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VILLAGE OF GREENPORT
COUNTY OF SUFFOLK, STATE OF NEW YORK

-----X

BOARD OF TRUSTEES
REGULAR SESSION

-----X

Third Street Firehouse
Greenport, New York

August 27, 2015
7:00 p.m.

- B E F O R E :
- GEORGE HUBBARD, JR. - Mayor
 - JACK MARTILOTTA - Deputy Mayor
 - MARY BESS PHILLIPS - Trustee
 - DOUGLAS W. ROBERTS - Trustee
 - JULIA ROBINS - Trustee

 - JOSEPH PROKOP - Village Attorney
 - SYLVIA PIRILLO - Village Clerk
 - PAUL PALLAS - Village Administrator

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MAYOR HUBBARD: I call the meeting to order.

Pledge to the flag.

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

MAYOR HUBBARD: Please remain standing for a moment of silence for Judythe Anne Ghosio, Joy Lupoletti, Dorothy E. Sedat, Arthur Swan and Billy William Haf, Jr.

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

MAYOR HUBBARD: Okay.

I've got couple of announcements first.

Village Hall will be closed on September 7 in observance of Labor Day.

The annual East End Seaport Museum Maritime Festival will be held on September 26 and 27.

The October meetings of the audit and co-committees will be held on October 5, 2015 because Columbus Day is the day we normally have it, so we're doing it a week earlier, if anybody is interested.

Also, on Friday, September 11, from

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8:00 to 10:00 p.m. the Custer Institute will
be celebrating John Dobson's birthday by
having two or three medium size Dobsonian
mounted telescopes in Mitchell Park.

Custer Institute staff will be there
explaining the night sky.

There will be no charge to the public
for telescope use.

Trustee Roberts would like to make an
announcement.

TRUSTEE ROBERTS: Thank you, Mr. Mayor.
I'm hosting an informal casual
conversation amongst neighbors about rentals
at the Loft.

Perry Angelson has offered to let us
use his space above Harbourfront Deli
Saturday morning, 9 o'clock.

All are welcome to join. We're just
talking, no podiums, we're talking about
rentals.

Thank you.

MAYOR HUBBARD: Okay. We have a liquor
License Application, Carolyn Rusin as
applicant for 314-316 Main Street.

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2 Then we'll move to presentation, we
3 have Tony Hill of Penflex with Dave Rogers
4 from RBC. They are the people that are in
5 charge of the LOSAP program for the fire
6 department and they're going to do a --

7 I'll let them explain.

8 MR. HILL: Hello.

9 So I'm Tony Hill, I'm from Penflex.
10 Dave is from RBC.

11 My firm -- You guys might remember Ed
12 Houlihan, for those of you who have been
13 Trustees maybe for a while. He started
14 Penflex, and we are the actuary and also
15 assist the Village in the administration of
16 the program.

17 All right, so the Village hires us to
18 do all the actuarial calculations similar to
19 what the State Retirement System does it for
20 all of your employees and tells you what to
21 contribute. We do the same thing, except
22 for the volunteer firefighter service award
23 program.

24 I understand that there are some
25 trustees that are new, so on your, in front

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2 of you, you should have what every volunteer
3 firefighter gets, as for the summery of the
4 plan. So this goes through --

5 I'm sorry, I guess to be distributed.

6 I'm not gonna really -- I'm not gonna
7 spend a lot of time on it. You can read
8 through it. What this is meant to be is a
9 plain-English definition and explanation of
10 the benefits that are provided by the
11 program.

12 But to really bullet point it, the
13 volunteer firefighters, there's a point
14 system. All right, so this sort of like a
15 pension, but there's not salary. Most
16 pensions are based on salary, so instead of
17 it be based on salary, it's based on points.

18 For every call, drill, meeting,
19 training things that a volunteer goes to,
20 they earn points. The magical number is
21 fifty. If they earn fifty points in a year,
22 they get credit for the pension for the
23 year. That pension is \$20 lifetime monthly
24 benefit payable at age sixty-five.

25 So a volunteer firefighter that joins

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at age forty, volunteers for twenty years,
at age sixty-five, he or she can get \$400 a
month for the rest of his or her life.

Payment is guaranteed to be made for
ten years, so if they die before age
seventy-five, payment will continue to a
beneficiary that they name; otherwise, it's
payable for the rest of their life.

All right. The maximum benefit that
can be earned in this plan is \$600 for
thirty years.

Several years ago, maybe five, six,
seven years ago, the max was twenty and the
Village had a referendum to increase that to
thirty, so in the next couple years,
firefighters will be hitting that thirty
year, this year is the twenty-seventh
year -- Well, the plan, originally there
was buyback, the Village bought back five
years of service, so it's not actually the
twenty-seventh year, it's the twenty-third
year, but with the five year buyback, this
is the twenty-seventh year, so there will be
a point in the future where firefighters

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2 will hit that cap again, and not be able the
3 accrue any more benefit in the plan, so
4 that's something -- that's really something
5 mainly to keep aware of because of the cost
6 of the program.

7 I'm going through this really quick
8 because if you have questions, I can
9 certainly answer them.

10 The contribution that the Village makes
11 in 2016 for this plan is roughly 233,000
12 about, okay, so that is done by evaluation
13 based an assumed rate of return. We're
14 assuming five-and-a-half percent rate return
15 based on a life expectancy assumption and
16 the volunteer population.

17 Okay.

18 You are -- the plan right now is
19 roughly seventy-five percent funded. There
20 was some, I don't know, we can go into all
21 that if you want to, but there has been --
22 the Village has changed vendors over the
23 years. We were brought in to try to help
24 get back on track, so in order to keep costs
25 manageable, it would be great for you to be

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2 putting in \$400,000 a year and get caught up
3 quicker, but, you know, that's not reality,
4 there are property tax caps and things like
5 that we have manage through these things,
6 and so we are on a slow path of getting this
7 fund built back up.

8 Okay.

9 So it's going to be -- down the road is
10 when the firefighters reach this cap, it
11 will help in cost savings, unless you decide
12 to extent it out, but that's something for
13 down the road.

14 So, again, the annual contribution
15 right now is somewhere around two hundred
16 thirty-five. Dave will present about how
17 the investments go. It's certainly a lot of
18 the cost. The main driver of the cost is
19 the return the assets, so we all have seen
20 what's happening in the Market, you're not a
21 hundred percent the SMP, so you're not
22 seeing that volatility, but certainly it's
23 impacting you, so if we continue to have
24 years that are, you don't return the
25 five-and-a-half, the idea is that over a

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2 long period of time, it's going to
3 counterbalance, but right now we're in a
4 more difficult challenging situation.

5 So, again, our job, we do the actuary
6 work, tell you how much to contribute. We
7 also assist with the administration, when a
8 firefighter wants to change the beneficiary,
9 when a firefighter dies, contact the
10 beneficiary, do all that kind of stuff for
11 the Village.

12 Any questions about that? I know I'm
13 trying to go really quickly.

14 I know there are some new trustees that
15 are new to it, are there questions about it
16 at all?

17 TRUSTEE ROBERTS: Not immediately, no.

18 MR. HILL: If things come up, I can
19 certainly answer, but I want to give Dave an
20 opportunity to speak too.

21 TRUSTEE ROBERTS: It would be great if
22 we could get your contact info and digest it

23 --

24 MR. HILL: Sure.

25 TRUSTEE ROBERTS: -- ask some question.

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2 MR. HILL: Sure.

3 MR. ROGERS: Hello, everybody. My name
4 is Dave Rogers I'm the senior vice president
5 portfolio manager with RBC Wealth
6 Management. We work in Albany.

7 Those big blue folders in front of you
8 is what I brought down. There is a lot of
9 information there. I won't expect anybody
10 to, you know, study it today.

11 We have been -- we're approaching our
12 tenth anniversary together. We have been
13 working with you guys since November 2005.

14 When we became involved with you, we
15 put an investment policy in place that puts
16 constraints on we can do with the assets,
17 it's conservative, it's roughly
18 thirty-percent stock, seventy-percent fixed
19 income.

20 We set that because if you do the math
21 and what market returns tend to be over
22 time, you get to a six-percent rate of
23 return, which is what we're trying to do
24 every year and help you achieve your
25 actuarial assumptions.

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2 That being said, we're struggling with
3 earnings right now. You know, we didn't put
4 these in place when -- nobody envisioned
5 interest rates going to zero, and still a
6 lot of our assets are in fixed income; and
7 we get the question a lot, you know: Should
8 we be more aggressive? Should we get more
9 involved in the Stock Market? We're not
10 sure that's a good idea either. You know,
11 the Stock Market is at all-time highs.

12 So we're kind of in a difficult
13 position right now where, unfortunately, I'm
14 the one that has to tell you that I think
15 we're going struggle to earn five-and-a-half
16 percent for a while; and the trade off,
17 again, is do we take more risk and then
18 maybe have that backfire on us, or do we
19 just recognize that these cycles happen, you
20 know, rates will go up again some day. I
21 truly believe that really to get to that
22 five-and-a-half, six percent number, we need
23 rates to go up and the Stock Market to
24 correct, and that may be a ways off.

25 Right in our investment policy

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2 statement, it does say that our actuarial
3 assumption could be irrelevant for long
4 periods of time, and unfortunately this the
5 one of those. Again, largely, you know what
6 you're getting in the banks these days, and
7 if there is nothing else out there with a
8 guarantee on it that's got any kind of yield
9 either.

10 So we are struggling to get you earning
11 at right now. I think we'll get through
12 this. We got through '08 together quite
13 well, you know, and we're just going to have
14 these times, I think, where we're just not
15 going to be able to meet your actuarial
16 assumption, and I'd be thinking that in your
17 planning and budgets at this stage of the
18 game.

19 Our long term record is fine, but, you
20 know, now when you have 2008 wrapped in
21 here, there is nothing -- unless we were
22 completely in the Stock Market, there's
23 really -- our benchmarks are averaging about
24 five percent now over the last ten years.
25 There is no time period now that we're

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getting six. Again, largely it's driven
where interest rates are, and, you know,
there is nothing we can really do about
that.

So there is a lot of different things
we can do. We're happy to have the
discussions about what else is out there.
Do we increase risk? Do we change our
investment policy? But our advice, at least
at this stage, is to kind of keep things the
way they are.

If you have questions or concerns,
certainly let us know what they are and
we'll engage those with you. You do get a
monthly statements. We can give you
quarterly performance reports. They are
distributed around. You know what's going
on. We encourage questions. Our cards are
in those folders, so all our contact
information is there. I know Sylvia knows
how to find us.

We're happy to, you know, entertain any
questions, comments or concerns that you
have.

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So that's a short-and-sweet presentation tonight.

Are there any questions I can answer for anybody?

MAYOR HUBBARD: Anybody of the Board have any questions?

TRUSTEE ROBERTS: Got do read it.

It may be in here and if I haven't seen it yet, but the executive summary, the one-pager of proposed changes from old to new would be helpful or just a little e-mail.

MR. ROGERS: For the investment policy?

TRUSTEE ROBERTS: Yes.

MR. ROGERS: I actually have an old copy in there. I think it says copy on it.

TRUSTEE ROBERTS: If there is anything you wanted to highlight, some sort of an outline bullet.

MR. ROGERS: So what I'll do is, I'll send e-mails out tomorrow.

TRUSTEE ROBERTS: Yeah. Like read this section carefully. I mean, I'll read the whole thing but --

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2 MR. ROGERS: There's actually only a
3 few changes. It's really on the second page
4 where the asset classes are listed.

5 We needed to add some asset classes for
6 things that are going on today that weren't
7 going on five or six years ago.

8 An example unconstrained bonds, you
9 know, these are managements that can short
10 interest rates. We never needed that when
11 the Bond Market was -- Well, it's in the
12 bold market for thirty years, and we think
13 that's changed now, so there are some asset
14 classes we just need to add to and we
15 expanded some of the upper and lower ranges
16 a little bit to produce a bit of flexibility
17 around what is going on with the markets
18 right now.

19 But that's it, everything else is
20 pretty much the same, so I'll highlight that
21 for you and send it down to Sylvia. Give me
22 a couple of days on that, but I will do it.

23 TRUSTEE ROBERTS: Thank you.

24 MR. HILL: I'm going to add one thing.

25 Dave kind of looked to me when you

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2 mentioned the Executive Summary.

3 Back in June, at the June meeting, did
4 everyone get like a manila folder with
5 information from us with a special
6 commentary and a fact sheet; does that sound
7 familiar at all?

8 TRUSTEE ROBERTS: Yes.

9 MR. HILL: Okay. So that's our way of
10 communicating to the Village Board outside
11 of a meeting like this, where we just don't
12 have as much time about what you really need
13 to know about what's going on with the
14 program.

15 One of the things we changed is that we
16 now project out two years for our cost, so
17 that 35,000, the Village always knows
18 exactly -- the Village always, has always
19 had an advantage in a different fiscal year
20 because this plan runs on calendar year --
21 I'm assuming you run on a June 1 fiscal
22 year -- but what we're doing now is you
23 always, like that thirty-five, you know
24 exactly what to budget, and so we recognize
25 two years ago that we're in just a different

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2 time as far as volatility and different
3 things, so we need to at least come up with
4 ways to let our customers know in advance on
5 how to react to the budgets. You'll always
6 know exactly what you need to budget, no
7 surprises where, like at the end of the
8 year, the Market goes down by fifteen
9 percent and all of a sudden you're stuck and
10 your budget is already set.

11 Also just a little bit about us, I
12 should have mentioned, we work the 350
13 villages, fire districts, I'm sorry 300 here
14 in New York State, villages, fire districts,
15 towns on these service award programs.

16 This is all we do. We don't do any
17 qualified plans, we don't do any 401(k) or
18 private pension plans, just these service
19 award programs is what we do, so we have a
20 little bit of a niche expertise.

21 I passed my cards out to Sylvia; if you
22 have any questions, please let me know.

23 MAYOR HUBBARD: Thank you very much for
24 coming down.

25 Nice to meet you.

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MR. HILL: Thank you for having us.

MR. ROGERS: Thank you.

MAYOR HUBBARD: Next we have the public hearing Turret and Leighton Wetlands Permit Application for 746 Main Street.

That has been noticed for the public hearing. We have the CAC Report here, so I'll open it up to anybody from the public that would like to address the Turret and Leighton Wetlands Permit Application.

Okay.

Nobody from the public wants to comment on that one.

I'll make a motion that we'll close the public hearing, and we'll discuss that at our work session.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

That public hearing is closed.

The second public hearing we have is Costello Marine Wetlands Permit Application,

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210 Carpenter Street, the Greenport
Shipyard.

Again, that public hearing has been
noticed and we have a copy of the CAC Report
here, so I'll open it up to the public if
anybody would like to comment on the
Greenport Shipyard Application.

Your name and address for the record.

Thank you.

MR. OSINSKI: My name Michael Osinski,
307 Flint Street in the Village.

I own the Widow's Hole Oyster Farm in
the Village. We have been growing oysters
for fourteen years.

I just got a copy of this CAC
recommendation about the mitigation. They
want to test, they want to hire an outside
tester, environmental, full environmental
assessment conducted, and somewhere in here
it says they want to make sure the
pollutants aren't seeping into the water.

We are the canary in the minefield.
Oysters are a very delicate animal, and if
there was any pollution, we're the first

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2 people to be effected.

3 I've been growing oysters for fourteen
4 years in the Village, and it's been a real
5 pleasure.

6 I also have to make a caveat. Steve is
7 my neighbor, and it's an honor for me to
8 call him my friend. When I moved here, I
9 really, you know, I looked up to men like
10 Steve, and I still do. I'm sure, George,
11 you grew up him. Steve is a respected
12 member of this community, but we're all
13 neighbors here. What are we, three blocks
14 from any point from each other?

15 Anyway, the point I wanted to make is
16 I've been going oysters for fourteen years.
17 In the fourteen years, I've been notified of
18 every closing in Long Island. The State
19 notifies me. The DEC notifies me.

20 I've been closed twice, Hurricane Irene
21 and Hurricane Sandy; and those closings were
22 all the rainfall rushing out and polluting
23 the bay, all kinds of contaminants wash in.
24 Mostly sewer systems backed up, cesspools
25 backed up, and they closed us down, I was

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2 closed for three weeks after the Sandy, but
3 those are the only times I have been closed
4 and the State -- matter of fact, Monday the
5 State is coming over to check, they're going
6 to pull oysters, they're going to do
7 water-quality sampling at my dock, and they
8 do this, they've been doing this for
9 fourteen years.

10 The point I'm trying to make is, there
11 is no pollution from the shipyard that's
12 affecting the most delicate of creatures in
13 Greenport Harbor. There is no such thing,
14 and I don't think it's -- I think common
15 sense should prevail here with the Board.

16 What we don't need is to go out and
17 spend taxpayers' money, to go out the hire
18 outside consultants to look for something,
19 to go out and start digging in somebody's
20 backyard and looking for things. There is
21 no pollution.

22 If there was pollution, I would be the
23 first person to be notified. Everybody in
24 Long Island would be told, you know,
25 Greenport Harbor is closed because --

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2 everybody in my business would be notified
3 and told Greenport Harbor will be closed
4 because of pollution from the shipyard.

5 There is no such thing and there never
6 has been as long as I've in this harbor
7 growing oysters for fourteen years.

8 I don't think that this a real problem.
9 I think that spending taxpayers' money and
10 forcing, forcing an honest, hardworking
11 taxpaying citizen to cover these expenses to
12 go out and look for something that doesn't
13 exist is an overreach, and I hope common
14 sense prevails on this Board.

15 That bulkhead, the sooner that -- if
16 there was any problem there, the bulkhead is
17 the solution, get it done, get it done as
18 fast as possible, get people on the water,
19 get them working.

20 This is, the shipyard is the heart and
21 soul of Greenport. It's been there since
22 whaling days. You may find -- if you go
23 dig, you may find whale oil. This is an
24 important feature of what Greenport truly
25 is. It's not bars and restaurants.

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Greenport is the working waterfront.

Get these guys working as soon as possible.

Thank you very much.

MS. ROBINS: Thank you.

MAYOR HUBBARD: Thank you.

Anybody else want to address the Board?

MR. OSINSKI: Oh. One other point I wanted to raise. I'm sorry, George, I forgot. Sorry, I beg your pardon.

The body, the governmental body that oversees pollution is the DEC. It's my understanding they have okayed this work. The Village of Greenport doesn't have --

When I get shut down for polluted water, it's not the Village that comes and shuts me down, it's the DEC. It's their job to look for pollution and find it. They okayed this work, put them to work.

TRUSTEE PHILLIPS: Thank you, Mike.

MR. OSINSKI: Thank you.

MR COSTELLO: My name is John Costello. I'm with Costello Marine Contracting, and we are performing the bulkhead repairs at Steve

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2 Clarke Shipyard, Greenport Yacht; and I'm
3 aware of what the DEC, I'm aware about the
4 marine contracting business since before the
5 DEC was formed.

6 I can tell you that the DEC came with a
7 determination that this a Type II action.
8 There is no more environmental regulations
9 that have to be followed. There is no
10 wetlands on this property. There should
11 never even been a Wetlands Application made
12 for this event. Bulkheads are not -- behind
13 the, the dirt behind the bulkhead is not
14 wetlands. We are not going out in front.
15 We're building a dock.

16 Eileen Wingate asked that the permit
17 application, Wetlands Permit Application be
18 made for this. My daughter told her, I
19 don't believe it should be. The DEC says it
20 should not be; but, as asked, we made the
21 application for Wetlands Permit at the
22 guidance of Eileen Wingate in order to calm
23 things down, we made the application.

24 We made the application. The DEC had
25 it declared several things about this

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2 application. It has three or four permits
3 from the DEC. When they make a
4 determination that SEQRA is closed, that
5 there is no environmental Type II done, the
6 environmental review was done.

7 We have a Water Quality Permit from the
8 DEC. They have a -- the wetlands regulation
9 that if you're doing dredging, we're not
10 doing dredging; and we have the -- all the
11 DEC, there's five different reviews at the
12 DEC on the environmental regulations. If
13 there is any contamination of any soil, if,
14 they want I it retained behind the bulkhead.

15 What I'm going to do is, I'm going to
16 submit to the Board a few drawings of the
17 amount of fill that was excavated there.

18 You will see the fill, most of it is
19 beautifully clean sand, a lot of debris was
20 taken and taken to the dumps. It was all
21 taken out of there.

22 What we did, we were short a few
23 hundred yards of fill, and I can tell you
24 not only will I give you a sample of the
25 fill, it was dredged overboard in New

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2 Suffolk. Some of it was purchased from East
3 Coast Mines. There is no contamination on
4 either one, so the additional fill needed to
5 fill some of the voids, bulkhead was falling
6 over, we put it in straight, half the boards
7 are gone, but it did require some fill, it
8 was brought in, and if you take the -- I'll
9 give you the sample of the material that put
10 in behind the bulkhead (handing), and the
11 DEC, should there be any contamination
12 whatsoever, there is contamination in a lot
13 of yards, I can tell you, you probably have
14 more in the Village than anywhere, at the
15 Village Highway Department and a few others;
16 but still keep it inland, keep it off the
17 roads.

18 Road runoff is another big problem in
19 the Village of Greenport, as you all well
20 know. It's going overboard, water runs
21 downhill. The material being placed at
22 Steve Clarke's Greenport Yacht is permeable,
23 it will go -- the water, the rain will go
24 into the ground.

25 Clean sand is a filter. It is one of

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2 the best filters of swimming pools. It will
3 filter any of the rainwater, and it will
4 contain the contaminants behind the bulkhead
5 where they belong, if there is any. I'll
6 just give you a couple of -- look at some of
7 the photos (handing), and I think you should
8 pass them because I could tell you, it's a
9 little bit -- that's the material that we
10 placed in from out of town, East Coast Mine
11 in New Suffolk.

12 As you can see, as the excavation, you
13 can see in all the photographs, you can see
14 the type of fill that we have escalated out
15 of there. That's the fill, the original
16 fill. That shot was taken from the
17 Greenport Ferry. We got a void we had to
18 fill, so I think if you take a look at some
19 of the photographs, you will see the types
20 of fill and whatnot.

21 If anybody has any questions I will
22 certainly try to answer any of them.

23 TRUSTEE ROBERTS: I do, if I may.

24 Do you have documentation from the DEC
25 that this is a type II?

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2 MR COSTELLO: Yes we do, and it was
3 sent to the Village, so you probably have it
4 too.

5 TRUSTEE ROBERTS: I feel like we asked
6 the last time this came up, and maybe not
7 produced.

8 MR COSTELLO: Well, matter of fact, I
9 probably -- Well, I have it here, but I tell
10 you what --

11 MAYOR HUBBARD: Is it in there?

12 MR COSTELLO: I have it, and pass it
13 down the line, you can all take a look at it
14 (handing).

15 TRUSTEE ROBERTS: Maybe I can read
16 this.

17 MAYOR HUBBARD: Sure, go right ahead.

18 TRUSTEE ROBERTS: "This is not a
19 permit. New York State Department of
20 Environmental Conservation notice of
21 complete application." Dated July 9, 2015.

22 The shipyard -- I'll skip to the good
23 part.

24 "This is to advise you that this is
25 your application for the permits listed

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2 above is complete. It does not signify
3 approval of your application for permit.
4 Additional information may be requested from
5 you at a future date as it is needed to
6 reach a decision on your application. It
7 has been determined that your application is
8 a minor project. A decision is due to you
9 within forty-five days of the date of this
10 notice." It's dated July 9.

11 "SEQRA, State Environmental Quality
12 Review determination, project is not subject
13 to SEQRA because it is a Type II action."

14 MR COSTELLO: If you don't have a copy
15 of that, I'll get you all the copies you
16 need.

17 MAYOR HUBBARD: It may be in the
18 folder. There's a hundred pages in there, I
19 didn't have time to look through them all.

20 MS. PIRILLO: It's right here.

21 TRUSTEE ROBERTS: I just went to be
22 clear, is this the folder that we had last
23 month or is this new information?

24 MAYOR HUBBARD: These folders came from
25 the Clerk's Office or is this from the

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2 Building Department?

3 MS. PIRILLO: The Clerk's Office.

4 MAYOR HUBBARD: It was put together for
5 the meeting tonight.

6 TRUSTEE MARTILOTTA: It's the same
7 file, the information -- the only thing that
8 has changed was the actual application
9 document, not the DEC paperwork, that was
10 all original. It was all in there from the
11 beginning.

12 MAYOR HUBBARD: Okay.

13 MR. CLARKE: Mr. Mayor, that piece of
14 paper --

15 MAYOR HUBBARD: Come on up to the
16 podium, please.

17 MR. CLARKE: My name is Steve Clarke.
18 I spoke at the last meeting, and I gave each
19 of you a copy of the letter which I read,
20 and stapled to that was a copy of the letter
21 that was sent to me which Trustee Roberts,
22 you just read.

23 It doesn't make for fun reading, and I
24 wouldn't blame anyone for not having looked
25 at it, but it's been around for a while, and

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2 it was -- that, actually that letter was
3 sent to John and myself and, I believe, to
4 the Village Clerk, I'm not sure, but I think
5 the Village Clerk, before the actual permit
6 was issued two days later. It was separate
7 from the permit.

8 It was to tell us, tell all of us not
9 that we were getting a permit, but that the
10 determination had already been made that
11 State Environmental Quality Review Act made
12 it clear that this was a Type II action, and
13 there would be no, on the part of the DEC,
14 there would be no environmental review
15 required. That doesn't mean that the DEC
16 did not review the environment as we go
17 along.

18 If you look the DEC permit, a list of
19 requirements that have to be met as the
20 project proceeds, that list the
21 mind-boggling, and I believe that we have
22 complied with everything that is on that
23 list.

24 But the single piece of paper that you
25 have now looked at, all that does is make it

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2 clear to all of us, before the permit, where
3 they stood with regard to this State
4 Environmental Quality Review Act.

5 TRUSTEE PHILLIPS: Excuse me, John. I
6 just have to ask a question, John.

7 In this file, we have what is called a
8 permit, Under the Environmental Conservation
9 Law, permittee and facility information.
10 This is the one that goes through and
11 explains all the requirements that Steve
12 just mentioned, but then you get down to
13 this last page here where they actually
14 issued you a permit number, which is the
15 number that you go by whenever you're
16 referencing this with the DEC, correct?

17 There is a document here that says,
18 "Notice, the Department of Environmental
19 Conservation, DEC, has issued permits
20 pursuant to the Environmental Conservation
21 Law for work being conducted at the site.

22 Now, isn't that what you're talking
23 about as far as being issue a permit from
24 the DEC?

25 MR COSTELLO: The permit is not that

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2 one-page issue.

3 TRUSTEE PHILLIPS: No, I know it's not
4 a one-page issue, but that's just one part
5 of the process, right?

6 MR COSTELLO: That is one part of the
7 process.

8 TRUSTEE PHILLIPS: Thank you.

9 MR COSTELLO: The other part of the
10 process is for the Village of Greenport.

11 Nowhere in the Village's code that we
12 could find anything that determines that a
13 bulkhead and the material behind the
14 bulkhead in place is a wetlands application;
15 and I'll tell you that some of the repairs
16 that we have done for the Village on
17 bulkheads, we have done extensive repairs on
18 bulkheads for the Village, the Railroad
19 Dock, we've done Mitchell Park. We're
20 continuing, we are not expanding out into
21 the water where you're required to have a
22 Wetlands Permit, docks require Wetlands
23 Permits.

24 The other there in the Village Code,
25 one of the Village Codes is like the Bible,

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2 it has been for years, is the LWRP.

3 Waterfront dependent commercial uses need
4 it. We put the LWRP in because several
5 properties were being developed and devoured
6 with condominium properties, a working
7 waterfront.

8 Let me tell you about Greenport
9 Shipyard that you already know. The number
10 of people that are employed down at
11 Greenport Yacht, the shipyard -- well, I
12 have Costello Marine Contracting working
13 down there, and I have about twenty-four
14 people, that's only one of them. Steve has
15 a group of men working down there. Norfolk
16 Welding works there. Bob Hamilton fishes
17 out of there, and Ted Bucci is running an
18 oyster business out the there now.

19 The number of people on a working
20 waterfront in the LWRP requires -- Andy
21 Laugenthal is down, there's North Ferry,
22 South Ferry, I mean these are crucial
23 businesses for a working waterfront.

24 Your LWRP, that's one thing you have to
25 maintain for a working waterfront, and I

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hope this Board and everybody else is for a working waterfront in Greenport.

Thank you.

Any question I'll do my best the answer them.

MAYOR HUBBARD: Thank you.

MR COSTELLO: If you could give me that sand. I don't know if that's -- that's running around the floor any more than I --

MAYOR HUBBARD: You can have it back.

MR COSTELLO: Because you may need it this winter when it starts snowing.

Can I take these photographs, I'll get a copy of these, I'll give them to you?

MAYOR HUBBARD: Just send a copy to the Clerk, that way we have them in our folder and everybody can review it.

MR COSTELLO: Okay.

I'll give them to her for your record.

Thank you.

MAYOR HUBBARD: Thank you.

Anybody else wish to address the Board?

MR. MOORE: Good evening. I'm Douglas Moore, 145 Sterling Street.

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2 Just a matter of disclosure, I've
3 chaired the Zoning Board of Appeals, but I'm
4 not speaking about a zoning issues.

5 It's really not necessary to give
6 personal testimonials about Steve Clarke,
7 everybody knows his contribution to the
8 Village and the importance of the property.

9 I also don't think that anyone would
10 dispute that the work being completed is not
11 what's needed for that property. I think
12 that's the big benefit, just stabilizing the
13 areas that have already been done.

14 What I want to comment on is the
15 process, and I don't deny that the Board of
16 Trustees should take an interest in any
17 waterfront protect. I think their
18 jurisdiction should be their interest, and
19 if the waterfront, there is a possibility of
20 disturbance of the water, there may be other
21 issues, I certainly would encourage you to
22 look into them.

23 I think the problem in the process
24 that's occurred is in the code, I'm not sure
25 there are any strict penalties that are

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2 applied, or at least in the past when these
3 issues have come up seeking forgiveness
4 rather than permission in advance, is that
5 there really haven't been any consequences,
6 and if there are some methods to push
7 pressure that these things get done upfront,
8 I would really encourage that to be done,
9 but I think you'll all agree that this is an
10 issue that is already in the past tense.

11 This is a beneficial project, and it's
12 a matter of time to gather the necessary
13 things that you feel should additionally be
14 discussed, and I'd encourage you to do that.

15 Thanks.

16 MAYOR HUBBARD: Thank you.

17 MR. BRUDEN: Yes. My name is Howard
18 Burden, I currently live at 24-02 Bockman
19 Path in the Villages in Florida.

20 A little background. I was born in
21 Orient, lived in Greenport most of my adult
22 life until we had a medical emergency, and I
23 was forced to go to Florida and take care of
24 my parents who have subsequently both passed
25 on.

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2 We owned East End Supply Company. We
3 were at 203 Front Street many years. We
4 sold at 203 Front Street because of the
5 congestion and we could not expand the
6 business on Front Street, so we purchased
7 property in Greenport, not in the Village,
8 but at 230 Corwin Street.

9 There we ran the wholesale marine
10 distribution business until 1988, when we
11 sold so Lewis Marine Supply of Fort
12 Lauderdale Florida.

13 One to one concerns when we sold was
14 keeping people, Greenport residents that
15 have worked for my family for an excess of
16 thirty years employed in the Village of
17 Greenport.

18 Unfortunately this past year, Lewis
19 Marine, the people that bought our business
20 twenty-seven years ago, due to financial
21 constraints in the economy were forced to
22 close down the operation and put many people
23 out of work in the Village of Greenport.

24 Presently, I have my real estate people
25 looking for a residence. My wife and I will

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2 be returning to the Village of Greenport as
3 soon as we can accommodate it.

4 I have been asked by many in the marine
5 industry if we would consider going back
6 into the marine supply business, and I would
7 definitely -- although the building over on
8 Corwin Street is not available right now for
9 what we would like to do, we would certainly
10 consider the eastern end of Long Island and
11 Greenport is my home. I'm a graduate of
12 Greenport High School.

13 That being said, when I heard about
14 this project and what was going on, having
15 worked with Steve and John for many years,
16 Mary Bess and her family, I came up to
17 Greenport to look at what was going on, to
18 look at some real estate, and I walked
19 around the project, and like every project
20 that the DEC is involved with, there are
21 many rules and regulations that must be
22 followed.

23 When I walked the job site, I could see
24 the care of which Mr. Costello and his
25 people use in not disturbing the

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2 environment, putting in the bulkhead, due to
3 the fact that, yes it needed repair.

4 The Department of Environmental
5 conservation of New York has come up with
6 rules and regulations so that when a boat is
7 hauled out of the water and it's pressure
8 washed, all the sediments that is washed off
9 the bottom of the vessel goes into
10 containment basin. Then it is tested to see
11 that the toxins that are in paint that the
12 designed to kill marine algae and things do
13 not go into the water and are thus not
14 harmful to marine environment.

15 That is basically what Mr. Costello has
16 done for Mr. Clarke down here is protect the
17 environment.

18 That being said, there are a lot of
19 regulation you have to go through permitting
20 process DEC, Army Corp or Engineers, so
21 forth and so on. Those criteria were met.
22 The job, it's not my property, but people
23 can go down there, ask Mr. Clarke, he will
24 show you what has been done, why it's been
25 done, and the care that has been taken in

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2 completing this job.

3 When you're dealing with the resource
4 of the water quality in the Village of
5 Greenport, it is of the utmost importance.
6 That's why many years ago, they came out
7 with the holding tank containment laws.
8 Many years ago, people went to the bathroom
9 and it went out through the hull and into
10 the marine environment, and thus you have
11 nitrogen increases and you have a lot of
12 problem, you have bacteria, you have fish
13 kills, less oxygen, on and on and on.

14 Having made my living around the water
15 and being from Greenport, it makes you think
16 that Greenport is not only a special place,
17 but they want to keep it a special place.

18 Now, politics aside, when you go
19 through the DEC, and you go through the Army
20 Corp of Engineers processes, you then come
21 up against the local government, which has
22 the right to determine what is going on and
23 to protect their quality of waterfront
24 properties to the best of their ability.

25 Now I hear that they've got a

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2 Conservation Advisory Committee that is a
3 bunch of appointed people, they're not
4 elected people, may I use the word tree
5 huggers to an extent because they're against
6 anything that deals with the environment.
7 They're very cautious, and they should be,
8 but they don't have degrees in Marine
9 Science, there's a lot of things that
10 they're not familiar with, they simply want
11 to have a voice.

12 That being said, I would just like the
13 Board to consider how much weight their
14 recommendations pro or con actually carry
15 because if you impede any business owner's
16 ability to make a living and increase costs,
17 especially today's economy, you could be
18 looking at some costly litigation for the
19 Village of Greenport or any municipality for
20 that matter.

21 Thank you.

22 MAYOR HUBBARD: Thank you.

23 MR. SALADINO: John soladino, 6th
24 Street.

25 In the interest of full disclosure, I'm

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2 a member of the CAC. I'm not the tree
3 hugger. My qualifications, I have a degree
4 is Conservation Biology. I don't know if
5 that counts.

6 There is few things that I would like
7 to just mention. This public hearing is
8 about a permit process. It's about a permit
9 process that wasn't followed. It's about a
10 contractor and a business owner that took it
11 upon themselves not to follow the permit
12 process and the law of Greenport.

13 Regardless what we hear today, and I have a
14 few things to say, but regardless what else
15 we hear today, Chapter 142 of our code
16 mandates that you follow that process.

17 You can make any excuse you want, that
18 the DEC decided this, the DEC decided that,
19 we didn't think it was necessary, I dispute.
20 Not me personally, the contractor disputes
21 that a bulkhead is not part of the wetlands.

22 The first thing I would like to say is
23 the DEC doesn't speak where it's impossible
24 for them to make a mistake, for them to
25 decide that this is a Type II process

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2 without any testing.

3 Just let me say the DEC's own reports
4 online, there is a thousand of them. The
5 DEC, the EPA and the United States Navy in
6 shipyard remediation, anything done in a
7 shipyard, anything done in a shipyard has a
8 high potential of toxic waste, anything,
9 digging, excavating, bulkhead replacement.
10 Six or seven heavy metals are always found,
11 asbestos, PVCs, pesticides and fuel.

12 For the Village to ask for the CAC to
13 recommend and ask that soil test is done, as
14 experienced as John Costello is and as much
15 experience as Steve Clarke has, they can't
16 look at a piece of property and say there is
17 nothing wrong that with. They don't have
18 that ability.

19 By the owner's own statement, when the
20 CAC made their inspection of the property,
21 after the process was over without permits,
22 we asked about another piece of property, a
23 portion of the property they had done prior
24 to that without a permit, and the owner's
25 own statement was "Oh yeah, that piece was a

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2 nightmare." When they excavated there, they
3 dug up tanks, they dug up motors, they dug
4 up equipment.

5 A reasonable person would say, "Well,
6 if there is toxic inclusion there, why
7 wouldn't it be forty feet away here?"

8 To suggest that we're trying the kill
9 the working waterfront, that we're trying to
10 inhibit people from making a living, to
11 suggest that Mike's Oysters should be the
12 benchmark of what happens in Greenport is
13 ludicrous at best.

14 This project was a month ago. I don't
15 know what's leaching into the water, not
16 being an oyster man, I have no idea if one
17 month is enough time for any toxicity to
18 show up downstream, a half mile away where
19 Mike's oyster beds are, I don't know, and
20 that shouldn't even be the issue. That
21 shouldn't even be the issue.

22 The process is the issue, and the
23 process is, you apply for a permit, you get
24 an inspection, you get a recommendation from
25 the CAC, which by the way is mandated by the

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2 LWRP. In 1977, they mandated that CAC be
3 created and oversee these projects and make
4 the recommendation to the Village Board. If
5 you don't think those people are qualified,
6 if you don't think myself and the rest of
7 the people on that committee are qualified,
8 by all means, change it; but this the all
9 part of the process. It's not a bunch to
10 tree huggers. It's about people that care
11 about Greenport, about revitalizing the
12 oyster factories and the oyster business
13 here by preventing pollution and toxicity
14 from entering the water. None of the
15 recommendations were outrageous.

16 Three of you were on this board for a
17 while and two newcomers and you have to
18 kind of recollect the recommendations that
19 were made and none of them, unlike other
20 municipalities, were over the top.

21 I would like to remind you also about
22 the LWRP. The LWRP says that we should
23 promote a working waterfront. Sometimes
24 people that work on the water, and I'm not
25 saying it's Mr. Clarke, but sometimes people

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2 that work on the waterfront look at the
3 waterfront as a toolbox. They don't look at
4 it as an asset, they look at it as a toolbox
5 to promote their business and provide a
6 profit.

7 That's the reason we have places like
8 Love Canal and the Gowanus Canal and years
9 ago the Hudson River and the rivers in
10 Pennsylvania that spontaneously combusted
11 into fire, it's because the people that work
12 on that waterfront cared more about doing
13 their job on the waterfront than preserving
14 the waterfront. That's one of the reasons
15 the LWRP addresses that with the CAC and
16 with the Village Board.

17 There is a law in New York State that
18 if you're in an environmentally sensitive
19 area, you take the shovelful of dirt out a
20 hole, one shovelful of dirt out of a hole,
21 regardless what you hear here or what you
22 heard before, this is law and it's
23 undisputable, if you take a shovelful of
24 earth out of a wetlands area, before you put
25 the shovelful back, it has to be

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2 characterized, and that means it has to be
3 determined if it's toxic or if it's not. If
4 it's not, you're allowed to put it back. If
5 it is, then it opens up another bullet.
6 What do you do with it? Where do you get
7 rid of it? Who do you get in touch with to
8 provide the fill to put that back?

9 To come here with a sample of sand and
10 say this is clean fill, with all due respect
11 to John, he's been in this business a
12 million years, he doesn't know that. He
13 doesn't know that at all.

14 For two people that were on this
15 Village Board, one as a mayor, one as a
16 deputy mayor, both of them as trustees to
17 say they didn't know they needed a Village
18 Wetlands Permit to do that is disingenuous
19 at best. I find that hard to believe.

20 This project was done by stealth, no
21 one was notified. Steve Clarke's statement
22 was, he didn't believe you needed a permit.
23 He also stated for the record that he was
24 positive John Costello didn't know that he
25 needed a Wetlands Permit to do this. Again,

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2 that's disingenuous. That not true.

3 As a member of the CAC, I've been on
4 three other projects where John was the
5 contractor, all of them he had applied for
6 permits, Wetland Permits from the Village.
7 Chapter 142 of the Village's code is black
8 and white, it's as plain as day for everyone
9 to read. You need a Wetlands Permit. The
10 DEC can make recommendations. I don't
11 believe the Army Corp of Engineer issued a
12 permit for this project, so to exclude them.
13 The DEC, the permit was applied for on the
14 6th of July, the completed application was
15 received on the 9th of July and the permit
16 was issued on the 10th of July. In my
17 experience, seven years on the CAC, here and
18 in other municipalities, that's unheard of.

19 To declare this a Type II action, I
20 also dispute. By their own records and
21 there is a thousand of them online about
22 shipyard remediation, none of them, none of
23 them, the DEC, EPA and US Navy would agree
24 that this is a Type II action.

25 We can debate it, you can debate

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2 opinion, you can't debate facts. Those are
3 the fact, and they're undisputed.

4 The things that are normally -- for a
5 shipyard that has been in existence since
6 1935, 1938, whatever the date.

7 MR. CLARKE: 1830s.

8 MR. SALADINO: Mr. Clarke is making my
9 point even better. For a shipyard that's
10 been in existence since the 1800s, to assume
11 that there's not toxicity here is ludicrous.
12 Heavy metals, lead, cadmium, nickel, copper
13 trace elements, it stays with you forever.

14 To suggest that doesn't happen there is
15 not realistic. To suggest there is no fuel
16 there, there's no asbestos there are also
17 unrealistic.

18 These are not reports written by the
19 friends the snail gardens or two headed
20 frogs or tree huggers; these are reports
21 written by the United States Navy, by the
22 Environmental Protection Agency, and by the
23 Department of Environmental Conservation in
24 New York State; so we can go on speculation
25 or we can read what we know are facts.

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2 This permit is wrong on all levels, on
3 all --

4 AUDIENCE MEMBER: Can you speak up? I
5 can't hear you.

6 MR. SALADINO: This permit is wrong on
7 all levels. To legitimize this action is
8 wrong. To codify this is wrong. To say
9 that you can do this and not have to worry
10 about repercussions is equally wrong.

11 There was a Stop-Work Order issued.
12 The Stop-Work Order said, "Stop all work
13 until application is made." That was wrong.
14 There was no mention of compliance. All
15 Stop-Work Orders talk about compliance, stop
16 work until you comply.

17 For some reason, this project didn't
18 have to come into compliance, all it had to
19 do was make an application. The Village
20 Board's explanation was we wanted to
21 preserve the upland portion of the project
22 because we wanted to get the bulkhead in.

23 The bulkhead was already in disrepair.
24 The bulkhead was already leaching the upland
25 portion into the Harbor. To suggest --

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Also this project had no containment which is also required by the DEC. I don't know why that wasn't addressed.

We just had a -- The CAC just had a wetlands application eighty feet from the watercourse, the previous, the previous public hearing, the building is going up eighty feet from the high-water mark, eleven feet above the elevation of the watercourse, eighty feet from watercourse, and the DEC's is recommendation was containment when you build a building. Yet for some reason there was no recommendation for containment here.

My point is that the DEC has different issues than the Village. The Village doesn't rubber-stamp the DEC recommendations, they never have. George, you've been on the Board for eight years, we've never done that. We have only made an independent assessment and made our own recommendations.

In my experience, I don't think of any of them have been unreasonable, I don't think this one is unreasonable. To ask for

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2 soil samples from the excavated portion.

3 We just had an application for a
4 building permit, for a demolition permit
5 because there was -- they had to go through
6 an asbestos abatement process because it
7 might have been suspect that there might
8 have been asbestos there.

9 New York State says that you don't have
10 to do that. If the asbestos is encapsulated
11 and contained either in shingles or around a
12 pipe, it's not a hazard. If this soil is
13 toxic and it's undisturbed, we leave it
14 alone, but once you aerate, once you
15 remediate it, once you excise it, once you
16 excavate it, now it's a different story, now
17 you're required to do environmental testing.

18 I just don't understand why the
19 pushback on this. It's not like anybody's
20 looking to hurt Steve, it's not like anybody
21 is looking to hurt John.

22 Is there an added expense involved?
23 Perhaps yes. I'm not sure what it would be.

24 But to suggest that a shipyard that has
25 been in existence for well over a hundred

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2 years that there is no toxicity there and
3 that it's just too expensive to decide if
4 there is, and the fact that -- my
5 calculations, I might be wrong, but I went
6 by the permit, and it was 300 something feet
7 of primary bulkhead and then 250 feet, but
8 if we only use 400 feet because they stopped
9 when it made the turn 50 feet around the
10 bend, that was just using a mathematical
11 equation, that comes out to 2,300 cubic
12 yards, 2,300 cubic yards of excised
13 material, 3,300 tons of material that we
14 have no clue what's in it, that a simple
15 soil test and an environmental consultant
16 could tell us exactly. If we find out that
17 it's toxic, we move from there. If we find
18 it's fine, it's not a problem.

19 I just don't understand the pushback on
20 that.

21 Mr. Costello, the contactor, said that
22 this is a minor project. The owner's
23 statement to us when we made the inspection
24 was that it was the largest civil
25 engineering project in the Village of

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Greenport, excluding perhaps Mitchell Park.
I can think of a few others, but I'll take
him for his word.

The largest civil engineering project
in the Village of Greenport, you don't think
there should be some kind of an
environmental oversight on that, you don't
think there should be some kind any
oversight in that. You think somebody
should be able to do the largest civil
engineering project in Greenport on their
own, without this Board's, CAC's, somebody's
oversight. I think that's ridiculous to
suggest.

We can't be hypocrites about the
environment. We can't be hypocrites about
go green, go solar, do this do this, do
that, then let a project like this go on
without oversight.

It's contrary to what the LWRP says.
People talk about the LWRP all the time,
perhaps we should read it. I have. Perhaps
the people that promote it should read it.
It's there. Does it say promote the working

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2 waterfront? Of course it does, and it
3 should, but does it say that the working
4 waterfront should have free reign and do
5 what they please to be able to do business,
6 not even close, not even close.

7 Again, not speaking for the CAC, only
8 speaking for myself, it's hard to separate
9 the two because I have the information, a
10 lot of the information because of my
11 position on the CAC, but I would recommend
12 that this Board reject this permit, go
13 through with the recommendations about soil
14 testing and stuff like that, not codify an
15 illegal act.

16 There has been four or five other
17 illegal projects at that site, and you and
18 the contractor and the owner of the property
19 work it out among yourselves, but don't
20 legalize an illegal act after the fact just
21 because you're worried that somebody down
22 the road is going to say, "well, he didn't
23 have to do it, I don't have to do it." You
24 can address that by punitive damage, fine,
25 whatever you decide, but don't codify this

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and make it legal after the fact before you
even know what harm has been done.

Thank you.

MAYOR HUBBARD: Thank you.

MR. SWISKEY: William Swiskey, 184 5th
Street.

Now, we all know that Steve is going to
have to finish his bulkheads, okay, you
can't leave them in that condition.

That aside, this whole process in the
Village is, it's almost like it's out of
control. In other words --

I have to ask the attorney a question.
All right. Does the Village consider a
bulkhead replacement coming under the
jurisdiction the CAC?

MR. PROKOP: Yes.

MR. SWISKEY: So this bulkhead then
legally came under the CAC's jurisdiction,
well, review, I guess you could say, the
Village review?

MR. PROKOP: Yes, I think that is
correct.

MR. SWISKEY: So then that puts an end

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2 to anything --

3 I'm surprised that John would make that
4 statement that he didn't know.

5 But what you're gonna basically have to
6 do here is you're going to get somebody like
7 Environmental Management because you can't
8 stop the bulkhead, that would be crazy.

9 Because we did at the light plant, we
10 did this at Mitchell Park. I've been
11 involved in a few of these projects. One of
12 them, a sitting mayor actually turned us in
13 at the light plant or thought he was turning
14 us in, it cost a fortune and even the guys
15 from the DEC were laughing.

16 But you got to put in inch and a
17 quarter wells down to water. Probably on
18 that spot, you probably went ten to fifteen,
19 they're probably gonna cost you a hundred
20 bucks a piece. Then take the core and
21 they're going to analyze it, and there is
22 anything bad there, then you reach a whole
23 new process.

24 The bulkhead can be in and then you can
25 either, they'll tell you either to cover it

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2 and you can't build houses there, but you
3 have to stop it from getting into the -- but
4 that's a process, and this Board just can't
5 ignore the process, and Steve, I'm sorry
6 because I like you, okay, but the process
7 here was just -- it was, it was mashed up.

8 Okay.

9 MAYOR HUBBARD: Okay. Anyone else want
10 to speak?

11 MS. SMITH: I'll be quick, I promise.

12 Liz Smith, 309 South Street.

13 While we've lost our person who was
14 calling us out as tree huggers, just for the
15 record, my masters is Conservation Policy
16 and my PhD is in Environmental and Natural
17 Resource Economics, so I may be a little bit
18 qualified.

19 I just want to address a few points as
20 follow up of the last few weeks. I am a CAC
21 member, I've been exposed to it regarding
22 the Wetlands Permits.

23 The first is a comment specific to
24 process and incentives. I know you're going
25 to hear some repeat, but I have to, sort of,

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2 have the moment.

3 I have a suggestion. Can we please ask
4 the Board to review the policies and
5 procedures that govern that when rules are
6 not followed. I heard Trustee Martilotta
7 say more than once, "Rules with no
8 enforcement are merely suggestions." Well
9 said and quite applicable.

10 I'd like to add when the penalty is
11 less costly than following the rules, the
12 incentives are pretty clear, do what you
13 want. The Village can change this, so I
14 urge you to review at a minimum the fines
15 assessed to those who break Village rules
16 and laws and think about incentives that are
17 set up as part of these rules.

18 Specific to the shipyard and no
19 disrespect to Mr. Clarke or Mr. Costello, I
20 don't know either of you very well. I won't
21 pretend to know your intentions. I do know
22 that very blatantly the law, the Village Law
23 of Greenport was not followed as it pertains
24 to the Wetlands Permit.

25 I have spoken to several of you about

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2 this, weighed in as a member of the CAC, you
3 have the report, but I want it on record
4 publically tonight some of these issues.

5 For the CAC in particular, quite
6 frankly, we were put in an unfair position.

7 To review an issue of this magnitude
8 basically after the fact, borderline
9 ridiculous, incredibly time consuming. We
10 handed off the recs in short for everybody.

11 They require standard testing to insure
12 that public health and environmental safety
13 standards are met.

14 In my personal and professional
15 opinion, these are a lower bound threshold.
16 I also want to make a comment, and it was
17 brought up tonight, regarding: Hey, listen
18 the DEC has weighed in, why does the Village
19 care, why do we have to take time doing
20 this?

21 I'm hoping that everyone in this room
22 can agree that when it comes to the best
23 interest of the Village of Greenport, those
24 who live and work here probably care more
25 about the health and safety than anyone,

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2 which is precisely why the Village of
3 Greenport is the last permit to be issued.
4 No permit, no work. It should be that
5 simple.

6 And here is my plea as a
7 conservationist, as an economist, as a CAC
8 Member, and as a Village of Greenport
9 homeowner, I've been really upset the last
10 few weeks with the state of affairs as it
11 relates to this project; and we have heard
12 tonight, and I think you folks would agree
13 that the working waterfront is the heart and
14 soul of Greenport, historically and today;
15 but let's be honest, if we pollute our
16 waters, we don't need a working waterfront
17 because our fish will die, our kids can't
18 swim, people aren't going to want to come
19 here and spend money, we won't have to worry
20 about jobs because no one will want to live
21 here.

22 I recognize that I'm taking this to the
23 umpteenth level, but let's think about it,
24 folks, this isn't going to happen overnight,
25 environmental degradation almost never does;

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2 but that said, once it does, the impacts are
3 long lasting. Once we degrade an ecosystem
4 for anyone in here with an Environmental
5 Science background who works on the
6 waterfront, who lives by the waterfront,
7 it's not easy or cheap to fix.

8 How serious is the condition at the
9 shipyard, so many people have had the
10 question to me, I don't know. We haven't
11 gone, we haven't been able to test anything,
12 the protocols weren't followed.

13 I would argue that you don't need to be
14 an expert, and I know you've heard this
15 tonight, I don't think you need to be an
16 expert to realize that work done at the
17 shipyard that is 185 years old warrants some
18 environmental review Heavy metals, toxins,
19 carcinogens, I don't know about you guys,
20 but I'm don't want that in my water, and I'm
21 not saying it's there, but I'm saying we
22 have to check.

23 I know everyone has to -- we're trying
24 to weed through, but we have to protect our
25 water for us, our kids, our grandkids and

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2 for our legacy. Do we want to be the --
3 here's my question, do we want to be the
4 people at the helm of the boat that allows
5 environmental pollution which could impact
6 generations of Greenporters.

7 I'm urging the Village Board to think
8 beyond short-term gains and profits, think
9 about what is at stake long term and let
10 that guide you in your decision making.

11 I'm thanking you for giving me the
12 opportunity to talk tonight.

13 MAYOR HUBBARD: Thank you.

14 Anyone else wish to address the
15 Wetlands Permit Application?

16 Okay.

17 I'll offer a motion to close the public
18 hearing on the Costello Wetlands Permit.

19 TRUSTEE PHILLIPS: I'll second it.

20 MR. PROKOP: Mayor, there were
21 documents that were presented to the Board
22 tonight by Mr. Costello and Mr. Clarke, the
23 pictures and the sand. They really should
24 become part of the record tonight and left
25 here, I mean, if we are going to close the

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2 hearing tonight. Otherwise, the alternative
3 would be to leave it open, so they can be
4 seen at some other time.

5 I recommend if you are going to close
6 the hearing, that we accept them into the
7 record tonight, please.

8 MR COSTELLO: Again, this is John
9 Costello.

10 I will leave this sand. I can tell you
11 that the sand has been tested at the
12 laboratory for the dredging project in New
13 Suffolk and that's where the majority of the
14 sand was brought in was. It has been
15 tested. The sand we brought in. All the
16 sand that's there and all the material that
17 was there, none of it has been tested, but
18 whatever was brought in has been tested.

19 I'm going to give you a copy of the
20 photographs, it's exactly what I put in so
21 it's part of you record.

22 I don't like to be called disingenuous
23 a couple of times. That's not something I
24 personally like.

25 I've been investing in Greenport and I

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2 have, and you've seen anything I've done in
3 Greenport has been an improvement for the
4 Village of Greenport. When you take one
5 shovelful of dirt and test it, it needs
6 testing, you better start testing at
7 Mitchell Park daily because they're digging
8 there daily because their holes are
9 happening to the bulkhead and you have to
10 put a shovel in the ground.

11 Let me tell you, Mitchell Park some of
12 the developments, same age as this shipyard
13 was developed back in the colonial days and
14 probably all of the upland and inland
15 sources have a degree of pollution right
16 down to Greenport, all the way from the
17 ferry, the train station.

18 We did the largest project done in
19 Greenport was building the Railroad Dock. I
20 participated in that job. At that time, you
21 could use creosote, we did, we took creosote
22 out and put creosote in, that was probably
23 one of the biggest jobs. Steve Clarke's
24 little bulkhead is minor compared to that
25 job, but we're supposed to support the train

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should we ever need it in the future, but
there are plenty of jobs.

Thank you.

MAYOR HUBBARD: We're going to take the
photos and the paperwork and add that into
the record for the public hearing.

Any other discussion from the Board?

All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

We'll close the public hearing. We'll
review it, discuss it and talk about it at
the Work Session.

Okay.

Next we have Public to Address the
Board.

We're going to open the Public to
Address the Board.

MR. SWISKEY: Just as an afterthought
of what John said, Mitchell Park we know is
polluted, we tested it. We put -- you know,
we removed as much as we can and basically
it's got clean topsoil on it. You can never

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2 build a house on it, and it can probably be
3 the same down -- as far as the holes in the
4 bulkhead, you can patch, but when you go to
5 replace that bulkhead, you're probably going
6 to do environmental testing again to protect
7 that it doesn't get in the water.

8 Now, I'm not going to go into that, you
9 know, I don't -- But you going to require
10 some testing down there, inch and a quarter
11 bores and you got to put the bulkhead in no
12 matter what. You can't, you can't leave it
13 because that stuff is gonna wind up in the
14 bay, so you got to let him do the bulkhead,
15 but you got to make him do the testing to
16 find out exactly what's there, but that's
17 enough of that, let's get to the --

18 Well, a couple of the items here, I
19 went to the -- well this isn't really an
20 item.

21 William Swiskey, 184 5th Street, I
22 forgot to tell you, I'm sorry.

23 I went to a Planning Board meeting
24 tonight and I want to tell you I was like,
25 what's going on here.

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2 I asked about -- and I guess Mary Bess
3 asked for a meeting of the Boards about
4 this, so I had asked the building inspector
5 the other day when I went in to get all the
6 information, the CAC Report, so the building
7 inspector was there, I says, "Well, what is
8 this guy going to do about parking at the
9 new restaurant, the new inn?" "Well, he
10 doesn't need it because the building was
11 existing."

12 The restaurant was existing, not the
13 inn he's putting upstairs, and I don't know
14 where they, where the chairman of the
15 committee came out with an interpretation
16 tonight, he said it was a very blank
17 interpretation, but you got a building
18 upstairs, you got apartments going in,
19 you've got, you know, it's a totally
20 different entity than the restaurant
21 downstairs, you can't categorize it under
22 that little, whatever it is.

23 Do you remember the Biagio Hotel down
24 the street? We made that man put in
25 parking, we made him put in parking across

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2 the street, yet this restaurant doesn't --
3 there's something wrong on -- there's
4 something wrong in your Building Department,
5 they can't be handing out opinions like
6 that.

7 Another thing I noticed was your
8 planner was advising one of the applicants,
9 well if you do this, maybe the Planning
10 Board will -- she can't do that either, and
11 she can't give them legal advice, only Mr.
12 Prokop can do that; and believe it or not,
13 not one member of that Board asked Mr.
14 Prokop whether this place had to meet the
15 parking requirements or not.

16 I agree with Mary Bess, this Board had
17 better start looking into what's going on
18 around them. It's like, it's like --

19 You want to turn into the mess at the
20 power plant because you've already had three
21 or four projects in the last year, and Steve
22 Clarke's is one of them, it's just, it's out
23 of control. You got to get a hand back on
24 it or it's just going to go.

25 One other thing, I stopped by Moores

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2 Lane today and they were digging -- they're
3 going to put a force main in, I guess sewer
4 station, small sewer station for the power
5 plant and the -- and I'm looking and they're
6 putting in a two-inch pipe.

7 That's crazy. I don't know what
8 engineer recommended that and why -- it's
9 got to be a minimum of four inches,
10 especially if you're thinking of taking in
11 sewer customers in West Greenport, you
12 better make the infrastructure big enough to
13 handle, a two-inch pipe is ridiculous.

14 I would advise you to go up there
15 tomorrow before they get too far and ask
16 what's going on here, because that pipe
17 should be a minimum of four inches, maybe
18 even a six inch, depending on how much flow
19 you expect in the future.

20 Anyway, one of the main items I got up
21 this morning was, I don't want the Maritime
22 Museum putting up a hundred, eighty- or a
23 hundred-foot tent in Fifth Street Park and
24 having a party, it just doesn't belong in a
25 residential neighborhood.

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2 You know, I don't care what they said,
3 they can put it up in Mitchell Park, but
4 they don't want to go behind the -- What is
5 it the marina office where they're allowed
6 to have tents?

7 Well, they put in the park policy that
8 says it can't be any other place in the
9 park, so they either take that or they go
10 someplace else, but they can't go to Fifth
11 Street just because the view is nice there,
12 that's ridiculous.

13 You know, these people are making money
14 off of the Maritime Festival, these
15 merchants, don't kid yourself. You know
16 what I mean? It's all about money, and just
17 keep it out residential neighborhoods. If
18 you want to take the downtown away from me,
19 so I go shopping in Southold or Cutchogue
20 for two days, do it; but don't bring a
21 hundred cars into my neighborhood with a
22 tent that's going to be there all weekend.

23 I mean, there are other places they can
24 put this tent up. They can put it up in the
25 parking lot right off of Wiggins Street

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2 abuts the railroad property or they could,
3 you know --

4 No is no, they have to learn that
5 sometimes you have to take no for an answer,
6 and I would appreciate the Board, you know,
7 just basically --

8 And you can't really grant them an
9 exemption which they may ask you for because
10 you just put this park policy in place. To
11 just trash it now would be crazy. If you
12 want to change the policy, then have a
13 public hearing and change the local law and
14 the policy, but it's like John claiming he
15 didn't know that he needed a wetlands
16 permit. I like John, but I find it
17 laughable, okay.

18 The only thing I wanted to ask is has
19 there been any more progress at the light
20 plant; have we even started on the report
21 because that's sort of a serious mess up
22 there?

23 MAYOR HUBBARD: We're working on a
24 report for corrective action, we should have
25 that for the work session.

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2 MR. SWISKEY: All right.

3 Because I got the e-mails and the
4 reports from A & F Testing and whatnot, and
5 I want to tell you, that's -- to take that
6 long to get to a conclusion that a cable
7 terminal burned off, that's a good thing it
8 wasn't military action, we'd all be dead.

9 MAYOR HUBBARD: Thank you.

10 MR. LUDACER: Ken Ludacer, 133 1/2 6th
11 Street. I have two pretty dispirit
12 questions.

13 The first one was relative to the
14 rental situation and the month minimum that
15 has been proposed. I'm assuming that the
16 idea generated on the Board, and I was just
17 curious who specifically had the idea.

18 MAYOR HUBBARD: What was the question
19 again, I didn't --

20 TRUSTEE PHILLIPS: What minimum are you
21 talking about?

22 MR. LUDACER: I'm talking about --
23 well, there has been discussion, you know,
24 that the Board was considering a one-month
25 minimum for short term rentals.

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2 TRUSTEE PHILLIPS: That was the
3 discussion in the committee of ideas that
4 were thrown out, but there was -- George
5 left the meeting, that was not what the
6 consensus of the code committee was.

7 I don't know where you, you know, that
8 was an article that was in the newspaper
9 where the reporter kind of misunderstood
10 what was being discussed at the code
11 committee meeting.

12 MR. LUDACER: So the month-long minimum
13 for rentals is not being considered by the
14 Board?

15 TRUSTEE PHILLIPS: That's not what the
16 code members were discussing, no.

17 They were discussing reviewing, to be
18 honest with you, the code committee at our
19 next meeting, the members were asked to
20 review our current B&B Law and our current
21 Renter Law, which excludes currently exempts
22 rentals of less than twenty-nine days, so
23 those are the two things they they're
24 reviewing at the code meeting in reference
25 to short-term rentals at the moment, but the

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2 idea of the thirty-day, that was just ideas
3 that were thrown out, there was nothing in
4 concrete on that.

5 MAYOR HUBBARD: That was a discussion
6 that talked about non-owner occupied town
7 rentals, short term, it would have to be a
8 minimum of thirty days.

9 MR. LUDACER: Yes, that's --

10 MAYOR HUBBARD: That was not a
11 recommendation that was made, that was just
12 a discussion at the meeting.

13 The reporter heard that being discussed
14 by people on the code committee, she heard
15 that and that's what got printed, but that
16 is not the recommendation that has come to
17 the Board to be voted on at this point.
18 That was discussions that went on during an
19 hour-and-a-half meeting.

20 MR. LUDACER: Okay.

21 So that's not at this point the
22 benchmark for --

23 MAYOR HUBBARD: Code committee, when
24 they meet September -- I forget the date.
25 After the code committee meets, hopefully

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2 they'll be making a recommendation to the
3 Village Board of what they're saying that
4 they're coming back with and then we're
5 going to discuss it. The Village Board will
6 be discussing that.

7 It's the second Monday of the month.
8 It's an open meeting. You're welcome to
9 come and listen to it at 5 o'clock at
10 Village Hall, second Monday of the month, I
11 don't have a calendar.

12 MS. PIRILLO: 14th.

13 MAYOR HUBBARD: 14th will be the next
14 code Committee meeting at 4 o'clock in
15 Village Hall. You're welcome to come and
16 listen in on what's being discussed.

17 MR. LUDACER: Okay, great.

18 My second question, I'm doing some new
19 construction down at the end of 6th Street,
20 and I had been really, you know, kind of
21 excited about the idea of perhaps having
22 solar panels on it, and it was only until I
23 delved into it a bit that I realized that
24 because, if I understand correctly, maybe I
25 got the information wrong, but because

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2 Greenport Utility does not have the, I
3 guess, the capacity or the facility to buy
4 back, you know, generated solar electricity
5 that me, and I guess every other citizen of
6 Greenport is sort of, you know, hamstrung in
7 terms of availing themselves with a lot of,
8 you know, government and State incentives
9 for, you know, for getting something up and
10 running.

11 If that is the case, I would like to
12 encourage the Board to look into updating
13 the electric or, you know, somehow making it
14 possible so that Greenport citizens can, you
15 know, avail themselves of a lot of the
16 incentive programs that the available for
17 solar power.

18 MAYOR HUBBARD: I believe it's for --
19 Go ahead, you want to say it, Paul.

20 MR. PALLAS: I believe it would require
21 a tariff change or our tariff. We would
22 have to petition the power authority for
23 that change. I can look into that, what the
24 process is.

25 MAYOR HUBBARD: In the past, the cost

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2 of our electric was to a point where it
3 wasn't economical as opposed to people who
4 had PSE&G, the buyback on it and the cost,
5 you wouldn't really save much money. It
6 would take a long time to recoup your money
7 because our rates are much lower than the
8 others and that's why it's something that
9 was not available.

10 MR. LUDACER: I mean, none the less, it
11 would still be an environmental advantage to
12 everybody?

13 MAYOR HUBBARD: Yes.

14 Okay. Thank you.

15 Anybody else want to address the Board?

16 MR. SALADINO: John Saladino, 6th
17 Street.

18 I would just like to address Ken's
19 concern. Greenport doesn't have net
20 metering, so we don't buy back electric, but
21 there is no regulation, there's no law,
22 there's no code that says, you can't install
23 it --

24 MAYOR HUBBARD: Correct.

25 MR. SALADINO: -- for your own use.

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So if it's for your own use, it's just -- and the incentives are still in effect, you can still get incentives from the installer, but you just can't sell it back to Greenport.

My second question is, is there any walk-off agendas, items that you have tonight?

MAYOR HUBBARD: There was one minor change of a date, but I don't believe so.

MR. SALADINO: Is there going to be an executive session?

MAYOR HUBBARD: No. I don't intend on having one.

MR. SALADINO: Do I have pole the Board?

TRUSTEE ROBERTS: Can I ask, we're going to vote on resolution twenty-one, is it; we're going to vote on that as --

MAYOR HUBBARD: We're going to have discussion, we'll modify that when we get to it.

TRUSTEE ROBERTS: You're not proposing a change at this point.

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MAYOR HUBBARD: At this point not right now, no. We'll have a discussion when we get to that item, yes.

MR. SALADINO: The last thing, well, the second to last thing.

I had asked you guys at the Work Session about the moorings in the harbor, there's a couple of moorings in the harbor that aren't permitted, have we reached a consensus on that, is that allowed, is it not allowed?

MAYOR HUBBARD: I did not follow up on it, I don't know. Since last week, I have not done anything on it, so.

MR. SALADINO: And the last thing is, there is a resolution about a -- I think William spoke about it, about.

We have always asked for a Mass Public Assembly Permit, is there a reason that this require a Mass Public Assembly Permit, the Seaport Museum's request for the park?

Not that I'm against it, I'm just wondering about the permit.

MAYOR HUBBARD: We voted on their Mass

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2 Public Assembly Permit on February, I think
3 it February 24, we approve it and it was for
4 the three days, it was starting Friday night
5 through Sunday for what they were doing.

6 Really, they're just -- they lost their
7 location, but it's part of what they had
8 already applied for and we had already
9 approved back in February.

10 The Mass Public Assembly Permit was
11 voted on February 24, and that was for --

12 MR. SALADINO: For a different
13 location, they don't have to apply again?

14 MAYOR HUBBARD: It was in general for
15 the stuff they were doing for the weekend.
16 It didn't say in that, per se, where it was,
17 where the Land and Sea Galla was going to
18 be, it was that they were going to have one
19 starting on Friday night through Sunday
20 afternoon.

21 I'd have to go back and look at exactly
22 what's written on it, John, but it always
23 says Friday, I believe it's 6 o'clock on
24 Friday --

25 MR. SALADINO: But there is always a

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2 location on it.

3 MAYOR HUBBARD: I don't know if it's
4 listed on it or not, John, I'm not sure.

5 TRUSTEE PHILLIPS: It's not listed on
6 it it's just the Village of Greenport,
7 Mitchell Park.

8 MR. SALADINO: So if it's not in
9 Mitchell Park, there would have to be
10 another application.

11 TRUSTEE PHILLIPS: I think that's just,
12 I think that when we get to that
13 resolution --

14 MAYOR HUBBARD: I think we're just --
15 when they did it behind their museum, it
16 wasn't in Mitchell Park, it was done in the
17 Village, so when they did it there, it was
18 part of their overall application of
19 everything they were doing through the
20 weekend, so that's why it was included in
21 there.

22 TRUSTEE ROBERTS: Would it be helpful
23 if we read it?

24 MR. SALADINO: The reason people ask
25 now is because once you close the public

1 Regular Meeting August 27, 2015

2 portion and then start your discussion,
3 there is not more input by the public, so
4 stuff that you might say in that discussion
5 might not or may sit well, might not sit
6 well with the public.

7 You know, that's why it's good to kind
8 of know in case somebody else wants to
9 comment that maybe they do need one or maybe
10 they don't need one. I personally don't
11 care.

12 MAYOR HUBBARD: Well, let's everybody
13 make their comments and then we'll see where
14 we go with that.

15 If we have to, we'll open it up for
16 more comment if we need to.

17 MR. SALADINO: Thank you.

18 MAYOR HUBBARD: You're welcome.

19 TRUSTEE ROBERTS: Would it be helpful
20 if I read this resolution so everyone can
21 hear?

22 MAYOR HUBBARD: That's the one from --

23 TRUSTEE ROBERTS: Yeah.

24 MAYOR HUBBARD: All right. 02-2015-9.
25 Resolution approving the Public Assembly

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1 Regular Meeting August 27, 2015

2 Permit Application as submitted by the East
3 End Seaport Museum for the use of various
4 Village streets and facilities including
5 Mitchell Park from 9 a.m. through 5 p.m.
6 from September 25, 2015 to September 27,
7 2015 for the Annual Maritime Festival.

8 Friday is the 25th; am I correct?

9 MAYOR HUBBARD: Yes.

10 So that kind of included wherever,
11 whatever they're doing, it kind of included
12 it all.

13 TRUSTEE ROBERTS: Village facilities.

14 MS. ALLEN: Chatty Allen, 5th Avenue.

15 My question, it go round and round with
16 this, what is the actual policy, code,
17 whatever for open alcohol in Mitchell Park;
18 does it get lifted for one event but not
19 another event?

20 Specifically Dances in the Park, it
21 always used to be, you weren't supposed to,
22 people used to hide it, and in the past two
23 years, people literally now come, they set
24 up their table, their wine glasses, they pop
25 the wine, and yet someone locally was

1 Regular Meeting August 27, 2015

2 walking through the park and had a can of
3 beer, and the cops were harassing them.

4 Is it lifted for Dances in the Park,
5 the open alcohol?

6 MAYOR HUBBARD: No.

7 It's supposed to be with desecration
8 and everything else. It's not strictly
9 enforced as with all the parks, but it's
10 only lifted when we have a special event,
11 like the Maritime Festival or the Tall Ships
12 by Board resolutions, besides that,
13 everybody supposed to be discrete. If
14 somebody has something in a clear cup, it's
15 not supposed to be flaunted, but it's not
16 something that's been widely and strictly
17 enforced.

18 MS. ALLEN: Because people, I think,
19 are now especially this season, were under
20 the impression it was lifted just by the way
21 people were behaving and the fact that the
22 police did absolutely nothing.

23 I mean, there walking through the park,
24 they see people with open alcohol and
25 nothing is being said, so people, I think,

1 Regular Meeting August 27, 2015

2 kind of thought --

3 MAYOR HUBBARD: We may have to address
4 that in the future. You don't want people
5 to be abusing it, but it used to be if you
6 wanted to sit down have your sandwich and a
7 pizza, listen to music and have a glass of
8 wine or something, as long as you were
9 discreet, it was -- we didn't say yes, but
10 we didn't say no.

11 MS. ALLEN: Okay.

12 That's why it keeps going in circles;
13 is it allowed, isn't it allowed.

14 On that note, myself, personally, I
15 found it was very out of line that any
16 Village Board Member or employee would say
17 to the crowd at Dances in the Park, free
18 round of drinks at one of the places was
19 sponsoring Dances in the Park.

20 TRUSTEE ROBERTS: What I said was,
21 Chatty, was that Trustee Martilotta and I
22 bought a gift for the volunteer coordinator,
23 and she could use it for a free round of
24 drinks at our sponsor, Millers. I was
25 trying to give Millers a plug because they

1 Regular Meeting August 27, 2015

2 have been very generous with us, so that's
3 what I said.

4 MS. ALLEN: Okay. Well, people that
5 were there heard it differently, that you
6 said to the crowd, first round of drinks on
7 Millers.

8 TRUSTEE ROBERTS: That would be an
9 expensive bar bill.

10 MS. ALLEN: Yeah, I mean, people said
11 he had to have been joking, but even as a
12 joke, that's not something --

13 I mean, you're trying to advocate for a
14 taxi stand where people not driving.
15 There's a lot of people that go to this
16 Dances in the Park -- I basically walk
17 because as you can tell, I can't sit for
18 long periods of time -- and you're seeing
19 families, both parents are drinking. Who's
20 driving home?

21 So to advocate alcohol at all, even in
22 a joking manner, you know, that's, to me is
23 not appropriate at all especially from
24 someone on the Village Board.

25 TRUSTEE ROBERTS: I'm sorry you were

1 Regular Meeting August 27, 2015

2 offended. I was trying to do something nice
3 for a volunteer who has been, I would say
4 poorly treated by this Board.

5 MS. ALLEN: I have to disagree with you
6 on that, Doug. She was not poorly treated
7 by anyone.

8 TRUSTEE ROBERTS: We can agree to
9 disagree. I was just trying to do something
10 nice for somebody who does a lot for this
11 village, and I'm sorry I offended you.

12 MS. ALLEN: Well, there's people who
13 have done things for fifty, sixty years for
14 this village year round.

15 My other thing is, I know you did this
16 policy with tents. The Maritime Festival
17 has been going on, what is this the twenty
18 --

19 AUDIENCE MEMBER: Twenty-six.

20 MS. ALLEN: Oh, I thought twenty-seven,
21 okay. I'm dating myself.

22 I've been here since the very first
23 one. I personally feel it's for a couple of
24 hours. To let them put the tent up with the
25 stipulation it is down by a certain time

1 Regular Meeting August 27, 2015
2 Saturday morning before everyone starts
3 coming in, and if not, they will get fined;
4 but I really feel they have been put in a
5 bind, it's part of the Maritime Festival,
6 the festival is held in the park. To
7 shuttle them here there or someplace else, I
8 know this was just set up because you don't
9 want tents all the time in Mitchell Park. I
10 personally feel you can have a little leeway
11 this one time. That's my personal feeling.

12 And I also don't want hundreds of car
13 down at 5th and 6th either.

14 Thank you.

15 MAYOR HUBBARD: Thank you.

16 MS. PHILLIPS: Good evening. I'm Sarah
17 Phillips, I'm here on behalf of the East End
18 Seaport Museum Foundation. I'm also a
19 resident of Greenport, 315 Main Street, and
20 I'm a business owner.

21 I just wanted to clear up a couple of
22 things. I checked my Mass Assembly Policy
23 today. I took the suggestion 5th Street
24 Park from members of our Board. I knew it
25 would upset a couple of residents. I

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addressed that at the suggested, at the
suggestion of using that park.

I have no intention of offending
neighbors or creating more work for anyone,
and I do want to clear up the misguided
belief that this event wasn't being
supported by the local Village as well as
the community over this last week.

There has been a lot people expressing
concern. The event was going to go on, no
matter what location, and everyone was
trying very hard to find a different
location to host it, and we appreciate that
greatly.

We have to look at the policy for the
future, and in this last week, we've been
offered a lot of private locations to host
the event, which we will going with; so we
won't need vote on that resolution tonight,
we won't need to break any policies. We
will be able to take the year to look at
this and see how we can use Mitchell Park in
a way that is fair to all parties,
residents, people looking to fund raise, our

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firehouse, our school district. It's a
public space, it should be used that way.
There was no intention of disrespect for
anyone, and that was from the very
beginning.

We will be hosting the event at the
best location which was offered to us, which
is going to be Greenport Yacht. Steve
Clarke has come to us and offered the
property for the evening and allowed us to
not only utilize the property but keep the
event within the Business District, keep the
party on the waterfront, and he's had a lot
to do with Bug Light, its beginning, its
building launches, and he also used to throw
fundraisers for first night, so there is a
lot of cohesive history there and we're
going to move forward with that and take
this off the Board for the evening.

Thank you.

MAYOR HUBBARD: Thank you very much.

Anybody else want the address the
Board?

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Regular Meeting August 27, 2015

That being it, we'll move to the
Regular Agenda.

All resolution number 08-2015-1,
resolution adopting the August 2015 agenda
as printed.

So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

(All said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE ROBERTS: Resolution number
08-2015-2. Resolution accepting the monthly
reports of the Greenport Fire Department,
Village Administrator, Village Treasurer,
Village Clerk, Village Attorney, Mayor and
Board of Trustees.

So moved.

MS. ROBINS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE ROBBINS: Resolution 08-2015-3.

1 Regular Meeting August 27, 2015

2 Resolution ratifying the following
3 resolutions previously approved by the Board
4 of Trustees at the Trustees' work session
5 meeting held on August 20, 2015.

6 Resolution authorizing Village
7 Administrator Paul J. Pallas to solicit bids
8 for a used payloader vehicle for the Road
9 Department, and directing Clerk Pirillo to
10 notice the bid request accordingly.

11 Resolution authorizing Village
12 Administrator Paul J. Pallas to solicit bids
13 for a used 4-wheel drive, 1 1/2 ton, pick-up
14 truck for the Sewer Department, and
15 directing Clerk Pirillo to notice the bid
16 request accordingly.

17 Resolution directing Village
18 Administrator Paul J. Pallas to write a
19 responding letter to the New York State
20 Liquor Authority regarding Codes and
21 covenants for the liquor license application
22 dated August 7, 2015, submitted by applicant
23 Carolyn Rusin or corporation to be formed,
24 for the property at 314-316 Main Street,
25 Greenport, NY 11944.

1 Regular Meeting August 27, 2015

2 Resolution authorizing the Village of
3 Greenport Board of Trustees to draft
4 comments regarding the Coordinated Review
5 for the property at 300-308 Main Street, and
6 directing that the comments be provided to
7 the statutory boards of the Village of
8 Greenport.

9 Resolution approving the attached
10 Option Agreement dated August 12, 2015
11 between the Village of Greenport and Global
12 Common, LLC for the lease of a specified
13 parcel of property owned by the Village of
14 Greenport, for the purpose of developing a
15 peaking electric power plant, and
16 authorizing Mayor George W. Hubbard, Jr. to
17 sign and execute the attached Option
18 Agreement between the Village of Greenport
19 and Global Common, LLC. As stated in the
20 Option Agreement this Option Agreement and
21 the proposed Lease are subject to the
22 completion of a proper SEQRA review.

23 So moved.

24 TRUSTEE MARTILOTTA: Second.

25 MAYOR HUBBARD: All in favor?

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Regular Meeting August 27, 2015

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE MARTILOTTA: Resolution

08-2015-4. Resolution approving the proposal dated July 30, 2015 in the amount of \$6,808.50 as submitted by J.R.

Holzmacher, P.E., LLC, for engineering services required to complete the Stirling Creek Retrofit Plan, assist Village staff in preparation of responses to the NYSDEC MS4 Audit, and assist in finalization of the Stormwater Management Plan, as required by the New York State Department of Environmental Conservation.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

(All said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE PHILLIPS: Resolution

08-2015-5. Resolution authorizing Village Administrator Paul Pallas to attend the

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Regular Meeting August 27, 2015
NYAPP Annual Fall meeting on September 23
and 24, 2015 in Albany, New York, at a
conference fee of \$225.00 and a room rate of
\$ 149.00 per night, plus all applicable
travel costs, to be expensed from account
number E.0781.100 Executive Department.

So moved.

TRUSTEE ROBERTS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE ROBERTS: Resolution 08-2015-6.
Resolution amending Resolution 01-2015-5 as
attached, to amend the hourly wage rate of
Adam Hubbard to be \$28.00 after July 27,
2015.

So moved.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE ROBBINS: Resolution 08-2015-7.
Resolution authorizing Treasurer Brandt to

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Regular Meeting August 27, 2015
perform attached Budget Amendment 2247, to
amend the Dances in the Park budget lines,
and directing that Budget Amendment 2247 be
included as part of the formal meeting
minutes for the August 27, 2015 regular
meeting of the Board of Trustees.

So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE MARTILOTTA: Resolution
08-2015-8. Resolution authorizing Treasurer
Brandt to perform attached Budget Amendment
2250, to fund final expenses for the Tall
Ships 2015 event, and directing that Budget
Amendment number 2250 be included as part of
the formal meeting minutes for the August
27, 2015 regular meeting of the Board of
Trustees.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

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Regular Meeting August 27, 2015

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE PHILLIPS: Resolution

08-2015-9. Resolution approving the use of cleaning services for Village Hall at 236 Third Street, as provided by Lila's Cleaning Service, directing Attorney Prokop to create a contract between the Village of Greenport and Lila's Cleaning for said cleaning services, and authorizing Mayor Hubbard to sign the contract between the Village of Greenport and Lila's Cleaning Services.

So moved.

TRUSTEE ROBERTS: Second.

TRUSTEE PHILLIPS: I have a question.

MAYOR HUBBARD: Go ahead.

TRUSTEE PHILLIPS: The length of the contract is going to be year-by-year?

MR. PROKOP: If it's not authorized otherwise, I will make it for one year, one-year-renewable, notice provision where we can vote to not renew.

That would be standard, otherwise it

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Regular Meeting August 27, 2015

would be one year, whichever you --

MAYOR HUBBARD: So it's a one-year contract.

MR. PROKOP: Typically, I'm sorry, typically it would be one year.

TRUSTEE PHILLIPS: Okay.
That's all I want to know.

MAYOR HUBBARD: Any other discussion?
All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?
Motion Carried.

TRUSTEE ROBERTS: Resolution
08-2015-10, Resolution authorizing the
Village of Greenport to provide one gratis
Carousel ride to each Halloween Parade
participant from 9:00 a.m. through 9:45 a.m.
on October 31, 2015.

So moved.

TRUSTEE ROBBINS: Second.

MAYOR HUBBARD: All in favor?
(All Said Aye.)

MAYOR HUBBARD: Opposed?
Motion Carried.

1 Regular Meeting August 27, 2015

2 TRUSTEE ROBBINS: Resolution

3 08-2015-11. Resolution approving the
4 closing of Front Street from the Carousel to
5 First Street, and First Street to the Floyd
6 Memorial Library, from 9:30 a.m. through 11
7 a.m. on October 31, 2015 for the
8 Village-sponsored Halloween Parade.

9 So moved.

10 TRUSTEE MARTILOTTA: Second.

11 MAYOR HUBBARD: All in favor?

12 (All Said Aye.)

13 MAYOR HUBBARD: Opposed?

14 Motion Carried.

15 TRUSTEE MARTILOTTA: Resolution

16 08-2015-12. Resolution rescinding
17 Resolution 6-2015-29, as attached, on the
18 recommendation of the Village of Greenport
19 Carousel Committee, rejecting all responses
20 as received to the Request for Proposals for
21 the Carousel Rounding Boards, per the RFP
22 opening on April 13, 2015, and directing
23 Clerk Pirillo to notice a Request for
24 Proposals for the Carousel Rounding Boards
25 with new details and specifications to be

1 Regular Meeting August 27, 2015
2 provided by the Village of Greenport
3 Carousel Committee.

4 So moved.

5 TRUSTEE PHILLIPS: Second.

6 MAYOR HUBBARD: All in favor?

7 (All Said Aye.)

8 MAYOR HUBBARD: Opposed?

9 Motion Carried.

10 We need to change the dates on this
11 one, Mary Bess.

12 TRUSTEE PHILLIPS: We do? Okay.

13 MAYOR HUBBARD: Yes, they had a
14 conflict with the date, so it's going to be
15 October 3 to October 4; instead of September
16 19, it will be October 3, instead of
17 September 20, it will be October 4.

18 TRUSTEE PHILLIPS: Okay.

19 MAYOR HUBBARD: They had a family
20 conflict and they couldn't do those dates,
21 so that requested a change.

22 TRUSTEE PHILLIPS: Resolution
23 08-2015-13, as the stated change of dates,
24 Resolution approving the Public Assembly
25 Permit Application submitted by Chris

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Regular Meeting August 27, 2015
Hamilton for use of the Sixth Street Park
from 8 a.m. through 8 p.m. on October 3,
2015 - with a rain date of October 4, 2015 -
for the annual Jeremy Hamilton Scholarship
fundraiser.

So moved.

TRUSTEE ROBERTS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE ROBERTS: Resolution
08-2015-14. Resolution confirming the
termination date of employment of Sarah
Totten with the Village of Greenport to be
July 24, 2015.

So moved.

TRUSTEE ROBBINS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE ROBBINS: Resolution
08-2015-15. Resolution approving the

1 Regular Meeting August 27, 2015

2 request of St. Agnes Church to close Sixth
3 Street to vehicular traffic between Front
4 and Wiggins Streets, from noon through 4
5 p.m. on August 29, 2015 for the Annual
6 Family Picnic/Barbecue.

7 So moved.

8 TRUSTEE MARTILOTTA: Second.

9 TRUSTEE ROBERTS: Just a brief
10 discussion.

11 MAYOR HUBBARD: Sure.

12 TRUSTEE ROBERTS: I'm just worried
13 about ferry traffic. I want the church to
14 have their -- I mean do we need temporary
15 signage so people use 6th street, I'm sorry,
16 5th Street.

17 MAYOR HUBBARD: It hasn't had a problem
18 in the past with the barricade there, but on
19 the barricade, I'm sure there is a sign on
20 it directing them down one block.

21 Usually on Saturday afternoon at that
22 time, it's usually not that crowded with the
23 ferry, usually it's Friday afternoon. We
24 haven't had a problem in the past. I think
25 this is the sixth or seventh year, but we'll

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Regular Meeting August 27, 2015

put a sign on the barricade directing them
down one block.

TRUSTEE ROBERTS: Thank you.

MAYOR HUBBARD: Any other discussion?

All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE MARTILOTTA: Resolution

08-2015-16. Resolution amending Resolution
05-2015-41, to extend the date of the
Greenport Farmers Market through October 10,
2015 and excluding operation of the
Greenport Farmer's Market on September 26,
2015.

So moved.

TRUSTEE PHILLIPS: I'll second, but I
do have one question.

When we passed the original resolution
on this, we had a monetary figure about for
the dates that were stated, are we just
going to leave that all for those couple of
weekends?

MAYOR HUBBARD: It's a few extra

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Regular Meeting August 27, 2015

weekends, my feeling is, they paid the rent
for the year.

TRUSTEE PHILLIPS: Just asking
because --

MAYOR HUBBARD: I'm all for leaving it
the same instead of going back and -- it's
working out well, I think we just --

TRUSTEE PHILLIPS: Okay.

MAYOR HUBBARD: If everybody's fine
with that, there's no additional rent, we'll
just give them some extra days to do it.

TRUSTEE PHILLIPS: Okay.

I just wanted to make sure it was on
the record, that's all.

MAYOR HUBBARD: Yep.

Any other discussion?

All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE ROBERTS: Resolution
08-2015-17. Resolution rejecting the lease
termination notice received from Metro PCS,
and authorizing Village Attorney Prokop to

1 Regular Meeting August 27, 2015

2 draft a corresponding letter advising Metro
3 PCS of the rejection of proposed lease
4 termination and to take action necessary to
5 continue the lease and/or protect the
6 interests of the Village.

7 So moved.

8 TRUSTEE ROBERTS: Second.

9 MAYOR HUBBARD: All in favor?

10 (All Said Aye.)

11 MAYOR HUBBARD: Opposed?

12 Motion Carried.

13 TRUSTEE ROBERTS: Resolution

14 08-2015-18. Resolution adopting the
15 attached SEQRA resolution whereby the Board
16 of Trustees adopts lead agency status for
17 purposes of SEQRA, determines that the
18 approval of an agreement with the North
19 Ferry Company regarding the use of the west
20 face of the West Pier of Mitchell Park
21 Marina for mooring vessels is an unlisted
22 action for purposes of SEQRA, and that the
23 agreement will not have a significant
24 negative impact on any aspect of the
25 environment, and that therefore a negative

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Regular Meeting August 27, 2015
declaration is adopted for purposes of
SEQRA.

So moved.

TRUSTEE ROBBINS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE ROBERTS: Resolution
08-2015-19. Resolution approving a
long-term agreement with the North Ferry
Company regarding the mooring of vessels
along the western face of the western pier
of Mitchell Park Marina, with four,
five-year terms and a ninety-day
cancellation provision.

So moved.

TRUSTEE MARTILOTTA: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE MARTILOTTA: Resolution
08-2015-20. Resolution requesting that the

1 Regular Meeting August 27, 2015

2 Village of Greenport Code Committee provide
3 a draft of revisions to the Bed and
4 Breakfast regulations incorporating the
5 recommendations as suggested by the Village
6 of Greenport Planning Board, with the draft
7 submitted to the Village of Greenport Board
8 of Trustees by September 17, 2015.

9 So moved.

10 TRUSTEE PHILLIPS: Second.

11 MAYOR HUBBARD: All in favor?

12 (All Said Aye.)

13 MAYOR HUBBARD: Opposed?

14 Motion Carried.

15 TRUSTEE PHILLIPS: What am I doing with
16 21?

17 MAYOR HUBBARD: Joe, can we just not
18 read that or do we have to table it or can
19 we just reject it.

20 MR. PROKOP: Make a motion to remove it
21 from the agenda.

22 TRUSTEE PHILLIPS: So I'll make a
23 motion to remove resolution 08-2015-21.

24 Do I need to read it into the record?

25 MR. PROKOP: No. It's at the request

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Regular Meeting August 27, 2015
of the museum.

TRUSTEE PHILLIPS: Okay.

At the request of the museum.

So moved.

TRUSTEE ROBERTS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE ROBERTS: Resolution

08-2015-22. Resolution authorizing the
Village of Greenport Board of Trustees to
review the current existing agreement
between the Village of Greenport and the
East End Seaport Museum.

So moved.

TRUSTEE ROBBINS: Second.

TRUSTEE PHILLIPS: Can I just make a
comment on this?

I would like, and I'm not sure whether
Joe would go over advice or we need to amend
the resolution, but I've been asking for
this document to be reviewed since 2009. I
feel that the communication needs to be

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between the Seaport Board of Directors and
our Trustees, so here I'm reading that this
is just asking us to review the current
existing agreement. Is this going to take
us to reach out to them to review it with
them as well and come up with a new
agreement?

MAYOR HUBBARD: The Village Clerk.

MS. PIRILLO: As a matter of fact,
Sarah Phillips on behalf of the museum came
in to me late today, early this evening --

TRUSTEE PHILLIPS: I talking to her
yesterday. Okay. Go ahead. I'm sorry.

MS. PIRILLO: -- with copies for each
of the Board members of the agreement and
also all the corresponding amendments on
behalf of the museum as a show of good faith
towards the Board.

TRUSTEE PHILLIPS: Okay.

MAYOR HUBBARD: Any other discussion?
Did we have a second on that?

MS. PIRILLO: Yes.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

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MAYOR HUBBARD: Opposed?

Motion Carried.

TRUSTEE ROBBINS: Resolution

08-2015-23. Resolution approving the use of a portion of Mitchell Park for an a cappella student "Sing-Off" from 2:00 p.m. through 5:00 pm on May 7, 2016 with a rain date of May 8, 2016. There will be no charge for attendance at this concert.

TRUSTEE MARTILOTTA: Second.

TRUSTEE ROBERTS: I have a question.

A little more detail. Who are these people?

MS. ROBBINS: So the answer is that I don't know exactly who they are.

So this is something that I've kicked around with members of the BID, kicked around with people in the Friends of Mitchell Park.

The concept is to invite high school singing groups from around Long Island or elsewhere to come and perform in our space, just like we invite Monday Night Dances, except they're high school kids, so they're

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2 going to come for the experience. There's a
3 strong network of high school music
4 educators and middle school music educators
5 around Long Island and elsewhere, so we're
6 going to invite kids to come and sing.

7 The goal here is to get the resolution,
8 get the event approved, so then I can go
9 start raising funds, reaching out to -- this
10 is the time of year to go reach out to high
11 school educators because they're getting
12 back to school in a couple of weeks, so
13 they'll be ready to hear this message, and
14 we can go, kind of recruit the groups and if
15 I can raise some money, we can actually hire
16 a headliner group like we do with Monday
17 Night Dances so it could be --

18 And I would add as well, I would try to
19 recruit headliner singing groups that are
20 either from colleges, excuse me colleges
21 that have a lot of alumni on the island or
22 who have, professional groups that have a
23 following, typically a cappella groups are
24 easy to set up, all you need is a couple of
25 mics.

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2 So this would bring all kinds of folks
3 out in the early season to come shop in
4 Greenport, and it's a great cultural event
5 for the Village in our amazing public
6 performance space.

7 TRUSTEE ROBBINS: I'm a little confused
8 here because even though we do advocate, you
9 know, free cultural events in the park, I
10 was under the impression that our policy was
11 for local, you know, community, Greenport,
12 Southold, you know, not from outside of our
13 area.

14 TRUSTEE ROBERTS: So if you look at the
15 Monday Night Dance bands from, one band is
16 from, I think the Caribbean, Jean Casey is
17 local. We've had, there's precedent for
18 people outside --

19 Frankly, I'm absolutely going to
20 prioritize our local high schools from, you
21 know, even the south side, you know, Shelter
22 Island, Mattituck, Greenport, but the idea
23 is also to bring people from up the island
24 out here at time period when there are no
25 pumpkins to pick, it can be sort of a lower

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time for our businesses, so I'm trying to
get folks out here when the weather is
halfway decent.

TRUSTEE PHILLIPS: And, Doug, this is a
cultural event, correct?

TRUSTEE ROBERTS: I'm sorry?

TRUSTEE PHILLIPS: This is classified
as a cultural event, which is part of the
other reason that we encourage events in
Mitchell Park similar to this?

TRUSTEE ROBERTS: Yes. It's kids
singing.

TRUSTEE PHILLIPS: Okay. That's what I
wanted to know.

MAYOR HUBBARD: Any other discussion?

All in favor?

(All Said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

TRUSTEE MARTILOTTA: Resolution
08-2015-24. Resolution approving all checks
per the Voucher Summary Report dated August
20, 2015, in the total amount of
\$1,229,243.37 consisting of all regular

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checks in the amount of \$644,618.70, and all
prepaid checks, including wire transfers, in
the amount of \$584,624.67.

So moved.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

(All said Aye.)

MAYOR HUBBARD: Opposed?

Motion carried.

I offer a motion to adjourn at 8:57.

TRUSTEE PHILLIPS: Second.

MAYOR HUBBARD: All in favor?

(All Said Aye.)

MAYOR HUBBARD: Thank you all for
coming.

We are adjourned.

(Time noted: 8:57 p.m.)

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C E R T I F I C A T E

I, STEPHANIE O'KEEFFE, a shorthand reporter and Notary Public within and for the State of New York, do hereby certify:

That the within proceedings is a true and accurate record of the stenographic notes taken by me.

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 to this 27th day of August, 2015.

STEPHANIE O'KEEFFE