VILLAGE OF GREENPORT
COUNTY OF SUFFOLK: STATE OF NEW YORK
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VILLAGE OF GREENPORT
BOARD OF TRUSTEES
--------------------------------------------- X

Third Street Firehouse
Greenport, New York

September 26, 2011
6:00 p.m.

Board Members Present:

MAYOR NYCE

GEORGE HUBBARD, JR. - Trustee

DAVID MURRAY - Trustee

MARY BESS PHILIPS - Trustee

SYLVIA LAZZARI-PIRILLO - Village Clerk

JOSEPH PROKOP - Village Attorney
MAYOR NYCE: Being 6:07, I will call this meeting to order. Please, join me in the Pledge of Allegiance.

(Pledge of Allegiance.)

MAYOR NYCE: Please remain standing for a Moment of Silence for Mary T. Avlon, Cornelius Charles Richard, Jr., and Ken Diamond.

(Moment of Silence.)

MAYOR NYCE: It is unusual, but I would like to extend this, Trustee Kempner's mom passed away last week. She is outside the District but I would like to extend another moment of silence for her and her family and let her know that she is in our thoughts. Let's have another moment of
silence for Ann Kempner.

(Moment of Silence.)

MAYOR NYCE: Thank you very much. You may be seated. Out thoughts and prayers go out to the Kempner Family. Please bare with us, obviously we are having some technical difficulties with the PA, and the fellow that generally runs it, is not here. I have several announcements. The first one is the

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new website is up and running and we are constantly upgrading. We are looking for comments from people on how we can improve and make it more user friendly. The address is www.villageofgreenport.org.

The Village offices will be closed on October 10th in observance of Columbus Day. The Village, in conjunction with the school, the high school, will host the annual Halloween Parade. We will post that on the website and Suffolk Times and Patch will know about it. We will get it out to as many
people as possible, and to let you know the
date when it's available. The Greenport
Fire Department will perform the annual
hydrant testing on the 30th of October from
9:00 till noon. We recommend that you not
do laundry at that time, as it will be
perfect for the next day. So that will be
going throughout the Village 9:00 till noon
on October 30th.

So announcements of public interest.
The first one is, we discussed at great
length at the Work Session, people with
special needs. When a storm or a major event

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is taking place and people with special
needs -- it became apparent that the
definition of Special Needs should be a
little bit, should be finer and a little bit
more clear. Special needs in a sense, of
what we are talking about, if you need any
medical attention of any sort, not just, you
are not ambulatory but if you need any
medical attention or you are under some
medical attention whereby you absolutely
need some sort of electricity, you need to
let us know in advance. None of the
shelters have backup generation. Therefore,
if power goes out and you need electricity
or a respirator or something else, we need
to get you some place else. The Suffolk
County, has the Suffolk County Joint
Emergency Evacuation Program or JEEP. The
phone numbers are 631-852-4900 or
631-853-8333. We will continue to announce
this. Please take this very seriously and
get this information out to us. If you have
any questions, please call Village Hall. We
need to plan in advance for this. When the
storm happens, it's already too late. There

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is also a website. If you Google and type in
Suffolk County, all written out and J-E-E-P,
it will take you to the website and give you
the information there as well. In addition, please call Village Hall and ask for Clerk Pirillo and let’s make sure that the Village has a list of people with Special Needs.

There will be a volunteer clean-up effort on Moore’s Lane drains from 9:00 a.m. to 3:00 p.m. on October 22nd. Those wishing to volunteer should please bring their own rakes and gloves. What we are doing is the preliminary step of removing leaves, branches, etcetera, that have fallen in the drain. This is a preliminary effort to ascertain how functional our engineer wetland is. The DEC is working with us. This is Step 1 and we are going to see how much we can get done in six hours worth of work. We have a number of volunteers and this is going to take place a number of times to do this throughout the Fall.

The next announcement is to please, make people aware that the dumping of household garbage in Village trash
receptacles is against the law and will be prosecuted accordingly. More and more, we are having people dump in the trash cans downtown or near and around dumpsters in the Village, and we will be working with the Village Attorney and Code Enforcement and we will be prosecuted of those who are dumping household garbage in public facilities. Just in getting the tourists trash out let alone household garbage. If you are a tenant and unsure about trash removal, please contact the building owner or landlord. They are in general, responsible for making sure you have a facility to remove your household trash.

We have one public notice. That is Business Two R's 8 LLC D/B/A Scrimshaw Restaurant, is going for a liquor license renewal. They have submitted a liquor license renewal application and was received on September 12th. As per SLA Regulations,
there is a 30-day comment period as in our interim policy full blown new SLA liquor license policy. We are announcing this to the public, anybody wishing to comment, can do that as SLA, if they have an issue with this.

The next portion of the agenda is the public to address the Board. At this point, I will open it up if there is someone that wishes to address the Board, you can do so at this time. If I can have your name and address for the record.

MR. WINKLER: John Winkler, 25 Fifth Street. I just wanted to give an update on the Friends of Fifth Street Park Agenda, and we have had a great response from the neighbors and I spoken to Southside Landscaping and they are donating their labor for the Fall cleanup of the perimeter and then the spring, they are going to do the mulch and the plants or whatever else we
want to provide them. And they're donating labor. We just have to take out for materials. We're very happy they have stepped up to the plate for us and I think this is a situation where a lot of the contractors in the Village would probably help the Village, if someone went and asked them. So I don't know if there is a procedure for that, adoption or anything that they can do. I think it should be something that you should look into because I got a lot of responses. Okay. Thank you.

MAYOR NYCE: And thank you for your volunteer effort. Anyone else wish to speak and address the Board?

MS. HELINSKI: My name is Claudia Helinski, 625 Second Street, Greenport, New York. For the last 13 years I have been the proprietor of the Salamander General Store.
Here in the Village, my husband and I were owners of the Salamander Cafe for 6 years before that. I am most fortunate to work in an occupation that I love and live in a place that I love. In November 2010, my husband and I were invited to be stakeholders in the Local Waterfront Revitalization Program and were asked to identify Village strengths and weaknesses and all agreed that parking was one of the biggest problems the Village faced. This situation has not improved. Local businesses paying increased costs must rely on municipal parking places for customers. In fact, our own Village Planning Board requires that potential businesses to describe the parking that will be available at their locations. Even businesses like mine that have adjacent parking areas need to rely upon municipal parking places for their customers and they may need to do
their local errands in the Village. We thank the Planning Board for their service to the Village and respectfully request that they return the largest municipal parking area in Greenport to the general public use on Saturday's. Thank you.

MAYOR NYCE: Thank you.

MS. CLARK: Hi, I am Karen Clark and I live at 192 Fifth Street. I understand from the Work Session that the parking situation is going to be addressed by the Floyd Memorial Library. So it is going to be addressed by various Board committees. I would hope that the residents that live close to the library would be notified of all meetings and that there input would have some type of effect.

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MAYOR NYCE: Absolutely. Just so you know, the next step to take from this Board has been passed on to the Code Committee.
MS. CLARK: Thank you.

MAYOR NYCE: Karen, be rest assured that we will make sure that everyone involved in the Code Committee will have to go through that process. If the Code Committee has something that they would like to recommend as an amendment, they will have to set up a public hearing and that will also be noticed and the public can be given an opportunity to address the Board and the proposed code amendment. There is quite a process.

MS. CLARK: You will notify?

MAYOR NYCE: Absolutely.

MS. CLARK: We have a lot of residences that live in the City and aren't here but hopefully they can write or e-mail their input.

MAYOR NYCE: We are trying to adhere to the regulations the ZBA has, I think 120 feet of the property line be notified. So we will also make sure that there is
announcements on the website's.

MS. CLARK: Yes, because rumors can get out of hand. So if we are all on the same page. That would be great.

MAYOR NYCE: Absolutely.

MS. CLARK: Thank you.

MAYOR NYCE: Thank you. Any one else wish to address the Board?

MS. JACQUILLARD: Hi, my name is Arlene Jacquillard. 4475 Alex Lane, Mattituck. My husband and I and partners, own the Greenport Laundromat. Seems to me that the problem is parking today. We have no objection whatsoever to Farmers' Markets. I think they are wonderful. There is so many all over the country. I just think that the main parking lot in the Village is not the place for it. My business on Saturday is down 50%. My customers can not carry their laundry from blocks away. They set of these booths and they parking is used for their employees. There is no parking for then my
customers. I think it is a wonderful venue but I think there might be a better place and location for this. And I thought that if

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I bring it up this time, maybe they could think of another location that might be more appropriate and not affect all year-round businesses. That's it.

MAYOR NYCE: Thank you.

MS. WICKHAM: Good evening. My name is Abigail Wickham and I live in Mattituck, New York. I am here tonight representing the Second Street Association in respect to the Second Street Building. I would like to briefly address the Board on that eyesore, which has been disgracing the neighborhood for over three and a half years. We have spoken to the Building Inspector, the Village Attorney and we have attempted to have an alliance and in dealing directly with the issue of the buildings presence. We
are confident that the Village does appreciate the gravity of the situation. We do deal and maintain and imperative that the building be removed immediately. And that with NFHA is ready. That they can rebuild the structure with a new dwelling and changing it's plan to conform to the usage requirements of the Village Code in

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proposing a two-family dwelling on that site. However, we are concerned about the process of obtaining the permits, obtaining the contracts to build, obtaining plumbing and actually proceeding with construction. It can take a very long time and the neighborhood can not endure the building to remain as it is, while that process continues. For over three and a half years, as you know, have passed that the neighborhood has been dealing with this problem. The decision of housing alliance to comply with one building code is not a
good enough reason why the building remains a nuisance. It's a health hazard. We have again asked that the Housing Alliance to remove the building immediately. It is eminent that from looking at this, that the information that we have, the cheapest, fastest and easiest way to rebuild a two-family residence here would be to remove the existing building and then rebuild. The existing structure, is damaged, rotten, molded and lead paint infested and could be removed in no time at all. While they continue with their permit process, their reviews and their financing, the Housing Alliance can allow the foundation to be aired out, dried out and exposed to light and then go in a way to rebuild with these new materials and conform to current code. While there has been recent process in minimizing the plans to the Building
Department, this should not generate yet another long period of time for that to remove the nuisance. That time was years ago. We want to ensure that the Village understands and the Housing Alliance understands that if the Village issues a permit to rebuild, that is and of itself does not resolve the issue. The building does remain a terrible nuisance. Therefore urge you to keep up your efforts and abate this nuisance. We trust that if a permit is issued, there will be strict conformance with village requirements to code and that the Village will keep the Housing Alliance on a tight leash to adhere to the code. This can only be accomplished if the building is removed now. Once there is any hesitation on September 26, 2011 part of the Housing Alliance to eliminate the nuisance, we expect that the Village will proceed to renovate it. We do thank you for your efforts in this regard and we will
continue to request to have this matter
addressed promptly in manner and I thank you
for your time.

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

(No Response.)

MAYOR NYCE: If not, we will move onto
our regular agenda and I will offer a
resolution adopting the September, 2011
agenda as printed.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE HUBBARD: Resolution

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#9-2011-2, Resolution accepting the monthly reports of the Greenport Fire Department, Village Clerk, Village Treasurer, Village Administrator, Director of Utilities, Village Attorney, Mayor and Board of Trustees. So moved.

TRUSTEE PHILIPS: Second.
MAYOR NYCE: All in favor?
TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILIPS: Aye.
MAYOR NYCE: Aye.
Any opposed or abstentions?
(No Response.)
MAYOR NYCE: Motion carries.
Resolution #9-2011-3, Resolution ratifying the following resolution, as approved during the work session meeting of the Board of Trustees on September 19, 2011: Resolution authorizing a budget modification as follows: $17,5000.00 to line item #E.0714.100 (Engine Fuel) through an
appropriation of Fund Balance via line item #E.5990 ( Appropriated Fund Balance) and $1,500.00 from line item #G.8110.413 

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(Transportation Maintenance) to line item number G.8110.418 (Fuel Oil – Diesel). So moved.

TRUSTEE MURRAY:  Second.

MAYOR NYCE:  All in favor?

TRUSTEE HUBBARD:  Aye.

TRUSTEE MURRAY:  Aye.

TRUSTEE PHILIPS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE:  Motion carries.

TRUSTEE MURRAY:  Resolution #9-2011-4, Resolution removing the names of the following from the rolls for Greenport Fire Department: Thomas Jenkins, Todd Newman and Bret Stephenson from the Standard Hose Company #4, and Crystal Anderson and
Marcellus Shedrick from the Rescue Squad. So moved.

TRUSTEE PHILIPS: Second.

MAYOR NYCE: All in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

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MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE PHILIPS: Resolution #9-2011-5, Resolution declaring the 2001 Dodge Durango as not required for municipal purposes and to be sold or disposed of as surplus equipment, for an amount not less than $3,000.00. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?
(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE HUBBARD: Resolution #9-2011-6, Resolution authorizing Village Treasurer Kagel to create the following Trust and Agency line items: Line item number TA 0086.006 Tall Ships Revenue and line item number TA 0454.006 Tall Ships Expense. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: By way of explanation, we have authorized monies from fund balance described. We are creating a line item. This line item will be used for this vessel we are creating for Memorial Day 2012. And I will reiterate, we are looking for money from any and all sources. From $5.00 on up.

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So we will be actively fundraising for this and this will be the line item that will be used.

All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.
TRUSTEE PHILIPS: Aye.
MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

MAYOR NYCE: I will offer a motion, Resolution #9-2011-7 Resolution approving the budget modifications as follows to be performed by Treasurer Kagel, per the recommendations of Clerk Pirillo and

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Director of Utilities Naylor: $3,656.55 from line item number A.1410.400 Clerk Contractual expense. $3,160.91 from line item number E.0123.010 Materials and
Supplies to line item E.0781.300 Legal Fees, and $2,009.63 from line item G.8110.408 Special Services to line item number G.1420.400 legal. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: By way of explanation, this is a housekeeping item. There were a number of legal expenses for labor counsel, and there were several items that were not in retainage, due to litigation, etcetera, etcetera. So we had to move monies around from different line items.

With that, all those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE MURRAY: Resolution #9-2011-8

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resolution approving the Mass Public Assembly Permit application as submitted by the Standard Hose Company of the Greenport Fire Department, for the use of the Fifth Street Beach/Park for a celebration of 100 years of service, on October 8, 2011 from 12:00 p.m. to 8:00 p.m. So moved.

TRUSTEE PHILIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE PHILIPS: Resolution #9-2011-9, Resolution approving the two extensions of time as requested by Philip Ross Industries on September 15, 2011 in regard to ongoing wastewater treatment plant project, as follows: Extension of time to December 31, 2012 for Substantial
Completion and extension of time to March 16, 2012 for Final Completion including site restoration and seeding. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: By way of explanation, this came up during the work session as well. We did discuss in length, that the contractor intends to keep going with the project. Due to the winter months, because of the weather and the ground, certain work will be done in March. A time extension has gone been gone over with our engineer of record. The Village Attorney has seen it.

TRUSTEE PHILIPS: I just have one question. Is there any monetary --

MAYOR NYCE: There is no monetary.

TRUSTEE PHILIPS: I just wanted to be clear on that, and if we needed more time.
MAYOR NYCE: All parties have signed off on that.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

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Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE HUBBARD: Resolution #9-2011-10

Resolution allowing the Direction of Utilities Naylor to attend the Fall Conference of the New York Association of Public Power from September 27, 2011 through September 29, 2011 at a total cost not to exceed $48,000.00 to be expensed from line item number E.0781.100 Executive Department.

So moved.

MAYOR NYCE: Second that.

MAYOR NYCE: All those in favor?
TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

Resolution #9-2011-11 Resolution approving the request of the Farmer Market to extend the closing time of the Framers Market to 2:00 p.m. instead of 12:00 noon on September 26, 2011.

October 15, 2011. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: By way of explanation, they had been approved through the week of October and extension on that particular day, and the comments from the audience are noted for the future. When we had approved this this year, it was done on a trial basis. If they apply again, I assume they
will, we will reevaluate and look at their assessment and we will also be looking at public comments as well. We will look out how we can ultimately make the situation better for all parties, and understanding that there is an issue with the parking within the Village.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE MURRAY: Resolution September 26, 2011

#9-2011-12, resolution ratifying the hiring of Max Eggimann as a seasonal, part-time Park Attendant, effective August 20, 2011 at a pay rate of $7.25 per hour. So moved.
TRUSTEE PHILIPS:  Second.

MAYOR NYCE:  All those in favor?

TRUSTEE HUBBARD:  Aye.

TRUSTEE MURRAY:  Aye.

TRUSTEE PHILIPS:  Aye.

MAYOR NYCE:  Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE:  Motion carries.

TRUSTEE PHILIPS:  Resolution #9-2011-13 resolution adopting SEQRA findings regarding Local Law #____ of 2011, a local law amending Section 132-43 of the Greenport Village Code, Section V, Stop Intersections, to provide for a stop sign at Booth Place and Washington Avenue, and to include the paining of a white stop line at said intersection. So moved.

TRUSTEE MURRAY:  Second.

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MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE HUBBARD: Resolution #9-2011-14, Resolution adopting Local Law #____ of 2011, a local law amending Section 132-43 of the Greenport Village Code, Schedule V, Stop Intersections to provide a stop sign at Booth and Washington Avenue and to include the painting of a white stop line at said intersection. So moved.

MAYOR NYCE: Second that.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?
Resolution #9-2011-15, Resolution adopting SEQRA findings regarding Local Law #____ of 2011, a local law amending Chapter 2 of the Greenport Village Code with regard to the service of appearance tickers and notices of violation. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE MURRAY: Resolution #9-2011-16 Resolution adopting Local Law #____ of 2011, a local law amending Chapter 2 of the Greenport Village Code with regard to the
service of appearance tickets and notices of violation. So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

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TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE PHILIPS: Resolution #9-2011-17, Resolution authorizing Village Clerk Pirillo to publish a notice requesting that any deed holders for property in Greenhill Cemetery contact the Village to re-claim property. So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.
TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE HUBBARD: Resolution #9-2011-18, Resolution to approve all checks per the check approval lost dated 9/26/11 in the total amount of $872,991.51 consisting of: All regular checks in the amount of $477,117.13. All prepaid checks in the amount of $225,108.08, and all wire transfers in the amount of $170,766.30. So moved.

TRUSTEE PHILIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.
Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

I will offer at this time, a motion to adjourn to Executive Session and discuss ongoing litigation.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE HUBBARD: Aye.

TRUSTEE MURRAY: Aye.

TRUSTEE PHILIPS: Aye.

MAYOR NYCE: Aye.

Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

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We are adjourned. Thank you very much.

(Whereupon, the hearing was adjourned.)
CERTIFICATION

STATE OF NEW YORK  )
) SS:
COUNTY OF SUFFOLK  )

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

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

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

IN WITNESS WHEREOF, I have hereunto set my hand this day, October 12, 2011.
25 (Jessica DiLallo)