5 money in it to cover. There is a RESOLUTION,  
6 Budget Modification #9, which moves money from  
7 the fund balance into that line item, pending  
8 getting money back from FEMA, which will cover  
9 all of that expense.

10 All those in favor?

11 TRUSTEE KEMPNER: Aye.

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No Response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE HUBBARD: RESOLUTION #8-2012-3,

20 RESOLUTION accepting the monthly reports of

21 the Greenport Fire Department, Village Clerk,

22 Village Treasurer, Village Administrator,

23 Director of Utilities, Village Attorney, Mayor

24 and the Board of Trustees. So moved.

25 TRUSTEE MURRAY: Second.

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1 MAYOR NYCE: All those in favor?

2 TRUSTEE KEMPNER: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 MAYOR NYCE: Aye.

6 Any opposed or abstentions?

7 TRUSTEE PHILLIPS: Abstain.

8 MAYOR NYCE: One abstention. That

9 motion carries.

10 TRUSTEE MURRAY: RESOLUTION #8-2012-4,

11 RESOLUTION approving the application for

12 membership of Tiffany M. McKenzie to the  
13 Greenport Fire Department Rescue Squad, as  
14 already approved by the Greenport Fire  
15 Department Board of Wardens on July 18, 2012.

16 So moved.

17 TRUSTEE KEMPNER: Second.

18 MAYOR NYCE: All those in favor?

19 TRUSTEE KEMPNER: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MAYOR NYCE: Aye.

24 Any opposed or abstentions?

25 (No Response.)

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1 MAYOR NYCE: That motion carries.

2 TRUSTEE PHILLIPS: RESOLUTION

3 #8-2012-5, RESOLUTION approving the  
4 application for membership of Lisa Loper-Lawry  
5 to the Greenport Fire Department Rescue Squad,  
6 as already approved by the Greenport Fire  
7 Department Board of Wardens on July 18, 2012.

8 So moved.

9 TRUSTEE HUBBARD: Second.

10 MAYOR NYCE: Seconded by Trustee

11 Hubbard.

12 All those in favor?

13 TRUSTEE KEMPNER: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MAYOR NYCE: That motion carries.

21 TRUSTEE KEMPNER: RESOLUTION #8-2012-6,

22 RESOLUTION approving the application for

23 membership of Nathaniel Richter to the

24 Greenport Fire Department Rescue Squad, as

25 already approved by the Greenport Fire

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1 Department Board of Wardens on

2 August 15, 2012. So moved.

3 TRUSTEE HUBBARD: Second.

4 MAYOR NYCE: All those in favor?

5 TRUSTEE KEMPNER: Aye.

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 MAYOR NYCE: Aye.

10 Any opposed or abstentions?

11 (No Response.)

12 MAYOR NYCE: That motion carries.

13 TRUSTEE HUBBARD: RESOLUTION #8-2012-7,  
14 RESOLUTION approving the application for  
15 membership of Martiza Sierra to the Greenport  
16 Fire Department Rescue Squad, as already  
17 approved by the Greenport Fire Department  
18 Board of Wardens on August 15, 2012. So  
19 moved.

20 TRUSTEE PHILLIPS: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE KEMPNER: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

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1 MAYOR NYCE: Aye.

2 Any opposed or abstentions?

3 (No Response.)

4 MAYOR NYCE: That motion carries.

5 TRUSTEE MURRAY: RESOLUTION #8-2012-8,  
6 RESOLUTION awarding the bid for twenty  
7 complete sets of fire department bunker gear  
8 to South Shore Fire & Safety, in the amount of  
9 \$46,273.00; per the bid opening as held on



10 July 26, 2012 at 2:00 p.m. The twenty sets of  
11 bunker gear will be expensed from Line Item  
12 Number: A.3410.200 (Fire Department  
13 Equipment.) So moved.

14 TRUSTEE HUBBARD: Second.

15 MAYOR NYCE: All those in favor?

16 TRUSTEE KEMPNER: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No Response.)

23 MAYOR NYCE: That motion carries.

24 TRUSTEE PHILLIPS: RESOLUTION

25 #8-2012-9, RESOLUTION, authorizing Treasurer

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1 Kagel to perform the attached budget amendment  
2 from appropriated fund balance, with the  
3 monies to be utilized for the Storm Water  
4 Debris Removal Project. So moved.

5 TRUSTEE MURRAY: Second.

6 MAYOR NYCE: All those in favor?

7 TRUSTEE KEMPNER: Aye.

8 TRUSTEE HUBBARD: Aye.

9 TRUSTEE MURRAY: Aye.

10 TRUSTEE PHILLIPS: Aye.

11 MAYOR NYCE: Aye.

12 Any opposed or abstentions?

13 (No Response.)

14 MAYOR NYCE: That motion carries.

15 By way of discussion, that work has  
16 already taken place. A bunch of it was being  
17 done today. I want to thank the Road  
18 Department again. The Road Department stepped  
19 up again, and helped out quite a bit. It's  
20 complete. So we will be submitting for that  
21 money.

22 TRUSTEE KEMPNER: RESOLUTION  
23 #8-2012-10, RESOLUTION authorizing the Village  
24 of Greenport Tree Committee to solicit bids  
25 for the removal of seventeen tree stumps and

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1 three trees, with the removal of (Tree  
2 Committee) and the removal of one stump and  
3 one tree to be expensed from Line Item Number:  
4 A.7110.400 (Parks.) So moved.

5 TRUSTEE PHILLIPS: Second.

6 MAYOR NYCE: All those in favor?

7 TRUSTEE KEMPNER: Aye.

8 TRUSTEE HUBBARD: Aye.

9 TRUSTEE MURRAY: Aye.  
10 TRUSTEE PHILLIPS: Aye.  
11 MAYOR NYCE: Aye.  
12 Any opposed or abstentions?  
13 (No Response.)  
14 MAYOR NYCE: That motion carries.  
15 TRUSTEE HUBBARD: RESOLUTION  
16 #8-2012-11, RESOLUTION authorizing Treasurer  
17 Kagel to transfer the remaining balances from  
18 Fiscal Year 2011/2012 to Fiscal Year  
19 2012/2013:  
20 \$867.00 in line item number A.1400.200  
21 (Clerk Equipment.)  
22 \$4,287.50 in line item number  
23 A.1420.400 (Law Contractual Expense.)  
24 \$3,840.53 in line item number  
25 A.1420.401 (Labor Counsel.)

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1 \$2,354.64 in line item number  
2 F.1420.400 (Legal Fees.)  
3 \$6,361.00 in line item number  
4 G.1420.400 (Legal Fees).  
5 \$50.67 in line item number R.1420.400  
6 (Legal Fees.)  
7 \$50.00 in line item number A.2072  
8 (Greenhill Cemetery.)

9                   \$6,829.07 in line item number A.2705  
10                 (Arts and Culture Footfalls.)  
11                   \$2,143.00 in line item number A.2820.2  
12                 (Skate Park Festival Committee.)  
13                   \$4,000.00 in line item number  
14                 A.8510.201 (Greenport Improvement Committee.)  
15                   \$1,200.00 in line item number  
16                 TA.0600.103 (Donations Summer Day Camp), and  
17                   \$1,570.00 in line item number  
18                 TA.0600.106 (Friends of Fifth Street Park.)

19                 So moved.

20                 TRUSTEE KEMPNER: Second.

21                 MAYOR NYCE: All those in favor?

22                 TRUSTEE KEMPNER: Aye.

23                 TRUSTEE HUBBARD: Aye.

24                 TRUSTEE MURRAY: Aye.

25                 TRUSTEE PHILLIPS: Aye.

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1                 MAYOR NYCE: Aye.

2                 Any opposed or abstentions?

3                 (No Response.)

4                 MAYOR NYCE: That motion carries.

5                 TRUSTEE MURRAY: RESOLUTION #8-2012-12,

6                 RESOLUTION authorizing that a letter be sent

7                 to the New York State Liquor Authority

8 regarding the approving for a liquor license  
9 by Bruce Garritano, who is using the address  
10 of 115 Front Street, for which no executed  
11 agreement exists between the Village of  
12 Greenport and Bruce Garritano, and noting that  
13 115 Front Street is the address of Village of  
14 Greenport property. So moved.

15 TRUSTEE PHILLIPS: Second.

16 MAYOR NYCE: All those in favor?

17 TRUSTEE KEMPNER: Aye.

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR NYCE: Aye.

22 Any opposed or abstentions?

23 (No Response.)

24 MAYOR NYCE: That motion carries.

25 TRUSTEE PHILLIPS: RESOLUTION

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1 #8-2012-13, RESOLUTION approving the Public  
2 Assembly Permit application as submitted by  
3 the Greenport Union Free School District, for  
4 the use of Village streets from the IGA to the  
5 school, on October 5, 2012 from 6:00 p.m. to  
6 6:30 p.m. for the annual Homecoming Parade.  
7 So moved.

8 TRUSTEE MURRAY: Second.  
9 MAYOR NYCE: All those in favor?  
10 TRUSTEE KEMPNER: Aye.  
11 TRUSTEE HUBBARD: Aye.  
12 TRUSTEE MURRAY: Aye.  
13 TRUSTEE PHILLIPS: Aye.  
14 MAYOR NYCE: Aye.  
15 Any opposed or abstentions?  
16 (No Response.)  
17 MAYOR NYCE: That motion carries.  
18 TRUSTEE KEMPNER: RESOLUTION  
19 #8-2012-14, RESOLUTION approving the request  
20 of the Clinton Memorial A.M.E. Zion Church, to  
21 have the Village of Greenport install hand  
22 railings at the emergency drop-off steps in  
23 front of the church, at 614 Third Street, to  
24 be expensed from Line Item Number A.5110.406  
25 (Sidewalks/Curbs). So moved.

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1 TRUSTEE HUBBARD: Second.  
2 MAYOR NYCE: All those in favor?  
3 TRUSTEE KEMPNER: Aye.  
4 TRUSTEE HUBBARD: Aye.  
5 TRUSTEE MURRAY: Aye.  
6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Aye.  
8 Any opposed or abstentions?  
9 (No Response.)  
10 MAYOR NYCE: That motion carries.

11 TRUSTEE HUBBARD: RESOLUTION  
12 #8-2012-15, RESOLUTION confirming that the  
13 Village Board hereby ratifies and approves the  
14 Memorandum of Agreement with the Civil Service  
15 Employee Association, Inc., Local 100, AFSCME,  
16 AFL-CIO, Village of Greenport Unit dated  
17 August 27, 2012 settling an employee  
18 grievance. So moved.

19 TRUSTEE KEMPNER: Second.

20 MAYOR NYCE: Just to note, it's Local  
21 1000.

22 All those in favor?

23 TRUSTEE KEMPNER: Aye.

24 TRUSTEE HUBBARD: Aye.

25 TRUSTEE MURRAY: Aye.

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1 MAYOR NYCE: Aye.  
2 Any opposed or abstentions?  
3 TRUSTEE PHILLIPS: No.  
4 MAYOR NYCE: That motion carries.  
5 TRUSTEE MURRAY: RESOLUTION #8-2012-16,  
6 RESOLUTION approving the hiring of Deborah

7 Boyle as Clerk Typist, effective  
8 August 28, 2012 at a rate of \$14.28 per hour,  
9 with all applicable medical and other  
10 benefits, and including a twenty-six week  
11 probationary period. So moved.

12 TRUSTEE KEMPNER: Second.

13 MAYOR NYCE: Seconded by Trustee  
14 Kempner.

15 All those in favor?

16 TRUSTEE KEMPNER: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MAYOR NYCE: Aye.

21 Any opposed or abstentions?

22 (No Response.)

23 MAYOR NYCE: That motion carries.

24 TRUSTEE PHILLIPS: RESOLUTION

25 #8-2012-17, RESOLUTION approving the request

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1 of the North Fork Women's Softball League for  
2 the use of the Polo Grounds softball field  
3 from 11:00 a.m. to 7:00 p.m. on  
4 September 30, 2012; for the Inaugural Alex S.  
5 Mele Memorial Softball Tournament. So moved.



6 TRUSTEE MURRAY: Second.  
7 MAYOR NYCE: All those in favor?  
8 TRUSTEE KEMPNER: Aye.  
9 TRUSTEE HUBBARD: Aye.  
10 TRUSTEE MURRAY: Aye.  
11 TRUSTEE PHILLIPS: Aye.  
12 MAYOR NYCE: Aye.  
13 Any opposed or abstentions?  
14 (No Response.)  
15 MAYOR NYCE: That motion carries.  
16 TRUSTEE KEMPNER: RESOLUTION  
17 #8-2012-18, RESOLUTION correcting RESOLUTION  
18 #12-2011-8, to read that the date for the  
19 Public Assembly the Permit Application as  
20 submitted by Dennis O'Donnell, on behalf of  
21 the Wounded Warrior Project, is to be  
22 September 1, 2012 instead of  
23 September 2, 2012. So moved.  
24 TRUSTEE HUBBARD: Second.  
25 MAYOR NYCE: All those in favor?

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1 TRUSTEE KEMPNER: Aye.  
2 TRUSTEE HUBBARD: Aye.  
3 TRUSTEE MURRAY: Aye.  
4 TRUSTEE PHILLIPS: Aye.  
5 MAYOR NYCE: Aye.

6 Any opposed or abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE HUBBARD: RESOLUTION

10 #8-2012-19, RESOLUTION approving the purchase  
11 of the IQM2 agenda creation software, per the  
12 proposed contract at a cost of \$350.00 per  
13 month, to be divided monthly among the funds  
14 as follows:

15 A.1010.400 - Board of Trustees

16 Contractual Expense - \$30.00.

17 A.1210.400 - Mayor Contractual Expense

18 - \$20.00.

19 A.1324.400 - Treasurer Contractual

20 Expense - \$40.00.

21 A.1410.400 - Clerk Contractual Expense

22 - \$100.00.

23 E.0801.200 - Miscellaneous General

24 Expense - \$40.00.

25 F.8310.414 - Miscellaneous General

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1 Expense - \$40.00.

2 G.8110.411 - Miscellaneous Expense -

3 \$40.00.

4 R.7020.407 - Miscellaneous Expense -

5 \$40.00. So moved.

6 TRUSTEE KEMPNER: Seconded.

7 MAYOR NYCE: Seconded by Trustee  
8 Kempner.

9 By way of explanation, the first one,  
10 the enterprise funds using Miscellaneous  
11 Expense, I had asked the Treasurer to put  
12 something else, instead of Miscellaneous  
13 Expense, because I prefer not to use them.  
14 They could not. In next years budget, this  
15 will be -- assuming this resolution passes,  
16 will be budgeted for. So it reads that there  
17 will be a budget line for this sort of  
18 software. These were the best ones that we  
19 could fine. The second explanation is to  
20 reiterate what we discussed at the work  
21 session's, this software was identified by the  
22 Clerk's Office, a need for this type of  
23 software was identified first by the Clerk's  
24 Office nearly a year ago, and what the Board  
25 asked at that time, was that it go through

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1 Audit Committee and what the Audit Committee  
2 has been trying to make sure, if we make  
3 purchases of software that we are not just  
4 buying a random piece of software. That it

5           either integrates with what we already have,  
6           that we don't have something already existing,  
7           that serves the same purpose. In this case,  
8           there were two software companies that  
9           provided this type of service. There is some  
10          tie into a computer program that is part of  
11          the grant of the Southold Town that we are  
12          using, that being a municipality. This  
13          function of this software is entirely  
14          different than the municipality. They do not  
15          -- they are not necessarily compatible nor  
16          were they supposed to be. This is specific  
17          to --

18                   TRUSTEE PHILLIPS: Excuse me, Mayor.  
19          That is your opinion.

20                   MAYOR NYCE: Excuse me and allow me to  
21          give my explanation and then you can chime in  
22          as soon as I am done. While this software was  
23          identified to work specifically for the  
24          Clerk's Office to set agendas for the Village  
25          Board and those items necessary for the

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1          Village Board. It is interactive, whereby,  
2          management can log-in in realtime, so that  
3          there is not the e-mails back and forth trying

4 to set up the agenda. Set up most like a KBS  
5 software, where as if someone logs in they are  
6 authorized to use the software and work there  
7 way through it. There is a substantial time  
8 savings with this. Again, there were two  
9 different programs that were identified. This  
10 one from our understanding, has the better  
11 customer service side to it, and this one is  
12 being recommended by the Audit Committee, and  
13 finalize, the municipality program is  
14 specifically set Building Department's, and  
15 engineering. It's much more GIS in it's  
16 mapping, tax mapping and deal with Building  
17 Department issues. I will leave that as the  
18 explanation for now. Trustee Phillips?

19 TRUSTEE PHILLIPS: As I said from  
20 before, from the beginning of this process,  
21 there has been a communication breakdown  
22 between all the departments. Part of the goal  
23 in looking through the Audit Committee was to  
24 find programs that would interact with all of  
25 the other programs. So that we weren't

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1 spending money on things down the road. I am  
2 extremely disappointed that this is only  
3 creating agendas. This is not getting -- we

4 already had the confusion today dealing with a  
5 Building Department issue that could have  
6 probably been resolved, if there had been some  
7 better communication between the Building  
8 Department and the Village Clerk's Office in  
9 generating resolutions. I feel strongly that  
10 this is not the way to go. I have said it  
11 from the beginning. I am not secure in what I  
12 saw as information coming from the Village  
13 Clerk. It's not the first time I have said  
14 it, and it's not going to be the last time I  
15 said it. I do believe that the whole  
16 programming of looking at all of our computer  
17 software was to make it compatible so that the  
18 whole Village would become interactive with  
19 each other and that we would not have all the  
20 confusion that has gone on for the past six  
21 months, and that is what I have to say. As  
22 far as being cost effective, I really don't  
23 think that is going to happen.

24 MAYOR NYCE: Any further discussion on  
25 this motion?

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1 (No Response.)

2 MAYOR NYCE: I will call the vote, all

3 those in favor?

4 TRUSTEE KEMPNER: Aye.

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE MURRAY: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed?

9 TRUSTEE PHILLIPS: No.

10 MAYOR NYCE: Motion carries.

11 TRUSTEE MURRAY: RESOLUTION #8-2012-20,

12 RESOLUTION allowing Village Clerk Pirillo to

13 attend the "Preparing an Employee Handbook"

14 seminar in Bethpage, New York, sponsored by

15 the Long Island Forum for Technology; from

16 8:00 a.m. to 10:00 a.m. on September 12, 2012.

17 So moved.

18 TRUSTEE HUBBARD: Second.

19 MAYOR NYCE: All those in favor?

20 TRUSTEE KEMPNER: Aye.

21 TRUSTEE HUBBARD: Aye.

22 TRUSTEE MURRAY: Aye.

23 TRUSTEE PHILLIPS: Aye.

24 MAYOR NYCE: Aye.

25 Any opposed or abstentions?

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1 (No Response.)

2 MAYOR NYCE: That motion carries.

3 TRUSTEE PHILLIPS: RESOLUTION  
4 #8-2012-21, RESOLUTION awarding the Bid for  
5 Lighting Fixtures to U.S. Lighting  
6 Technologies in the amount of \$22,645.00 per  
7 the bid opening on July 12, 2012 at 4:00 p.m.;  
8 to be expensed from line item number E.0372  
9 (Street Lighting and Signals), subject to  
10 approval of the submitted grant and receipt of  
11 corresponding funds. So moved, but I have a  
12 question?

13 TRUSTEE MURRAY: Second.

14 MAYOR NYCE: Question?

15 TRUSTEE PHILLIPS: In this RESOLUTION,  
16 we have already received the contract for the  
17 grant that was in process --

18 MAYOR NYCE: It's in processing.

19 TRUSTEE PHILLIPS: So this should  
20 really say approved?

21 MAYOR NYCE: We don't have the sign  
22 approved -- we have a commitment from the  
23 County that it is on the desk for signature.

24 TRUSTEE PHILLIPS: Because the word  
25 "submitting grant" means to me that it was -

1 it's confusing to me. I would rather see some



2 different word before that --

3 TRUSTEE KEMPNER: Awarded.

4 MAYOR NYCE: Would you prefer to amend  
5 the resolution from "submitted" to "awarded?"

6 TRUSTEE PHILLIPS: Yes.

7 MAYOR NYCE: I will offer a motion to  
8 amend this RESOLUTION. Is there a second to  
9 amend?

10 TRUSTEE KEMPNER: Second.

11 MAYOR NYCE: The amendment is to strike  
12 the word "submitted" with "awarded."

13 All those in favor of that amendment?

14 TRUSTEE KEMPNER: Aye.

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MAYOR NYCE: Aye.

19 Any opposed?

20 (No Response.)

21 MAYOR NYCE: Motion carries.

22 And I will offer a RESOLUTION to amend  
23 RESOLUTION #8-2012-21 as amended.

24 TRUSTEE MURRAY: Second.

25 MAYOR NYCE: All those in favor?

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1 TRUSTEE KEMPNER: Aye.

2 TRUSTEE HUBBARD: Aye.

3 TRUSTEE MURRAY: Aye.

4 TRUSTEE PHILLIPS: Aye.

5 MAYOR NYCE: Aye.

6 Any opposed or abstentions?

7 (No Response.)

8 MAYOR NYCE: That motion carries.

9 TRUSTEE PHILLIPS: It makes it a little  
10 clearer to the public and it makes it seem  
11 like we don't have the money for this yet.

12 TRUSTEE KEMPNER: RESOLUTION  
13 #8-2012-22, RESOLUTION accepting the proposal  
14 from Dvirka and Bartilucci extending the  
15 Resident Project Representatives services, in  
16 an amount not to exceed \$10,000.00; for the  
17 period of time from April 1, 2012 through the  
18 close-out of the Waste Water Treatment Plant  
19 Project. So moved.

20 TRUSTEE HUBBARD: Second.

21 MAYOR NYCE: All those in favor?

22 TRUSTEE KEMPNER: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

1                   MAYOR NYCE: Aye.

2                   Any opposed or abstentions?

3                   (No Response.)

4                   MAYOR NYCE: That motion carries.

5                   TRUSTEE HUBBARD: RESOLUTION

6                   #8-2012-23, RESOLUTION ratifying the hiring of

7                   Daniel Lopez and Joseph Leonard a \$7.25 per

8                   hour as seasonal, part time park attendants,

9                   effective August 11, 2012. So moved.

10                  TRUSTEE KEMPNER: Second.

11                  MAYOR NYCE: All those in favor?

12                  TRUSTEE KEMPNER: Aye.

13                  TRUSTEE HUBBARD: Aye.

14                  TRUSTEE MURRAY: Aye.

15                  TRUSTEE PHILLIPS: Aye.

16                  MAYOR NYCE: Aye.

17                  Any opposed or abstentions?

18                  (No Response.)

19                  MAYOR NYCE: That motion carries.

20                  TRUSTEE MURRAY: RESOLUTION #8-2012-24,

21                  RESOLUTION approving a contract with Corazzini

22                  Asphalt, per the submitted proposal prices as

23                  based upon the existing, in force Suffolk

24                  County contract for grinding (roadway milling)

25                  and Southold Town contract for paving, with

1 costs of:  
2 \$75.00 per ton of installed asphalt.  
3 \$71.00 per ton of installed asphalt,  
4 over 500 tons and,  
5 \$4.75 per square yard of road milling,  
6 at a total cost not to exceed \$85,000.00; to  
7 be expensed from line item number A.5110.451  
8 (CHIPS Expenditures.) So moved.

9 TRUSTEE PHILLIPS: Second.

10 MAYOR NYCE: By way of explanation, we  
11 had planned on doing this last summer, and  
12 Southold Town contract -- I'm sorry, their bid  
13 had expired. So we were not able to do that  
14 project at that time. So we waited for them  
15 to get their new bid in place, which we have.  
16 This would take me from -- George --

17 TRUSTEE HUBBARD: From Steamboat Corner  
18 all the way down to South Street, First and  
19 South. And I agree with Mr. Swiskey, I wish  
20 we could do a lot more roads, Bill, it took  
21 almost two years to try and get this done in  
22 splitting money up. There is a lot of roads  
23 that need repair. This is a very traveled  
24 road. We had more complaints about that road  
25 and that road is in the worst condition. More

1 than other roads. Other roads, will be gotten  
2 to as soon as possible. This is taking three  
3 years to try and get the quotes in, the prices  
4 in and get the work done. We have a  
5 commitment for the week after Maritime  
6 Festival, that Dave Abatelli had worked with  
7 Rich Corazzini. So that will be done the last  
8 week of September this year, and at least it's  
9 one road that will be taken care instead of  
10 talking about it. It's very frustrating  
11 talking about it, a month after month and  
12 getting no answers. We got an answer. It's  
13 scheduled for the last week of next month, by  
14 the next meeting hopefully it will be taken  
15 care of. Then we will move to the next roads  
16 as money become available. All those in  
17 favor.

18 MR. SWISKEY: It's a great  
19 accomplishment --

20 MAYOR NYCE: Mr. Swiskey, please you  
21 are out of order. Mr. Swiskey, you are out of  
22 order.

23 TRUSTEE PHILLIPS: I was going say that  
24 I agree with George. First Street has been  
25 one of those streets that I have heard the

1 most complaints about from people traveling  
2 into the Village. It is probably one of the  
3 roads that is taken the most. It has taken a  
4 lot of tractor trucks. So it has taken a  
5 beating. So to see those roads with a lot of  
6 holes, I am sure I would -- we would all like  
7 the roads in front of our houses done. In  
8 this point, First Street is the one that I  
9 hear when I go to other communities.

10 MAYOR NYCE: Is there is no further  
11 discussion on this motion, I will call a vote.

12 All those in favor?

13 TRUSTEE KEMPNER: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MAYOR NYCE: That motion carries.

21 We covered #25 and #26, the next one  
22 will be #27.

23 TRUSTEE PHILLIPS: RESOLUTION  
24 #8-2012-27, RESOLUTION authorizing Village  
25 Administrator and to schedule a final LWRP

1 meeting for September 20, 2012 at 5:30 at the  
2 Third Street Firehouse and directing Clerk  
3 Pirillo to notice the hearing accordingly. So  
4 moved.

5 TRUSTEE HUBBARD: Second.

6 MAYOR NYCE: All those in favor?

7 TRUSTEE HUBBARD: I just had one  
8 discussion on that, can we change the time to  
9 6:00, that way it's like our regular meeting.  
10 Is that something that he can do, Dave?

11 MR. ABATELLI: I think there may be a  
12 conflict with the firehouse.

13 MS. PIRILLO: There is Department  
14 training that night.

15 TRUSTEE HUBBARD: 5:30 is tough for me.

16 TRUSTEE KEMPNER: And me.

17 MAYOR NYCE: I will offer a motion to  
18 amend RESOLUTION #27. Is there a second to  
19 amend?

20 TRUSTEE MURRAY: I'll second that.

21 MAYOR NYCE: What I would like to amend  
22 is that the time be changed to 6:00 p.m. and  
23 the place be the red schoolhouse. So the  
24 amended RESOLUTION will read final LWRP  
25 meeting September 12, 2012 at 6:00 p.m. at the

1 red schoolhouse.

2 All those in favor of that amendment?

3 TRUSTEE KEMPNER: Aye.

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Aye.

8 Any opposed or abstentions?

9 (No Response.)

10 MAYOR NYCE: That motion carries.

11 I will offer a RESOLUTION to adopt

12 RESOLUTION #27 as amended.

13 TRUSTEE HUBBARD: Second.

14 MAYOR NYCE: Seconded by Trustee

15 Hubbard.

16 All those in favor?

17 TRUSTEE KEMPNER: Aye.

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MAYOR NYCE: Aye.

22 Any opposed or abstentions?

23 (No Response.)

24 MAYOR NYCE: That motion carries.

25 TRUSTEE HUBBARD: Hopefully we will get



1 a good turnout.

2 MAYOR NYCE: Absolutely.

3 TRUSTEE KEMPNER: RESOLUTION

4 #8-2012-28, RESOLUTION accepting the

5 boiler-plate contracts for capital projects as

6 created by Village Attorney Prokop, and as

7 vetted through, and recommended by, the Audit

8 Committee. So moved.

9 TRUSTEE HUBBARD: Second.

10 MAYOR NYCE: Seconded by Trustee

11 Hubbard.

12 All those in favor?

13 TRUSTEE KEMPNER: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MAYOR NYCE: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MAYOR NYCE: That motion carries.

21 TRUSTEE HUBBARD: RESOLUTION

22 #8-2012-29, RESOLUTION adopting a moratorium

23 on sub-division and subdivision applications

24 and approvals, effective August 27, 2012 until

25 November 30, 2012 or such later date as may be

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1 set by the Board of Trustees, pending Board of  
2 Trustees' review of proposed sub-division  
3 regulations. So moved.

4 TRUSTEE PHILLIPS: Second.

5 MAYOR NYCE: All those in favor?

6 TRUSTEE KEMPNER: Aye.

7 TRUSTEE HUBBARD: Aye.

8 TRUSTEE MURRAY: Aye.

9 TRUSTEE PHILLIPS: Aye.

10 MAYOR NYCE: Aye.

11 Any opposed or abstentions?

12 (No Response.)

13 MAYOR NYCE: That motion carries.

14 TRUSTEE MURRAY: RESOLUTION #8-2012-30,

15 RESOLUTION approving the request of the  
16 Business Improvement District, allowing the  
17 inclusion of Business Improvement District  
18 promotional materials in the same  
19 envelope/"mailers" as Village of Greenport  
20 utility bills. So moved.

21 TRUSTEE KEMPNER: Second.

22 TRUSTEE MURRAY: I have a question?

23 MAYOR NYCE: Sure.

24 TRUSTEE MURRAY: Is there going to be a

25 limit for us? Because this could get a little

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1 heavy?

2 MR. SWISKEY: (In Audible).

3 MAYOR NYCE: Bill, you are out of order  
4 again.

5 MR. SWISKEY: When --

6 MAYOR NYCE: Bill, you are out of  
7 order. One more time, and I will ask you to  
8 leave. You can be next Mr. Trowbridge. You  
9 can leave too.

10 It has to be covered by First Class  
11 standards.

12 Any further discussion on that motion?

13 TRUSTEE KEMPNER: I think it's great.

14 MAYOR NYCE: All those in favor?

15 TRUSTEE KEMPNER: Aye.

16 TRUSTEE HUBBARD: Aye.

17 TRUSTEE MURRAY: Aye.

18 TRUSTEE PHILLIPS: Aye.

19 MAYOR NYCE: Aye.

20 Any opposed or abstentions?

21 (No Response.)

22 MAYOR NYCE: Motion carries.

23 TRUSTEE PHILLIPS: RESOLUTION

24 #8-2012-31, RESOLUTION directing Village Clerk  
25 Pirillo to schedule a presentation by Robert

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1 Freeman of the Committee on Open Government,  
2 to take place during and open public meeting  
3 of the Board of Trustees of the Village of  
4 Greenport. So moved.

5 TRUSTEE MURRAY: Second.

6 TRUSTEE PHILLIPS: By way of  
7 discussion, and to answer Mr. Trowbridge's  
8 e-mail, during the process of researching a  
9 lot of the FOIL requests with a lot of  
10 paperwork flying back and forth, there is a  
11 time when paperwork is being faxed, denials.  
12 There has been confusion. There has been  
13 confusion all over the place as far as  
14 communication of the Open Meeting Law. Many  
15 of us have called Mr. Freeman. I think I have  
16 had a whole year's discussion every time  
17 something comes up, and I think it's time that  
18 all people get an understanding as to what  
19 that basis is and what can be done and what  
20 can't be done, to put aside some of the stress  
21 that has been happening, not only to me, but  
22 the residents and the taxpayers, and also the  
23 staff having to deal with the numerous FOIL

24 requests that are coming in from all different  
25 directions. Whatever purposes, there are some

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1 that are coming from people who are little  
2 detailed and then there are some that are so  
3 detailed, that it takes months to be done.  
4 And some of them that we need to check with  
5 the attorney. So he has agreed to explain  
6 this. So that some of the drama can end.

7 MAYOR NYCE: Any further discussion on  
8 this motion?

9 (No Response.)

10 MAYOR NYCE: All those in favor?

11 TRUSTEE KEMPNER: Aye.

12 TRUSTEE HUBBARD: Aye.

13 TRUSTEE MURRAY: Aye.

14 TRUSTEE PHILLIPS: Aye.

15 MAYOR NYCE: Aye.

16 Any opposed or abstentions?

17 (No Response.)

18 MAYOR NYCE: That motion carries.

19 TRUSTEE KEMPNER: RESOLUTION

20 #8-2012-32, RESOLUTION approving all checks

21 per the Voucher Summary Report dated

22 August 16, 2012, in the total amount of

23 \$1,175,772.57 consisting of:  
24 All regular checks in the amount of  
25 \$444,311.77.

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1 All prepaid checks in the amount of  
2 \$286,332.05, and,  
3 All wire transfers in the amount of  
4 \$44,128.75. So moved.

5 TRUSTEE PHILLIPS: Second.

6 MAYOR NYCE: Seconded by Trustee  
7 Phillips.

8 All those in favor?

9 TRUSTEE KEMPNER: Aye.

10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.

12 TRUSTEE PHILLIPS: Aye.

13 MAYOR NYCE: Aye.

14 Any opposed or abstentions?

15 (No Response.)

16 MAYOR NYCE: That motion carries.

17 I have one additional RESOLUTION. I  
18 will offer a RESOLUTION #8-2012-33, RESOLUTION  
19 to authorize Pete Manwaring, Supervisor of the  
20 Road Department to go out to bid for a new  
21 street sweeper. So moved.

22 TRUSTEE PHILLIPS: Second.

23 MAYOR NYCE: All those in favor?

24 TRUSTEE KEMPNER: Aye.

25 TRUSTEE HUBBARD: Aye.

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1 TRUSTEE MURRAY: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MAYOR NYCE: Aye.

4 Any opposed or abstentions?

5 (No Response.)

6 MAYOR NYCE: That motion carries.

7 I would like to very briefly, yes, the

8 Lynx is coming in, and it will be here for

9 these two stays. We are not paying any

10 appearance fee. They are staying at the dock.

11 They are going to offer tours and sail away's,

12 and they are going to submit back to the

13 Village, a portion of the proceeds with what

14 they make while they are here. That is the

15 arrangement that we made with the Ships on

16 Memorial Day, and they are during a similar

17 thing with the Lynx. The idea of long term

18 with this, if we can tie some of the ships

19 back here during the Maritime Festival, if

20 they make money while they are here. I will

21 be asking the Village Attorney to put that

22 very quick agreement together. The Power  
23 Plant is fine. It is operational. We are  
24 awaiting, there are two doors that cover the  
25 switch gear that needed to be altered. We are

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1 waiting for those to be fabricated and sent  
2 in. We have hooked up to the transformer. We  
3 are able to generate in an emergency. Now we  
4 can make whatever connections are necessary  
5 and we can generate in any sort of an  
6 emergency. As to the Spill Report from the  
7 Waste Water Treatment Plant, there was a Spill  
8 Report that the Director of Utilities had  
9 submitted. There have been a couple of  
10 pick-up's with bringing that new system  
11 online. As Trustee Phillips eluded to, these  
12 things will happen. There was some additional  
13 backflow. A lack of oxygen in the system. A  
14 lack of airway in the system. That has been  
15 remedied. There were some clogs that were  
16 happening, which created a situation whereby  
17 we lost bacteria. The DEC is well aware of it  
18 and what is going on. They have been involved  
19 in every step of this. They were here for the  
20 Spill Report. I will make sure that the Spill  
21 Report from the DEC is available at the



22 Clerk's Office. That should cover that.

23 With that, I will offer a motion to  
24 adjourn to Executive Session to hear and  
25 briefly finalize a personnel issue. So moved.

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1 TRUSTEE KEMPNER: Second.

2 MAYOR NYCE: All those in favor?

3 TRUSTEE KEMPNER: Aye.

4 TRUSTEE HUBBARD: Aye.

5 TRUSTEE MURRAY: Aye.

6 TRUSTEE PHILLIPS: Aye.

7 MAYOR NYCE: Aye.

8

9 (Whereupon, the meeting concluded.)

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21 hand this day, September 9, 2012.

22

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24 (Jessica DiLallo)

25