VILLAGE OF GREENPORT  
COUNTY OF SUFFOLK STATE OF NEW YORK  
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BOARD OF TRUSTEES  
REGULAR SESSION  
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Third Street Firehouse  
Greenport, New York  

September 23, 2013  
6:00 P.M.  

BEFORE:  
DAVID NYCE - MAYOR  
GEORGE HUBBARD, JR. - DEPUTY MAYOR  
MARY BESS PHILLIPS - TRUSTEE  
DAVID MURRAY - TRUSTEE  
JULIA ROBINS - TRUSTEE  

JOSEPH PROKOP - VILLAGE ATTORNEY  
JEANMARIE ODDON - VILLAGE DEPUTY CLERK  
DAVID ABATELLI - VILLAGE ADMINISTRATOR  

ORIGINAL
(Whereupon, the meeting was called to order at 6:00 p.m.)

MAYOR NYCE: That whistle indicates that it's six o'clock. I will call this meeting of the Board of Trustees to order, and ask that you to please rise and join me for the Pledge of Allegiance.

(Whereupon, all stood for the Pledge of Allegiance.)

MAYOR NYCE: I'll ask you to please remain standing for a moment of silence for Lawrence Francis Damiani, Mark Nicholas Nelson, Terence Lawrence.

(Whereupon, all remained standing for a moment of silence.)

MAYOR NYCE: Thank you. You may be seated. This is the September Regular Meeting of the Board of Trustees of the Village of Greenport. We have a few announcements.

One public hearing, one rehearing of a public hearing, and then the public to address the Board and we'll get into our regular agenda.

Under the announcements, the next brush pickup will be on the 1st of October. That's just a reminder. Please do not put out brush more than two days prior to brush pickup.
Also, the hurricane season we are in the midst of, please have a plan for your personal safety and that of your family members. Please note that the Suffolk County Joint Emergency Evacuation Program number is through PRESP at (631) 852-4900, or (631) 853-8333. That is for the Office for People with Disabilities, if you know anybody or are related to anyone that has a disability, in the event of an emergency. Our shelters are not set up with life support systems, etcetera, etcetera. They should be evacuated to the County facility, if there is an emergency. Village Hall will be closed October 14th in celebration of Columbus Day.

That's the extent of our announcements, although I do want to pass on my thanks to our staff and crew, and congratulations to the Museum Board and their staff and volunteers, and, of course, to all the merchants and volunteers for a very successful Maritime Festival once again. They lucked out again with weather, but it seemed to be very well attended. And I think their model on how they're shifting the festival around is meeting with great success, and I want to congratulate them for another successful venture.
And I'll ask you all to bear with me. I've been under the weather the last couple of days, so I may seem a little spacey. I'm mostly here.

That brings us to the public hearing portion. We have re-noticed the public hearing for the residential rental permit proposed Local Law under recommendation of the Village Attorney. This is being done ostensibly to assure that we do not exceed the time limit to take action on a Local Law after a public hearing is announced.

As I said at our last meet, the Board discussed this at the last regular meeting. There is an agenda item. We don't ordinarily vote on things that have just come out of public hearing, but because this public hearing is done as a technicality, I've put the resolution on for this agenda item. Assuming that the public hearing closes, the Board has the option to take up this item this evening on this evening's agenda.

With that being said, I will state that the re-notice of this public hearing was done properly by the Village Clerk's Office. Anyone wishing to speak to this item can do so at this time and their comments will be taken down for the record.

We'll ask if there's anyone that wishes to
speak on this item.

MS. HELLER: I do.

MAYOR NYCE: When you get to the podium, please state your name and address for the record.

Thank you.

MS. HELLER: My name is Ann Heller, 543 Third Street.

And I think it's commendable that the Board is trying to regulate rental properties, but I am disturbed that it's only for long-term rentals. I think all rental properties should be under -- subjected to the same rental regulations, because seasonal and summer rentals would probably have even more potential for abuse for safety violations and quality of life violations. And I would hope that maybe you would reconsider that part of the law. Thank you.

MAYOR NYCE: Thank you. Is there anyone else that wishes to address the Board? There's no rush, Tonya, no rush. No rush.

(Laughter)

MS. PALMORE: I've got a lot to say, so I got to get up here.

(Laughter)

MS. PALMORE: My name is Tonya Palmore. For
the record, I'm Executive Director for the North Fork Housing Alliance. I reside at 1705 Village Lane in Mattituck, New York.

Good afternoon, Mayor Nyce, fellow Trustees. I have a couple of things. As you know, I've been before you before about the proposed regulation. And I also contacted Long Island Housing Services, and they prepared a letter today, which she e-mailed like close to five, so I took the liberty of bringing a copy for everybody, just in case you didn't check your email. Can I pass --

MAYOR NYCE: Please. Thank you.

MS. PALMORE: There should be copies for everybody.

MAYOR NYCE: Excellent.

MS. PALMORE: We expressed our concerns to Michelle, and we asked her to look into it as far as the Fair Housing component, and she has given her opinion, which is detailed in this letter. I feel that, as Executive Director, it's not my place to read her letter, so I won't put words in her mouth. So I didn't know if you wanted somebody from the Board to read the letter after I --

MAYOR NYCE: As soon as you're done, we'll have the Deputy Clerk read it in for the record.
MS. PALMORE: Okay. I'm just going to
distribute it, then.

Also, too, the North Fork Housing Alliance,
Mr. Ed Reale prepared correspondence in July. He
also prepared a letter September 17th. I believe
every person here should have received a copy of
that. So I don't want to state what he says, but I
still have a passion for housing. This is what I
do, so I want to give my concerns about the
regulation.

Basically, the North Fork Housing Alliance,
we don't have a problem with doing inspection of
properties. That's not my issue, I don't have a
problem as far as that. We've renovated our
houses. We have Section 8 tenants, we have Section
8 programs, so we understand the protocol as far as
doing inspections. We have no problem with that.
It's just the other areas of the proposed rental
regulation that we have a problem with as far as
for the tenants.

We're concerned about the warrantless search
of property. If some Village official thinks that
there maybe a problem, a violation, just to be able
to have that authority to go in, that's not right,
that's a violation of someone's rights. And I
believe Michelle will talk to you about that as far as her letter as well.

I've consulted with our attorneys and they said that such a provision violates individual due process rights and it's unconstitutional. But, more importantly, it's equivalent to treating those who rent year-round like prisoners, because of the fact that can't be homeowners, because of the fact that they're renters, that they have to be subjected to these guidelines. I don't think that's fair, I just don't think it's fair.

We respect our tenants and we believe they're entitled to their privacy. We feel they shouldn't be treated differently. I mean, not everybody can be a homeowner. Yes, it is the American dream, but, in reality, not everybody can. Everybody is working, everybody is trying survive, whatever, so -- and we feel, too, also, that the North Fork Housing Alliance is the largest taxpayer in the Village of Greenport, and we know what it takes, we know what costs are involved in administering things. And as far as this proposed regulation that you're proposing, there's over 400 rentals in the Village of Greenport.

And the regulation, I see nothing about how
you plan to pay for this. How do you plan to have
someone to do this? I mean, as far as the Building
Department, we have a good rapport with them, but
they already have a heavy workload. And we feel
that the code already has provisions, so if it is a
violation, or if you have a problem with some
individual homeowner, or if he has rentals, he or
she, and there's a problem, that's what the code is
for. Cite them, enforce it, have them to follow
up. There's always a means to remedy something.
But I think by just coming out with this
legislation, it's a bad idea all around.

I mean, I understand the whole inspection
thing, as far as you want to have safety in
affordable housing for people of the community, and
that's part of our mission. Yes, I agree with that
component of it. But the warrantless searches, you
know, having the liberty to determine if probable
cause, if you think there's more than one satellite
dish on a house, whatever that means, that there's
extra people live there, or things of that nature,
whatever.

So I just want to -- I represent the North
Fork Housing Alliance. I just come out and voice
my opinion and hope the Board can reconsider taking
action on this this evening. And that's all I have
to say.

MAYOR NYCE: Thank you very much.

MS. PALMORE: Thank you for your time.

MAYOR NYCE: Absolutely. I will have the
Deputy Clerk read this in after everyone's had a
chance to speak.

MS. PALMORE: Yes, I felt that was more
appropriate than me reading it.

MAYOR NYCE: Absolutely.

MS. PALMORE: Thank you.

MAYOR NYCE: Is there anyone else who wishes
to address the Board on this item? In the back,
and then Mr. Swiskey.

MR. LATNEY: Ladies and Gentlemen, Barry
Latney. I live at 807 Linnet Street, Greenport,
lifelong resident.

The last time I was here, you discussed
changing some of the wording. And I think, what I
read, the only changes that were made was the jail
time. I think the fines go from up to $5,000. I
think, if you don't pay a fine of $5,000 within a
certain amount of time, you're going to jail,
right?

Another complaint is this committee that is
going to enforce these regulations. Why do we have
a Code Enforcement Officer if you have to select
another committee to do it? Is this going to be a
diverse committee, or is this going to be a
committee of your friends who are there to enforce
your rules?

I think, you know, you guys need to sit back
and rethink this. A lot of people -- a lot of
lives are at stake here. And for you to sit there
and be judge and jury about who's family in this
Village, it's just not right, and I think you guys
need think it over again. Thank you.

MAYOR NYCE: Mr. Swiskey.

MR. SWISKEY: I agree with Mr. Latney, that,
basically, the law as written, it contains a lot of
things that really get on the edge of what's
constitutional and what is not, but my point being
is you don't even need this law if you would
enforce the code like you've got.

I made complaints to Village Hall, all right.

They don't want to investigate it, or they -- you
get a cursory investigation, or somebody says,
"That person is related to my boss, I'm not
investigating." We don't need this. What we need
is enforcement of the existing code. There's
enough in these codes to check the problem, and I 
assume the problem is somebody feels is there's -- 
somebody is keeping 10 immigrant workers in some -- 
in a house that's made for, say, four people; am I 
right or wrong about that? I mean, somebody has to 
speak up. Why do we need this code? We have a -- 
I mean, why do we need this law? We have a code. 
The code is enforceable. It's been used before to 
basically put an end to that. And who's going to 
enforce this? Who's going to say that any -- it 
says here any Village official. Basically, "I 
think Swiskey's keeping immigrants at his house. 
He's got a cable dish on the roof and he's got a 
Cablevision line coming in. Gees, maybe he's got 
somebody living upstairs." I mean, it's like this 
is -- I don't know.

I still believe in the red, white and blue, 
and you got more problems in this Village than just 
this rental problem. I just don't see it. Maybe 
somebody does it in their own neighborhoods. Maybe 
-- you know, I don't see where the problem is. If 
somebody could tell me that house over there, or 
that house over there is a problem, or that one's a 
problem, but I speak to people and they just don't 
see it. What do you see that we don't see? What
specific part of this town? Maybe one of you could answer me. Is it this section? Is it my section? Is it the section by the hospital? Which section of town has the problem? I mean, tell us. Tell us so we can go out and look. I mean, that's not an answer. I just -- I'm asking for a simple answer. You're proposing this code. Which part of the town has a problem? I didn't figure you were going to answer it, but what can I tell you?

I'm just like, if I -- and here's the question, then. If I walk in after this is passed and I say, "Oh, a person over there, I can see there's a lot of bicycles in the yard, I see a lot of people coming and going," can I be guaranteed that Mr. Abatelli is going to tell me, "Oh, no, that's not" -- that's a friend of some politician and there won't be an inspection? Or there'll be this -- like this cursory inspection?

I remember complaining about a sign a public official had one time. She forced the Village to do a survey between the curb and the sidewalk, which is -- everybody knows is Village property. I mean, this is getting to be silly.

And I think you should reconsider this law.

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

MR. SALADINO: John Saladino, Sixth Street.

Originally, I just had a question about a
definition. In the law, exempted properties are
seasonal rentals, seasonal rental, and it's the use
of a one-family dwelling. It includes the summer
and any part of the summer.

This Village has more than a couple of winter
rentals from Columbus Day to Memorial Day. This is
pretty specific. It says any term that includes
the summer or any part of the summer. So from
October to May would include any part of the
summer. So are those winter rentals excluded from
the law, or they're included in the law? It's
something that you might address.

That was before -- before a few people spoke,
that was the only question I had, but I --
listening, I, too, have a question about -- my
question is for the Village Board. We know that
sometimes the Building Department might be, because
of their workload and the amount of work that they
have, that they can't address every problem in the
Village. I would ask you guys before -- you're
going to vote this up or down tonight and I think
the people deserve an answer. What's your level of
commitment to enforce this law? There's a lot of
laws in the Village, there's a lot of stuff that
goes on in the Village that -- basically, what I'm
asking you is, do we need another law that's not
going to be enforced?

I don't -- I'm not sure how I feel about this
rental law. I don't have a dog in the fight, and I
kind of sympathize with the people that might
suffer from it. But if you guys are going to vote
on it, and we're experienced with the Building
Department's sometimes less than enthusiastic
application of the Village Code, I think you guys
deserve -- we deserve an answer from you what your
commitment to this law is. How far are you going
to go with this law? Are you going to ignore it?
Are you going to back it, assuming you vote it in?
So I think we might deserve that from you guys
before you vote. Thank you.

MAYOR NYCE: Anyone else that wishes to
address the Board on this item?

MS. GORDON: Hi. My name is Linda Gordon,
I'm on Fifth street.

I think I agree with the gentleman before me
who talked about enforcing what we already have.
The only thing that I can really talk to is, or about, is my personal experience, and I have next door a two-family rental. Downstairs has been great. Recently, the upstairs has been rented and has probably about a minimum of seven men, a woman and a child. It's overloaded, and there's just too many people living up there.

I did speak to the landlord, and I also wrote him a letter, and I -- which I hand-delivered. And I think that the responsible party is the landlord, ultimately, that they have to be -- they have to follow the rules, because living next door, I can tell you that what I've experienced is with too many people in there. They use the yard for the bathroom. They leave things all over the place. It's just changed. It's changed the look of the neighborhood.

Downstairs, the people who have been there, they were there before I bought my house, they're wonderful people. And the other thing -- also, the other thing that I've experience is the fact that they -- people upstairs have -- take care of other people's children, so you have the traffic from that. Also, in the summertime, that property next door has a beautiful yard, so several caregivers
for other children bring them there, so all day
long it was like a schoolyard.

There's just -- you know, I think that the
landlords have got to comply, I mean, you know, the
people that live there. And it has to be strong
punishment, or else it's not -- or the threat of
punishment, or else it's not going to have any
effect. I mean, the people who have -- live in
these spaces next door, they're going to do
whatever they can get away with, and, you know,
more power to them, I guess. But I think that, you
know, the responsibility really lies with the
Village enforcing laws and making the landlords
responsible for it.

If it's a one-bedroom apartment, then there's
-- they know there's only supposed to be five
people there. And then there's also another part
of it is the revolving families. And he also --
the landlord has said to me that that's not
supposed to happen. Well, we all know that, but it
does, so -- but, like I said, the family downstairs
are wonderful, they comply. And I'd like to see
the Board Members make the landlords responsible.
I mean, the -- you know, when you live next door to
it, it's -- you know, you see it every day. And
the person who owns the building doesn't live in
the Village.

So, I mean, I have pictures and things that I
would like to leave with the Board so you can see
what -- and, you know, it's like money is not put
into these buildings, in this particular building.
I'm not talking about everybody's building.

So thank you for your time.

MAYOR NYCE: Thank you. Thank you very much.
Is there anyone else that wishes to address
the Board on this item?

(No Response.)

MAYOR NYCE: If not, prior to entertaining a
motion to close, I will ask the Deputy Clerk to
read the letter from Michelle Santantonio.

MS. ODDON: Letter received from the Long
Island Housing Services, Incorporated, at 640
Johnson Avenue, Suite 8, Bohemia, New York, dated
September 23rd, 2013, by email; addressed to the
Board of Trustees and Clerk Sylvia Lazzari Pirillo,
the Village of Greenport, located at 236 Third
Street, Greenport, New York, 11944; regarding
proposed Local Law pertaining to Chapter 103 of the
Village Code.

"Dear Members of the Board; I am writing on
behalf of Long Island Housing Services, Incorporated, LIHS, to express concern about the proposed Local Law to create Chapter 103 of the Village Code.

In case you are not familiar, LIHS is a private, nonprofit HUD approved local comprehensive housing counseling agency and a HUD qualified Fair Housing advocacy and enforcement organization. We have been serving Suffolk County for 44 years. LIHS' mission is the elimination of unlawful housing discrimination and promotion of decent and affordable housing through advocacy and education. We pursue these goals through counseling clients in such areas as fair housing, landlord/tenant rights, homelessness prevention, mortgage, foreclosure prevention, and rental strategies and government assisted programs. LIHS' activities also include fair housing investigations, testing, advocacy and challenging discrimination, making presentations to the public, and serving as a clearing house for information. You will find many resources available for the public on our website, www.LIFairHousing.org.

We were recently contacted about potentially discriminatory intent and effect of the proposed
Local Law 103, along with concerns raised as potential Tenant's Rights/NYS RPL violations and Constitutional violations. Some red flags are raised over provisions concerning intent and impact due to exclusion of owner-occupied residences and summer rentals from those proposed to apply to rentals inhabited by year-round residents/tenants.

If the purpose is to address safety and overcrowding, the law should consistently apply to seasonal rentals and owner-occupied housing. Careful analyses of the population of year-round residents" -- excuse me -- "year-round rental residents compared to seasonal residents and homeowners is recommended to ensure that the Village legislation will bear no disparate impact based on any of the local, state or federally protected classes under Fair Housing Law, especially race, color, national origin, disability, familial status, families with children under 18 years of age, gender or marital status.

Although LIHS' expertise lies in the area of Fair Housing, we do also note concerns about tenants' rights as lay counselors and advocates. Our Fair Housing Staff Attorney reviewed the proposed legislation and I encourage consideration
of our collective comments on specific provisions
of the proposed Local Law.

103-4. Definitions- Conventional Bedroom:
Limited to only bedrooms and does not allow use of
living room/den/family room/dining room or other
legitimate living space as a bedroom area, which
could have discriminatory impact on larger
families, lower income individuals, and those with
disabilities who need live-in aides.

103-7 B. 7. Application for a Rental Permit:
LIHS consulted with Amol Sinha, the Suffolk Chapter
Director of the New York Civil Liberties Union, who
also noted objections and indicated that similar
rental laws were struck down by Appellate Court.
For example, Hempstead Village rental law was found
unconstitutional on its face, noting, quote below,
an prior decision by New York's Court of Appeals,
which struck down the Village of Freeport's rental
permit law.

"...the village may not compel the owner's
consent to a warrantless inspection upon the theory
that these searches are a burden which a property
owner must bear in exchange for the right to open
his property to the general public for rental. It
is beyond the power of the State to condition an
owner's ability to engage his property in the
business of residential rental upon his forced
consent to forego certain rights guaranteed to him
under the Constitution."

103-12(e) Regulations: Prevents any rental
for just a room. This is something that might
adversely affect impoverished tenants who need
lower rental costs.

103-13 Inspections: This provision allows a
landlord to go to the inspector for assistance in
seeking an eviction when there is a hazardous
situation. This circumvents certain
landlord/tenant protections that do require due
process and court intervention before effecting
eviction. Similar problem regarding 103.7 B.7.

103-16" -- no, excuse me. "103-17(6)
Presumptive evidence of multifamily housing: The
presumption of more than one family in a residence
when there are three motor vehicles in different
surnames is not consistent with the Village's own
definition of family. Village definition allows up
to five unrelated persons to live together, and may
have a discriminatory impact based on marital
status, disability, and other protected classes
defined by Fair Housing laws.
103-19(a) Presumption that more than two mattresses is overcrowding: Can have a discriminatory impact based on familial status, family with a baby in the bedroom, family size, disability, if an aide needs to stay nearby, and unfairly targets those with lower income.

103-19(b) Motor Vehicle Presumption: Problematic, same as 103-17(6) above.

It is our hope that the Village Board will judiciously defeat or discard this proposal, and, instead, take careful steps to assess its obligations to affirmatively further fair housing, identify impediments and make action" -- "and take action to reduce economic and racial segregation and overcome impediments that negatively impede fair housing choice.

Thank you for your consideration of our comments. Sincerely, Michelle Santantonio, Executive Director."

And it was copied to Erik Heins, Staff Attorney; Amol Sinha, Attorney, NYCLU Suffolk Chapter Director.

MAYOR NYCE: Thank you very much. With that, I would entertain a motion to close the public hearing.
TRUSTEE ROBINS: Second.

MAYOR NYCE: Is there a motion?

TRUSTEE ROBINS: Second

MAYOR NYCE: You'll make the motion?

TRUSTEE ROBINS: Yes.

MAYOR NYCE: And is there a second on the motion?

TRUSTEE HUBBARD: I'll second it.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

TRUSTEE PHILLIPS: No.

MAYOR NYCE: The motion carries, which takes us to the public portion of the Board. There will be -- clearly, there will be discussion when we get to that agenda item, which is Agenda Item #13 and 14, at which point the Village Attorney --

TRUSTEE PHILLIPS: Before we enter into the public hearings, could I just get a clarification on the two wetland permits? I know it says "postponed," but they were -- is there some resolutions that we need to pass to postpone them
officially? I know the ZBA used to have to do it each month. So I would just -- I want to make sure that -- I know one has had a revision made.

(Siren Sounded.)

MAYOR NYCE: I was going to ask at the October Work Session that they reapply at this point. If they've been postponed for three months, I think they need to reapply.

TRUSTEE PHILLIPS: My question was, is that they've been on for a couple of months and there has been some changes, especially with the first one. The McCarthy one, I don't think we've ever really seen a permit.

MAYOR NYCE: We have none.

TRUSTEE PHILLIPS: So my suggestion is that we just perhaps maybe do it this month instead of wait, because we have people who were interested in it, and especially one of them. I don't know what the protocol is, is to have them re-noticed, to do a resolution to have them re-noticed? Can we do that this month?

MAYOR NYCE: Yeah, we can certainly do that.

TRUSTEE PHILLIPS: I mean, why don't we do that? I mean, we've been waiting for them to get caught up and --
MAYOR NYCE: Right. And as I said at the Work Session, my intent was to recommend that we basically throw the applications out and have them reapply when they have all of their -- have all of their stuff ready to go. We're going to have to re-notice it at this point anyhow.

TRUSTEE PHILLIPS: So can we take care of it this month --

MAYOR NYCE: We can do that this month.

TRUSTEE PHILLIPS: -- and start with a clean slate? Because I think for some people who have been interested in the first public hearing, I think they would feel more secure if that at least took place, and I think it would be give a clear picture as to paperwork.

MAYOR NYCE: So, once we are done with the public portion, before we get into our regular agenda, I will offer a motion to have those public hearings re-noticed when the applications are complete.

TRUSTEE PHILLIPS: Okay. Thank you.

MAYOR NYCE: Absolutely. That brings us to the public portion. Mr. Garritano is here with the presentation of -- an update on the presentation that's a couple of summers old. I'll ask him, and
then we'll get into the public portion of it.

MR. GARRITANO: Bruce Garritano, 19B Front Street, Greenport.

I made an application a couple of years back, January 12th, 2012, to bring a sunset cruise and tour boat into town. Our first boat didn't pass its survey or its inspection, and our second boat was sold. So we're here now to bring a new boat into town for the 2014 season.

Nothing has changed in our application. The lease with the Town -- the lease has all been -- already been written up with the Town Attorney. We want to keep everything exactly the same. The only thing we'd like to do is change the boat. We'd like to start that as of January 1st this year, sign these leases, and bring this sunset cruise and tour boat to town.

MAYOR NYCE: Okay. To refresh, there's some Board Members that weren't here during that period. Correct me if I've got it wrong. I believe the idea was that the boat would be docked on the outside of the West Pier, and there would be some minimal signage to get people out to the West Pier.

MR. GARRITANO: Correct.

MAYOR NYCE: That this cruise ship was going
to be sunset tours in the evenings. There would be
a liquor license affiliated with the tour boat
itself.

MR. GARRITANO: Correct.

MAYOR NYCE: That would only be when the boat
was away from dock.

MR. GARRITANO: Correct.

MAYOR NYCE: I'm trying to think if there's
anything else I'm missing from it. I think that
was pretty much it.

MR. GARRITANO: Same thing. You know, it's
the same thing as the liquor license on the Orient
Point Ferry. You can't serve unless you're untied.

MAYOR NYCE: Right.

MR. GARRITANO: And it would be a tour boat
around Shelter Island. It would be for larger
groups. You know, a lot of people come from all
over to Greenport, can't get on the water. We want
to be able to accommodate those people.

MAYOR NYCE: The boat initially was
approximately 100 foot?

MR. GARRITANO: Correct.

MAYOR NYCE: It's still in that range and
holds how many people?

MR. GARRITANO: It's still in that range. It
will max out at 110 feet.

MAYOR NYCE: And number --

MR. GARRITANO: We're trying to keep it 

between 90 and 110.

MAYOR NYCE: And number of passengers?

MR. GARRITANO: No more than 149.

MAYOR NYCE: Okay. Does anyone on the Board 

have any questions for him?

(No Response.)

I think that we're likely not going to discuss it 

tonight in the open session.

MR. GARRITANO: Right.

MAYOR NYCE: But we'll probably discuss it at 

our Work Session next. Would you be available to 

come back to the Work Session --

MR. GARRITANO: Any time.

MAYOR NYCE: -- if there are questions?

MR. GARRITANO: Any time.

MAYOR NYCE: I'll get a sense from the Board 

if we think that's a good idea for you to come back 

for the Work Session. I'll send you an invitation 

for it.

MR. GARRITANO: Fantastic.

MAYOR NYCE: Does anyone else have any --

TRUSTEE ROBINS: I would like to ask. I was
not here, you know, when you made your original
presentation. So, if you do choose to come to the
Work Session, I'm going to have to start from
scratch. I'm going to have to see the whole
proposal --

MR. GARRITANO: Okay.

TRUSTEE ROBINS: -- from the beginning. You
know, I'll be honest with you, you know, having
come on to the Board and having to deal with the
fire boat situation, I'm very hesitant to, you
know, move forward without a real thorough
investigation of what you're proposing. Okay?

MR. GARRITANO: That's fine.

TRUSTEE ROBINS: So, by all means, please
come to the Work Session --

MR. GARRITANO: Absolutely.

TRUSTEE ROBINS: -- and make a formal
proposal, that would be great. Thank you.

MR. GARRITANO: Okay. Thank you. Any other
questions?

TRUSTEE PHILLIPS: Mayor, I do believe that
the Village Clerk had started to create a folder
for us.

MAYOR NYCE: Yup.

TRUSTEE PHILLIPS: Perhaps that is something
not only to help --

MAYOR NYCE: That will be distributed.

TRUSTEE PHILLIPS: -- Julia, but also to help
the rest of us with memory. That perhaps in the
next week or to, long before the Work Session --

MAYOR NYCE: Yeah, absolutely.

TRUSTEE PHILLIPS: -- so that we can have
some important questions to ask. And I think that
would be a great help to me, to be honest with you.

MAYOR NYCE: Absolutely.

MR. GARRITANO: Okay, great.

MAYOR NYCE: Thank you.

MR. GARRITANO: Thank you.

MAYOR NYCE: With that, we'll move into the
public portion of the meeting. I'll ask if there's
anyone from the public who wishes to address the
Board on any of the agenda items?

MR. SWISKEY: That was a little bit strange,
because I come to all the Board meetings and I
don't remember this Village Board approving any
lease agreement with a tour boat. Perhaps I have a
bad memory. Would that be something that's in
Village Hall, this agreement?

MAYOR NYCE: The agreement was never
executed. Therefore, the agreement is -- the Board
authorized the agreement to be drawn up. The agreement was never executed.

MR. SWISKEY: Is that what everybody here remembers? Because I don't remember that, and I have I have pretty good memory

MAYOR NYCE: You don't, but go ahead.

MR. SWISKEY: Well, I'll FOIL for that resolution tomorrow. I can get that from you, can't I?

MAYOR NYCE: Absolutely.

MR. SWISKEY: Thank you. And I know when you say "absolutely," that means usually wait 30 days, but I'm a patient person.

Anyway, just to get through the -- tonight's agenda, first of all, Resolution -- well, excuse me while I get everything in order. Resolution 2013-5, all right, it deals with the transfer of a surplus, I guess, from the Electric Department to pay part of the Transmission Congestion Agreement, which I don't know much about. But I FOILED for that and it seems to me we have this agreement in place. You know what it says, right? We have this agreement, you know what it says?

MAYOR NYCE: Uh-huh

MR. SWISKEY: And it's in a hard copy form in
the Village Hall, right, this -- I mean, I'm trying to get a little background on this. This agreement exists?

TRUSTEE ROBINS: Yes.

MR. SWISKEY: Because I find it strange. About three weeks ago, I FOILed the Clerk for this agreement, and the latest thing from the Clerk is it's such a voluminous -- that she can't put it together for another 18 to 20 days. And, you know, if it's an agreement, all you have to do is copy it or scan it and send it to my email. So there's something a little bit like, not quite -- I wouldn't say nefarious, it's something that doesn't make any sense here.

I mean, you have this written document, which you just acknowledged. All right? Let's just say this is the contract, yet you can't get it to me. And I'd like to be able to read it and comment on it. And you can smile all you want. Yeah, I have that right, and I earned that right in more than one way.

Anyway, to get to this budget adjustment form. Now, this is not, I guess -- funding of Transmission Congestion Charges expense from PPA adjustments collected. Well, the PPA is collected
on a monthly basis. The PPA overcharges every
month. There is no way to bring in future
overcharges to the PPA, which you're doing. You're
bringing in -- you're telling us for the next God
knows how long, you're going to be collecting
through the PPA $280,408, but -- and you're going
to collect -- all right.

Now this is the one that really -- you said
power purchased, 104,000. But then you go to
residential sales, you say 40 -- the whole thing
doesn't make any sense. I know something about
this. This page makes absolutely no sense. It's
almost nonsensical to the -- all right.

Here's just an example. All right.

Commercial sales, you intend to collect, God, only
1,000 and so much dollars. Well, commercial sales
is the biggest part of your -- it's the biggest
part of your sales.

Maybe when you go to your explanation,
Mr. Mayor, you could explain to me what this means,
because I don't understand it at all, and I've been
in the -- I was in the business 40 years. I have
no idea what it means. And you can smile and smirk
all you want, but I don't understand it. And I'm
glad the Board understands it.
MAYOR NYCE: I'm glad you're allowing me to smile, Bill.

MR. SWISKEY: It's my turn to speak now, Mr. Mayor, excuse me.

Now, going to the next item I'm going to ask about. Oh, well, I'm not even going to ask about it, because you're going to pass that rental law tonight no matter what anybody says, so why don't we just acknowledge that and move on? We'll all be happy and wait until we get sued, and like Freeport, we'll get our butts kicked in court and only pay 30, $40,000 for that. But you don't have to consider that, it's only taxpayers' money.

Now I'm going to my favorite one, these proposals from Braun Engineering. All right. You got 21, 22, and 23, Resolution regarding the proposal of Genesys Engineering for services related to the Phase II capital improvement upgrade program at the power plant, and adopting Lead Agency status. All right that's a SEQRA, you're going to pass that.

But the next thing is I went in Village Hall today and I asked the -- you know, because you're accepting his proposal. So I asked the Clerk, Ms. Pirillo, I says, "Sylvia, where is the
proposal? The public is entitled to see it, you're accepting it." And she says, "Well, I'll look into it, Bill, it will be available." Well, she's not here, the proposal is not available. So how am I supposed to comment on whether this -- has anybody seen this proposal before Jeanmarie passed it out tonight? I'm asking for honesty. Any of the Trustees, you've seen it?

TRUSTEE PHILLIPS: What, this document here?

MAYOR NYCE: This proposal has existed since 2005, Bill.

MR. SWISKEY: Not the proposal for Phase II.

MAYOR NYCE: Yes, it has, Bill. It's the same proposal since 2005.

MR. SWISKEY: I have all the information and I say that's a flat out untruth.

MAYOR NYCE: Bill.

MR. SWISKEY: What you have is a wish list that Mr. Braun presented, that he was going to go to do this. Laugh, David.

MAYOR NYCE: I am laughing, Bill.

MR. SWISKEY: You do that when you're caught in a lie.

MAYOR NYCE: If you call me a liar again, I'm going to ask you to leave.
MR. SWISKEY: Yeah, I'll call you a liar, because --

MAYOR NYCE: All right. Then I'm going to ask you to leave. You will show respect while you're in this room, or you'll be asked to leave.

MR. SWISKEY: I show respect to people I respect, and I have all my life. But, anyway, let's get back.

Where's the proposal? You're voting on something you haven't even seen. You're voting on a piece of garbage. You're going to spend a million dollars. You've already spent a million dollars up there and you basically got nothing. You got no improvement on engine quality at all. You have no trained operator.

I think it's time that this Board table this, and how about an RFP? I bet you I can find an engineer for you to do a better job than Braun on this garbage, because that's what he's giving you, and that's from experience. And if he felt I was being disrespectful, then he can try suing me, but I'd love to get this SOB in court.

Have a good night.

MAYOR NYCE: Does anyone else wish to address the Board on any of the agenda items?
MR. SALADINO: John Saladino, Sixth Street.
Are there any resolutions not on the agenda that
you're going to vote on tonight?
MAYOR NYCE: Other than the re-noticing of
the wetlands permit applications, once the
applications are in, no.
MR. SALADINO: Okay. I didn't understand the
budget mod myself. I mean, it's for the year 2014,
the budget mod of funding the Transmission
Congestion Charges. Are these monies that you
already collected, or are these anticipated
revenues? Is this money that the Village has
already collected, so the purchase power, the
residential sales, commercial sales, that's all
money that's in the bank?
MAYOR NYCE: Yes.
MR. SALADINO: And I heard the dialogue
between you and Billy about Braun, and I don't
remember ever -- the Board ever passing a
resolution for Phase II, but, you know, maybe I
missed it. But I do remember Mr. Braun making a
presentation here. I thought it was a professional
presentation. And I remembered you telling him to
prioritize certain items to come in on the money
that we have.
So when he asked you for the proposal and you say it's from 2005, it's not technically the truth, because the new proposal has prioritized recommendations, as outlined --

MAYOR NYCE: The proposal from 2005 was prioritized. It has always been prioritized. We've been working down the list in a priority manner since we started the project.

MR. SALADINO: Well, that's not entirely factual, because I was at -- I was at the Work Session this week -- last week, and there were different items that you's did discuss that were going to be omitted and were going to be included. So what happened in 2005 and what happened last week, and what you're going to vote on tonight, there is a little bit of a difference in those three proposals, you know, to me, anyway; I mean, obviously not to you.

But if this is such a great deal, and if you guys are doing such a great service to the Village by doing it, and Mr. Braun and his company is the best man for the job, why can't we know it? Why can't we know the terms before you vote? If it's such a good deal, how can we pass it up, too? I just don't understand why it's a secret, why --
this guy asked for it. The guy that was up before me asked for the proposal. They wouldn't give it to him. You wouldn't give -- you collectively wouldn't give it to him. How come? Why? Why is it a secret? Why can't we know, if it's such a good deal and he's such a great engineer, and it's going it be a boon to the whole village?

And, obviously, I don't see anybody in this room is going to come up with a counter-bid. Why can't we know about it? Why does a citizen on a topic that you're going to vote on tonight not have that information for 20 days? It just doesn't seem right, the same way you're going to vote on whatever number the resolution is for the rental law without explaining to the people so they can make intelligent comment and informed comment on your response.

You closed the public hearing. You made mention that there'll be discussion before you vote. We have no action. We have no rebuttal when you decide to vote. Once I sit down, I'm done.

So, I mean, how fair is that? You obviously know something, plus, also, how you vote affects people's decisions and what they do down the line.

TRUSTEE HUBBARD: I believe at the last
meeting, John, if you don't mind, we all did. The
Mayor polled all of us at the last public meeting.
We all spoke how we felt about the rental law at
that time. So, if you had a question about my
comments I made last month, I'd be willing to
answer them for you, but we all did speak during
the Regular Session.

MR. SALADINO: I asked a specific question--

TRUSTEE HUBBARD: Okay.

MR. SALADINO: During the public hearing

tonight --

TRUSTEE HUBBARD: Yes.

MR. SALADINO: -- to a different issue, to a
different issue. The issue was about enforcement,
the Village Board's level of commitment to enforce
this law. What you think or what you decide, if
you vote no for the law, obviously, it doesn't
matter. If you vote yes, then is it just another
law that's on the books that's not going to be
enforced, because perhaps the Building Department's
too busy or overworked and underpaid? Or is the
Village Board -- Department Heads take their lead
from you guys, you'll admit that. You decide how
the Village goes, what laws get enforced, what laws
are overlooked, what laws get put to the side, what
are enthusiastically enforced, what aren't. Department Heads take their lead from you. All I asked you was what's your level of commitment with this? Are you going to enthusiastically back this law if it passes, would you not? That would be something to know, the public to know. There might be more people that might have wanted to comment about it, if you voiced your opinion.

That's all I have. I do have a lot -- I have one other thing that's going to be kind of anti-climactic.

After last month's meeting, you designated Greenport as the home port for the Tall Ship Festival in 2015. At the work session, you polled the Board and they agreed that you could issue an RFP. You explained that the bidding process is different this year, it's -- you don't negotiate with each boat, you negotiate with the organization. And you asked if they agreed with you, that you could make this RFP. My question is, if you choose to answer it later on -- actually, you know, it's a lot of money. Actually, it's a couple of hundred thousand dollars. I would appreciate an answer now. I mean, we're not talking about a cracked sidewalk or a dead tree in
front of somebody's house, you know, it's real
money. So I kind of think, if I don't like your
answer, I should be able to respond to it. But
once you make this RFP to the Tall Ships
Association and they accept it, are we committed?

TRUSTEE MURRAY: (Shook head no.)

MR. SALADINO: So you say, "We'll give you
$200,000," they say, "Yeah, it's a deal," and if we
change our mind, or if the public or you decide you
don't want to do it, we're not committed, it's not
a binding contract?

MAYOR NYCE: Until the Board votes on it,
it's not binding. If the Board has not voted on
it, it's a response to an RFP, plain and simple.

MR. SALADINO: You're making the RFP. How
can it be a response to an RFP?

MAYOR NYCE: We are not, we are responding to
a Request for Proposals.

TRUSTEE PHILLIPS: From the Tall Ships
company. It's from the Tall Ships company.

MAYOR NYCE: Tall Ships America and the
company that's doing the Voyage for L'Hermione has
sent out RFPs to different places to be homeport.
We are responding to a Request for Proposals.

MR. SALADINO: And if they accept it?
MAYOR NYCE: This Board still needs to authorize it.

MR. SALADINO: Thank you.

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

MR. LATNEY: Barry Latney again. I've got two comments I'd like to bring up or questions. First of all, how many of the Board Members are lifelong residents of Greenport? I know you are. Anybody else?

TRUSTEE PHILLIPS: Well, I'm Southold and Greenport.

MR. LATNEY: Lifelong Greenport. Okay. So, for the rest of us, we're from Greenport. So, you know, let's not forget from whence we came, George. I heard your comments at the last meeting. I just don't understand this. Is this -- are we trying to turn this into Hamptons on the North Fork, because they have the same issues over there, and I think they're trying to pass the same law. I just don't -- I don't understand it.

The other thing that really, really bothers me is this team that's going to enforce this law. How is the team going to be selected, Mr. Mayor, these five people? How are they going to be
selected?

MAYOR NYCE: I think you're confused in reading the law. That team does not enforce the law. That is an additional --

MR. LATNEY: What do they do?

MAYOR NYCE: That's an additional Board to make sure that the Building Department is running the rental permits fairly. That is a step in between, if you're going to -- if you're going to challenge what is being done with the rental permits, it goes to that Board first, then to here to -- this Board would hear it before it goes to court.

MR. LATNEY: So that's another layer of bureaucracy --

MAYOR NYCE: It's another layer of protection, yes. It works like the ZBA, and the Planning Board, and any other statutory Boards in the Village.

MR. LATNEY: Who's doing it now?

MAYOR NYCE: There's no law now.

MR. LATNEY: There's no law now? Thank you.

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

(No Response.)
MAYOR NYCE: That will conclude the public portion, then.
I will -- as far as the rental permit law, yes, we will be discussing that. I will make a comment for Mr. Saladino.
I've never voted for or against, or there has not been a law that's come before this Board that anyone's determined that they're not going to enforce it if gets enacted. If this Board takes action to enact a law, it will enforce it to its full extent. There's never -- there's never going to be an intent to enact a law and just let it sit.
MR. SALADINO: Do we live in the same Village?
MR. SWISKEY: Yeah, come on.
MAYOR NYCE: Apparently we don't,
Mr. Saladino.
MR. SALADINO: Apparently not. Apparently not.
MAYOR NYCE: As to explain the RFP for the Tall Ships.
As to the Genesys proposal, this is -- these two -- these actions are to ensure that the project continues to move forward. We are authorizing bid packages to be made up. Once the bid packages are
returned, this Board can choose to refuse any of
those bid packages. The bid packages are being
made up on a priority basis from the list that had
been submitted back in 2005, and we have been
maintaining on a priority basis for the upgrades at
the power plant. There is no specific as far as
the New York Power Authority is concerned, Phase I,
Phase II, or Phase III of this project. There is
one phase. It was a 5.5 million dollar capital
project that the Village started undertaking in
2008. At that time, it went out and borrowed a
small amount of money to do the engineering work at
the outset, because, at the time, we could not
afford the amount of borrowing that was necessary
to do the project. Since that rate increase was
instituted, we have set aside cash to continue to
do that project.

As of this point, we have borrowed 2.4
million dollars and spent almost that entire
amount, and we've spent nearly a half a million
dollars in cash refurbishing the light plant. The
balance of that project requires the spending of
between two and two-and-a-half million more dollars
to complete that Capital Program.

What is on this list now is nearly three
million dollars worth of work, some of which is
going to be done inhouse, thereby saving us some
money. Some of it's going to be done by outside
contractors, and some of it's going to be done as a
combination of oversight from our engineering firm
and our own personnel.

At this point, we authorized a million
dollars more worth of borrowing, which brings us to
our total of three-and-a-half million dollars that
we were required to borrow for this Capital
Program, and we are planning to spend a million
dollars in cash, bringing us to a million-five of
spent cash of the two million that we were going to
have to spend with the original Capital Program.

We are intending to continue to accumulate
cash over the course of the next year or so to be
able to complete the balance of the Capital
Project.

So what this is doing is continuing to move a
program that was stagnating, and I'm not going to
go into details as to why it was stagnating.
Suffice it to say that that obstacle has been
removed, and we are going to continue making the
upgrades necessary at that plant to make sure that
we can supply clean, efficient and effective
electric to the Village.

With that, I will offer a motion to have the Clerk re-notice the public hearings for both the Matassa Wetlands Permit Application and the McCarthy Wetland Permit Application when those applications are complete and submitted to the Clerk's Office. So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

And I will offer a motion adopting the September 2013 agenda as printed.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?
(No Response.)

MAYOR NYCE: That motion carries.

I'll ask Trustee Murray to read RESOLUTION 2.

TRUSTEE MURRAY: RESOLUTION 09-2013-2,

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 HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries?

TRUSTEE HUBBARD: RESOLUTION #09-2013-3,

RESOLUTION approving the application for membership
of Helen Reiss to the Greenport Fire Department
Rescue Squad, as already approved by the Greenport
Fire Department Board of Wardens on September 18,
2013.
So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE ROBINS: RESOLUTION #09-2013-4,

RESOLUTION authorizing Treasurer Kagel to perform
the attached budget adjustments concerning:

Transmission rights, electric meters,

insurance recovery at McCann Campground.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.
TRUSTEE PHILLIPS: Resolution #09-2013-5, Resolution adopting the following:

Whereas the Village of Greenport is required to make the second payment of Transmission Credits for the purchase of power and the proposed funding plan includes an appropriation of the Electric Fund Balance surplus in the amount of $251,909; now be it resolved that Treasurer Kagel is authorized to make the attached Budget Amendment and pay the second TCC installment.

So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: By way of further explanation, we have explained this now the last two meetings. The Village entered into contracts to pre-purchase its transmission rights. This is -- this payment represents 75% for the balance of the payment from the contract that we entered into in January of last year.

And we have been in discussions with the New York Power Authority. Everything that we are doing at this point has their blessing, and we are moving ahead to hedge against transmission congestion with these transmission charges.

All those in favor?
TRUSTEE MURRAY: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE ROBINS: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Any opposed or abstentions?
(No Response.)
MAYOR NYCE: The motion carries.

TRUSTEE MURRAY: RESOLUTION #09-2013-6,
RESOLUTION authorizing the following Fall training
schedule for the Treasurer's Office: October 8
2013, Robert Brandt and Linda Topalian - New York
State GFOA Fall Training - Hamlet Windwatch -
Hauppauge, New York, at a cost of $170.00 to be
expensed from line item number A.1325.400,
(Treasurer Contractual) and October 23, 2013:
Linda Popalian - New York State Health Insurance
Plan Annual Update Meeting at the Hyatt Regency in
Hauppauge, New York, at no cost to the Village of
Greenport.

So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: Everyone's got that, right, the
one there is a charge for, and the other one
there's not? All right?

TRUSTEE MURRAY: Okay.
1 MAYOR NYCE: All those in favor?
2 TRUSTEE MURRAY: Aye.
3 TRUSTEE HUBBARD: Aye.
4 TRUSTEE ROBINS: Aye.
5 TRUSTEE PHILLIPS: Aye.
6 MAYOR NYCE: Any opposed or abstentions?
7 (No Response.)
8 MAYOR NYCE: The motion carries.
9 TRUSTEE HUBBARD: Resolution #09-2013-7,
10 RESOLUTION authorizing Mayor Nyce to sign and
11 execute the 2013/2014 Service Award Program Service
12 Fee Agreement between the Village of Greenport and
13 Penflex, Inc., per the proposal dated September 6,
14 2013.
15 So moved.
16 TRUSTEE ROBINS: Second.
17 MAYOR NYCE: All those in favor?
18 TRUSTEE MURRAY: Aye.
19 TRUSTEE HUBBARD: Aye.
20 TRUSTEE ROBINS: Aye.
21 TRUSTEE PHILLIPS: Aye.
22 MAYOR NYCE: Any opposed or abstentions?
23 (No Response.)
24 MAYOR NYCE: The motion carries.
25 TRUSTEE ROBINS: RESOLUTION #09-2013-8,
RESOLUTION authorizing Penflex, Inc. to offer Length of Service Award Program beneficiaries the option to be paid a lump-sum in lieu of remaining guaranteed monthly payments, as per the attached resolution, and as previously approved by the Greenport Fire Department Board of Wardens on September 18, 2013.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #09-2013-9,

RESOLUTION approving the Public Assembly Permit Application as submitted by the Greenport Public Schools for the use of certain Village streets from 5:45 p.m. through 6:15 p.m. on October 18, 2013; for the Annual Homecoming Parade.

So moved.

TRUSTEE MURRAY: Second.
MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE MURRAY: RESOLUTION #09-2013-10,

RESOLUTION approving the Public Assembly Permit Application as submitted by the Floyd Memorial Library and the Greenport PTA for the street closure on Front Street from Mitchell Park to First Street, and of First Street from Front Street to the Floyd Memorial Library, for the Halloween Parade, on October 20th, 2013 from 1:00 p.m. to 2:15 p.m.

So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?
(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #09-2013-11,

RESOLUTION scheduling a public hearing for November 25th, 2013 at 6:00 p.m. at the Third Street Firehouse, regarding a proposed amendment to Chapter 142 (Wetlands, Floodplains and Drainage) of the Village of Greenport Code and directing Clerk Pirillo to notice the hearing accordingly.

So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: By way of explanation, that is for changing the fee structure for wetlands permit applications as they come to the Village.

I'm sorry, you were --

TRUSTEE PHILLIPS: I was going to say, shouldn't that be in the resolution, that that is -- I mean, it's kind of vague, the resolution, that's why I'm asking.

MAYOR NYCE: Which is why I did the explanation.

TRUSTEE PHILLIPS: Okay. Do we need to put it in the resolution?

MAYOR NYCE: It doesn't need to be in the resolution, it's specific to that chapter.
TRUSTEE PHILLIPS: Okay.

MAYOR NYCE: Any further discussion?

All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE ROBINS: RESOLUTION #09-2013-12, RESOLUTION approving the attached proclamation declaring October 2013 as Anti-Bullying Awareness Month.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #09-2013-13,
RESOLUTION adopting a SEQRA resolution regarding Local Law #6 of 2013 creating Chapter 103 - Rental Regulations for Residential Properties adopting lead agency status, determining that the action is an unlisted action, and adopting a negative declaration.

So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

TRUSTEE PHILLIPS: No.

MAYOR NYCE: That motion carries.

Before we do the next resolution, I'm going to recommend that we do this as a roll call vote, giving each person a chance to state their opinion prior to the vote. But I also wanted to ask the Village Attorney if he had any comment that he wanted to make based on prior comment?

MR. PROKOP: Based on the public comment? I had --

MAYOR NYCE: If that would be appropriate.
MR. PROKOP: You know, the letter that I received -- the letter that the Village received tonight, I haven't even read, the letter from the Housing Agency, so I really couldn't comment on it. You know, it's just being read to the Board tonight.

Verbally, the things that came out of that letter verbally, I think there were a few things in the letter that were mentioned that were maybe misreadings or misunderstandings about the Local Law. But I would have to read the letter and compare it to the Local Law to point those out to you. I don't think I could do -- you know, do the level of detail from the attorney who wrote the letter. I don't think I could do it verbally.

MAYOR NYCE: Okay, that's fair enough. With that, then I'll ask Trustee Murray to read RESOLUTION 14, and then we'll ask for the Deputy Clerk to call the roll after it has been seconded.


So moved.
TRUSTEE HUBBARD: Second.

MAYOR NYCE: Resolution's been made and seconded. I will ask the Deputy Clerk to please call the roll.

MS. ODDON: Trustee Murray, how do you vote?

TRUSTEE MURRAY: Yes.

MS. ODDON: Trustee Hubbard, how do you vote?

TRUSTEE HUBBARD: Are we allowing comments at this point?

MAYOR NYCE: Please, absolutely.

TRUSTEE HUBBARD: Okay. I would like to comment on this.

Last week I sat through the Zoning Board meeting for two-and-a-half hours on a subdivision and other issues, and it seemed like a common comment between the four public hearings we've had on this law, the Zoning Board meeting, and everything, that a lot of the stuff that's going on around the Village is not being enforced and taken care of. I think before this law, we've talked about a part-time Code Enforcement Officer or something, we should have something -- somebody to handle this law before we vote it in, because we can't handle the code that we have now.

A lot of different issues, different
properties, it wasn't all pertaining to one
property, but, in general, the people, neighbors
from all around the whole Village have voiced their
opinion, thinking we should enforce more of what we
have before we go put another law on the books.
I've been enlightened to a lot of the complaints
and comments. We've had letters. We've had the
public hearings on this started last year; I think
there's four of them we've had now. And being as
this is excluding the summer rentals, which I
talked about before, I think that should be in
there. It was never an issue on the south side
until just recently, and we're putting something
new in place that does not have any way to enforce
that in the future. We're excluding that whole
population. That could happen. It's not happening
here, we're trying not to, but East Hampton didn't
think the same thing was going to happen there.

My opinion, I think we should not enforce
this. Excuse me, let me rephrase that.
Mr. Saladino, if this passes, we have to enforce
all rules and regulations of the codes that are on
the books. I am not in favor of this, I'm voting
no on it, because I think we should enforce what we
already have. And if we need more help doing it,
let's hire a part-time Code Enforcement Officer now and start enforcing what we have before we put something new on there. But if it does pass, we have to enforce what we have.

So I vote no.

MAYOR NYCE: Thank you.

MS. ODDON: Trustee Robins, how do you vote?

TRUSTEE ROBINS: Before I mention my vote, I will say that I have believed, before I became a member of the Board, in the need for safe, affordable rentals in the Village. Having worked as a building contractor and been involved with, you know, building codes for many years, and now having been involved in real estate for five years, I have seen numerous apartments throughout the Village and greater Greenport that are far from code compliant.

I am not a homeowner, I haven't been for over 15 years now. I have myself had to deal with several rentals, some of which were better than others. I'm fortunate right now to be in a decent rental, but I'm very aware of a number of rental properties and living conditions where people are living in subpar conditions.

I feel that this law is -- would serve to
1  give strength to the Village to make landlords
2  provide safe -- basic safety things for residents
3  and tenants. I do not think it targets tenants
4  specifically. And I feel that we don't have a law
5  specific to rentals. We have basic building codes
6  and fire codes, not a law that specifically deals
7  with rentals.
8    That being said, I am going to cast a yes
9  vote on this resolution. Thank you.
10  MS. ODDON: Trustee Phillips, how do you
11  vote?
12  TRUSTEE PHILLIPS: First of all, Mr. Latney,
13  I appreciate the fact that you wanted someone who
14  was born in Greenport. To be honest with you, my
15  husband and I raised our child here. We bought our
16  home here. We've invested in the Village of
17  Greenport. And regardless of whether I was born in
18  Eastern Long Island Hospital or Central Suffolk
19  Hospital, I am a Greenporter. Okay? And I have
20  watched over the years what's transpired. So,
21  please, I need to make a note of that, because I
22  found that highly insulting.
23    Now, to get on to the next stage. I happen
24  to agree with what has been coming out from the
25  North Fork Housing Alliance as far as some of the
constitutionality of this law. I, and the Code Committee, as the Mayor will probably give a great description, we have not agreed with this. I feel that, and I have said from the beginning, you put any law on the books, you have to be able to enforce it.

Our Building Department has been understaffed for years. When I first came on the Board four years ago before my second term, part of my description or one of my -- one of my wishes was to have a new plan of action out of the Building Department. So I agree with what you're saying. I have problems with -- landlords have issues of privacy. I have to give 24 hours notice to get into my tenant's property. What makes the Village be able to get in before I can get into the property to take a look at what's going on?

We all do -- we all have tenants that we have problems with. And we also have landlords who take pride in what they do, or they take the best they can of their property, given some tenants are a little extreme and heavy on their usage. I will tell you, we have a rental and we have not renovated yet, and we have not rented it out, because I wouldn't rent it to someone who would
live in those conditions.

So, as to my vote, I'm going to vote no on this.

MS. ODDON: Mayor Nyce, how do you vote?

MAYOR NYCE: This proposed law has been around, as Trustee Hubbard mentioned, for quite a while, and the genesis of it goes back four or five years. The sole intent in bringing it up was for the health, safety and welfare, not only of the tenants in buildings, but also the property owners themselves and the adjacent property owners. And, in most cases, laws are written because there is no other way to correct the problem.

We have codes on the -- we have laws on our books now, and if those regulations were effective, there would have been no reason to draw up a rental permit law. There are plenty of municipalities that have gone through exactly the same thing. Some have come to this same -- some have come to this conclusion, some have not. I have seen or heard nothing over the several years that this has been going on to dissuade me from believing that this is a good law, and I think that it's well written, I think that it's -- I think that it's fair. It has been through a couple of
incarnations. It went through -- its first one was much more heavy-handed, and, thanks to the comments from the public, we went back to Code Committee and addressed it and corrected those issues within it.

If you read this rental permit law, next to any other rental permit law that I've seen, and I'm not going to state that I've seen all of them, but any that I've seen, it is less intrusive to both the tenant and the property owner. All it's really looking to do is to make sure that the rental properties in the Village are safe.

It is, and it's being written -- and I understand the comment about leaving out seasonal rentals. I described at our last month's meeting, the Code Committee went around on that several different times. I initially had proposed that all rentals be included. And at Code Committee, it was discussed back and forth, and the Code Committee believed that that was one of the few areas right now that the marketplace will truly correct issues, and I understand that other people are going to disagree with that.

I'm siding with what the Code Committee determined, because I think that, overall, this is a very well written law. I'm happy with the way
the process went, and I am going to vote in favor of this law.

That resolution then passes three to two.

Thank you all very much.

And I believe Trustee Hubbard --

TRUSTEE HUBBARD: Yes. RESOLUTION #09-2013-15, RESOLUTION awarding the annual bid for Delivery of Liquid Fuels (2013) to Hands Fuel, d/b/a Demarest Holding Corp. This is per the bid opening as held on August 30th, 2013 at 9:35 a.m. Hands Fuel/Demarest Holding Corp prices as quoted are as follows:

Unleaded Gasoline at a price of $0.13 per gallon over the "rack" wholesale price, which has an equivalent annual cost of $3,380 over wholesale price, based upon an estimated 26,000 gallons of gasoline per year.

Second one, Heating Oil at a unit cost of $0.13 per gallon over the "rack" wholesale price, which has an equivalent annual cost of $1,755 over wholesale price, based on the estimated 13,500 gallons of gasoline per year. That should be oil, not gasoline.

MAYOR NYCE: Yup, noted.

TRUSTEE HUBBARD: Heating oil. Third one is
Diesel Fuel at a cost of $0.13 per gallon over the "rack" wholesale price, which has an equivalent annual cost, including temporary tank rental of $1,950 over wholesale price, based on -- upon an estimated 15,000 gallons --

MAYOR NYCE: Of diesel.

TRUSTEE HUBBARD: -- of diesel fuel per year.

So moved.

TRUSTEE ROBINS: Second.

MAYOR NYCE: Thanks for catching that.

TRUSTEE PHILLIPS: Can I have clarification on something on here?

MAYOR NYCE: Yup.

TRUSTEE PHILLIPS: This temporary tank rental --

MAYOR NYCE: Will be corrected soon, assuming we move forward with the continued proposal of the power plant.

TRUSTEE PHILLIPS: Okay. So, just out of curiosity, how long have we been temporarily renting that tank for?

MAYOR NYCE: It's a couple of years.

TRUSTEE PHILLIPS: Is it a couple of years?

MAYOR NYCE: Yes. Is there any other discussion on that motion?
MAYOR NYCE: I'll call the vote. All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

Trustee Robins.

TRUSTEE ROBINS: RESOLUTION #09-2013-16,
RESOLUTION authorizing the Village of Greenport to conduct a lottery for permission to hunt deer, via bow and arrow, as per New York State hunting regulations, in the western portion of Moore's Woods, beginning October 1st, 2013; with not more than five people at one time hunting in the western portion of Moore's Woods.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.
TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #09-2013-17, RESOLUTION authorizing David Berson to use the Village of Greenport Old Schoolhouse on Saturday mornings beginning in October 2013 for the Glory Going Green Art, Science and Writing program.

So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: I'd like to thank Mr. Berson and his crew for continuing that program, it's a very -- it's a wonderful program.

All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE MURRAY: RESOLUTION #09-2013-18, RESOLUTION authorizing the reimbursement to Ray Dunbar of the following expenses affiliated with
attendance on August 21st, 2013 at the New York Water Environment Association sponsored Wastewater Treatment License recertification class in Rochester, New York as required by the New York State Department Of state:

$32.00 in tolls, $60.00 class charge, and $446.35 in travel expenses, to be expensed from line item number G.8110.407 (Employee Training).

So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #09-2013-19,

RESOLUTION ratifying the attendance of Ray Dunbar on September 11th, 2013 at the New York Water Environment Association Filament Identification and Control class in Watertown, New York as required by the New York State Department of State, at a cost of:
$15.00 in tolls, $60.00 class charge, and $212.44 in travel expenses, to be expensed from line item number G.8110.407 (Employee Training).

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE ROBINS: RESOLUTION #09-2013-20,

RESOLUTION authorizing Mayor Nyce and Jim Fogarty to attend the NYAPP Annual Conference from September 25th through September 26th, 2013 in Albany, New York at a conference fee of $255.00 per person and room rate of $149.00 per night per person, plus all applicable travel costs, to be expensed from line item number A.1210.400 (Mayor Contractual Expense) for Mayor Nyce, and the line item number E.0781.100 (Executive Department) for Jim Fogarty.

So moved.
TRUSTEE PHILLIPS: Second.

MAYOR NYCE: By way of explanation, Mr. Fogarty and I will be carpooling, and his expense is being paid out of the Director of Utilities' line item, because there was not a line item for him for -- that would cover this.

All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #09-2013-21, RESOLUTION adopting a SEQRA resolution regarding the proposal for Genesys Engineering for services related to the Phase II capital improvement upgrade program at the power plant and adopting lead agency status, determining that the action is an unlisted action, and adopting a negative declaration.

So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.
TRUSTEE HUBBARD: Aye.
TRUSTEE ROBINS: Aye.
TRUSTEE PHILLIPS: Aye.
MAYOR NYCE: Any opposed or abstentions?
(No Response.)
MAYOR NYCE: That motion carries.
TRUSTEE MURRAY: RESOLUTION #09-2013-22,
RESOLUTION accepting the proposal of Genesys
Engineering for services related to the Phase II
capital improvements upgrade program at the power
plant, and further authorizing Attorney Prokop to
create the corresponding contract between Genesys
Engineering and the Village of Greenport, to cover
the work to be performed per the prioritized
recommendations as outlined in the proposal as
prepared by Genesys Engineering.
So moved.
TRUSTEE HUBBARD: Second.
MAYOR NYCE: By way of further explanation on
this, the intent is to have this agreement drawn up
by the Village Attorney. There is -- you'll notice
there is no authorization to execute that
agreement --
TRUSTEE PHILLIPS: That's what I was going to
ask.
MAYOR NYCE: -- which would be the next phase in this. What we need to do is continue to move the project forward, and in order to do so and to have Genesys begin making the bid packages, which we could also refuse, this was the way I was proposing that we go. There will be likely, depending upon the timing of it, there will likely be a special meeting called to execute the contract and review the contract as submitted by the Village Attorney.

TRUSTEE PHILLIPS: So the comments that came from the public earlier were a little misleading in that this resolution still has to come back to us for finalization, correct?

MAYOR NYCE: Absolutely.

TRUSTEE PHILLIPS: Thank you.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #09-2013-23,
RESOLUTION authorizing the creation of both legal and technical bid specifications for Phase II of the capital improvement upgrades program at the power plant, per the prioritized recommendations as outlined in the proposal as prepared by Genesys Engineering to include: And is there something missing there?

MAYOR NYCE: That's the --
TRUSTEE PHILLIPS: Attachment.
MAYOR NYCE: Attached.
TRUSTEE HUBBARD: That's the paper that we got this evening?
MAYOR NYCE: Yes.
TRUSTEE HUBBARD: Okay, the whole form. So that would be --
MAYOR NYCE: The whole form up to -- again, this is -- is there a second on it?
TRUSTEE ROBINS: Yeah, I'll second it.
MAYOR NYCE: Seconded by Trustee Robins.
This is the same prioritized list that we've had since 2005. What has happened, as we've completed items, they have been highlighted. That amount does not carry forward. So we're starting from the top of the priority list still and basically working up to we get to the two million dollar
range.

The other thing that I explained to the
Trustees with this, and I believe said at the Work
Session, was that anything that comes in with this
bid that would have an additional charge from
Genesys will be added to what goes on. So all
we're approving is the beginning stage of putting
these bid specs together. Genesys' fee for that
will be included in the bid specs, and will be
written into the agreement that we further will
approve.

TRUSTEE PHILLIPS: So, in other words, once
again, to clarify --

MAYOR NYCE: Yes, we are --

TRUSTEE PHILLIPS: -- from the comments that
came from the public, that we're not -- we're right
on target.

MAYOR NYCE: Exactly.

TRUSTEE PHILLIPS: We, as the Board, still
have the availability to refuse --

MAYOR NYCE: Yes.

TRUSTEE PHILLIPS: -- or to question --

MAYOR NYCE: Yes.

TRUSTEE PHILLIPS: -- or to stomp our feet,

if we wish to --
MAYOR NYCE: Absolutely.

TRUSTEE PHILLIPS: -- on the proposals and either say yea or nay?

MAYOR NYCE: Absolutely.

TRUSTEE PHILLIPS: Okay. One other question that I just want clarified, because I -- we've had this document for quite a while --

MAYOR NYCE: Yes.

TRUSTEE PHILLIPS: -- as far as this particular spread sheet, so this isn't really anything new, correct?

MAYOR NYCE: No, it's not. The only thing that's been updated is --

TRUSTEE PHILLIPS: Is the highlighted stuff.

MAYOR NYCE: The newer highlighted stuff represents what's been completed in this last portion of the upgrade. And what he also did was in that original proposal, because the proposal was made so long ago --

TRUSTEE PHILLIPS: Right.

MAYOR NYCE: -- five-and-a-half million dollars went a little bit further than it does now. You will notice, as you read through the end of the proposal, there had been in that original proposal monies to upgrade the EMD engines that are at that
plant. We have backed off of that, because we
clearly do not have the money to do that at this
point. At some point, I'm hopeful that the
Electric Fund will be making enough money that we
can complete that portion. But what he's done is
taken the unnecessary work out, just stuck with the
priorities, and staying with the priority as we go
through.

I welcome anybody's input on if there's stuff
in here that we don't think we should prioritize.
He's done it by, as he did from the start, what
needs the most work first to provide safe,
efficient electricity to our customers --

TRUSTEE PHILLIPS: Right.

MAYOR NYCE: -- and to make the plant itself
safe and efficient as well. That's what the
priorities have been. We have -- the engines are
basically rebuilt, the switch gears rebuilt.
There's a redundant transformer.

As a further update, I said at the Work
Session as well, he did meet with the contractors
on that first portion of the project. They had
some punch list items that they will be working on
during the end of this week. We will be
contracting with an outside engineering firm to
commission a transformer, that being the proper way
to go. Rather than having our Engineer commission
it, we should have an outside firm commission that
transformer. All of that is going to be done
within the next several weeks prior to our next
DMNC test, which is early November.

TRUSTEE PHILLIPS: Thank you for that.

MAYOR NYCE: Absolutely.

TRUSTEE HUBBARD: Okay. Now also on this,
that's -- you were not here at the June Work
Session. This is the same list that he proposed to
us at the June Work Session?

MAYOR NYCE: Absolutely.

TRUSTEE HUBBARD: So that should anybody who
had the Work Session reports from that meeting,
when he gave it to us, that should have been
available at that time.

MAYOR NYCE: Absolutely. The list basically
hasn't changed since 2005. The only thing that
changes slightly is the cost of the different
items. And, again, the stuff that has been done
has now been highlighted and backed out of --

TRUSTEE HUBBARD: Okay.

MAYOR NYCE: -- the proposal. Everything
else is still --
TRUSTEE HUBBARD: Because he had the box, and actually he got late to the meeting.

MAYOR NYCE: Yeah.

TRUSTEE HUBBARD: He was last on the agenda.

But this is the same paper he submitted that night.

TRUSTEE PHILLIPS: This is the same paper.

MAYOR NYCE: Absolutely.

TRUSTEE HUBBARD: So that should have been available.

MAYOR NYCE: Yes, it should have been.

TRUSTEE HUBBARD: Okay.

TRUSTEE PHILLIPS: And, to be honest -- TRUSTEE ROBINS: It would be with the Work Session documents, I believe.

MAYOR NYCE: It would be with the Work Session documents, yes.

MR. SWISKEY: It wasn't available to us.

MAYOR NYCE: If there's no further discussion, I will call the vote. All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?
(No Response.)

MAYOR NYCE: That motion carries.

I believe Trustee Robins.

TRUSTEE ROBINS: RESOLUTION #09-2013-24, RESOLUTION approving an increase in the hourly wage rate of William Schultz, from $13.00 per hour to $14.08 per hour, for the assumption of additional duties and responsibilities, as detailed in the current collective bargaining agreement between the Village of Greenport and the CSEA - Article VII - Section 9(a) - Merit Clause.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #09-2013-25, RESOLUTION authorizing Dan Prindle to complete the Re-Certification Cross Connection Control Course to be held at Hydronic Supply located in Copiague, New
York at a cost of $300.00, to be expensed from line
item number F.8310.410 (Employee Training).

So moved.

TRUSTEE MURRAY: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: Motion carries.

TRUSTEE MURRAY: RESOLUTION #09-2013-26,
RESOLUTION hiring John Fudjinski as a full-time
Laborer effective September 24th, 2013 at a pay
rate of $14.00 per hour, for a 40-hour work week,
including all applicable health and retirement
benefits, and with the requisite six-month
probationary period.

So moved.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.
TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE HUBBARD: RESOLUTION #09-2013-27,

RESOLUTION authorizing C & L Concrete Corp to perform curb replacements and install new curbs at various locations throughout the Village of Greenport at a cost of $17.50 per linear foot, and a total cost of approximately $26,075.00, and not to exceed $33,000.00; per the estimate dated August 27th, 2013; to be expensed as follows:

$15,000.00 from line item A.5110.451 (CHIPS), and the balance from A.5110.406 (Sidewalks and Curbs).

So moved.

TRUSTEE ROBINS: Second.

TRUSTEE PHILLIPS: Mayor, I have a question.

This project here is going to be taking place, because we now have an approximate and an exceed -- not-to-exceed-to.

MAYOR NYCE: Yup.

TRUSTEE PHILLIPS: If there should during the project become some question about what needs to be done, or expense, or whatever, are we going to be
receiving as a Board change orders before that
takes place?

MAYOR NYCE: I don't believe it falls into
change order. I think what we did was -- there's
an estimated amount of work to be done. The
Village Administrator was looking for a little bit
of leeway in case it went over or under. It
generally goes over by a couple of feet, but he did
not need to stop the work, get another resolution
to further it. So what I suggested was a
not-to-exceed number, which keeps us within our
procurement policy and allows him a little bit of
leeway. We are strongly suggesting that he not go
over the estimated amount, because we don't have
sufficient funding to cover much more work, but
we're giving him --

TRUSTEE PHILLIPS: I guess I'm looking for a
procedural -- an answer to a procedural question,
because there is this leeway and there is -- this
is going to be going on, and, you know, it's the
push to want to get done. So that if he is getting
near this 33,000, he is in the mindset that he
needs to say, "Stop."

MAYOR NYCE: He is cut off at 33,000. That
was why I put in a not-to-exceed number.
TRUSTEE PHILLIPS: Okay. That's why I'm just checking.

MAYOR NYCE: And I put the not-to-exceed number in as a number that I thought was still -- would still allow the work to be done and was not excessive. If anyone wants to change that number, I'm open to suggestions, but that was the reason for this method.

TRUSTEE PHILLIPS: I don't have a problem with the number. I just want to make sure that the procedure is followed, so that the contractor and our Department Head are both on the same page.

MAYOR NYCE: Absolutely. You're reading that page?

MR. ABATELLI: I am.

MAYOR NYCE: Perfect. If there's no further discussion, I'll call the vote. All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.
TRUSTEE ROBINS: RESOLUTION #09-2013-28,
RESOLUTION authorizing the attendance of David
Abatelli at the New York State Building Officials
Conference in Colonie, New York from October 21st
through 23rd, 2013, at a class fee of $315.00 with
hotel charges not to exceed $280.00, and all
applicable travel costs to be expensed from line
item number A.3620.400 (Safety Inspector
Contractual expense).

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

TRUSTEE PHILLIPS: RESOLUTION #09-2013-29,
RESOLUTION approving all checks per the Voucher
Summary report dated September 18th, 2013, in the
total amount of $471,397.44, consisting of:
All regular checks in the amount of
$416,533.60, and all prepaid checks (including wire
transfers) in the amount of $54,863.84.

So moved.

TRUSTEE MURRAY: Second.

TRUSTEE PHILLIPS: I have one question. Is the Fire Department voucher -- I mean, abstract, did it make it in this time?

MAYOR NYCE: It believe it did.

TRUSTEE PHILLIPS: Oh, okay, because, I mean --

MAYOR NYCE: Yeah, they had a little snag last month.

TRUSTEE PHILLIPS: No. I know they did, that's why I'm asking.

MAYOR NYCE: Yeah. No, it's in this -- it's in this month.

All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: That motion carries.

It being 7:38, that concludes the business for this Board tonight.
I will offer a motion to adjourn to executive session to discuss a personnel issue in the Utilities Department.

TRUSTEE HUBBARD: Second.

MAYOR NYCE: All those in favor?

TRUSTEE MURRAY: Aye.

TRUSTEE HUBBARD: Aye.

TRUSTEE ROBINS: Aye.

TRUSTEE PHILLIPS: Aye.

MAYOR NYCE: Any opposed or abstentions?

(No Response.)

MAYOR NYCE: We are adjourned. Thank you.

(Whereupon the meeting was adjourned at 7:38 p.m.)
CERTIFICATION

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

I, LUCIA BRAATEN, 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 taken
on September 23, 2013.

I further certify that I am not related to
any of the parties to this action by blood or
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 2nd day of October, 2013.

[Signature]

Lucia Braaten
bad 9:12 31:22
balance 47:22
bank 38:15
bargaining 83:9
Barry 10:15 44:6
based 20:16 22:23
basic 64:2,5
basically 7:11
beautiful 16:25
bed 21:3,6
bedrooms 21:4
beige 30:7
believed 63:9 67:19
believing 66:22
beneficiaries 55:2
benefits 84:18
Berson 71:6,12
bess 1:16
best 39:22 65:20
bet 37:17
better 37:18 63:20
beyond 21:25
bicycles 13:13
bid 46:24,25 47:2,2
bidding 42:16
biggest 34:17,17
Bill 35:2 36:3,11,13
36:17,21
Billy 38:18
binding 43:11,13
bit 31:18 33:12
blessing 52:22
blood 91:14
blue 12:17
Board 1:3 2:4,16
2:20 3:18 4:11,18
5:8,19 6:23 9:25
10:13 14:2,20
15:21 17:23 18:4
18:11 20:25 23:9
24:17 27:19 29:7
29:19 30:9 31:17
31:19,20,25 34:25
37:16,25 38:19
41:22 42:15 43:12
43:13 44:1,5,8
45:6,11,12,18,24
46:7,9,47:1 50:8
50:24 55:6 60:5
61:13,17 63:10
65:8 78:19 86:1
89:25
Boards 45:18
Board's 41:15
boat 27:6,6,7,8,14
27:17,21 28:2,5
28:15,20 30:10
31:21 42:18
Bohemia 18:18
books 41:19 62:5
62:23 65:5 66:15
boon 40:7
born 64:14,17
borrow 48:10
borrowed 47:11,18
borrowing 47:14
48:8
boss 11:23
bothers 44:22
bought 16:19 64:15
bow 70:15
box 82:1
Braaten 91:7,23
Brandt 53:11
Braun 35:15 36:19
37:18 38:18,21
39:21
bring 17:1 27:5,8
27:16 34:2 44:7
bringing 6:10 34:4
48:12 66:8
brings 4:4 26:22
8:8
Bruce 27:2
brush 2:22,24,25
budget 33:22 38:8
38:9 51:13 52:9
building 9:2 14:21
15:21 18:1,6,7
41:20 45:7,63:12
63:13 64:5 65:7
65:11 88:3
buildings 18:6
66:10
burden 21:22
bureaucracy 45:15
business 22:2 34:22
89:24
busy 41:21
butts 35:11
B.7.22:15

C
C 85:6 91:1,1
cable 12:13
cablevision 12:14
call 2:4 36:24 37:1
59:18 60:19 61:4
70:2 82:19 87:17
called 2:1 76:8
campground 51:15
capital 35:18 47:9
47:24 48:10,14,17
74:18 75:10 77:3
care 16:22 26:7
61:20
careful 20:11 23:11
caregivers 16:25
carpooling 74:3
carries 24:16 49:16
50:2,19 51:10,25
53:7 54:8,24
55:17 56:8 57:2
58:10,24 59:16
70:10 71:4,22
72:18 73:13 74:14
75:6 76:24 83:2
83:21 84:12 86:5
87:25 88:19 89:23
carry 77:23
case 6:10 19:5 86:7
cases 66:12
cash 47:16,21
48:12,13,16
cast 64:8
catching 69:10
cau$ 25:25 36:22
cause 9:19
celebration 3:14
central 64:18
certain 10:23 22:3
22:12 38:24 55:21
certainly 25:22
certify 91:9,13
challenge 45:10
challenging 19:19
challenge 10:7 59:19
change 27:14 43:9
86:1,4 87:6
changed 16:16,16
27:10 81:19
changes 10:20
25:11 81:20
changing 10:19
57:13
chapter 18:23 19:3
21:11 23:22 57:7
57:25 59:2 60:22
charge 53:23 72:6
73:1 78:5
charges 33:24
38:10 52:24 88:6
check 6:11 12:1

Flynn Stenography & Transcription Service
(631) 727-1107
sat 61:13
Sat 70:15
satellite 9:19
Saturday 71:7
saving 48:2
saying 65:12
says 7:7 11:22
12:11 14:11 24:23
32:22,23 35:8,25
36:2
scan 33:11
schedule 53:10
scheduling 57:4
Schoolhouse 71:7
Schools 55:21
schoolyard 17:2
Schultze 83:6
Science 71:9
scratch 30:4
search 7:21
searches 9:17 21:22
season 3:1 27:9
seasonal 5:13 14:6
14:6 20:10,13
67:13
seated 2:15
second 24:1,3,6,8
27:7 49:8,19
50:11 51:2,17
52:4,10,12 53:21
54:16 55:9,25
56:19 57:11 58:16
59:8 61:1 65:9
68:18 69:9 70:21
71:11 72:10 73:5
74:1,23 75:18
77:17 18:83:13
84:4,21 85:17
88:11 89:3 90:4
seconded 60:19
61:3 77:19
secret 39:25 40:5
section 7:15,15
13:2,2,3,3 83:11
secure 26:13
see 8:25 12:19,21
12:25,25 13:12
13:13 17:22,25
18:4 30:4 36:1
40:8
seeking 22:11
seen 25:13 36:6,8
37:10 63:15 66:20
67:6,7,8
segregation 23:14
select 11:2
selected 44:24 45:1
send 29:21 33:11
sense 29:19 33:14
34:11,12
sent 43:23
September 1:10
2:16 7:5 18:19
49:18 50:24 54:13
55:7 60:24 72:21
73:17,17 84:15
88:22 91:12
SEQRA 35:20 59:1
74:16
serve 28:13 63:25
service 39:20 54:11
54:11 55:2
services 6:7 18:17
19:1 35:17 74:17
75:9
serving 19:9,20
session 1:4 25:6
26:2 29:11,14,15
29:21 30:3,15
31:5 39:11 41:7
42:14 78:4 80:21
81:11,12,15 82:14
82:16 90:2
set 3:10 47:16
91:17
seven 16:5
sheet 79:10
Shelter 28:16
shelters 3:10
shifting 3:23
ship 27:25 42:13
Ships 43:4,19,20,21
46:21
Shook 43:6
show 37:4,6
side 41:25 62:12
sidewalk 13:21
42:25
Sidewalks 85:14
sign 13:19 27:16
54:10
signage 27:23
silence 2:10,14
silly 13:23
similar 21:13 22:15
simple 13:6 43:14
Sincerely 23:18
Sinka 21:11 23:21
Siren 25:4
sit 11:7,9 40:21
46:12
situation 22:12
30:10
six 2:4
Sixth 14:3 38:1
six-month 84:18
size 23:4
slate 26:11
slightly 81:20
small 47:12
smile 33:19 34:23
35:2
smirk 34:23
snap 89:10
SOB 37:22
sold 27:8
sole 66:8
somebody 6:22
11:22 12:2,3,5,15
12:20,22 61:22
somebody's 43:1
someone's 7:25
soon 6:24 69:16
sorry 57:15
Sounding 25:4
south 62:12
Southold 44:11
space 21:6
spaces 17:9
spacey 4:3

speak 4:23 5:1 10:7
12:6,24 16:8 35:3
41:6
special 76:8
specific 13:1 14:11
21:1 41:8 47:6
57:25 64:5
specifically 64:4,6
specifications 77:2
specs 78:8,9
spend 37:11 48:11
48:14
spending 47:22
spent 37:12 47:19
47:20 48:13
spoke 14:17 41:3
sponsored 72:2
spread 79:10
Squad 50:23
SS 91:4
staff 3:17,18 20:24
23:20
stage 64:23 78:7
stagnating 48:20
48:21
stake 11:9
standing 2:10,13
start 26:10 27:15
30:3 63:2 80:11
started 30:22 39:8
47:10 62:8
starting 77:23
state 1:1 4:20 5:4
7:7 20:16 21:25
53:12,16 59:19
67:7 72:5,5,24,24
88:3 91:3,8
status 20:19,20
22:24 23:3 35:20
59:4 74:20
statutory 45:18
stay 23:5
staying 80:7
step 45:8
steps 23:11
stomp 78:24
stood 2:7

Flynn Stenography & Transciption Service
(631) 727-1107
two-and-a-half 47:23 61:14
two-family 16:3

V
vague 57:18
various 85:8
Vehicle 23:7
vehicles 22:19
venture 3:25
verbally 60:7,8,15
VII 83:10

Village 1:1,20,21,22
2:17 3:13 4:7,22
6:2 7:22 8:20,24
11:11,20 12:11,18
13:20,22 14:9,20
14:24 15:3,4,13
17:13 18:2,21,24
19:4 20:15 21:15
21:18,20 22:21
23:9 24:20 30:22
31:20,23 33:1
35:22 38:12 39:20
40:7 41:15,22,24
45:19 46:14 47:10
49:1 50:6,6,7,8
52:3,15 53:18
54:12 55:21 57:8
57:14 59:21 60:2
60:23 61:19 62:3
63:11,16 64:1,16
65:15 67:11 70:13
71:7 75:13,21
76:9 83:10 85:8
86:6

Village's 22:20
violates 8:4
violations 7:23,25
9:6
violations 5:14,15
20:2,3
voice 9:24
voiced 42:8 62:3
voluminous 33:8
volunteers 3:18,19
vote 4:13 14:25
15:10,17,19 38:3
39:15,23 40:11,13
40:20,21,23 41:17
41:18 59:18,20
61:5,7,23 63:5,7,8
64:9,11 66:2,24
68:1 70:2 82:19
87:17
voted 43:13 46:6
votes 43:12
voting 37:9,10
62:23
Voyage 43:22

W
wage 83:5
wait 25:17 32:12
35:10
waiting 25:24
walk 13:11
want 3:16,24 7:7,9
9:14,23 11:21
25:2 27:13 28:18
33:19 34:24 43:10
79:6 86:21 87:10
wanted 6:22 42:7
59:20,22 64:13
wants 87:6
Wardens 50:24
55:6
warrantless 7:21
9:17 21:21
wasn't 62:1 82:17
Wastewater 72:2
watched 64:20
water 28:18 72:2
72:21
Watertown 72:23
way 33:21 34:2
40:13 52:13 57:12
74:2 75:19 76:5
81:1 91:15
weather 3:21 4:2
website 19:22
week 31:5 39:11,11
39:15 61:13 80:24
84:16
weeks 33:5 81:5
welcome 80:9
welfare 66:9
went 35:22 47:11
67:1,3,15 68:1
79:22 86:7
weren't 27:19
West 27:22,23
western 70:16,18
wetland 24:23 49:5
wetlands 38:5 49:4
57:7,13
we'll 2:21 4:25 6:24
27:1 29:13 31:14
35:9,11 43:7
60:18
were 7:21 15:11
26:5 27:8 29:3,10
42:24 43:10 44:14
62:13,15,17 77:23
78:7,16,16 86:16
we've 7:14 25:12
25:24 39:7 47:20
61:16,20 62:7,7,9
64:16 77:20,21
79:6
WHEREOF 91:17
whistle 2:3
white 12:17
wholesale 68:14,15
68:19,21 69:2,4
William 83:6
willing 41:5
Windwatch 53:12
winter 14:9,14
wire 88:25
wish 36:18 37:24
78:25
wishes 4:25 5:19
10:12 14:1 15:20
18:10 31:16 44:4
45:23 65:10
wishing 4:22
WITNESS 91:17
woman 16:5
wonderful 16:20
17:22 71:14
Woods 70:17,19

Flynn Stenography & Transcription Service
(361) 727-1107
wording 10:19
words 6:21 78:12
work 14:22 25:6
26:2 29:14,15,21
30:3,15 31:5
39:10 42:14 47:12
48:1 75:14 78:3
80:6,12,20 81:10
81:12,15 82:13,15
84:16 86:5,9,15
87:5
worked 63:11
workers 12:3
working 8:17 39:7
77:25 80:23
workload 9:4 14:22
works 45:17
worth 48:1,8
wouldn't 33:13
40:2,3,4 65:25
writing 18:25 71:9
written 11:15 27:12
33:15 66:12,24
67:12,25 78:10
wrong 12:5 27:20
wrote 16:8 60:14
www.LIFairHou...
19:23
X
x 1:2,6
Y
yard 13:13 16:14
16:25
yep 79:3
Yeah 25:22 31:6
33:19 37:1 43:8
46:15 77:18 82:3
89:10,14
year 27:15 38:8
42:17 48:16 52:19
62:8 68:17,22
69:7
years 19:9 20:20
27:4 34:22 63:13
63:14,19 64:20
65:8,9 66:8,21
69:22,23
year-round 8:7
20:7,11,12
York 1:19 6:3
18:18,22 21:12
47:7 52:21 53:11
53:13,16,18 70:15
72:1,14,4,21,23,24
73:18 84:1 88:3,4
91:3,8
York's 21:17
you's 39:12
Yup 30:24 68:24
69:13 85:22
Z
ZBA 25:1 45:17
Zoning 61:13,17
S
$0.10 68:13,19 69:1
$1,755 68:20
$1,950 69:4
$13,00 83:6
$14,00 84:16
$14,08 83:7
$149.00 73:19
$1,500,00 85:13
$15,000 73:1
$17,50 85:9
$170.00 53:13
$200,000 43:8
$212.44 73:2
$251,909 52:7
$255.00 73:18
$26,075.00 85:10
$280,408 34:6
$280.00 88:6
$3,380 68:15
$300.00 84:1
$315.00 88:5
$32.00 72:6
$33,000.00 85:11
$40,000 35:12
$416,533.60 88:25
$446.35 72:7
$471,397.44 88:23
$5,000 10:21,22
$54,863.84 89:1
$60,00 72:6 73:1
#09-2013-10 56:9
#09-2013-11 57:3
#09-2013-12 58:11
#09-2013-13 58:25
#09-2013-14 60:20
#09-2013-15 68:7
#09-2013-16 70:12
#09-2013-17 71:5
#09-2013-18 71:23
#09-2013-19 72:19
#09-2013-20 73:14
#09-2013-21 74:15
#09-2013-22 75:7
#09-2013-23 76:25
#09-2013-24 83:4
#09-2013-25 83:22
#09-2013-26 84:13
#09-2013-27 85:5
#09-2013-28 88:1
#09-2013-29 88:20
#09-2013-30 50:20
#09-2013-31 51:11
#09-2013-5 52:1
#09-2013-6 53:8
#09-2013-7 54:9
#09-2013-8 54:25
#09-2013-9 55:18
#13 24:19
#6 59:2 60:21
#09-2013-2 50:4
1
1st 2:23 27:15
70:17
1,000 34:16
1:00 56:16
10 12:3
100 28:21
103 18:23 19:3 20:1
59:2 60:22
103-12(e) 22:5
103-13 22:9
103-16 22:16
103-17(6) 22:16
23:8
103-19(a) 23:1
103-19(b) 23:7
103-4 21:3
103-7 21:10
103-8 22:15
104,000 34:9
11th 72:21
110 29:1,4
11944 18:22
12th 78:27
13,500 68:21
14 24:20 60:18
14th 3:13
142 57:7
149 29:6
15 63:19
15,000 69:5
17th 7:5
1705 6:2
18 20:20 33:9 50:24
55:7,22
18th 88:22
19B 27:2
2
2 10:3
3 10:12
2nd 91:8
2.4 47:18
2:15 56:17
20 33:9 40:12
20th 56:16
2005 36:11,14 39:2
39:5,14 47:4
77:21 81:19
2008 47:11
2012 27:5
2013 1:10 18:19
49:18 50:25 53:11
53:15 54:14 55:7
55:22 56:16 57:5
58:13 59:2 60:21
60:24 68:8,10
70:17 71:8 72:1
72:21 73:17 84:15
85:12 88:5,22
91:12,18
2013-5 32:17
2013/2014 54:11
2014 27:9 38:8
2015 42:14
21 35:16
21st 72:1 88:4
22 35:16
23 1:10 35:16 53:15
91:12
23rd 18:19 88:5
236 18:21
24 65:14
24th 84:15
25th 57:5 73:17
26th 73:17
26,000 68:16
27th 85:12
3
30 32:12 35:12
30th 68:10
33,000 86:22,24
4
40 34:10,22
40-hour 84:16
400 8:23
44 19:9
5
5.5 47:9
5:45 55:22
543 5:6
6
6 54:13
6:00 1:11 2:2 57:5
6:15 55:22
631 3:5,6
640 18:17
7
7 21:10