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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK STATE OF NEW YORK

-----x

PLANNING BOARD

REGULAR SESSION

-----x

Third Street Firehouse
Greenport, New York

July 5, 2018
4:05 p.m.

B E F O R E :

MARY GIVEN - CHAIRWOMAN

BRADLEY BURNS - MEMBER

NOAH THOMAS - MEMBER

WALTER FOOTE - MEMBER

JOHN COTUNGO - MEMBER

PAUL PALLAS - VILLAGE ADMINISTRATOR

ROBERT CONNOLLY - VILLAGE ATTORNEY

KRISTINA LINGG - BUILDING CLERK

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INDEX

ITEM	DESCRIPTION	PAGE
1	411 First Street	3
2	409 Main Street	18

1 Regular meeting - 7-5-18

2 CHAIRWOMAN GIVEN: We're going to
3 commence the July 5, 2018 Planning
4 Board Regular Session at 4:05.

5 Item number 1, 411 First Street.

6 Discussion and possible motion on
7 the site plan review of Kirk Services,
8 LLC, represented by David Murray.

9 The application for the approval
10 of a conversion from a residential use
11 to a permitted commercial use for
12 property located at 411 First Street.

13 The property is located in the
14 Commercial Retail District, and it's
15 designated Suffolk County tax map
16 number 1001-4-6-35.

17 And I open it up for the Board to
18 discuss it. Does anybody have any
19 comments, suggestions, discussions?

20 MR. FOOTE: I want to add to the
21 record, it's been brought up a couple
22 of times on the application, but my one
23 concern is parking and particularly the
24 larger vehicles that typically come
25 into these types of locations, such as

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(631) 727-1107

1 Regular meeting - 7-5-18

2 limousines and/or buses and that any
3 approval or any plan that's submitted,
4 I think, if it's to be approved by me,
5 I would want it to expressly provide
6 for regulation of that activity; and it
7 may be as simple as requiring that
8 those vehicles not idle on local
9 streets, but be required to go to a
10 designated area outside of the Village
11 to park until the they're ready to
12 return.

13 The applicant itself proposed
14 having a similar requirement posted on
15 their website, which is a good start,
16 but I think it's important that
17 whatever application that we vote on
18 also expressly be qualified with
19 similar language.

20 CHAIRWOMAN GIVEN: Okay.

21 Noah, do you have anything you
22 want to say?

23 MR. THOMAS: I agree with that.
24 Moores Lane or somewhere, not clogging
25 the streets.

1 Regular meeting - 7-5-18

2 CHAIRWOMAN GIVEN: Did you have
3 any other --

4 MR. THOMAS: No.

5 CHAIRWOMAN GIVEN: You're
6 satisfied with them not putting a
7 stipulation on the hours of operation?

8 MR. THOMAS: I think the hours are
9 fine.

10 MR. COTUNGO: I know there was a
11 question about how the apartment is
12 going to be utilized, but I can't
13 remember the answer.

14 Does anybody remember the answer,
15 how the apartment may be used?

16 CHAIRWOMAN GIVEN: I don't think
17 we received a real crystal clear answer
18 on that. It was kind of left open. If
19 it was to be rented, it would be rented
20 year round.

21 Was that --

22 MR. PALLAS: I wasn't sure what
23 the question was.

24 CHAIRWOMAN GIVEN: The question
25 is, what came to be about the

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Regular meeting - 7-5-18

apartment?

MR. PALLAS: I don't know specifically.

MR. CONNOLLY: I thought that they said they would use it for year round, not on a seasonal basis.

CHAIRWOMAN GIVEN: Right. That is my understanding as well.

MR. COTUNGO: I also forgot if they were going to sell other alcohol and beverages other than wine.

CHAIRWOMAN GIVEN: I believe they were.

MR. CONNOLLY: But that's permitted under the New York Agricultural and Markets Law for the type of license that they have. They don't just have to sell wine, they have to sell spirits that are grown locally or local to the region. So we can't, you know, preempt State law.

CHAIRWOMAN GIVEN: And?

MR. COTUNGO: I received a letter about the shrubs and arborvitaes,

1 Regular meeting - 7-5-18

2 four-and-a-half feet apart staggered.
3 We should just note the height that we
4 should require for that. I know
5 arborvitaes grow pretty fast, but they
6 should start at six feet tall.

7 CHAIRWOMAN GIVEN: Okay. You want
8 their landscaping plan to designate
9 that they will start at least six feet
10 tall?

11 MR. COTUNGO: I believe that's the
12 minimum.

13 CHAIRWOMAN GIVEN: Ben?

14 MR. BURNS: I think this is an
15 illustration of the kind of problem
16 that we are running into as legitimate
17 commercial ventures get closer to
18 residents and their parking and their
19 place. I'm not sure, maybe that's a
20 good answer for this, have the trucks
21 go someplace else.

22 Do we have the --

23 CHAIRWOMAN GIVEN: The authority.

24 MR. BURNS: Thank you.

25 I just came back from a five-day

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Regular meeting - 7-5-18

wedding.

CHAIRWOMAN GIVEN: Wow, that was a hell of a wedding.

MR. BURNS: It seems to me that parking and trucks and so forth is a community issue. We need to work with the Board, finding out some answers about maybe parking the trucks somewhere else is the answer. Where is another problem.

CHAIRWOMAN GIVEN: When you say trucks, what are you referring to?

MR. BURNS: Well --

CHAIRWOMAN GIVEN: He's strictly referring to limousines and buses, he's referring to larger vehicles that are going to be transporting patrons to the establishment. I'm hearing truck from you and I'm wondering if you mean, quote/unquote, delivery trucks.

MR. BURNS: It's a commercial venture, there's gonna be deliveries, so what do they do? Will they come a certain time? Can we limit it? Can we

1 Regular meeting - 7-5-18
2 arbitrarily do something? I don't
3 know, but it's a question.

4 CHAIRWOMAN GIVEN: Right. I
5 understand.

6 MR. BURNS: It needs to go to the
7 Board. We need to work it out with the
8 community, agreed?

9 CHAIRWOMAN GIVEN: Agreed.

10 MR. BURNS: I also think we need
11 to have a clear idea of what's going to
12 happen there. How long they're going
13 to -- how long a day is it going to be.

14 CHAIRWOMAN GIVEN: Hours of
15 operation; is that your point?

16 MR. BURNS: Yes.

17 CHAIRWOMAN GIVEN: Okay.

18 Are you asking for any specific
19 clearcut answer for the apartment?

20 MR. BURNS: No. An apartment is
21 an apartment and that's it.

22 CHAIRWOMAN GIVEN: Just the
23 business portion of this venture?

24 MR. BURNS: Yes.

25 CHAIRWOMAN GIVEN: Okay.

1 Regular meeting - 7-5-18

2 With those questions needing
3 answers --

4 MR. FOOTE: We talked about hours
5 of operation at our prior meeting and I
6 --

7 CHAIRWOMAN GIVEN: Okay, do you
8 remember what --

9 MR. FOOTE: Yeah. My memory is
10 that we discussed comparing what
11 they're intending to do here versus
12 where you would typically have a wine
13 tasting place outside of the Village,
14 and those places typically close at
15 5:00 or 6:00. There was a strong
16 indication on their part that they
17 would like to stay open later and, you
18 know, if you look at the restaurants
19 that serve, like, for example, First
20 and South right next door, I'm sure
21 they serve liquor beyond 11 o'clock at
22 night; and I believe that their
23 proposed hours -- to me, actually in
24 the context of being a place in the
25 Village, that seemed reasonable to me.

1 Regular meeting - 7-5-18

2 If they were not going to be open -- I
3 think it's Monday or Sunday through
4 Thursday, I believe till 10:00 and then
5 Friday and Saturday till 11:00, as I
6 recall; that, to me, struck me as in
7 the context of being in the Village,
8 that's a reasonable request. They
9 could have tried to say, hey, we'd like
10 to stay open to 2:00 in the morning
11 just like Whiskey Wind and I would have
12 a problem with that. I thought that
13 they came up with a, what struck me as
14 a reasonable proposal.

15 MR. CONNOLLY: It's also important
16 to remember that this is a permitted
17 use, it's not a pre-existing
18 nonconforming use coming into a
19 residential neighborhood, so your
20 actions on hours of operation are
21 severely limited. That's a legislative
22 action that would have to be addressed
23 by the Village Board to deal with
24 limiting hours of operation.

25 MR. FOOTE: Are you saying that we

1 Regular meeting - 7-5-18

2 can never qualify an approval based
3 upon hours of operation?

4 MR. CONNOLLY: Not if it's not
5 voluntarily given by the applicant;
6 that's something that needs to be
7 addressed at the Village Board level.

8 MR. FOOTE: Understood, but if a
9 Board member didn't like what was being
10 voluntarily offered, he can say no. If
11 I don't like the hours, I can say no,
12 so it's not like --

13 MR. CONNOLLY: The case law says
14 that planning boards don't have the
15 power to regulate hours of operation
16 when it's a permitted use and there's
17 no Village code ordinance or anything
18 like that.

19 MR. FOOTE: But they have the
20 right to say no if they think it's --

21 CHAIRWOMAN GIVEN: They --

22 MR. FOOTE: -- the circumstances
23 are excessive. It's kind of a -- we're
24 talking sort of hypothetically because
25 based upon what that proposes, I

1 Regular meeting - 7-5-18

2 personally think those hours are fine,
3 but I take your point. Thank you for
4 clarifying that.

5 MR. BURNS: That's why I
6 recommended the Board having some input
7 in this kind of, maybe not this one,
8 but hours of operation and the details
9 as opposed to having an open kind of
10 thing. This is a commercial zone,
11 anything goes, and we don't have the
12 authority to say you can't, but the
13 Board can.

14 CHAIRWOMAN GIVEN: With these new
15 things that we've brought out to the
16 light now, do we want to proceed with
17 the vote tonight; do I have a motion to
18 move forward or how do we want to
19 proceed?

20 Are you looking at me?

21 MR. CONNOLLY: Well, I think, you
22 know, you have all the information, the
23 public hearing has been closed, you
24 have all the information that you're
25 gonna have. I think at this point, you

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Regular meeting - 7-5-18

have to take the vote.

CHAIRWOMAN GIVEN: Okay. We can make the condition of what about the delivery -- what about the vans and Walter's point of not having them parked and idle on.

MR. COTUNGO: I think from what I heard, whatever, whether you're going to approve this, it's on the condition on the six-foot tall arborvitaes and --

CHAIRWOMAN GIVEN: Right, at least, yes.

MR. CONNOLLY: You might want to condition it on requiring a sign to inform the limos and buses that if they're going to visit the premises, they have to do it by appointment prior to visiting the location.

CHAIRWOMAN GIVEN: I'm sorry?

MR. CONNOLLY: Have them have a sign on the premises that buses and limos have to make an appointment to drop off.

CHAIRWOMAN GIVEN: Okay.

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Regular meeting - 7-5-18

That's all well and good.

Now his point of them not parking and idling on Village streets to have them --

MR. CONNOLLY: Idling is handled in the New York State Vehicle and Traffic Law as well as in the Environmental Conservation Law which prohibits engines from idling for five minutes or longer. We can obviously put it in the decision and reference those two provisions of the code as well as it's also addressed in the Villae code already.

CHAIRWOMAN GIVEN: It is.

MR. FOOTE: Can we also put into it that they should give them advisement on where they should be parking and not be parking?

MR. CONNOLLY: We can do that, but --

MR. FOOTE: I would like that in there.

CHAIRWOMAN GIVEN: Okay.

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Regular meeting - 7-5-18

Would you like to make a motion?

MR. FOOTE: I move that we vote on
it.

CHAIRWOMAN GIVEN: I understand
that.

Do you want to make the motion as
to what exactly we'll be voting on?

MR. FOOTE: Voting on this
application.

CHAIRWOMAN GIVEN: Uh-huh. And do
you want to -- that's right. I'm
trying to get you involved.

Do you want to set your conditions
on that motion?

MR. FOOTE: Yeah.

I motion that the application
include a provision for off-site
parking, that be part of the
application.

CHAIRWOMAN GIVEN: Thank you.

Should I make that motion? He
made the motion on the table; how do I
amend it?

MR. CONNOLLY: Does anybody else

1 Regular meeting - 7-5-18

2 have any conditions?

3 CHAIRWOMAN GIVEN: Yes. His
4 condition, the arborvitaes be at least
5 a minimum of six feet tall at the onset
6 of planting.

7 Anyone else have a condition?

8 MR. COTUNGO: He said you can say
9 the thing about the parking, the sign.

10 CHAIRWOMAN GIVEN: Have a sign
11 that anyone transporting limos, buses
12 have to do so by appointment. And the
13 sign has to be posted on the property
14 stating such and hopefully their
15 website as well.

16 So that's our motion for approval
17 based on those conditions.

18 Do I have a second to the motion?

19 MR. BURNS: We don't have the
20 authority to say buses and limos must
21 have previous appointments.

22 MR. CONNOLLY: That's what the
23 sign is gonna indicate.

24 MR. BURNS: If they take care of
25 it, that's fine.

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Regular meeting - 7-5-18

CHAIRWOMAN GIVEN: Do I have a second?

MR. BURNS: Second.

CHAIRWOMAN GIVEN: All those in favor of the application and the conditions for approval for this application, say aye.

MR. FOOTE: Aye.

MR. BURNS: Aye.

MR. COTUNGO: Aye.

MR. THOMAS: Aye.

CHAIRWOMAN GIVEN: Motion carried.

Okay. Next up is item number 2, 409 Main Street.

Discussion and possible motion on the site plan review of J&J Impact Hospitality LLC represented by Brooke Epperson.

The application is for the approval of a conversion from a vacant commercial space to a restaurant for the property located at 409 Main Street.

The property is located in the
Flynn Stenography & Transcription Service
(631) 727-1107

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Regular meeting - 7-5-18
Commercial Retail District. The
property is also located in the
Historic District.

Suffolk County tax map number
1001-4-7-12.

I don't see Brooke here, right?

AUDIENCE MEMBER: Yeah. She
couldn't make it.

CHAIRWOMAN GIVEN: Any discussion,
ideas, thoughts, conditions?

I don't know if you all received
the e-mail Jessica -- Jessica was here
last time. She talked about the hours
of the kitchen, the dining room, and
since then an e-mail has come through
that states the hours for the kitchen
closure is 1:15 and the dining room is
2:00. I didn't know. That's somewhat
different than what she had verbally
discussed with us. It's a little later
than we were previously hearing. I
don't know how your thoughts are.

MR. COTUNGO: Is that Village
ordinance to close at that time?

1 Regular meeting - 7-5-18

2 CHAIRWOMAN GIVEN: No, I don't
3 think it is. Is it, Paul?

4 MR. PALLAS: There's no specific
5 time.

6 CHAIRWOMAN GIVEN: There is none.

7 MR. FOOTE: Well, it struck me as
8 kind of late to --

9 CHAIRWOMAN GIVEN: Right.

10 MR. FOOTE: -- have a kitchen open
11 and a dining room and I understand the
12 proprietor's idea. I think she's
13 interested in being a place for a lot
14 of staff workers who are finished
15 working their own hours, not getting
16 out until 11:00 at night and be able to
17 serve them. That's kind of an
18 interesting and smart and even noble
19 kind of a thing, but my concern is the
20 residence above you, in the building
21 there a residential apartment above it,
22 and I'm just wondering if those hours
23 are a little bit too aggressive.

24 I mean, in Greenport on a weekend
25 night in the summer, there are people

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Regular meeting - 7-5-18

walking around and it's loud, so I don't want to be naive about it either.

I'm kind of talking to myself right now. Sorry about that.

You know, I was a little disappointed to see it that late. I think you should cut it back. I would say midnight is even kind of late, but I feel more comfortable saying midnight personally.

CHAIRWOMAN GIVEN: Again, are we authorized to say --

MR. CONNOLLY: I thought at the last meeting they offered hours that were not as late as --

CHAIRWOMAN GIVEN: Yes, I remember that. That's why I'm saying it's different than when she verbally spoke to us about it.

MR. FOOTE: I mean, even if you were able to serve until midnight -- I'm sorry, Lucy, did I interrupt?

CHAIRWOMAN GIVEN: That's okay.

MR. FOOTE: Even if you were able

1 Regular meeting - 7-5-18

2 to serve until midnight, you'd still be
3 able to capture that business, not
4 quite as much, but you'd still have an
5 hour or two.

6 CHAIRWOMAN GIVEN: But that
7 theory, that's -- I've been a waitress
8 and you always get a shift meal where
9 work -- so I really don't see people
10 that are working at other restaurants
11 going out to pay for a meal. That's
12 what my --

13 MR. COTUNGO: They usually go out
14 to drink.

15 CHAIRWOMAN GIVEN: Absolutely a
16 drink. My God, yes.

17 MR. COTUNGO: I worked in --

18 CHAIRWOMAN GIVEN: But the shift
19 meal was free, you know, and we didn't
20 go out to eat; we ate where we worked.

21 AUDIENCE MEMBER: That's usually
22 in the beginning of the evening.

23 CHAIRWOMAN GIVEN: I'm sorry?

24 AUDIENCE MEMBER: That's usually
25 in the beginning of the evening.

1 Regular meeting - 7-5-18

2 CHAIRWOMAN GIVEN: No, you get it
3 after your shift is over, that's all
4 I'm saying. I'm just, I mean -- would
5 you like to respond to us?

6 Can she respond?

7 MR. CONNOLLY: No. The public
8 hearing is closed.

9 CHAIRWOMAN GIVEN: Okay, so we're
10 just gonna talk about it.

11 MR. FOOTE: Yeah, we're talking
12 about it.

13 CHAIRWOMAN GIVEN: Yeah.

14 The fact that -- I agree because
15 when Jessica spoke to us, I remember
16 clearly, I don't want to be at the
17 restaurant until 2 o'clock in the
18 morning.

19 Do you remember, you know, you
20 were concerned about it going --

21 AUDIENCE MEMBER: (Inaudible.) He
22 brought up 4 o'clock and she said no.
23 He said, we'll start there and go back.
24 And then we did, we actually went to
25 close the kitchen at 1:15 and then

1 Regular meeting - 7-5-18

2 hopefully the diners finish by 2:00.

3 CHAIRWOMAN GIVEN: I don't have
4 the minutes in front of me. I just
5 know that it's later than what she
6 planned.

7 Thank you.

8 Paul, just to address this
9 administrative issue that you were
10 going to deal with.

11 MR. PALLAS: There's actually
12 three, there's two issues I brought up
13 last week, one had to do with handicap
14 access and the other was the handling
15 of garbage. Both of those issues were
16 adequately addressed. This current
17 site plan you all received covers both
18 of those issues adequately as far as
19 I'm concerned.

20 The one issue that, I apologize, I
21 did not do anything about, was the
22 short form EAF that was submitted, and
23 it can be, it's a minor error which I
24 will correct with the applicant. The
25 issue is not enough for me to say you

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Regular meeting - 7-5-18

shouldn't approve it.

CHAIRWOMAN GIVEN: We received the letter from the architect, I think the architect, about the garbage.

MR. PALLAS: Yes. This combined with the site plan notes covers the issue we were concerned about.

CHAIRWOMAN GIVEN: Okay, but you wanted it stamped.

MR. PALLAS: Again, we will get it stamped for the file. We will follow up on this administratively.

CHAIRWOMAN GIVEN: Okay.

Ben?

MR. BURNS: I'm cool with it.

CHAIRWOMAN GIVEN: You're good.

John?

MR. COTUNGO: I assume somehow they reviewed the handicap access, I know my job is not the building inspector, but I still don't think it complies with handicap, both the ramp and the toilet. The ramp, you have to have five feet, at least five feet of

1 Regular meeting - 7-5-18

2 level ground or more, you just can't
3 ramp right to the door. You have to
4 have level ground, then door. They're
5 showing a ramp right to the door, that
6 doesn't meet code, it's not safe.

7 MR. PALLAS: We will review it and
8 make sure it meets code.

9 MR. COTUNGO: That's fine.

10 MR. FOOTE: Okay.

11 I noticed in the plans, you
12 included the fire suppression system
13 and it's my understanding it's at
14 building code issued to make sure it's
15 in compliance, but, you know, the fact
16 that there is residential units above
17 it, all the more reason it's got to be
18 really good, you know. At least as
19 good as code or maybe even better, just
20 to protect yourself. That's not really
21 more than just an advisement just to
22 please be very sensitive to that.

23 CHAIRWOMAN GIVEN: Anyone want to
24 make a motion on this application?

25 MR. COTUNGO: Yes.

1 Regular meeting - 7-5-18

2 I want to make a motion to approve
3 the application assuming that it meets
4 the New York State Building Code and
5 fire suppression, sprinkler, Board of
6 Health, all the requirements.

7 CHAIRWOMAN GIVEN: And the stamped
8 letter from the architect about the
9 garbage disposal.

10 Do I have a second to the motion
11 on the table?

12 MR. FOOTE: Second.

13 CHAIRWOMAN GIVEN: All those in
14 favor?

15 MR. FOOTE: Aye.

16 MR. BURNS: Aye.

17 MR. THOMAS: Aye.

18 MR. COTUNGO: Aye.

19 CHAIRWOMAN GIVEN: Motion carried.

20 Item number 3, at 4:30, we adjourn
21 to executive session.

22 MR. COTUNGO: Just make a motion
23 to go into executive session.

24 CHAIRWOMAN GIVEN: I make a motion
25 to adjourn to executive session.

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Regular meeting - 7-5-18

Do I have a second?

MR. THOMAS: Second.

CHAIRWOMAN GIVEN: Okay, executive session.

(Whereupon, the Board adjourned for executive session from 4:30 p.m. until 4:40 p.m.)

(Time noted: 4:40 p.m.)

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C E R T I F I C A T E

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

I, STEPHANIE O'KEEFFE, a Reporter and Notary Public within and for the State of New York, do hereby certify that the within is a true and accurate transcript of the proceedings taken on July 5, 2018.

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 5th day of July, 2018.

STEPHANIE O'KEEFFE

AUDIENCE MEMBER: [4]
19/7 22/20 22/23 23/20
CHAIRWOMAN GIVEN: [63]
MR. BURNS: [17] 7/13 7/23
8/4 8/13 8/21 9/5 9/9 9/15 9/19
9/23 13/4 17/18 17/23 18/3
18/9 25/15 27/15
MR. CONNOLLY: [14] 6/4
6/14 11/14 12/3 12/12 13/20
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MR. COTUNGO: [15] 5/9 6/9
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19/23 22/12 22/16 25/18 26/8
26/24 27/17 27/21
MR. FOOTE: [21] 3/19 10/3
10/8 11/24 12/7 12/18 12/21
15/16 15/22 16/2 16/8 16/15
18/8 20/6 20/9 21/20 21/24
23/10 26/9 27/11 27/14
MR. PALLAS: [7] 5/21 6/2
20/3 24/10 25/5 25/10 26/6
MR. THOMAS: [6] 4/22 5/3 5/7
18/11 27/16 28/2

-

-----x [2] 1/3 1/6

1
1001-4-6-35 [1] 3/16
1001-4-7-12 [1] 19/6
10:00 [1] 11/4
11 o'clock [1] 10/21
11:00 [2] 11/5 20/16
12 [1] 19/6
18 [1] 2/6
1:15 [2] 19/18 23/25

2
2018 [4] 1/8 3/3 29/10 29/16
2:00 [3] 11/10 19/19 24/2

3
35 [1] 3/16

4
409 [3] 2/6 18/15 18/23
411 [3] 2/5 3/5 3/12
4:05 [2] 1/8 3/4
4:30 [2] 27/20 28/7
4:40 [2] 28/8 28/9

5
5:00 [1] 10/15
5th [1] 29/15

6
6:00 [1] 10/15

A
able [4] 20/16 21/22 21/25 22/3
about [19] 5/11 5/25 6/25 8/9
10/4 14/4 14/5 17/9 19/14 21/3
21/5 21/20 23/10 23/12 23/20
24/21 25/5 25/8 27/8
about it [1] 23/10
above [3] 20/20 20/21 26/16
Absolutely [1] 22/15
access [2] 24/14 25/20
accurate [1] 29/9
action [2] 11/22 29/12
actions [1] 11/20
activity [1] 4/6
actually [3] 10/23 23/24 24/11
add [1] 3/20
address [1] 24/8
addressed [4] 11/22 12/7
15/14 24/16

adequately [2] 24/16 24/18
adjourn [2] 27/20 27/25
adjourned [1] 28/6
administrative [1] 24/9
administratively [1] 25/13
ADMINISTRATOR [1] 1/17
advisement [2] 15/19 26/21
after [1] 23/3
Again [2] 21/12 25/11
aggressive [1] 20/23
agree [2] 4/23 23/14
agreed [2] 9/8 9/9
Agricultural [1] 6/17
alcohol [1] 6/11
all [10] 13/22 13/24 15/2 18/5
19/12 23/3 24/17 26/17 27/6
27/13

already [1] 15/15
also [7] 4/18 6/10 9/10 11/15
15/14 15/17 19/3
always [1] 22/8
am [2] 29/11 29/13
amend [1] 16/24
and/or [1] 4/2
another [1] 8/11
answer [6] 5/13 5/14 5/17 7/20
8/10 9/19
answers [2] 8/8 10/3

any [8] 3/18 4/2 4/3 5/3 9/18
17/2 19/10 29/11
anybody [3] 3/18 5/14 16/25
anyone [3] 17/7 17/11 26/23
anything [4] 4/21 12/17 13/11
24/21
apart [1] 7/2
apartment [7] 5/11 5/15 6/2
9/19 9/20 9/21 20/21
apologize [1] 24/20
applicant [3] 4/13 12/5 24/24
application [11] 3/9 3/22 4/17
16/10 16/17 16/20 18/6 18/8
18/20 26/24 27/3
appointment [3] 14/18 14/23
17/12
appointments [1] 17/21
approval [6] 3/9 4/3 12/2 17/16
18/7 18/21
approve [3] 14/10 25/2 27/2
approved [1] 4/4
arbitrarily [1] 9/2
arborvitaes [4] 6/25 7/5 14/11
17/4
architect [3] 25/4 25/5 27/8
are [17] 5/8 6/20 7/16 8/13 8/17
9/18 11/20 11/25 12/23 13/2
13/20 19/23 20/14 20/23 20/25
21/12 22/10
area [1] 4/10
around [1] 21/2
as [23] 3/25 4/7 4/7 6/9 7/16
11/5 11/6 11/13 13/9 15/8 15/8
15/13 15/14 16/7 17/15 20/7
21/16 21/16 22/4 24/18 24/18
26/18 26/19
asking [1] 9/18
assume [1] 25/19
assuming [1] 27/3
ate [1] 22/20
ATTORNEY [1] 1/18
authority [3] 7/23 13/12 17/20
authorized [1] 21/13
aye [9] 18/8 18/9 18/10 18/11
18/12 27/15 27/16 27/17 27/18

B
back [3] 7/25 21/8 23/23
based [3] 12/2 12/25 17/17
basis [1] 6/7
be [28] 4/4 4/7 4/9 4/18 5/12
5/15 5/19 5/19 5/25 8/18 8/23
9/13 11/2 11/22 12/6 15/19
15/20 16/8 16/19 17/4 17/13
20/16 21/3 22/2 23/16 24/23

B

be... [2] 26/17 26/22
because [2] 12/24 23/14
been [3] 3/21 13/23 22/7
beginning [2] 22/22 22/25
being [4] 10/24 11/7 12/9 20/13
believe [4] 6/13 7/11 10/22 11/4
Ben [2] 7/13 25/15
better [1] 26/19
beverages [1] 6/12
beyond [1] 10/21
bit [1] 20/23
blood [1] 29/12
BOARD [12] 1/4 3/4 3/17 8/8 9/7 11/23 12/7 12/9 13/6 13/13 27/5 28/6
boards [1] 12/14
both [3] 24/15 24/17 25/23
BRADLEY [1] 1/12
Brooke [2] 18/18 19/7
brought [4] 3/21 13/15 23/22 24/12
building [5] 1/19 20/20 25/21 26/14 27/4
BURNS [1] 1/12
buses [6] 4/2 8/16 14/16 14/22 17/11 17/20
business [2] 9/23 22/3

C

came [3] 5/25 7/25 11/13
can [13] 8/25 8/25 12/2 12/10 12/11 13/13 14/3 15/11 15/17 15/21 17/8 23/6 24/23
can't [4] 5/12 6/21 13/12 26/2
capture [1] 22/3
care [1] 17/24
carried [2] 18/13 27/19
case [1] 12/13
certain [1] 8/25
certify [2] 29/8 29/11
CHAIRWOMAN [1] 1/11
circumstances [1] 12/22
clarifying [1] 13/4
clear [2] 5/17 9/11
clearcut [1] 9/19
clearly [1] 23/16
CLERK [1] 1/19
clogging [1] 4/24
close [3] 10/14 19/25 23/25
closed [2] 13/23 23/8
closer [1] 7/17

closure [1] 19/18
code [8] 12/17 15/13 15/15 26/6 26/8 26/14 26/19 27/4
combined [1] 25/6
come [3] 3/24 8/24 19/16
comfortable [1] 21/10
coming [1] 11/18
commence [1] 3/3
comments [1] 3/19
commercial [7] 3/11 3/14 7/17 8/22 13/10 18/22 19/2
community [2] 8/7 9/8
comparing [1] 10/10
compliance [1] 26/15
complies [1] 25/23
concern [2] 3/23 20/19
concerned [3] 23/20 24/19 25/8
condition [5] 14/4 14/10 14/15 17/4 17/7
conditions [5] 16/14 17/2 17/17 18/7 19/11
CONNOLLY [1] 1/18
Conservation [1] 15/9
context [2] 10/24 11/7
conversion [2] 3/10 18/21
cool [1] 25/16
correct [1] 24/24
COTUNGO [1] 1/15
could [1] 11/9
couldn't [1] 19/9
COUNTY [4] 1/3 3/15 19/5 29/4
couple [1] 3/21
covers [2] 24/17 25/7
crystal [1] 5/17
current [1] 24/16
cut [1] 21/8

D

David [1] 3/8
day [3] 7/25 9/13 29/15
deal [2] 11/23 24/10
decision [1] 15/12
deliveries [1] 8/23
delivery [2] 8/21 14/5
DESCRIPTION [1] 2/4
designate [1] 7/8
designated [2] 3/15 4/10
details [1] 13/8
did [4] 5/2 21/23 23/24 24/21
didn't [3] 12/9 19/19 22/19
different [2] 19/20 21/19
diners [1] 24/2
dining [3] 19/15 19/18 20/11
disappointed [1] 21/7

discuss [1] 3/18
discussed [2] 10/10 19/21
discussion [3] 3/6 18/16 19/10
discussions [1] 3/19
disposal [1] 27/9
District [3] 3/14 19/2 19/4
do [25] 4/21 7/22 8/24 8/24 9/2 10/7 10/11 13/16 13/17 13/18 14/18 15/21 16/7 16/11 16/14 16/23 17/12 17/18 18/2 23/19 24/13 24/21 27/10 28/2 29/7
Does [3] 3/18 5/14 16/25
doesn't [1] 26/6
don't [17] 5/16 6/3 6/19 9/2 12/11 12/14 13/11 17/19 19/7 19/12 19/23 20/2 21/3 22/9 23/16 24/3 25/22
door [4] 10/20 26/3 26/4 26/5
drink [2] 22/14 22/16
drop [1] 14/24

E

e-mail [2] 19/13 19/16
EAF [1] 24/22
eat [1] 22/20
either [1] 21/3
else [4] 7/21 8/10 16/25 17/7
engines [1] 15/10
enough [1] 24/25
Environmental [1] 15/9
Epperson [1] 18/19
error [1] 24/23
establishment [1] 8/19
even [5] 20/18 21/9 21/21 21/25 26/19
evening [2] 22/22 22/25
exactly [1] 16/8
example [1] 10/19
excessive [1] 12/23
executive [5] 27/21 27/23 27/25 28/4 28/7
existing [1] 11/17
expressly [2] 4/5 4/18

F

fact [2] 23/14 26/15
far [1] 24/18
fast [1] 7/5
favor [2] 18/6 27/14
feel [1] 21/10
feet [6] 7/2 7/6 7/9 17/5 25/25 25/25
file [1] 25/12
finding [1] 8/8
fine [4] 5/9 13/2 17/25 26/9

F
finish [1] 24/2
finished [1] 20/14
fire [2] 26/12 27/5
Firehouse [1] 1/6
First [4] 2/5 3/5 3/12 10/19
five [4] 7/25 15/10 25/25 25/25
five-day [1] 7/25
follow [1] 25/12
foot [1] 14/11
FOOTE [1] 1/14
forgot [1] 6/10
form [1] 24/22
forth [1] 8/6
forward [1] 13/18
four [1] 7/2
four-and-a-half [1] 7/2
free [1] 22/19
Friday [1] 11/5
front [1] 24/4
further [1] 29/11

G
garbage [3] 24/15 25/5 27/9
get [5] 7/17 16/13 22/8 23/2 25/11
getting [1] 20/15
give [1] 15/18
given [2] 1/11 12/5
go [7] 4/9 7/21 9/6 22/13 22/20 23/23 27/23
God [1] 22/16
goes [1] 13/11
going [13] 3/2 5/12 6/11 8/18 9/11 9/12 9/13 11/2 14/9 14/17 22/11 23/20 24/10
gonna [4] 8/23 13/25 17/23 23/10
good [6] 4/15 7/20 15/2 25/17 26/18 26/19
got [1] 26/17
GREENPORT [3] 1/2 1/7 20/24
ground [2] 26/2 26/4
grow [1] 7/5
grown [1] 6/20

H
had [2] 19/20 24/13
half [1] 7/2
hand [1] 29/15
handicap [3] 24/13 25/20 25/23
handled [1] 15/6
handling [1] 24/14

happen [1] 9/12
has [3] 13/23 17/13 19/16
have [44]
having [4] 4/14 13/6 13/9 14/6
he [5] 12/10 16/22 17/8 23/21 23/23
he's [2] 8/15 8/16
Health [1] 27/6
heard [1] 14/9
hearing [4] 8/19 13/23 19/22 23/8
height [1] 7/3
hell [1] 8/4
here [3] 10/11 19/7 19/13
hereby [1] 29/8
hereunto [1] 29/15
hey [1] 11/9
his [2] 15/3 17/3
Historic [1] 19/4
hopefully [2] 17/14 24/2
Hospitality [1] 18/18
hour [1] 22/5
hours [17] 5/7 5/8 9/14 10/4 10/23 11/20 11/24 12/3 12/11 12/15 13/2 13/8 19/14 19/17 20/15 20/22 21/15
how [7] 5/11 5/15 9/12 9/13 13/18 16/23 19/23
huh [1] 16/11
hypothetically [1] 12/24

I
I'm [15] 7/19 8/19 8/20 10/20 14/20 16/12 20/22 21/4 21/18 21/23 22/23 23/4 23/4 24/19 25/16
I've [1] 22/7
idea [2] 9/11 20/12
ideas [1] 19/11
idle [2] 4/8 14/7
idling [3] 15/4 15/6 15/10
illustration [1] 7/15
Impact [1] 18/17
important [2] 4/16 11/15
Inaudible [1] 23/21
include [1] 16/18
included [1] 26/12
INDEX [1] 2/3
indicate [1] 17/23
indication [1] 10/16
inform [1] 14/16
information [2] 13/22 13/24
input [1] 13/6
inspector [1] 25/22
intending [1] 10/11

interested [2] 20/13 29/13
interesting [1] 20/18
interrupt [1] 21/23
involved [1] 16/13
is [37]
issue [5] 8/7 24/9 24/20 24/25 25/8
issued [1] 26/14
issues [3] 24/12 24/15 24/18
it [45]
it's [26] 3/14 3/21 4/4 4/16 8/22 9/3 11/3 11/15 11/17 12/4 12/12 12/16 12/20 12/23 14/10 15/14 19/21 21/2 21/18 24/5 24/23 26/6 26/13 26/13 26/14 26/17
item [4] 2/4 3/5 18/14 27/20
itself [1] 4/13

J
Jessica [3] 19/13 19/13 23/15
job [1] 25/21
JOHN [2] 1/15 25/18
July [4] 1/8 3/3 29/10 29/15
just [15] 6/19 7/3 7/25 9/22 11/11 20/22 23/4 23/10 24/4 24/8 26/2 26/19 26/21 26/21 27/22

K
kind [10] 5/18 7/15 12/23 13/7 13/9 20/8 20/17 20/19 21/4 21/9
Kirk [1] 3/7
kitchen [4] 19/15 19/17 20/10 23/25
know [17] 5/10 6/3 6/22 7/4 9/3 10/18 13/22 19/12 19/19 19/23 21/6 22/19 23/19 24/5 25/21 26/15 26/18
KRISTINA [1] 1/19

L
landscaping [1] 7/8
Lane [1] 4/24
language [1] 4/19
larger [2] 3/24 8/17
last [3] 19/14 21/15 24/13
late [4] 20/8 21/7 21/9 21/16
later [3] 10/17 19/21 24/5
law [5] 6/17 6/22 12/13 15/8 15/9
least [5] 7/9 14/13 17/4 25/25 26/18
left [1] 5/18

L

legislative [1] 11/21
legitimate [1] 7/16
letter [3] 6/24 25/4 27/8
level [3] 12/7 26/2 26/4
license [1] 6/18
light [1] 13/16
like [11] 10/17 10/19 11/9
 11/11 12/9 12/11 12/12 12/18
 15/23 16/2 23/5
limit [1] 8/25
limited [1] 11/21
limiting [1] 11/24
limos [4] 14/16 14/23 17/11
 17/20
limousines [2] 4/2 8/16
LINGG [1] 1/19
liquor [1] 10/21
little [3] 19/21 20/23 21/6
LLC [2] 3/8 18/18
local [2] 4/8 6/21
locally [1] 6/20
located [5] 3/12 3/13 18/23
 18/25 19/3
location [1] 14/19
locations [1] 3/25
long [2] 9/12 9/13
longer [1] 15/11
look [1] 10/18
looking [1] 13/20
lot [1] 20/13
loud [1] 21/2
Lucy [1] 21/23

M

made [1] 16/23
mail [2] 19/13 19/16
Main [3] 2/6 18/15 18/23
make [12] 14/4 14/23 16/2 16/7
 16/22 19/9 26/8 26/14 26/24
 27/2 27/22 27/24
map [2] 3/15 19/5
Markets [1] 6/17
marriage [1] 29/13
MARY [1] 1/11
matter [1] 29/14
may [2] 4/7 5/15
maybe [4] 7/19 8/9 13/7 26/19
me [11] 4/4 8/5 10/23 10/25
 11/6 11/6 11/13 13/20 20/7
 24/4 24/25
meal [3] 22/8 22/11 22/19
mean [4] 8/20 20/24 21/21 23/4
meet [1] 26/6

meeting [2] 10/5 21/15
meets [2] 26/8 27/3
member [5] 1/12 1/13 1/14
 1/15 12/9
memory [1] 10/9
midnight [4] 21/9 21/10 21/22
 22/2
might [1] 14/14
minimum [2] 7/12 17/5
minor [1] 24/23
minutes [2] 15/11 24/4
Monday [1] 11/3
Moore's [1] 4/24
more [4] 21/10 26/2 26/17
 26/21
morning [2] 11/10 23/18
motion [18] 3/6 13/17 16/2
 16/7 16/15 16/17 16/22 16/23
 17/16 17/18 18/13 18/16 26/24
 27/2 27/10 27/19 27/22 27/24
move [2] 13/18 16/3
much [1] 22/4
Murray [1] 3/8
must [1] 17/20
my [9] 3/22 6/9 10/9 20/19
 22/12 22/16 25/21 26/13 29/15
myself [1] 21/4

N

naive [1] 21/3
need [3] 8/7 9/7 9/10
needing [1] 10/2
needs [2] 9/6 12/6
neighborhood [1] 11/19
never [1] 12/2
new [8] 1/3 1/7 6/16 13/14 15/7
 27/4 29/3 29/7
next [2] 10/20 18/14
night [3] 10/22 20/16 20/25
no [12] 5/4 9/20 12/10 12/11
 12/17 12/20 20/2 20/4 23/2
 23/7 23/22 29/13
NOAH [2] 1/13 4/21
noble [1] 20/18
nonconforming [1] 11/18
none [1] 20/6
not [23] 4/8 4/24 5/6 6/7 7/19
 11/2 11/17 12/4 12/4 12/12
 13/7 14/6 15/3 15/20 20/15
 21/16 22/3 24/21 24/25 25/21
 26/6 26/20 29/11
Notary [1] 29/6
note [1] 7/3
noted [1] 28/9
notes [1] 25/7

noticed [1] 26/11
now [3] 13/16 15/3 21/5
number [5] 3/5 3/16 18/14 19/5
 27/20

O

o'clock [3] 10/21 23/17 23/22
O'KEEFFE [2] 29/6 29/20
obviously [1] 15/11
off [2] 14/24 16/18
off-site [1] 16/18
offered [2] 12/10 21/15
okay [15] 4/20 7/7 9/17 9/25
 10/7 14/3 14/25 15/25 18/14
 21/24 23/9 25/9 25/14 26/10
 28/4
one [4] 3/22 13/7 24/13 24/20
onset [1] 17/5
open [7] 3/17 5/18 10/17 11/2
 11/10 13/9 20/10
operation [8] 5/7 9/15 10/5
 11/20 11/24 12/3 12/15 13/8
opposed [1] 13/9
ordinance [2] 12/17 19/25
other [5] 5/3 6/11 6/12 22/10
 24/14
our [2] 10/5 17/16
out [7] 8/8 9/7 13/15 20/16
 22/11 22/13 22/20
outcome [1] 29/14
outside [2] 4/10 10/13
over [1] 23/3
own [1] 20/15

P

p.m [4] 1/8 28/7 28/8 28/9
PAGE [1] 2/4
PALLAS [1] 1/17
park [1] 4/11
parked [1] 14/7
parking [9] 3/23 7/18 8/6 8/9
 15/3 15/20 15/20 16/19 17/9
part [2] 10/16 16/19
particularly [1] 3/23
parties [1] 29/12
patrons [1] 8/18
PAUL [3] 1/17 20/3 24/8
pay [1] 22/11
people [2] 20/25 22/9
permitted [4] 3/11 6/16 11/16
 12/16
personally [2] 13/2 21/11
place [4] 7/19 10/13 10/24
 20/13
places [1] 10/14

P

plan [6] 3/7 4/3 7/8 18/17 24/17 25/7
planned [1] 24/6
planning [3] 1/4 3/3 12/14
plans [1] 26/11
planting [1] 17/6
please [1] 26/22
point [5] 9/15 13/3 13/25 14/6 15/3
portion [1] 9/23
possible [2] 3/6 18/16
posted [2] 4/14 17/13
power [1] 12/15
pre [1] 11/17
pre-existing [1] 11/17
preempt [1] 6/22
premises [2] 14/17 14/22
pretty [1] 7/5
previous [1] 17/21
previously [1] 19/22
prior [2] 10/5 14/18
problem [3] 7/15 8/11 11/12
proceed [2] 13/16 13/19
proceedings [1] 29/9
prohibits [1] 15/10
property [6] 3/12 3/13 17/13 18/23 18/25 19/3
proposal [1] 11/14
proposed [2] 4/13 10/23
proposes [1] 12/25
proprietor's [1] 20/12
protect [1] 26/20
provide [1] 4/5
provision [1] 16/18
provisions [1] 15/13
public [3] 13/23 23/7 29/7
put [2] 15/12 15/17
putting [1] 5/6

Q

qualified [1] 4/18
qualify [1] 12/2
question [4] 5/11 5/23 5/24 9/3
questions [1] 10/2
quite [1] 22/4
quote [1] 8/21
quote/unquote [1] 8/21

R

ramp [4] 25/23 25/24 26/3 26/5
ready [1] 4/11
real [1] 5/17
really [3] 22/9 26/18 26/20

reason [1] 26/17
reasonable [3] 10/25 11/8 11/14
recall [1] 11/6
received [5] 5/17 6/24 19/12 24/17 25/3
recommended [1] 13/6
record [1] 3/21
reference [1] 15/12
referring [3] 8/13 8/16 8/17
region [1] 6/21
REGULAR [2] 1/5 3/4
regulate [1] 12/15
regulation [1] 4/6
related [1] 29/11
remember [7] 5/13 5/14 10/8 11/16 21/17 23/15 23/19
rented [2] 5/19 5/19
Reporter [1] 29/6
represented [2] 3/8 18/18
request [1] 11/8
require [1] 7/4
required [1] 4/9
requirement [1] 4/14
requirements [1] 27/6
requiring [2] 4/7 14/15
residence [1] 20/20
residential [4] 3/10 11/19 20/21 26/16
residents [1] 7/18
respond [2] 23/5 23/6
restaurant [2] 18/22 23/17
restaurants [2] 10/18 22/10
Retail [2] 3/14 19/2
return [1] 4/12
review [3] 3/7 18/17 26/7
reviewed [1] 25/20
right [11] 6/8 9/4 10/20 12/20 14/12 16/12 19/7 20/9 21/5 26/3 26/5

ROBERT [1] 1/18
room [3] 19/15 19/18 20/11
round [2] 5/20 6/6
running [1] 7/16

S

safe [1] 26/6
said [4] 6/6 17/8 23/22 23/23
satisfied [1] 5/6
Saturday [1] 11/5
say [13] 4/22 8/12 11/9 12/10 12/11 12/20 13/12 17/8 17/20 18/8 21/9 21/13 24/25
saying [4] 11/25 21/10 21/18 23/4

says [1] 12/13
seasonal [1] 6/7
second [7] 17/18 18/3 18/4 27/10 27/12 28/2 28/3
see [3] 19/7 21/7 22/9
seemed [1] 10/25
seems [1] 8/5
sell [3] 6/11 6/19 6/20
sensitive [1] 26/22
serve [5] 10/19 10/21 20/17 21/22 22/2
Services [1] 3/7
session [7] 1/5 3/4 27/21 27/23 27/25 28/5 28/7
set [2] 16/14 29/15
severely [1] 11/21
she [7] 19/8 19/14 19/20 21/19 23/6 23/22 24/5
she's [1] 20/12
shift [3] 22/8 22/18 23/3
short [1] 24/22
should [7] 7/3 7/4 7/6 15/18 15/19 16/22 21/8
shouldn't [1] 25/2
showing [1] 26/5
shrubs [1] 6/25
sign [6] 14/15 14/22 17/9 17/10 17/13 17/23
similar [2] 4/14 4/19
simple [1] 4/7
since [1] 19/16
site [5] 3/7 16/18 18/17 24/17 25/7
six [4] 7/6 7/9 14/11 17/5
six-foot [1] 14/11
smart [1] 20/18
so [10] 6/21 8/6 8/24 11/19 12/12 17/12 17/16 21/2 22/9 23/9
some [2] 8/8 13/6
somehow [1] 25/19
someplace [1] 7/21
something [2] 9/2 12/6
somewhat [1] 19/19
somewhere [2] 4/24 8/10
sorry [4] 14/20 21/5 21/23 22/23
sort [1] 12/24
South [1] 10/20
space [1] 18/22
specific [2] 9/18 20/4
specifically [1] 6/4
spirits [1] 6/20
spoke [2] 21/19 23/15
sprinkler [1] 27/5

S
ss [1] 29/3
staff [1] 20/14
staggered [1] 7/2
stamped [3] 25/10 25/12 27/7
start [4] 4/15 7/6 7/9 23/23
STATE [6] 1/3 6/22 15/7 27/4
29/3 29/7
states [1] 19/17
stating [1] 17/14
stay [2] 10/17 11/10
STEPHANIE [2] 29/6 29/20
still [3] 22/2 22/4 25/22
stipulation [1] 5/7
Street [7] 1/6 2/5 2/6 3/5 3/12
18/15 18/24
streets [3] 4/9 4/25 15/4
strictly [1] 8/15
strong [1] 10/15
struck [3] 11/6 11/13 20/7
submitted [2] 4/3 24/22
such [2] 3/25 17/14
SUFFOLK [4] 1/3 3/15 19/5
29/4
suggestions [1] 3/19
summer [1] 20/25
Sunday [1] 11/3
suppression [2] 26/12 27/5
sure [5] 5/22 7/19 10/20 26/8
26/14
system [1] 26/12

T
table [2] 16/23 27/11
take [3] 13/3 14/2 17/24
taken [1] 29/9
talk [1] 23/10
talked [2] 10/4 19/14
talking [3] 12/24 21/4 23/11
tall [4] 7/6 7/10 14/11 17/5
tasting [1] 10/13
tax [2] 3/15 19/5
than [6] 6/12 19/20 19/22
21/19 24/5 26/21
Thank [4] 7/24 13/3 16/21 24/7
that [73]
that's [25] 4/3 6/15 7/11 7/19
9/21 11/8 11/21 12/6 13/5 15/2
16/12 17/16 17/22 17/25 19/19
20/17 21/18 21/24 22/7 22/11
22/21 22/24 23/3 26/9 26/20
their [8] 4/15 7/8 7/18 7/18
10/16 10/22 17/14 20/15
them [6] 5/6 14/6 14/21 15/3

15/5 15/18
then [5] 11/4 19/16 23/24
23/25 26/4
theory [1] 22/7
there [9] 5/10 9/12 10/15 15/24
20/6 20/21 20/25 23/23 26/16
there's [5] 8/23 12/16 20/4
24/11 24/12
therm [1] 20/17
these [2] 3/25 13/14
they [26] 6/5 6/6 6/11 6/13 6/18
6/18 6/19 7/5 7/9 8/24 8/24
10/16 10/21 11/2 11/8 11/13
12/19 12/20 12/21 14/18 15/18
15/19 17/24 21/15 22/13 25/20
they're [5] 4/11 9/12 10/11
14/17 26/4
thing [3] 13/10 17/9 20/19
things [1] 13/15
think [17] 4/4 4/16 5/8 5/16
7/14 9/10 11/3 12/20 13/2
13/21 13/25 14/8 20/3 20/12
21/8 25/4 25/22
Third [1] 1/6
this [19] 7/14 7/20 9/23 11/16
13/7 13/7 13/10 13/25 14/10
16/9 18/7 24/8 24/16 25/6
25/13 26/24 29/12 29/14 29/15
THOMAS [1] 1/13
those [11] 4/8 10/2 10/14 13/2
15/13 17/17 18/5 20/22 24/15
24/18 27/13
thought [3] 6/5 11/12 21/14
thoughts [2] 19/11 19/23
three [1] 24/12
through [2] 11/3 19/16
Thursday [1] 11/4
till [2] 11/4 11/5
time [5] 8/25 19/14 19/25 20/5
28/9
times [1] 3/22
toilet [1] 25/24
tonight [1] 13/17
too [1] 20/23
Traffic [1] 15/8
transcript [1] 29/9
transporting [2] 8/18 17/11
tried [1] 11/9
truck [1] 8/19
trucks [5] 7/20 8/6 8/9 8/13
8/21
true [1] 29/8
trying [1] 16/13
two [3] 15/13 22/5 24/12
type [1] 6/18

types [1] 3/25
typically [3] 3/24 10/12 10/14

U
Uh [1] 16/11
Uh-huh [1] 16/11
under [1] 6/16
understand [3] 9/5 16/5 20/11
understanding [2] 6/9 26/13
Understood [1] 12/8
units [1] 26/16
unquote [1] 8/21
until [6] 4/11 20/16 21/22 22/2
23/17 28/8
up [7] 3/17 3/21 11/13 18/14
23/22 24/12 25/13
upon [2] 12/3 12/25
us [4] 19/21 21/20 23/5 23/15
use [6] 3/10 3/11 6/6 11/17
11/18 12/16
used [1] 5/15
usually [3] 22/13 22/21 22/24
utilized [1] 5/12

V
vacant [1] 18/21
vans [1] 14/5
Vehicle [1] 15/7
vehicles [3] 3/24 4/8 8/17
venture [2] 8/23 9/23
ventures [1] 7/17
verbally [2] 19/20 21/19
versus [1] 10/11
very [1] 26/22
Villae [1] 15/15
VILLAGE [12] 1/2 1/17 1/18
4/10 10/13 10/25 11/7 11/23
12/7 12/17 15/4 19/24
visit [1] 14/17
visiting [1] 14/19
voluntarily [2] 12/5 12/10
vote [4] 4/17 13/17 14/2 16/3
voting [2] 16/8 16/9

W
waitress [1] 22/7
walking [1] 21/2
WALTER [1] 1/14
Walter's [1] 14/6
want [14] 3/20 4/5 4/22 7/7
13/16 13/18 14/14 16/7 16/12
16/14 21/3 23/16 26/23 27/2
wanted [1] 25/10
was [14] 5/10 5/18 5/19 5/21
5/23 8/3 10/15 12/9 19/13 21/6

W

was... [4] 22/19 24/14 24/21 24/22
wasn't [1] 5/22
way [1] 29/13
we [37]
we'd [1] 11/9
we'll [2] 16/8 23/23
we're [4] 3/2 12/23 23/9 23/11
we've [1] 13/15
website [2] 4/15 17/15
wedding [2] 8/2 8/4
week [1] 24/13
weekend [1] 20/24
well [8] 6/9 8/14 13/21 15/2 15/8 15/14 17/15 20/7
went [1] 23/24
were [11] 6/11 6/14 11/2 19/22 21/16 21/22 21/25 23/20 24/9 24/15 25/8
what [17] 5/22 5/25 8/13 8/24 10/8 10/10 11/13 12/9 12/25 14/4 14/5 14/8 16/8 17/22 19/20 22/12 24/5
what's [1] 9/11
whatever [2] 4/17 14/9
when [4] 8/12 12/16 21/19 23/15
where [5] 8/10 10/12 15/19 22/8 22/20
WHEREOF [1] 29/14
Whereupon [1] 28/6
whether [1] 14/9
which [3] 4/15 15/9 24/23
Whiskey [1] 11/11
who [1] 20/14
why [2] 13/5 21/18
will [6] 7/9 8/24 24/24 25/11 25/12 26/7
Wind [1] 11/11
wine [3] 6/12 6/19 10/12
within [2] 29/7 29/8
WITNESS [1] 29/14
wondering [2] 8/20 20/22
work [3] 8/7 9/7 22/9
worked [2] 22/17 22/20
workers [1] 20/14
working [2] 20/15 22/10
would [11] 4/5 5/19 6/6 10/12 10/17 11/11 11/22 15/23 16/2 21/8 23/4
Wow [1] 8/3

Y

Yeah [5] 10/9 16/16 19/8 23/11 23/13
year [2] 5/20 6/6
yes [8] 9/16 9/24 14/13 17/3 21/17 22/16 25/6 26/25
YORK [7] 1/3 1/7 6/16 15/7 27/4 29/3 29/7
you [55]
you'd [2] 22/2 22/4
you're [4] 5/5 13/24 14/9 25/17
your [6] 9/15 11/19 13/3 16/14 19/23 23/3
yourself [1] 26/20

Z

zone [1] 13/10