

1 VILLAGE OF GREENPORT  
2 COUNTY OF SUFFOLK STATE OF NEW YORK  
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3 VILLAGE OF GREENPORT  
4 BOARD OF TRUSTEES  
5 -----X

7 Third Street Firehouse  
8 Greenport, New York

9 September 24, 2012  
10 6:00 P.M.

11 B E F O R E :

- 12 DAVID NYCE - MAYOR
- 13 GEORGE HUBBARD JR. - TRUSTEE
- 14 DAVID MURRAY - TRUSTEE
- 15 CHRIS KEMPNER - TRUSTEE (EXCUSED)
- 16 MARY BESS PHILLIPS - TRUSTEE (EXCUSED)
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- 18 JEAN MARIE ODOM - DEPUTY CLERK
- 19 JOSEPH PROKOP - VILLAGE ATTORNEY

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1 MR. MAYOR: Being six o'clock, I will  
2 call this meeting of the village of Greenport

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Board of Trustees.

(WHEREUPON, all stood for the Pledge of Allegiance followed by a moment of silence.)

MR. MAYOR: Trustee Phillips is not here, I would also like to pass on to Trustee Phillips on behalf of the Board, our sincere condolences. She lost her sister-in-law a couple of weeks back, and I know it has been very hard for the family, and I would like to express our condolences to Trustee Phillips. We have some announcements. Hurricane Season is upon us. We have been very lucky this hurricane season with no named storms. It looks like we may have dodge hurricane season, but please, if you have not done so, please have a plan for your personal safety and that of your family members. And please note that the Suffolk County Joint Emergency Evacuation Program number is via FRES #852-4900, or 853-8333, for the Office for People with Disabilities. Under Public Interest, we would also like to encourage you

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to please create a Fire Safety program for your family, and please be sure to check the batteries in your smoke detectors and CO detectors. There have been a couple of fires recently where the Building Inspector went through the smoke and CO detectors, and batteries were not functioning. It is

8 something worth checking fairly regular  
9 basis. They can save your life.

10 Bow hunting applications for the  
11 western portion of Moore's Woods, are  
12 available at the Village Hall and online. You  
13 must have valid current bow hunting license.  
14 There is no residency restrictions on that.  
15 You must have a valid New York State bow  
16 hunting license. There will be a FOIL  
17 presentation by Bob Freeman for FOIL on  
18 October 18th from 5:30 p.m. to 7:30 p.m. here  
19 in the Third Street Firehouse. That will be  
20 a joint, Town and Village are combining that.  
21 So there may be Town Board members as well as  
22 residents of Southold Town and residents of  
23 the Village. Our final, under public  
24 interests, the Greenport Fire Department will  
25 conduct it's annual hydrant test on October

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1 28, 2012 beginning at 9:00 a.m. We recommend  
2 that if you are going to do laundry, do not  
3 do it right after the hydrant testing, as  
4 most of it will turn out orange. There is  
5 residual rust in the lines. Please be aware,  
6 if you see trucks in your area doing the  
7 hydrant testing, please wait a little bit to  
8 do any water.

9 Since Trustee Phillips is here, I  
10 will publicly pass on our condolences to you  
11 for your lost in your family very recently.

12 We are truly sorry for your lost.

13 TRUSTEE PHILLIPS: Thank you very  
14 much.

15 MR. MAYOR: There are no public  
16 hearings or presentations. So we will move  
17 onto the public portion, and ask if there is  
18 anyone that wishes to address the Board?

19 MR. SWISKEY: William Swiskey, 184  
20 Fifth Street. Mr. Mayor, on August 27th, I  
21 have the minutes from the meeting here, you  
22 basically told me that the power plant was  
23 operational and everything was honky-dory.  
24 Then from the September report from the DOU,  
25 it seems that everything wasn't honky-dory,

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1 and I -- basically are you operational up  
2 there or not? I need to know? I sent e-mails  
3 expressing each of my concerns to the  
4 Trustees. I have a copy of them, if you  
5 would like. I never received an answer. So  
6 people have been asking me and I am trying to  
7 find out. Does anybody know?

8 MR. MAYOR: The plant is operational.

9 MR. SWISKEY: It's operational. Have  
10 you been to the plant, George?

11 TRUSTEE HUBBARD: No, I have not.

12 MR. SWISKEY: Have you Christine?

13 TRUSTEE KEMPNER: No, I have not. I  
14 have heard the explanation about what we are  
15 doing there and when it is operational and it  
16 is not operational. It makes sense to me.

17 MR. SWISKEY: It is not operational?

18 MR. MAYOR: Bill, you got to stop  
19 listening to just what you want to hear.

20 MR. SWISKEY: Mr. Mayor, please I  
21 have the floor --

22 MR. MAYOR: You do not have the  
23 floor. Bill, you relinquished the floor when  
24 you asked that question. This is why we  
25 don't --

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1 MR. SWISKEY: No, Mr. Mayor. Trustee  
2 Phillips --

3 MR. MAYOR: You are --

4 TRUSTEE PHILLIPS: Excuse me. Mr.  
5 Swiskey, I did answer your e-mail. I do  
6 believe that I explained to you that I had a  
7 death in the family and that I will get back  
8 to you as soon as tears had stopped. If that  
9 is quote on quote. I did visit the power  
10 plant to be honest with you and did ask a lot  
11 of questions. I don't have the answer right  
12 now, but, yes, I did visit the power plant  
13 today.

14 MR. SWISKEY: Thank you, I appreciate  
15 that. As soon as you get the answer, can you  
16 please let me know --

17 TRUSTEE PHILLIPS: I believe the  
18 Mayor gave you the answer at the present  
19 moment.

20 MR. SWISKEY: All right. As long as

21 -- you know, because people ask me all these  
22 questions. I don't come up with these  
23 questions myself.

24 MR. MAYOR: Yes, you do.

25 MR. SWISKEY: It seems to be that

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1 there has been an awful lot of correspondence  
2 going back and forth between June 1st and the  
3 1st of September between the contractors and  
4 the Village and the engineer. When I asked  
5 for that way back -- oh, I think the FOIL was  
6 dated back to 8/23, they can't seem to find  
7 anything in Village Hall. Now, I know this  
8 exist, because I have done projects. That  
9 file has to be about that thick. And has  
10 anybody asked to see the file? I really think  
11 you should because you might learn something  
12 besides what you are being told. It is like  
13 -- George, where did you get the 150 gallon  
14 sewer spill from? Where did you get that  
15 from? The public has asked?

16 TRUSTEE HUBBARD: It was from a  
17 report that I was handed and I had it hear  
18 that night.

19 MR. SWISKEY: Who drew up the report?

20 TRUSTEE HUBBARD: It was a  
21 confidential e-mail between the Director of  
22 Utilities and the Village Attorney.

23 MR. SWISKEY: Okay, because I got  
24 something different, 140 thousand -- I waited  
25 for a month to get this. Now, if you want me

1 to explain --

2 TRUSTEE HUBBARD: You don't have to  
3 explain, Bill.

4 MR. SWISKEY: All right. But the  
5 information was so erroneous, I feel that the  
6 public deserves a response of where 150 --  
7 you can look at this chart the next day and  
8 know what you spilled. How anybody could come  
9 up with 150 gallons, it's almost beyond my  
10 comprehension. There is one other thing,  
11 since you only appointed a director of  
12 utilities for six months way back in April  
13 and the six months are up at the end of this  
14 month, I will ask you a question. Do you plan  
15 to replace him or reappoint? Because the  
16 Board now has to make a decision before the  
17 beginning of October, and with some of this  
18 stuff, I would be a little skeptical about  
19 reappointing him. That's just my opinion. I  
20 don't know if anyone cares to weigh in on  
21 that?

22 MR. MAYOR: Bill, I am going to  
23 reiterate, this is not a question and answer  
24 period. If you want to make your comments to  
25 the Board, please make your comments.

1 MR. SWISKEY: My comment to the Board  
2 is that, if the Village of Greenport is

3 listed as far back as I can remember, no  
4 Mayor was afraid to answer any questions.  
5 This is the first Board that has ever reached  
6 out about a comment period. To me that calls  
7 for somebody -- somebody is either lacking --  
8 I remember Dave Kappell sitting in that chair  
9 and being pounded by questions, but he didn't  
10 shut the meeting down. He didn't stop the  
11 people. He answered every question. To me  
12 this is beyond me. I am not getting any  
13 answers now.

14 MR. MAYOR: Bill, move on.

15 MR. SWISKEY: It's RESOLUTION  
16 9-2012-2, this beer sellar that you are  
17 allowing to sell beer in the park, I mean, to  
18 sell beer in the park, I have ben against it  
19 since the beginning. This guy didn't give you  
20 any money. He gave five grand to the Maritime  
21 Museum and I think it's about time that the  
22 Village pass a Local Law that there is no  
23 sale of alcoholic beverages of any Village  
24 Park. If they want to sell it in the street,  
25 I can live with that but in the park, there

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1 is something sacral about that. I think that  
2 any Trustee with a little nerve should  
3 propose that RESOLUTION and make it stop  
4 tonight, because I was actually a little  
5 disappointed in the people that voted for  
6 that. We can't have San Simeon in the park  
7 and we can;t have this in the park. You know



8           how the society is about alcohol. The cops  
9           have checkpoints all over with County and  
10          Chief Heads and say alcohol is bad and yet,  
11          we allow it to be sold in the park. I just  
12          -- it's beyond me. If I was on the Board, I  
13          would vote it, no. It's easy. Just vote,  
14          no. Now, let's go to 2012 -- all these  
15          raises. We have four people up there -- what  
16          extra duties has these other people assumed?  
17          If they were doing their jobs, there is no  
18          extra duties to assume. I really would like  
19          to know these raises? We have a treasurer  
20          that we pay to be here one day, we pay them  
21          \$20,000.00. That is more money that people  
22          make in a year. That has just gotten a little  
23          bit out of hand. The office staff in the  
24          village -- when I was superintendent, I can  
25          tell you it was three people. Now, it is god

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1           knows how many people upstairs to -- I  
2           surprised that the floor hasn't caved in. He  
3           will answer that. He can't answer that.

4                        TRUSTEE PHILLIPS: Out of respect for  
5           the Mayor, I am keeping my mouth shut.

6                        MR. SWISKEY: Keep your mouth shut  
7           then.

8                        MR. MAYOR: Mind what you say.

9                        MR. SWISKEY: well, she should mind  
10          what she says.

11                       MR. MAYOR: Bill, you have a very

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short leash here.

MR. SWISKEY: Then you can call the cops. I don't care. I have --

MR. MAYOR: I wouldn't need to, Bill. I can throw you out of here myself.

MR. SWISKEY: Wow. Is that a threat, Mr. Mayor?

MR. MAYOR: No, sir.

MR. SWISKEY: I have RESOLUTION 2012-9-17. why are we spending \$8300.00, leave the windows bricked up. In other words, it's not that pretty of a building. Save the rate payers \$8300.00 and just leave it alone. You have lights inside. You basically can't

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even notice where the windows were. That is just a waste of money. And why isn't the engineer picking up this \$22,000? I am sure her has insurance. The engineer makes a mistake, the customer shouldn't pick it up. That I can tell you from experience too. You seem to let this guy get away with everything. I think it's time to maybe look for another engineer. And I look forward to seeing Mr. Freeman. Thank you.

MR. MAYOR: Is there anyone else that wishes to address the Board?

MR. SALADINO: John Saladino, Sixth Street. Are there any RESOLUTION's that --

MR. MAYOR: No. No.

MR. SALADINO: I see a RESOLUTION

17 that you are going to bond for a street  
18 sweeper, I understand the bids have to go out  
19 and that is how you are going to get the  
20 price. Are you prepared to spend more than  
21 \$160,000, or is the \$160,000 is it?

22 MR. MAYOR: No, \$160,000.00 would be  
23 greater than the amount that we would need.  
24 We don't have the exact amount. We can't  
25 spend more than we bond for.

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1 MR. SALADINO: You can't spend more  
2 than you bond for. Well, I just didn't know  
3 if you had like forty grand in the bank and  
4 you could add that to your \$160,000.00 and  
5 make it \$200,000.00. That was my question.  
6 The other thing, is I don't necessarily agree  
7 with my neighbor Bill about selling beer in  
8 the park. I don't know if that is a sacred  
9 ground. I do have a problem with renting the  
10 park to someone and the Village not getting  
11 the money. I understand that it is big profit  
12 for the maritime museum, if it is a Village  
13 asset, then you should profit from it. You  
14 Board members know, I don't have a problem  
15 with the renting. It helps the taxpayers.  
16 The entire Village kind of loses out. There  
17 are some businesses that benefit from that.  
18 You know, the dry cleaners. They don't profit  
19 as do the restaurants. So the tax payers  
20 should get some of the profit. The resident

21 tax payers that aren't business owners, that  
22 don't have a restaurant or a bar. They should  
23 get something. The last thing, is if we can  
24 believe Bill, and he does have your document  
25 from the Village, and I am not sure if you

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1 forged it -- did you forge it?

2 MR. SWISKEY: No.

3 MR. SALADINO: If he does have that  
4 document, and it's accurate, and you did give  
5 it to him, we heard that there was a 150  
6 gallons spilled and then we heard from the  
7 Suffolk Times that it was 49,000 gallons.  
8 Now, the flow chart says 140,000 gallons. You  
9 know, 140,000 gallons is a major spill.  
10 Perhaps the operator was correct and it did  
11 go further than expected. These are things  
12 that I think the residents are entitled an  
13 answer to. It's a lot of questions, a lot of  
14 numbers. Nobody is really sure. You know, the  
15 people that aren't here and the people that  
16 don't watch on television, people that don't  
17 have the time, perhaps you could answer those  
18 questions. That's humorous. I am just going  
19 by your reaction.

20 MR. MAYOR: My reaction is just  
21 looking back at you, John.

22 MR. SALADINO: So for the people that  
23 can't make these meetings, my mom and my  
24 neighbor, that are still interested, perhaps,  
25 you can answer it. That's it. Thanks for

1 listening.

2 MR. MAYOR: Thank you.

3 MR. TROWBRIDGE: Good evening, Mr.  
4 Mayor, Board of Trustees, Village Officials,  
5 people in the audience and viewing members of  
6 the TV public. I am Richard Trowbridge. I  
7 reside in East Marion. I used to work for the  
8 Village of Greenport. It's interesting  
9 tonight as I stand here, is that Mr. Swiskey  
10 got up and asked questions, and he got a  
11 question and answered by Trustee Kempner but  
12 the rest of the Village Trustees and  
13 including the Mayor refused to answer those  
14 questions. And yet, Mr. Saladino gets up and  
15 asks questions, and the Mayor very rapidly  
16 and nonchalantly answers most of his  
17 questions, with no qualms about the answers  
18 or giving those answers. That ladies and  
19 gentlemen is arbitrary and capricious. Sorry,  
20 but that is against the law. So continue  
21 being arbitrary and capricious on television  
22 and the viewing the public can watch you  
23 being arbitrary and capricious.

24 MR. MAYOR: Is there anyone else that  
25 wishes to address the Board. That will then

1 close the public portion of the meeting.

2 Thank you for the law lesson, by the way.

3 MR. TROWBRIDGE: You're welcome.

4 MR. MAYOR: Thank you. We will start  
5 with under the announcements. I also wanted  
6 to congratulate the museum for their event  
7 this past weekend. There are some wrinkles  
8 that will be ironed out. I spoke with the  
9 Chief and I am meeting with him tomorrow  
10 think it was a nice event, but I wanted to  
11 thank them, the Board and their volunteers  
12 and also the Town Board and Village employees  
13 that stepped in and the volunteer fire  
14 department, all of whom spent a very long  
15 weekend. That being said, yes the Village  
16 opens its doors and every year, what I have  
17 tried to stress to them over the past six  
18 years is that the event should be as  
19 inclusive as possible and more Maritime with  
20 each year, which I believe in slow steps it  
21 has. It really s a good progression with each  
22 event. Mr. Saladino's point is a valid point.  
23 A thriving downtown is absolute necessary to  
24 continue. So it's a very good thing. They  
25 also had major corporate sponsors. The

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1 brewery was one of them. They had their own  
2 section and their own police. I think it was  
3 run very nicely and went along very smoothly.  
4 There has been a spill report provided a  
5 month and a half ago. There were two reports  
6 made by DEC and submitted and available to  
7 the public. The numbers that Trustee Hubbard

8 was -- this happened that week. So whatever  
9 numbers he gave out, were likely not going to  
10 be accurate. I don't think that it was  
11 Trustee Hubbard's fault nor was it his  
12 intent, that that number was faulty. After  
13 the spill was reported and investigated, both  
14 pre and post, those reports explain what go  
15 on. They have been available. If you don't  
16 have one, please go down to Village Hall and  
17 will be made available for you. There was a  
18 very minor spill and was contained and  
19 cleaned up. The DEC has not issued any  
20 violations and they are very aware of what is  
21 going on. So that should answer that. with  
22 the block. That is your opinion. It's a  
23 beautiful building. It is one of the few  
24 municipal on Long Island. I think it should  
25 be land marked and as such, having glass

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1 block windows in there will be an additional  
2 asset to the building. Shows little bit of  
3 respect to the building. That is your  
4 opinion, and well taken. with the salaries,  
5 that is what we are entitled to do and within  
6 the contract. That money has been included in  
7 the budget. we have no additional personnel.  
8 The electric plant, it is operational and has  
9 been operational. At the point of where  
10 things are being fixed, it is obviously not  
11 operational.

12                   Okay, I was not going to bring this  
13 up, but I will. with regard to what Mr.  
14 Saladino said, if you can believe Bill. What  
15 Mr. Swiskey will make up something and start  
16 spreading it as a rumor --

17                   MR. SWISKEY: Can I answer that?

18                   MR. MAYOR: You are out of order.

19                   MR. SWISKEY: And you are also  
20 slandering me, Mr. Mayor. You will hear from  
21 attorney tomorrow, so you better watch what  
22 you are saying.

23                   MR. MAYOR: I will exactly.

24                   And then sends an e-mail to the Board  
25 of Trustees asking what is going on about

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1                   this rumor that is being heard, and then  
2 comes to the meeting and demanding an  
3 explanation for a rumor. At no time, has  
4 anything improper been done by this Board.  
5 The information is given out when it is  
6 requested and passed on to the public. The  
7 fact that we don't answer any innuendo, rumor  
8 and all the rest, is because it is just that.  
9 We can not submit a document to you that has  
10 been made up. We can not make document --

11                   MR. SWISKEY: I have asked for  
12 documents and where are they?

13                   MR. MAYOR: They obviously do not  
14 exist. Mr. Swiskey --

15                   MR. SWISKEY: No, you have not --

16                   MR. MAYOR: Maybe the logical



17 assumption would be your assumption is not  
18 correct.

19 MR. SWISKEY: The logical assumption  
20 is --

21 MR. MAYOR: You are out of order.

22 MR. SWISKEY: I am trying to --

23 MR. MAYOR: You are out of order. Mr.  
24 Swiskey you can leave the meeting.

25 MR. SWISKEY: Mr. Mayor --

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1 MR. MAYOR: Mr. Swiskey, you can now  
2 leave the meeting.

3 MR. SWISKEY: I am sitting here  
4 mounding my own business. What are you  
5 afraid, David?

6 MR. MAYOR: No, I am not. Will you  
7 please have him removed. I have had enough of  
8 this crap.

9 MR. SWISKEY: I have had enough of  
10 your crap. I will leave because I don't want  
11 to put Dave in an uncomfortable. I am  
12 available every day if you think you can put  
13 me in some place.

14 MR. MAYOR: With that, I will offer a  
15 RESOLUTION #9-2012-1, RESOLUTION adopting the  
16 September, 2012 agenda as printed. So moved.

17 TRUSTEE PHILLIPS: Second.

18 MR. MAYOR: All those in favor?

19 TRUSTEE KEMPNER: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE MURRAY: Aye.  
22 TRUSTEE PHILLIPS: Aye.  
23 MR. MAYOR: Aye.  
24 Any opposed or abstentions?  
25 (No Response.)

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1 MR. MAYOR: That motion carries.  
2 TRUSTEE KEMPNER: RESOLUTION  
3 #9-2012-2, RESOLUTION ratifying the  
4 following, as already approved by the Board  
5 of Trustees at the public work session  
6 meeting held on September 17, 2012:  
7 RESOLUTION ratifying the  
8 authorization for Mayor Nyce to sign the New  
9 York State Liquor Authority Special Event  
10 Permit Application for the Greenport Harbor  
11 Brewery for the use of Mitchell Park as a  
12 sponsor vendor during the 2012 Maritime  
13 Festival.  
14 RESOLUTION authorizing the attendance  
15 of Mayor ay the NYAPP September Business  
16 Meeting, with the costs of \$149.00 for  
17 lodging and associated travel (tolls and  
18 ferry costs estimated at \$110.00) with  
19 estimated expense of \$259.00 to be drawn from  
20 Line Item A.1210.400 (Mayor Contractual  
21 Expense).  
22 RESOLUTION authorizing the attendance  
23 of the Director of Utilities at the NYAPP  
24 September Business Meeting with costs of  
25 \$298.00 for lodging, and if traveling

1 separately, with associated travel (tolls and  
2 ferry costs estimated at \$110.00, and mileage  
3 costs of \$176.00) with the \$584.00 estimated  
4 expense to be drawn from Line Item E.0781.100  
5 (Executive Department). So moved.

6 TRUSTEE HUBBARD: Second.

7 MR. MAYOR: All those in favor?

8 TRUSTEE KEMPNER: Aye.

9 TRUSTEE HUBBARD: Aye.

10 TRUSTEE MURRAY: Aye.

11 TRUSTEE PHILLIPS: Aye.

12 MR. MAYOR: Aye.

13 Any opposed or abstentions?

14 (No Response.)

15 MR. MAYOR: That motion carries.

16 TRUSTEE HUBBARD: RESOLUTION

17 #9-2012-3, RESOLUTION accepting the monthly  
18 reports of the Greenport Fire Department,  
19 Village Clerk, Village Treasurer, Village  
20 Administrator, Director of Utilities, Village  
21 Attorney, Mayor and the Board of Trustees.

22 So moved.

23 TRUSTEE MURRAY: Second.

24 MR. MAYOR: All those in favor?

25 TRUSTEE KEMPNER: Aye.

1 TRUSTEE HUBBARD: Aye.

2 TRUSTEE MURRAY: Aye.

3 TRUSTEE PHILLIPS: Aye.

4 MR. MAYOR: Aye.

5 Any opposed or abstentions?

6 (No Response.)

7 MR. MAYOR: That motion carries.

8 TRUSTEE MURRAY: RESOLUTION

9 #9-2012-4, RESOLUTION approving the  
10 application for membership of Jason Parker to  
11 Relief Hose Company #2 of the Greenport Fire  
12 Department Board of wardens on September 20,  
13 2012. So moved.

14 TRUSTEE PHILLIPS: Second.

15 MR. MAYOR: All those in favor?

16 TRUSTEE KEMPNER: Aye.

17 TRUSTEE HUBBARD: Aye.

18 TRUSTEE MURRAY: Aye.

19 TRUSTEE PHILLIPS: Aye.

20 MR. MAYOR: Aye.

21 Any opposed or abstentions?

22 (No Response.)

23 MR. MAYOR: That motion carries.

24 TRUSTEE PHILLIPS: RESOLUTION

25 #9-2012-5, RESOLUTION approving the

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1 application for membership of Angel Medina to  
2 Eagle Hose Company #1 of the Greenport Fire  
3 Department, as already approved by the  
4 Greenport Fire Department Board of wardens on  
5 September 20, 2012. So moved.

6 TRUSTEE MURRAY: Second.

7 MR. MAYOR: All those in favor?

8 TRUSTEE KEMPNER: Aye.  
9 TRUSTEE HUBBARD: Aye.  
10 TRUSTEE MURRAY: Aye.  
11 TRUSTEE PHILLIPS: Aye.  
12 MR. MAYOR: Aye.  
13 Any opposed or abstentions?  
14 (No Response.)  
15 MR. MAYOR: That motion carries.  
16 TRUSTEE KEMPNER: RESOLUTION  
17 #9-2012-6, RESOLUTION directing Clerk Pirillo  
18 to notice the annual fire hydrant testing as  
19 performed by the Greenport Fire Department,  
20 to be held on October 28, 2012 beginning at  
21 9:00 a.m. So moved.  
22 TRUSTEE HUBBARD: Second.  
23 MR. MAYOR: 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 MR. MAYOR: Aye.  
4 Any opposed or abstentions?  
5 (No Response.)  
6 MR. MAYOR: That motion carries.  
7 TRUSTEE HUBBARD: RESOLUTION  
8 #9-2012-7, RESOLUTION authorizing Treasurer  
9 Kagel to perform the attached budget  
10 appropriation, to encumber unused 2011-12  
11 Mooring Expense into Fiscal Year End 2012-13.

12 So moved.  
13 TRUSTEE PHILLIPS: Second.  
14 MR. MAYOR: All those in favor?  
15 TRUSTEE KEMPNER: Aye.  
16 TRUSTEE HUBBARD: Aye.  
17 TRUSTEE MURRAY: Aye.  
18 TRUSTEE PHILLIPS: Aye.  
19 MR. MAYOR: Aye.  
20 Any opposed or abstentions?  
21 (No Response.)  
22 MR. MAYOR: That motion carries.  
23 TRUSTEE MURRAY: RESOLUTION  
24 #9-2012-8, RESOLUTION authorizing a salary  
25 increase of \$1.10 per hour (\$2,002 per year)

□

26

1 from \$20.06 per hour to \$21.16 per hour, for  
2 Linda Topalian, per Article VII (Salaries and  
3 Compensation), Section 9(a) (Merit Clause) of  
4 the current collective bargaining agreement,  
5 for the assumption of additional duties,  
6 effective September 19, 2012. So moved.  
7 TRUSTEE PHILLIPS: Second.  
8 MR. MAYOR: All those in favor?  
9 TRUSTEE HUBBARD: Aye.  
10 TRUSTEE MURRAY: Aye.  
11 TRUSTEE PHILLIPS: Aye.  
12 MR. MAYOR: Aye.  
13 Any opposed or abstentions?  
14 TRUSTEE KEMPNER: I am going to  
15 abstain.  
16 MR. MAYOR: That motion carries, 4-1.

17 TRUSTEE PHILLIPS: RESOLUTION  
18 #9-2012-9, RESOLUTION authorizing a salary  
19 increase of \$1.10 per hour (\$2,002 per year)  
20 from \$15.50 per hour to \$16.60 per hour, for  
21 Stephen Gaffga, per Article VII (Salaries and  
22 Compensation), Section 9(a) (Merit Clause) of  
23 the current collective bargaining agreement,  
24 for the assumption of additional duties,  
25 effective September 19, 2012. So moved.

27

1 TRUSTEE MURRAY: Second.  
2 MR. MAYOR: All those in favor?  
3 TRUSTEE HUBBARD: Aye.  
4 TRUSTEE MURRAY: Aye.  
5 TRUSTEE PHILLIPS: Aye.  
6 MR. MAYOR: Aye.  
7 Any opposed or abstentions?  
8 TRUSTEE KEMPNER: I will abstain.  
9 MR. MAYOR: That motion carries.  
10 TRUSTEE KEMPNER: RESOLUTION  
11 #9-2012-10, RESOLUTION authorizing a salary  
12 increase of \$3,700 per year to \$52,700.00  
13 (\$31.67 per hour) for Village Deputy  
14 Treasurer Robert Brandt, effective September  
15 19, 2012. So moved.  
16 TRUSTEE HUBBARD: Second.  
17 MR. MAYOR: All those in favor?  
18 TRUSTEE HUBBARD: Aye.  
19 TRUSTEE MURRAY: Aye.  
20 TRUSTEE PHILLIPS: Aye.

21 MR. MAYOR: Aye.  
22 Any opposed or abstentions?  
23 TRUSTEE KEMPNER: I will abstain.  
24 MR. MAYOR: That motion carries.  
25 TRUSTEE HUBBARD: RESOLUTION

28

1 #9-2012-11, RESOLUTION authorizing the  
2 attendance of Robert Brandt and Linda  
3 Topalian at a KVS training class on October  
4 4, 2012, in North Hills, New York, at a cost  
5 of \$20.00 per person, to be expensed from  
6 Line Item A.1325.400 (Treasurer Contractual  
7 Expense). So moved.

8 TRUSTEE PHILLIPS: Second.

9 MR. MAYOR: By way of  
10 explanation, there is no expense for travel  
11 because I believe they are taking a village  
12 vehicle.

13 All those in favor?

14 TRUSTEE KEMPNER: Aye.

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MR. MAYOR: Aye.

19 Any opposed or abstentions?

20 (No Response.)

21 MR. MAYOR: That motion carries.

22 TRUSTEE MURRAY: RESOLUTION

23 #9-2012-12, RESOLUTION authorizing the  
24 attendance of Village Clerk Pirillo, and any  
25 interested member of any Village of Greenport



1 statutory Board, at the SCVOA Training for  
2 Village Planning and Zoning Officials, on  
3 October 17, 2012, from 5:30 to 9:30 p.m., at  
4 the Hotel Indigo in Riverhead, New York, at a  
5 cost of \$45.00 per person. For Clerk Pirillo,  
6 the cost will be expensed from Line Item  
7 #A.1410.400 (Clerk Contractual Expense), with  
8 the cost for other attendees to be expensed  
9 from the applicable respective line items. So  
10 moved.

11 TRUSTEE KEMPNER: Second.

12 MR. MAYOR: All those in favor?

13 TRUSTEE KEMPNER: Aye.

14 TRUSTEE HUBBARD: Aye.

15 TRUSTEE MURRAY: Aye.

16 TRUSTEE PHILLIPS: Aye.

17 MR. MAYOR: Aye.

18 Any opposed or abstentions?

19 (No Response.)

20 MR. MAYOR: That motion carries.

21 TRUSTEE PHILLIPS: RESOLUTION

22 #9-2012-13, RESOLUTION allowing Clerk Pirillo  
23 to designate on the official village schedule  
24 the dates of July 25, 2013 through July 28,  
25 2013, as the dates of the 2013 United States

1 Power Squadron District 3 Rendezvous, with  
2 finalized Public Assembly Permit details to

3 follow at a later date. So moved.  
4 TRUSTEE MURRAY: Second.  
5 MR. MAYOR: By way of discussion.  
6 This is literally a save the date. We will be  
7 working with them and to make sure that the  
8 tent size is appropriate. They will submit  
9 their permit later. This is just saving the  
10 date and that it is on the calendar.  
11 All those in favor?  
12 TRUSTEE KEMPNER: Aye.  
13 TRUSTEE HUBBARD: Aye.  
14 TRUSTEE MURRAY: Aye.  
15 TRUSTEE PHILLIPS: Aye.  
16 MR. MAYOR: Aye.  
17 Any opposed or abstentions?  
18 (No Response.)  
19 MR. MAYOR: That motion carries.  
20 TRUSTEE KEMPNER: RESOLUTION  
21 #9-2012-14, RESOLUTION authorizing the  
22 owner/manager's of the Blue Canoe to maintain  
23 the Village property adjacent to the Blue  
24 Canoe property, and to replace at the expense  
25 of the Blue Canoe, a section of privet hedge

□

31

1 adjacent to the Village sidewalk on the west  
2 side of Third Street, with Blue Canoe to  
3 obtain any required permits. So moved.  
4 TRUSTEE PHILLIPS: Second.  
5 MR. MAYOR: This is the same agreement  
6 that we had with Chowder Pot Pub --  
7 MR. SALADINO: It's the east side.

8 MR. MAYOR: It's the same agreement.  
9 It's the east side. They asked if they could  
10 replace some hedge at their expense. We will  
11 amend it to read east side. So I will offer  
12 to amend RESOLUTION #14.

13 TRUSTEE KEMPNER: Second.

14 MR. MAYOR: The amendment would read  
15 east side as opposed to west side.

16 All those in favor?

17 TRUSTEE KEMPNER: Aye.

18 TRUSTEE HUBBARD: Aye.

19 TRUSTEE MURRAY: Aye.

20 TRUSTEE PHILLIPS: Aye.

21 MR. MAYOR: Aye.

22 Any opposed or abstentions?

23 (No Response.)

24 MR. MAYOR: That motion carries.

25 I will offer a RESOLUTION to adopt

□

32

1 RESOLUTION #14 as amended.

2 TRUSTEE PHILLIPS: Second.

3 MR. MAYOR: All those in favor?

4 TRUSTEE KEMPNER: Aye.

5 TRUSTEE HUBBARD: Aye.

6 TRUSTEE MURRAY: Aye.

7 TRUSTEE PHILLIPS: Aye.

8 MR. MAYOR: Aye.

9 Any opposed or abstentions?

10 (No Response.)

11 MR. MAYOR: That motion carries.

12 TRUSTEE HUBBARD: RESOLUTION  
13 #9-2012-15, RESOLUTION approving the request  
14 of Blue Canoe to contract with a pest  
15 management firm to place, maintain, and  
16 remove pest containment stations along the  
17 fence that separates Mitchell Park from the  
18 Blue Canoe property at 104 Third Street. So  
19 moved.

20 TRUSTEE PHILLIPS: Second.

21 MR. MAYOR: Similar sort of  
22 situation.

23 All those in favor?

24 TRUSTEE KEMPNER: Aye.

25 TRUSTEE HUBBARD: Aye.

□

33

1 TRUSTEE MURRAY: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MR. MAYOR: Aye.

4 Any opposed or abstentions?

5 (No Response.)

6 MR. MAYOR: That motion carries.

7 TRUSTEE MURRAY: RESOLUTION

8 #9-2012-16, RESOLUTION to set aside a  
9 contingency amount of \$22,770.00 to cover  
10 potential extra programming and site  
11 configuration costs associated with synching  
12 the new Basler Excitation Control System.  
13 Monies will be drawn from this contingency on  
14 a time and material basis only if deemed  
15 absolutely necessary due to unanticipated  
16 down-time and commissioning problems. No

17 charges will be incurred until after the  
18 initial \$20,030.00 credit is expended. So  
19 moved.

20 TRUSTEE HUBBARD: Second.

21 MR. MAYOR: All those in favor?

22 TRUSTEE KEMPNER: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

□

34

1 MR. MAYOR: Aye.

2 Any opposed or abstentions?

3 (No Response.)

4 MR. MAYOR: That motion carries.

5 TRUSTEE PHILLIPS: RESOLUTION

6 #9-2012-17, RESOLUTION authorizing Mayor Nyce  
7 to sign Change Order Number 5C in the amount  
8 of \$8,395.00 for the installation of bullet,  
9 vandal and fire-resistant glass block in the  
10 five window openings adjacent to the new  
11 transformer. So moved.

12 TRUSTEE MURRAY: Second.

13 MR. MAYOR: All those in favor?

14 TRUSTEE KEMPNER: Aye.

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MR. MAYOR: Aye.

19 Any opposed or abstentions?

20 (No Response.)

21 MR. MAYOR: That motion carries.

22 TRUSTEE KEMPNER: RESOLUTION

23 #9-2012-18, RESOLUTION authorizing the  
24 Utilities Department to obtain bids for  
25 required repairs to the Power Plant roof, and

35

1 further directing Clerk Pirillo to notice the  
2 bid accordingly. So moved.

3 TRUSTEE HUBBARD: Second.

4 MR. MAYOR: All those in favor?

5 TRUSTEE KEMPNER: Aye.

6 TRUSTEE HUBBARD: Aye.

7 TRUSTEE MURRAY: Aye.

8 TRUSTEE PHILLIPS: Aye.

9 MR. MAYOR: Aye.

10 Any opposed or abstentions?

11 (No Response.)

12 MR. MAYOR: That motion carries.

13 TRUSTEE HUBBARD: RESOLUTION

14 #9-2012-19, RESOLUTION authorizing Mayor Nyce  
15 to sign Change Order Number 19G in the amount  
16 of \$10,000.00 with a corresponding time  
17 extension of 35 days to cover unforeseen  
18 costs associated with the extra work needed  
19 to be performed at the screw pumps. So moved.

20 TRUSTEE PHILLIPS: Second.

21 MR. MAYOR: All those in favor?

22 TRUSTEE KEMPNER: Aye.

23 TRUSTEE HUBBARD: Aye.

24 TRUSTEE MURRAY: Aye.

25 TRUSTEE PHILLIPS: Aye.

1 MR. MAYOR: Aye.  
2 Any opposed or abstentions?  
3 (No Response.)  
4 MR. MAYOR: That motion carries.  
5 TRUSTEE MURRAY: RESOLUTION  
6 #9-2012-20, RESOLUTION authorizing Mayor Nyce  
7 to sign Change Order Number 10E in the amount  
8 of \$3,645.79 to cover electrical work by the  
9 New York State Department of Environmental  
10 Conservation to provide additional alarms in  
11 the event of a power failure with no change  
12 in contract time.

13 TRUSTEE PHILLIPS: Second.  
14 MR. MAYOR: All those in favor?  
15 TRUSTEE KEMPNER: Aye.  
16 TRUSTEE HUBBARD: Aye.  
17 TRUSTEE MURRAY: Aye.  
18 MR. MAYOR: Aye.  
19 Any opposed or abstentions?

20 TRUSTEE PHILLIPS: No.  
21 MR. MAYOR: That motion carries.  
22 TRUSTEE PHILLIPS: RESOLUTION  
23 #9-2012-21, RESOLUTION authorizing a salary  
24 increase from \$18.86 per hour to \$20.75 per  
25 hour, for Adam Hubbard per Article VII

1 (Salaries and Compensation), Section 9 (C)  
2 (Merit Clause) of the current collective

3 bargaining agreement, for the completion of a  
4 job related course of study of at least 30  
5 hours, effective September 19, 2012. So  
6 moved.

7 TRUSTEE KEMPNER: Second.

8 MR. MAYOR: All those in favor?

9 TRUSTEE KEMPNER: Aye.

10 TRUSTEE HUBBARD: Aye.

11 TRUSTEE MURRAY: Aye.

12 MR. MAYOR: Aye.

13 Any opposed or abstentions?

14 TRUSTEE PHILLIPS: I am going to  
15 abstain.

16 MR. MAYOR: That motion carries.

17 TRUSTEE KEMPNER: RESOLUTION  
18 ratifying the hiring of Ryan Harahan as a  
19 seasonal, part time Park Attendant at \$7.25  
20 per hour, effective September 14, 2012. So  
21 moved.

22 TRUSTEE HUBBARD: Second.

23 MR. MAYOR: All those in favor?

24 TRUSTEE KEMPNER: Aye.

25 TRUSTEE HUBBARD: Aye.

□

1 TRUSTEE MURRAY: Aye.

2 TRUSTEE PHILLIPS: Aye.

3 MR. MAYOR: Aye.

4 Any opposed or abstentions?

5 (No Response.)

6 MR. MAYOR: That motion carries.

7 TRUSTEE HUBBARD: RESOLUTION



8 #9-2012-23, RESOLUTION approving the  
9 appointment of Peter Jacquet to the Village  
10 of Greenport Planning Board, effective  
11 September 25, 2012, for a term to expire on  
12 April 4, 2013. So moved.

13 TRUSTEE KEMPNER: Second.

14 MR. MAYOR: All five of these people  
15 have stepped up to be appointed to the  
16 Planning Board, and I am very pleased. Thank  
17 you for your time.

18 All those in favor?

19 TRUSTEE KEMPNER: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MR. MAYOR: Aye.

24 Any opposed or abstentions?

25 (No Response.)

□

39

1 MR. MAYOR: That motion carries.

2 TRUSTEE MURRAY: RESOLUTION

3 #9-2012-24, RESOLUTION approving the  
4 appointment of Linnea Atkinson-Loveless to  
5 the Village of Greenport Planning Board,  
6 effective September 25, 2012, for a term of  
7 and to expire on April 2, 2012. So moved.

8 TRUSTEE PHILLIPS: Second.

9 MR. MAYOR: All those in favor?

10 TRUSTEE KEMPNER: Aye.

11 TRUSTEE HUBBARD: Aye.

12 TRUSTEE MURRAY: Aye.  
13 TRUSTEE PHILLIPS: Aye.  
14 MR. MAYOR: Aye.  
15 Any opposed or abstentions?  
16 (No Response.)  
17 MR. MAYOR: That motion carries.  
18 TRUSTEE PHILLIPS: RESOLUTION  
19 #9-2012-25, RESOLUTION approving the  
20 appointment of Julia Robins to the Village of  
21 Greenport Planning Board, effective September  
22 25, 2012, for a term to expire on April 2,  
23 2012. So moved.  
24 TRUSTEE KEMPNER: Second.  
25 MR. MAYOR: 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 MR. MAYOR: Aye.  
6 Any opposed or abstentions?  
7 (No Response.)  
8 MR. MAYOR: That motion carries.  
9 TRUSTEE KEMPNER: RESOLUTION  
10 #9-2012-26, RESOLUTION approving the  
11 appointment of Patricia Mundus to the Village  
12 of Greenport Planning Board, effective  
13 September 25, 2012, for a term to expire on  
14 April 7, 2016. So moved.  
15 TRUSTEE HUBBARD: Second.  
16 MR. MAYOR: All those in favor?

17 TRUSTEE KEMPNER: Aye.  
18 TRUSTEE HUBBARD: Aye.  
19 TRUSTEE MURRAY: Aye.  
20 TRUSTEE PHILLIPS: Aye.  
21 MR. MAYOR: Aye.  
22 Any opposed or abstentions?  
23 (No Response.)  
24 MR. MAYOR: That motion carries.  
25 TRUSTEE HUBBARD: RESOLUTION

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41

1 #9-2012-27, RESOLUTION approving the  
2 appointment of Bradley Burns to the Village  
3 of Greenport Planning Board effective  
4 September 25, 2012, for a term to expire on  
5 April 6, 2017. So moved.  
6 TRUSTEE PHILLIPS: Second.  
7 MR. MAYOR: All those in favor?  
8 TRUSTEE KEMPNER: Aye.  
9 TRUSTEE HUBBARD: Aye.  
10 TRUSTEE MURRAY: Aye.  
11 TRUSTEE PHILLIPS: Aye.  
12 MR. MAYOR: Aye.  
13 Any opposed or abstentions?  
14 (No Response.)  
15 MR. MAYOR: That motion carries.  
16 TRUSTEE MURRAY: RESOLUTION  
17 #9-2012-28, RESOLUTION ratifying the  
18 authorization of Mayor Nyce to sign the Joint  
19 Application Form involving the US Army Corps  
20 of Engineers, New York State Department of

21 Environmental Conservation, New York State  
22 Office of General Services and the New York  
23 State Department of State for dredging of  
24 Stirling Basin. So moved.

25 TRUSTEE PHILLIPS: Second.

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1 MR. MAYOR: All those in favor?

2 TRUSTEE KEMPNER: Aye.

3 TRUSTEE HUBBARD: Aye.

4 TRUSTEE MURRAY: Aye.

5 TRUSTEE PHILLIPS: Aye.

6 MR. MAYOR: Aye.

7 Any opposed or abstentions?

8 (No Response.)

9 MR. MAYOR: That motion carries.

10 TRUSTEE PHILLIPS: RESOLUTION

11 #9-2012-29, RESOLUTION authorizing the hiring  
12 of Hawkins Delafield as a bond counsel for  
13 the village of Greenport per the proposal  
14 dated July 2, 2012, as vetted through and  
15 recommended by the Village of Greenport Audit  
16 Committee. So moved.

17 TRUSTEE MURRAY: Second.

18 MR. MAYOR: All those in favor?

19 TRUSTEE KEMPNER: Aye.

20 TRUSTEE HUBBARD: Aye.

21 TRUSTEE MURRAY: Aye.

22 TRUSTEE PHILLIPS: Aye.

23 MR. MAYOR: Aye.

24 Any opposed or abstentions?

25 (No Response.)

1 MR. MAYOR: That motion carries.

2 TRUSTEE KEMPNER: RESOLUTION

3 #9-2012-30, RESOLUTION approving the request  
4 to the Greenport Harbor Brewery to close  
5 Carpenter Street from the front of the  
6 Brewery to the rear entrance of the Capital  
7 One Bank on October 7, 2012 from noon to 6  
8 p.m. for the First Annual Greenport Harbor  
9 "Malt and Mollusks Festival." So moved.

10 TRUSTEE PHILLIPS: Second.

11 MR. MAYOR: With the comment, that I  
12 don't think you can have a first annual.

13 All those in favor?

14 TRUSTEE KEMPNER: Aye.

15 TRUSTEE HUBBARD: Aye.

16 TRUSTEE MURRAY: Aye.

17 TRUSTEE PHILLIPS: Aye.

18 MR. MAYOR: Aye.

19 Any opposed or abstentions?

20 (No Response.)

21 MR. MAYOR: That motion carries.

22 TRUSTEE HUBBARD: RESOLUTION

23 #9-2012-31, RESOLUTION affirming that the  
24 issuance of a bond for a new street sweeper  
25 is a Type II action for purposes of SEQRA. So

1 moved.

2 TRUSTEE KEMPNER: Second.

3 MR. MAYOR: All those in favor?  
4 TRUSTEE KEMPNER: Aye.  
5 TRUSTEE HUBBARD: Aye.  
6 TRUSTEE MURRAY: Aye.  
7 TRUSTEE PHILLIPS: Aye.  
8 MR. MAYOR: Aye.  
9 Any opposed or abstentions?  
10 (No Response.)  
11 MR. MAYOR: That motion carries.  
12 TRUSTEE MURRAY: RESOLUTION  
13 #9-2012-32, RESOLUTION adopting the attached  
14 bond RESOLUTION from Hawkins Delafield and  
15 wood LLP, in the amount of \$160,000 for the  
16 purchase of a new street sweeper, and  
17 directing Clerk Pirillo to notice the bond  
18 RESOLUTION. So moved.  
19 TRUSTEE PHILLIPS: Second.  
20 MR. MAYOR: As this is a bond  
21 resolution, I will ask the Deputy Clerk to do  
22 a vote.  
23 MS. ODOM: Trustee Kempner, how do  
24 you vote?  
25 TRUSTEE KEMPNER: Yes.

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1 MS. ODOM: Trustee Hubbard?  
2 TRUSTEE HUBBARD: Yes.  
3 MS. ODOM: Trustee Murray, how do you  
4 vote?  
5 TRUSTEE MURRAY: Yes.  
6 MS. ODOM: Mayor, how do you vote?  
7 MR. MAYOR: Yes.

8 MS. ODOM: Trustee Phillips?  
9 TRUSTEE PHILLIPS: Yes.  
10 MS. ODOM: Thank you.  
11 MR. MAYOR: That motion carries.  
12 TRUSTEE PHILLIPS: RESOLUTION  
13 #9-2012-33, RESOLUTION approving al checks  
14 per the Voucher Summar Reports dated  
15 September 19, 2012, in the total amount of  
16 \$949,614.88 consisting of: All regular checks  
17 in the amount of \$752,768.33. All prepaid  
18 checks in the amount of \$184,892.28, and all  
19 Greenport Fire Department checks in the  
20 amount of \$11,954.27. So moved.  
21 TRUSTEE KEMPNER: Second.  
22 MR. MAYOR: All those in favor?  
23 TRUSTEE KEMPNER: Aye.  
24 TRUSTEE HUBBARD: Aye.  
25 TRUSTEE MURRAY: Aye.

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1 TRUSTEE PHILLIPS: Aye.  
2 MR. MAYOR: Aye.  
3 Any opposed or abstentions?  
4 (No Response.)  
5 MR. MAYOR: That motion carries.  
6 It being 7:04, I will offer a motion  
7 to adjourn.  
8 TRUSTEE HUBBARD: Second.  
9 MR. MAYOR: All those in favor?  
10 TRUSTEE KEMPNER: Aye.  
11 TRUSTEE HUBBARD: Aye.

12 9-24-12 VGP.txt  
TRUSTEE MURRAY: Aye.  
13 TRUSTEE PHILLIPS: Aye.  
14 MR. MAYOR: Aye.  
15 That is carried, and we are  
16 adjourned.  
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1  
2 C E R T I F I C A T I O N  
3  
4  
5 STATE OF NEW YORK )  
6 ) SS:  
7 COUNTY OF SUFFOLK )  
8

9 I, Jessica DiLallo, a Court Reporter and Notary  
10 Public for and within the State of New York, do hereby  
11 certify:

12 THAT, the above and foregoing contains a true and  
13 correct transcription of the proceedings, all of which  
14 occurred in open court or in chambers, and were reported  
15 by me.

16 I further certify that I am not related to any of  
Page 40



17 the parties to this action by blood or by marriage and  
18 that I am in no way interested in the outcome of this  
19 matter.

20 IN WITNESS WHEREOF, I have hereunto set my hand  
21 this day, October 5, 2012.

22

23

24 (Jessica DiLallo)

25